



Public Hearing

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Public Hearing
to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Monday, March 16, 2015
at 6:00 p.m.

- Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2015-15"**
- CO Reads Opening Statement and Introduction of Bylaw
1. "Zoning Amendment Bylaw No. 2015-15" (783 Winnipeg Street)
- Purpose: To amend Zoning Bylaw No. 2011-23 as follows:
- Rezone Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing).
- The property owner intends to rezone the property in line with the OCP designation and construct a 3 storey, 13 unit apartment building.
- Notice: The Public Hearing was advertised in the Penticton Western News on Friday, March 6, 2015 and Wednesday, March 11, 2015 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, March 11, 2015)
- Mayor Requests the Planning Manager describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2015-15" is terminated and no new information can be received on this matter.

- 1 -

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Monday, March 2, 2015
Following the Public Hearing at 6:00 p.m.

Resolutions

8.7 Zoning Amendment Bylaw No. 2015-15 and DVP PL2015-010
 Re: 783 Winnipeg Street

160/2015

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No.2015-15", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the March 16th, 2015 Public Hearing;

AND THAT prior to adoption of the bylaw that a 0.9m road dedication along the Winnipeg Street road frontage be registered with the Land Title Office;

AND THAT Council support "Development Variance Permit PL2015-010" for Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, a permit to reduce the front yard setback from 3.0m to 2.0m;

AND THAT staff are directed to issue DVP PL2015-010, subject to adoption of "Zoning Amendment Bylaw No. 2015 -15".

CARRIED UNANIMOUSLY

Council Report

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Date: March 2nd, 2015 **File No:** RZ PL2015-004; DVP PL2015-010
To: Chuck Loewen, Interim City Manager
From: Lindsey Fraser, Planner I
Address: 783 Winnipeg Street
Subject: Zoning Amendment Bylaw No. 2015-15 and DVP PL2015-010

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No.2015-15", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the March 16th, 2015 Public Hearing;

AND THAT prior to adoption of the bylaw that a 0.9m road dedication along the Winnipeg Street road frontage be registered with the Land Title Office;

Development Variance Permit

AND THAT Council support "Development Variance Permit PL2015-010" for Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, a permit to reduce the front yard setback from 3.0m to 2.0m;

AND THAT staff are directed to issue DVP PL2015-010, subject to adoption of "Zoning Amendment Bylaw No. 2015 -15".

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is zoned R1 and is designated in the City's Official Community Plan as MR (Medium Density Residential). The property owner intends to rezone the property in-line with the OCP designation and construct a 3 storey, 13 unit apartment building. Currently, the lot is vacant with the exception of a parking area that services the neighbouring property of 797 Winnipeg Street. The property is located in a neighborhood that is characterized primarily by three and four storey apartment buildings, with

some single family housing and multiplexes intermixed. The apartments in the area are of an older variety; many are rented but some are stratified properties. The apartment buildings located on either side of the subject property are both 3 storeys tall and are rental units.

It is important to note that there is no legal arrangement between 797 and 783 Winnipeg Street that requires 797 Winnipeg Street to use this space as parking. Through a complex history of ownership and sales this lot has become non-official parking space for 797 Winnipeg Street. 797 and 783 Winnipeg Street have the same ownership.

The subject property is an irregular shape, presenting a unique set of challenges in the design of the proposed building. Further constraining the design is a 0.9m road dedication identified along Winnipeg Street. In order to design a building that best fits the lot, the owner is asking for a small reduction in the front yard setback from 3.0m to 2.0m. Because the road dedication is back from the sidewalk (Attachment 'D', Figure 4), the physical separation between the sidewalk and the building will be 3.0m (2.0m from the new property line after road dedication).

The 3 storey, 13 unit apartment building features parking at-grade, but located behind a façade that includes one ground-level apartment, a lobby, garage entrance and utility room.

Financial implication

N/A

Proposal

The applicant is requesting that the subject property be rezoned from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing). The applicant is also requesting a development variance permit to vary the following sections of Zoning Bylaw 2011-23:

- ☐ Section 10.9.2.6: reduce the minimum front yard setback from 3.0m to 2.0m

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by various departments within the City. Through this process, it was identified that a road dedication of 0.9m on the east side of the property, along Winnipeg Street, would be requested. Due to this, the applicant was asked to refine the design in a way that reflected this new parameter or apply for a variance. The applicant elected to keep the original design and seek variance.

Engineering also pointed out a deficiency with respect to the spacing of fire hydrants on Winnipeg Street. This discovery will not affect the property owner, however, and he will not incur any off-site charges related to fire hydrant installation. Public Works stated that the deficiency will be corrected in their long-term planning process and costs are expected to be absorbed by the City for installation.

The Electrical Department noted in the meeting that the electrical pole in front of the building may present challenges with respect to separation distances between balconies and wires, but that this issue can be resolved at later stages of the application process and can be corrected.

These items have been communicated to the applicant.

Development Statistics

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

Item	Requirement RM3 Zone	Provided on Plans
Minimum Lot Width:	25 m	39m (Winnipeg St)
Minimum Lot Area:	1400 m ²	1156 m ² * (variance NOT required, please see note below)*
Maximum Lot Coverage:	50 %	49.6%
Maximum Density:	1.2 FAR	1.1 FAR
Vehicle Parking:	1.0 /unit + .25/unit for visitor parking	13 spaces (visitor parking will be varied through the development permitting process)
Required Setbacks Front yard (Winnipeg St): Side yard (north): Side yard (south): Rear yard:	3.0m 4.5m 4.5m 6.0m	2.0m variance required 4.5m 4.5m 6.0m
Maximum Building Height:	18.0m	10.0m
Other Information:	➤ *Minimum lot area (denoted with an asterisk) does not require to be varied even though the lot does not meet the minimum lot area of an RM3 zone. The reason for this is that, legally, the minimum lot area is only required when the creation of a new lot (through subdivision) occurs. If the lot is pre-existing, and the applicant can prove an appropriate design given the lot dimensions, then approval can be granted without the need for a variance to lot area. ➤ Property is in the 'General Multiple' Development Permit Area and a Development Permit (DP) will be required. At DP stage, the City may require some minor changes to the design of the building.	

Analysis – Zoning Amendment

Support Zoning Amendment

Staff feel that rezoning the lot from Duplex to Medium Density Multiple Housing is creating the highest and best use for the lot for the following reasons:

- As per the Official Community Plan, 783 Winnipeg is designated for Multiple Family Residential development. Apartments are encouraged in areas with this designation.

- The property has a lot area large enough to accommodate higher density than a duplex. Duplex housing usually occurs on lots in the 390 m² to 750 m² range. At close to 1200 m², this property can support higher densities.
- According to Penticton's OCP, residential development should be accommodated through infill development. Set between two pre-existing apartment buildings on an under-utilized lot, this application is a strong example of creative infill.
- Intensification, or higher densities, should be encouraged along transit routes. Winnipeg Street is on the West Side/Duncan East transit route.
- The neighbourhood is characterized by 3 and 4 storey apartment buildings. This development will not be out of place/character in the area.
- The proximity to downtown and a wealth of nearby services encourage more walking and active forms of transportation.

Design

As shown in Attachment A, the shape of this lot creates serious design challenges. The applicant has been working with an architect and met with Planning several times to discuss opportunities and challenges associated with the site. The owner has worked with an architect to design a building that creates street-interest and utilizes the shape of the lot to the building's advantage, creating unique internal and external spaces. Additionally, the design incorporates internal bicycle parking; storage lockers for tenants as well as other utility spaces, and integrates one unit on the street front to contribute further to an 'active' street edge.

Landscaping

Several mature trees are currently on the subject lot and most, if not all, will have to be removed should this apartment building be constructed. Although this is not an ideal scenario for the owner or residents of neighbouring buildings, the applicant will be required to provide a comprehensive landscaping plan at later stages of permitting and the planting of new trees, satisfactory to Zoning Bylaw 2011-23 will be required.

Proximity to 769 Winnipeg St

To the north of the subject property is 769 Winnipeg Street. This building lies almost directly on the shared property line between 769 Winnipeg Street and 783 Winnipeg Street, as show in Attachment 'D', Figure 4. Although the siting of this building does not conform to existing bylaws, it is considered "legal non-conforming". Balconies attached to 769 Winnipeg Street are setback from the property line approximately one meter, mitigating some of the impact that balconies attached to 783 Winnipeg Street will have. The design of the building is such that only two balconies on the proposed building would be situated in a way that they are directly across from balconies of the neighbouring building.

As the current application is only for rezone and variance, some design changes may be made to the building at later stages in the process. The Building Department, for example, has not reviewed any building application plans at this time and may require certain changes based on the proximity between buildings. Planning staff feel that the design is sensitive to the neighbouring building, given the design parameters and pre-existing conditions.

Affordability

Currently, the area is well known to be a hub for affordable housing. Older apartment buildings with smaller sized units create opportunities for low and middle income people to afford suitable rental housing. Due to restrictive design factors on this property (i.e. semi-enclosed parking, asymmetrical layouts), the location, and the physical proximity to neighbouring buildings, development on this property is likely to carry this trend of affordability. The Planning Department realizes that the term 'affordable' can be a subjective one. In this context, the owner intends to sell units, creating purchasing opportunities for middle-income people in Penticton. Middle-income real estate is an important element within the scope of 'affordable housing'.

Conclusion

Given the above, staff feel that the rezoning of this property would be an asset to Penticton's housing stock and not have a negative effect on the surrounding areas. As such, staff recommend that Council support Zoning Amendment Bylaw 2015-15 and forward the application to the March 16th, 2015 public hearing for comment from the public.

Deny/Refer

Council may feel that the lot is too small or irregular to support an apartment building. Council may also feel that neighbouring residents will be negatively impacted by the proposal; if this is the case, Council should deny first reading of the amendment bylaw.

Alternatively, Council may wish to refer the document back to Planning staff with certain recommendations.

Analysis – Development Variance Permit

Support Development Variance Permit

Council may support the zoning amendment but feel that the variance being requested is not reasonable. Staff, however, feel the variance being requested is reasonable and in keeping with the intent of the City's OCP.

The variance being requested is a reduction in the front yard setback from 3.0m to 2.0m. This variance was not originally anticipated by the applicant, thus the plans in Attachment 'E' do not reflect the variance. It was discovered during the review process that this road dedication would be required. In most circumstances, the small difference (1.0m) could be adjusted through small design changes, or perhaps by moving the building back one meter and seeking a rear-yard variance. However, in this case, the irregular shape of the lot makes it particularly challenging to make these adjustments without having a significant impact on the overall design.

The variance being requested is from the property line *after* the road dedication is taken. It is not from where the property line is currently located (along the sidewalk). Thus, the building will be 2.0 meters from the new property line, but still 3.0m from the sidewalk.

Staff feel that the variance will complement the rezoning of the property and will facilitate the construction of an apartment which staff feel represents good planning practice. As such, staff recommend that Council support the application for variance and direct staff to issue the permit upon adoption of the associated zoning amendment bylaw.

Deny/Refer

Council may feel that the variance being requested is not reasonable and that the variance is the result of an attempt to build too many units on the lot. If this is the case, Council should deny the variance request.

Alternate recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw 2015-15" and deny support to "DVP PL2015-010".
2. THAT Council support "Zoning Amendment Bylaw 2015-15" but deny support to "DVP PL2015-010".
3. THAT Council support "Zoning Amendment Bylaw 2015-04" and "DVP PL2015-15" with conditions that Council feels are appropriate.

Attachments

Attachment A: Subject property location map
Attachment B: Zoning map of neighbourhood
Attachment C: OCP map of neighbourhood
Attachment D: Images of subject property
Attachment E: Letter of intent
Attachment F: Proposed site plan and renderings
Attachment G: Draft DVP

Respectfully submitted,

Lindsey Fraser
Planner I

Approvals

Planning Manager	Acting City Manager
	CL

Attachment A – Subject Property Location Map

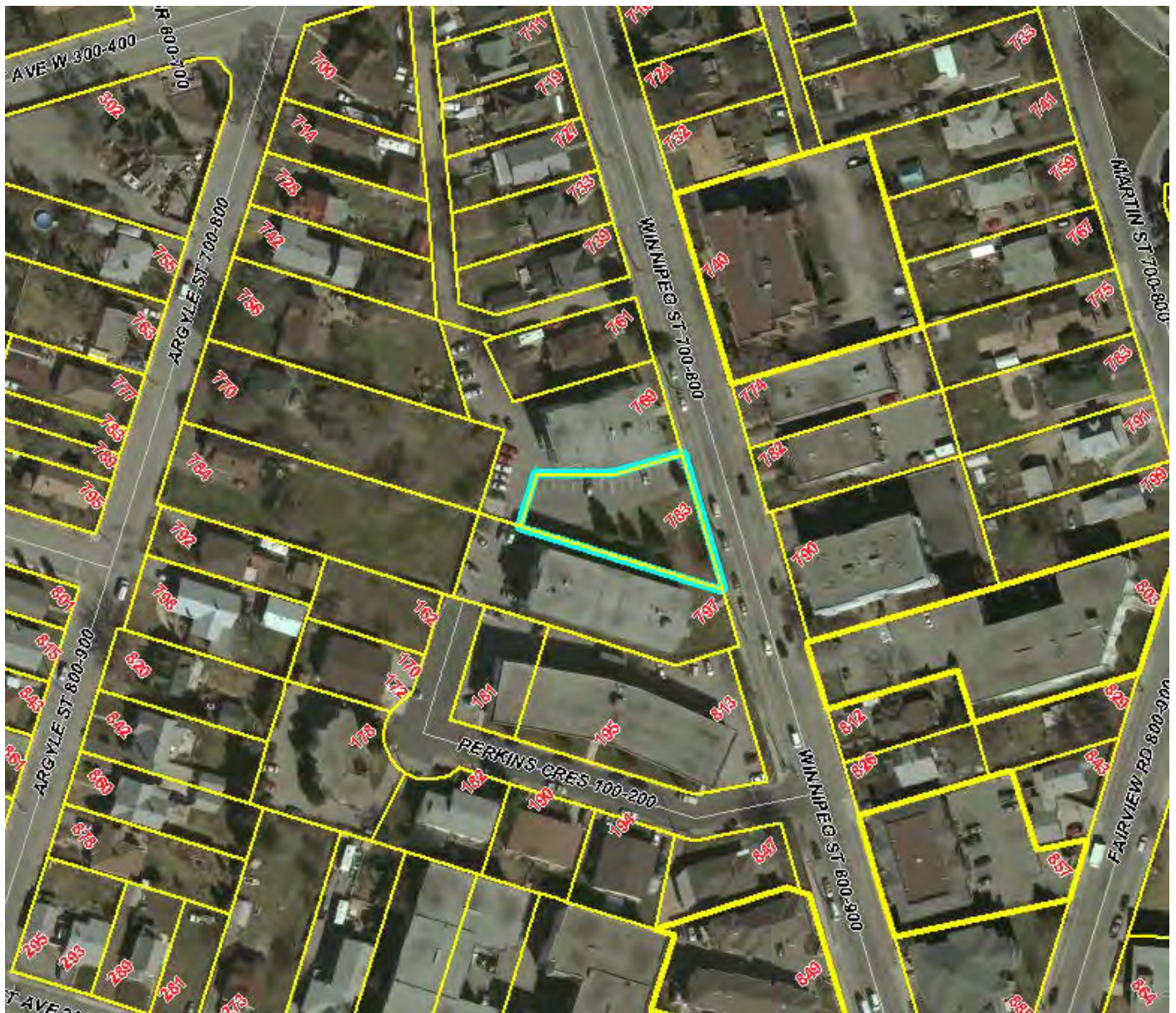


Figure 1: 783 Winnipeg Street highlighted in blue

Attachment B – Zoning Map of Neighbourhood



Figure 2: Zoning map of neighbourhood showing 783 Winnipeg St. as zoned RD1

Attachment C – Official Community Plan (OCP) Designation

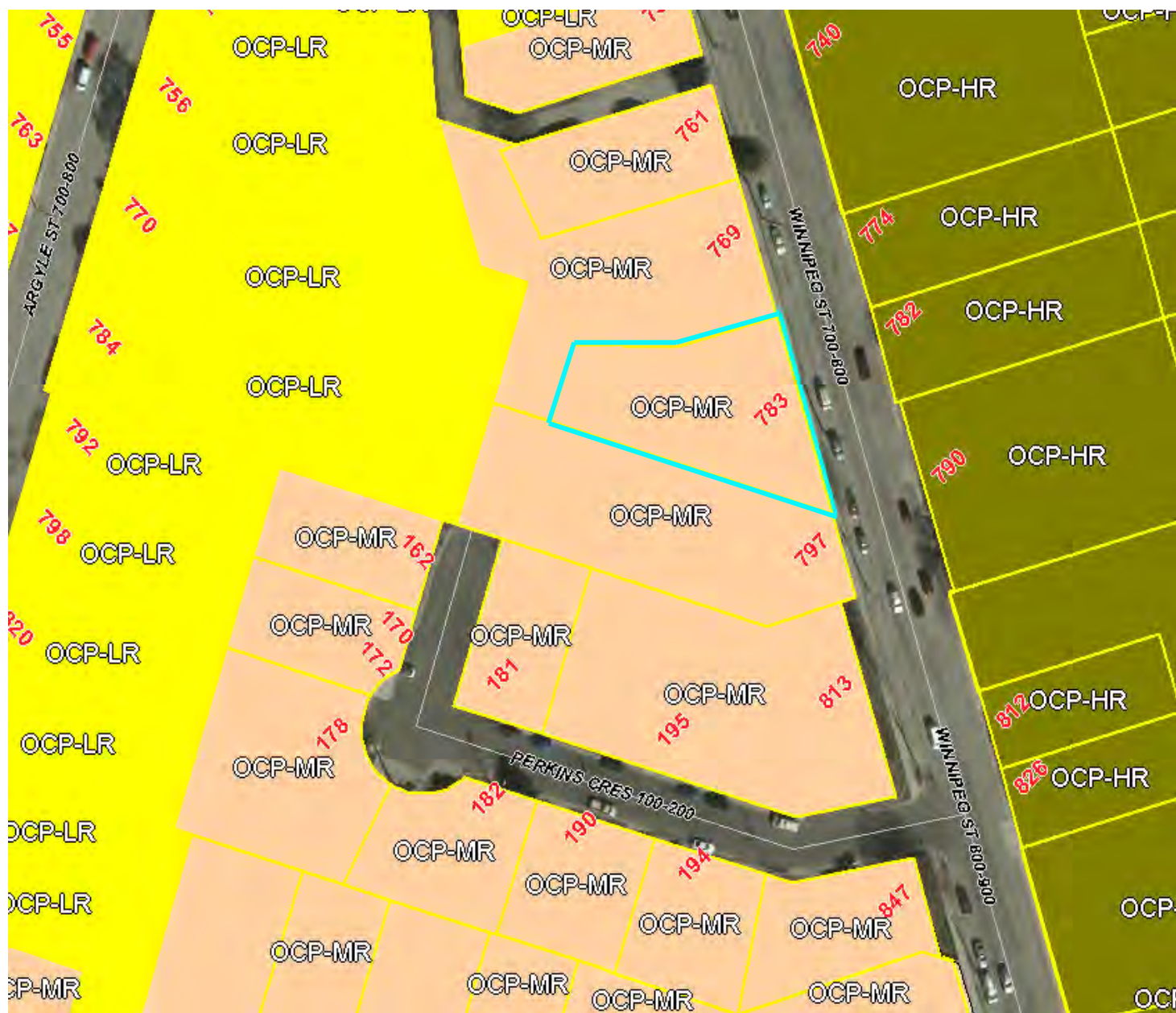


Figure 3: OCP map showing 789 Winnipeg Avenue as having a Medium Density Residential designation for future development

Attachment D – Images of Subject Property

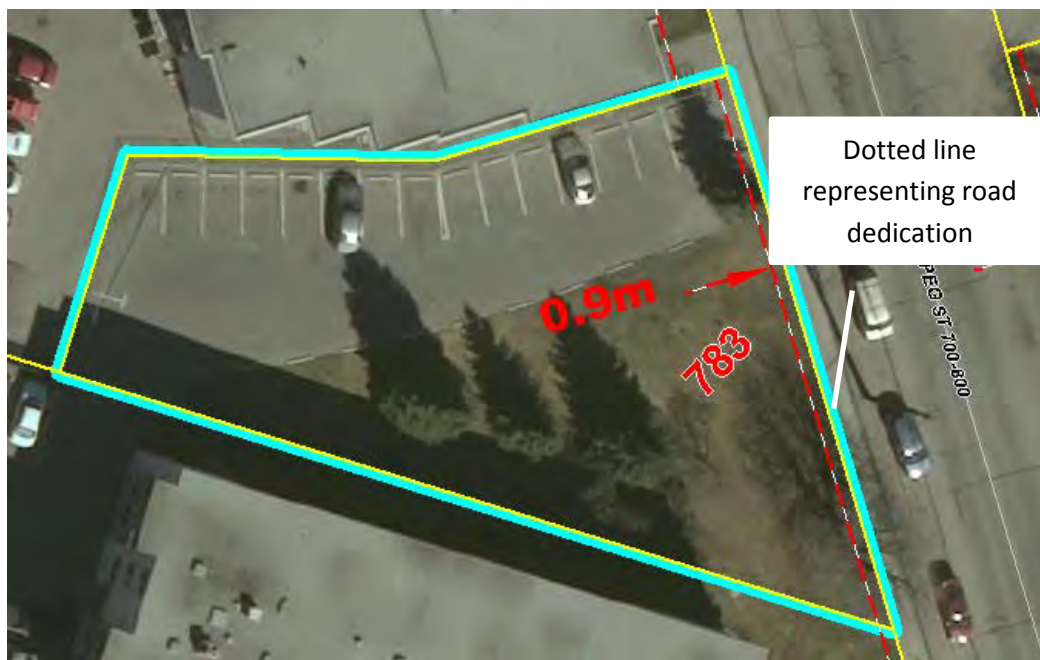


Figure 4: Aerial photo of 783 Winnipeg St., with 769 Winnipeg St. building to the north and 797 Winnipeg St. building to the south



Figure 5: Looking west at 783 Winnipeg St. from across Winnipeg St.



Figure 6: Looking west at space between 797 Winnipeg St. and 783 Winnipeg St.

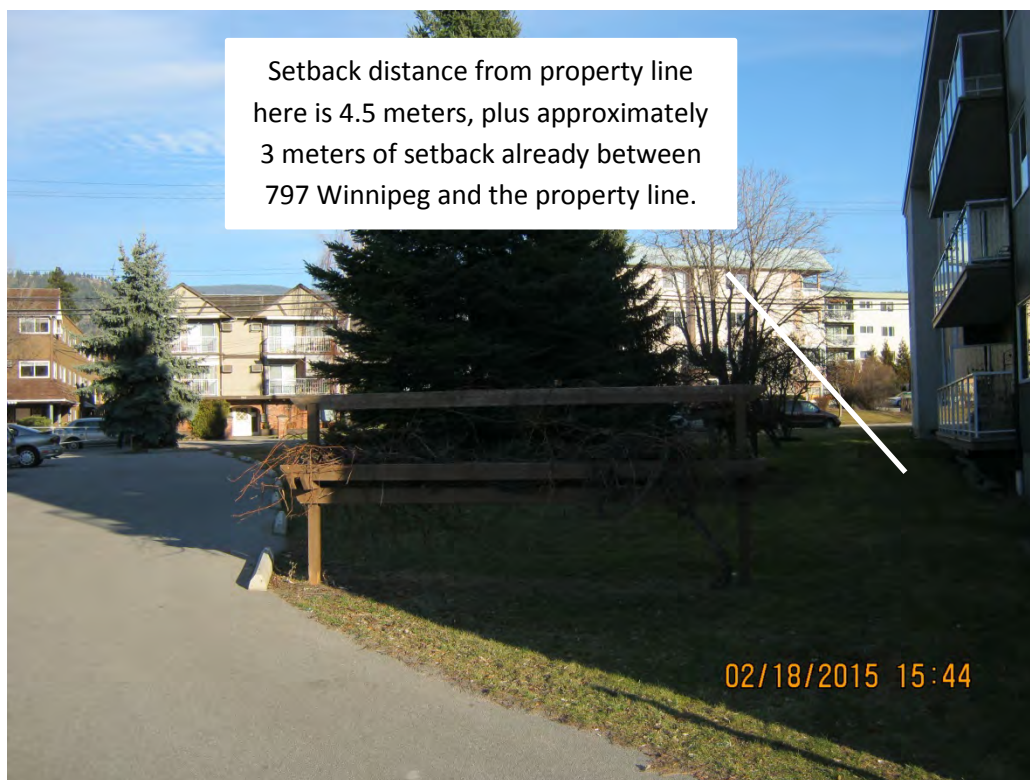


Figure 7: Looking east at 783 Winnipeg Street from the back of the property



Figure 8: Looking northeast at 769 Winnipeg St.



Figure 9: Looking west from back of property, fence approximate to property line

Attachment E – Letter of Intent from Owner's Agent



January 16, 2015

Dear Mr. Lindsey Fraser
Planner I
City of Penticton
171 Main St
Penticton BC

Dear Mr. Fraser,

Re: Rezoning application for 783 Winnipeg St.

On behalf of the owners of the above-listed property, we are submitting the following rationale for rezoning 783 Winnipeg from RD1 to RM3:

Multi-storey apartment buildings are located on both adjacent lots and across Winnipeg St. Developing a multi-storey building, rather than a duplex, will reinforce the existing urban fabric.

The OCP recommendation for this property is medium density residential (MR). The proposed apartment building would conform to the OCP guidelines by providing medium-income housing within walking distance of the downtown core.

Currently the property is used as a parking lot. The proposed development would fill in a gap in the Winnipeg St. streetscape and provide additional street-life opportunity.

If you have any questions or require additional information, please do not hesitate to contact our office.

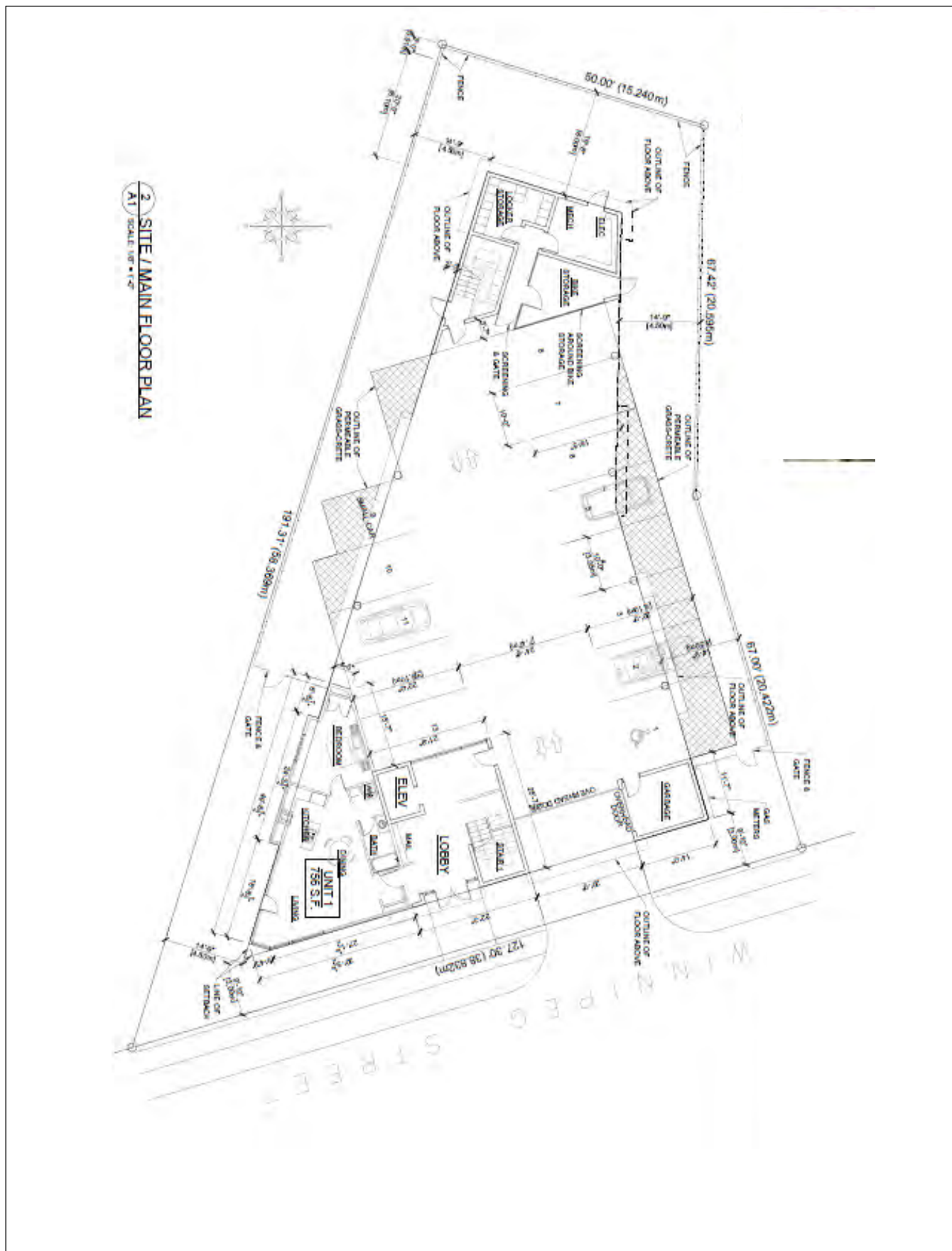
Yours truly,

Norman Goddard
Architect AIBC



411 R - 214 Main Street Penticton, BC V2A 5B1 norman@goddardarchitects.com (250-770-1104) (250-488-0530) F: 250-770-8291

Attachment F – Proposed Site and Elevation Plans





Attachment G – Draft DVP



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

Development Variance Permit

Permit Number: DVP PL2015-010

Name

Address |

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

Legal: Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale District (Formerly Yale Lytton), District Plan 23635
Civic: 783 Winnipeg Street
PID: 003-411-150
3. This permit has been issued in accordance with Section 922 of the *Local Government Act* to vary Section 10.9.2.6 of Zoning Bylaw 2011-23 to allow for a reduction of the minimum front yard setback from 3.0m to 2.0m, as shown in the plans attached in Schedule A.

General Conditions

4. In accordance with Section 928(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.
5. In accordance with Section 926 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 _____, 2014

Issued this _____ day of _____, 2014

Dana Schmidt,
Corporate Officer

Page 2 of 2

Bylaw No. 2015-15

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;

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 2015-15".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 Schedule 'A' is hereby amended as follows:

Rezone Lot 2, District Lot 202, Similkameen Division Yale District, and of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 23635, located at 783 Winnipeg Street, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing).

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

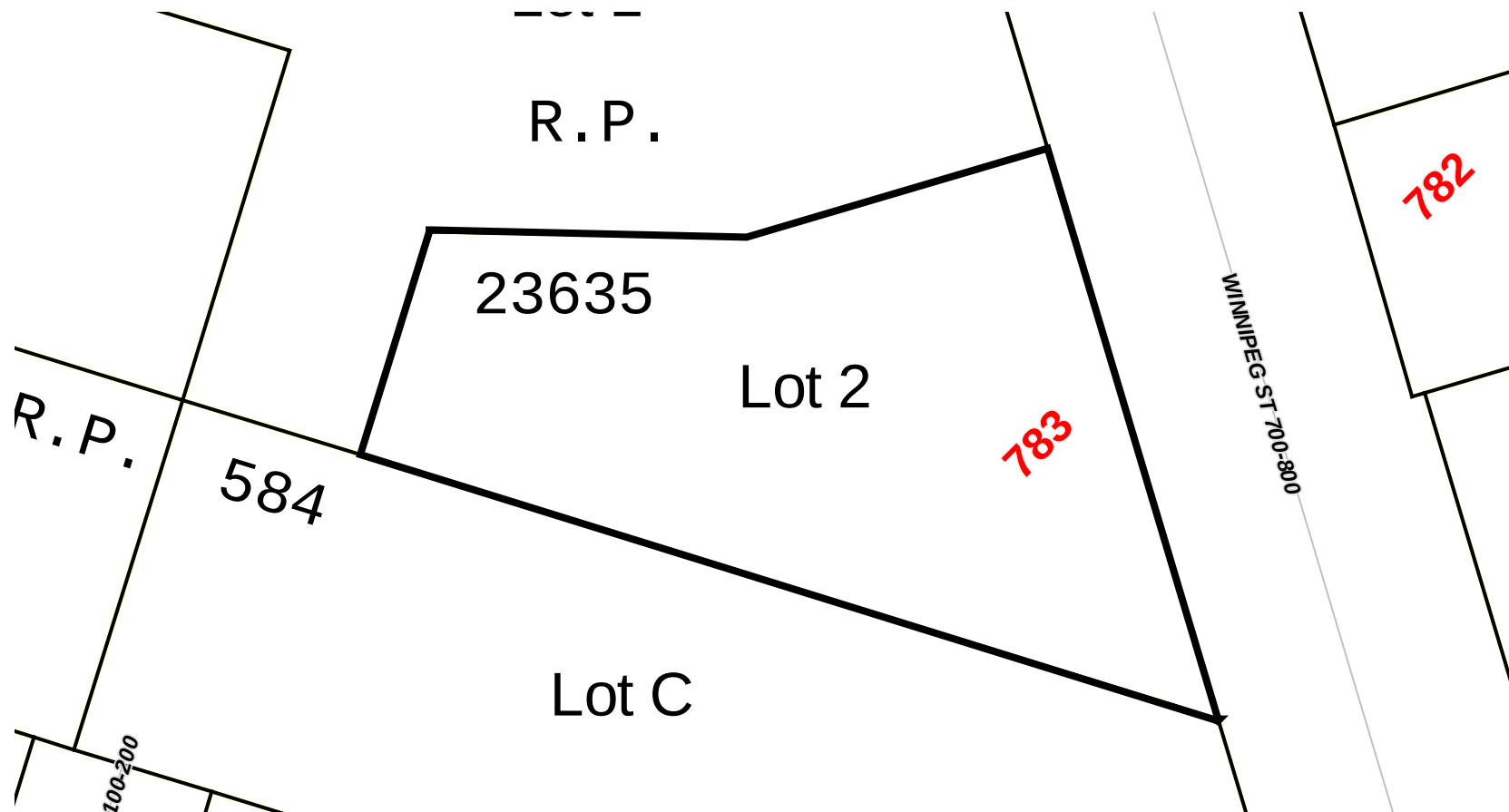
READ A FIRST time this	2	day of	March, 2015
A PUBLIC HEARING was held this	16	day of	March, 2015
READ A SECOND time this		day of	, 2015
READ A THIRD time this		day of	, 2015
ADOPTED this		day of	, 2015

Notice of intention to proceed with this bylaw was published on the 6 day of March, 2015 and the 11 day of March, 2015 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 783 Winnipeg Street From RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-15

Date: _____

Corporate Officer: _____