

September 20, 2018

Subject Property:

1087 Dynes Avenue

Lot 14, District Lot 3, Group 7, Similkameen Division
Yale (Formerly Yale-Lytton) District, Plan 1017

Applications:

The applicant is proposing to construct two duplexes for a total of four new units on the site. In order to do so, the following applications are being considered:

Rezone PL2018-8355:

Amend the zoning of the property from CT1 (Tourist Commercial) to RM2 (Low Density Multiple Housing)

Development Variance Permit PL2018-8356:

Vary the following sections of Zoning Bylaw 2017-08:

- Section 6.5 (Table 6.5): to waive the one required visitor parking space.
- Section 10.8.2.7.i: to decrease the minimum west interior side yard for a principal building from 3.0m to 1.5m.

Information:

The staff report to Council, Zoning Amendment Bylaw 2018-69 and Development Variance Permit PL2018-8356 will be available for public inspection from **Friday, September 21, 2018 to Tuesday, October 2, 2018** at the following locations during hours of operation:

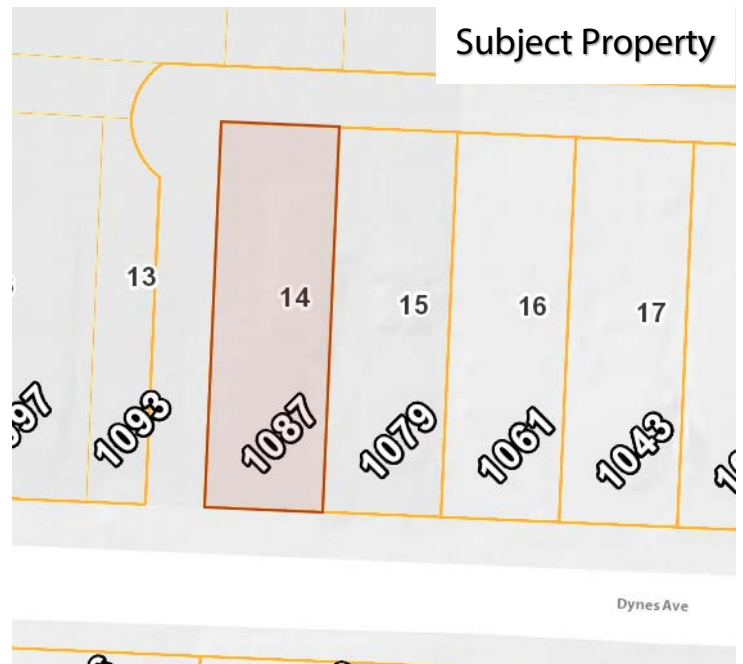
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

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, October 2, 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, October 2, 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 October 2, 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: September 18, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 1087 Dynes Avenue

Subject: **Zoning Amendment Bylaw No. 2018-69**
Development Variance Permit PL2018-8356
Development Permit PL2018-8357

File No: 2018 PRJ-195

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2018-69", a bylaw to rezone Lot 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue from CT1 (Tourist Commercial) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the October 2, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-69", a 3.0m x 3.0m northwest corner cut is registered with the Land Title Office.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8356" for Lot 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue, a permit to waive the one required visitor parking space and to decrease the minimum west interior side yard for a principal building from 3.0m to 1.5m, be heard at the October 2, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8356" following the adoption of "Zoning Amendment Bylaw No. 2018-69."

Development Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-69" approve "Development Permit PL2018-8357" for Lot 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue, a permit that allows for the construction of two duplexes.

Background

The subject property (Attachment A) is zoned CT1 (Tourist Commercial) and designated by the City's Official Community Plan as MFMD (Multi-Family Medium Density). Photos of the sites are included as Attachment D.

The subject property is approximately 481.0m² (5,177ft²) in area and has been vacant since an older single family was demolished in 2013. The property is located in close proximity to the Okanagan Beach, Riverside Village and Loco Landing. A lane separates the property from the Bowmont hotel to the west. A single family dwelling borders the subject property to the east, with shrubs and hedges acting as a buffer between properties. The surrounding properties are primarily zoned for tourist commercial, single and multiple family. The OCP calls for more residential density on the subject property and the properties to the east.

Proposal

The applicant is proposing to construct two duplexes for a total of four new units on the site. Since multiple duplexes are not permitted in the CT1 (Tourist Commercial) zone, a rezoning to RM2 (Low 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 6.5 (Table 6.5): to waive the one required visitor parking space.
- Section 10.8.2.7.i: to decrease the minimum west interior side yard for a principal building from 3.0m to 1.5m.

Lastly, the property is located within the Downtown 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 \$22,192 in addition to servicing connection fees and 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. Currently there are issues with storm water accumulating in the lane on the west side of the property. This issue will be addressed by a geotechnical engineer as part of the building permit application. A 3.0m x 3.0m corner cut in the northwest portion of the property will be obtained as part of the application to allow for enough space for a vehicle to turn the corner without driving on the subject property. Additionally, the developer will be required to upgrade the lane as part of the building permit application. The developer will also be responsible for street frontage upgrades which includes curb, gutter and sidewalk with an irrigated grass boulevard. The existing power pole in the SW corner of the property will be re-located at the developer's expense to accommodate two on-street parking spaces. A boulevard tree will be installed by the Parks department at a cost of approximately \$472.50 to the developer. Servicing upgrades will be required based on fixture counts. 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 rezoning application:

| Item | Requirement RM2 zone | Proposed |
|-----------------------------------|--|---------------------------------|
| Maximum Lot Coverage: | 40% | 39% |
| Maximum Density: | 0.8 FAR | 0.8 |
| Minimum Lot Width: | 18.0m | 12.192m* (see below) |
| Minimum Lot Area: | 540m ² | 481m ² * (see below) |
| Vehicle Parking: | 1 space per dwelling unit + 0.25 per unit for visitors (5 total) | 4 spaces (variance required) |
| Required Setbacks | | |
| Front yard (south, Dynes Avenue): | 3.0m | 3.0m |
| Rear yard (north, lane): | 6.0m | 6.0m |
| Interior yard (west, lane): | 3.0m | 1.5m (variance required) |
| Interior yard (east): | 3.0m | 3.0m |
| Maximum Building Height: | 12.0m | 7.0m |
| Amenity Area: | 20m ² per unit (80m ² total) | 20.0m ² + |
| Other Information: | <p>- The subject property is located within the Downtown Multiple Family Development Permit Area, thus a development permit is required.</p> <p>- <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></p> | |

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2018-69"

The OCP designation for this site is MFMD (Multi-Family Medium Density) 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 the downtown, Okanagan beach, Riverside Village and other nearby services encourages more walking and active forms of transportation.
- The current proposal will convert an underutilized lot into four new dwelling units in a desirable location.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The proposed rezoning is in line with the OCP designation for the property. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-69" and forward the application to the October 2, 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 for tourist commercial. 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 Variance

When considering a variance to a City bylaw, staff encourages Council to be mindful as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 6.5 (Table 6.5): to waive the one required visitor parking space.

- In the preliminary drawings, a tandem visitor parking space was proposed. It was located behind a parking space for one of the units. Staff felt that it would be more appropriate to relocate the electrical pole on the street to allow for two on-street parking spaces to accommodate visitors. Additionally, this would allow for the developer to construct storage lockers in-between the units, to store bikes and garbage and recycling containers. Council has recently supported waiving visitor parking requirements.

Section 10.8.2.7.i: to decrease the minimum west interior side yard for a principal building from 3.0m to 1.5m.

- The required setback for an interior yard in the RM2 (Medium Density Residential) zone is 3.0m. The developer is proposing a variance to 1.5m along the west side. This will allow the developer to construct sizeable units while allowing a 3.0m buffer on the east side, adjacent to the single family dwelling. A lane acts as a buffer from the proposed development and the Bowmont Hotel. It is unlikely that reducing the setback will have any negative impacts on the neighbourhood. The proposed duplexes will be two storeys in height, which is smaller than the three storeys permitted in the RM2 zone. The reduced height will further limit the negative visual impacts that a building with a reduced setback will have on the lane.

For the reasons listed above, Staff feel that the variance request is reasonable, does not unreasonably impact the adjacent area and recommend that Council 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 reduce the width of the buildings to meet the west interior yard setback or re-configure the parking spaces on the lot to accommodate the visitor space. If this is the case, Council should deny the variances.

Development Permit

Support Development Permit

The subject property is located within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. The 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.” The proposed development meets the intent of the bylaw as explained below:

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest. The cantilevered address block in the front elevation adds unique character to the development.
- The landscape plan features a variety of different plants, flowers and trees. The developer is proposing to add eight trees to an empty lot, including one in the City boulevard.
- Street frontage upgrades, including sidewalk, trees and a grass boulevard will improve the streetscape which benefits the neighbouring properties.
- Private amenity space is provided for each residence.
- Garbage and recycling areas will be screened.

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. 2018-69” and deny support for DVP PL2018-8356 & DP PL2018-8357.
2. THAT Council give first reading to “Zoning Amendment Bylaw No. 2018-69” but deny support for DVP PL2018-8356 & DP PL2018-8357.
3. THAT Council give first reading to “Zoning Amendment Bylaw No. 2018-69” and support DVP PL2018-8356 & DP PL2018-8357 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: Landscape Plan
- Attachment G: Elevations
- Attachment H: Proposed Renderings
- Attachment I: Floor Plans
- Attachment J: Letter of Intent
- Attachment K: Development Variance Permit PL2018-8356
- Attachment L: Development Permit PL2018-8357
- Attachment M: Zoning Amendment Bylaw No. 2018-69

Respectfully submitted,

Randy Houle
Planner I

Approvals

| | |
|----------------------|----------------------|
| DDS <i>RH</i> | CAO LD for PW |
|----------------------|----------------------|

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

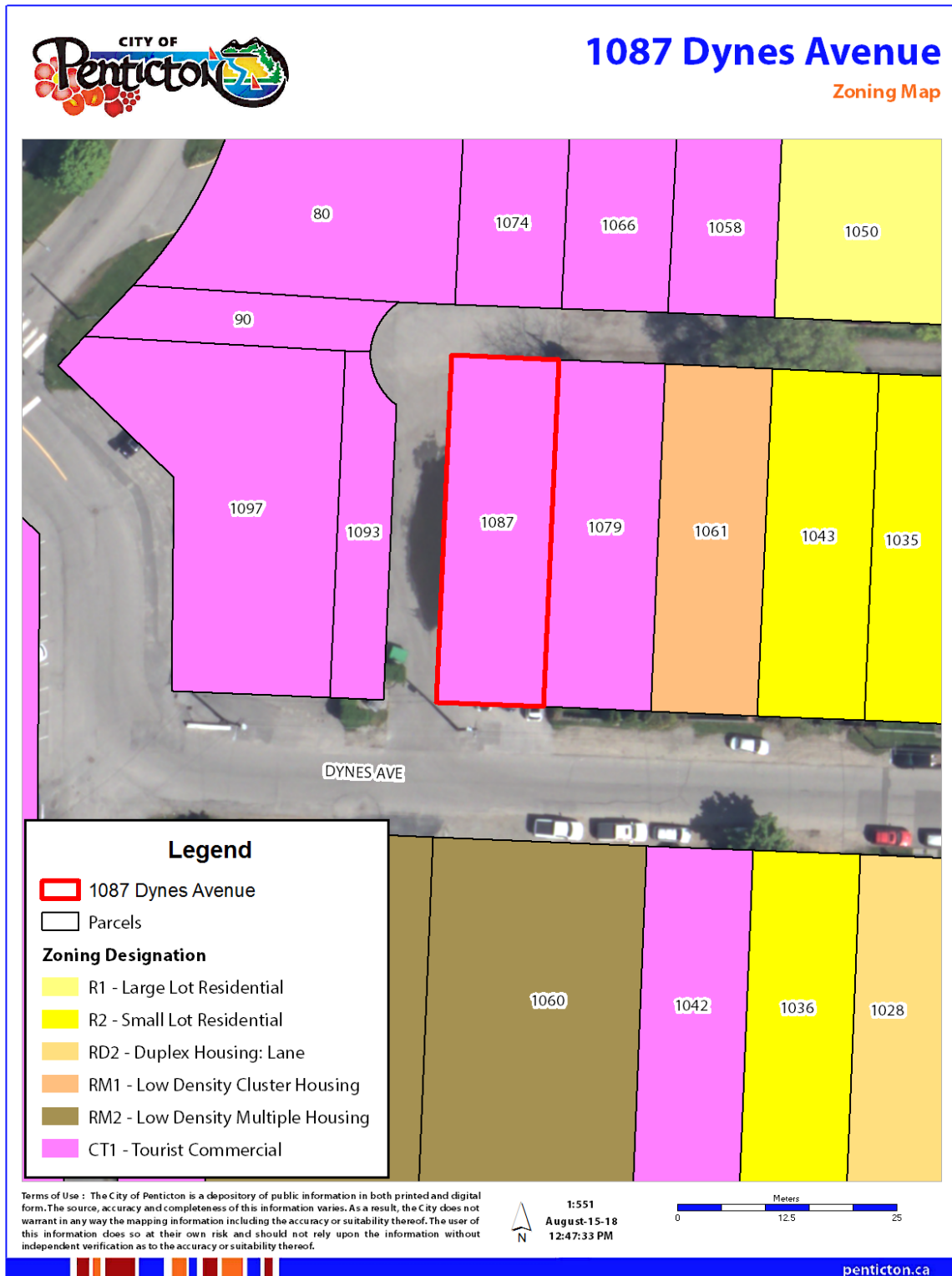


Figure 2: Zoning Map

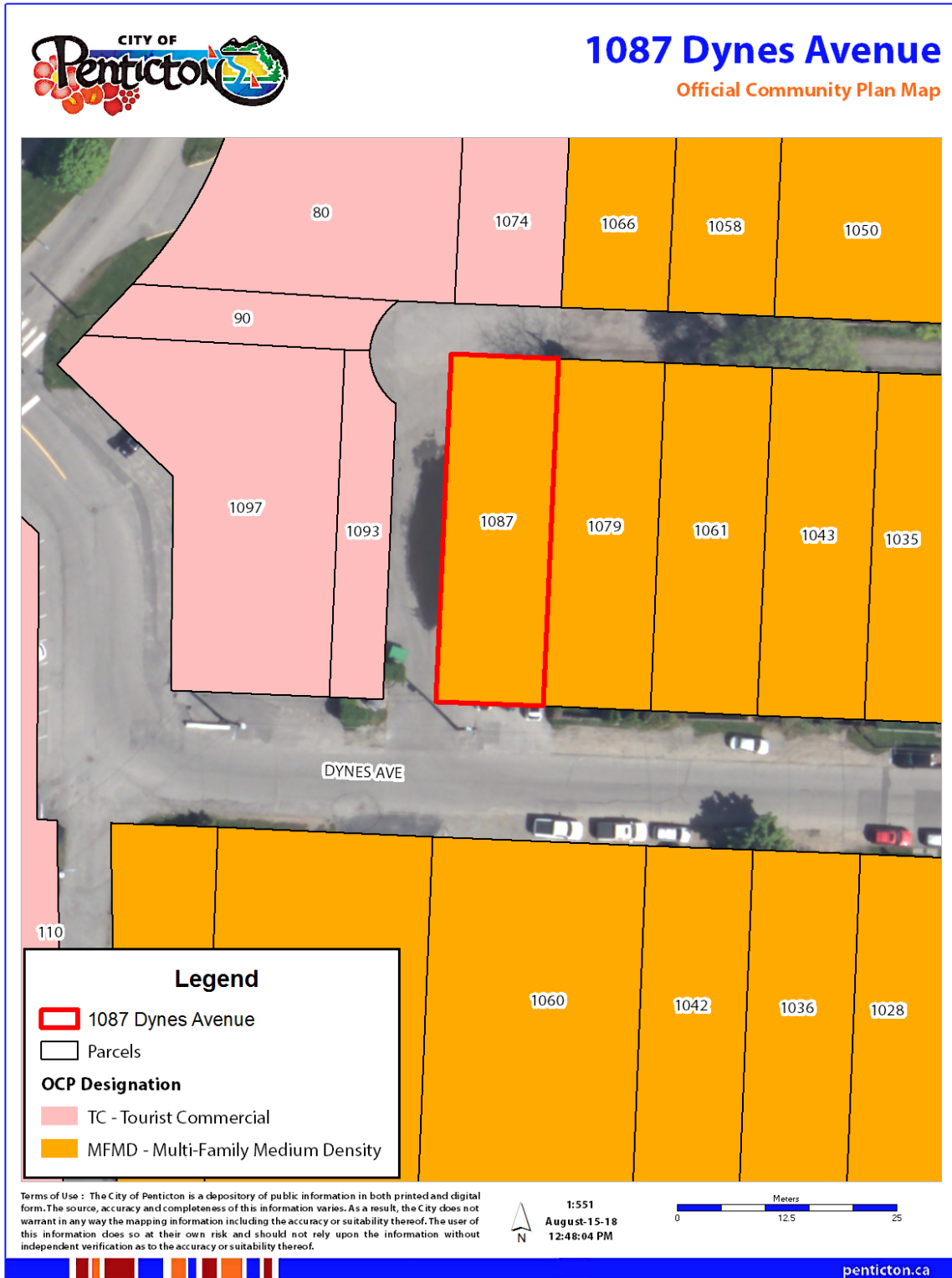


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View of Subject Property (from Dynes Avenue)



Figure 5: South West View of Subject Property



Figure 6: West View of Subject Property



Figure 7: North View of Subject Property

Attachment F – Landscape Plan

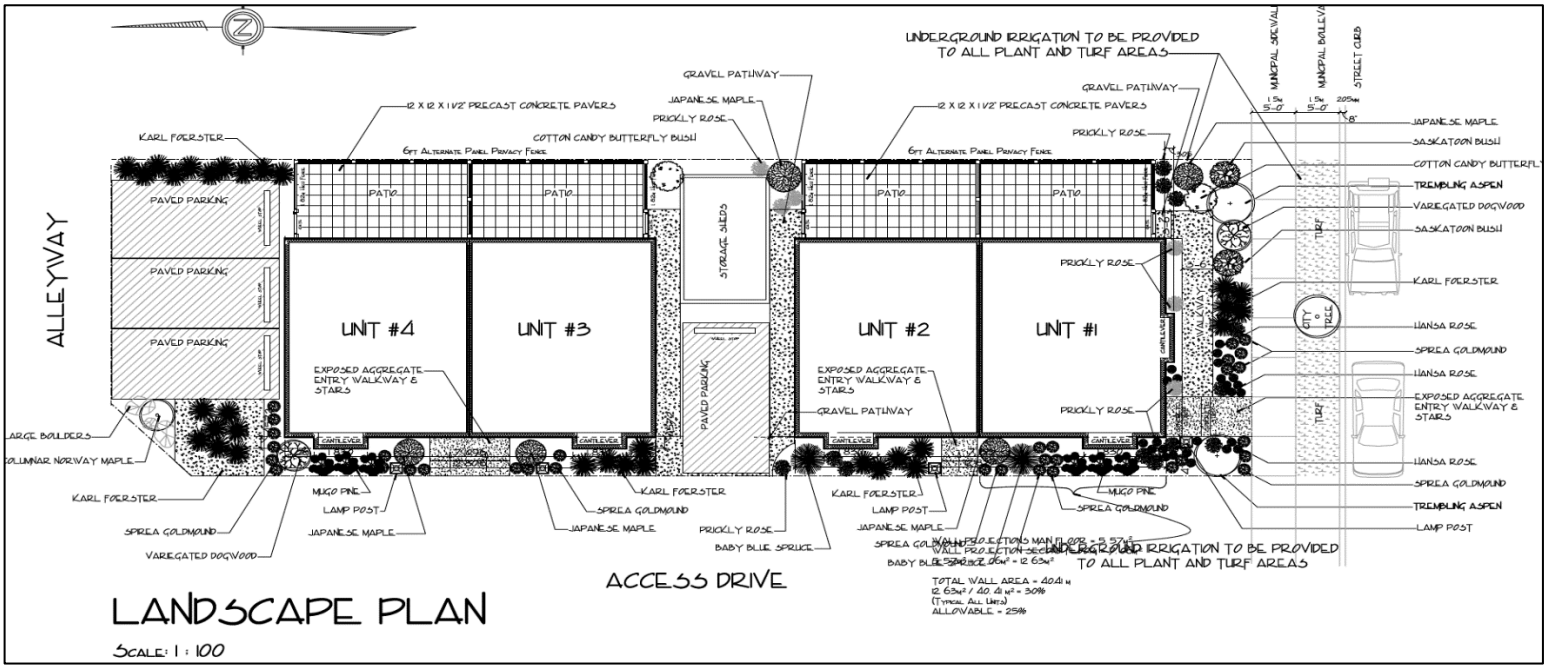


Figure 9: Landscape Plan

Attachment G – Elevations

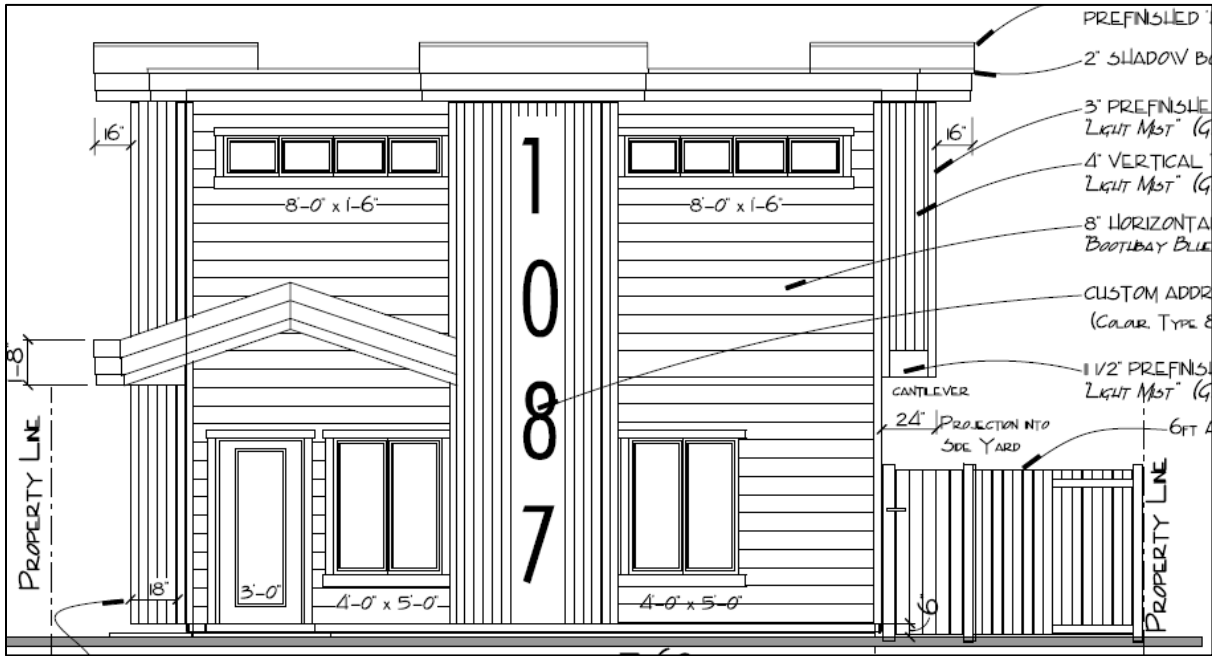


Figure 10: South Elevation (from Dynes Avenue)

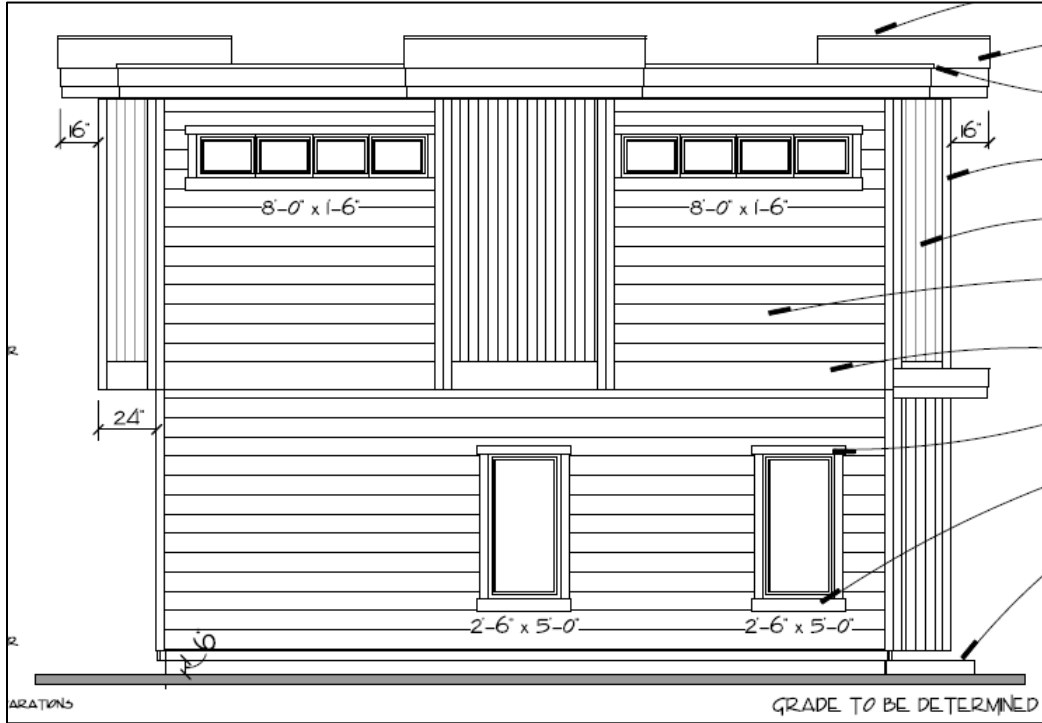


Figure 11: Rear Elevation (from the lane)



Figure 12: West Elevation (from the lane)

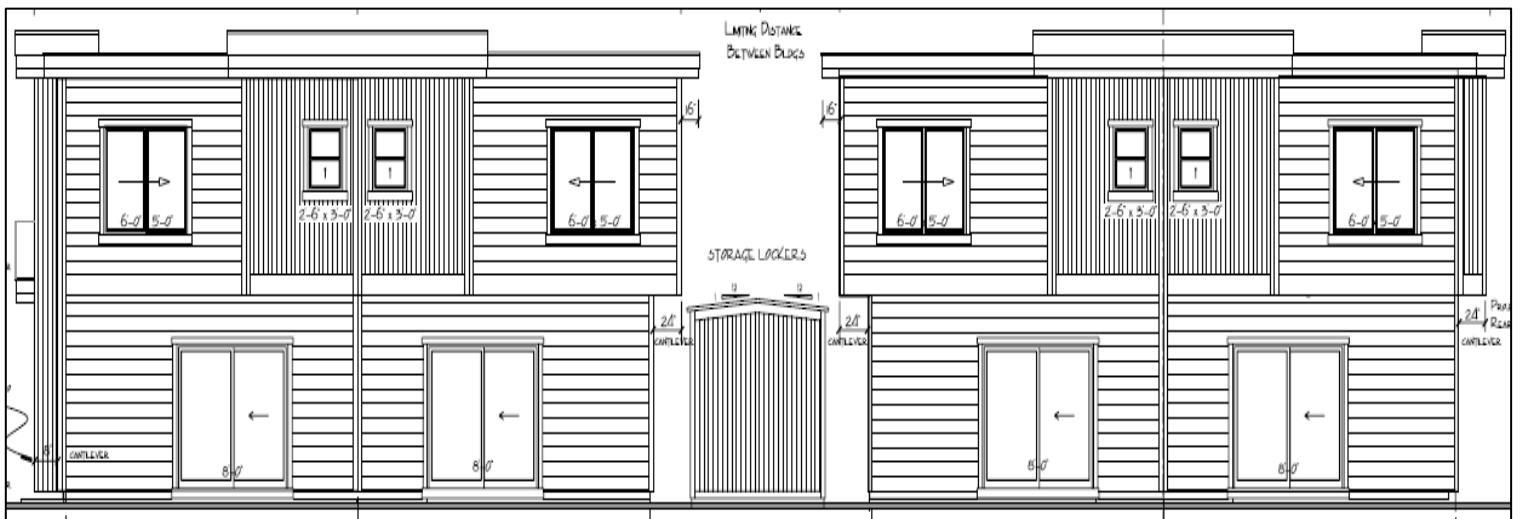


Figure 13: East Elevation (from neighbouring property)

Attachment H – Proposed Renderings



Figure 14: South Rendering (from Dynes Avenue)



Figure 15: Southwest Rendering



Figure 16: West Rendering

Attachment I - Floor Plans

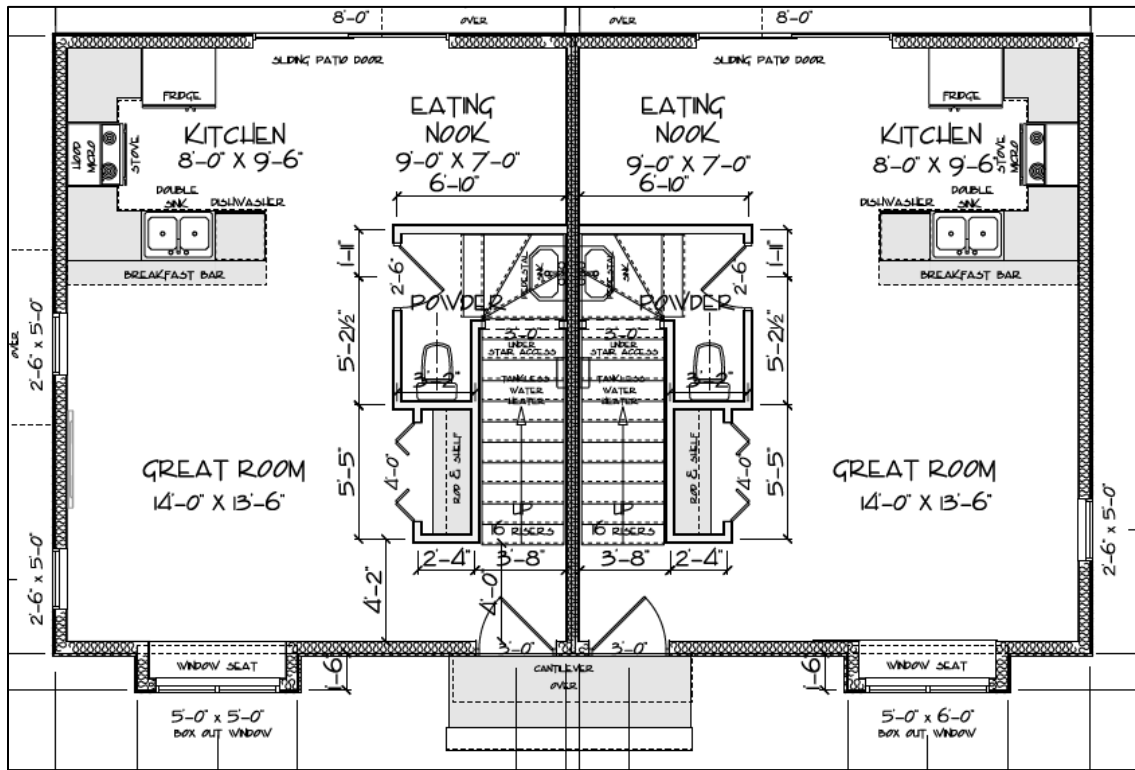


Figure 17: Typical Main Floor

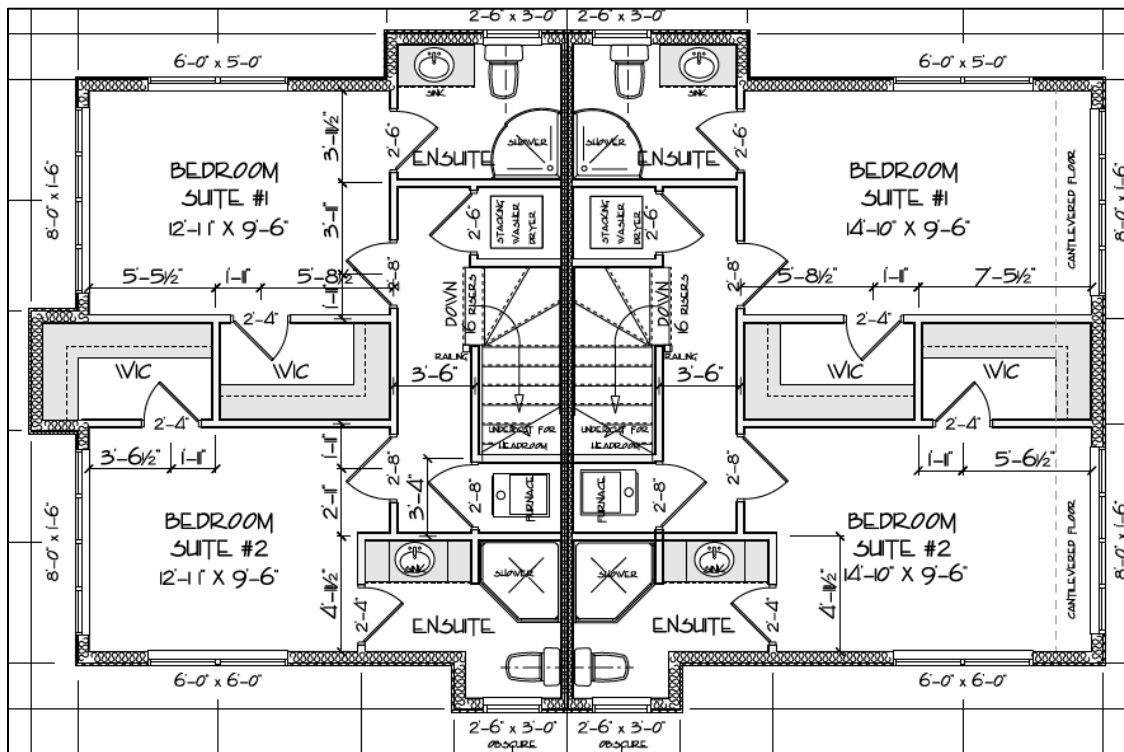


Figure 18: Typical Second Floor

Letter of Intent regarding subject property 1087 Dynes Ave, Penticton BC.

To whom it may concern.

The team at 1167378 BC Ltd. is extremely excited to put together this application for rezone and development. It marks the first project for us in Penticton, and we are grateful for the opportunity. We also feel a great responsibility to put together a project that benefits the neighbourhood, fits in the OCP, and leaves a positive impact that we can be proud to say we built.

We feel 1087 Dynes Avenue has amazing potential to be a benchmark project for the street as it gives us the ability to help transition the area from the Hotel into the Residential, set the tone for future development on the street, upgrade needed services, and obviously improve a site that desperately needs a face lift. It will be a positive impact on property values, and the overall appearance of the neighbourhood.

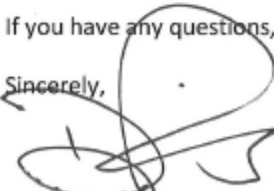
As the previous statement touched on, we would be looking for a rezone from CT1 to RM2 to help with that transition. This zoning would be a perfect fit for the lot, and obviously works within the structure of the remaining street given a mix of single family homes, apartment buildings, and other duplexes etc. This projected zoning also fits within the OCP, and would not require an amendment to the OCP.

To accommodate the 3m by 3m corner cut that engineering has asked for, we have run into a small parking challenge on the lot. We feel that we have provided ample parking on the lot, but need a small variance to accommodate a visitor spot, which would be on Dynes Ave, on the street in front of the 1st unit. Also a small request to help us achieve some extra square footage needed in the units, we have asked for a 1.5m variance on the interior lane. This would not affect the lane usage, but would be very nice to complete the design and look of the project, as well as get the FAR as close to .80 as possible.

My team would like to thank you for your time, and consideration of our applications, and look forward to working with you very soon.

If you have any questions, or concerns, please feel free to contact me.

Sincerely,



Darrell Richards, President

1167378 BC Ltd.

250.488.3900

Sold@DarrellRichards.ca

Figure 19: 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 PL2018-8356

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 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1017
Civic: 1087 Dynes Avenue
PID: 002-548-658
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 to allow for the construction of two duplexes.
 - Section 6.5 (Table 6.5): to waive the one required visitor parking space.
 - Section 10.8.2.7.i: to decrease the minimum west interior side yard for a principal building from 3.0m to 1.5m.

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 __ day of _____, 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 PL2018-8357

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 14 District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1017
Civic: 1087 Dynes Avenue
PID: 002-548-658
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two duplexes 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 \$6,213.00 must be deposited prior to, or in conjunction with, an application for a building permit for each phase 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, provided in Schedule B, 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

Rezone 1087 Dynes Ave From CT1
(Tourist Commercial) To RM2 (Low
Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-69

Date: _____

Corporate Officer: _____