

November 22, 2018

Subject Property:

555 Wade Ave E

Lot 1, District Lot 202, Similkameen Division Yale District, Plan 7142

Application:

Development Variance Permit PL2018-8387

The applicant is proposing to construct a duplex and two three-unit townhouses for a total of eight dwelling units. The applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Table 5.2: to reduce the minimum width of landscape buffer abutting a residential zone from 3.0m to 0.0m.
- Section 6.5 (Table 6.5): to waive the two required visitor parking spaces.
- Section 5.6.2.1: to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.

Information:

The staff report to Council and Development Variance Permit PL2018-8387 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:

Council will consider this application at its Regular Council Meeting scheduled for **6:00 pm, Tuesday, December 4, 2018** in Council Chambers at Penticton City Hall, 171 Main Street.

Subject Property



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 Council Meeting.

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: December 04, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 555 Wade Avenue East
Subject: Development Variance Permit PL2018-8387

File No: 2018 PRJ-218

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8387" for Lot 1 District Lot 202 Similkameen Division Yale District Plan 7142, located at 555 Wade Avenue East, a permit to reduce the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.0m, to waive the two required visitor parking spaces and to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.

AND THAT staff be directed to issue "Development Variance Permit PL2018-8387."

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 subject property (Attachment A) is zoned RM3 (Medium Density Multiple Housing) 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 1,410m² (15,177t²) in area with a single family dwelling demolished in 2016. The lot slopes gently upwards from Wade Avenue towards the toe of a steep clay embankment at the rear of the property. There is also a moderate grade drop from east to west.

A four-storey apartment building borders the subject property to the east, with single family dwellings along the other directions. This property is located in an area slowly undergoing redevelopment and within walking distance of the downtown. Council recently approved a zoning amendment for a four-unit townhouse at 481 Townley Street and an application for another townhouse development at 463 Townley Street is in progress.

In March of 2008, a development variance permit and development permit were issued on the subject property for a four-storey 18-unit apartment building (Attachment J). The development variance permit was for a setback reduction from 3.5m to 0.0m to construct an over height retaining wall.

Proposal

The applicant is proposing to construct a duplex and two three-unit townhouses for a total of eight dwelling units. The dwellings will have a garage and flex space on the main level, living area with a patio and deck on the second storey and three bedrooms on the third storey. The proposed use is permitted under the current RM3 zoning.

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

- Table 5.2: to reduce the minimum width of landscape buffer abutting a residential zone from 3.0m to 0.0m.
- Section 6.5 (Table 6.5): to waive the two required visitor parking spaces.
- Section 5.6.2.1: to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.

Financial implication

The City will receive development cost charges at a rate of \$5,548 per unit x 8 = \$44,384.00. All construction costs and servicing upgrades will be the responsibility of the developer. As part of the development, the City will gain an irrigated grass boulevard with two trees, paid for by the developer at a cost of \$472.50 per tree.

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. A geotechnical engineer will be involved during the construction process as close attention must be paid when excavating along property lines and the potential impacts on the neighbouring properties. Servicing and technical requirements and upgrades have been identified and will be addressed at the building permit stage. 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 variances are supported, BC Building Code and City bylaw provisions 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 designation envisions built forms of 4 to 6 storey developments in areas with high amenity. Although the proposal is only for three-storeys, a townhouse building fits into this category.

Development Statistics

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

Item	Requirement RM3 zone	Proposed
Maximum Lot Coverage:	50%	34%
Maximum Density:	1.6 FAR	0.88 FAR
Minimum Lot Width:	25.0m	22.86m*
Minimum Lot Area:	1,400m ²	1,410.0m ²

Vehicle Parking:	1 space per dwelling unit (8) + 0.25 per unit for visitors (2) = 10 total	10 spaces (variance required)
Required Setbacks		
Front yard (south, Wade Avenue E):	3.0m	3.0m
Rear yard (north):	6.0m	11.0m
Interior yard (west):	4.5m	5.1m
Interior yard (east):	4.5m	4.5m
Maximum Building Height:	24.0m	12.6m
Amenity Area:	20m ² per unit (160m ² total)	361m ²
Landscape Buffer Width:	3.0m (west property line	0.0m (variance required)
Retaining Wall Height within yard:	1.2m	2.7m (variance required)
Other Information:	- The subject property is located within the General Multiple Family Development Permit Area, thus a development permit is required. This is staff-issuable and will follow the 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>	

Development Variance Permit

Support Variances

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. Council should also put their mind to the benefit accrued with approval of the variances, such as improved livability for a property or community benefit (better designed building, high quality landscaping).

The variances below are required to construct a townhouse development on a sloping lot, with site restrictions due to the unusable land in the back third of the property.

Table 5.2: to reduce the minimum width of landscape buffer abutting a residential zone from 3.0m to 0.0m.

- o A landscape buffer is required from multi-family to single family developments to reduce the impacts that increased density can have on the adjacent neighbours. For the proposed development, a 3.0m wide buffer with multiple shrubs and 6 trees is required to be planted. Due to the topography of the site and design of the lot, the only logical space for a driveway is on the western portion of the property. To meet the minimum width required to turn in and out of the garages, the driveway must go right to the west property line, thus eliminating the buffer area. The proposed townhouses are setback 5.1m (16.5ft) from the west property line, with the driveway acting as a buffer in itself. Due to the significant variance request, the developer consulted the affected neighbour. A letter of support has been submitted by the neighbour at 511 Van Horne Street (Attachment I).
- o Section 5.3.5 of the Zoning Bylaw will apply in this case, which states “where landscape buffers are being reduced in accordance with section 5.3.4, \$450.00 per tree not planted must be submitted to

the City to be deposited in the Urban Forest Reserve Fund to be used for tree infilling in the City. In this case, 6 trees are required, thus $6 \times \$450.00 = \$2,700$ will be paid by the developer to the City. In addition to that, the developer is prepared to install irrigated grass and pay the cost of installing two new City trees in the boulevard.

- o Given that a fence and wall is being proposed along the west property line, the building is setback a fair distance from the property line, the developer is paying costs to make up for the reduced buffer and the affected neighbour has submitted a letter of support, staff are comfortable supporting the variance request.

Section 6.5 (Table 6.5): to waive the two required visitor parking spaces.

- o Due to the unique topography of the site, and the inability to provide parking spaces at the rear of the property, the developer is proposing to waive the on-site visitor parking spaces. The proposed development is in an area with ample street parking available for residents. The road is a dead end to the right and does not see high traffic volumes. The 22.86m width of the property (minus the 5.1m driveway), allows for three on-street parking spaces along the frontage of the lot, which can be utilized by visitors. Several similar variances have been approved in the past which reduced the requirement for on-site visitor parking spaces under the right circumstances. The unique design allows visitors to park on the street and use the pedestrian sidewalk entry, thus limiting the amount of traffic going in and out of the narrow driveway access.

Section 5.6.2.1: to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.

- o The maximum height for a retaining wall in a setback is put in place to reduce the visual impacts that a large wall would have on the surrounding neighbourhood. The 2.7m height request is to replace an existing wall in the northwest corner of the lot which is holding up the slope and hardly visible from the neighbouring properties once the lot is developed. The proposed retaining wall along the west property line increases in height from north to south as the slope in the driveway decreases (Attachment G). The wall is approximately 0.3m at the most northern point, and increases to 1.52m at the highest point. This wall is required to construct a level driveway on a lot that slopes from east to west. A fence will be constructed on top of the wall which will provide further buffering and privacy for the neighbour.

Staff consider that the proposed three-storey townhouse development with minor variances will have less impact than a four-storey apartment building such as the one proposed in 2008. Topographic challenges such as a sloping lot and unusable portions of the property as well as ample on-street parking in the area provide rationale for the variances proposed.

Turning an empty, underutilized lot into three bedroom residences for eleven families in an area in the periphery of the downtown is a positive outcome for the City. The Floor Area Ratio for the proposed development (0.88) is much less than the 1.6 FAR permitted, meaning that the proposal is only half as dense as what could be built on the subject property. The proposal is in line with the zoning and current Official

Community Plan. The draft OCP envisions a four to six storey apartment building on this property, which would have larger impacts on neighbouring properties.

The neighbouring property to the west is likely to be impacted by a reduced landscape buffer, but has provided a letter of support for the application given the fencing proposed. As the lot slopes from east to west, only two storeys are exposed on the east side, thus reducing the impacts to the apartment building to the east. For the reasons listed above, staff are recommending that Council support the application.

Deny/Refer Variances

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance. If Council were to deny the variance, it would require a redesign of the lot. The lot may then sit vacant for an extended period of time before another proposal comes forward. The enhanced boulevard landscaping and boulevard trees, which are seen as improvements to the public realm, would not be developed until that time. For these reasons, staff do not recommend denial of the variance.

Alternate Recommendations

- 1. THAT Council support DVP PL2018-8387 with conditions that Council feels are appropriate.
- 2. THAT DVP PL2018-8387 be referred back to staff to revise the application as directed by Council.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site/Landscape Plan
- Attachment F: Building Elevations
- Attachment G: Retaining Wall Height along west property line
- Attachment H: Floor Plans
- Attachment I: Letter of Intent
- Attachment J: Letter of Support re: Landscape Buffer
- Attachment K: Plans from 2008 Proposal
- Attachment L: Development Variance Permit PL2018-8387

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

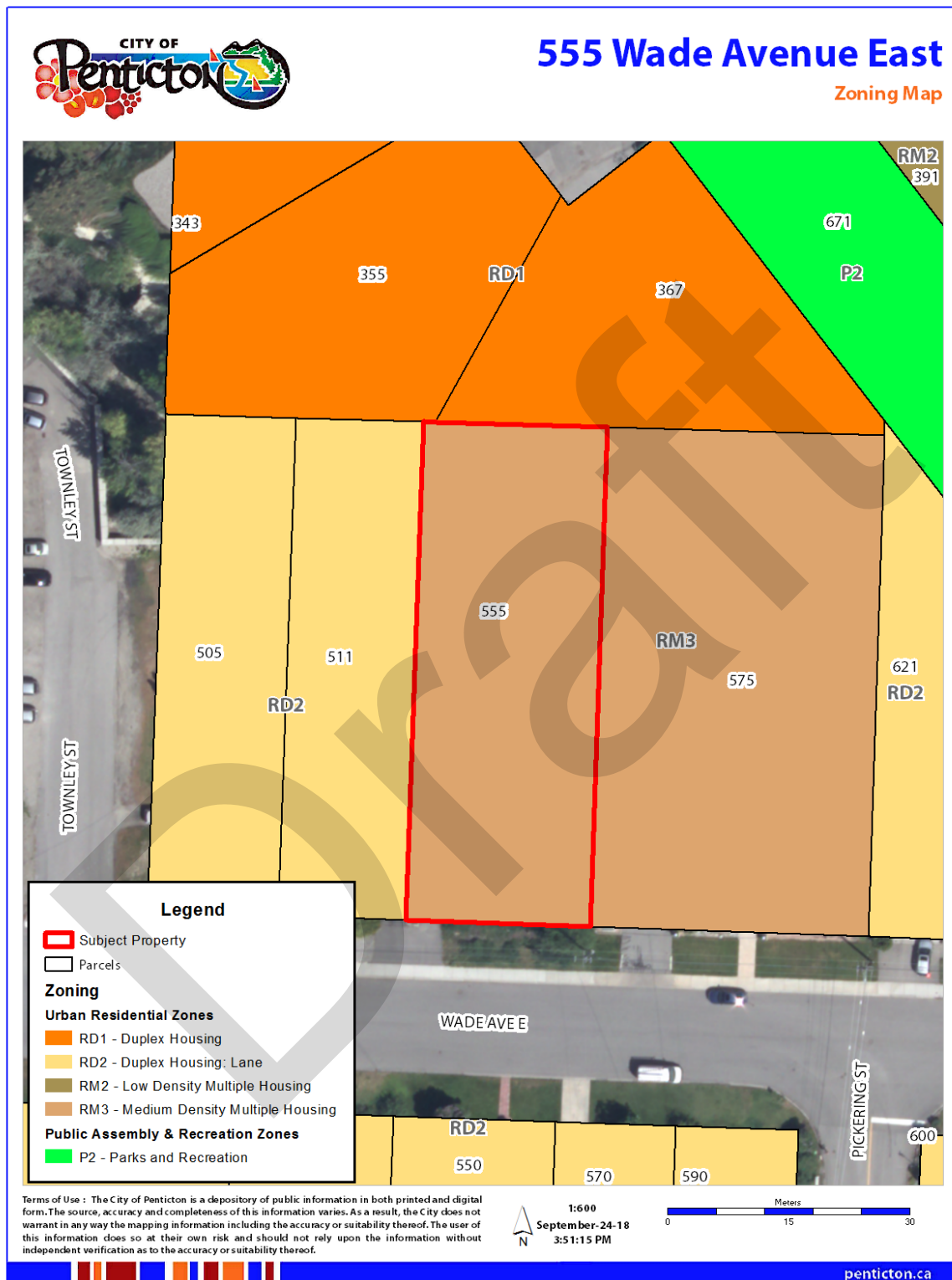


Figure 2: Zoning Map

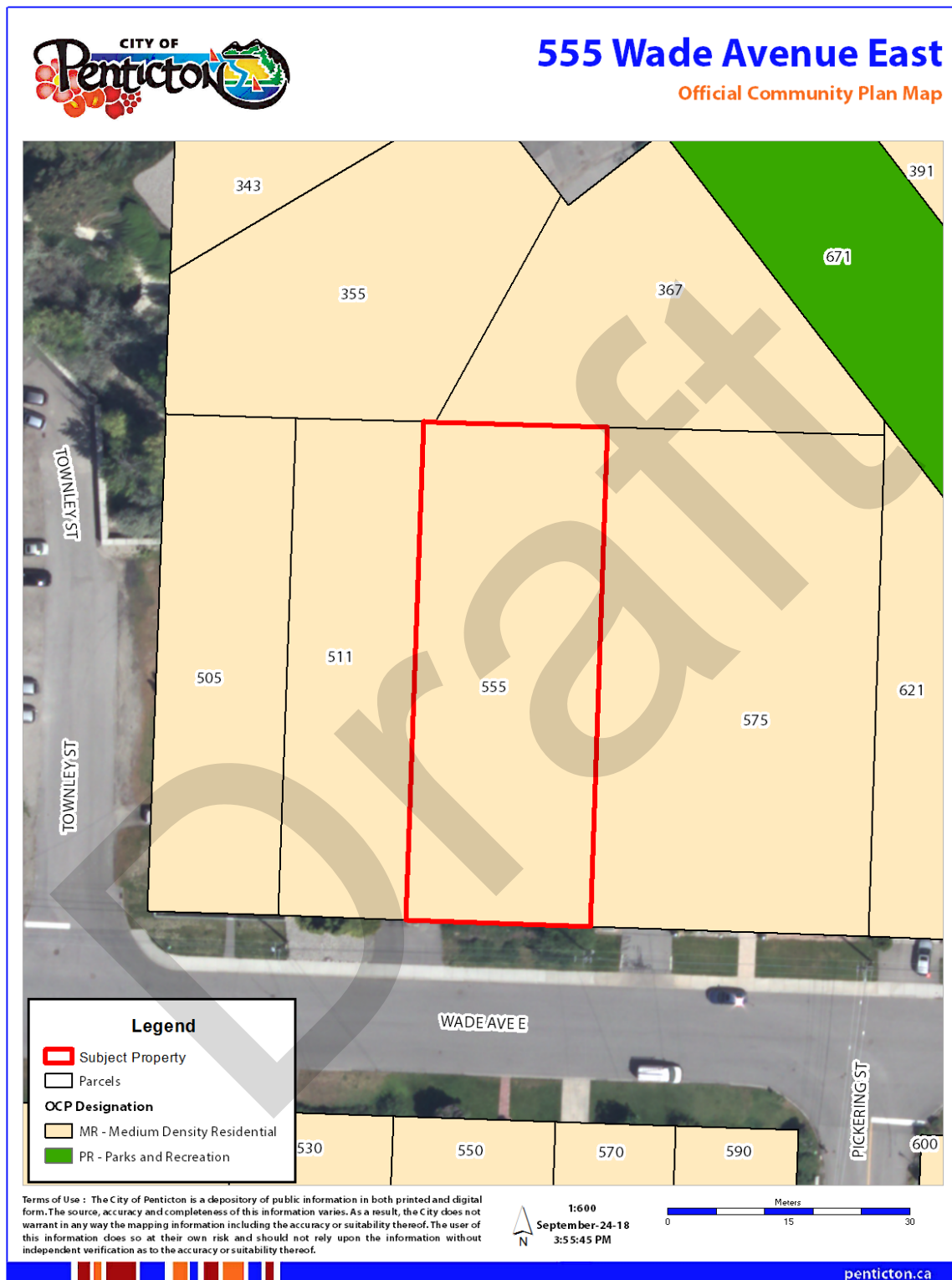


Figure 3: OCP Map

Attachment D – Photos of Subject Property



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



Figure 5: South View of Subject Property showing proximity to east neighbour



Figure 6: South View of Subject Property showing proximity to west neighbour



Figure 7: Rear Yard of Subject Property



Figure 8: North View of Subject Property

Attachment E- Site/Landscape Plan



Figure 9: Site/Landscape Plan

Attachment F- Building Elevations



Figure 10: South and West Elevations



Figure 11: North and East Elevations

Attachment G- Retaining Wall Height along west property line



Figure 12: Retaining Wall along west property line

Attachment H- Floor Plans

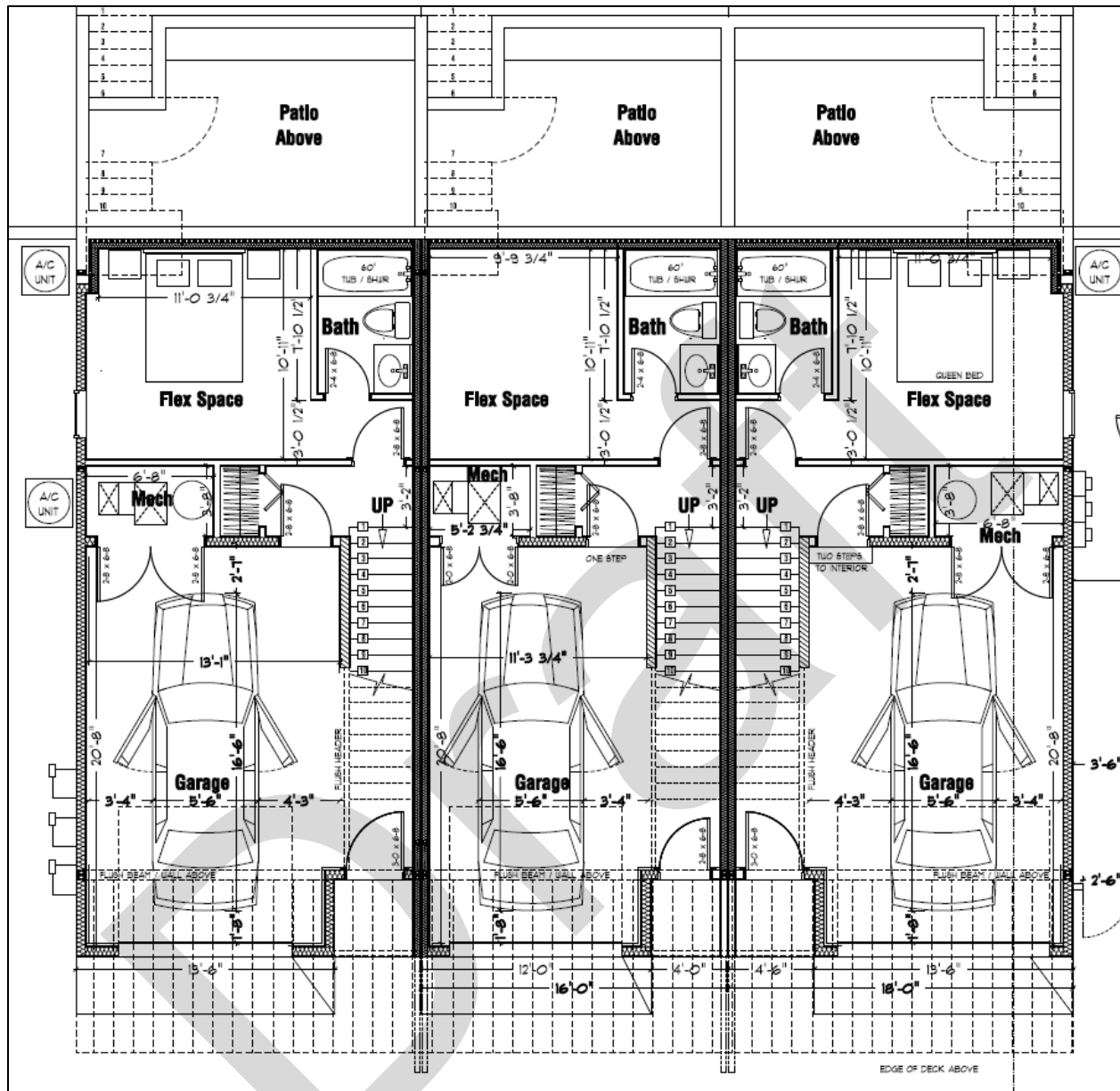


Figure 13: Garage Floor Plan

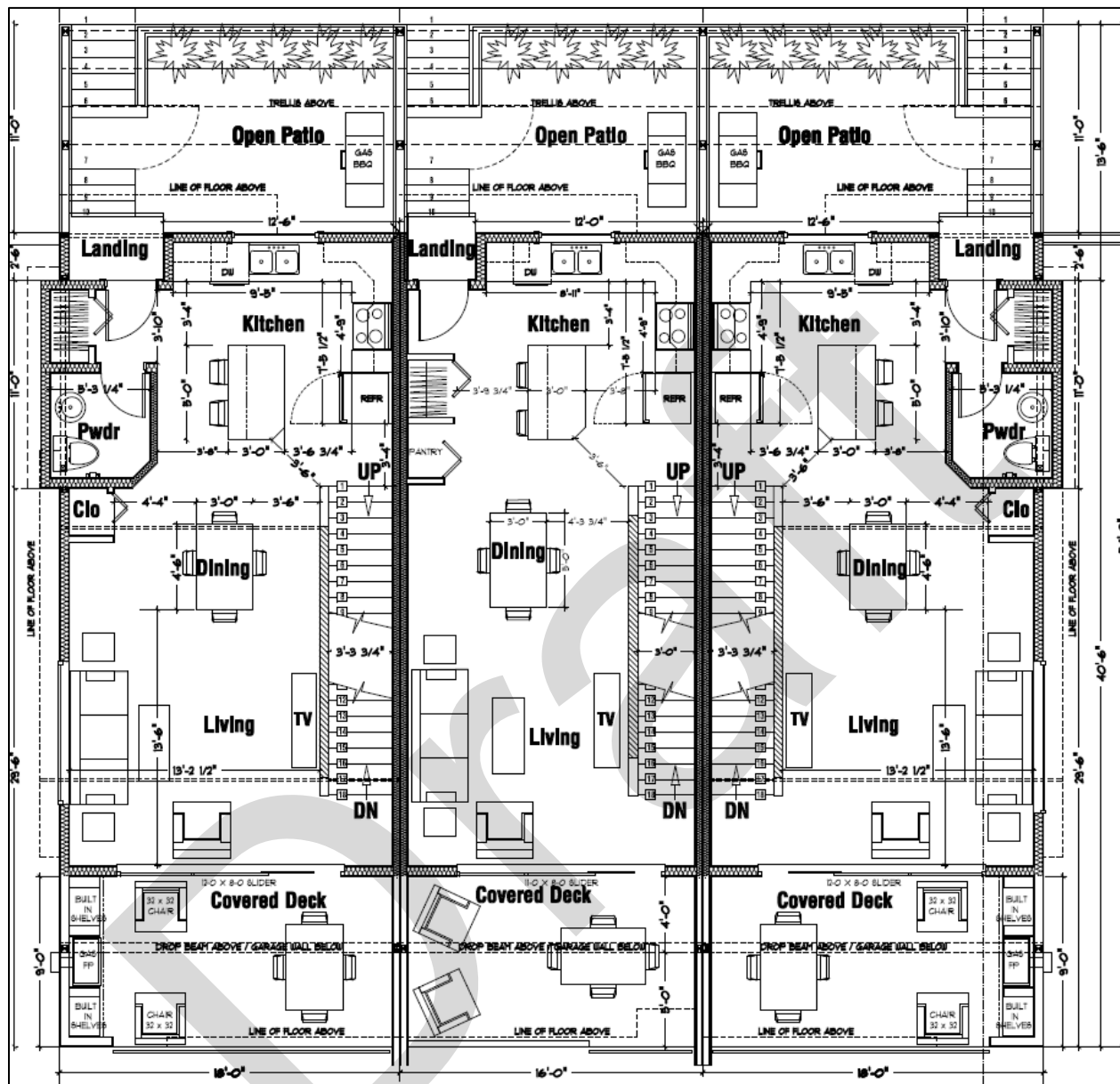


Figure 14: Main Floor Plan

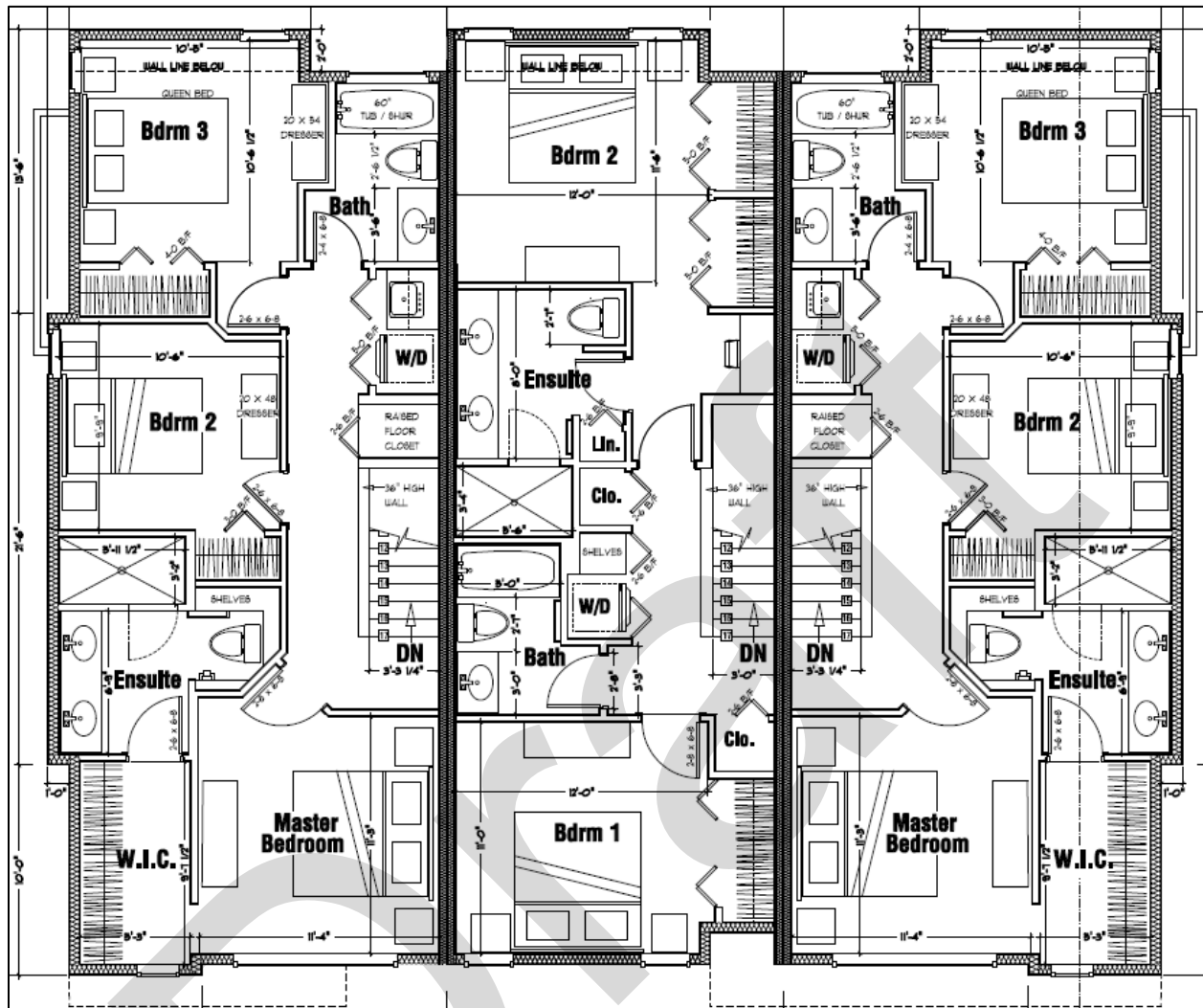


Figure 15: Upper Floor Plan

Attachment I- Letter of Intent

 IRONWOOD RESIDENTIAL DESIGN	Variance Rationale	
PO BOX 22024 Penticton, B.C. V2A 8L1 250-276-6440 GST # 85363 8997 RT0001	Physical Address: 203-69 Nanaimo Ave E., Penticton	Project # Date
Rationale for Variance Application 555 Wade Ave. East, Penticton, B.C.	018-18 Sept 20/18	

This outline provides the supporting rationale for the attached Development Permit and Variance application.

My client is proposing to construct three high end, contemporary styled buildings containing 8 units in total. Each of the units will be three storeys with garage and flex space at ground level, living on middle level and bedrooms on the upper storey. Great care has been taken to maximize views, living spaces and exceed the bylaw's outdoor amenity space requirements. Large, west facing, covered decks have been provided to take advantage of views toward Apex, while the east side yards have been given a large patio area with open trellis to enjoy shade from the evening sun. A unique feature of the buildings are their use of the site to allow for two entrances; building owners will typically enter at garage level, while a formal entry is provided at the mid level side yard to deter pedestrian traffic along the driveway. This feature is much more inviting, interesting and safer than the typical driveway entrance of this style of building.

The building's finishes are clean, sharp and crisp, yet warm. The extensive use of wood siding will blend well into the natural surroundings of this quiet & mature neighbourhood. This site has been vacant and in disrepair for some time and this building will breathe new life into an otherwise unsightly, empty lot. Again, great care has been taken in the design to satisfy the major bylaw requirements including building setbacks, site coverage, floor area ratio, building height and amenity space. Gas & electrical meters are placed to be hidden from view and garbage & recycling are in an enclosed compound out of sight. The front yard facing Wade Ave. will be full grass with Lavender & tall grasses flanking the entrance pathway and concealing utility meters. Adjacent properties are also entirely grass which will allow this to blend more seamlessly into the existing streetscape. East patios will be both fenced and lined with tall grasses for the entire building length.

The rear of the property contains a pair of unsightly, vandalized retaining walls which are in disrepair. With the exception of a small portion of wall at the north-west, these are to be removed. The hillside behind will be cleaned up and reshaped to suit the new building. A geotechnical team has provided recommendations on the removal of the walls to ensure maximum safety during deconstruction and regrading of the hillside. They are also engaged to provide design of on site surface & roof water management.

While all major bylaw requirements have been met, some variances are being requested. These will to allow us to make the best use of the site and improve the function of access to the units without deviating drastically from the intents of the bylaw.

5.6.1.2 - Retaining walls not to exceed 1.2m height in required yard.

We are requesting to have a maximum retaining wall height of 2.7m which will occur in only one area of the property. At the north west corner of the new driveway, our pavement will be lower than the existing yard in order to avoid a steep driveway. We must support the existing hillside with a retaining wall in this area. In this matter there is little other option. This wall will be hard to see at 56 m back from the Wade Ave sidewalk. This wall height tapers down along the west property line to support the adjacent property grade and some portions do rise to a max of 1.6m. All existing retaining on this property line will be replaced with a new wooden fence on top. (see 2.51 of DP plan submission)

PG 1 OF 2

5.3.1 3.0m landscape buffer between multi family and single family.

Typically a 3.0m wide landscape buffer is required with one tree per 10.0m of property length. The intent of this requirement is to avoid a large multi family building being close to a property line and overpowering the adjacent single family use. Trees placed in this 3.0m area provide an additional visual buffer. In our case, we have strived to provide an above average driveway width for easier access while meeting bylaw setbacks. As a result, the face of our lower level is 6.6m from property line and upper levels are 5.5m; each nearly double the required distance. In addition, we are providing a visual screen (new wall with wood fence) in excess of 2.0m high along the entire property length. While we will be not providing trees, we exceed the required distance and will be providing cash in lieu for the trees to be placed elsewhere.

6.5 - Parking requirements / 0.25 visitor stalls required per unit (2 in total)

We are requesting to waive the requirement for two visitor parking stalls on the property. In our initial design, we had allocated a large garbage & recycle storage area at the rear of the property (retained into the hillside) and placed one visitor stall between each of the buildings. Upon geotechnical review, it was suggested to avoid this configuration to minimize disruption of the existing hillside. As a result, our buildings moved closer together and away from the hill, leaving our spaces too tight, although garbage storage is now tucked neatly between buildings. Ample space is available on the street directly in front of the property for 2-3 vehicles without disrupting driveway access. Ideally, visitors would be parking in front and walking to the side entrances via the entry path rather than the lower driveway area, therefore street parking is much preferred if possible.

If you have any concerns on the above, please feel free to contact me (Dave Sutton, building designer) at (250) 276-6440 or by email :dave@ironwoodresidential.com.

Figure 16: Letter of Intent

October 24, 2018

Randy Houle
Planner 1
City of Penticton

Dear Randy Houle:

I am the owner of 511 Wade Avenue East which is the property directly west of 555 Wade Avenue East. I am aware that a Development Application has been made by the current property owner to Develop 8 townhomes on the property (2 triplexes and 1 duplex).

I have seen the plans and understand that there will be no trees buffering the property as required by the current bylaw which requires one (1) tree for every 10 linear meters.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Sunderman".

Sandra Sunderman

(250)492-3624

Figure 17: Letter of Support

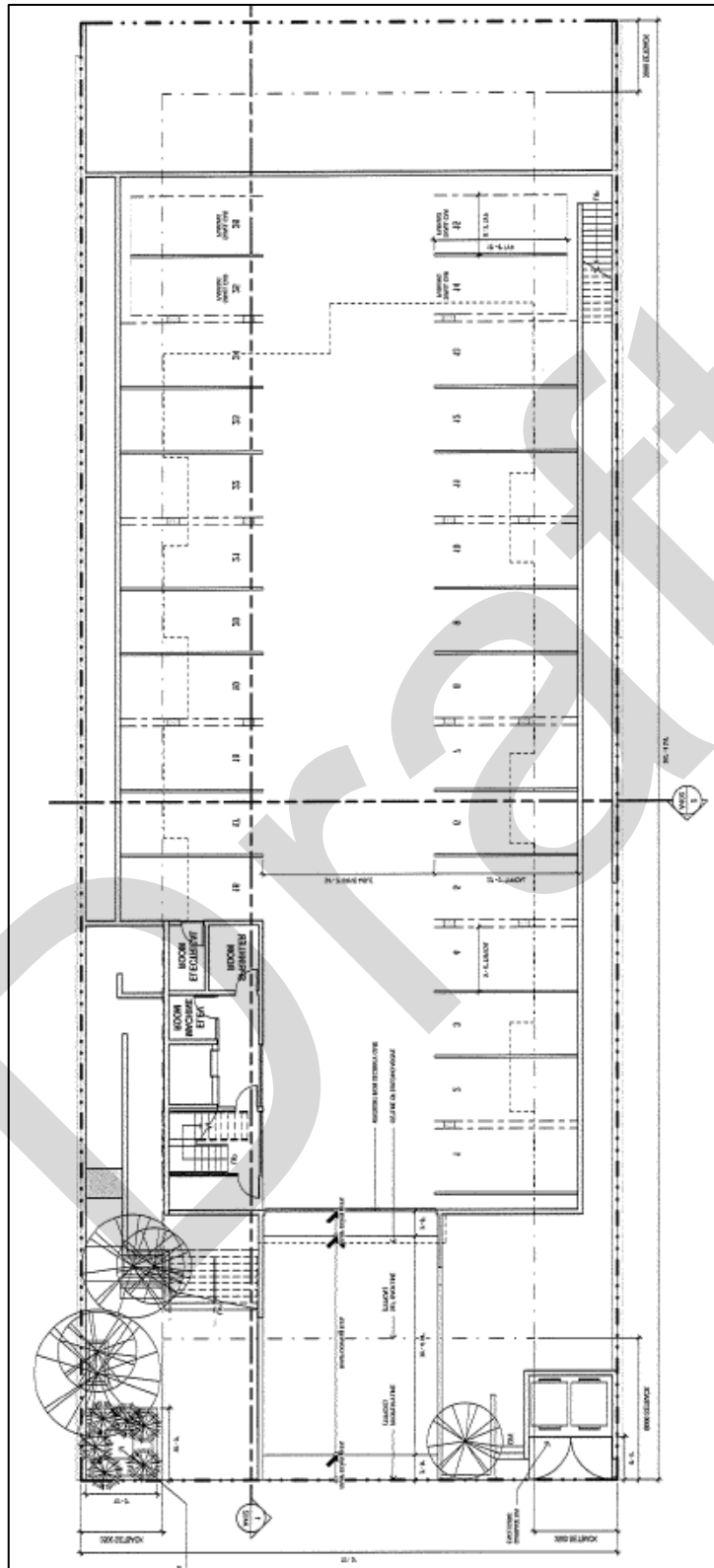
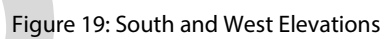


Figure 18: Site Plan





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

Development Variance Permit

Permit Number: DVP PL2018-8387

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 202 Similkameen Division Yale District Plan 7142

Civic: 555 Wade Avenue East

PID: 010-010-173

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 multi-family development.

- Table 5.2: to reduce the minimum width of landscape buffer abutting a residential zone from 3.0m to 0.0m.
- Section 6.5 (Table 6.5): to waive the two required visitor parking spaces.
- Section 5.6.2.1: to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.

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 4 day of December, 2018.

Issued this ____ day of _____, 2018

Angie Collison,
Corporate Officer

DVP PL2018-8387

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