

December 5, 2019

Subject Property:

3693 Skaha Lake Road

Lot A, District Lot 189, Similkameen Division
Yale District, Plan 5761, Except Plan KAP59478

Application:

Development Variance Permit PL2019-8598

The applicant(s) are proposing to construct a 442 sq. ft. addition to an existing medical office at 3693 Skaha Lake Road.



In order to do so, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 11.3.2.8: reduce the minimum rear yard setback from 6.0m to 3.0m.

Information:

The staff report to Council and Development Variance Permit PL2019-8598 will be available for public inspection from **Friday, December 6, 2019 to Tuesday, December 17, 2019** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street (8:30 am to 4:30 pm, Mon. to Fri., excluding statutory holidays)
- 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 17, 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 17, 2019** to:

Attention: Corporate Officer, City of Penticton

171 Main Street, Penticton, B.C. V2A 5A9

Email: corpadmin@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the December 17, 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

Date: December 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 3693 Skaha Lake Road

Subject: Development Variance Permit PL2019-8598
Development Permit PL2019-8597

File No: PRJ 2019-137

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2019-8598", for Lot A District Lot 189 Similkameen Division Yale District, Plan 5761 Except Plan KAP59478, located at 3693 Skaha Lake Road, a permit to reduce the minimum interior side yard setback along the northern property line from 4.5m to 3.0m, to allow for an addition of floor space to an existing health service building.

AND THAT staff be directed to issue "Development Variance Permit PL2019-8598".

Development Permit

THAT Council, subject to issuance of "Development Variance Permit PL2019-8598", approve "Development Permit PL2019-8597", for 3693 Skaha Lake Road, a permit to allow for an addition to an existing health service building.

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 (Figure 1 – Location Map) is zoned C3 (Mixed Use Commercial) and is designated in the City's Official Community Plan (OCP) as 'Urban Residential'. 'Urban Residential' is described as "higher density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame". Building types that are supported by this OCP designation include townhouses and stacked townhouses, low-rise and mid-rise apartment/condo buildings. The urban residential land use designation also allows for limited amounts of service and retail.

The subject property is located at the southern end of Skaha Lake Road, and is directly adjacent to multi-family zoning (RM2, RM3). The area has a large amount of park space (Skaha Lake Park), and commercial locations within a short distance (at the corner of Yorkton Ave and Skaha Lake Road).

The subject property is approximately 1,477 m² (0.365 acres) and contains an existing health service building, which functions as a medical office. The existing building on the property does not conform to the current Zoning setbacks. In 2015, approval was given from the Board of Variance to reduce the west side yard and rear yard setbacks to 3.0m.

The applicant(s) intend to construct a 442 sq. ft. addition onto the eastern side of the existing medical office. This additional space is intended to provide for two new exam rooms, and expand the waiting room, as the clinic is growing.

Proposal

The applicant(s) are proposing to construct a 442 sq. ft. addition to an existing medical office at 3693 Skaha Lake Road. In order to do so, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 11.3.2.8: reduce the minimum rear yard setback from 6.0m to 3.0m.

Secondly, the property is considered within the Commercial/Mixed-Use Residential Development Permit Area and requires approval for the form and character of the proposed development prior to construction. This has been included for Council's consideration.

Financial implication

This application does not pose any financial implications to the City. Development costs are the responsibility of the applicant.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Servicing and building code requirements have been identified to the applicant(s) and will be addressed as part of the building permit process. It is the property owner(s) responsibility to provide services and/or upgrade existing services as required.

Development Statistics

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

	C3 Zone	Provided on Plans
Maximum Lot Coverage:	50%	26 %
Vehicle Parking:	13 (1 per 30m ² of NFA)	14
Required Setbacks Front Yard (Skaha Lake Road): Interior Side Yard (east): Interior Side Yard (west): Rear Yard (north):	3.0 m 4.5 m 4.5 m 6.0 m	12.4 m 15.2 m 3.0 m (approved through Board of Variance in 2015) 6.0 m
Maximum Building Height	18	5.2 m

Analysis

Development Variance Permit

Approve Development Variance Permit

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.

The proposed variances and staff's analysis on each are as follows:

- Section 11.3.2.8: reduce the minimum rear yard setback from 6.0m to 3.0m:
 - The proposed addition will follow the existing building's setback and extend to the east of the building. The current structure that exists on the property received approval from a Board of Variance in 2015 to reduce the west side yard and rear yard setbacks to be 3.0m.
 - The proposed addition would follow the existing setbacks, but is outside of what the Board of Variance approved during its review in 2015.
 - The proposed addition meets all other Zoning Bylaw provisions for the C3 zone. The proposed addition will adjust parking on the property, but there is adequate parking to meet Zoning Bylaw requirements.

Should Council choose to not support the variance, the applicant(s) would be required to redesign the building to meet a 6.0m rear yard setback (along northern property line). This would result in a staggered building face along the northern elevation. Having to meet a 6.0m rear yard setback could potentially have impacts on the vehicle flow through the property.

Staff consider the request to reduce the rear yard setback along the northern property line from 6.0m to 3.0m reasonable. Approval of the variance, keeps the proposed addition at a consistent setback with the existing

building on the property. The result of the variance being approved would have minimal negative impacts on the surrounding area. As such, staff recommend that Council support the variance.

Development Permit

Support Development Permit

The proposed development is considered within the Commercial/Mixed-Use Development Permit Area. Staff have completed an analysis of how the proposed commercial addition conforms to the Development Permit Guidelines. As shown within the analysis, there is alignment between the plans and the intent of the Commercial/Mixed-Use Development Permit Area. The development permit analysis has been attached as Attachment 'D'.

The proposed development demonstrates conformance with the Commercial/Mixed-Use Development Permit Area Guidelines. As such, staff recommend that Council approve the Development Permit.

Alternate recommendations

1. THAT Council direct staff to issue "Development Variance PL2019-8598" and approve "Development Permit PL2019-8597" with conditions that Council feels are appropriate.
2. THAT Council direct staff to issue "Development Variance PL2019-8598" and deny "Development Permit PL2019-8597".
3. THAT Council deny "Development Variance Permit PL2019-8598" and "Development Permit PL2019-8597".

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 – Draft Development Variance Permit (DVP)
Attachment G – Draft Development Permit (DP)

Respectfully submitted,

Nicole Capewell
Planner 1

Concurrence

Acting Director of Development Services <i>BL</i>	Chief Administrative Officer
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Attachment A – Zoning Map of Subject Property

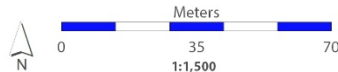


3693 Skaha Lake Road

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.



Tuesday, December 3, 2019
10:33:45 AM

penticton.ca

Attachment B – Official Community Plan Map of Subject Property



Attachment C – Images of Subject Property



Figure 1 - Looking towards subject property from Skaha Lake Road



Figure 2 - Looking toward location of proposed addition

Development Permit Analysis

The subject property is considered within the Commercial/Mixed-Use Development Permit Area. The following analysis demonstrates how the proposal is aligned with this development permit area.

Guideline G2 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

- The applicant(s) submitted a site plan, which includes the neighbouring properties. The applicant(s) have also submitted plans (site and landscaping), which include the boulevard areas.

Guideline G4 Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

- The existing building on the property is oriented towards Skaha Lake and has direct views to Skaha Lake Park.

Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.

- The proposed site plan includes a wide pedestrian walkway connecting the sidewalk along Skaha Lake Road, to the main entrance to the building.

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

- The existing building has been designed with solar paneling and metal roofing, which increases the reflectivity.
- The proposed addition will have windows in both rooms proposed to maximize natural lighting to the new spaces.

3693 Skaha Lake Road

Development Application

August 29th, 2019

Blake Laven
Planning Manager
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Blake Laven:

We are proposing to construct a small addition to the existing eye doctor's office at 3693 Skaha Lake Road.

The goal of this project is to build two new eye exam rooms to accommodate a recent business partnership and to expand the waiting room to accommodate the growth of the clinic. The proposed addition extends an existing wall into an existing parking space to allow for the new exam rooms.

Under the zoning bylaw, the lot is zoned as C3 – Mixed Use Commercial. The proposed expansion will not introduce any conflicts with the current zoning. We are however requesting a variance to the Northern interior side yard setback from 4.5m to 3.0m. The building was already in place before these new setbacks were made; therefore we consider it a reasonable request to extend the existing building an additional 13ft. With 3.0m there will still be ample space to match the landscaping adjacent to the existing building and to accommodate the existing exit at the rear of the building.

We hope the planning department views this as a fair and reasonable request. If we were to build the addition adhering to the 4.5m setback, we would need to go much further East in our expansion, which would result in a loss of parking, or South which would bring the building into the drive aisle. With our proposal we do not affect the current drive aisle and we still provide 1 more parking stall than is required.

In summary, please accept the enclosed application package for the 3693 Skaha Lake Road. We would greatly appreciate your consideration in granting the request to extend the existing wall inside the North side yard setback.

Sincerely,



Drew Barnes
Owner 1167041 B.C. Ltd.

Applicant Provided Development Permit Analysis

Development Permit Analysis - 3693 Skaha Lake Road

Applicable General Guidelines	Guideline met or exceeded?	Reasoning
Site Planning		
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.)	Yes	This was all done with the original design of the building.
G2. Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours. • All site / landscape plans should incorporate the boulevard.	Yes	This was submitted with the original design and IFC package for the building.
G3. Private and semi-private open spaces should be designed to optimize solar access	Yes	Building is pushed to the back corner which maximizes south facing portions of the building.
G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.	Yes	Building oriented towards Skaha lake
Framing Space		
G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.	Yes	Landscape buffers exist along neighbouring building setbacks.
G6. Building placement and orientation should respect significant public water, mountain and ridgeline views.	Yes	Building views oriented towards the park across the street, skaha lake and surrounding mountains.
Prioritizing Pedestrians		
G11. Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.	Yes	A wide pedestrian walkway runs from the sidewalk to the entry of the building.
G12. Where feasible, indicate pedestrian ways with continuity of paving treatments/paving materials.	Yes	Pedestrian walkway is indicated with a distinct paving material from the rest of the parking lot.
G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.	Yes	Fencing around the side setbacks is transparent.
Cars and Parking		
G17. • Outdoor surface parking areas should incorporate pathways that provide safe, accessible and comfortable pedestrian connections to entries/destinations.	Yes	There is a wide pedestrian walkway to the entry that is clearly defined.
G18. Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.	Yes	There is a simple carport structure to the east of the building that is architecturally non-intrusive.

Architecture		
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-efficient 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.	Yes	Building has solar paneling, and metal roofing which increases reflectivity. New offices will each have windows added to maximize natural light.
G21. Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).	Yes	Building is oriented towards street and public park across the street.
G28. Entries should be visible and clearly identifiable from the fronting public street.	Yes	Entry is clearly visible from the sidewalk
G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas (see Figure 5-7).	Yes	Windows are oriented towards the parking area, and park.
G30. Extensive blank walls (over 5m in length, and including retaining walls) along the street should be avoided.	Yes	Do not exist
G31. Provide screening (e.g., varied materials/textures, murals, greenwalls or vines) on solid walls that exist as a function of an internal program (e.g., for privacy, merchandising, etc.).	N/A	
Landscape Architecture		
G33. Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching	Yes	Office incorporates xeriscaping and uses drought tolerant plant species. Trees are irrigated with sub-surface irrigation.
G38. Screening & Buffering • Where appropriate (and in consideration of FireSmart principles and native ecosystems), screen walls and/or landscape buffers (e.g., berms, shrub beds, hedges and/or trees) should be used to manage transitions and/or conflict between incompatible uses (e.g., industrial uses and/or parking); • Buffer design should complement neighbourhood character and landscape setting (refer to "Materials Selection – Hardscapes and Softscapes")	Yes	There is landscape buffering between the hardscape parking areas and the building. Shrubs and trees have also been planted to function as some screening from the roadway and the building.
Commercial Development Permit Area Objectives		
1. Produce streetscapes defined by attractive buildings and landscaping	Yes	This is an architecturally pleasing and environmentally-conscious building.
2. Transition extensive areas of surface parking to more pedestrian friendly and amenity-rich neighbourhood commercial	Yes	Defined walkways make the parking lot pedestrian friendly and safe.
3. Provide an attractive, comfortable, safe environment for pedestrians as well as vehicular traffic	Yes	The building architecture, landscaping and orientation on the site all lend to an attractive environment for people.
4. Establish building forms, site planning principles and landscape standards appropriate to quality urban spaces thus avoiding the appearance that characterizes some 'strip plaza' type development	Yes	



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

Development Variance Permit

Permit Number: DVP PL2019-8598

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 A District Lot 189 Similkameen Division Yale District Plan 5761
Civic: 3693 Skaha Lake Road
PID: 010-244-891
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 an addition to an existing office building:
 - a. Section 11.3.2.8: reduce the minimum rear yard setback from 6.0m to 3.0m.

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 _____ day of _____, 2019.

Issued this ____ day of _____, 2019.

Angela Collison
Corporate Officer

DRAFT
DVP PL2019-8598





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

Development Permit

Permit Number: DP PL2019-8597

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 A District Lot 189 Similkameen Division Yale District Plan 5761 Except Plan KAP59478
Civic: 3693 Skaha Lake Road
PID: 010-244-891
3. This permit has been issued in accordance with Section 489 of the *Local Government Act* to permit the construction of an addition to an existing office building 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 (Landscape Inspection & Refund Request) 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 in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

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

