

August 9, 2018

Subject Property:

241 Nelson Avenue

Lot 2, District Lot 250, Similkameen Division Yale District,
Plan 4654

Application:

The applicant is proposing to subdivide 241 Nelson Avenue into two lots and construct two single family dwelling units on each of the lots (for a total of four dwelling units). To facilitate the proposal, the following applications are being considered:



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, August 21, 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 August 21, 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

Date: August 7, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 241 Nelson Avenue

Subject: Zoning Amendment Bylaw No. 2018-55
Official Community Plan Amendment Bylaw No. 2018-56

File No: 2018 PRJ-126

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2018-55", a bylaw to rezone Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and to add Section 10.6.4.7: "In the case of Lot 2, DL 250, SDYD, Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street," be given first reading and forwarded to the August 21, 2018 Public Hearing;

AND THAT prior to consideration of "OCP Amendment Bylaw No. 2018-56" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "Official Community Plan Amendment Bylaw No. 2018-56," a bylaw to amend Schedule 'H' Development Permit Area Map of the City's OCP, to include the subject property in the Downtown Multiple Family Development Permit Area; be introduced, given first reading and forwarded to the August 21, 2018 Public Hearing.

Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Photos of the site are included as Attachment D. The lot is 1,387m² (14,931ft²) in area and features an older single family dwelling which is intended to be demolished. Surrounding properties are primarily zoned for single and multi-family development. Surrounding properties are designated by the OCP as LR (Low Density Residential) and MR (Medium Density Residential). The site is located at the periphery of the downtown, close to the KVR trail and Pen-Hi school. The close proximity to commercial and multi-family properties creates the potential for more density.

Proposal

The proposed rezoning will facilitate the subdivision of the subject property into two lots. The applicant is proposing to construct two single family dwellings on each of the lots. On each lot, one dwelling with front the street and one will front the lane. Since the proposed use is not permitted in the current zone and vehicle access is restricted to the lane only, a rezoning to RD2 (Duplex Housing: Lane) is required with a site specific provision stating that if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street. The conceptual renderings and letter of intent illustrate a two-storey building with a garage and living area on the main level, private amenity space in the back yard and three bedrooms on the second storey. The exact design will be thoroughly reviewed by staff through the development permit process after the rezoning and subdivision process is complete, although a more contemporary design approach is being presented at this time.

Financial implication

The City will receive Development Cost Charges of \$13,262.00 from the developer for the creation of the new lot 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. A new water and sewer connection will be required to service the additional lot as well as possible upgrades to existing services. Sidewalk and lane upgrade will be required as part of subdivision approval. A demolition permit will be required for the existing structures on the property. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. If the request for the zoning amendment is 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 application:

Item	Requirement RD2 zone	Proposed Lot 1 and 2
Maximum Lot Coverage:	40%	38%
Minimum Lot Width:	9.1m	12.415m
Minimum Lot Area:	275.0m ²	693.6m ²
Vehicle Parking:	2 spaces per single family dwelling (4 total per lot)	8 spaces per lot
Required Setbacks		
Front yard (south, Nelson Avenue):	4.5m	6.0m
Rear yard (north, lane):	6.0m	6.0m
Interior yard (west):	1.5m	1.5m
Interior yard (east):	1.5m	1.5m
Maximum Building Height:	10.5m (three storeys)	two storeys
Other Information:	- The subject property is not located in a Development Permit Area, but staff are recommending that the property be included in the Downtown Multiple Family DPA to ensure the form and character of the buildings and landscaping are of high quality.	

Analysis

Zoning Amendment

Support “Zoning Amendment Bylaw No. 2018-55”

The proposed amendment from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) is in line with the LR (Low Density Residential) designation of the City’s OCP. Staff considers this development to be an appropriate use of the land for the following reasons:

- According to the City’s OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, multiple family homes, and small scale commercial uses, this application encourages a mixed range of housing, types, tenures and densities;
- The plan supports residential intensification near commercial activities and institutional facilities (for example, the Library and Museum) and supports densification in areas where existing services can accommodate higher densities; and
- The proposed dwellings will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community.

Staff considers that it is reasonable to densify this property given the location’s proximity to commercial nodes as well as the KVR trail and other transit routes. The proposed rezoning allows for two sizeable single family dwellings to be constructed with no variances to City bylaws. The increase in demand for parking that comes with densification is addressed by allowing for four parking spaces for each dwelling unit. In the RD2 zone, driveways are not permitted from the street but given the length of the lots and the fact that there are several existing driveways along Nelson Avenue, staff are comfortable with vehicular access from the street. The design of the driveways has limited their impact on the available street parking on Nelson Avenue. If the applicant does not follow through with the development, the existing dwelling will still conform to the RD2 (Duplex Housing: Lane) zone as a single family dwelling is a permitted use.

Given the information presented above, staff recommends that Council support “Zoning Amendment Bylaw No. 2018-55” and forward the application to the August 21, 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 single family in which a carriage house could be built. 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.

OCP Amendment

Support “OCP Amendment Bylaw No. 2018-56”

If the rezoning is approved by Council, the developer could completely change the design of the proposed duplex as long as it meets the zoning bylaw and building code requirements. Staff are recommending to include the property in the Downtown Multiple Family DP area to ensure the design is retained as proposed.

The Downtown Multiple Family Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to “ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods.”

Deny/Refer OCP Amendment

Council may feel that it is not necessary to include the subject property in a DP area. If this is the case, Council should deny the bylaw amendment.

Alternate Recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2018-55” and deny first reading of “OCP Amendment Bylaw No. 2018-56.”
2. THAT Council support first reading of “Zoning Amendment Bylaw No. 2018-55,” but deny first reading of “OCP Amendment Bylaw No. 2018-56.”
3. THAT Council support first reading of the bylaws with conditions.
4. THAT Council refer the bylaws back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Conceptual Site Plan
Attachment F:	Subdivision Plan
Attachment G:	Conceptual Renderings
Attachment H:	Letter of Intent
Attachment I:	Zoning Amendment Bylaw No. 2018-55
Attachment J:	Official Community Plan Amendment Bylaw No. 2018-56

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
	

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

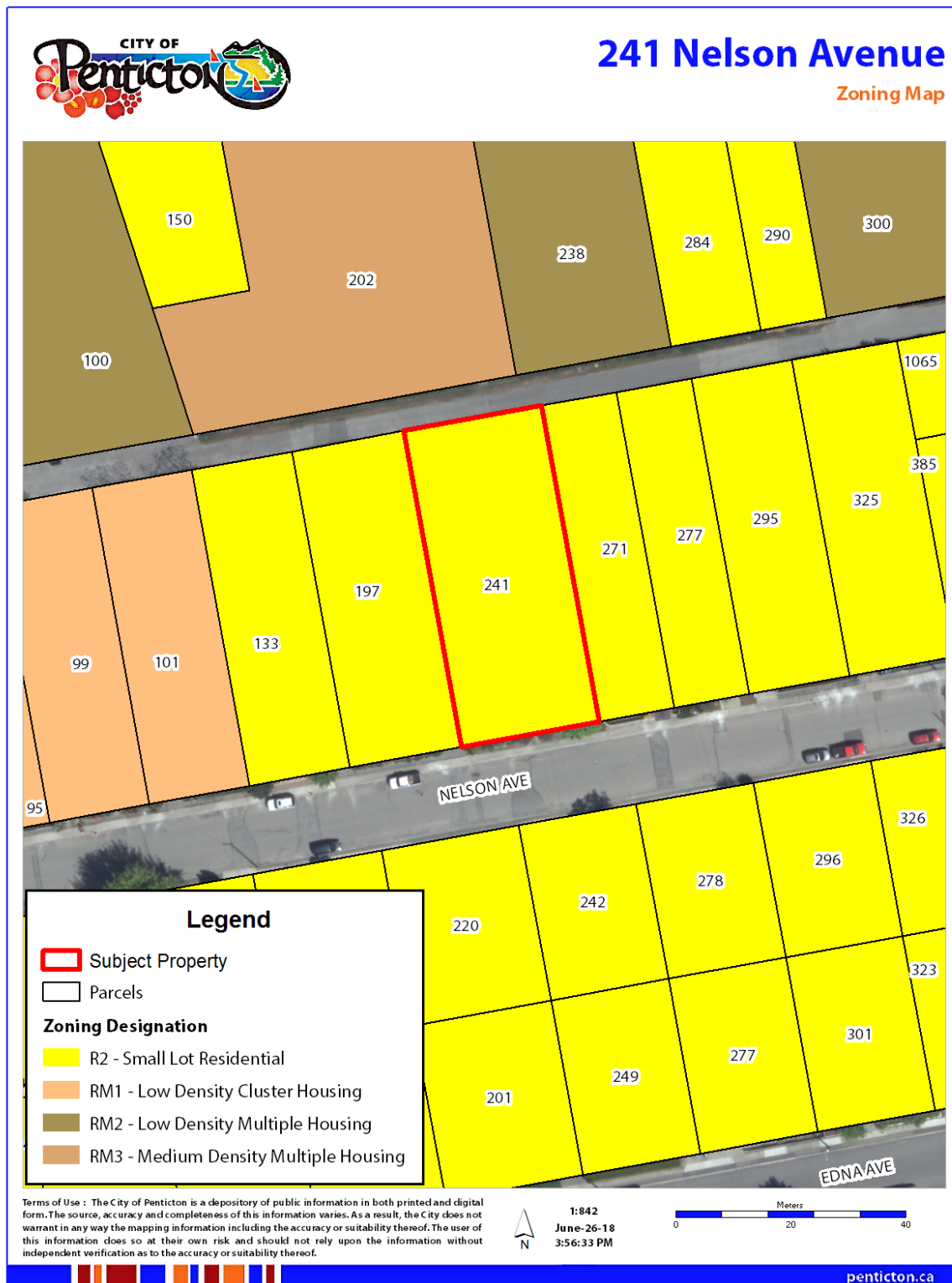


Figure 2: Zoning Map

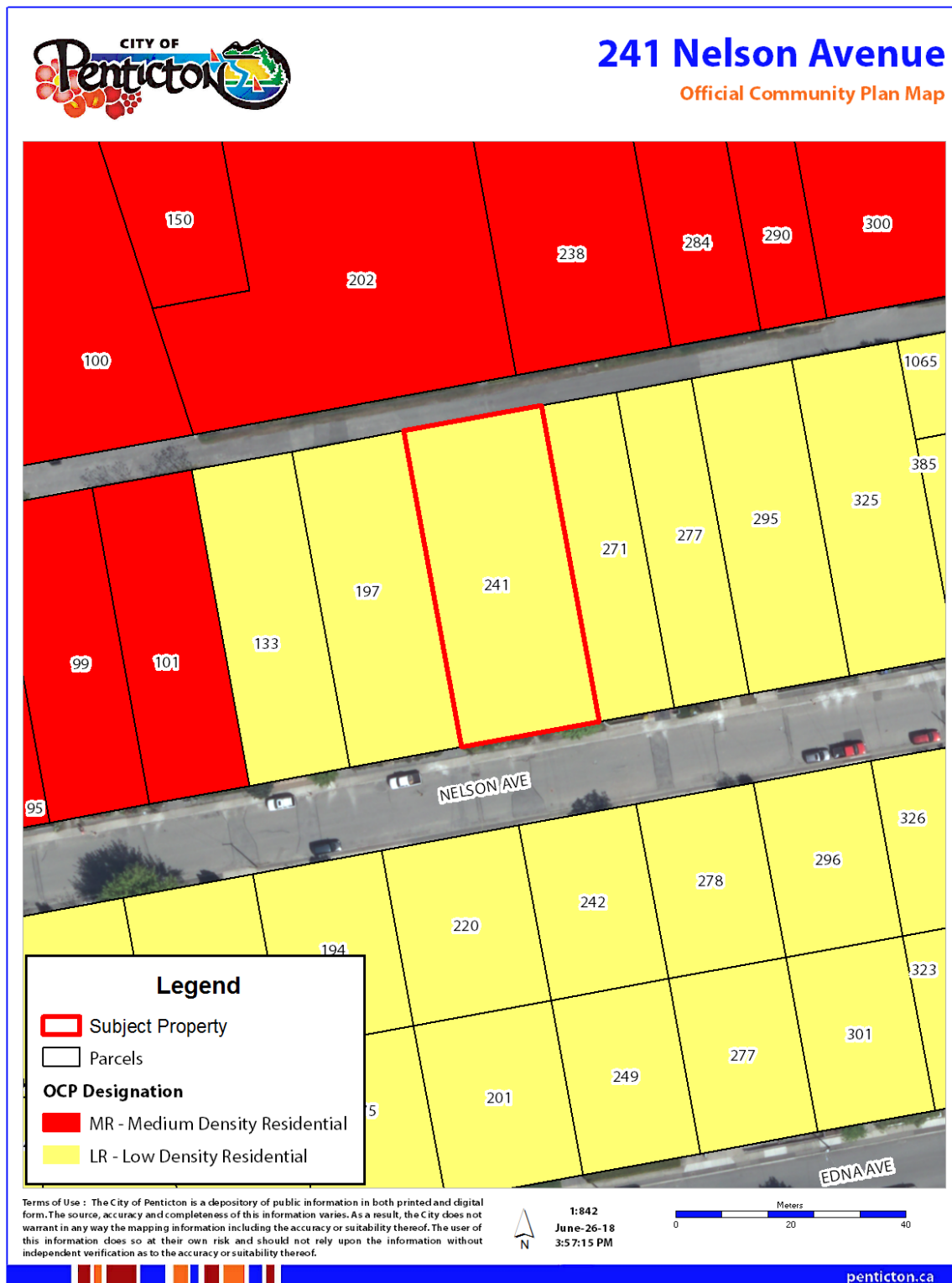


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South view of subject property (from Nelson Avenue)



Figure 5: South view showing eastern portion of property



Figure 6: North view of subject property (from the lane)



Figure 7: North view showing western portion of property



Figure 8: North view showing eastern portion of property

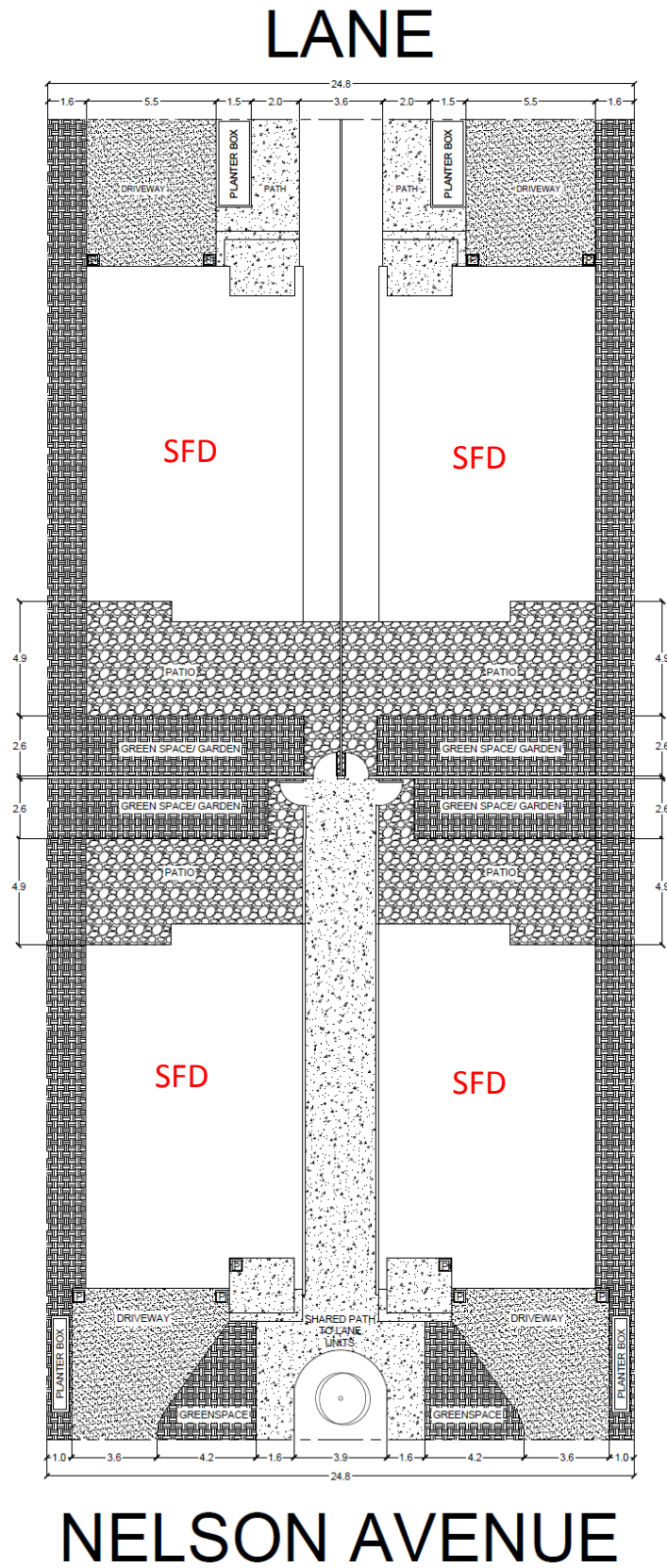


Figure 9: Conceptual Site Plan

Attachment F – Subdivision Plan

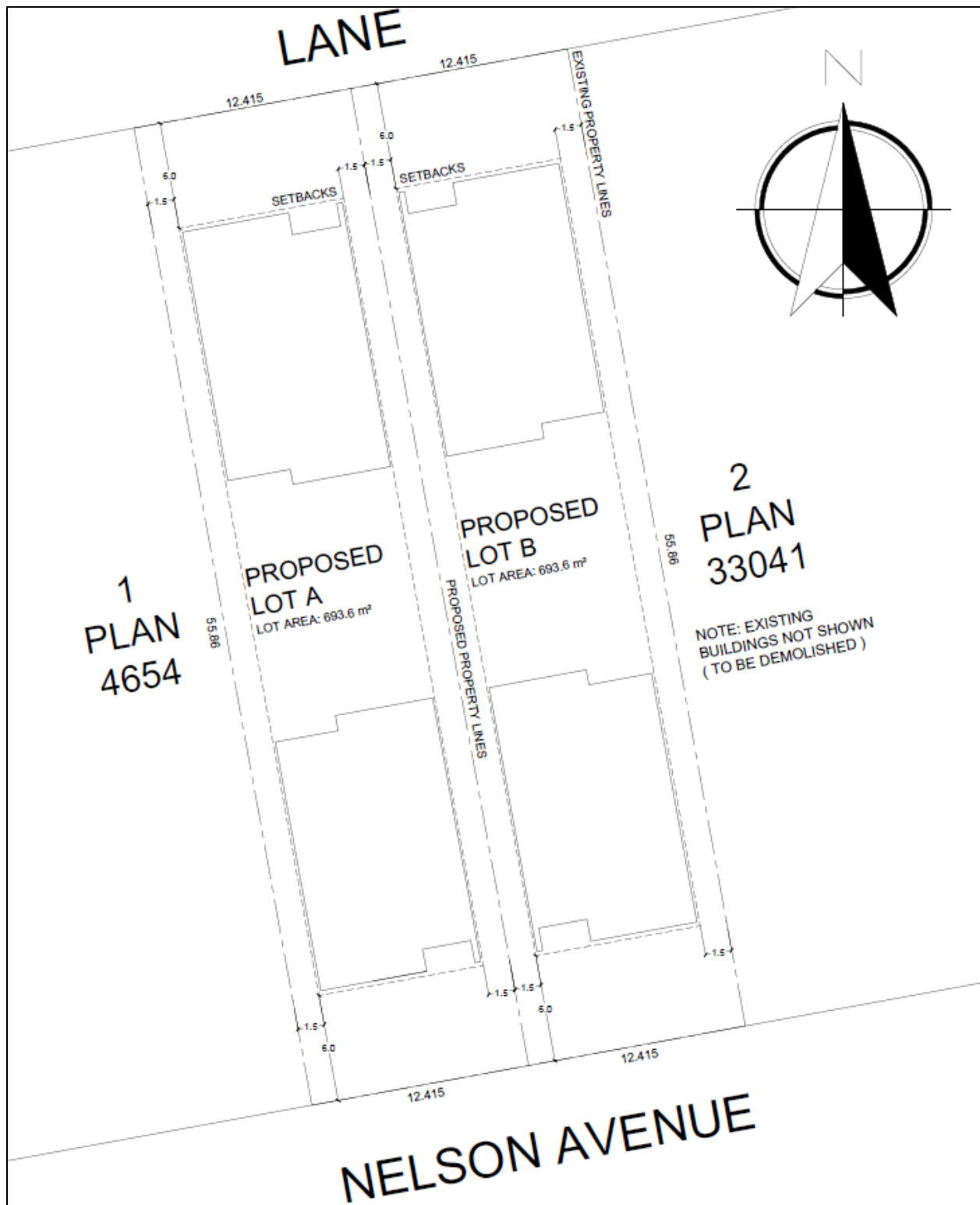


Figure 10: Subdivision Plan

Attachment G – Conceptual Renderings



Figure 11: South Elevation of proposed development (from Nelson Avenue)



Figure 12: Bird's eye view of proposed development



Figure 13: Back yards of proposed development



Figure 14: Rear elevation of proposed development

Lajora Holdings Ltd.

176 Fraser Court Penticton B.C. V2A 8B4
250-486-2926 landrkowalchuk@shaw.ca

To: Mayor, Council and Staff - City of Penticton
Sent By Email – development@penticton.ca

June 22, 2018

Re: 241 Nelson Avenue Rezoning & Subdivision Application

We are requesting 241 Nelson Avenue be rezoned from R2 to RD2 (Duplex Housing Lane). The subject parcel is very unique because of its extra depth +/- 55.85 m or 185 ft. and width of over 24.3 m /80 ft. This is nearly twice the depth as the homes directly across the street from 241 Nelson Ave or further east on Nelson Avenue.

The rezoning will facilitate the subdivision of each of the lots into two lots for a total of four single family detached homes. Each unit (roughly 2100 sq ft) will have a two car garage, living area and generous patio/gardens on the main floor with three bedrooms on the second floor.

Two homes will have access to their garage and front door from Nelson Avenue and two homes will have access from the back lane. The homes will be setback 6 meters from both the street and the rear property line to facilitate additional parking on private land bringing a total of 4 parking spots per home (two on the parking apron and two in the garage). After consultation with City Planning Staff, we revised and narrowed the driveway access to capture three on street parking stalls on Nelson Avenue. (See rendering)

The creation of the four single family homes on the flats will add increased density that is in close proximity to transit, shopping, downtown, schools and parks/trails, while preserving the form and character of the single family neighborhood.

We would respectfully request your support to our application.

Regards,

Randy Kowalchuk

Figure 15: Letter of Intent

Rezone 241 Nelson Avenue
from R2 (Small Lot Residential)
to RD2 (Duplex Housing: Lane)
with a site specific provision
(RD2 Zone) that if the property
is subdivided into two lots, a
maximum of two dwelling units
is permitted per lot, while
allowing vehicular access from
the street



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-55

Date: _____

Corporate Officer: _____

Bylaw No. 2018-56

Amend OCP Bylaw 2002-20,
Schedule 'H' Development
Permit Area Map to include 241
Nelson Avenue in the
Downtown Multiple Family
Development Permit Area



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-56

Date: _____

Corporate Officer: _____