

March 21, 2019

Subject Property:

434 Lakeshore Dr. W.

Lot 1, District Lot 4, Group 7, Similkameen Division Yale
(Formerly Yale-Lytton) District, Plan 35081

Application:

Rezone PL2019-8475

The applicants are intending to operate a bed and breakfast (up to 4 sleeping units) at 434 Lakeshore Dr W which is currently zoned R2-Small Lot Residential. In order to do so, they have applied for a site specific zoning amendment to permit 'Bed and Breakfast Home' at this site.

Information:

The staff report to Council and Zoning Amendment Bylaw 2019-12 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.

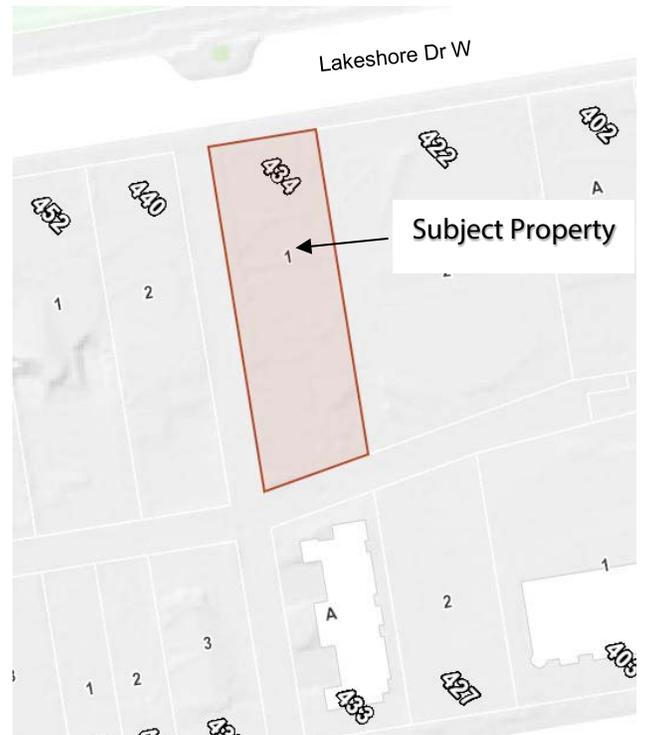
Council Consideration:

A Public Hearing has been 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 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: March 19, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 434 Lakeshore Drive W
Subject: **Zoning Amendment Bylaw No. 2019-12**

File No: PRJ2019-036

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-12", a bylaw to add the following section to the R2 (Small Lot Residential) zone: 10.2.4.3 – "In the case of Lot 1 District Lot 4 Group 7 SDY (Formerly Yale-Lytton) District Plan 3508, located at 434 Lakeshore Drive West, a Bed and Breakfast Home shall be permitted", be given first reading and be forwarded to the April 2, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-12", a 3.0m x 3.0m lane dedication corner cut be registered with the Land Title Office at the south west corner of the property.

Background

The subject property currently contains a historic home (referred to as Warren House in the City's Heritage Register) which was constructed in 1912, at the time that the Kettle Valley Railway was being built. The new owners of the house are intending to operate a bed and breakfast, offering 3 rooms for rent on a nightly basis. The owners are intending to live on site to operate the business. The property (Attachment 'A') is currently zoned R2 (Small Lot Residential) Bed and breakfast is not a permitted use in the R2 zone, so the property owners are requesting a site specific zoning amendment to permit the use.

The property is just over 0.25 acre (1,056 m²), which is similar size to other single family properties, which front along Lakeshore Drive West. The surrounding neighbourhood has a variety of zones existing (Attachment 'B') including R2 (Small Lot Residential), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing), RM4 (High Density Multiple Housing), and RD2 (Duplex Housing: Lane). The subject property is also designated as LR (Low Density Residential) within the City's existing Official Community Plan (2002), and the surrounding properties are designated LR and MFLD (Multi-Family Low Density).

Draft Official Community Plan (2019)

The Official Community Plan review currently underway includes the subject property within the Future Land Use category called 'infill residential'. The draft Official Community Plan describes the infill residential designation as "transitional lower-scale residential areas with housing types compatible with single detached houses in character and scale but providing more units per lot". Compatible types of development include single detached houses with or without secondary suites and/or carriage houses; duplexes with or without suites; triplexes and fourplexes; lower-density rowhouses; and small-scale neighbourhood commercial buildings.

The draft Official Community Plan also includes the following policies which support the proposed application:

1. Policy 4.1.2.10: monitor vacation rentals to ensure they are not having a negative impact on the long-term rental stock or negative social impacts on existing neighbourhoods. Refine vacation rental policy and regulations if necessary.
2. Policy 4.1.5.1: recognize that traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design and are appropriately location.

Proposal

The applicant is requesting the following amendment to Zoning Bylaw 2017-08:

Add Section:

"10.2.4.3 - In the case of Lot 1 District Lot 4 Group 7 SDY (Formerly Yale-Lytton) District Plan 3508, located at 434 Lakeshore Drive West, a Bed and Breakfast Home shall be permitted."

Technical Review

This application was reviewed by the City's Technical Planning Committee. No significant issues arose in the process. A corner cut for lane dedication at the southwest corner of the property was identified by the Engineering Department. This has been included as a condition of the rezoning process. The property owner has received a Building Permit to complete some initial renovations to the house in preparation of their rezoning. A full inspection of health and safety items will be undertaken prior to issuance of a license for the business.

The Zoning Bylaw requires Bed and Breakfast Homes to provide 1 parking space per bedroom to a maximum of 3 parking spaces, plus 1 parking space for the corresponding dwelling unit. The subject property would be required to provide a total of 4 parking spaces. The applicant has provided a site plan, which indicates seven (7) parking spaces to be available on-site, which well exceeds the required 4 spaces.

Financial Implication

The City is responsible for all costs associated with the registration and survey work for the lane dedication corner cut at the rear of the property (<\$2,000). All other development costs are the responsibility of the applicant.

Analysis

Support Zoning Amendment Bylaw

The subject property is designated Low Density Residential (LR) by the City's Official Community Plan Bylaw No. 2002-20. This designation encourages a mix of low density uses including single family dwellings, duplexes, and small scale neighbourhood commercial uses. Policies for the low density residential designation, which are supported through this application include:

1. Maintain the character of the existing single family neighbourhoods in Penticton.
2. Consider the conversion of existing homes located along major roads to other uses, such as small scale commercial or institutional, provided that the character of the area is preserved and impacts are minimized.

The proposal to allow for a Bed and Breakfast Home at this location does not conflict with the policies set out in the OCP for the LR (Low Density Residential) designation and, as no exterior alterations of the home will be made, the proposal will expand the use of the property without affecting the current character of the neighbourhood.

The OCP contains further policy support for Tourist Accommodations along Lakeshore Drive, to the west of the subject property (west of Power Street). This area west of Power Street, along Lakeshore Drive contains a number of tourist accommodations (hotels, motels), and small scale commercial and restaurant attractions. While the subject property is located just east of this identified Tourist Accommodation area, it is still located in a desired tourist area (close to Okanagan Lake, the downtown, the Community Centre, South Okanagan Events Centre, and the Trade and Convention Centre). The proposal to operate a Bed and Breakfast Home at 434 Lakeshore Drive provides an alternate type of tourist accommodation than the hotels/motels, within a mixed density area, while still maintaining the character of the heritage home.

The applicants have also indicated a strong desire to maintain the historic character of the property. This is in line with the OCP's heritage preservation policy to promote the conservation and enhancement of buildings and sites which have historic significance to the community. The applicants are not making alterations to the outside of the home. The only visible change outside would be the established areas for parking on the property.

The current R2 (Small Lot Residential) zoning of the subject property does not allow for a Bed and Breakfast Home, however it does allow the use vacation rental. With the operation of a vacation rental, the property owners are not required to be living on the property, and there can be a maximum of two persons per bedroom. Although the proposal to have a Bed and Breakfast Home requires a rezoning to allow for the use, it is arguable that a Bed and Breakfast would have a lesser impact on the neighbourhood than a vacation rental would. As the owners will be living on the property, they are always onsite to regulate the activities and levels of noise occurring on the property.

The Zoning Bylaw (2017-08) allows for Bed and Breakfast Homes subject to the following regulations:

1. A Bed and Breakfast Home shall be operated as an accessory use within a single detached dwelling, with a maximum 4 sleeping units with accommodation for a maximum of two guests per sleeping unit.
2. The Bed and Breakfast Home should not change the residential character or external appearance of the dwelling.
3. The licensed operator of a Bed and Breakfast Home must reside in the dwelling in which the Bed and Breakfast operation is located.

The proposal at 434 Lakeshore Drive West will meet all of the Bed and Breakfast Home regulations contained in the Zoning Bylaw. At this time, the Bed and Breakfast will operate with 3 sleeping units, and the applicant's intend to eventually provide 4 sleeping units for their Bed and Breakfast guests. The applicants are not making any changes to the outside of the home, which would change the residential character of the property. Lastly, the applicants intend to live on the property and operate the Bed and Breakfast Home as indicated in the Letter of Intent provided (Attachment 'E').

Given the above, there is adequate policy through the OCP to support the proposal to rezone the subject property to allow for a Bed and Breakfast Home, and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2019-12".

Deny Zoning Amendment Bylaw

Council may consider that the proposed development is not appropriate for the subject property. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2019-12”.

Alternate Recommendations

1. THAT Council give first reading to “Zoning Amendment Bylaw No. 2019-12”, with conditions that Council feels are appropriate.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map of Subject Property
- Attachment C: Official Community Plan Map of Subject Property
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Proposed Site Plan
- Attachment G: Zoning Amendment Bylaw No. 2019-12

Respectfully submitted

Nicole Capewell
Planner 1

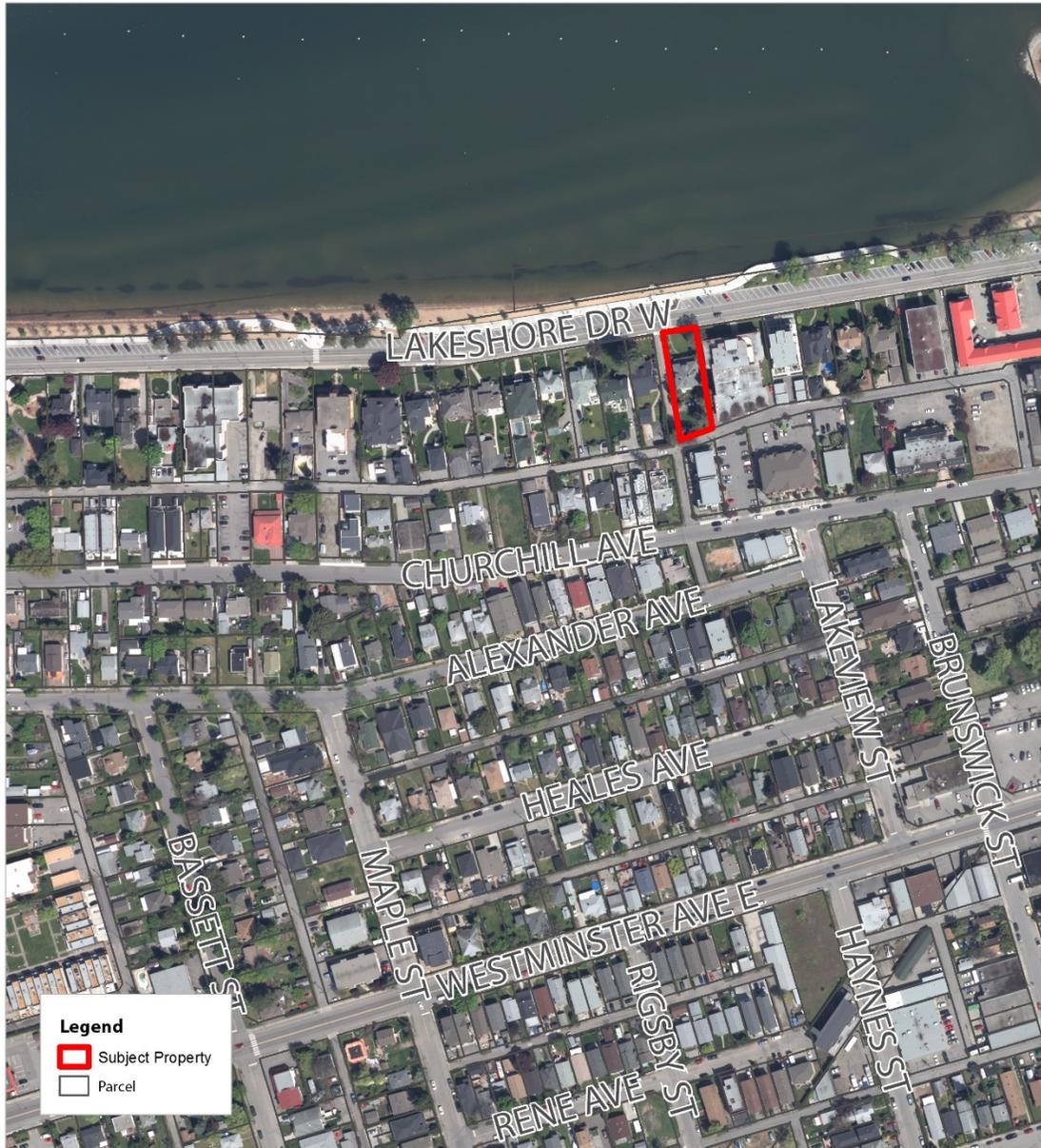
Approvals

Director Development Services <i>AA</i>	Chief Administrative Officer DyD
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434 Lakeshore Drive West

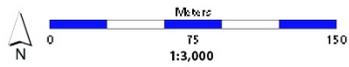
Location Map



Legend

-  Subject Property
-  Parcel

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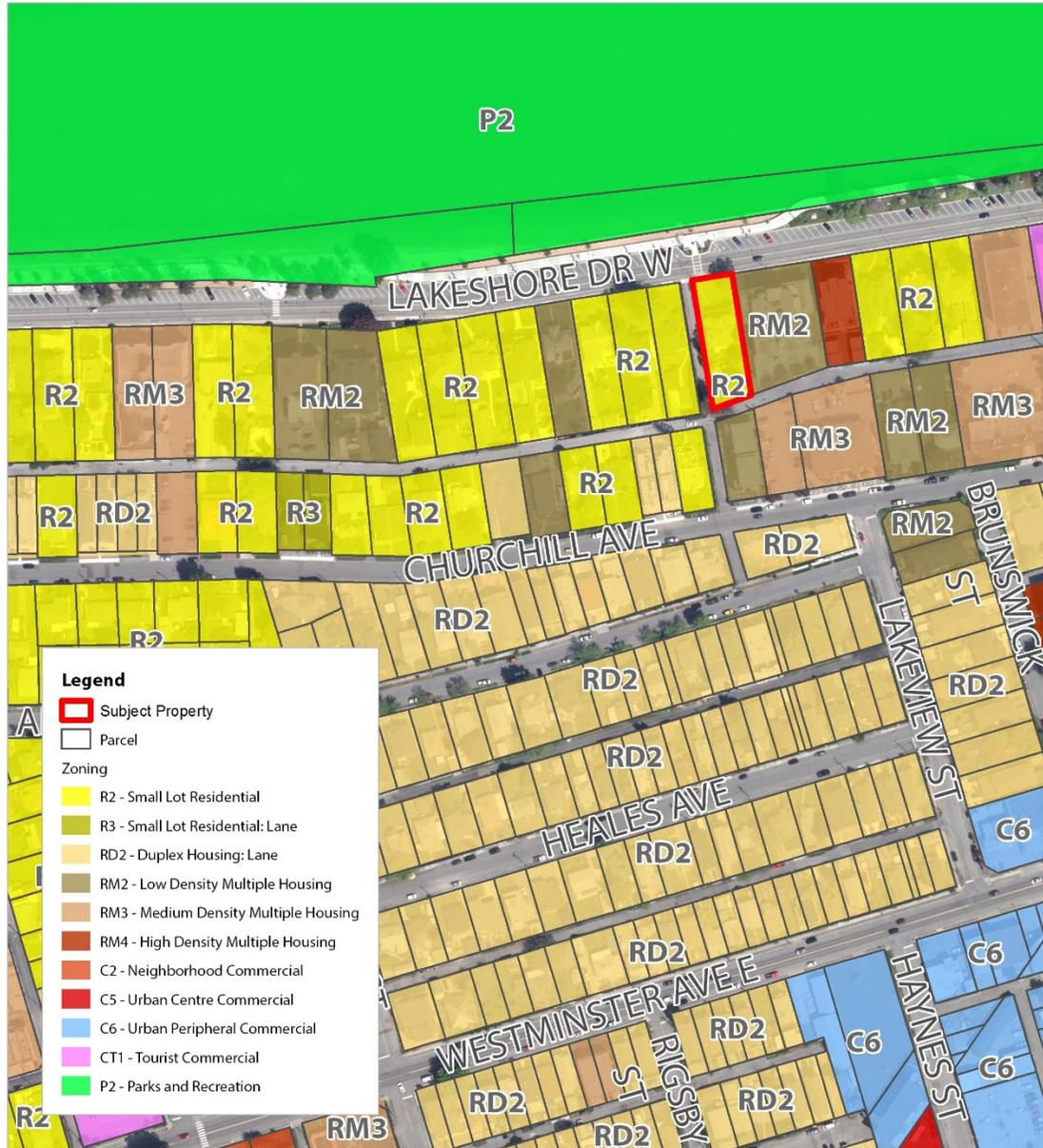


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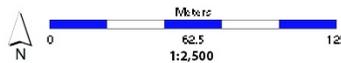
Figure 1 – Subject Property Highlighted in Red



434 Lakeshore Drive West
 Tourist Accommodations - B&B and Vacation Rentals



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Figure 2 – Subject Property Currently Zoned R2 (Small Lot Residential)



434 Lakeshore Drive West

Official Community Plan Future Land Use Map



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Figure 3 – Subject Property Currently Designated as LR (Low Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 4 – Looking at front of 434 Lakeshore Drive W from street



Figure 5 – Looking north toward subject property from rear lane



Figure 6 – Looking south down the western property line from Lakeshore Drive (along pedestrian corridor)



Figure 7 – Proposed parking area for guests (refer to Site Plan)



Figure 8 – Proposed parking area for guests (refer to Site Plan)

Attachment E – Letter of Intent

February 11, 2019

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

Peter and Paula Ruutel
434 Lakeshore Drive West
Penticton, BC, V2A 1B8

Attention: City Council

Dear Sir or Madam,

The purpose of this letter is to advise the City of Penticton of our intention to operate a luxury Bed and Breakfast at historic **Warren House (434 Lakeshore Drive West)** and to obtain permission for a variance to the current R2 zoning to allow use as a "Bed and Breakfast Home", in accordance with section 7.2 of bylaw 2017-08.

The Bed and Breakfast will consist of up to four bedrooms with a maximum of eight guests (2 adult guests only per bedroom). The property will be our primary residence and we will reside at the property acting as hosts, greeting and welcoming guests into our home. The property offers ample parking for guests and ourselves to the rear, with the back garden off the laneways and therefore will have minimum impact on neighbours in the surrounding properties (which include a 4 story apartment complex, a four plex and 4 unit-double duplex vacation rental).

Zoning currently allows 'Vacation Rentals' for up to 6 guests, but with a restriction that all guest rooms within the dwelling being booked by a primary guest of the same party. In our experience even when only one party books all rooms it is very likely that such vacation rental guests would consist of 3 sets of independent couples. The permitted use of 'Bed & Breakfast Home' would only increase the room capacity to 4 (8 guests in total) and allow the rooms to be booked independently – we do not plan to cater for children. As such, use as a Bed and Breakfast would not result in a significant increase in vehicle traffic and, as we are resident at the property, noise disturbances would be zero (especially as we are quiet living, non-partying people who like to get to bed early!!). We will also not allow drugs or smoking on our property.

Lastly, Warren House (434 Lakeshore Drive West), which was built in 1912, is recognized by the City of Penticton as a heritage property. Further, the property falls within the Tourist Commercial Hub of "Lakeshore Drive near Okanagan Lake", identified in the OCP and within walking distance of the South Okanagan Events Centre near which the OCP encourages the development of tourist accommodation stock. The approval of "Bed and Breakfast Home" as a permitted use therefore not only supports the OCP but also allows us (the owners) to cover the considerably higher maintenance costs associated with the upkeep of a historic home (thereby saving the property from re-development or falling into disrepair).

Thank you in advance for your consideration.

Yours faithfully,

Peter Ruutel

Figure 9 – Letter of Intent

Attachment F – Proposed Site Plan

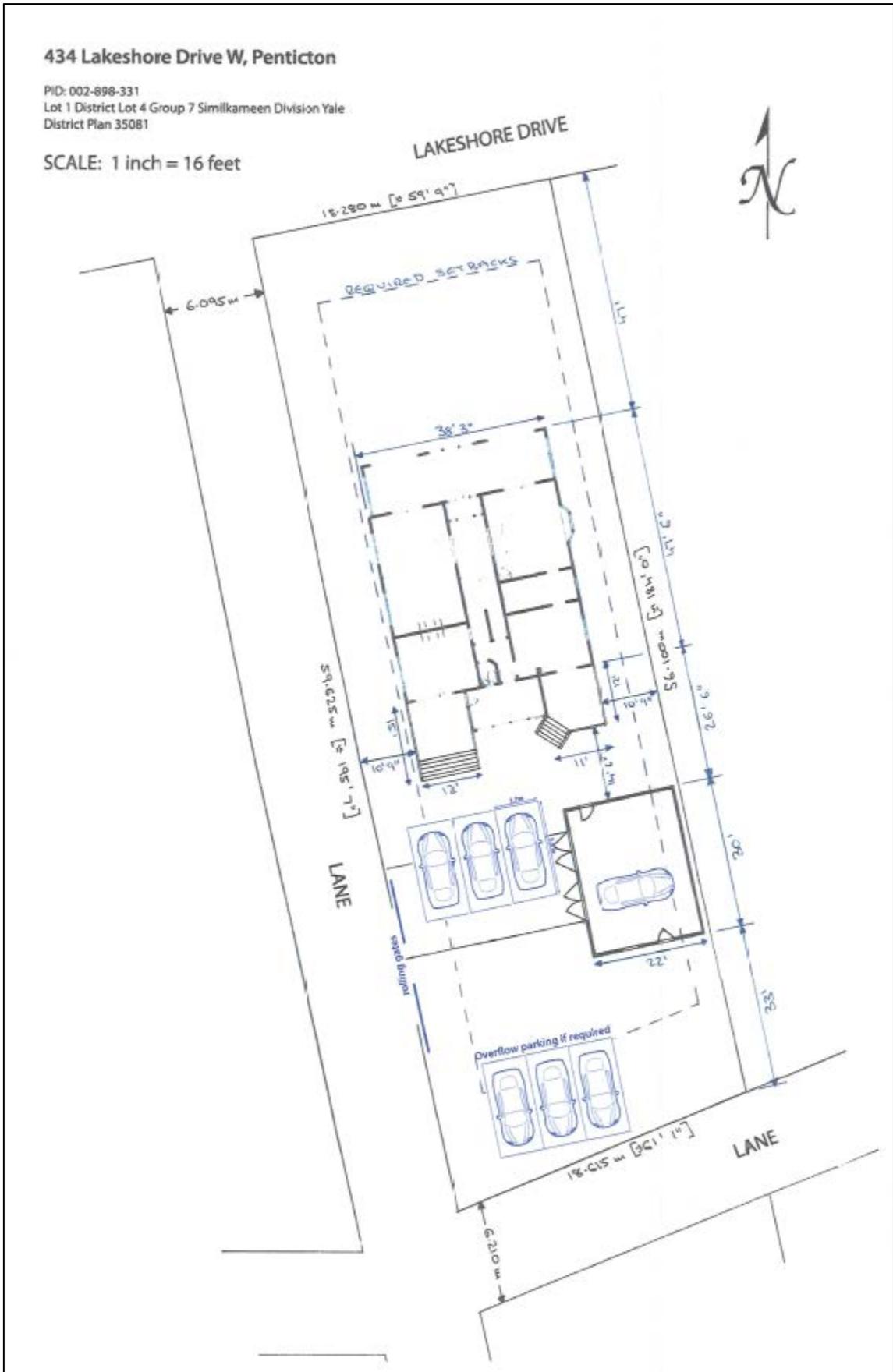


Figure 10 – Conceptual Site Plan

The Corporation of the City of Penticton

Bylaw No. 2019-12

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-12".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Add Section 10.2.4.3: "In the case of Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3508, located at 434 Lakeshore Drive West, a Bed and Breakfast Home shall be permitted."

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
ADOPTED this	day of	, 2019

Notice of intention to proceed with this bylaw was published on the ___ day of ____, 2019 and the ___ day of ____, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

434 Lakeshore Dr W

Site Specific Rezoning To Permit A Bed and Breakfast Home



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-12

Date: _____

Corporate Officer: _____