



Public Notice

penticton.ca

March 21, 2019

Subject Property:

3200 Evergreen Drive (Lot 1, District Lots 190 and 2710, Similkameen Division Yale District, Plan KAP74449)

Application:

Development Variance Permit PL2019-8474

The applicant is proposing to develop 17 single-family bare land strata lots on the RM1 zoned portion of the property. To facilitate construction of 3 storey homes, the applicant is requesting to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.7.2.6: to increase the maximum permitted height from 8.5m (2 storeys) to 10.5m (3 storeys).

Information:

The staff report to Council and Development Variance Permit PL2019-8474 will be available for public inspection from **Friday, March 22, 2019 to Tuesday, April 2, 2019** 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, April 2, 2019** 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, April 2, 2019** to:

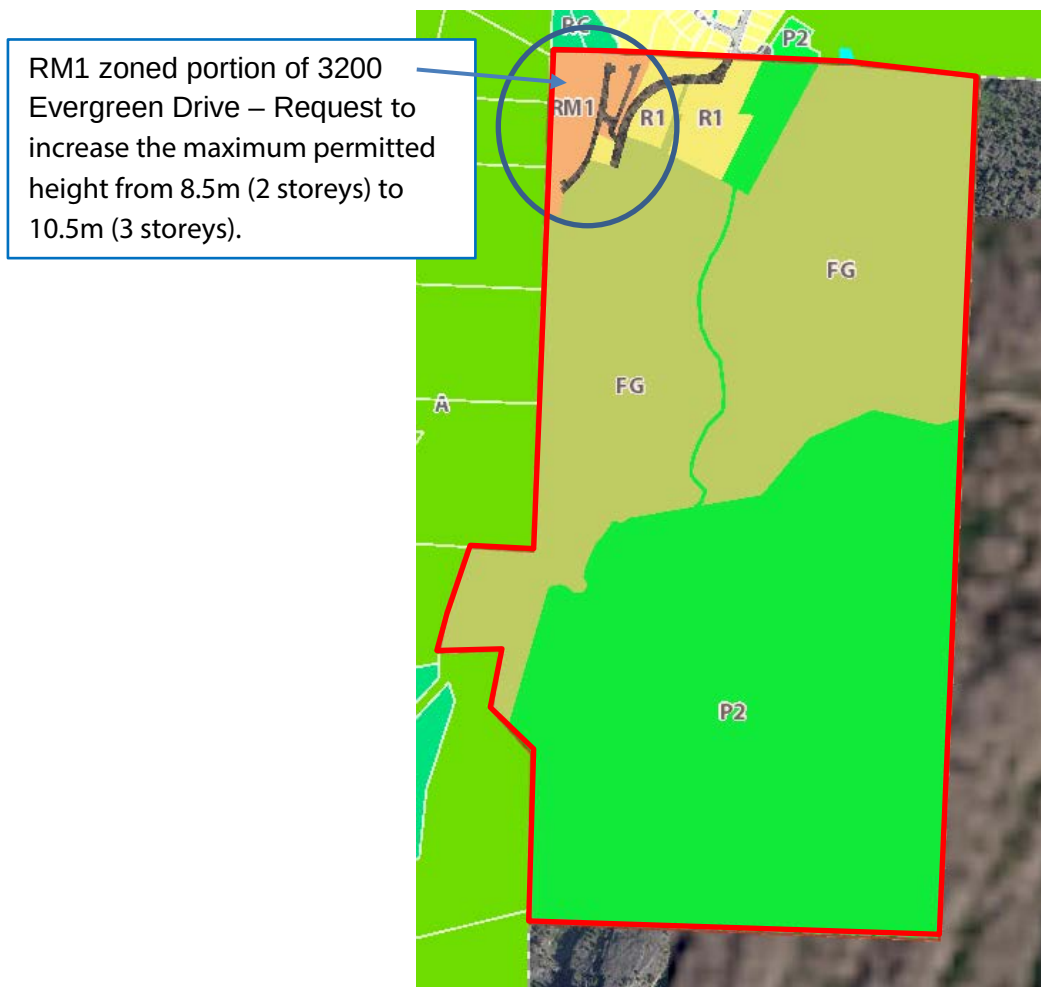
Attention: Corporate Officer, City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: publichearings@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the April 2, 2019 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

Subject Property: 3200 Evergreen Drive



Date: April 2, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 3200 Evergreen Drive
Subject: Development Variance Permit PL2019-8474

File No: 2019 PRJ-034

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2019-8474", for Lot 1, District Lots 190 and 2710 Similkameen Division Yale District Plan KAP74449, located at 3200 Evergreen Drive, a permit to increase the maximum height for single detached dwellings in the RM1 zone from 8.5m to 10.5m;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8474."

Background

The subject lands were part of recent planning processes to create land use plans for one of the City's future growth areas – the Upper Wiltse area. The following provides background and context to this application.

Wiltse Area Structure Plan

In 2014, Council approved the "Wiltse Area Structure Plan" (ASP). The ASP established the direction for future development of the Upper Wiltse Flats, a future growth area identified in the Official Community Plan. The ASP was created through a comprehensive planning process, involving extensive public engagement, environmental oversight and care to the impact on existing City infrastructure and services. The area covered by the plan consists of 630 acres of land with approximately 330 acres within the North Block and the remaining 300 acres called "Bluffs at Skaha" newly annexed through a boundary extension process.

In 2018, the province approved annexation of the South Block into the City of Penticton and in August of 2018, Council approved OCP designations and zoning for the lands as well as other applicable City policy documents and bylaws to reflect the annexation.

Bluffs at Skaha

The annexed area is called the "Bluffs at Skaha" and is accessed from the southern end of Evergreen Drive. Presently, the OCP shows a mixture of land uses for these lands including clustered single-family development, parkland /conservation and multiple family sites. There is an extensive natural area, 159 acres

(+/-) that forms part of a voluntary donation currently in process for the expansion of the provincially owned Skaha Bluffs Park. The lands are currently vacant.

The following zones, contained within the City of Penticton Zoning Bylaw, were approved in 2018 for the development of those lands:

- R1 (Large Lot Residential)
- RM1(Bareland Strata Housing)
- P2 (Parks and Recreation) Parks and Fortis power line right-of-way, within the residential area and the expansion of the Skaha Bluffs Provincial Park.
- FG(Forestry Grazing)

To date, the applicant has received preliminary approval for the subdivision of 23 single-family lots and 17 bareland strata lots on the site. An Earthworks Permit was recently issued to enable rough clearing of the land for access.

Subject Parcel

The area pertinent to this application are the lands that are zoned RM1 (attachment B) and are intended to be a bareland strata development with 17 single family lots. Under the RM1 zoning, the maximum height for a principal building is 8.5m (2 storeys). The applicant is requesting that this height be increased for all of these lands to 10.5m, which is the maximum permitted height in all other detached residential zones.

According to the applicants letter of intent, the reasoning for requesting the variance is that the topography of the lots make additional height a necessity, given the way height is measured by the Zoning Bylaw. Additionally, the intent is to have the same development rights (with respect to height) as all the other residentially zoned properties in the area. Finally the applicants point out the size of the lots (800m²+) are of a size such that they lend themselves to larger houses.

Proposal

To facilitate the proposed 17 - lot bareland strata development, the applicants are requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.7.2.6: to increase the maximum permitted height from 8.5m to 10.5m.

Financial implication

N/A

Technical Review

This application has been assessed by the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No concerns were raised at this time.

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 variance below is required to construct adequately sized homes on the steep slopes.

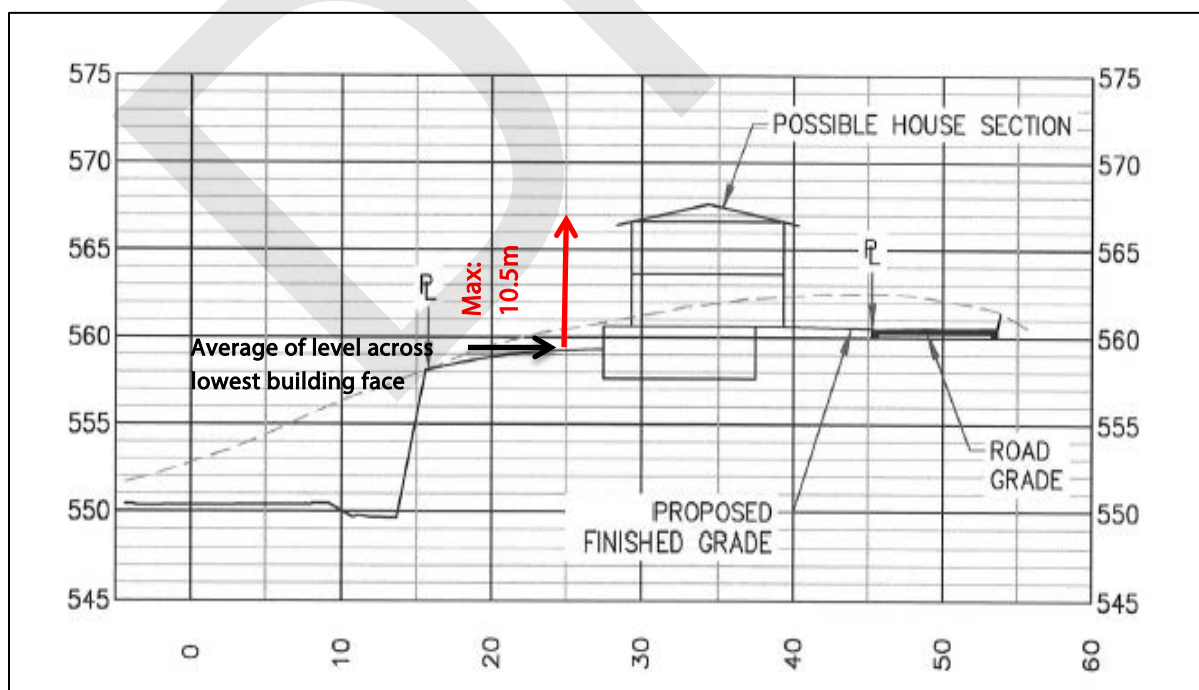
- *Section 10.7.2.6: to increase the maximum height from 8.5m to 10.5m.*

The RM1 zoning has been used typically on flat lots for single or two storey homes, in a bareland strata format. The RM1 was favoured in this case over a standard fee simple zone, because of the steep topography of the land. Bareland stratas allow for reduced standards, as the City does not need to maintain the roads. The strata zone also has more flexibility with regard to building setbacks and regulations, allowing for easier placement in the rocky terrain.

The RM1 zone, designed for flat lots, only allows for a maximum height of buildings to be 8.5m. All other single family residential zones allow building heights of 10.5m, which is what the proponents are requesting on these lots.

This proposal provides for a consistent development with other single family dwellings on adjacent lands that are permitted to have a height up to 10.5m. Another hillside strata subdivision (Penrose Court) in the area has received an approval to build up to 10.5m and Council recently approved increases in height of the strata townhouse development at Sendero Canyon.

The following sketches illustrate the typical lot grades in the strata development. The height is measured from the average of the lowest elevation of the building face.



Before building permit approval, the applicant will be required to obtain a hillside hazard development permit. Approval of the development permit will be subject to a number of guidelines including minimizing grading works, designing buildings sensitively to maintain natural slope conditions and avoid large cuts and fills to achieve flat yards.

Given the hillside condition of the site, staff conclude that the variance request is reasonable and will not unreasonably affect the adjacent area. Approval of the variance allows 17 homes to be built in a new neighborhood on challenging terrain. 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 restrict the height on those lots and would be inconsistent with the rest of the development on the land. Council should be aware that if the variance is not approved, the developers would likely need to install a lot of retaining structures to artificially manipulate the lots to get the desired walk out basements. This is not a positive outcome in Staff’s opinion.

For these reasons, staff do not recommend denial of the variance permit.

Alternate Recommendations

- 1. THAT Council refer “DVP PL2019-8474” 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: Nearby Variances
- Attachment G: Letter of Intent
- Attachment H: Development Variance Permit PL2019-8474

Respectfully submitted,

Audrey Tanguay
Approvals

DDS	CAO
	

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

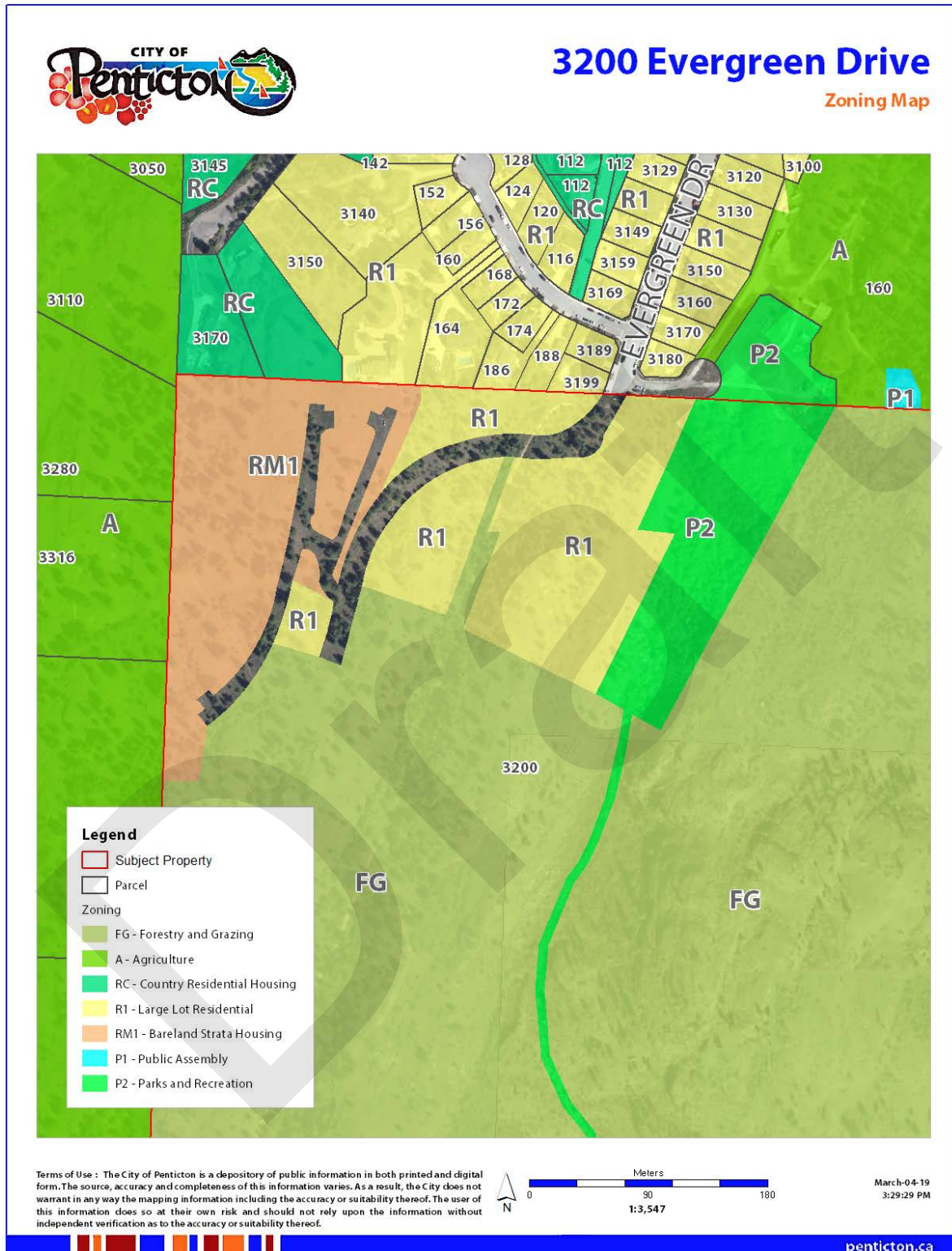


Figure 2: Zoning Map

Attachment C- OCP Map

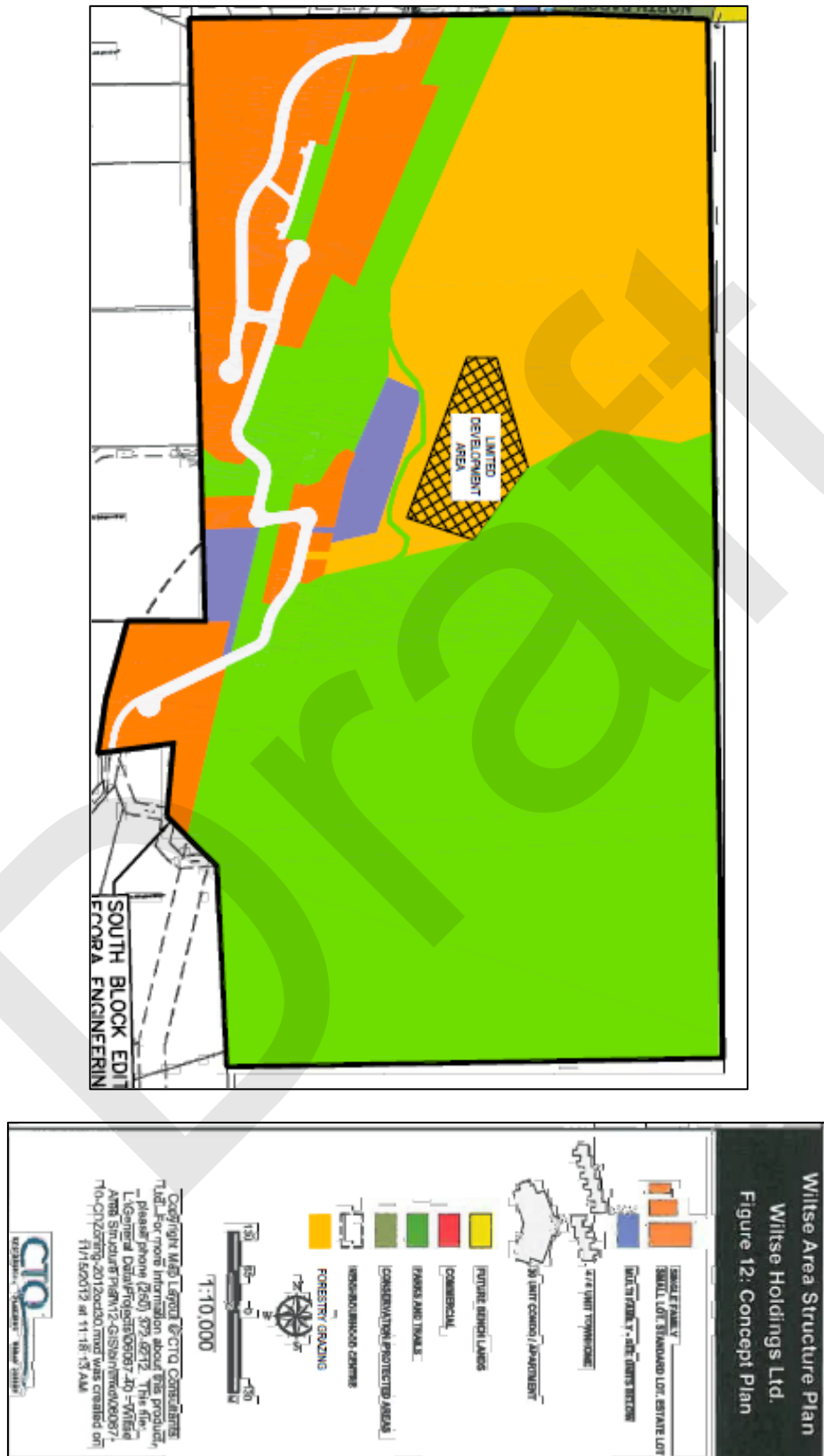


Figure 3: OCP Map

Attachment D – Photos of Subject Property

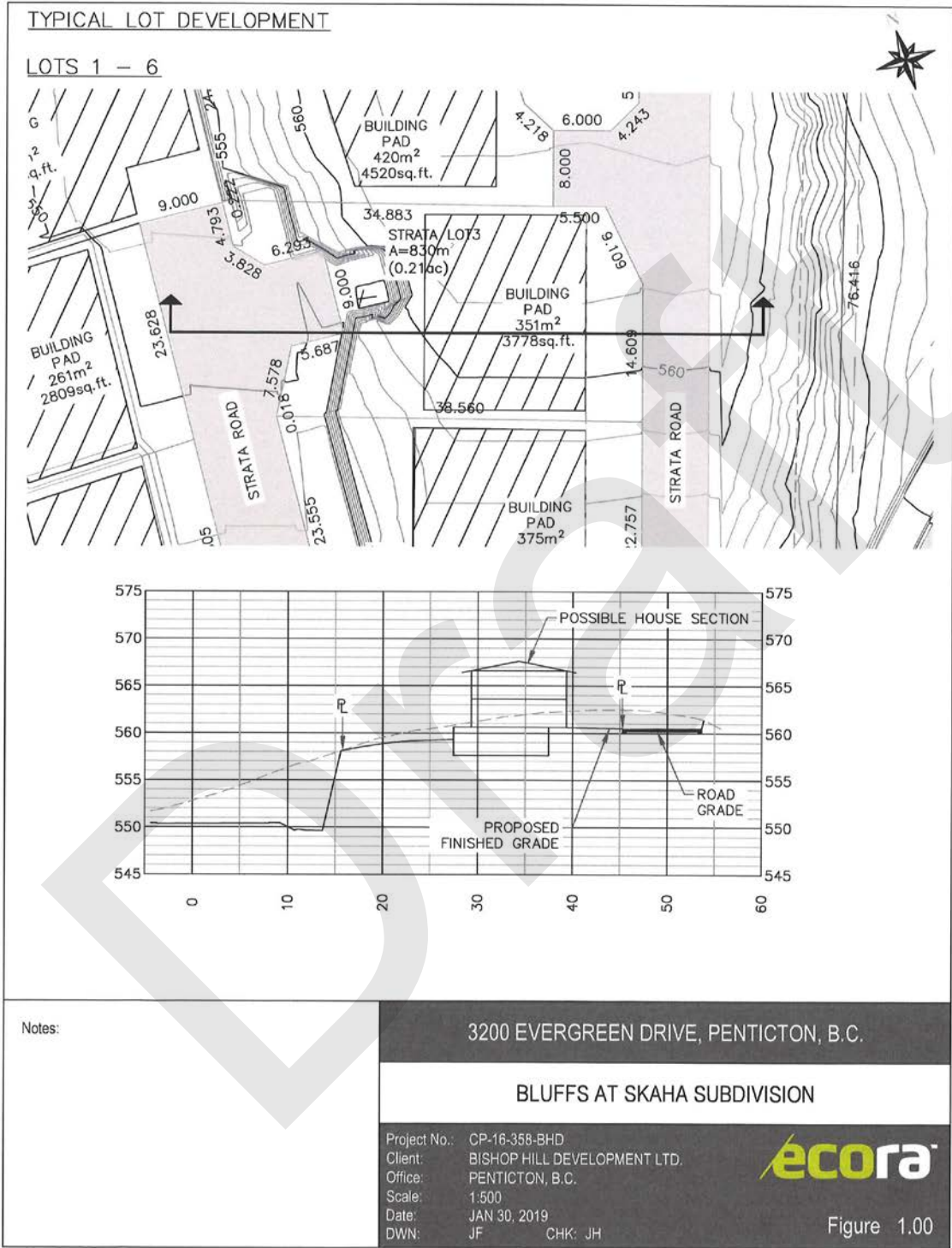


Figure 4: View Looking South East



Figure 5: View Looking East

Attachment E – Site Plan



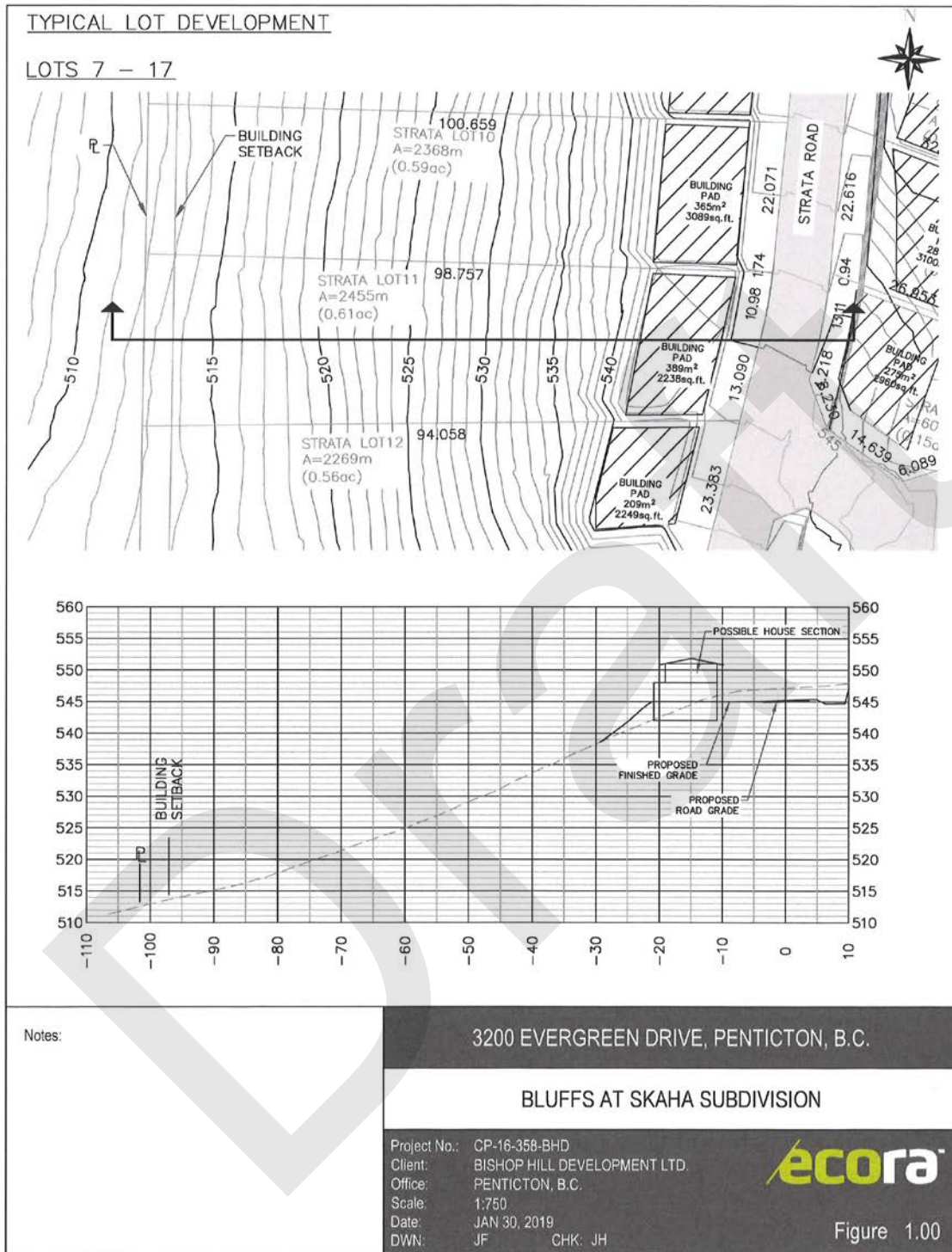


Figure 10: Site Plan

Attachment F – Nearby Variances



Figure 19: Nearby Variances





January 31, 2019

Ecora File No.:CP-16-358-BHD

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

Attention: Planning Department

Reference: Development Variance Permit for 3200 Evergreen Drive to increase principal building height in a RM1 zone from 8.5m to 10.5m

Ecora Engineering and Resource Group Ltd. (Ecora) was requested to submit a Variance Permit Application for part of the Bluffs at Skaha development, located at the southern end of Evergreen Drive. The proposed new development consists of the extension of Evergreen Drive to service 23 single family lots and a 17 unit bare land strata.

The bare land strata is zoned RM1. The RM1 zone provides for single family bare land strata development and has a maximum height of a principal building at 8.5 m. This DVP application is to vary the RM1 zone for this site to allow for principal buildings of 10.5 m in height – this would permit a 3 storey home.

Rational

- Single family dwellings in all of the Residential Zones (R1, R2, R3) are permitted a maximum height of 10.5m.
- The lots in this bare land strata development are much larger (all but 2 lots are over 800m²) and wider (22 – 25m) than R1 standard fee simple lots that have a minimum area of 560 m² and minimum width of 16m, so the development will have a spacious appearance.
- The proposed 17 lot strata development will be located in the midst of a single family neighbourhood, both new homes and existing ones on Penrose Court, so the new strata homes will be consistent with adjacent construction.
- The RM1 zone has typically been located in the valley bottom areas or on gently sloping sites in the City and are comprised of mainly of single storey, but occasionally two storey or single storey with basement, retirement homes. The new RM1 development proposed at the Bluffs at Skaha is a strata form of development that allows for a narrower roadway and a reduced front setback more conducive for residential development on a steeper hillside site. Also a more typical stepped single family hillside home is suitable in this location.
- A hillside strata subdivision of 10 units located at 112 Penrose Court, in the immediate neighbourhood permits a building height of 10.5m.

Ecora Engineering & Resource Group Ltd.
Select office location from dropdown
www.ecora.ca



Typical Lot Development

The attached sketches illustrate the typical lot grades in this strata development and how homes may be constructed and why a maximum building height of 10.5m provides lot owners a reasonable option of having a 3 storey home (and typical for many hillside homes in the City)

- Lots 1 to 6, along the upper roadway would likely be developed with 2 storeys at the road elevation and with an optional daylight basement.
- Lots 7 to 17 along the lower roadway would likely be developed with 1 storey level with the road elevation and one below the road, with an optional upper floor.

Sincerely

Ecora Engineering & Resource Group Ltd.



Donna M. Butler, MCIP, RPP
Senior Planner

Direct Line: 250.492 2227 x 1070
Email: donna.butler@ecora.ca

Figure 20: 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 PL2019-8474.

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 Lots 190 and 2710 Similkameen Division Yale District Plan KAP74449
Civic: 3200 Evergreen Drive
PID: 025-796-020
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 a 3 storey home on a steep slope in bareland strata.
 - Section 10.7.2.6: to increase the maximum height from 8.5m to 10.5m.

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 2 day of April, 2019

Issued this ____ day of _____, 2019

Angie Collison
Corporate Officer

Draft

DVP PL2018-8283

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