

September 20, 2018

Subject Property:

481 Wade Ave E

Lot 16, District Lot 202, Similkameen Division Yale District, Plan 933

Application:

The applicant is proposing to construct a four-unit townhouse development. In order to do so, the following applications are being considered:

Rezone PL2018-8358:

Amend the zoning of the property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing)

Development Variance Permit PL2018-8359:

Vary the following sections of Zoning Bylaw 2017-08:

- Section 10.8.2.8.i: to reduce the minimum exterior side yard setback from 4.5m to 3.0m; and
- Section 6.5 (Table 6.5): to waive the requirement for one (1) visitor parking space,

Information:

The staff report to Council, Zoning Amendment Bylaw 2018-70 and Development Variance Permit PL2018-8359 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: Nicole Capewell, Planner 1
Address: 481 Wade Avenue East
Subject: **Zoning Amendment Bylaw No. 2018-70**
Development Variance Permit PL2018-8359

File No: PRJ2018-196

Staff Recommendation

Zoning Amendment Bylaw

THAT "Zoning Amendment Bylaw No. 2018-70", a bylaw to rezone Lot 16 District Lot 202 Similkameen Division Yale District Plan 933, located at 481 Wade Avenue East, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the October 2, 2018 Public Hearing;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8359" for Lot 16 District Lot 202 Similkameen Division Yale District Plan 933, located at 481 Wade Avenue East, a permit to vary the following section(s) of Zoning Bylaw No. 2017-08:

1. Section 10.8.2.8.i: to reduce the minimum exterior side yard setback from 4.5m to 3.0m; and
2. Section 6.5 (Table 6.5): to waive the requirement for one (1) visitor parking space,

be heard at the October 2, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8359" following the adoption of "Zoning Amendment Bylaw No. 2018-70".

Strategic Objective

The subject application demonstrates that it is aligned with the Council Priorities of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

Background

The applicant is requesting to rezone 481 Wade Avenue East from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing) to facilitate the development of a four-unit townhouse. The applicant has also requested a variance to reduce the exterior side yard along Townley Street to create a larger backyard space for the units, and to waive the requirement for one (1) visitor parking space.

The subject property is currently zoned RD2 (Duplex Housing: Lane), and is designated for MR (Medium Density Residential) by the City's Official Community Plan. The site currently has an older single family dwelling, which was constructed in approximately 1951. Photos of the site are included as Attachment 'D'.

The intent of the applicant will be to demolish the existing home prior to building the townhouse units. The property is located within the General Multiple Family Development Permit Area. The Developer will be required to attain a Development Permit prior to Building Permit issuance. The Development Permit will be issued by staff at a later date, should Council support the rezoning application.

The City’s OCP designates much of this neighbourhood (Attachment ‘C’) as MR (Medium Density Residential), which supports transitioning this property to a higher density. This property is located within close proximity of the KVR trail, the downtown core, Penticton Creek pathway, Okanagan Lake and other desired amenities. The zoning map of the neighbourhood (Attachment ‘B’) indicates that there is currently a mix of zones within the neighbourhood including RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), and RD1 (Duplex Housing). As indicated in the Future Land Use map (Attachment ‘C’), this neighbourhood is identified for medium and high density development.

Proposal

The applicant is proposing to construct a four-unit townhouse development at 481 Wade Avenue East. To facilitate this development, the applicant is requesting to rezone the property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is also requesting a variance to reduce the exterior side yard along Townley Street from 4.5m to 3.0m, and to waive the requirement to provide one (1) visitor parking space.

The applicant will be required to attain a Development Permit for the proposed development, as the property is located within the General Multiple Family Development Permit Area. This will be issued by staff at a later date, should Council support the rezoning application.

Technical Review

This application was reviewed by the City’s Technical Planning Committee. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Building Permit stage of the project, if rezoning and variance permit applications are supported by Council. The proposed building is required to conform to the BC Building Code. These items have been communicated to the applicant.

Financial Implication

The application does not pose any significant financial implications to the City. Development costs are the responsibility of the Developer.

Development Statistics

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

	Requirement RM2 Zone	Provided on Plans
Maximum Lot Coverage:	40%	39%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.79 Floor Area Ratio (FAR)

Vehicle Parking:	5 (1 per unit, plus 0.25/unit for visitor parking)	6
Required Setbacks		
Front Yard (Wade Ave E):	3.0 m	3.05 m
Interior Side Yard (west):	3.0 m	4.57 m
Exterior Side Yard (Townley St):	4.5 m	3.05 m
Rear Yard (north):	6.0 m	6.10 m
Maximum Building Height	12 m	10.9 m
Other Information:	<ul style="list-style-type: none"> The development will be required to attain a Development Permit, which will be reviewed and issued by Staff at a future date. 	

Analysis

Support Zoning Amendment Bylaw

The Official Community Plan designation for the subject property is MR (Medium Density Residential), which support townhouses, cluster housing, condominiums and other forms of increased density. The applicant is proposing to construct a four-unit townhouse development. Staff consider that the proposed zoning amendments will allow for a development that is supported through the following City Policies:

- OCP goal to facilitate the provision of a variety of housing types, tenures and densities that will continue to respond to the diverse needs, including income levels, of individuals and families in Penticton in varying stages of their life.
- OCP policy which promotes residential infill development as an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The subject property is located within close proximity of the KVR trail, the downtown core, Penticton Creek pathway, Okanagan Lake and other desired amenities, which encourages more walking and active forms of transportation.

The plans submitted are conceptual in nature and an application for a development permit will be required prior to any approval for construction on the lands. The development permit drawings will have more details on the elevations, to include: building types, materials and colours. The development permit will also require a detailed landscaping plan from the applicant, which will allow staff to review the landscaping being proposed as part of the development. The subject property is located within the General Multiple Family Development Permit Area, and staff will review the plans to ensure conformance with these guidelines when reviewing for Development Permit issuance.

Given the above, there is adequate policy to support the proposal to rezone from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2018-70"

Deny Zoning Amendment Bylaw

Council may consider that the proposed development is not appropriate for the subject property. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2018-70".

Development Variance Permit

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variances are to reduce the exterior side yard setback from 4.5m to 3.0m, and to waive the requirement to provide one (1) visitor parking space.



1. Section 10.8.2.8.i: to reduce the minimum exterior side yard setback from 4.5m to 3.0m.

- The applicant is requesting a variance to reduce the minimum exterior side yard setback (along Townley Street) from 4.5m to 3.0m.
- Larger exterior side yard setbacks are often required to accommodate front yards and green space between developments and the street. This can aid in creating a buffer between the street and the developments, which often accommodates landscaping. The boulevard space along Townley Street is already of significant width (5.6m wide), as shown in Attachment 'F'.
- In reducing the setback along Townley Street, the applicant has increased the interior setback along the western property line from the minimum 3.0m required to 4.5m.
- The requested variance is not increasing the size of building that could be built on the property, rather the variance would allow the building to be located farther from the west property line (where there is a directly adjacent neighbour) and closer to the eastern property line (where there is no direct neighbour).
- Given that there is a wide (5.6m) boulevard between the subject property and Townley Street, the impact of a lessened exterior side yard is significantly reduced.
- The applicant will be required to complete typical frontage improvements along both Wade Avenue East and Townley Street. These improvements will include landscaping to meet City standards, including boulevard trees, grass and shrubs.
- The proposed elevations of the development indicate there may be small balconies facing the western property (463 Wade Ave E). An increased side yard width along this property line will assist in minimizing the overlook into the neighbouring property. The Developer will be required to attain a Development Permit prior to construction of the development, and at this time landscaping will be reviewed.

In summary, a variance to the exterior side yard (to facilitate moving the building to the east) will have a positive impact on the western property by increasing the distance between the subject development and the property line. Should Council deny the variance request, the building would remain the same size, but would be built at only 3.0m from the west side yard, in order to accommodate the 4.5m exterior side yard along the eastern property line.

2. Section 6.5 (Table 6.5): to waive the requirement for one (1) visitor parking space.

- The applicant is also requesting a variance to waive the requirement to provide one (1) visitor parking space.

- The proposed site plan provides four townhouse units, each of which will have an attached garage (two double garages and two single garages) (Attachment 'G'). The garages will provide a total of six (6) parking spaces located within the garages.
- Visitor parking spaces are required to be clearly marked as 'Visitor Parking', and therefore cannot be tandem in front, or within a garage. As such, a variance is required.
- All required parking spaces must be located completely on the subject property. In front of the proposed garages, there is only 3.4m (11 ft.) to the property line, which does not meet the minimum length of 5.8m for a parking stall.
- The actual number of parking spaces available would be 12 spaces, due to the large boulevard area (5.6m), although the parking spaces in the driveways are partly within the boulevard.
- In the preliminary drawings, an additional visitor parking space was proposed along the northern property line, accessed from Townley Street. Staff felt this would be more appropriate to be utilized as green space, due to the large amount of space already used to accommodate driveways.

In summary (following the parking requirements within the Zoning Bylaw) there are only six (6) parking spaces located fully on the subject property. None of which meet the requirements for visitor parking spaces. Due to the actual number of spaces that will be available (total 12 spaces), there will be an adequate amount of parking available, and staff felt it would be more appropriate to maintain the green space along the northern property line.

In staff's opinion, the proposed variances will not have a negative impact on the neighbourhood. The requested variances will provide the benefit of larger green (yard) space to the end user of the townhouse development, and maintaining buffer space between neighbouring properties. The large boulevard area will also assist in maintaining a large amount of greenspace along the eastern edge of the property.

Given the above, staff find the variance requests reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed variances will have a negative impact on the neighbourhood. Council may decide that the applicant should adjust the site plan to meet the required setbacks, and provide the required visitor parking space. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-70" and deny support for DVP PL2018-8359.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018- 70", but deny support for DVP PL2018-8359.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018- 70", and give support for DVP PL2018-8359 with conditions that Council feels are appropriate.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map of Subject Property
- Attachment C: Official Community Plan Map of Subject Property
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Conceptual Site Plan
- Attachment G: Conceptual Elevations
- Attachment H: Draft Development Variance Permit (DVP)
- Attachment I: Zoning Amendment Bylaw No. 2018-70

Respectfully submitted

Nicole Capewell
Planner 1

Approvals

Director Development Services <i>AH</i>	Chief Administrative Officer LD for PW
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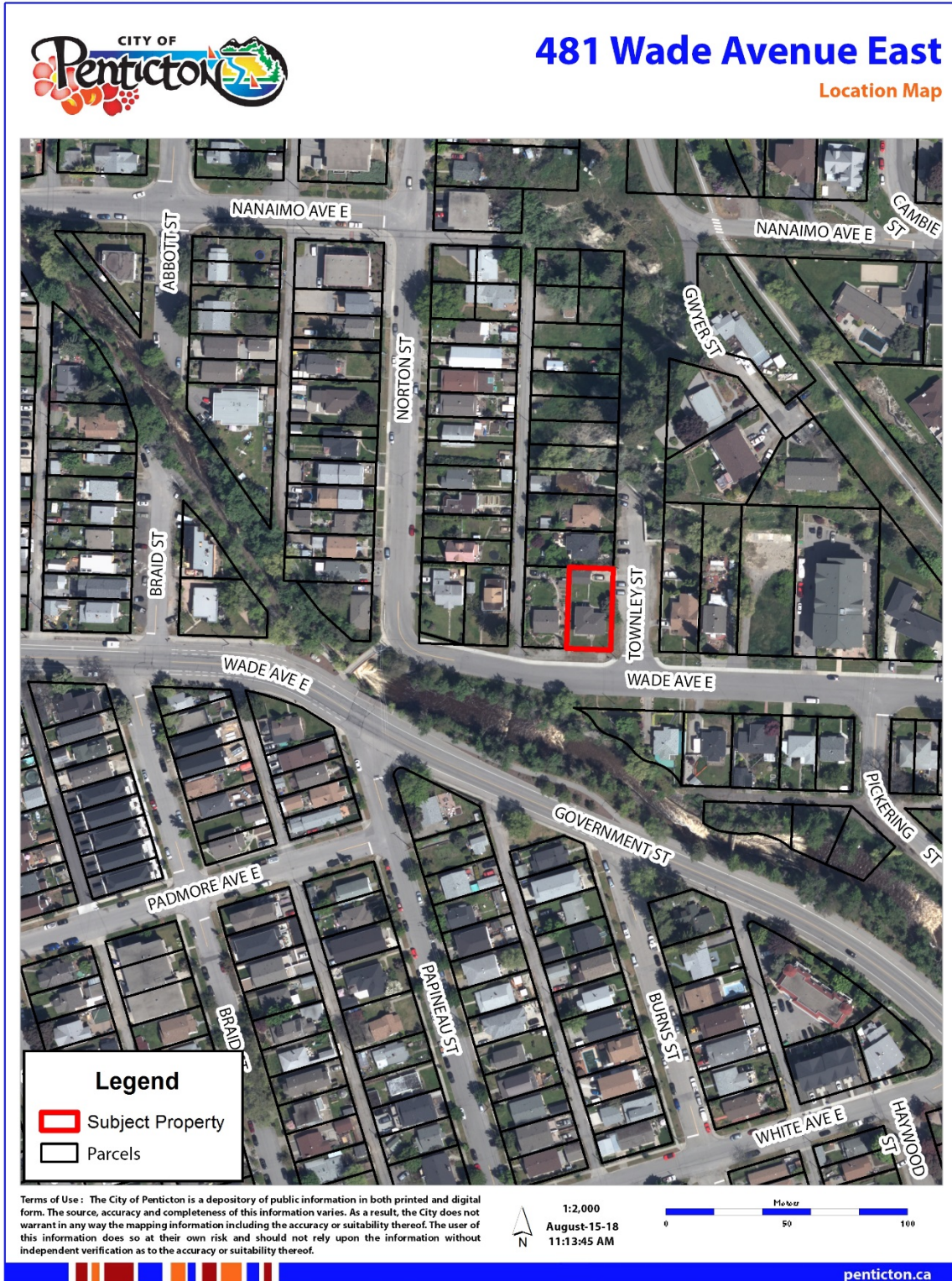


Figure 1 – Subject Properties Highlighted in Red

Attachment B – Zoning Map of Subject Property

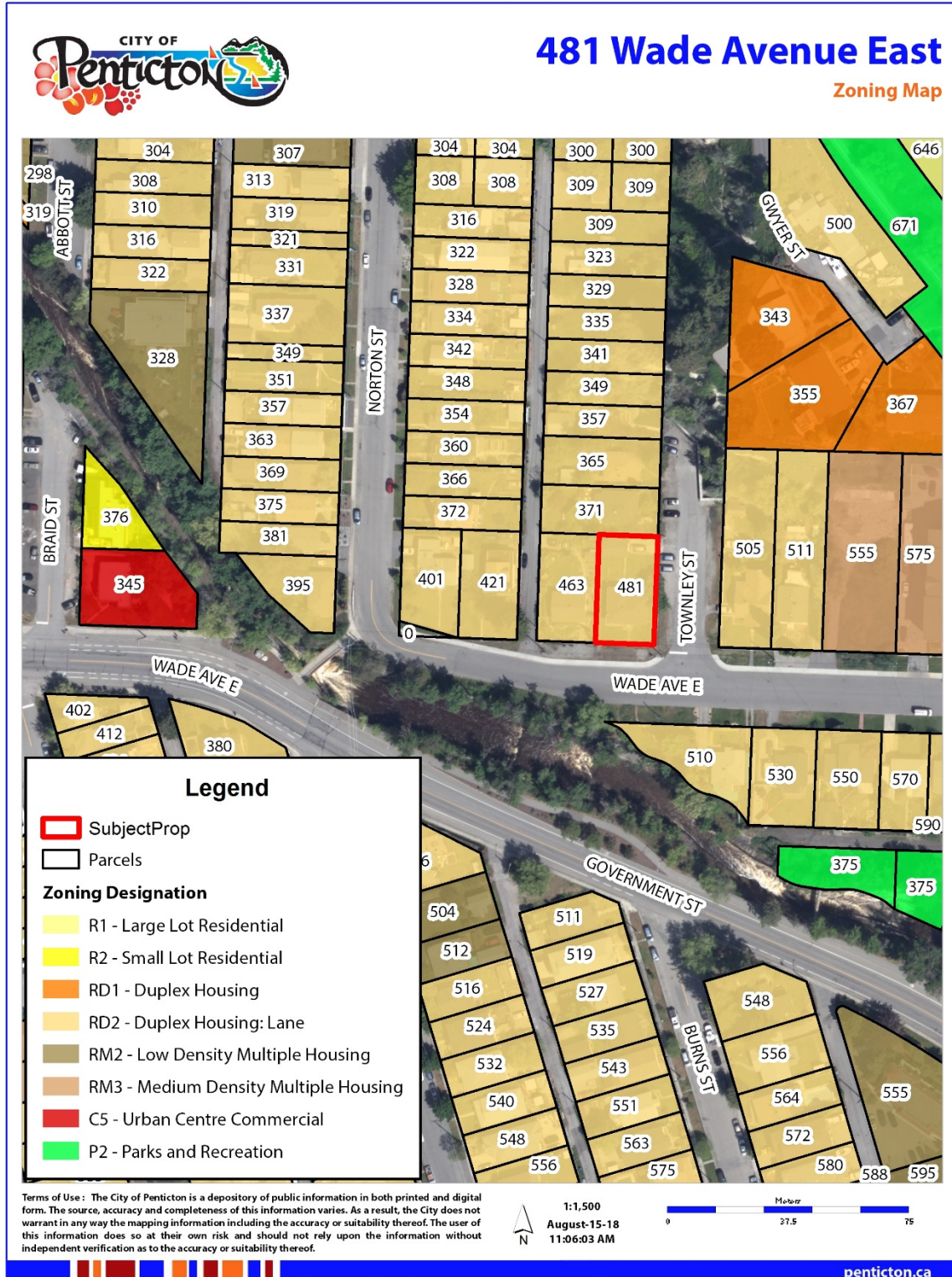


Figure 2 – Subject Properties Currently Zoned RD2 (Duplex Housing: Lane)



Figure 3 – Subject Properties Currently Designated as MR (Medium Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 4 – Looking toward front of 481 Wade Avenue East from corner of Wade Ave and Townley Street



Figure 5 – Looking west from Townley Street



Figure 6 – Looking toward 481 Wade Ave E from Wade Ave E

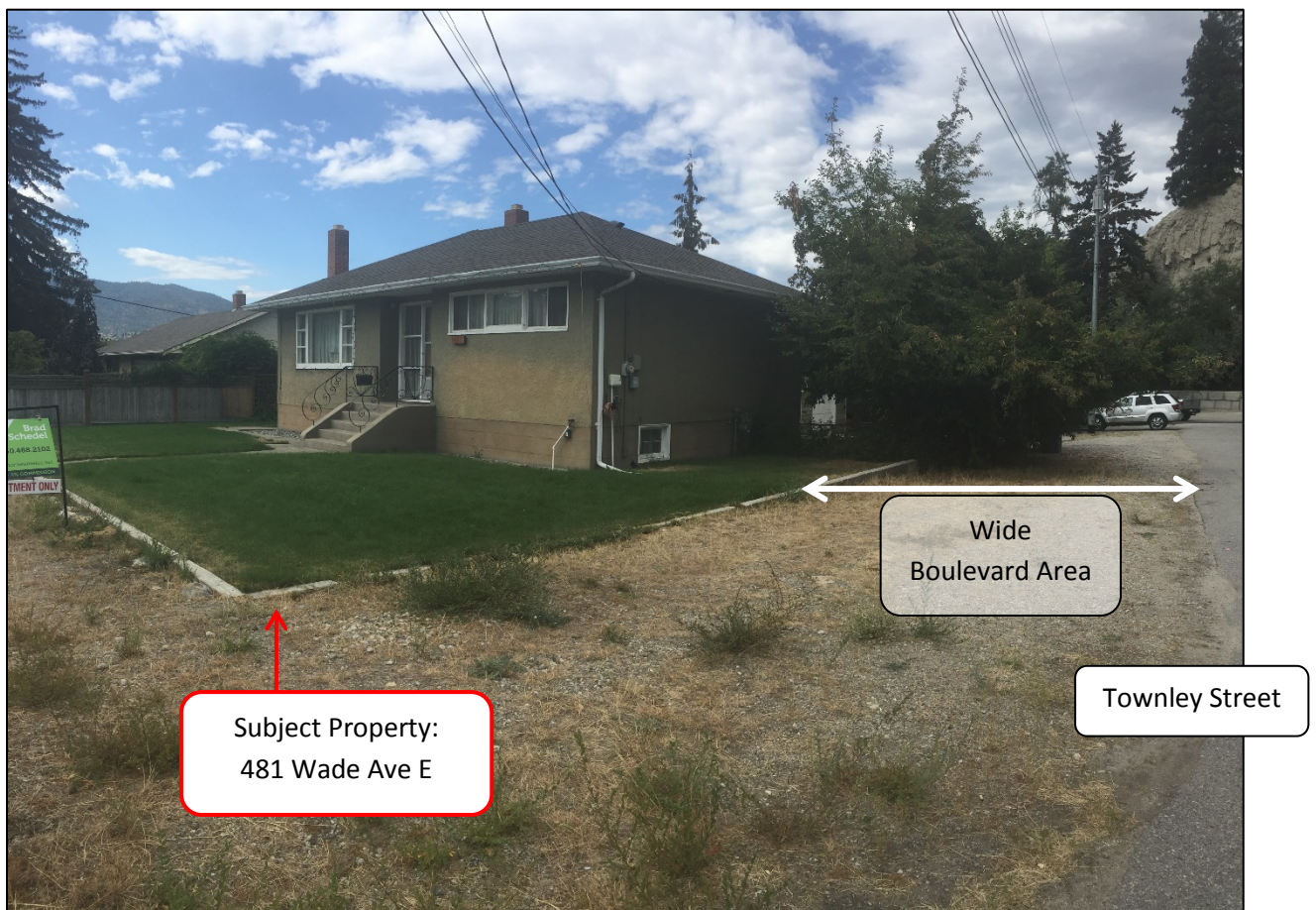


Figure 7 – Looking at corner of 481 Wade Ave E from Wade Ave E and Townley St



Figure 8 – Looking at 481 Wade Ave E from Townley Street



Figure 9 – Looking at 481 Wade Ave E from Townley Street

BURGART PROJECTS Inc.

SUITE 389
113 – 437 MARTIN STREET
PENTICTON, BC
V2A 5L1
778 931 2887
info@burgartprojects.com



481 Wade Avenue East

Rezoning Application

Letter of Intent

August 9 2018

Attention: City of Penticton – Planning Department

The intent of this project is to build a new 4 unit townhouse on the corner of Wade Avenue East and Townley Street. The building will be 3 stories tall with one unit main entrance facing Wade Avenue, two entrances facing Townley Street and one entrance facing the rear yard (north). There will be parking for 6 vehicles in garages; the garage doors will face Townley Street. The architecture of the building will be Transitional style with off-white stucco, bronze window frames and black metal accents (deck railings, gutters).

The project will feature irrigated 'xeriscape' landscaping and lawn. Plant species will be chosen to be colourful and the least attractive to deer. Each unit will have an enclosed/fenced yard.

We are requesting the property be rezoned from the existing RD2 to RM2. This is consistent with the MR designation as per the OCP. We are requesting two Zoning Bylaw variances:

- 1) The exterior side yard (east side / Townley Street) be relaxed from the required 4.5m to 3.0m. There is a large city boulevard from the east property line to the street (approximately 5.6m), so the building will still be set well back from the street. The 3.0m east side yard allows the building to be sited towards the east side of the property to create a generous, usable 4.5m interior side yard on the west side.
- 2) Visitor parking stall: There is room for the required visitor parking stall at the rear of the property. However, City of Penticton Planning staff have recommended this area be reserved for landscaping. Although the current proposal does not include the one required visitor stall as defined by the Zoning Bylaw, the project does include 6 parking stalls in 4 garages, parking for 6 more cars on the driveways and 44m of street frontage that could be used for visitor parking. The property owners feel these areas will fully meet the practical parking needs of the townhouse residents and visitors.

Figure 10 – Letter of Intent (1/2)

Although the economics of the proposed project is constrained by the typical factors – location, size and form, as the property owner, designer and builder our intention is build a high quality project. We believe the scale and style of the building are complimentary to the existing neighbourhood and works well as the neighbourhood transitions from older single family homes to a higher density community consistent with the long term vision of the Official Community Plan (OCP).

We are excited by the long term prospects for the city of Penticton and for the potential re-development of existing inner city properties. We look forward to proceeding with this project and the completion of many more in the future.

Regards,

A handwritten signature in black ink, appearing to read 'B. Burgart', with a horizontal line extending to the right.

Brendan Burgart

Burgart Projects Inc.

President

Figure 11 – Letter of Intent (2/2)

Attachment F – Conceptual Site Plan

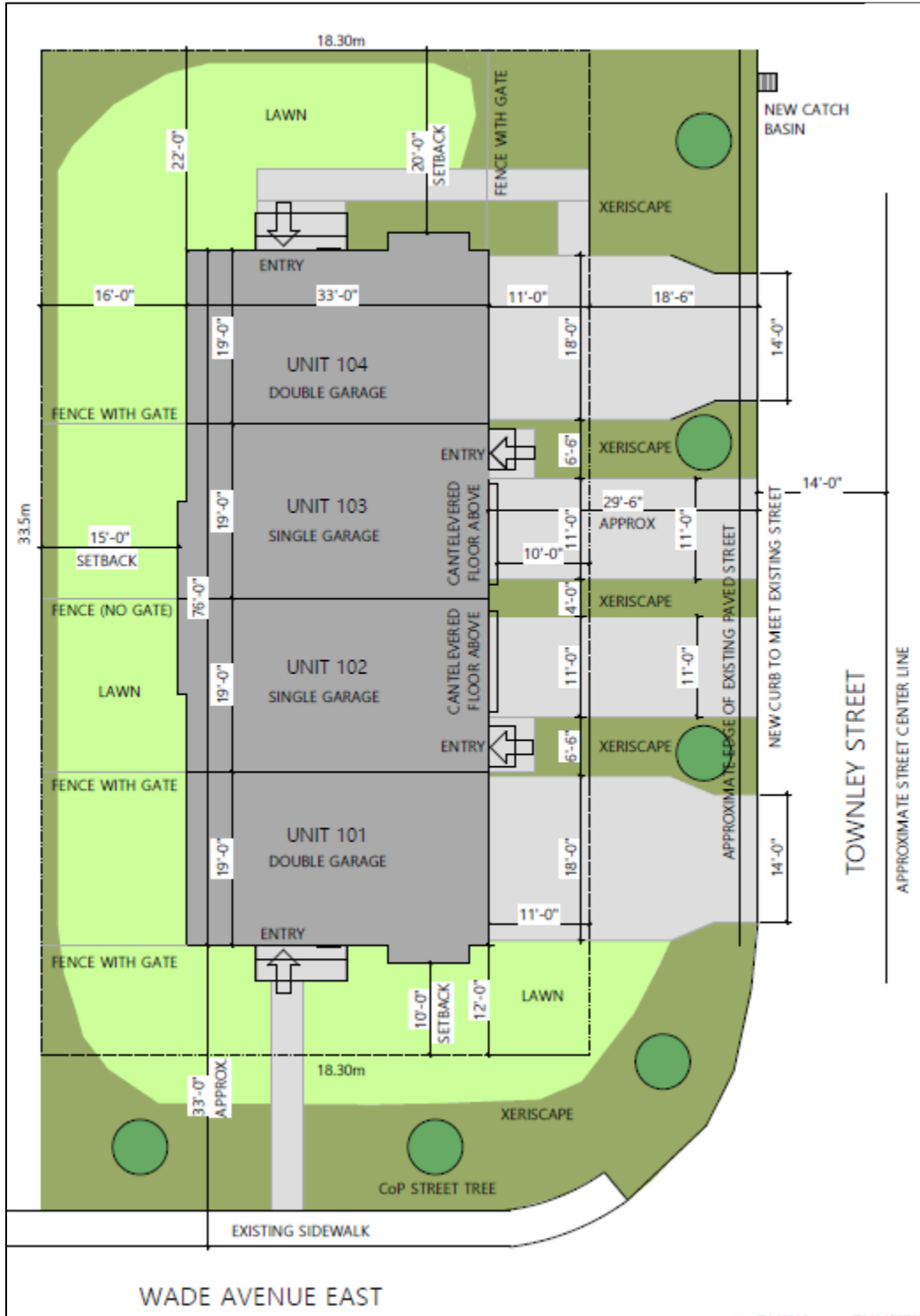


Figure 12 – Conceptual Site Plan

Attachment G – Conceptual Elevations



Figure 13 – Conceptual East Elevation (Facing Townley Street)



Figure 14 – Conceptual South Elevation



Figure 15 – Conceptual North Elevation



Figure 16 – Conceptual West Elevation



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

Development Variance Permit

Permit Number: DVP PL2018-8359

Owner Name
Owner 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 16 District Lot 202 Similkameen Division Yale District Plan 933
Civic: 481 Wade Avenue East
PID: 011-895-462
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 four-unit townhouse development:
 - a. Section 10.8.2.8.i: to reduce the minimum exterior sideyard setback from 4.5m to 3.0m; and
 - b. Section 6.5 (Table 6.5): to waive the requirement for one (1) visitor parking space.

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

DRAFT

Rezone 481 Wade Ave E From
RD2 (Duplex Housing: Lane) To
RM2 (Low Density Multiple
Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-70

Date: _____

Corporate Officer: _____