

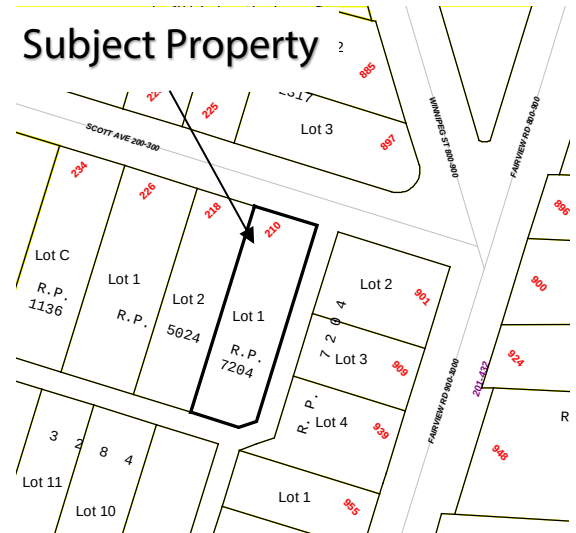
June 21, 2018

Subject Property:
210 Scott Avenue

Lot 1, District Lot 250, Similkameen Division Yale District, Plan 7204, Except Parcel B (Plan B7381)

Applications:

The applicant is proposing to construct two 4-unit townhouses for a total of eight new units. In order to facilitate the project, the following applications are being considered:



Rezone PL2018-8256: Rezone 210 Scott Avenue from RD2 (Duplex Housing: Lane) to RM3 (Medium Density Multiple Housing)

Development Variance Permit PL2018-8257: To vary the following sections of Zoning Bylaw No. 2017-08:

- Section 4.9.1 (Table 4.1): to increase the allowable architectural projection into a yard from one that constitutes less than 25% of the wall face to which the projection is attached to one that constitutes less than 29% of the wall face to which the projection is attached.
- Section 4.9.1 (Table 4.1): to permit the projection of a deck a maximum of 0.6m into a side yard.

Information:

The staff report to Council, Zoning Amendment Bylaw 2018-47 and Development Variance Permit PL2018-8257 will be available for public inspection from **Friday, June 22, 2018 to Tuesday, July 3, 2018** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

A Public Hearing has been scheduled for **6:00 pm, Tuesday, July 3, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, July 3, 2018** to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the July 3, 2018 Public Hearing.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven, RPP, MCIP

Manager of Planning



Council Report

penticton.ca

Date: June 19, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 210 Scott Avenue

Subject: Zoning Amendment Bylaw No. 2018-47
Development Variance Permit PL2018-8257
Development Permit PL2018-8258

File No: 2018 PRJ-124

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2018-47", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381), located at 210 Scott Avenue from RD2 (Duplex Housing: Lane) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the July 3, 2018 Public Hearing.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8257" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381), located at 210 Scott Avenue, a permit to increase the allowable architectural projection into a yard from one that constitutes less than 25% of the wall face to which the projection is attached to one that constitutes less than 29% of the wall face to which the projection is attached, and to permit the projection of a deck a maximum of 0.6m into an interior side yard, be heard at the July 3, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8257" following the adoption of "Zoning Amendment Bylaw No. 2018-47."

Development Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-47," approve "Development Permit PL2018-8258" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381), located at 210 Scott Avenue, a permit that allows for the construction of a multi-family development.

Background

The subject property (Attachment A) is zoned RD2 (Duplex Housing: Lane) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 1,104m² (11,883ft²) and features an older single family dwelling

which will be demolished. The surrounding properties are primarily zoned RM3 (Medium Density Multiple Housing), R1 (Large Lot Residential) and RD1 (Duplex Housing). A small apartment building neighbours the subject property to the east, with single family homes located to the west, north and south. Surrounding properties are designated by the OCP as LR (Low Density Residential) and MR (Medium Density Residential).

The subject property is located in the south periphery of the downtown, close to nearby services such as the library and museum. This area has a mix of residential development, from single family dwelling to townhouses and apartments. Council has recently rezoned properties in close proximity to the subject property (799 Martin Street) for townhouse development.

Proposal

The applicant is proposing to construct two 4-unit townhouses for a total of eight new units. Each unit will be approximately 1900ft² over three storeys with three bedrooms, a garage and a deck. Since townhouses are not permitted in the RD2 (Duplex Housing: Lane) zone, a rezoning to RM3 (Medium Density Multiple Housing) is required.

Secondly, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 4.9.1 (Table 4.1): to increase the allowable architectural projection into a yard from one that constitutes less than 25% of the wall face to which the projection is attached to one that constitutes less than 29% of the wall face to which the projection is attached.
- Section 4.9.1 (Table 4.1): to permit the projection of a deck a maximum of 0.6m into a side yard.

The property is located within the General Multiple Family Development Permit area and requires approval for the form and character of the proposed development and to address landscaping requirements.

Financial implication

The City will receive Development Cost Charges from the developer at a rate of \$5,548 per dwelling unit for a total of \$44,384.00 in addition to the building permit fees, based on the cost of construction.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. Since the vehicle access from Scott Avenue is being eliminated, the existing driveway curb letdown is required to be re-instated at the cost of the developer.

As shown on the site plan in Attachment E, the existing power pole at the mid-eastern part of the property is blocking a proposed parking space, thus it will need to be moved at the developer's expense. Servicing upgrades will be required based on fixture counts.

At the building permit stage, a sidewalk may be required along the frontage of the property at the cost of the developer. There is currently an electrical pole in the center of the boulevard, which will be required to be relocated. The cost of moving the pole will be covered by the City if in fact the sidewalk is to be constructed.

The sidewalk on the south side of the street exists along the western half of Scott Avenue, with the intention to complete the sidewalk up to Fairview Road.

If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the development application:

Item	Requirement RM3 zone	Proposed
Maximum Lot Coverage:	50%	38%
Maximum Density:	1.6 FAR	0.97 FAR
Minimum Lot Width:	25.0m	18.288m* (see below)
Minimum Lot Area:	1,400m ²	1,104m ² * (see below)
Vehicle Parking:	1 space per dwelling unit + 0.25 per unit for visitors (10 total)	18 spaces
Required Setbacks		
Front yard (north, Scott Avenue):	3.0m	3.0m
Rear yard (south):	6.0m	6.0m
Interior yard (west):	4.5m	4.5m
Interior yard (east):	4.5m	4.5m
Maximum Building Height:	24.0m	9.8m
Amenity Area:	20m ² per unit (160m ² total)	415m ²
Maximum Hard Surfacing:	60%	59.8%
Other Information:	- The subject property is located within the General Multiple Family Development Permit Area, thus a development permit is required. - <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i>	

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2018-47"

The OCP designation for this site is MR (Medium Density Residential), which supports the proposed development. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to downtown, schools, and nearby services, including the Public Library & Museum, encourages more walking and active forms of transportation.
- The current proposal will add eight units to the housing stock in a central location.
- Each of the proposed eight units will have three bedrooms, thus providing opportunities for families to live in the downtown periphery, close to services and amenities.

The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The number of parking spaces for the proposed development (18) is much more than the minimum of 10 required. The lot coverage of 38% is much less than the 50% permitted under the RM3 zone. The developer has shown that a well-designed multi-family development can fit on the subject property with minor variances to allow for architectural projects that add visual interest to the building.

Although the proposed building is three storeys, the building is set back 4.5m from the west and east property lines thus reducing the visual impact on the neighbours. This area is anticipated to continue to develop in the future as the OCP's vision is for medium density multiple family development. A non-conforming single family dwelling is constructed on the property to the west which is zoned RM3 (Medium Density Multiple Housing). This SFD could be demolished and a multi-family development could occur.

Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-47" and forward the application to the July 3, 2018 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain as it to construct a duplex. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Development Variance Permit

Support Variances

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraints on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 4.9.1 (Table 4.1): to increase the allowable architectural projection into a yard from one that constitutes less than 25% of the wall face to which the projection is attached to one that constitutes less than 29% of the wall face to which the projection is attached.

- Table 4.1 of the Zoning Bylaw allows architectural projections into a yard a maximum of 0.6m as long as the projection constitutes less than 25% of the wall face to which it is attached. In the current proposal, the upper storey projections in the front and rear yard constitute 28% of the wall face.

Since these projections are towards a street and a lane, there is little impacts on surrounding neighbours. The projections add character to the building while creating larger bedrooms on the 3rd storey. For these reasons, it is reasonable to support the variance.

Section 4.9.1 (Table 4.1): to permit the projection of a deck a maximum of 0.6m into a side yard.

- The Zoning Bylaw allows decks to project into a front, rear and exterior side yard, but does not allow projections into an interior side yard. This is to ensure privacy for neighbouring properties. The proposed plans include 0.6m deck projections into the east interior side yard (lane). Zoning Bylaw No. 2017-08 considers a lane to be an interior yard, thus no decks are permitted to project into this area. Since there is a lane providing a buffer from the neighbouring multi-family development to the east, it is unlikely that approval of this variance will pose any negative impacts on them. The decks are on the 2nd level and approval of the variance will positively benefit the character of the building. For the reasons above, staff recommend support of the variance.

Staff consider that the variances requested will have little impact on the neighbourhood and recommend that Council, after hearing from any affected neighbours, support the application.

Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to eliminate the architectural projections that are in conflict with the zoning bylaw. If this is the case, Council should deny the variances.

Development Permit

Support Development Permit

The subject property is in the General Multiple Family Development Permit Area. As such, a development permit is required prior to construction. The objective of this DPA is to ensure that siting, form, character and landscaping of new development and exterior renovations and additions to existing buildings are compatible with the context of the surrounding neighbourhood and that site access, parking, storage and landscaping matters are satisfactory resolved and development is of high aesthetic quality. In this DPA, there is an emphasis on the following design considerations:

- *Buildings should show varied rooflines and thoughtful architectural articulation to create visual interest.*
 - o The building features a flat roof with upper storey projections, multi-colored stucco, cultured stone, glass railings and picture windows.
- *All waste disposal bins should be completely screened within an enclosure.*
 - o The garbage and recycling bins will be stored in the garages, hidden from view.
- *Landscaping shall be of high quality and aesthetic value.*
 - o The developer will landscape the front of the yard with irrigated grass right up to the sidewalk. Several trees and shrubs will be removed from the site, but will be replaced with 14

trees and multiple plant species. Adequate landscape buffering will be provided from the single family home to the west.

- *Townhouse and four-plex development are encouraged to use rear lane access where available.*
 - o Vehicle access is provided from the side and rear only. This leaves the front yard to be landscaped, retains the on-street parking spaces and reduces potential vehicle-pedestrian conflict that a driveway can pose.

The proposed dwelling units will add a unique, modern blend to the neighbourhood. Although the building design may be a change in character to the area, it is anticipated that the neighbouring properties will develop in the near future given the size of the properties and the OCP's vision for more density. The flat roof design of the proposed units will match the adjacent apartment building to the east. Further down Scott Avenue to the west are two four-storey apartment buildings with flat-roofs.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-47" and deny support for DVP PL2018-8257 & DP PL2018-8258.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-47" but deny support for DVP PL2018-8257 & DP PL2018-8258.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-47" and support DVP PL2018-8257 & DP PL2018-8258 with conditions that Council feels are appropriate.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Architectural Projections
Attachment G:	Landscape Plan
Attachment H:	Elevations
Attachment I:	Floor Plans
Attachment J:	Neighbouring Properties
Attachment K:	Letter of Intent
Attachment L:	Development Variance Permit PL2018-8257
Attachment M:	Development Permit PL2018-8258
Attachment N:	Zoning Amendment Bylaw No. 2018-47

Respectfully submitted,
Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map

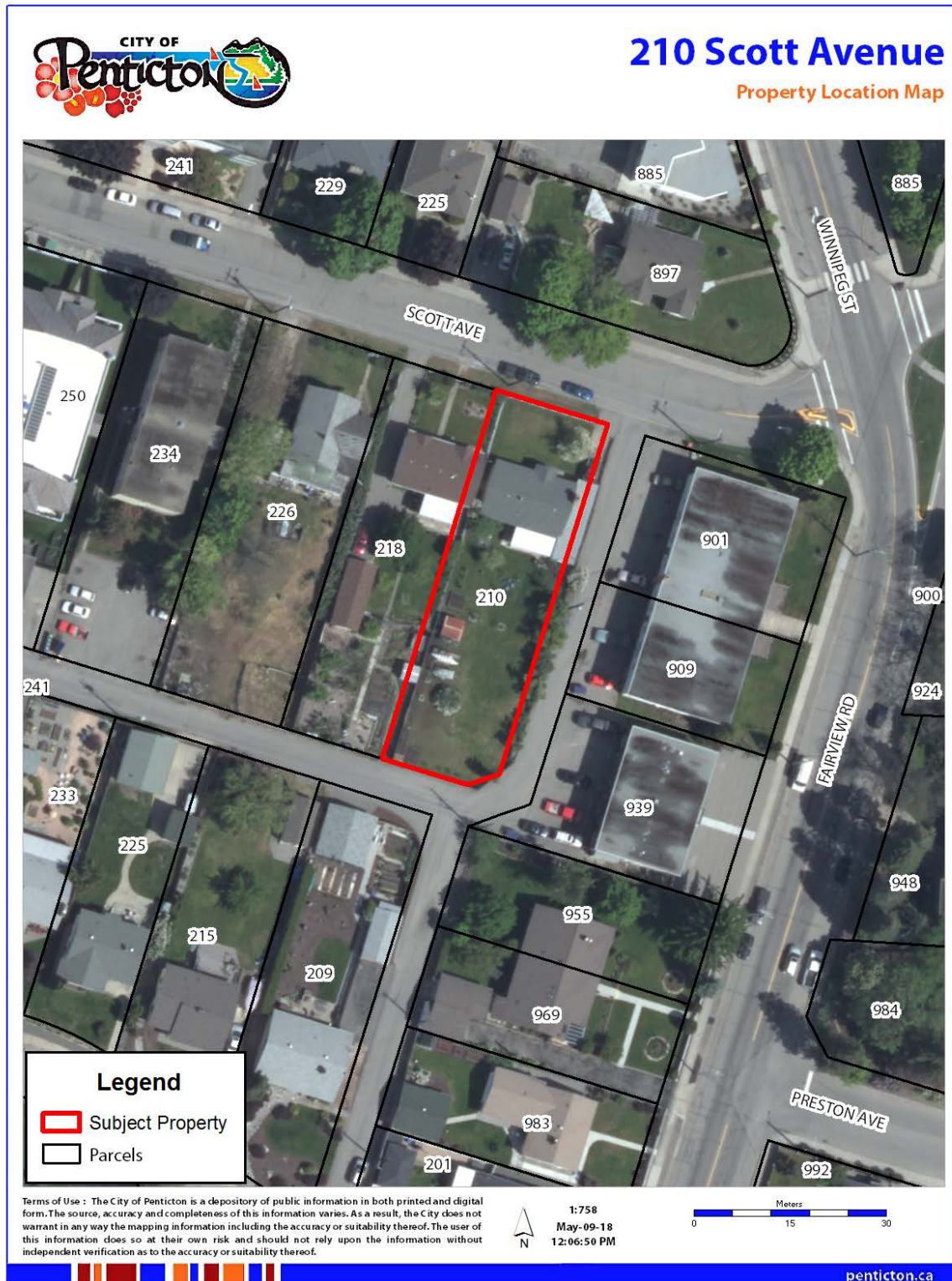


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

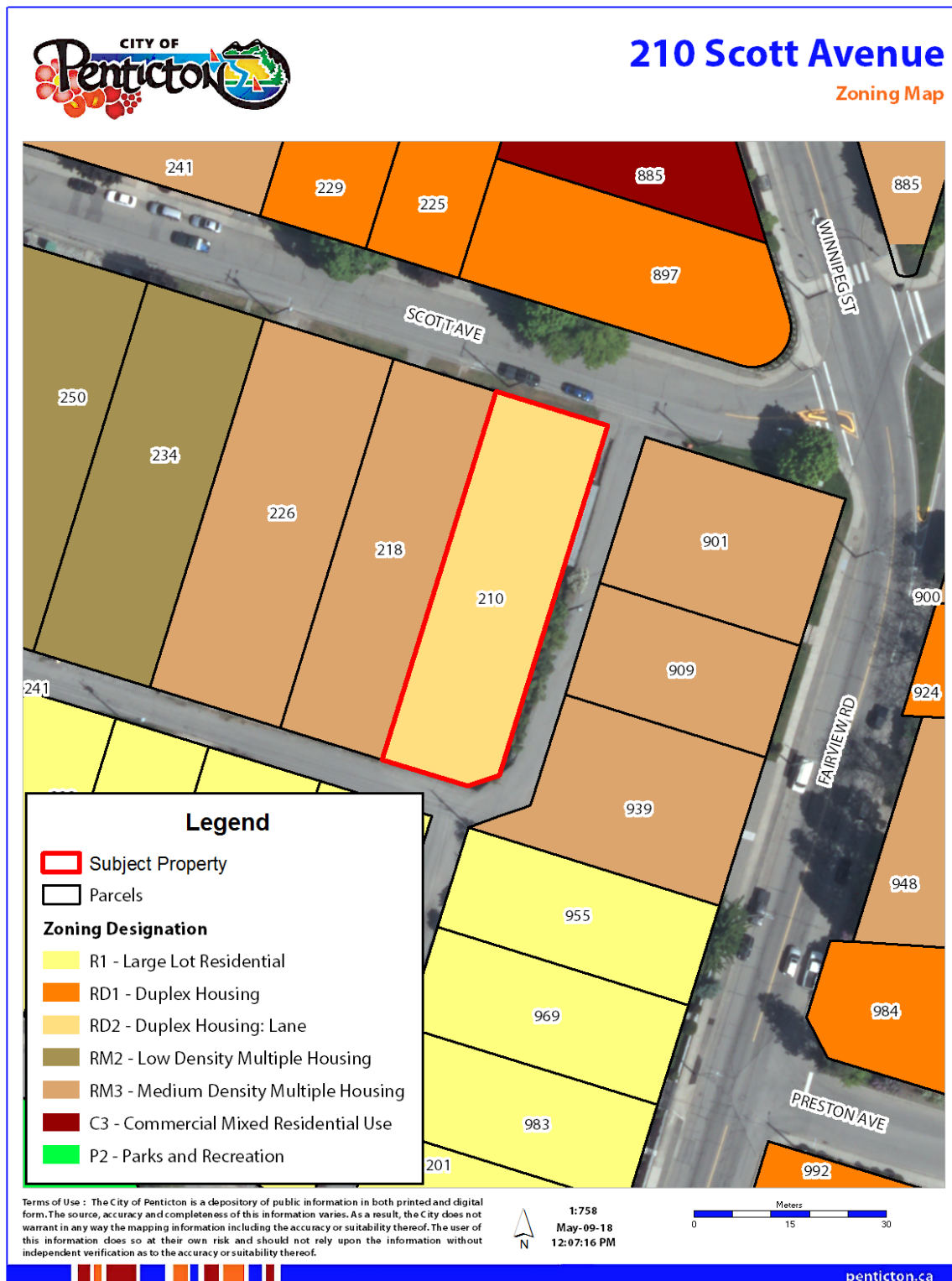


Figure 2: Zoning Map

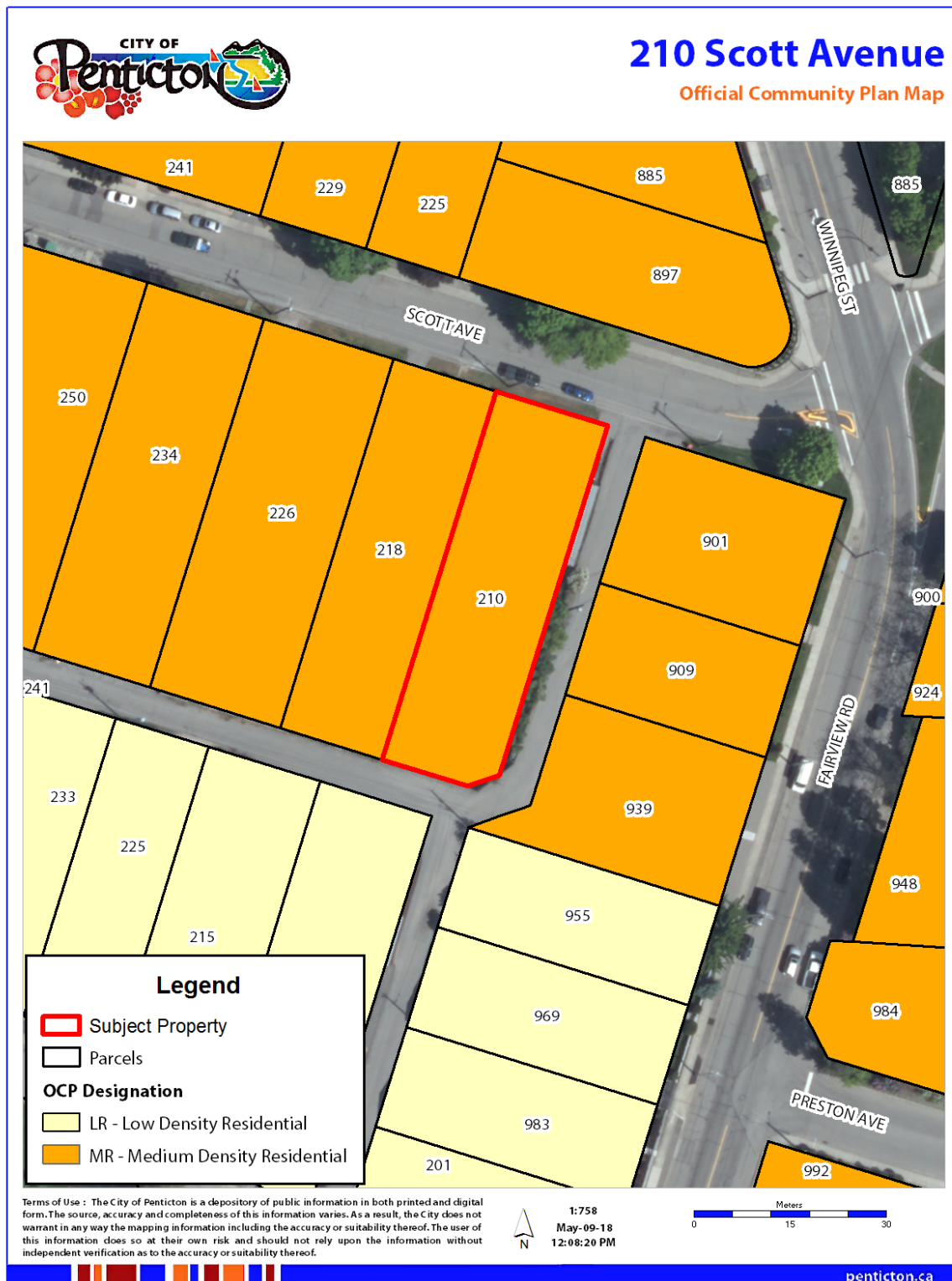


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: North View of subject property (from Scott Avenue)



Figure 5: South View of subject property (from the rear lane)



Figure 6: East View of subject property (from the side lane)



Figure 7: North view showing proximity to neighbouring property to the west

Attachment E – Site Plan

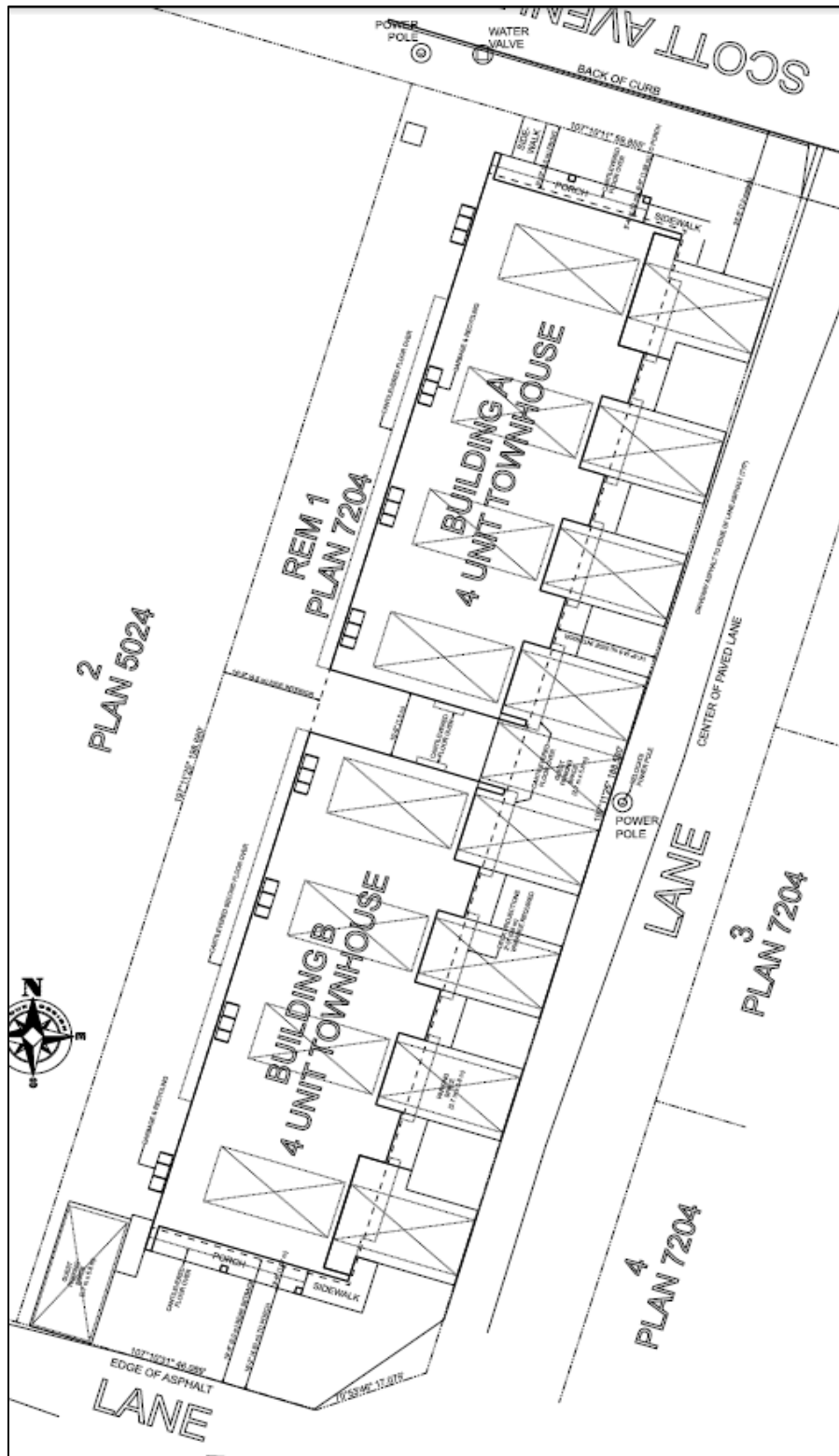


Figure 8: Site Plan

Attachment F – Architectural Projections

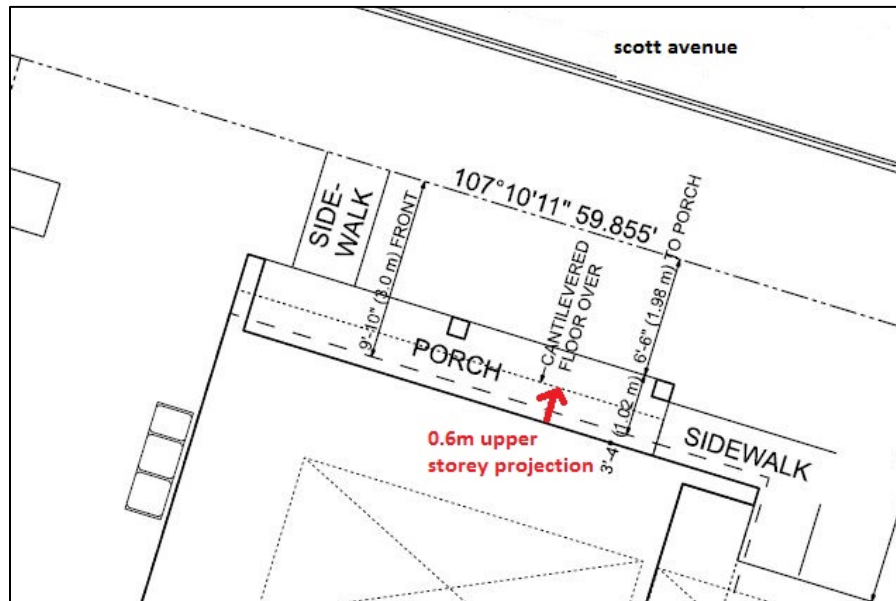


Figure 9: Architectural Projection Front Yard

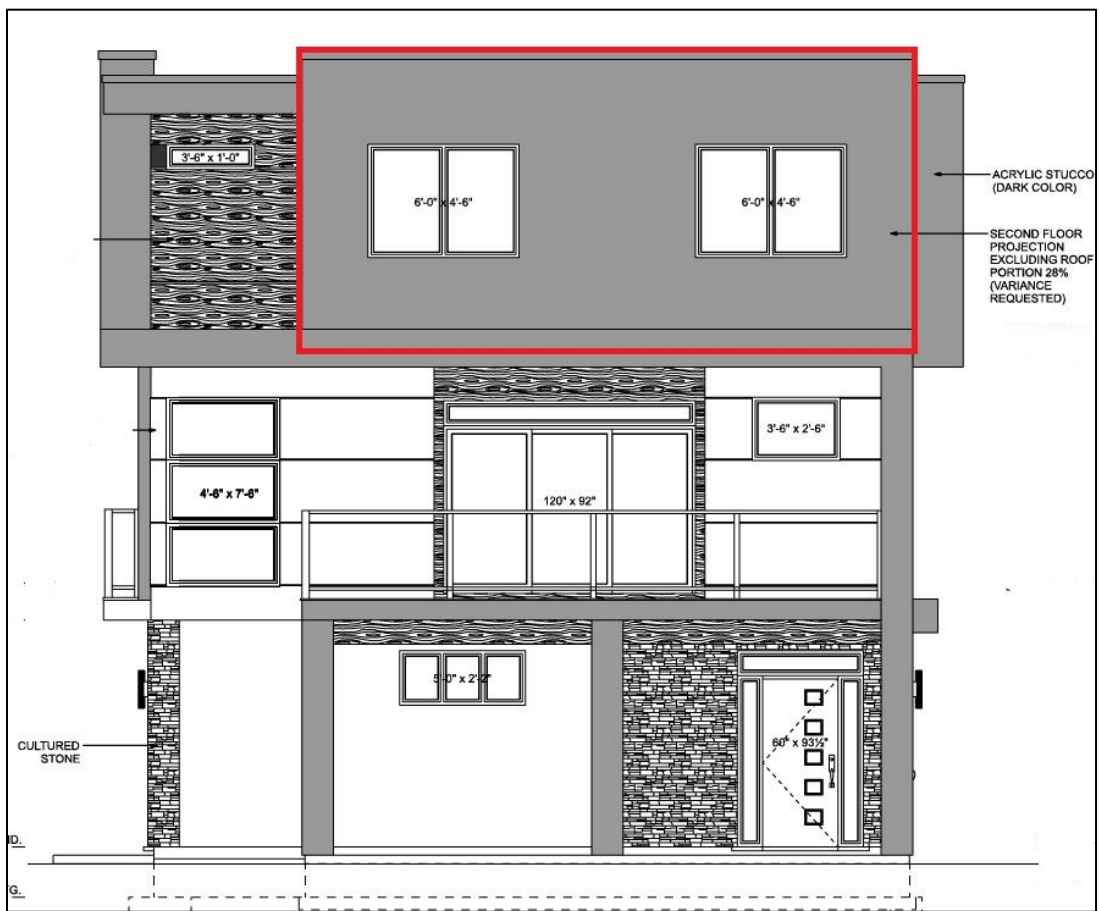


Figure 10: Architectural Projection Front Yard

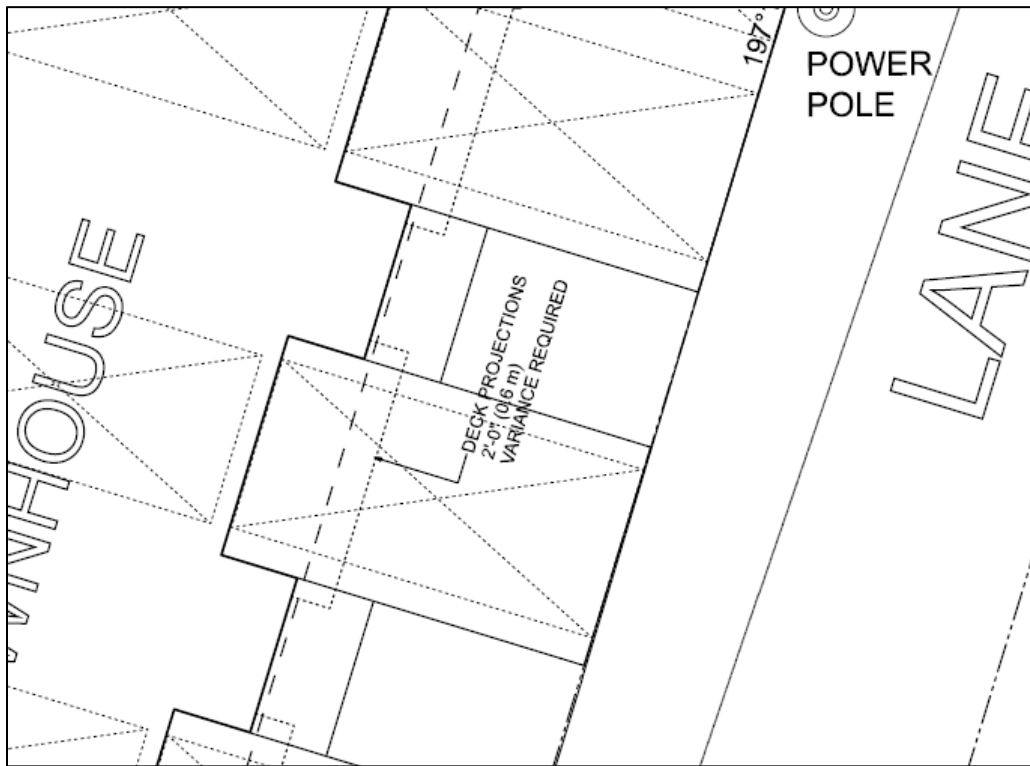


Figure 11: Deck Projection east interior side yard



Figure 12: Deck Projection east interior side yard

Attachment G – Landscape Plan

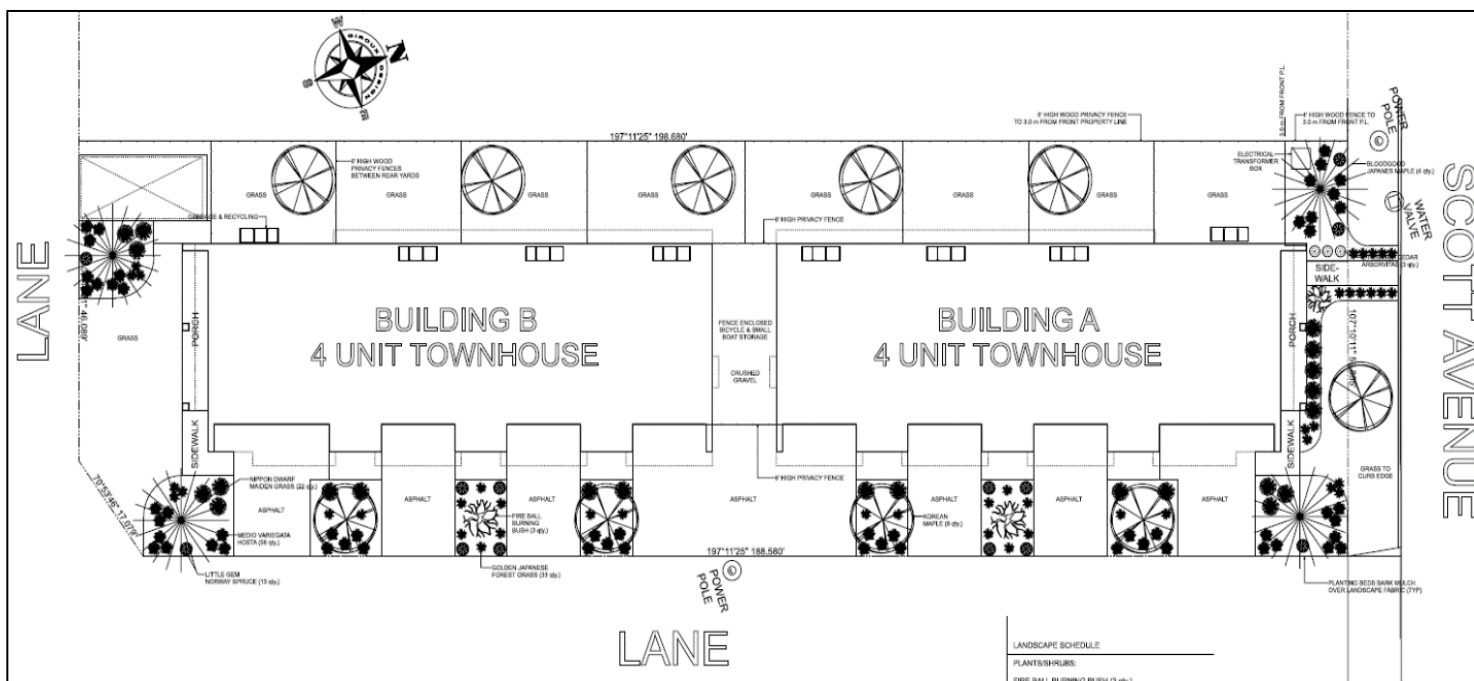


Figure 13: Landscape Plan

Attachment H – Elevations



Figure 14: North Elevation



Figure 15: South Elevation



Figure 16: East Elevation



Figure 17: West Elevation



Figure 18: East Elevation

Attachment I - Floor Plans

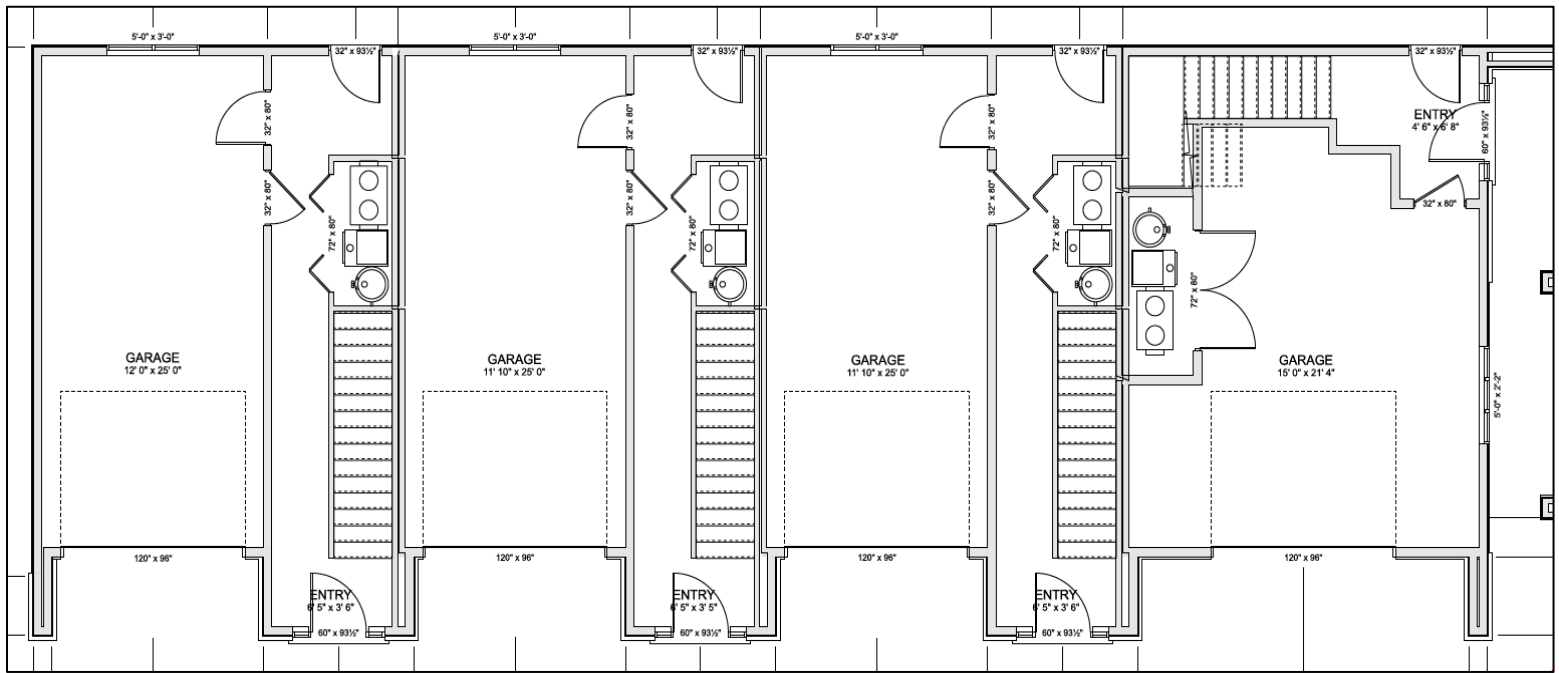


Figure 19: Garage Floor Plan

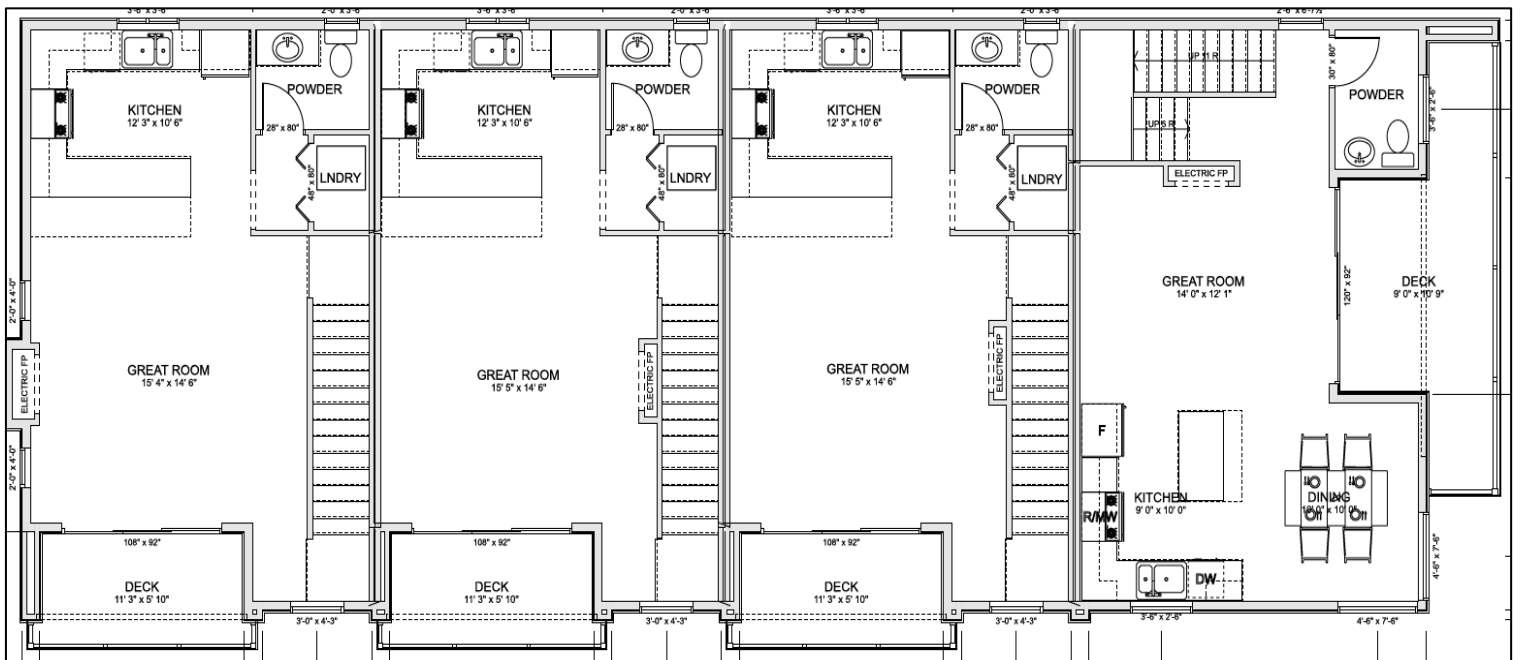


Figure 20: Second Storey Plan

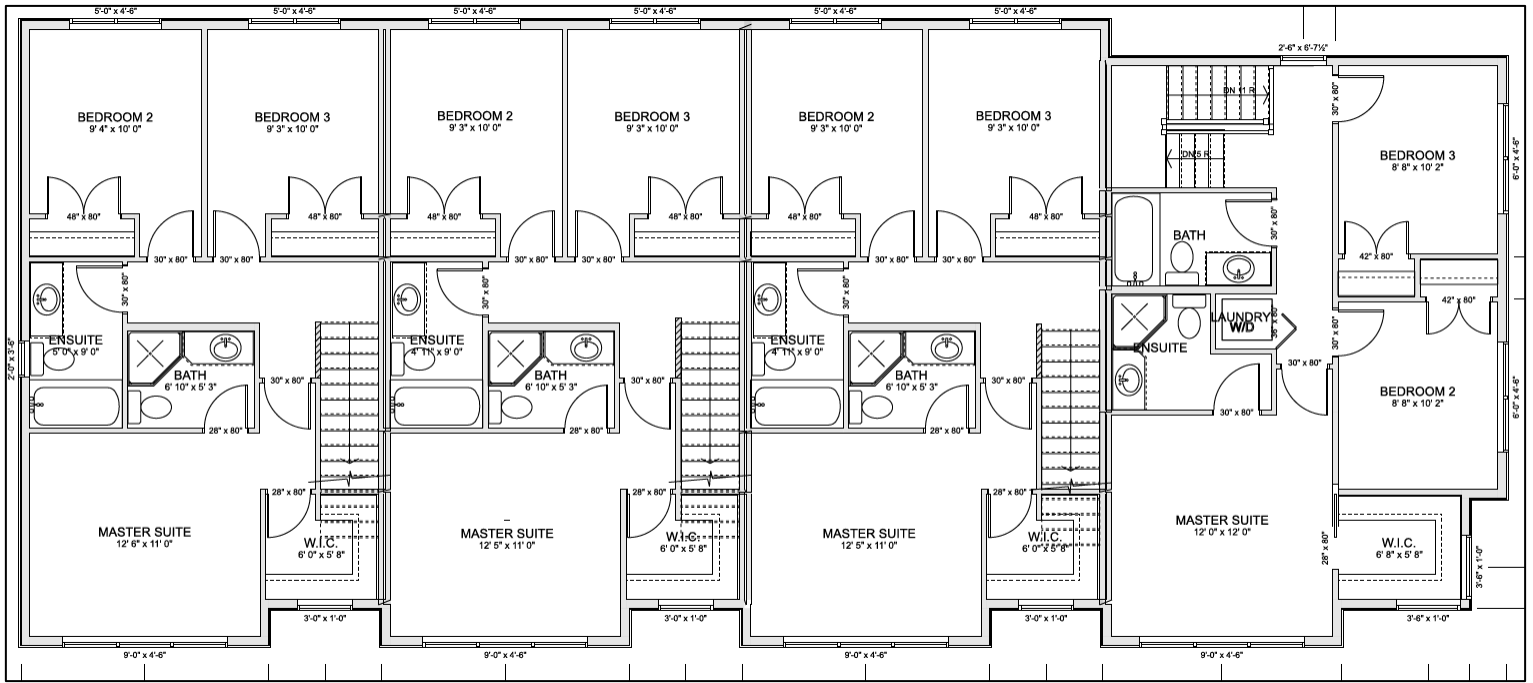


Figure 21: Third Storey Plan

Attachment J – Neighbouring Properties



Figure 22: East Apartments



Figure 23: West Neighbours



Figure 24: Dwelling across the street



Figure 25: Four Storey apartment buildings located 60.0m to the west of the subject property



Figure 26: Power pole at the center of the boulevard

Attachment K - Letter of Intent



Figure 27: Letter of Intent



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2018-8257

Name:

Address:

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381)
Civic: 210 Scott Avenue
PID: 010-009-558
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a nine-unit townhouse development.
 - Section 4.9.1 (Table 4.1): to increase the allowable architectural projection into a yard from one that constitutes less than 25% of the wall face to which the projection is attached to one that constitutes less than 29% of the wall face to which the projection is attached.
 - Section 4.9.1 (Table 4.1): to permit the projection of a deck a maximum of 0.6m into a side yard.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 3 day of July, 2018.

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Permit

Permit Number: DP PL2018-8258

Name:

Address:

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 1 District Lot 250 Similkameen Division Yale District Plan 7204 Except Parcel B (Plan B7381)
Civic: 210 Scott Avenue
PID: 010-009-558
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a multi-family development, as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$14,260.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met. |
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

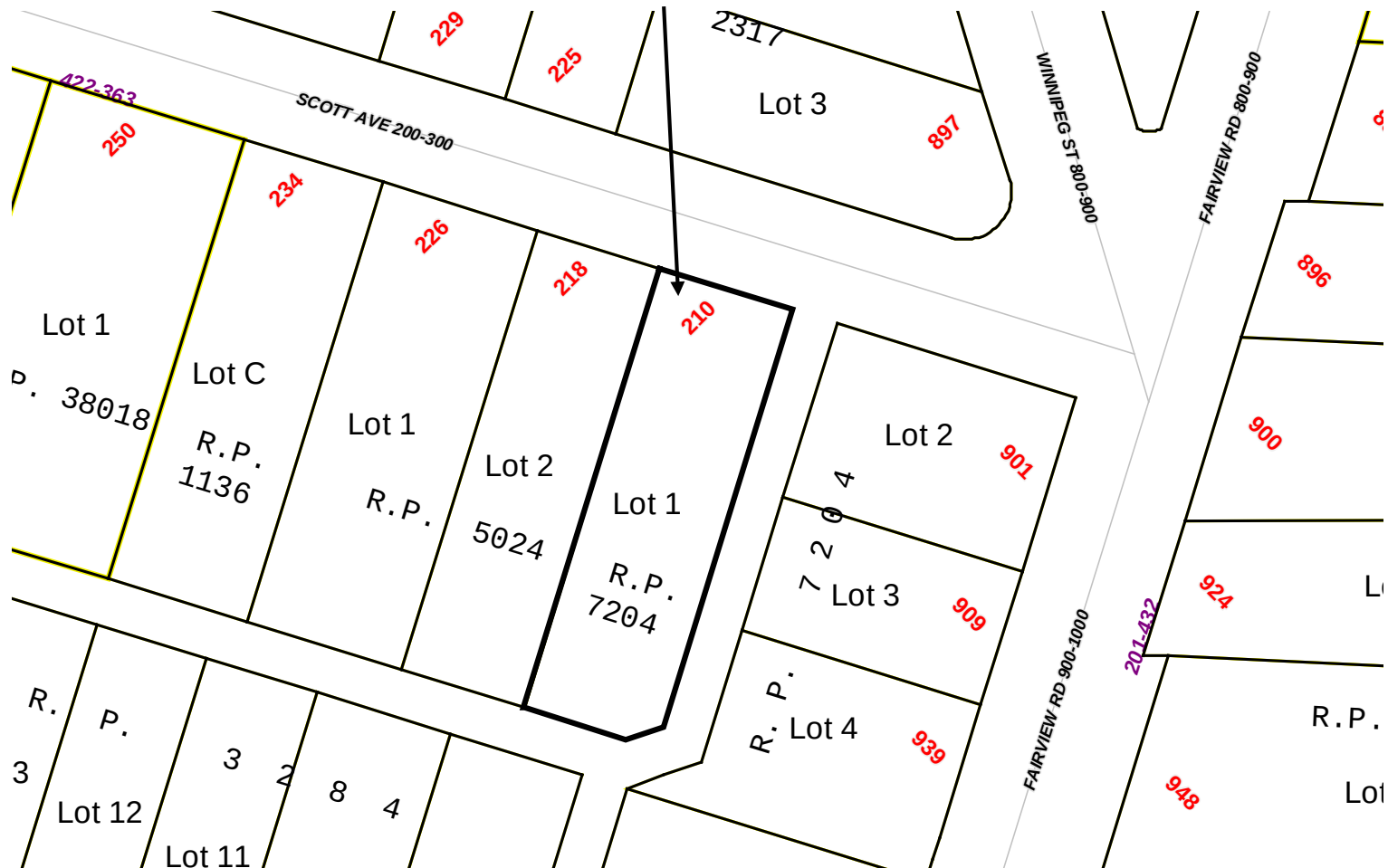
Authorized by City Council, the __ day of _____, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

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Rezone 210 Scott Avenue
From RD2 (Duplex Housing: Lane) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-47

Date: _____

Corporate Officer: _____