

November 7, 2019

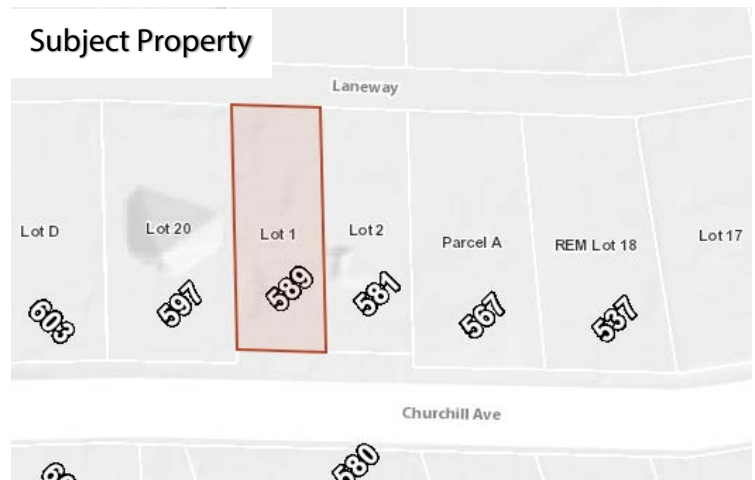
Subject Property:

589 Churchill Ave

Lot 1, District Lot 2, Group 7, Similkameen
Division Yale (Formerly Yale Lytton) District,
Plan EPP18269

Application:

Rezone PL2019-8586



The applicant(s) are proposing to construct a front-to-back duplex, with a detached accessory building (garage).

To facilitate this development, the applicant is requesting to rezone the property from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill).

Information:

The staff report to Council and Zoning Amendment Bylaw No. 2019-44 will be available for public inspection from **Friday, November 8, 2019 to Tuesday, December 3, 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, December 3, 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, December 3, 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 December 3, 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

Date: November 5, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 589 Churchill Avenue
Subject: **Zoning Amendment Bylaw No. 2019-44**
Development Permit PL2019-8587

File No: PRJ2019-132

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-44", a bylaw to rezone Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill), be given first reading and be forwarded to the December 3, 2019 Public Hearing;

AND THAT Council consider "Development Permit PL2019-8587", a permit that allows for the construction of a duplex development with an accessory building for 589 Churchill Avenue, after adoption of "Zoning Amendment Bylaw No. 2019-44".

Strategic priority objective

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

The subject property is an empty lot that was created as a result of a subdivision of 581 Churchill Avenue in 2012. As part of the subdivision, both properties were rezoned to R3 (Small Lot Residential: Lane) to accommodate single family development. The property at 581 Churchill Avenue was developed as a single family home with carriage house and utilizes the maximum lot coverage allowed under the R3 zoning.

The subject property is currently zoned R3 (Small Lot Residential: Lane) and is designated for 'Infill Residential' in the City's Official Community Plan (OCP). The subject property is approximately 438 m² (4,714 sq. ft.) in area. Photos of the site are included as Attachment 'C'.

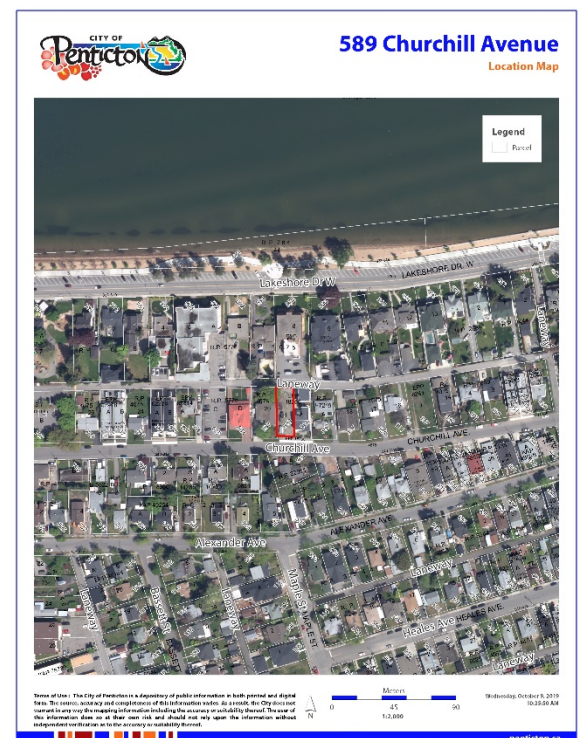


Figure 1 - Location Map

As indicated on the Zoning Map (Attachment 'A'), the surrounding neighbourhood currently contains a diverse mix of residential zones including R2 (Small Lot Residential), R3 (Small Lot Residential: Lane), RD2 Duplex Housing: Lane), RM2 (Low Density Multiple Housing), and RM3 (Medium Density Multiple Housing). The subject property is considered a desirable location in the City.

Proposal

The applicant(s) are proposing to construct a front-to-back duplex, with a detached accessory building (garage). To facilitate this development, the applicant is requesting to rezone the property from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill).



Figure 2 - Rendering of Proposed Buildings

The applicant is also required to attain a Development Permit for the form and character of the building, as the property is considered within the Intensive Residential Development Permit Area. This has been included for Council's consideration and will be considered subject to adoption of the associated zoning bylaw.

Financial implication

The application does not pose any significant financial implications to the City. All development costs are the responsibility of the applicant.

Technical Review

The application has been reviewed by the City's Technical Planning Committee (TPC). It is the property owner(s) responsibility to provide services and/or upgrade existing services as required. All buildings are required to be constructed to BC Building Code health and safety standards. Building code requirements have been identified to the applicant and will be addressed as part of the building permit process.

Development Statistics

The following table outlines the proposed development statistics of the project:

	RD3 Zone	Proposed in Plans
Lot Area:	275 m ²	438 m ²
Maximum Density:	1.0 Floor Area Ratio	0.3 Floor Area Ratio
Maximum Lot Coverage:	55%	53%
Vehicle Parking:	1 per unit = 2 required parking spaces	2 provided
Maximum Height Principal building:	10.5 m	6.8 m
Required Setbacks Front Yard (Churchill Avenue): Interior Side Yard (east): Interior Side Yard (west): Rear Yard (north)	4.5 m 1.2 m 1.2 m 6.0 m	4.5 m 2.6 m 1.5 m 10.94 m

Analysis

Support Zoning Amendment Bylaw

The City's Official Community Plan (OCP) designation (Attachment 'B') for the subject property is 'Infill Residential', which supports transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot. The proposed development is following the OCP vision for the subject property by providing a compatible housing type with single detached houses. The Churchill Avenue area has seen significant development of duplexes, and the proposal to rezone to construct a duplex suits the area and its recent development.

Staff consider that the proposed zoning amendment will allow for development that is supported through the following City Policies (within OCP):

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- Policy 4.2.2.4 Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
- Policy 4.2.5.2 Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

The proposed development demonstrates conformance with the City’s OCP policies. Staff consider that the proposed development is a strong application in a desired area of the community, which the OCP identifies for infill density.

Given that there is adequate policy through the OCP to support the proposal to rezone the subject property from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill), support is recommended for First Reading of “Zoning Amendment Bylaw No. 2019-44”.

Deny/Refer 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. 2019-44”

Support Development Permit

The proposed development is considered within the Intensive Residential Development Permit Area, which guides form and character to strengthen livability, neighborliness, and visual interest. Staff have completed an in-depth analysis of how the proposed development conforms to the Development Permit Guidelines (Attachment D). There is strong alignment between the plans and the intent of the Intensive Residential Guidelines. The applicant’s analysis of how the development meets the intent of the guidelines is also attached as Attachment ‘E’.

The proposed development demonstrates conformance with the City’s OCP Policies. Staff consider that the proposed development is a strong application in an area of the community identified for increased residential density within the City’s OCP. For these reasons, staff recommend that Council approve the Development Permit, subject to adoption of the associated zoning bylaw.

Deny/Refer Development Permit

Council may consider that the applicant(s) can change the design to more accurately reflect the development permit guidelines. If this is the case, Council should refer the permit back to staff to work with the applicant(s) as directed by Council.

Alternate recommendation

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2019-44” and deny consideration for “DP PL2019-8587”.
2. That Council give first reading to “Zoning Amendment Bylaw No. 2019-44”, but give direction for staff to work with the developer on improvements to for the plans for “DP PL2019-8587”.

Attachments

Attachment A – Zoning Map of Subject Property
Attachment B – Official Community Plan Map of Subject Property
Attachment C – Images of Subject Property
Attachment D – Development Permit Analysis
Attachment E – Letter of Intent
Attachment F – Proposed Site Plan
Attachment F – Proposed Landscaping Plan
Attachment G – Proposed Floor Plans
Attachment H – Proposed Building Elevations
Attachment I – Draft Development Permit (DP PL2019-8587)
Attachment J – Zoning Amendment Bylaw No. 2019-44

Respectfully submitted,

Nicole Capewell
Planner

Concurrence

Acting DS Director 	Chief Administrative Officer 
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Attachment A – Zoning Map of Subject Property

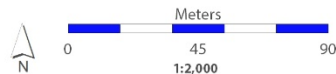


589 Churchill Avenue

Zoning Map



Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



Wednesday, October 9, 2019
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penticton.ca

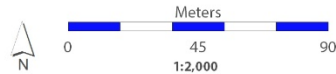
Attachment B – Official Community Plan Map of Subject Property



589 Churchill Avenue Official Community Plan Future Land Use Map



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Wednesday, October 9, 2019
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penticton.ca

Attachment C – Images of Subject Property



Figure 3 - Looking north toward subject property from Churchill Avenue



Figure 4 - Looking south towards subject property from lane

Development Permit Analysis

The proposed development is located within the Intensive Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with this development permit area.

- Guideline G1* *Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).*
- Site analysis was completed to review elevations on the property.
 - Analysis of the site also included reviewing landscaping of neighbouring properties (including a large tree to the western property). This was considered when designing private yard spaces.
- Guideline G3* Private and semi-private open spaces should be designed to optimize solar access.
- During site analysis neighbouring properties were taken into consideration when planning private outdoor space for the units.
- Guideline G5* *Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The front yard setback proposed is similar to other properties in the neighbourhood, and includes landscaping to improve the public realm.
- Guideline G13* *Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*
- The proposed entrances are 0.5m from the grade of the public sidewalk along the street. The increase in grade is to accommodate flood proofing.
- Guideline G15* *Fencing facing an active public realm should be lowered and transparent or semi-transparent.*
- The proposed landscaping plan includes fencing at 36" (3') along the frontage of the property. This will help to distinguish between public and private spaces, but also maintaining connections between public realm and the subject property.
- Guideline G16* *Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...*
- The proposed development includes an accessory building at the rear of the property used for vehicle access and storage. The buildings will accommodate vehicles and storage for the units.
 - Pedestrian connections have been included from the parking areas, to the units, garbage and recycling areas, and the street frontage.

- Guideline G20* Designs should respond to Penticton's setting and climate through use of...
- The proposed development will be prepared for solar equipment to be installed by future occupants of the units. The developer also offers solar packages on the units, should the new owners wish to purchase a home fully equipped with solar.
 - The placement of windows on the building have been done so to optimize natural light entering the units.

Guideline IR1 *Building Siting*

- The proposed building is sited in a location that is similar to that of existing neighbouring properties.
- The front yard setback of the building is 4.5m, which is close enough to engage with the street.

Guideline IR4 *Scale: accessory buildings (garages, storage sheds, covered patios/decks, greenhouses) and accessory dwelling units (carriage houses) shall be modest in scale.*

- The proposed garage is approximately 13% of the lot coverage, which ensures it is secondary to the principal building.
- The garage will have the same finish of building materials as the principal building, maintain the same style of roof, and not be taller than the principal building.

Attachment E – Letter of Intent



101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

August 19, 2016

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

Attention: Planning Department

Re: Development Proposal
589 Churchill Avenue, Penticton, BC
Lot 1 District Lot 2 Group SDYD Plan EPP18269 PID: 028-958-918

The above noted property is currently zoned R3- Small Lot Residential: Lane and is designated Infill Residential on the recently adopted Official Community Plan.

We are requesting a rezoning of the property from its current R3- Small Lot Residential: Lane to RD3- Residential Infill to accommodate the construction of a front to back two storey duplex building with a detached garage off of the lane as per the attached development proposal. With the RD3 Zoning, we will not need to apply for any variances.

The lot located at 589 Churchill measures approximately 40 feet in width which is unique to many other duplex lots in the neighborhood at 30 feet in width. This extra footprint is enabling us to add some unique features not seen in other close by developments. We have been able to provide a good amount of private ground level amenity space, with each unit having two concrete patios and a generous amount of grass and landscaped areas. Another feature of the larger footprint we are working with, is the oversized single car garage for each unit. This will enable ample room for a parked full-size vehicle inside along with plenty of storage space.

We feel that the architectural design we have chosen fits in with the current and future character of Churchill Avenue and that it will be a positive addition to the neighborhood.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'Chris Schoenne', with a long horizontal line extending to the right.

Chris Schoenne
Director
Schoenne Homes



101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

August 19, 2016

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

Attention: Planning Department

Re: Development Permit Analysis
589 Churchill Avenue, Penticton, BC
Lot 1 District Lot 2 Group SDYD Plan EPP18269 PID: 028-958-918

Dear Planning Department,

Please see below a brief analysis showing how our proposed development at 589 Churchill meets the guidelines within the OCP.

G1. Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.)

- The proposed site is currently vacant land with little to no slope. Our pre-design analysis was mostly situated around the two neighboring properties, one to the west and one to the east. The property to the west has a very large tree in the back yard. We took this into consideration when planning the private yard space for each unit on the east side to maximize light of amenity space.

G3. Private and semi-private open spaces should be designed to optimize solar access (see Figure G3)

- See G1.

G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.

- Our proposed Front yard setback will compliment neighboring properties and developments in the area

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G74).

- Existing sidewalk elevation is 343.3m and our proposed entry elevation is 343.8. This 0.5 metre increase is to achieve floodproofing level set out by the Ministry of Environment. At 0.5 metres we fall well within the guideline of 1.8 metres and create a welcoming environment.

G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.

- We are proposing a 36" high, semi-private, semi-transparent fence which will give the owners some privacy but will still create a welcoming environment for pedestrians, vehicles and the neighborhood.

G16. Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space: . Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5'4)

- Our application includes a single garage for each unit off the lane as required for RD3 Zoning. Each garage is build to accommodate a vehicle along with the extra width for storage to help insure that the Garages are being used not just for storage but for parking as intended.

G20. Designs should respond to Penticton's setting and climate through use of.

- . passive solar strategies;
- . optimized placement of windows to maximize natural light;
- . energy-effrcient building design;
- . passive solar principles;
- . landscape design and plantings that provide cooling through shade in summer months;
- . selecting roof materials to minimize heat loading and increase reflectivity.; and,
- . strategies for cross-ventilation.

- Each unit will be roughed in with conduit for future solar equipment. We will be offering a solar package on these units should the new owners wish to purchase the home fully equipped with Solar.
- We have been working with an Energy Advisor since the design phase to help us achieve a higher than code building design. It is our intent to have this building built to Step 3 of the step code.
- The front and rear unit have a slightly different layout on the main floor. This was done to optimize window placement and natural light entering the units.

IR1. Building siting

. Front and rear yard setbacks should relate to those of existing neighbouring buildings..(see Figure 5'13).

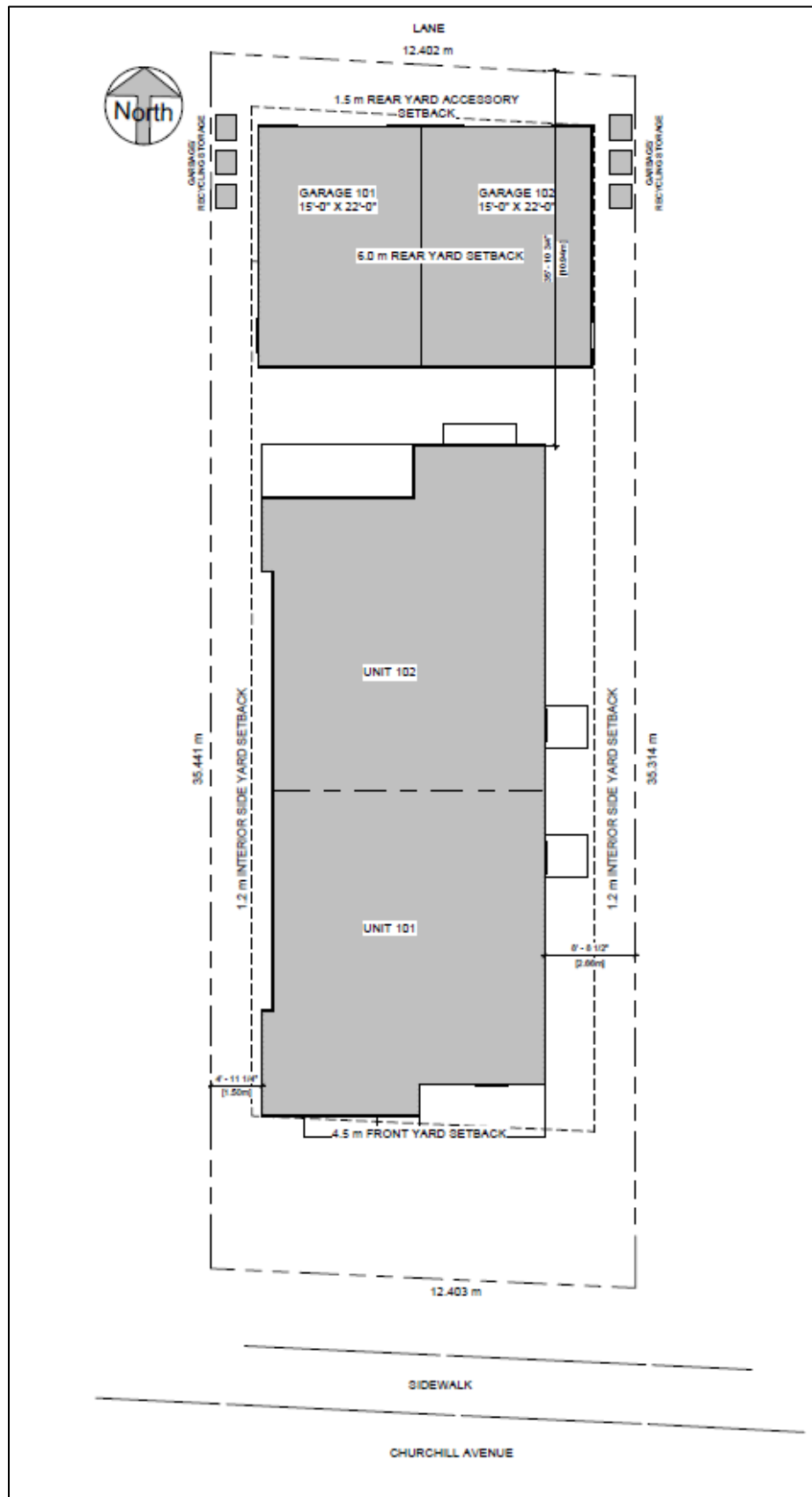
. The primary building's front setback should be no greater than 6.0m so that homes engage with the street.

- Our proposed front yard setback is 4.5m which, in our opinion, compliments neighboring properties

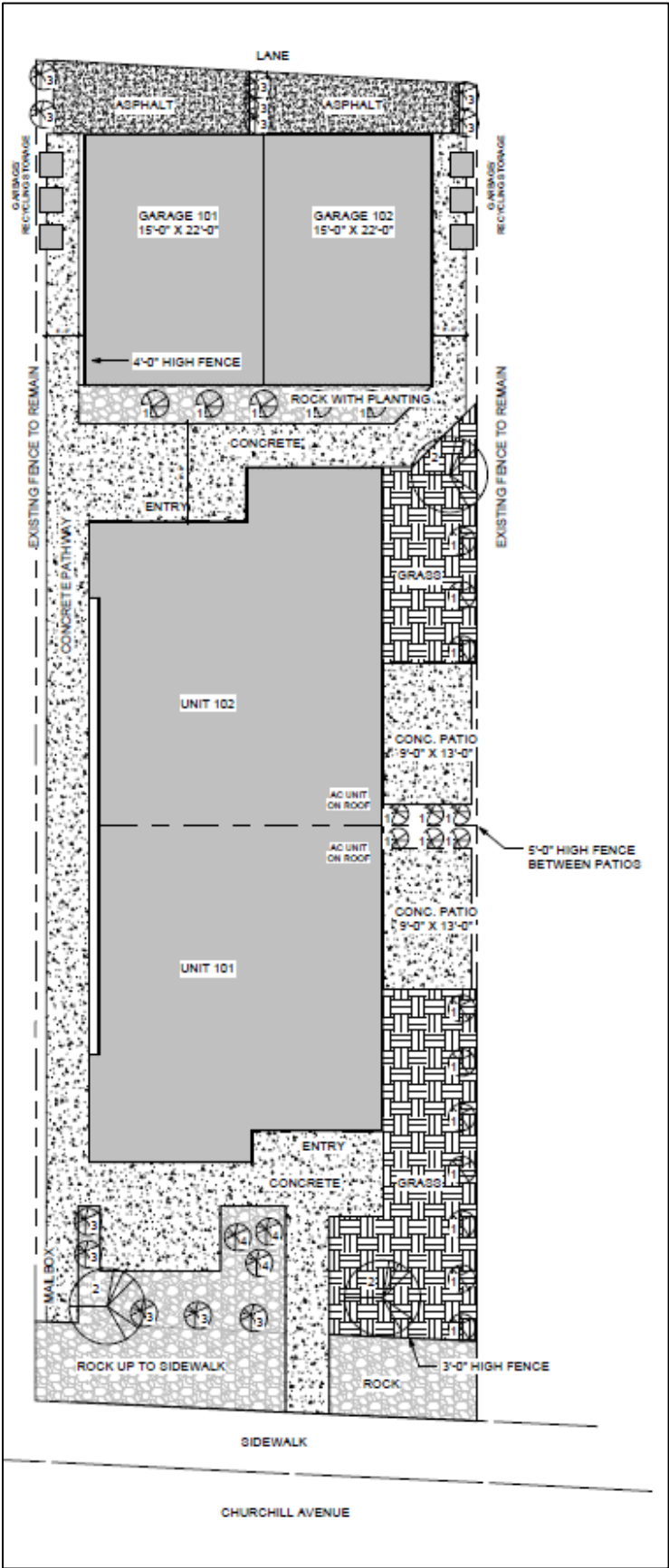
IR4. Scale - accessory buildings (garages, storage sheds, covered patios/decks, greenhouses) and accessory dwelling units (carriage houses) shall be modest in scale:

- Our planned garage makes up just over 13% of the lot coverage which fits within the guidelines of no more than 15%. The garage will be finished with the same materials and finishes as the principal building, maintain the same roof style and not be taller than the principal structure which is laid out under the guidelines.

Attachment F – Proposed Site Plan



Attachment F – Proposed Landscaping Plan



Attachment G – Proposed Floor Plans

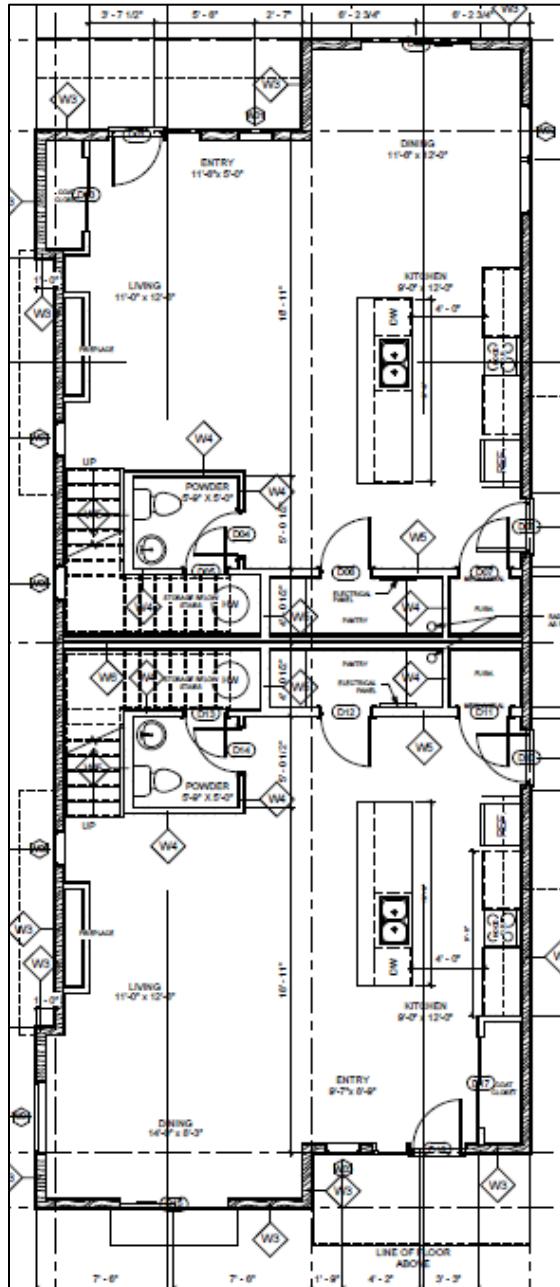


Figure 5 - Main Level Floor Plans

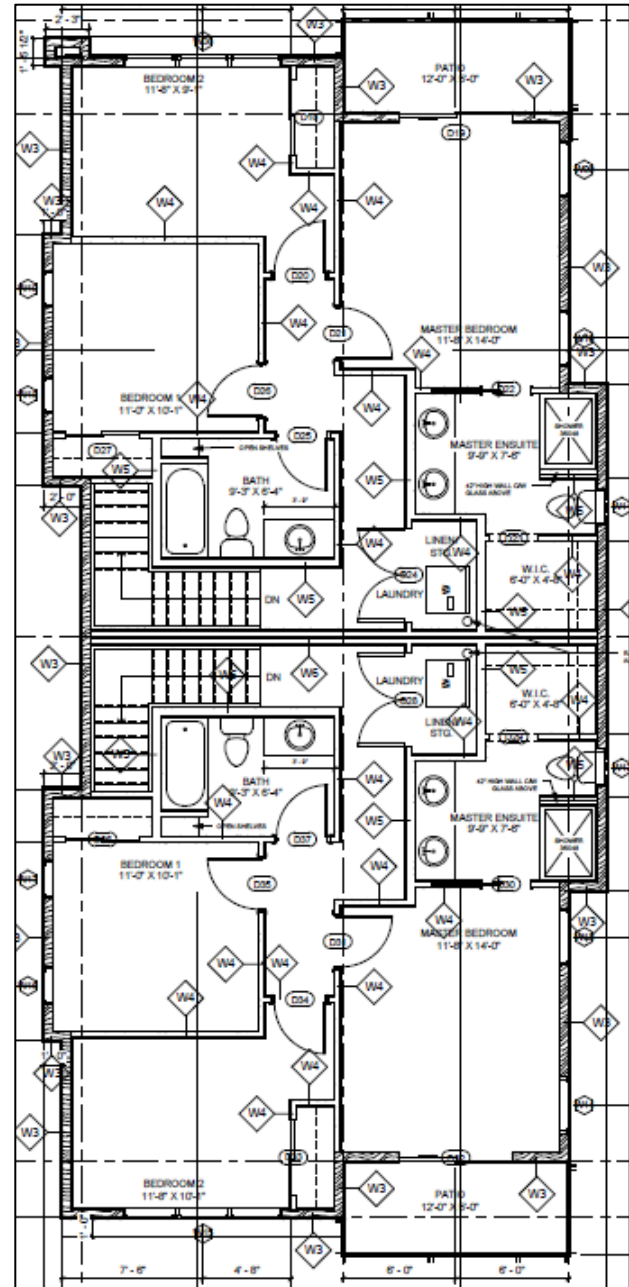


Figure 6 - Second Level Floor Plans

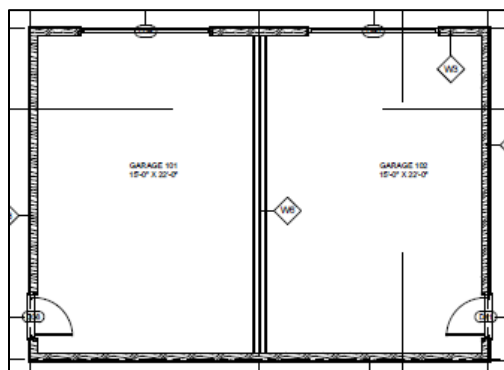


Figure 7 - Garage Floor Plans

Attachment H – Proposed Building Elevations

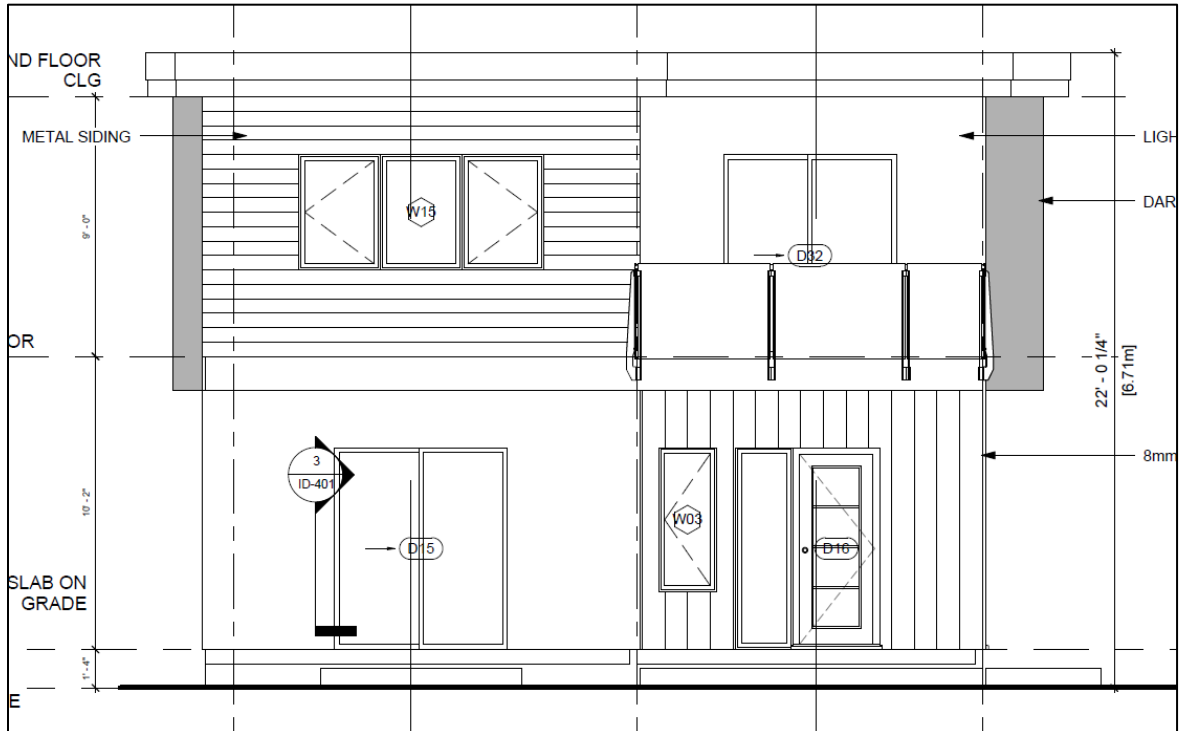


Figure 8 - Front (South) Elevation facing Churchill Avenue

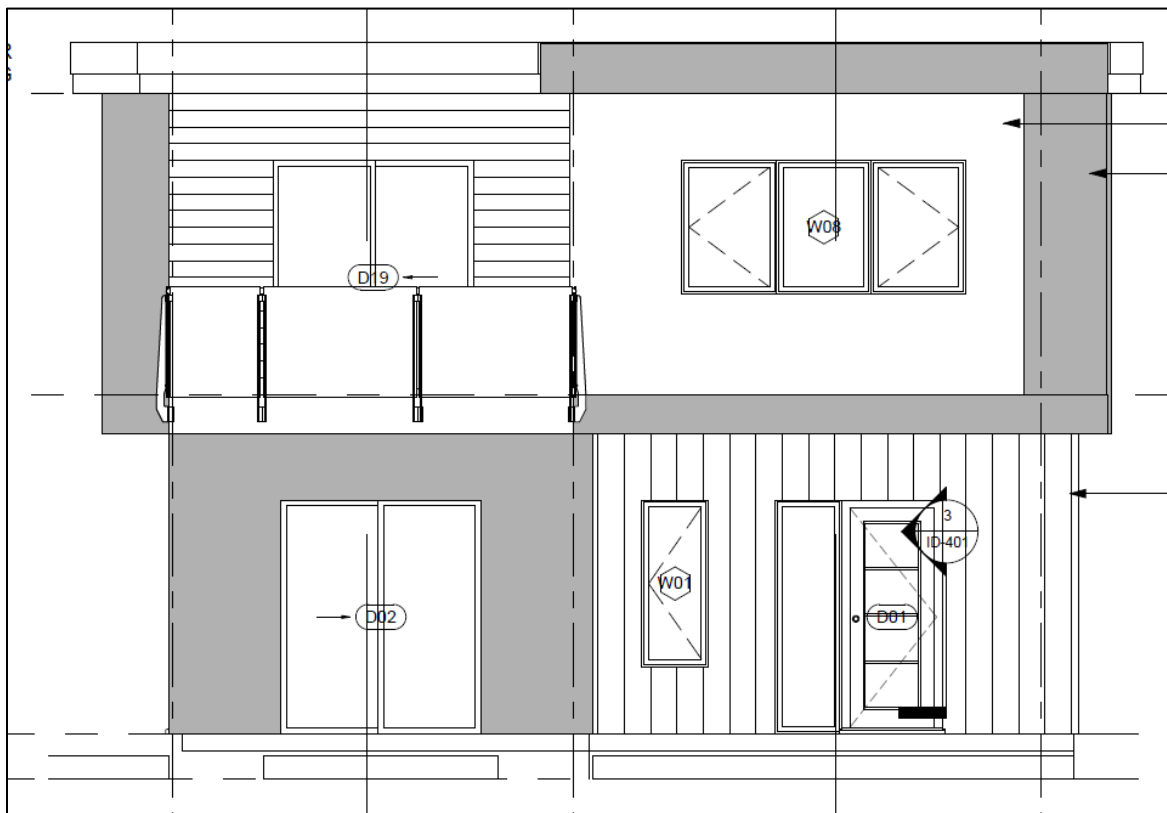


Figure 9 - Rear (North) Elevation

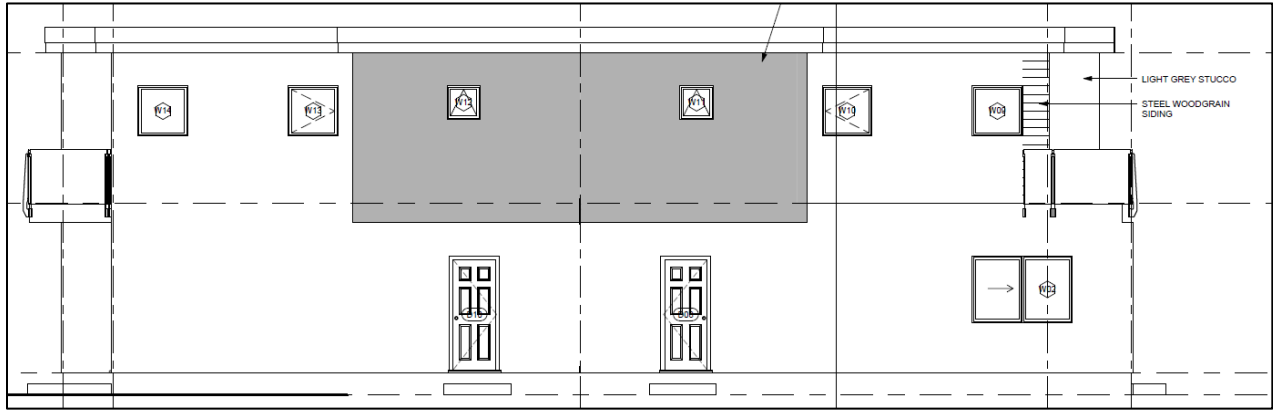


Figure 10 - Right (East) Elevation

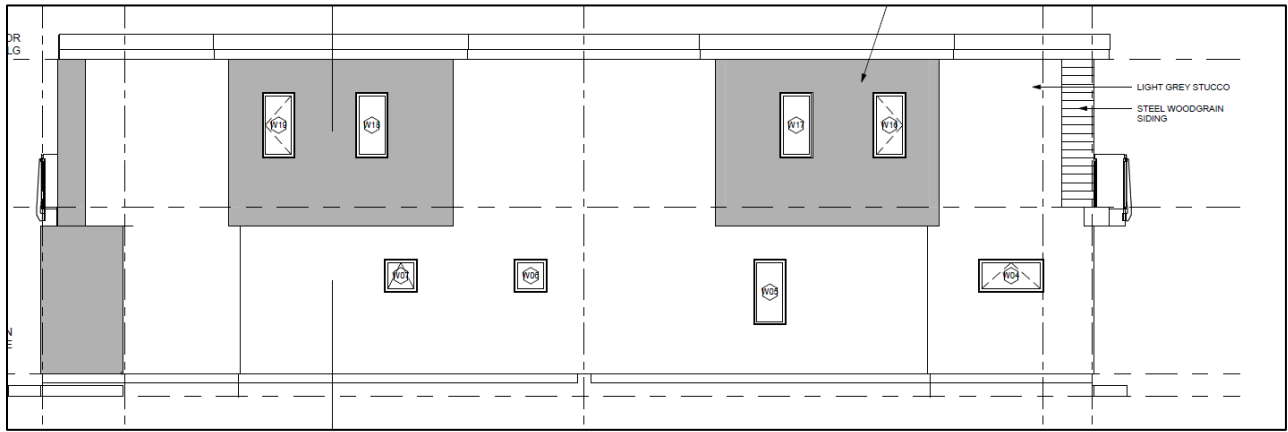


Figure 11 - Left (West) Elevation

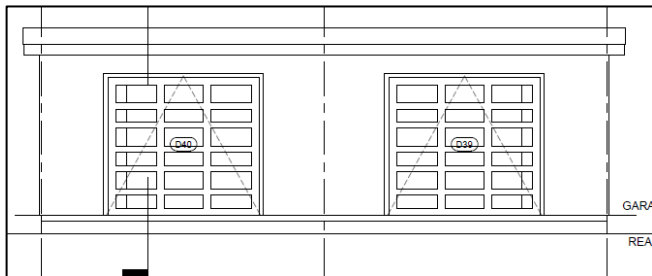


Figure 12 - Garage (North) Elevation - facing lane

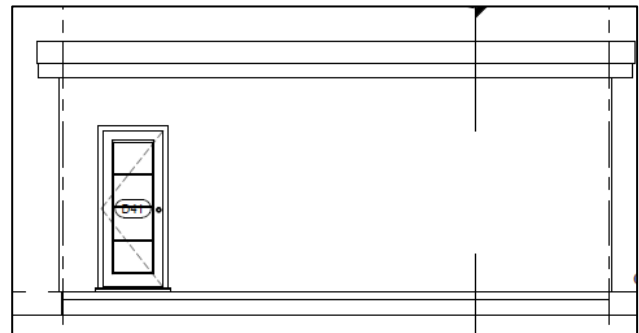


Figure 14 - Garage East Elevation

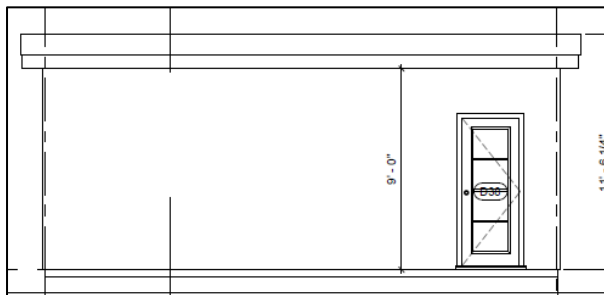


Figure 13 - Garage West Elevation

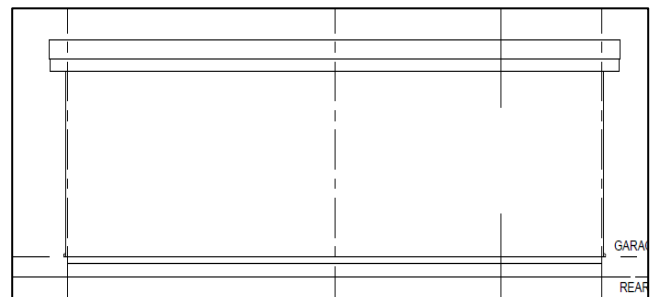


Figure 15 - Garage South Elevation



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

Development Permit

Permit Number: DP PL2019-8587

Owner Name
Owner 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 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District
Plan EPP18269
Civic: 589 Churchill Avenue
PID: 028-958-918
3. This permit has been issued in accordance with Section 489 of the *Local Government Act* to permit the construction of a duplex development 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 \$_____ 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 4 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.

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:

1 st Inspection	No fee
2 nd Inspection	\$50
3 rd Inspection	\$100
4 th Inspection or additional inspections	\$200

General Conditions

7. In accordance with Section 501(2) 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'.
8. 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.
9. **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.**
10. 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.
11. 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 _____, 2019.

Issued this _____ day of _____, 2019.

Angela Collison,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2019-44

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. 2019-44".

2. **Amendment:**

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

Rezone Lot 1, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill).

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

READ A FIRST time AS AMENDED this 5 day of November, 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

Rezone 589 Churchill Ave

From R3 (Small Lot Residential: Lane)

To RD3 (Residential Infill)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-44

Date: _____

Corporate Officer: _____