

November 22, 2018

Subject Property:

1473 Government Street

Lot 10, District Lot 250, Similkameen Division Yale
District, Plan 6505

Application:

The applicant is proposing to construct an 18-unit apartment building comprised primarily of two-bedroom units. The following applications are being considered:



- **Rezone PL2018-8309**
Rezone from R1 (Large Lot Residential) to RM3 (Medium Density Multiple Housing)
- **Development Variance Permit PL2018-8310**
Vary Section 10.9.4.1 of Zoning Bylaw No. 2017-08 to increase the maximum hard surfacing of a lot from 60% to 66%.

Information:

The staff report to Council, Zoning Amendment Bylaw 2018-78 and Development Variance Permit PL2018-8310 will be available for public inspection from **Friday, November 23, 2018 to Tuesday, December 4, 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, December 4, 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, December 4, 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 December 4, 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: November 20, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 1473 Government Street
Subject: Zoning Amendment Bylaw No. 2018-78
Development Variance Permit PL2018-8310

File No: 2018 PRJ-164

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2018-78", a bylaw to rezone Lot 10 District Lot 250 Similkameen Division Yale District Plan 6505, located at 1473 Government Street from R1 (Large Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the December 4, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-78", a 1.5m road dedication along the east property line (Government Street) is registered with the Land Title Office.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2018-8310" for Lot 10 District Lot 250 Similkameen Division Yale District Plan 6505, located at 1473 Government Street, a permit to increase the maximum hard surfacing of a lot from 60% to 66%, be heard at the December 4, 2018 Public Hearing.;

AND THAT Council consider "DVP PL2018-8310" following the adoption of "Zoning Amendment Bylaw No. 2018-78."

Background

The subject property (Attachment A) is zoned R1 (Large Lot Residential) and designated by Official Community Plan No. 2002-20 as MR (Medium Density Residential). Photos of the site are included as Attachment D. The subject property is approximately 1,208m² (13,002ft²) in area and features a single family dwelling to be demolished. The surrounding properties are primarily zoned single family, commercial, multiple family and public assembly. Surrounding properties are designated by the OCP as LR (Low Density Residential) and MR (Medium Density Residential).

The subject property is in close proximity to the hospital and nearby services. Given the central location and the close proximity to the downtown, there are opportunities for densification in this area.

Proposal

The applicant is proposing to construct an 18-unit apartment building comprised primarily of two-bedroom units. Since an apartment building is not a permitted use in the R1 (Large Lot Residential) zone, a rezoning to RM3 (Medium Density Multiple Housing) is required.

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

- Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 66%.

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 \$99,864.00 in addition to the building permit fees, based on construction cost estimates. The City is responsible for the legal costs associated with the 1.5m road dedication but will not pay to purchase the land, which will not exceed \$1,500.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. A 1.5m road dedication is required along the street frontage to help achieve the desired 21.0m width of Government Street. Servicing upgrades will be required based on fixture counts. A pad-mount transformer will be required on the property to meet electrical requirements. The developer will be responsible to reinstate the existing sidewalk let-down as vehicle access for the proposed development will be from the lane only. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. If the requests for the zoning amendment and variance are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

New OCP

The draft Official Community Plan, currently under development and anticipated to be adopted early next year, identifies this area for Urban Residential. This means higher density, 4 to 6 storey developments in areas with high amenity. Although the proposal is only for three-storeys, a small scale apartment building fits into this category. This designation is not set in stone but Council should still consider this information prior to making a decision on the proposed zoning amendment.

Development Statistics

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

Item	Requirement RM3 zone	Proposed
Maximum Lot Coverage:	50%	50%
Maximum Density:	1.6 FAR	1.44 FAR
Minimum Lot Width:	25.0m	30.48m
Minimum Lot Area:	1,400m ²	1,208.0m ² *
Vehicle Parking:	1 space per dwelling unit (18) + 0.25 per unit for visitors (4) = 22 total)	23 spaces
Required Setbacks		
Front yard (east, Government Street):	3.0m + (1.5m dedication) = 4.5m	4.52m
Rear yard (west, lane):	6.0m	6.1m
Interior yard (north):	4.5m	4.57m
Interior yard (south):	4.5m	4.57m
Maximum Building Height:	24.0m	12.6m
Amenity Area:	20m ² per unit (360m ² total)	361m ²
Maximum Hard Surfacing:	60%	66% (variance required)
Other Information:	- The subject property is located within the General Multiple Family Development Permit Area, thus a development permit is required. This will be staff-issuable and will follow the Rezoning and DVP application. - <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

Support "Zoning Amendment Bylaw No. 2018-78"

The OCP (Bylaw No. 2002-20) 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 Hospital, encourages more walking and active forms of transportation.
- The current proposal will add eighteen units to the housing stock in a central 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 number of parking spaces for the proposed development exceeds the requirements of the zoning bylaw. The height (12.6m) is much less than the 24.0m height permitted in the RM3 zone, thus

limiting the negative impacts on the surrounding neighbourhood. It is likely that properties will continue to develop in a denser form in the area.

The new OCP will be in effect early next year and discussion on what the ultimate designation of this land will be is still underway. That being said, the proposal is in line with the MR (Medium Density Residential) designation of the current OCP (No. 2002-20).

Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-78" and forward the application to the December 4, 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.

Alternatively, Council may approve the zoning with conditions that Council feels appropriate, such as requiring the removal of the existing single-family residence on the property prior to adoption of the bylaw. Approval of the zoning amendment will result in a non-conforming situation if the existing house is retained and the applicant decides not to proceed with the development. This is because a single family dwelling is not a permitted use in the RM3 (Medium Density Multiple Housing) zone. This will limit any additions or significant upgrades to the existing dwelling. In the case that the house was damaged by more than 75%, it could not remain on the property. If this non-conforming situation is a concern for Council, Council may wish that the house be demolished prior to final adoption of the zoning bylaw. The applicant is aware of the situation with the non-conforming use that would be created should the zoning amendment be supported.

If council has concerns with the proposal, then they 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. Also, Council should consider the positive community benefit may be gained from approval of the variance to support the proposed development.

The variance below is required to accommodate the building size, unit count and required number of parking spaces in an area with limited parking. Approval of this variance provides for a positive contribution to the community in an area close to several public and private amenities.

Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 66%.

- The developer is proposing to increase the maximum hard surfacing of a lot from 60% to 66%. The maximum hard surfacing requirement is in place to insure storm water measures are followed and for aesthetic purposes. Through staff's review, it has been determined that storm water can be adequately addressed with the reduced permeable surface, thus meeting the intent of the zoning regulation. With regard to the aesthetics of the property, the developer has landscaped both the

front and side yards with grass and various plants species. The required number of trees have been provided in the buffer area along the north and side property lines. The grass and landscaped surfaces will help to absorb storm water and provide aesthetic value within the development and for the surrounding area. The increased hard surface does not affect the amenity space and landscaping provisions around the site. In addition to the landscaped areas, each unit will be provided with its own amenity space through the balconies proposed.

Given the above, Staff consider the variance request to be reasonable and unlikely to have any added negative impacts on surrounding properties or the aesthetic appearance from the street. The public benefit of approving the variance, an additional dwelling unit and additional parking, are, in staff's consideration a reasonable trade off to accommodate this proposal and recommend that Council, after hearing from any affected neighbours, support the requested variance.

Deny/Refer Variances

Council may consider that the proposed variance will negatively affect the overall aesthetics of the street and/or adjacent properties. Council may consider requiring the developer to reduce the size of the building or eliminate the extra parking space to accommodate more greenspace. Converting one parking space to landscaping will lower the hard surfacing to 64%, converting two parking spaces will reduce it to 62%, and so forth. There is a balance that must be maintained between hard surfacing the entire lot for parking spaces and providing an adequate amount of landscaping. Denial of the variance may end up in a redesign of the building or a loss of units, which could negatively affect affordability. The units could be made larger, therefore less parking spaces and hard surfacing would be required but that would not be in line with the City's most recent housing needs assessment, which calls for an increased supply of smaller units within the City. If Council has concern with an increase in hard surfacing of the lot, the variance should be denied.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-78" and deny support for DVP PL2018-8310.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-78" but deny support for DVP PL2018-8310.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2018-78" and support DVP PL2018-8310 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:	Conceptual Site Plan
Attachment F:	Conceptual Landscape Plan
Attachment G:	Conceptual Elevations
Attachment H:	Conceptual Floor Plans
Attachment I:	Letter of Intent
Attachment J:	Development Variance Permit PL2018-8310

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
--	---------------

Attachment A – Subject Property Location Map

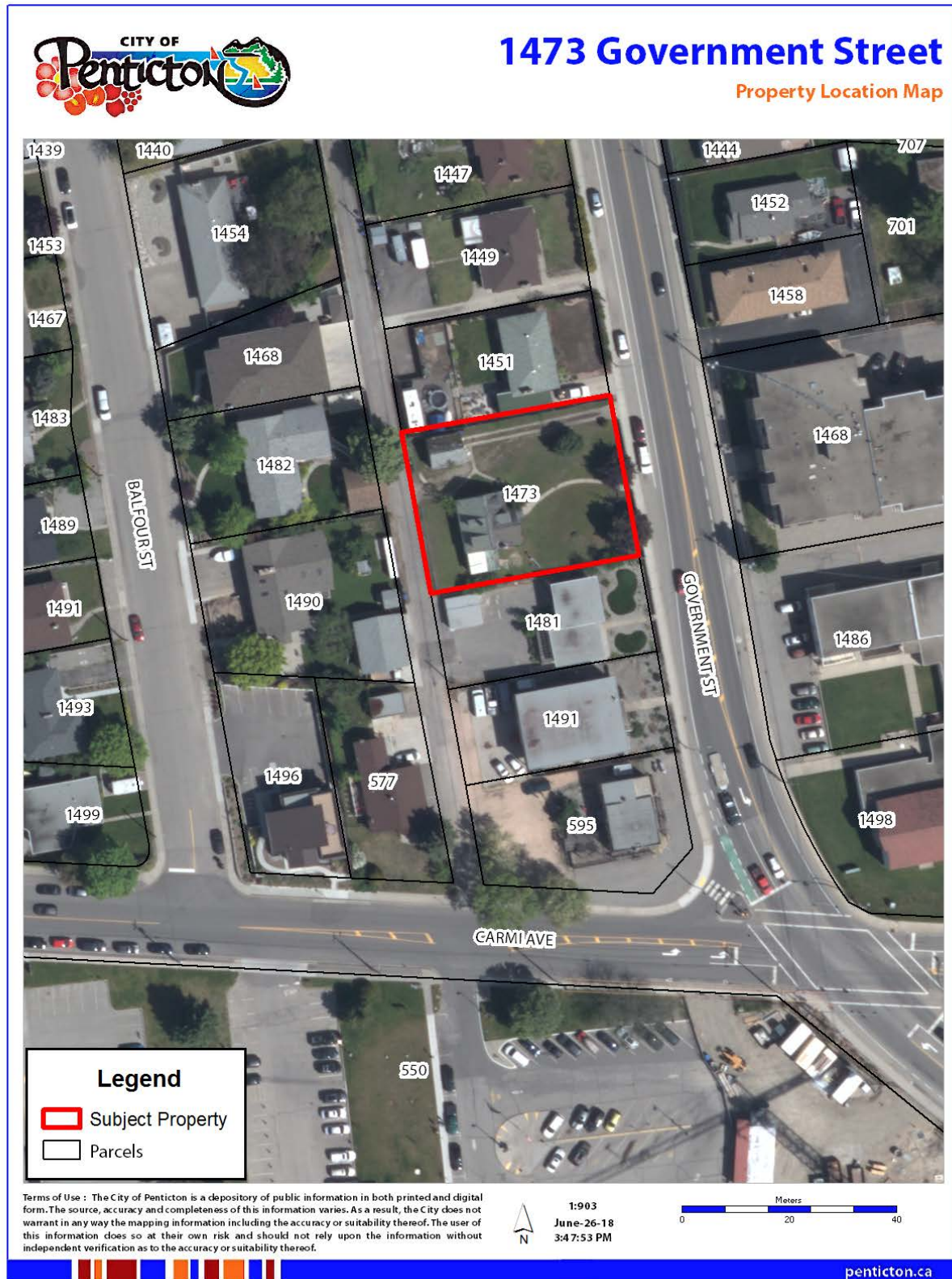


Figure 1: Subject Property Location Map

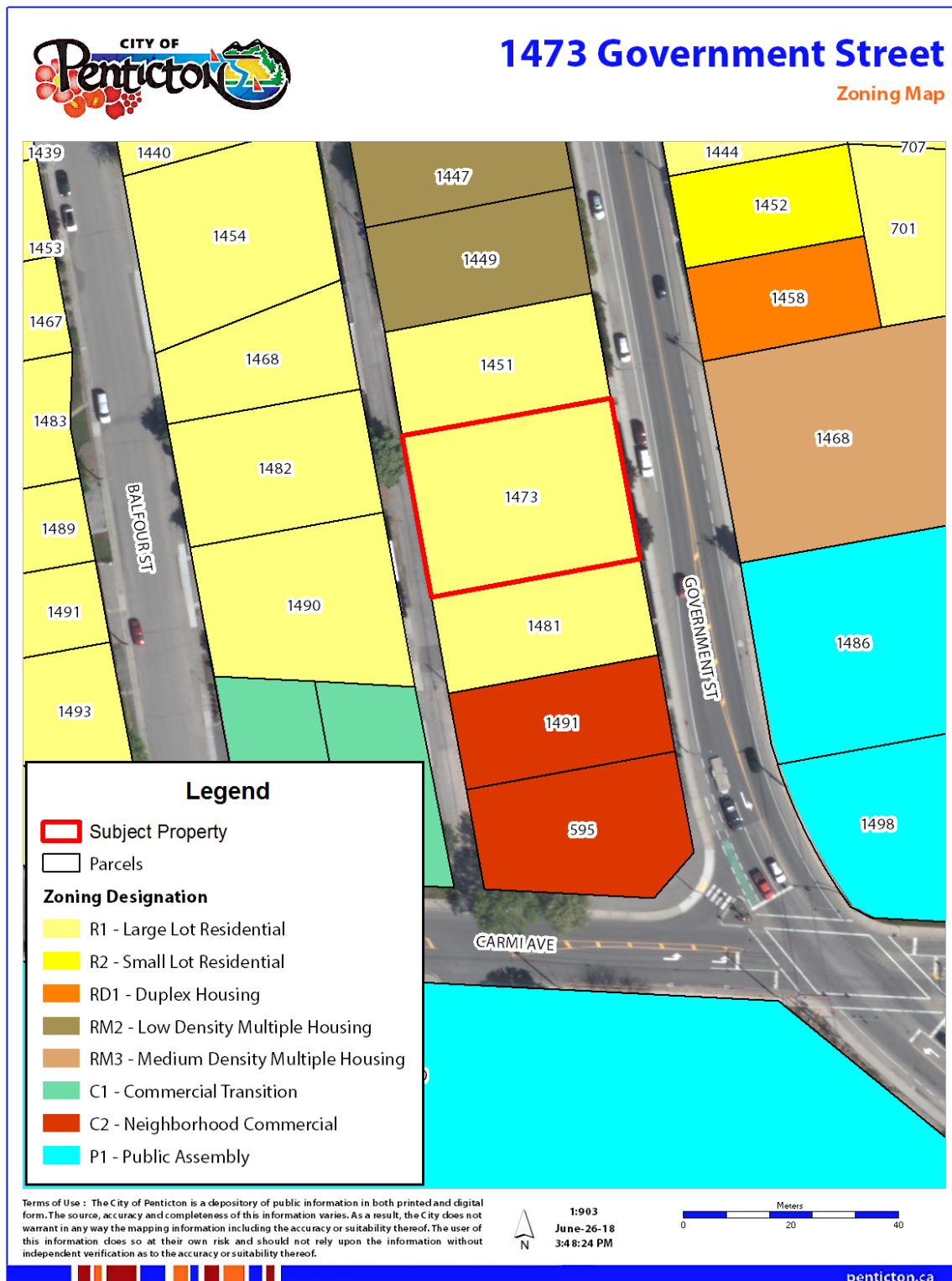


Figure 2: Zoning Map

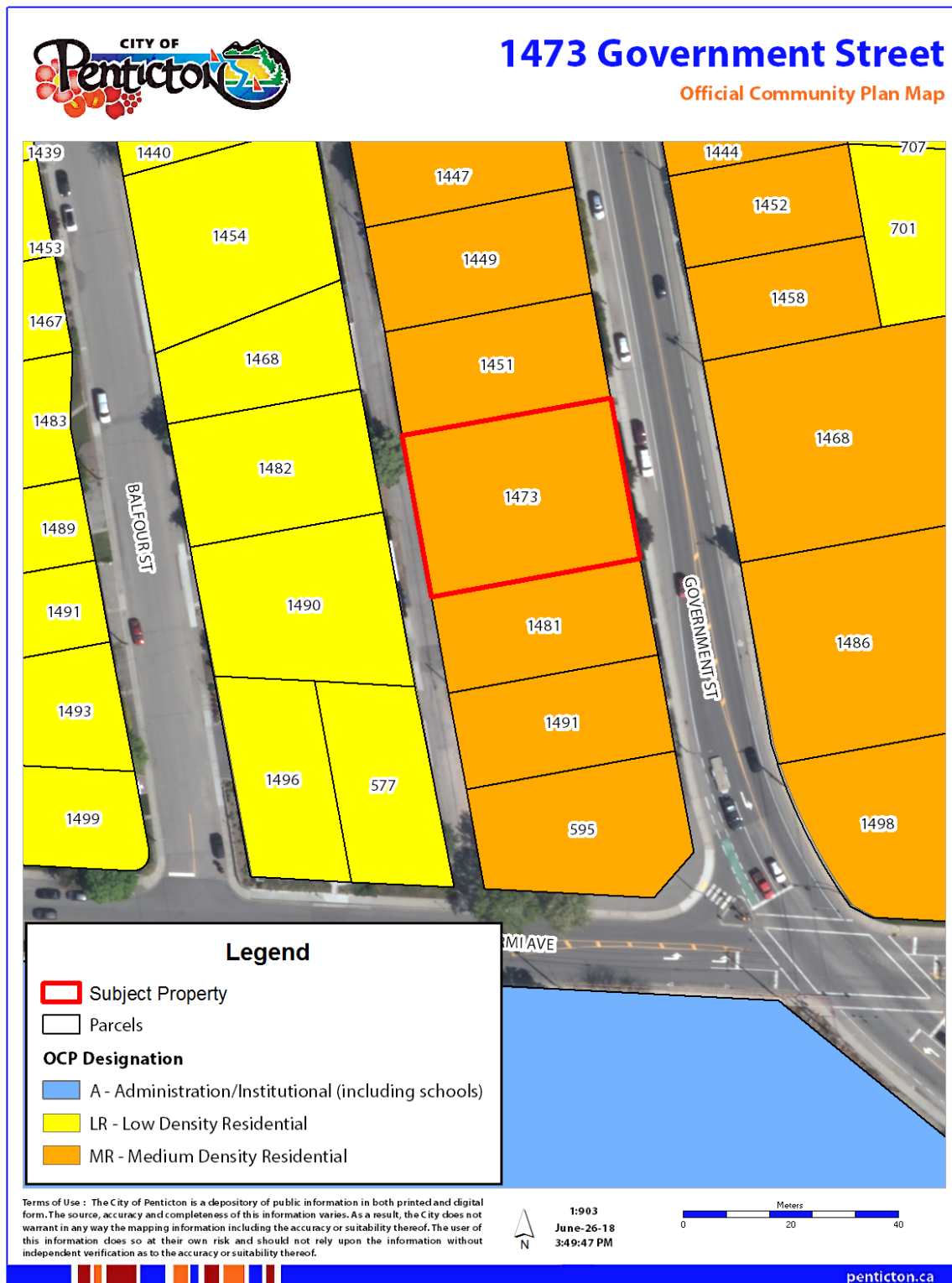


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View of subject property (from Government Street)



Figure 5: East View of existing dwelling to be demolished



Figure 6: Rear yard of subject property (looking towards the west lane)



Figure 7: Rear yard looking from the lane



Figure 8: Neighbouring property to the south



Figure 9: Neighbouring property to the north

Attachment E – Conceptual Site Plan

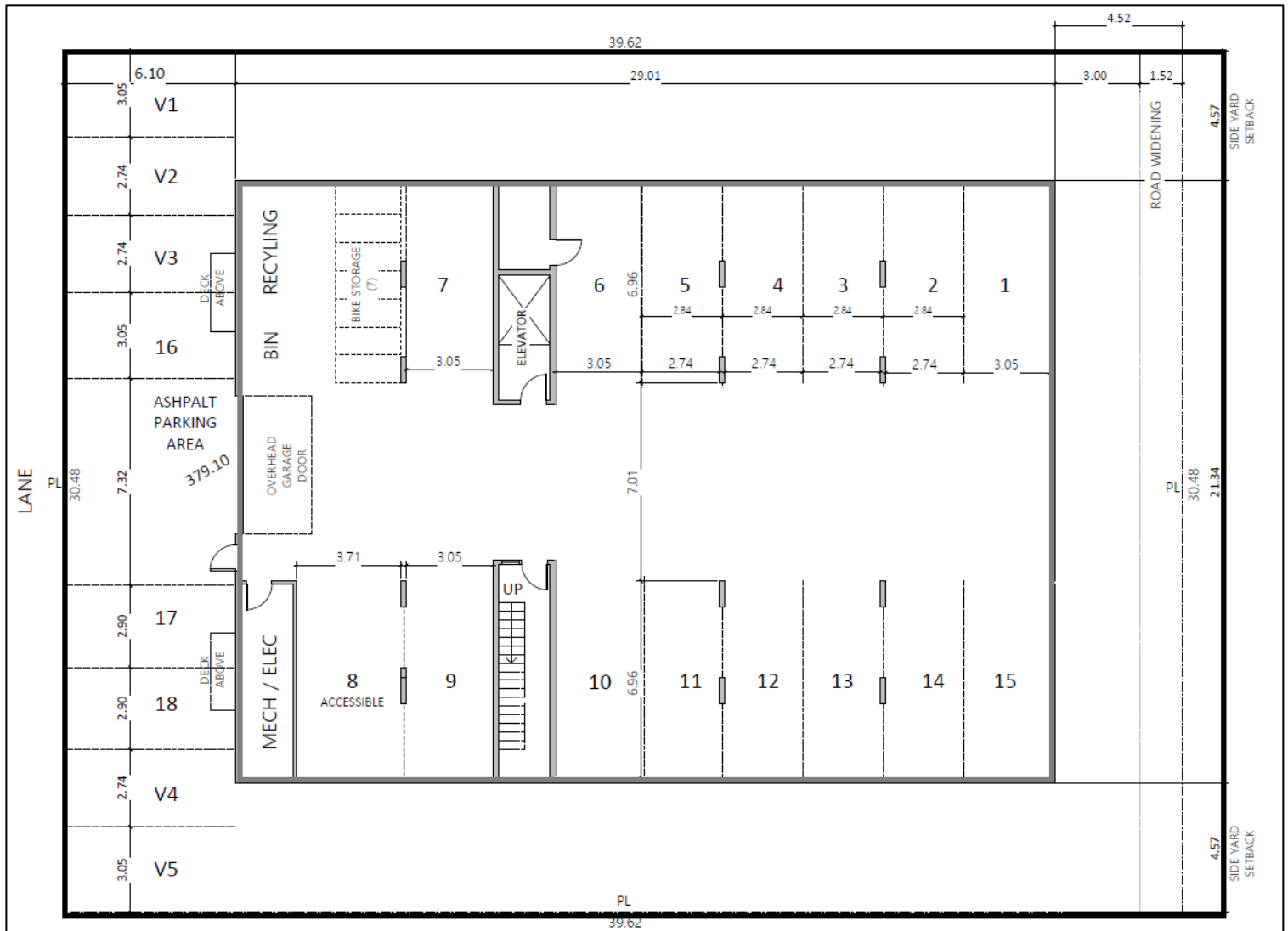


Figure 10: Site Plan

Attachment F – Conceptual Landscape Plan

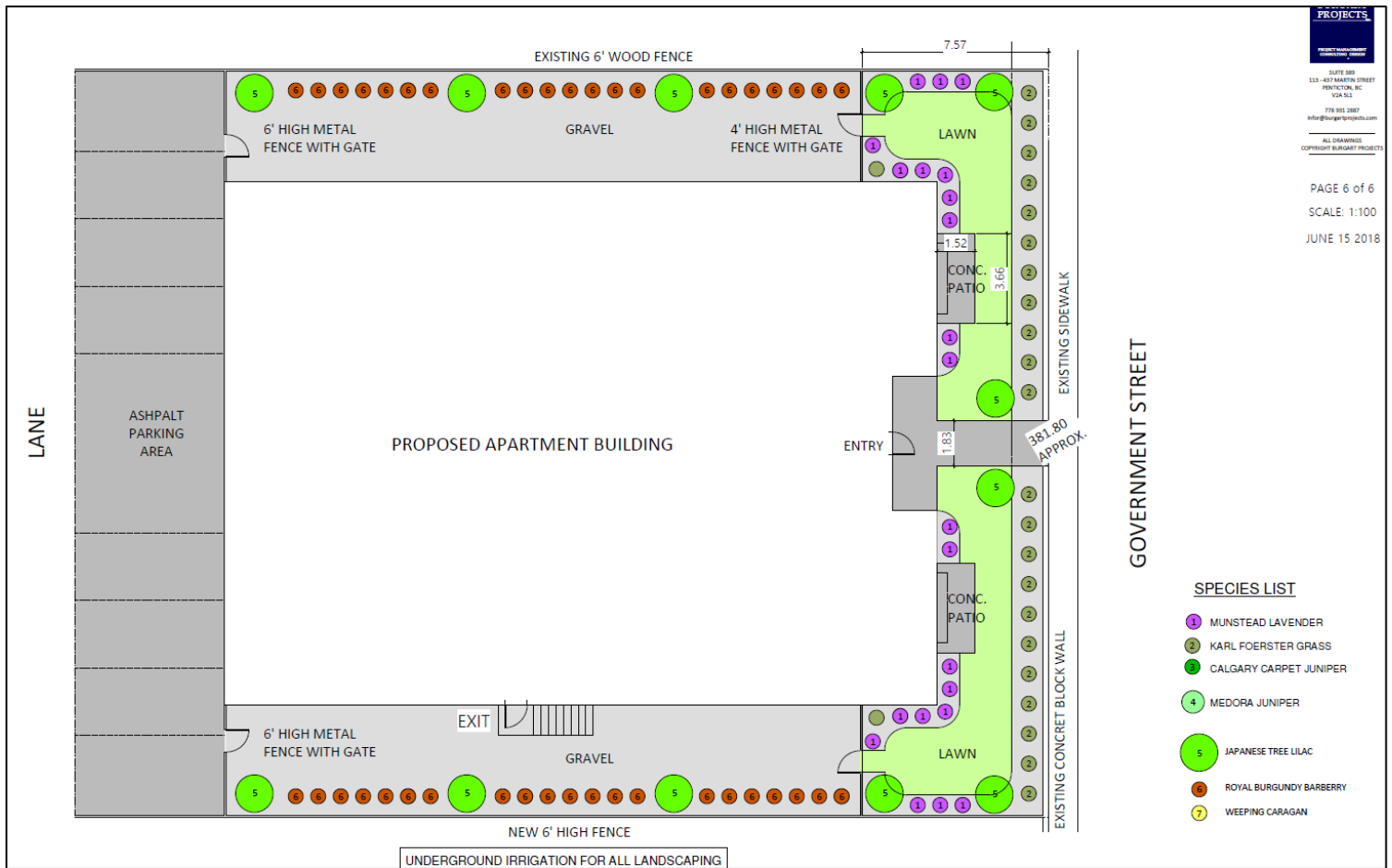


Figure 11: Landscape Plan

Attachment G – Conceptual Elevations

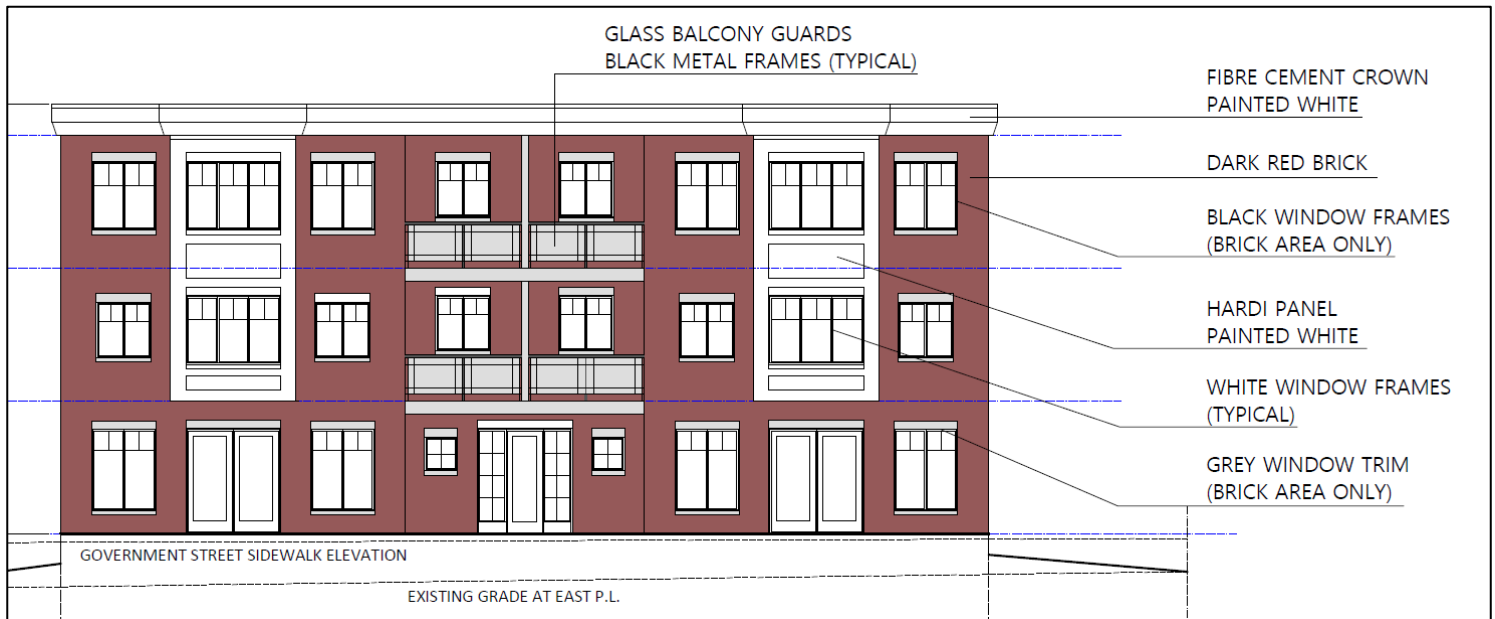


Figure 12: East Elevation (facing Government Street)

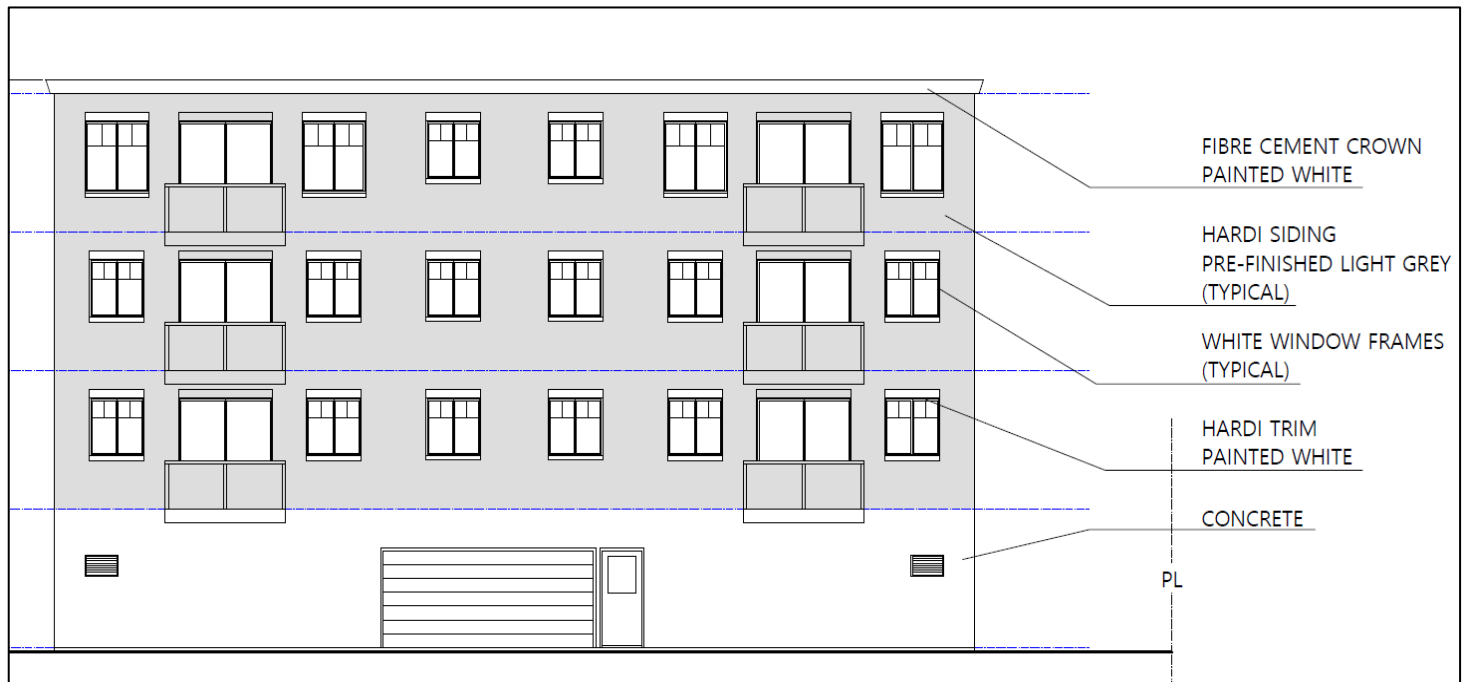


Figure 13: West Elevation (facing the lane)

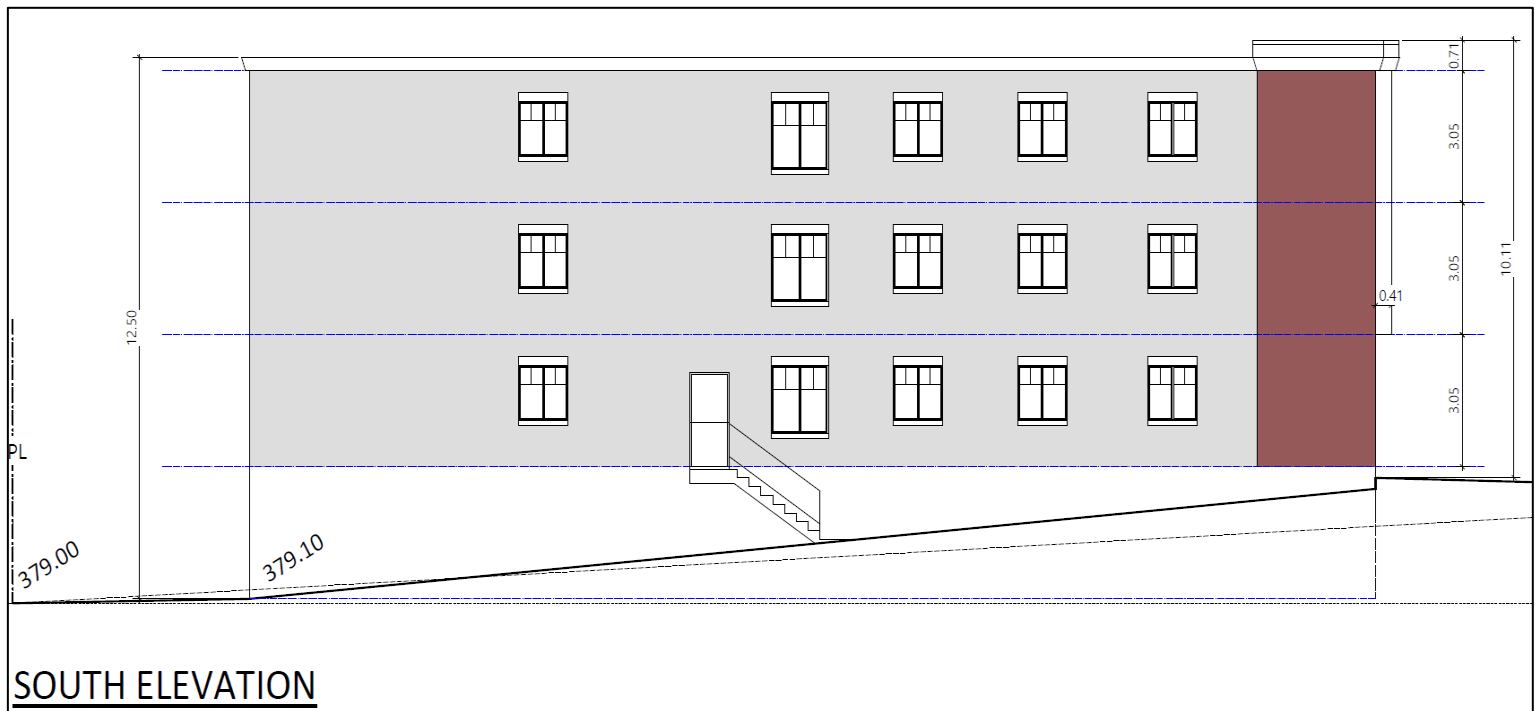


Figure 14: South Elevation



Figure 15: North Elevation

Attachment H – Conceptual Floor Plans

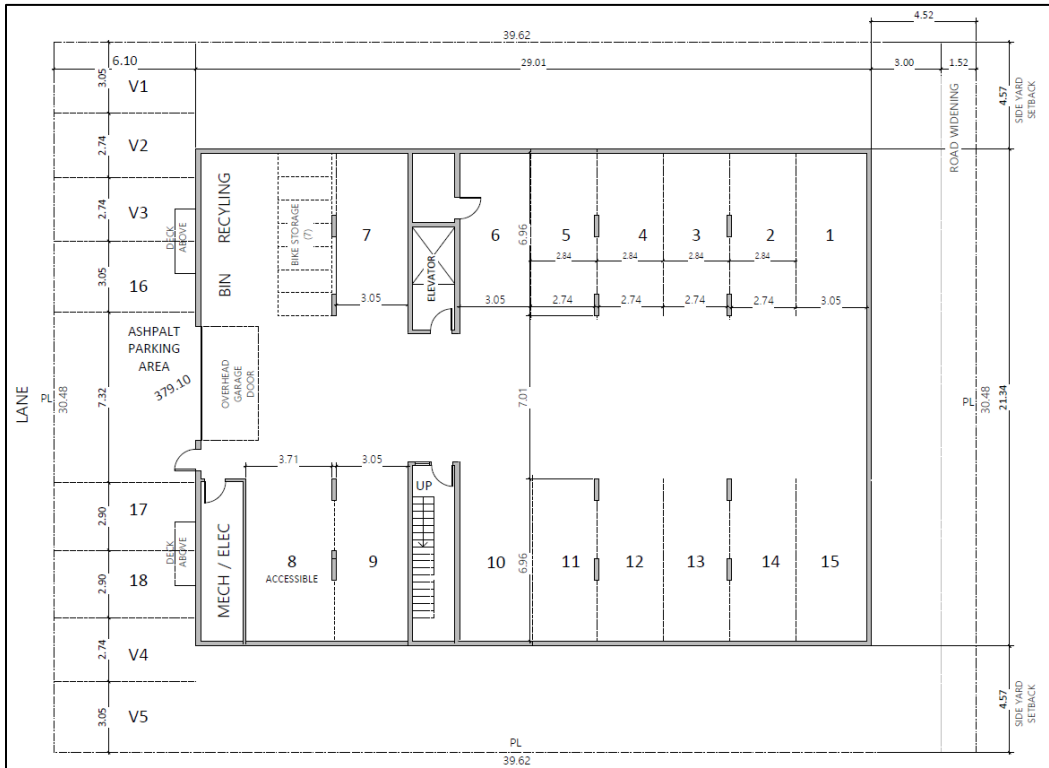


Figure 16: Parkade Floor Plan

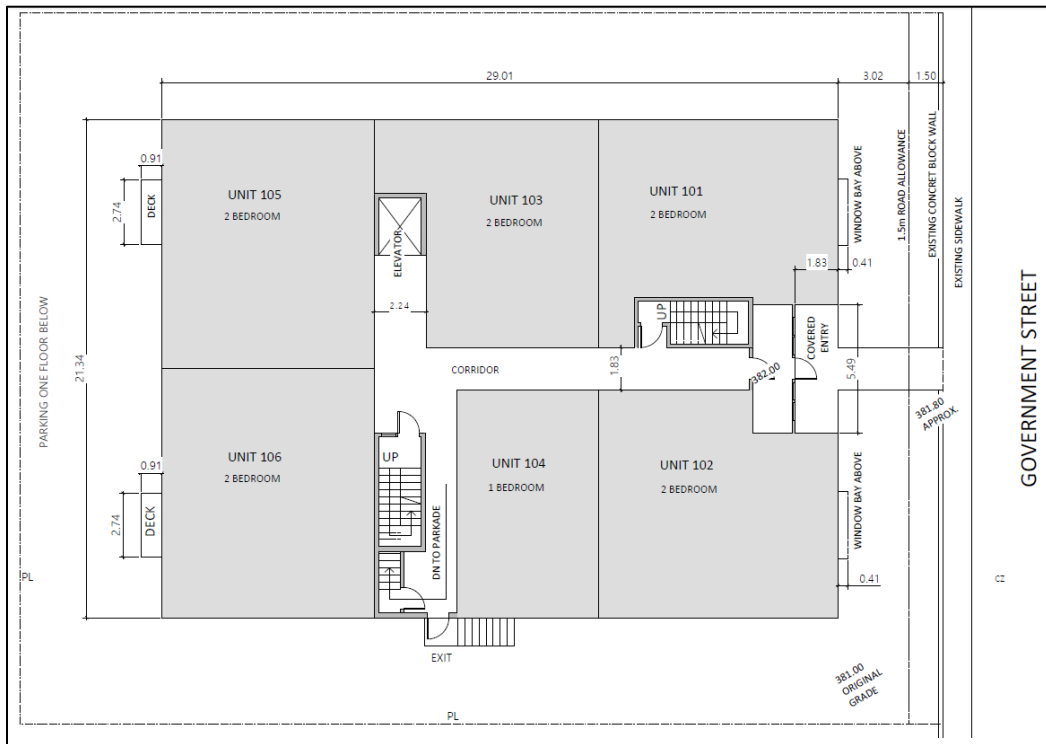


Figure 17: Main Floor Plan

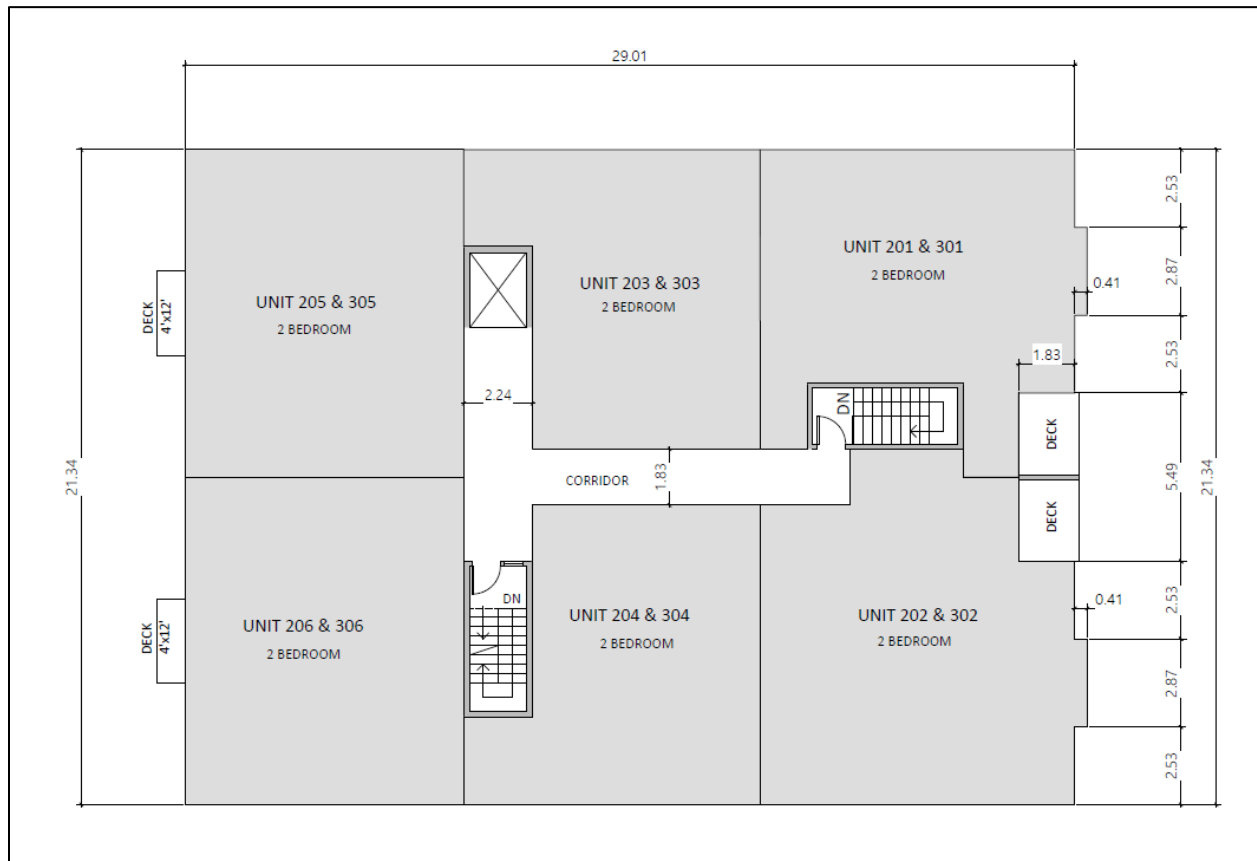


Figure 18: Second and Third Floor Plan

Attachment I - Letter of Intent

Douglas and Kim Cotter
126 Spruce Place, Penticton, BC V2A 8V9
Phone: 250-493-6308 Fax: 250-493-2110
dcotter@telus.net

October 15, 2018

City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Letter of Intent

Attention: City of Penticton – Planning Department - Development Permit Application
Re: 1473 Government Street, Penticton, BC

The intent of the project is to build a new 18 residential apartment building. The main entrance is accessed from Government Street with all of the parking accessed from the lane. The architecture of the building is traditional with brick cladding on the front elevation. The sides and rear of the exterior of the building will be light grey “Hardi” siding with white windows and white trim.

The building will include underground parking with 15 stalls for residents, 3 more parking stalls off the lane for residents (total 18) plus 5 visitor parking stalls. The building will have one elevator which will access the parking level as well as the three floors of apartments. The underground parking area also includes seven secure bike storage lockers and one accessible parking stall.

The project will feature irrigated landscaping on three sides of the building. Plant species will be chosen to add color, being the least attractive to deer, and provide some privacy from Government Street traffic.

We are requesting one Zoning Bylaw variance:

1) Hard surfaces – relax the 60% maximum hard surface of the lot area to 66%.

Although the economics of the proposed project is constrained by the typical factors -location, size, and form, as the owners, our intention is to build a high-quality project while providing more affordable housing. We are excited by the long-term prospects for the City of Penticton and the potential of re-development of existing inner city properties. We look forward to proceeding with this project and your approval of it.

Kind Regards


Douglas and Kim Cotter

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 PL2018-8310

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 10 District Lot 250 Similkameen Division Yale District Plan 6505
Civic: 1473 Government Street
PID: 011-090-436
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 an eighteen-unit apartment development.
 - Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 66%.

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

Angie Collison,
Corporate Officer

Rezone 1473 Government Street

From R1 (Large Lot Residential) To RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-78

Date: _____

Corporate Officer: _____