

November 22, 2018

Subject Property:

595 Van Horne Street

Lot 13, Block 20, District Lot 202, Similkameen
Division Yale District, Plan 269

Application:

Development Variance Permit PL2018-8377



The applicant is proposing to construct a duplex with suites for a total of four dwelling units. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 5.6.2.1: to increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m.
- Section 6.5 (Table 6.5): to decrease the required number of parking spaces from 4 to 3.
- Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

Information:

The staff report to Council and Development Variance Permit PL2018-8377 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.

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 4, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 595 Van Horne Street
Subject: Development Variance Permit PL2018-8377
Development Permit PL2018-8376

File No: 2018 PRJ-210

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2018-8377" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit to: increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m; to decrease the minimum required parking spaces from 4 to 3; and to decrease the minimum front yard from 4.5m to 3.5m, to support a duplex development with suites;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8377".

Development Permit

THAT Council approve "Development Permit PL2018-8376" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit that allows for the construction of a duplex with suites;

AND THAT staff be directed to issue "Development Permit PL2018-8376."

Strategic Objective

The subject application demonstrates that it is aligned with the *Council Priorities* of Community Building. 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 RD2 (Duplex Housing: Lane) and is designated by the City's Official Community Plan as HR (High Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 372m² (4,000ft²) and features a one-storey single family dwelling intended to be demolished. The surrounding properties are primarily zoned for commercial and multiple

family. The property borders a single family dwelling to the north. The property is located in the downtown periphery, in an area undergoing redevelopment.

Three duplexes with suites are currently under construction at 611, 615 and 619 Van Horne which are in close proximity to the subject property. Variances were approved for the front yard setback from 4.5m to 3.5m and the number of parking spaces from 4 to 3, for all three of those lots. The subject application is requesting similar relaxations.

Proposal

The applicant is proposing to construct a duplex with a secondary suite in each unit for a total of four dwelling units. The principal residences will be two storeys, with a living area on the main floor and three bedrooms upstairs. The basement suites will be one bedroom units. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 5.6.2.1: to increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m.
- Section 6.5 (Table 6.5): to decrease the required number of parking spaces from 4 to 3.
- Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

Secondly, the property is located within the High Density Development Permit area and requires approval for the form and character of the proposed development and to address landscaping requirements.

Financial implication

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 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. As per the City's Subdivision and Development Bylaw No. 2004-81, Section 9.7, when a developer constructs a duplex they are required to pave the full width of the lane adjacent to the development. In this case, the lane has recently been upgraded by an adjacent developer. As per Section 508, Division 11 of the Local Government Act, latecomer charges will be paid by the applicant to the person who originally paved the lane. Servicing upgrades will be required based on fixture counts. Building permit requirements have been identified and forwarded to the developer, which includes the close review of the excavation along the north property line by a geotechnical engineer. If the requests for the variance and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

New OCP

While the current OCP identifies this area as HR (High Density Residential), the draft OCP that is currently under development and anticipated to be adopted early in the new year, identifies this area for 'infill residential'. The infill residential designation is more reflective of the current development trends in the area,

which is seeing development of small lot subdivisions, duplexes, four-plexes and town house developments. The current proposal is more in-line with the draft OCP than the current OCP.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the Development Variance and Development Permit applications:

Item	Requirement RD2 zone	Proposed
Maximum Lot Coverage:	40%	36%
Maximum Density:	0.95 FAR	0.68 FAR
Vehicle Parking:	1 space per unit + 1 per suite= 4 total required	3 spaces (variance required)
Required Setbacks		
Front yard (east, Van Horne Street):	4.5m	3.5m (variance required)
Rear yard (west, lane):	6.0m	8.4m
Interior yard (north):	1.5m	1.5m
Exterior yard (south, White Avenue East):	3.0m	3.45m
Maximum Building Height:	10.5m	8.23m
Maximum Retaining Wall Height:	1.2m	1.8m (variance required)
Other Information:	- The subject property is located within the High Density Development Permit Area, thus a development permit is required. It is staff-issuable, but has been included in this Council report to streamline the approval process.	

Analysis

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. 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 sizeable duplex with suites, thus creating four dwelling units in a location close to shops, schools and nearby services.

Section 5.6.2.1: to increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m.

- 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. In this case, the 1.8m height of the wall is only visible from the subject property. From the neighbour's point of view, less than a foot of the wall will be exposed. The purpose of the wall is to address stability concerns for the stairs that

provide access to the suites. Without the wall, access to the suites would need to be relocated resulting in removal of landscaping at the front of the building and a re-design of the building.

Section 6.5 (Table 6.5): to decrease the required parking spaces from 4 to 3.

- o Although the proposed development falls one parking space short of the required number, there is enough space for five on-street parking spaces on Van Horne Street and White Avenue East. The previous Council reduced the required number of parking spaces from 4 to 3 for the duplexes with suites at 611, 615 and 619 Van Horne Street. There is a trade-off between adding units in an area close to the downtown and providing enough on-site parking spaces for residents. In this case, staff consider that constructing four units rather than three is more important than providing one space per unit on-site, given the amount of on-street parking spaces available and the precedent set by nearby developments.

Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

- o The boulevard width fronting the subject property is 3.0m, meaning that the proposed duplex will sit approximately 6.5m from the street. This is an adequate distance and unlikely to cause a crowding effect on the street. The previous Council reduced the front yard setbacks from 4.5m to 3.5m for the duplexes with suites on 611, 615 and 619 Van Horne Street. This proposal would provide for a consistent and uniform setback for the street.

Given the design of the building, staff conclude that the variance request is reasonable and does not unreasonably impact the adjacent area. Approval of the variances allow for four sizeable units to be built in the downtown area, close to schools and services. The retaining wall and front yard setback variance do not significantly impact the neighbouring properties. The parking variance will result in more cars parking on the street, but this can be accommodated by the large street frontage bordering the subject property. As such, staff are recommending that Council support the application.

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood and the streetscape. 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. Without a variance, four sizeable units will most likely not be able to be constructed. In addition, the enhanced boulevard landscaping and boulevard trees, which are seen as improvements to the public realm, would not be achieved without redevelopment of the lot. For these reasons, staff do not recommend denial of the variance.

Development Permit

Support Development Permit

The subject property is located within the High Density Development Permit Area. As a consequence, a Development Permit is required. Although this Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings and ensure

landscaping requirements are met. Staff feel that the proposed development meets the intent of the Development Permit Guidelines as explained below:

- The entrances have street orientation on both Van Horne and White Avenue East. The sidewalk entries create an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants and trees.
- The current overgrown, weed filled boulevard will be replaced with irrigated grass and two new boulevard trees. This will make a substantial positive impact on beautification of the streetscape.
- The building material type will be comprised of hardi-board, with picture windows and covered entries, thus adding visual interest to the building.
- The decks and grass areas will provide valuable amenity space to future residents of the development.

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 support "DVP PL2018-8377" but deny support for "DP PL2018-8376."
2. THAT Council support "DVP PL2018-8377" and "DP PL2018-8376" with conditions.
3. THAT Council refer "DVP PL2018-8377" back to staff.

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Landscape Plan
Attachment G:	Elevations
Attachment H:	Floor Plans
Attachment I:	Letter of Intent
Attachment J:	Development Variance Permit PL2018-8377
Attachment K:	Development Permit PL2018-8376

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO

Draft

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

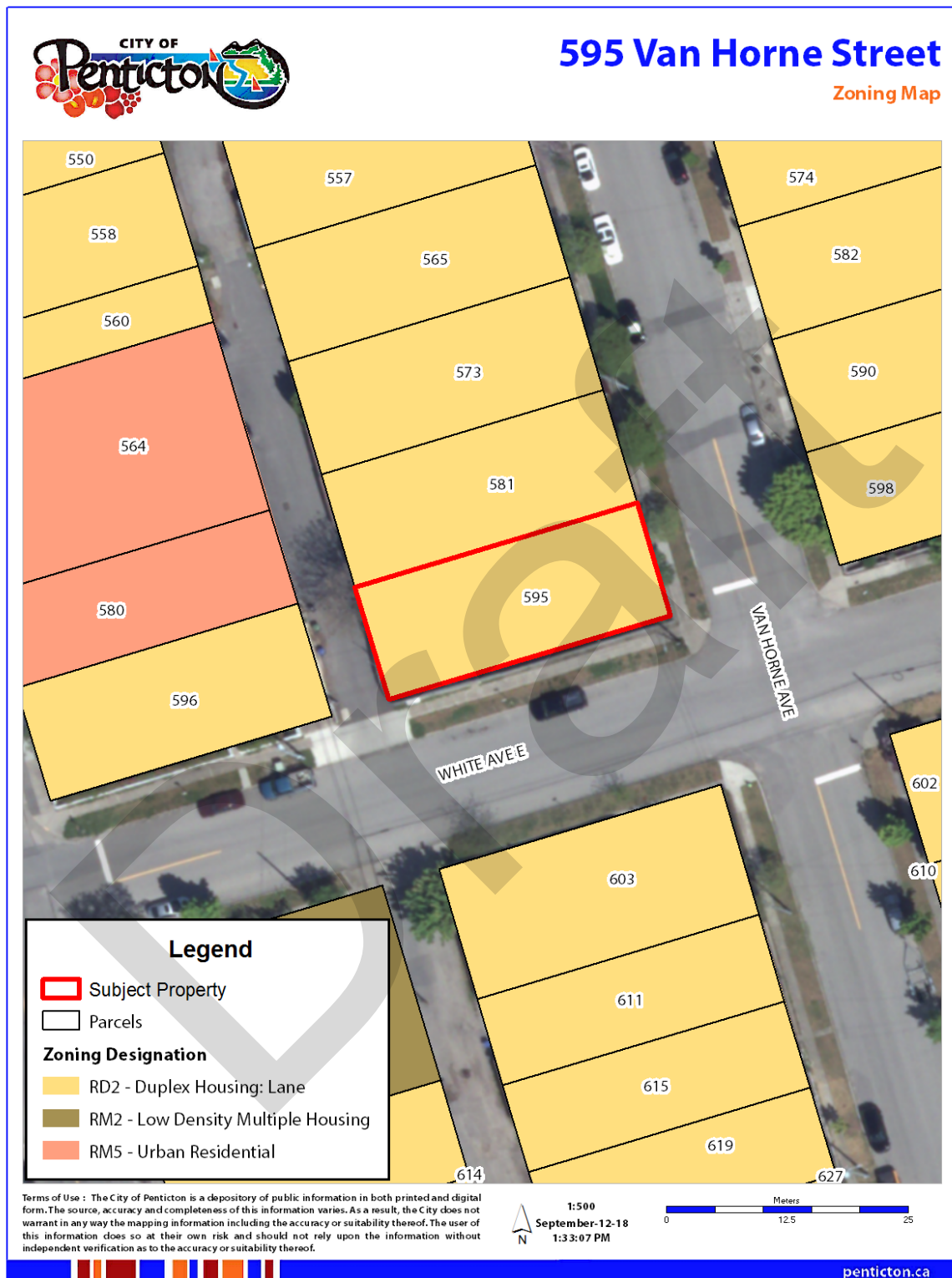


Figure 2: Zoning Map

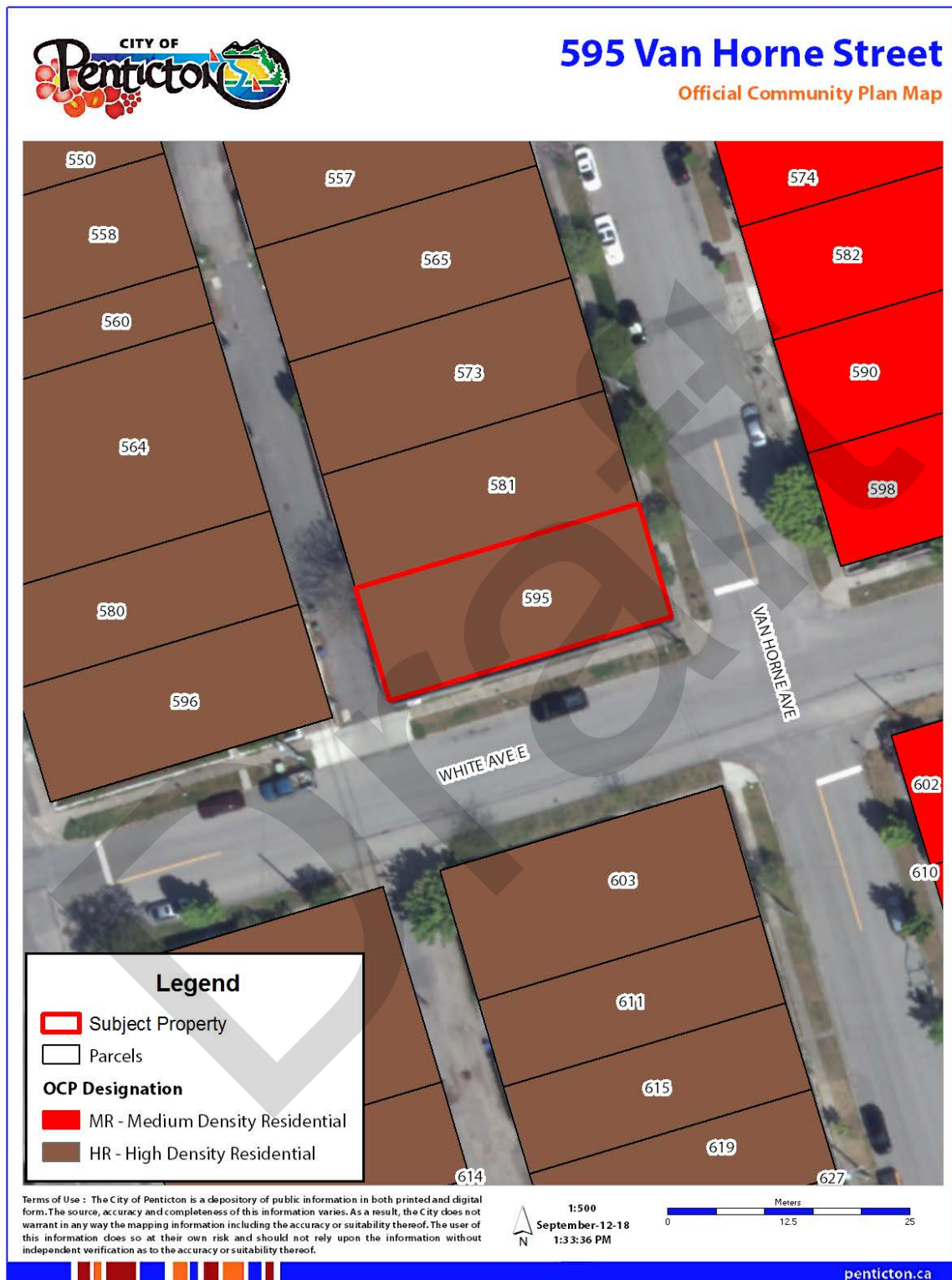


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View (from Van Horne Street)



Figure 5: South View (from White Avenue East)



Figure 6: East View of the front of existing dwelling to be demolished



Figure 7: East View showing proximity to north neighbour

Attachment E – Site Plan

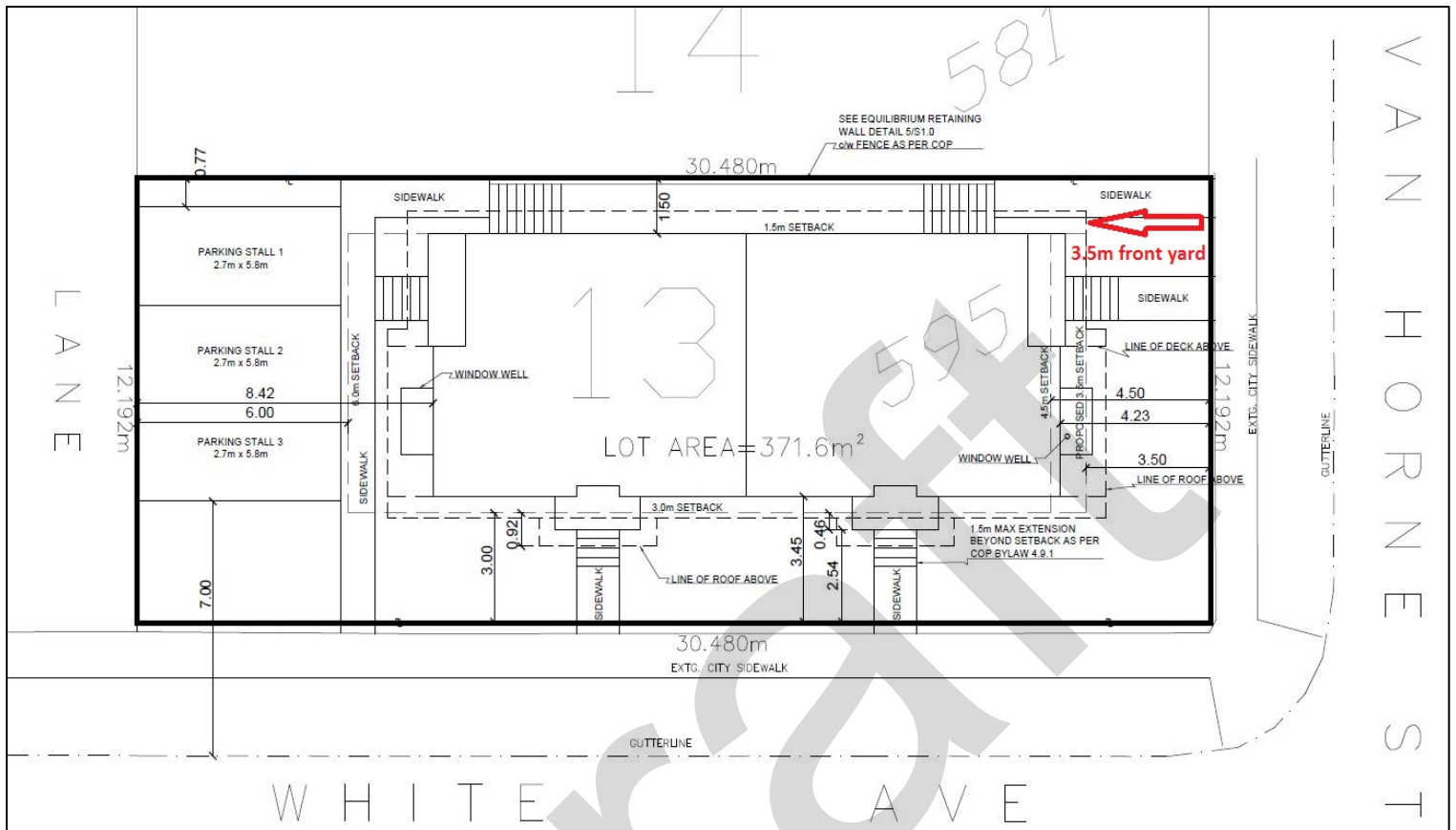


Figure 8: Site Plan

Attachment F – Landscape Plan

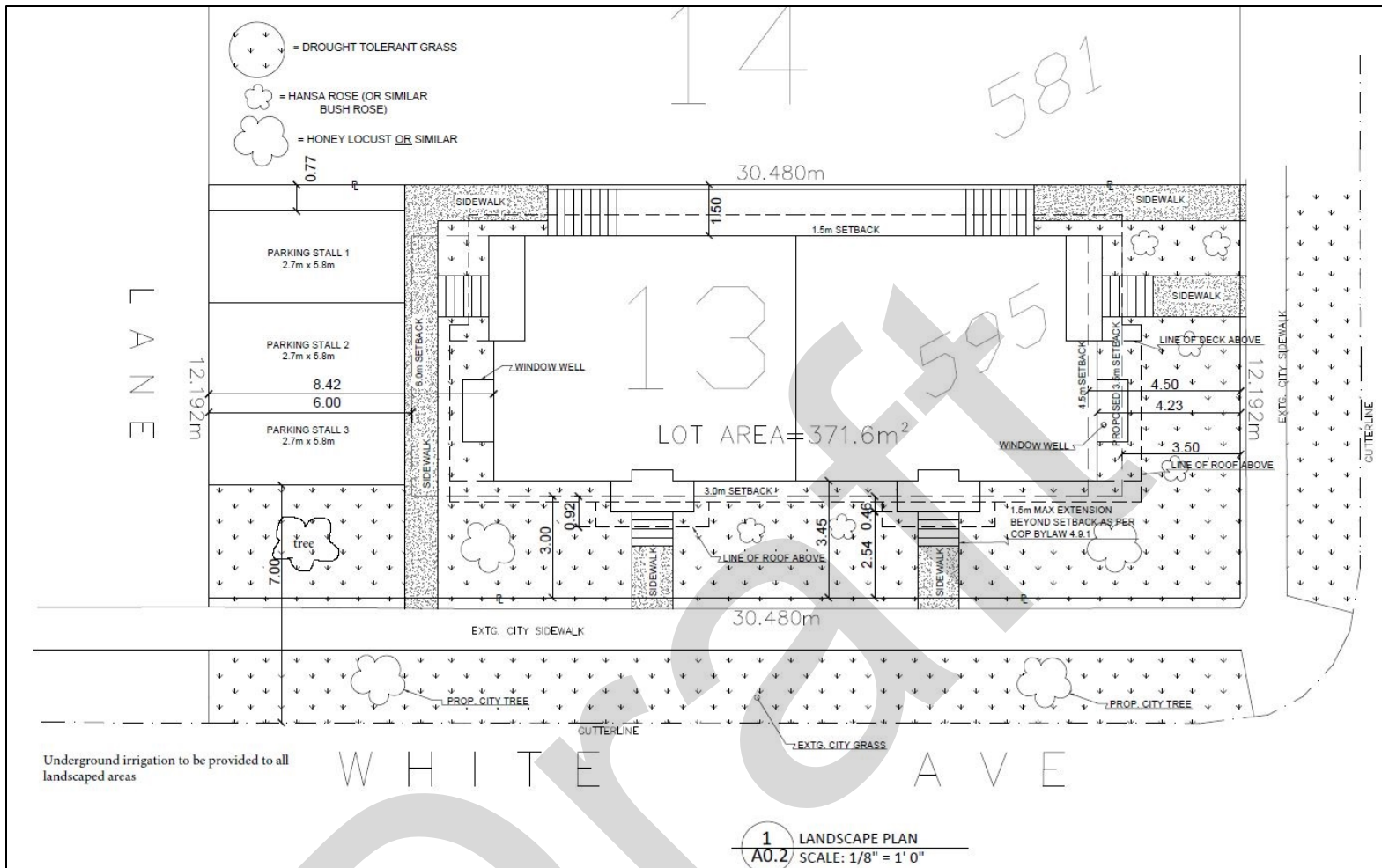


Figure 9: Landscape Plan

Attachment G – Elevations

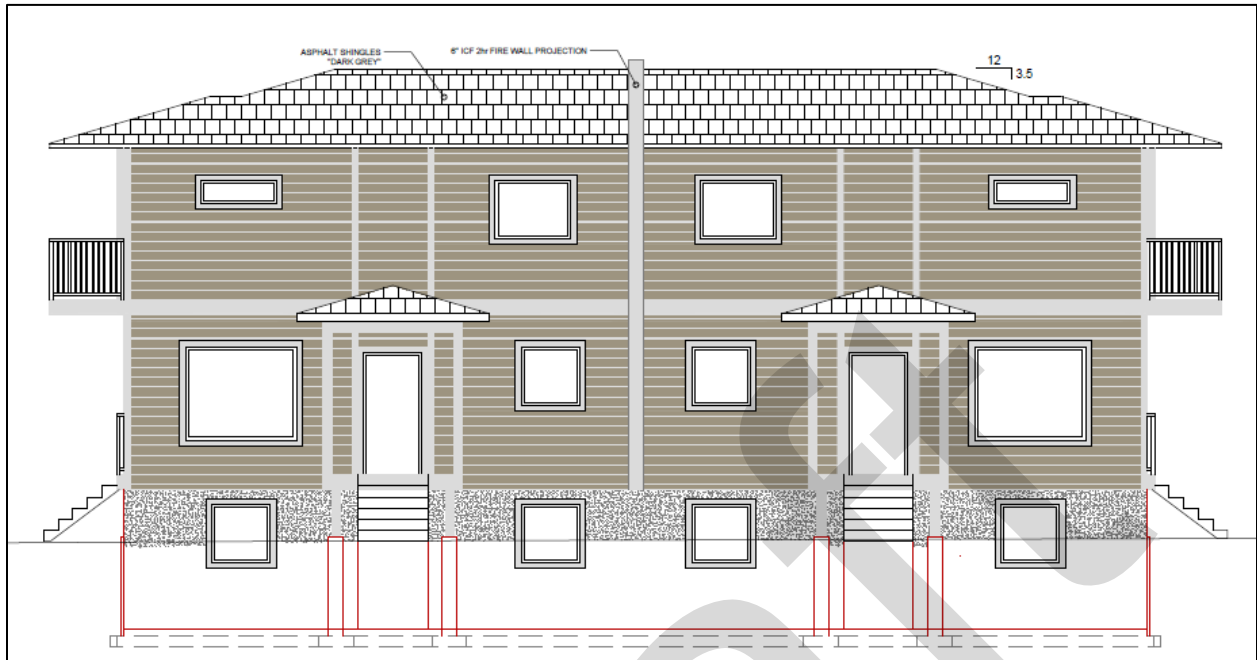


Figure 10: South Elevation (from White Avenue East)

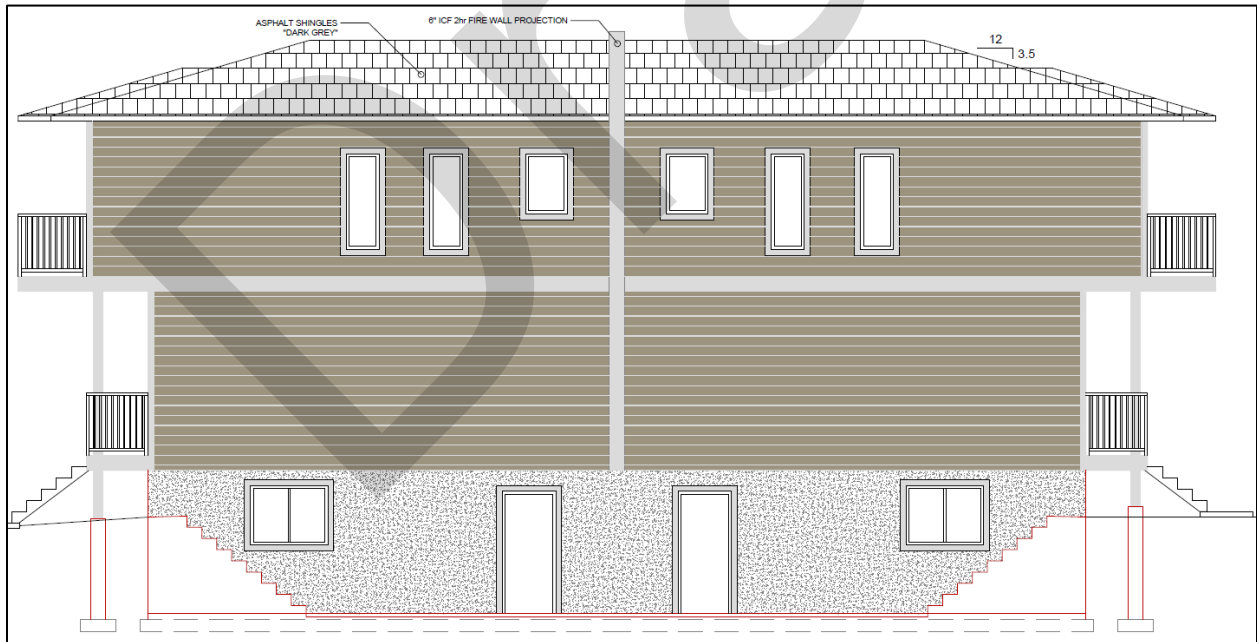


Figure 11: North Elevation

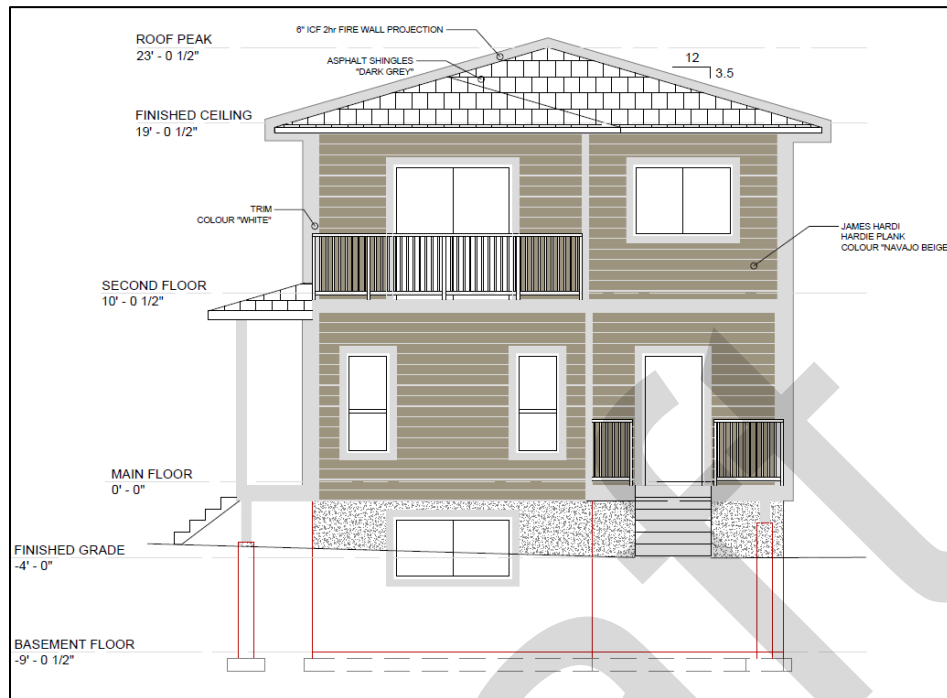


Figure 12: East Elevation (from Van Horne Street)

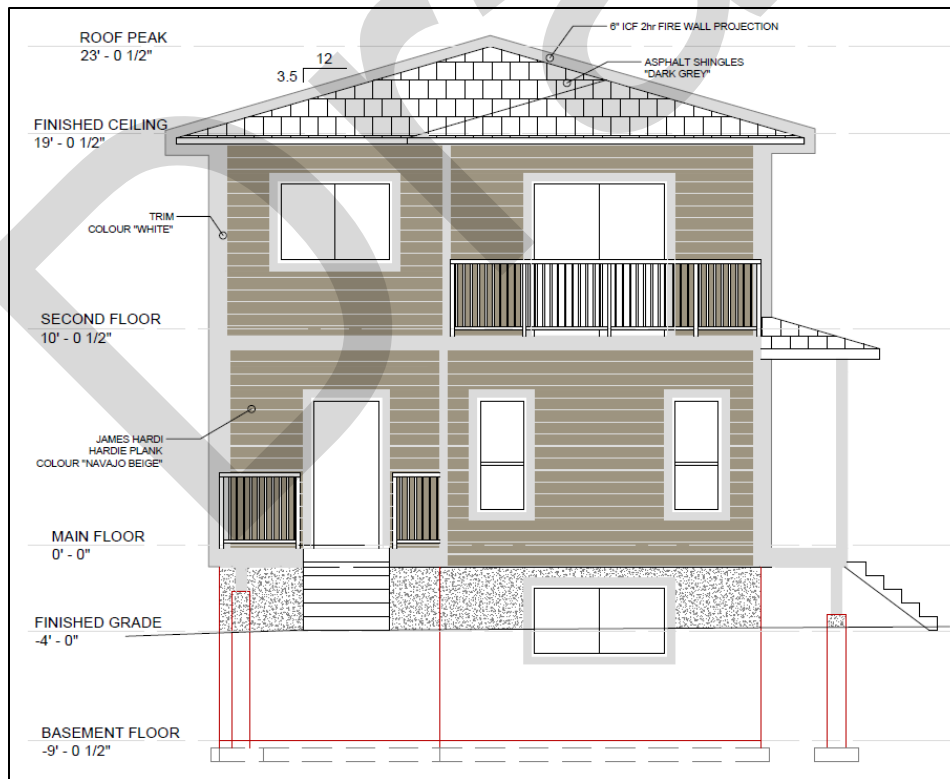


Figure 13: West Elevation (from the lane)

Attachment H – Floor Plans

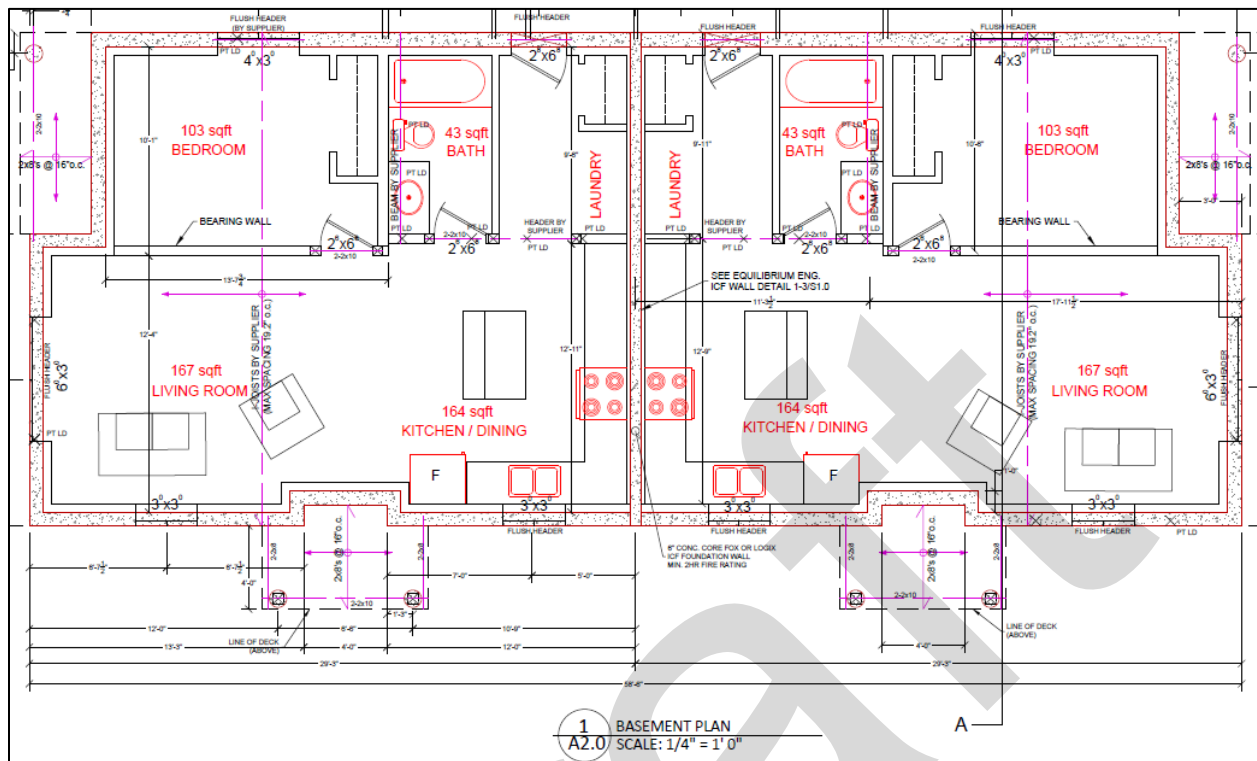


Figure 14: Basement Floor Plan (Duplex Suites)

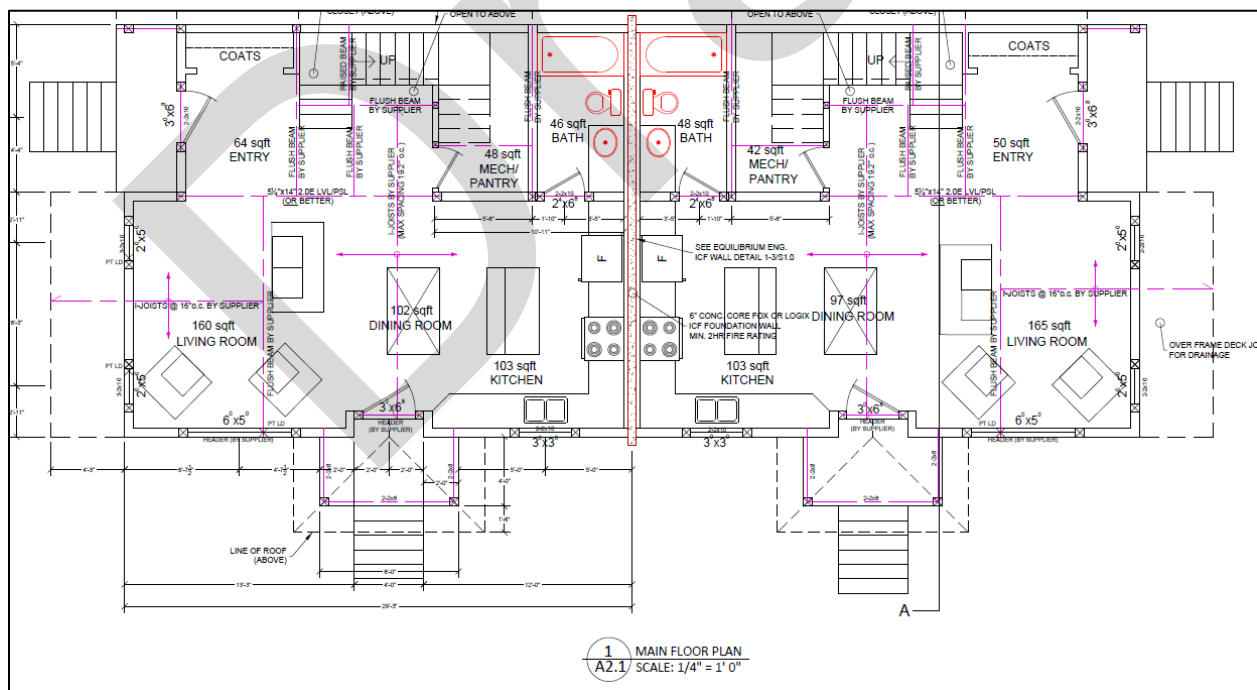


Figure 15: Main Floor Plan

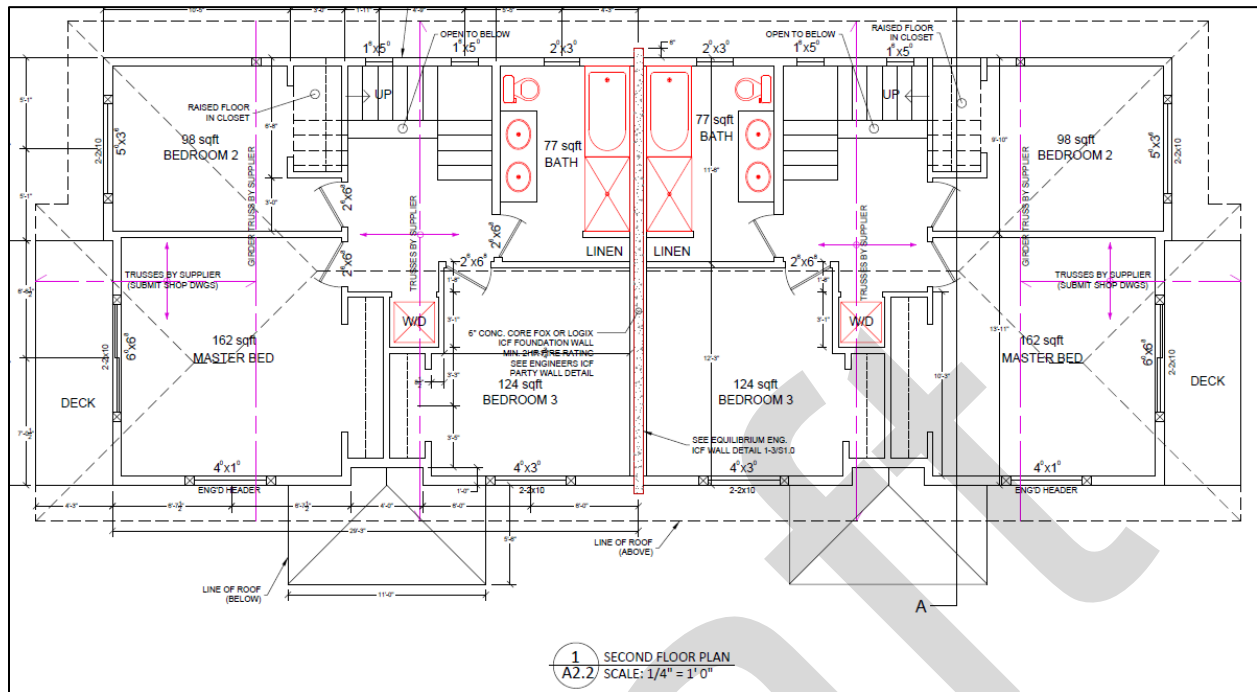


Figure 16: Second Floor Plan

Attachment I - Letter of Intent

August 31st, 2018

Penticton City Hall
Planning and Development Dept.
171 Main Street
Penticton, BC V2A 5A9

RE: Development Permit Application – Variance Request

ATTN: Planning Department

The intent of this project is to build a Quality 2-unit residential building (Duplex) located at 595 Van Horne Street in Penticton, BC. The design reflects the following objectives:

- Provide front and back duplex which is consistent with many of the newly constructed duplexes in the same area of Van Horne street to create continuity within the neighborhood.
- To provide basement suites in each of the front and back units of the duplex with separate side entrances to offer a return of investment for the prospective buyers and allow affordable rental suites for residences which is extremely high in demand in the downtown core.
- 3 of the 4 units will be accommodated with rear parking stalls to give the tenants/owners more of a detached dwelling feel.
- We plan to increase the landscape appeal by adding an assortment of shrubs and grass and two city trees to the boulevard.
- There also will be an irrigation system installed that will include the grass on the boulevards.

Furthermore, this letter of intent is to request zoning bylaw variances as follows:

- The bylaw states that the setback from the front yard should be 4.5 meters but we would like to request a setback of 3.5 meters.
- We would like to request a variance on the height of the retaining wall on the north side of the property from 1.2 meters up to 1.8 meters.
- A variance is also requested for the amount of parking stalls to go from the required number of 4 stalls to requested number of 3 stalls. Due to the abundance of street parking both on White Ave and Van Horne Street there should be no impact on residents.
- Approval of these requests would therefore allow for consistency within the neighborhood.

Our intent is to build a high-quality project which is consistent with the duplexes in the neighborhood to provide affordable housing and suites for those in the downtown core which is currently in critical demand.

Thank you in advance for considering this request and I hope that the information provided is suffice. If you need any further information, please don't hesitate to contact me directly at the phone number provided below.

Warm Regards,
Byron Taylor
BC Taylor Group Inc. 778 238 0269

Figure 17: 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 PL2018-8377

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 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269
Civic: 595 Van Horne Street
PID: 012-462-870
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 duplex with suites.
 - Section 5.6.2.1: to increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m.
 - Section 6.5 (Table 6.5): to decrease the required parking spaces from 4 to 3.
 - Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

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 4 day of December, 2018.

Issued this ____ day of _____, 2018

Angie Collison,
Corporate Officer



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

Development Permit

Permit Number: DP PL2018-8376

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 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269
Civic: 595 Van Horne Street
PID: 012-462-870
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex with suites, 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 \$4,800.00 must be deposited prior to, or in conjunction with, an application for a building permit 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.
 - c.
6. Upon completion of the development authorized by this permit, an application for release of securities 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:

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