

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

**Monday, January 18, 2016**  
**at 6:00 p.m.**

- |       |   |      |
|-------|---|------|
| Mayor | Calls Public Hearing to Order for <b>“Zoning Amendment Bylaw No. 2015-61”</b>   | 1-24 |
| CO    | <p>Reads Opening Statement and Introduction of Bylaw</p> <p>“Zoning Amendment Bylaw No. 2015-61” (511 Forestbrook Drive)</p> <p>Purpose: To amend Zoning Bylaw No. 2011-23 as follows:</p> <p style="padding-left: 40px;">Rezone Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).</p> <p style="padding-left: 40px;">The applicant is proposing to construct two duplexes with a secondary suite per principal unit (8 units total).</p> <p>Notice: The Public Hearing was advertised in the Penticton Western News on Friday, January 6, 2016 and Wednesday, January 13, 2016 (pursuant to the <i>Local Government Act</i>).</p> |      |
| CO    | No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, January 13, 2016)  |      |
| Mayor | Requests the Director of Development Services 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. 2015-61” is terminated and no new information can be received on this matter.

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

**Monday, December 7, 2015**  
**at 6:00 p.m.**

## **Resolutions**

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### **7. Staff Reports**

- 8.5 Zoning Amendment Bylaw No. 2015-61, DVP PL2015-077, DP PL2015-078  
Re: 511 Forestbrook Drive

577/2015

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2015-61", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the January 18, 2016 public hearing; AND THAT prior to adoption of the bylaw, a 3m x 3m road dedication (corner cut) at the intersection of the two lanes adjacent to 511 Forestbrook be registered with the Land Title Office; AND THAT Council provide an opportunity for delegations and submissions at the January 18, 2016 Public Hearing for "Development Variance Permit PL2015-077" for Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, a permit to reduce the required number of parking stalls from eight to four, reduce the rear yard setback from 6.0m to 3.6m, and reduce the interior side yard (east) setback from 3.0m to 1.5m; AND THAT Council support "Development Permit PL2015-078" for Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, a permit to allow for the construction of two duplexes, with a secondary suite per principal unit, for a total of eight units on the lot. AND THAT staff are directed to issue the permit subject to the adoption of "Zoning Amendment Bylaw 2015-61".

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** December 7, 2015 **File No:** RZ PL2015-076; DVP PL2015-077; DP PL2015-078  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Lindsey Fraser, Planner I  
**Address:** 511 Forestbrook Drive  
**Subject:** **Zoning Amendment Bylaw No. 2015-61, Development Variance Permit PL2015-077, and Development Permit PL2015-078**

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## **Staff Recommendation**

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2015-61", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the January 18, 2016 public hearing;

AND THAT prior to adoption of the bylaw, a 3m x 3m road dedication (corner cut) at the intersection of the two lanes adjacent to 511 Forestbrook be registered with the Land Title Office;

### *Development Variance Permit*

AND THAT Council provide an opportunity for delegations and submissions at the January 18, 2016 Public Hearing for "Development Variance Permit PL2015-077" for Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, a permit to reduce the required number of parking stalls from eight to four, reduce the rear yard setback from 6.0m to 3.6m, and reduce the interior side yard (east) setback from 3.0m to 1.5m;

### *Development Permit*

AND THAT Council support "Development Permit PL2015-078" for Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, a permit to allow for the construction of two duplexes, with a secondary suite per principal unit, for a total of eight units on the lot.

AND THAT staff are directed to issue the permit subject to the adoption of "Zoning Amendment Bylaw 2015-61".

## **Strategic priority objective**

This development is proposing to accommodate secondary suites within each dwelling unit, which is an initiative in-line with the strategic objective of creating an affordable community.

## **Background**

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and is designated in the City's Official Community Plan as MR (Medium Density Residential). The application for rezoning is for a "Low Density Multiple Housing" (RM2) designation, which does fit into the intended classification; two duplexes with secondary suites is a housing type that could appropriately be classified as "medium density". The proposed development form is that of a cluster housing project, specifically anticipated in the RM2 District.

The property is uniquely situated on the perimeter of the KVR Middle School. The property has a lane on both its west and north sides. The owner/developer of this lot intends to capitalize on views across the KVR Middle School grounds, and has chosen to orient the building to the west in order to take advantage of these views.

The surrounding area is composed of a mix of single-family homes and small apartment buildings. Many of the homes in the area are older and are relatively small given their lot size, indicating a potential for additional medium density infill housing projects in time.

## **Proposal**

The applicant is requesting that the subject property be rezoned from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) and is requesting development permit approval. In addition, the applicant is requesting a development variance permit to vary the following sections of Zoning Bylaw 2011-23:

- Section 7.6: reduce the minimum number of parking spaces from a duplex unit with secondary suite from eight to four
- Section 10.8.2.7.i: reduce the interior side yard setback (east) from 3.0m to 1.5m
- Section 10.8.2.8: reduce the minimum rear yard setback from 6.0m to 3.5m

## **Financial Implication**

N/A

## **Technical Review**

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by various departments within the City. Other than some relatively minor aesthetic considerations raised in the TPC process, no prominent issues were identified. All items were communicated to the applicant.

## **Development Statistics**

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

Item	Requirement RM2 Zone	Provided on Plans
<b>Minimum Lot Width:</b>	18 m	18.3 m
<b>Minimum Lot Area:</b>	670 m <sup>2</sup>	815 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	40 %	34 %
<b>Maximum Density:</b>	0.75 FAR	0.6 FAR
<b>Vehicle Parking:</b>	1.0 /main unit + 1.0/secondary suite for a total of 8	4 spaces <b>variance required</b>
<b>Required Setbacks</b>		
Front yard (Winnipeg St):	3.0m	3.7m
Side yard (west):	3.0m	5.7m
Side yard (east):	3.0m	1.5m <b>variance required</b>
Rear yard:	6.0m	3.6m <b>variance required</b>
<b>Maximum Building Height:</b>	12.0m	8.4m
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>➤ Property is in the 'General Multiple' Development Permit Area and a Development Permit (DP) will be required.</li> </ul>	

## Analysis – Zoning Amendment

### Support Zoning Amendment

Staff considers that rezoning the lot from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), to enable this cluster housing development is an appropriate use for the lot for the following reasons:

- The Official Community Plan designates 511 Forestbrook Drive for Multi-Family Residential development. Cluster housing is a permitted use in the RM2 District.
- The property has a lot area large enough to accommodate higher density than a single-family home or duplex. Single family houses are usually contained on lots from 390m<sup>2</sup> to 650m<sup>2</sup>. Duplex housing usually occurs on lots in the 390 m<sup>2</sup> to 750 m<sup>2</sup> range. At just over 800 m<sup>2</sup>, this property can support higher densities.
- According to Penticton’s OCP, residential development should be accommodated through infill development. Set in an area with a blend of single family homes, small apartment buildings, and large duplexes, this development will not be out of place and is an example of creative infill.
- The proximity to downtown and a wealth of nearby services, including a grocery store and multiple schools, encourage more walking and active forms of transportation.

The design for this building includes the incorporation of secondary suite into the construction. Although secondary suites have been legal within duplexes for some time, this will be one of the first developments to purpose-build suites into the duplex. By providing secondary suites, the developer is giving more choice to potential buyers, providing the possibility for a ‘mortgage helper’, a space for a family member, etc.

Increasing the housing stock in Penticton is an important step in addressing housing challenges faced by the city.

### Deny

Council may feel that the lot is too small to support the addition of two duplexes with secondary suites. 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 recommendations it considers appropriate.

### **Analysis – Development Permit**

#### Approve Development Permit

The subject property is within the General Multiple Development Permit Area. The application has been cross-referenced with the development guidelines for this area and meets a satisfactory level of conformance. In particular, the development shows strong attention to the following:

- Architectural value, using articulated elevational treatments to break up the massing of the building
- Building shape, exterior finishes and rooflines are varied and create visual interest
- The design and siting of units take advantage of views and natural amenities (park space)

The OCP also speaks to the importance of fronting the units, or a single unit, onto roadways in order to create a better street presence. In this case, that would require a frontage to orient toward Forestbrook Drive. The developer has elected to orient the buildings away from the street, opting to plant landscaping as a means of softening the resultant building form. Staff considers the design response is appropriate in this instance as it results in landscape improvements to the streetscape and accommodates the challenges of the site.

Overall this building presents strong architectural value and its design has taken advantage of views across the nearby school's parkland. It is an appropriate addition to the neighbourhood. In addition, the siting of the building creates opportunities for natural surveillance of the open space. Staff recommends that Council approve the development permit application and provides direction to issue the permit.

#### Deny Development Permit

Council may feel that the applicant should make changes to the building design that created a better street frontage. If this is the case, Council may wish to deny the development permit.

Alternatively, Council may wish to refer the application back to staff or approve the permit with conditions.

### **Analysis – Development Variance Permit**

#### Support Development Variance Permit

Council may support the rezoning application but feel that the variances being requested are not reasonable. In considering this application, staff recognized the limitations of this lot in constructing multi-family buildings and determined that the variances being requested are in keeping with the intent of the OCP. Infill development of this nature – where single family lots are used to accommodate multiple-family development – variances are often required to satisfy the greater benefit that the development represents.

The applicant is requesting a reduction of the rear-yard setback from 6.0m to 3.6m. Typically, the rear of a property is reserved for parking. However, the parking in this case is along the side of the building, abutting the lane. The building scheme presented makes use of the long lot, spreading the buildings out over a wider area, creating amenity space in the middle of the development for two of the secondary suites. By reducing the rear-yard setback a better laid-out design and use of the site results.

To the rear of the property is a three storey apartment building which utilizes the area off the lane for parking, resulting in a stand-off distance from the proposed building in excess of 20m. There will be no negative impacts of the proposed development on neighbouring properties by reducing the rear-yard setback.

The second variance being requested is a reduction in parking from eight stalls to four. The developer has applied for this variance in order to allow for the construction of secondary suites within each unit. Although the request to vary parking by 50% is significant, the Planning Department supports the request for two main reasons:

1. Secondary suites typically provide more affordable housing options.
2. There is available on-street parking immediately next to the subject property (Attachment D).

The third variance being applied for is to reduce the minimum interior side-yard setback on the east side of the property from 3.0 to 1.5m. This variance is not for the whole building (an important element in Planning's decision to lend support to this request). The majority of the building will be located 4.0m from the property line. However, as illustrated in the plans (Attachment F) a small, attached storage shed will project into the setback. Additionally, the rear entry to these buildings has a small landing and steps that will project past the 3.0m setback to within 1.5m of the side setback line. Given the low-impact of these projections, and the fact that the principal building walls are 4.0m back from the interior lot line, staff considers there will not be any negative impacts on the neighbouring property to the east.

Given the above, staff recommends that Council approve the variance and provide direction to issue the permit.

### Deny

Council may consider that, although the application represents a high quality development, that doesn't warrant the approval of all requested variances and it may disagree with the assessment in this report. Consequently, if Council does not support the application in its current form, it can deny the variances requested.

### **Alternative Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw 2015-61" and deny support to both "DP PL2015-078" and "DVP PL 2015-077"

2. THAT Council support "Zoning Amendment Bylaw 2015-61" and deny support to either or both "DP PL2015-078" and "DVP PL 2015-077"
3. THAT Council refer the application back to staff to work with the applicant and prepare a more appropriate development proposal.

**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
- Attachment H: Draft DP

Respectfully submitted,

Lindsey Fraser  
Planner I

Approvals

Director  JGH	Chief Administrative Officer  ES
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Attachment A – Subject Property Location Map



Figure 1: Subject property highlighted in blue

### Attachment B – Zoning Map of Neighbourhood



Figure 2: Subject property zoned R2 (Small Lot Residential)

Attachment C – OCP Map of Neighbourhood



Figure 3: OCP Designation MR (Medium Density Residential)

Attachment D – Images of Subject Property



Figure 4: Illustration of on-street parking available



Figure 5: Subject property looking north from Forestbrook Drive



Figure 6: Subject property looking north west at KVR Middle School grounds



Figure 7: Subject property looking north east from lane



Figure 8: View of neighbouring property from alley (looking south)

Attachment E – Letter of Intent



September 15, 2015

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

Attention: Blake Laven, Planning Manager

Re: Development Proposal  
511 Forestbrook Drive, Penticton, BC  
Lot 2, DL 249, Plan 3350, PID # 010-861-106

We are requesting a rezoning of the property located at 511 Forestbrook Ave from R2: Small Lot Residential to RM2: Low Density Multiple Family. The purpose of the rezoning application is to allow for the construction of a multi-family development made up to include 4 two storey residential units with partial in-ground basements finished to include one bedroom, self-contained suites. Reference is made to the attached development plans.

As part of this rezoning application we are requesting a relaxation in the number of on-site parking stalls from 8 to 4. A further relaxation of the rear yard setback from 6.0 m to 3.6 m is also being requested.

Respectfully submitted

Bruce Schoenne, RI, AACI  
President  
Schoenne Homes Inc.

Additional interior side yard setback variance discovered in review process









3D SITE RENDERING



FORESTBROOK, OR DEVELOPMENT  
3D SITE RENDERING  
ID-502



FORESTBROOK, OR DEVELOPMENT  
3D BUILDING RENDERING  
ID-501



Attachment G – Draft DP



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

**Development Permit**

**Permit Number: DVP PL2015-077**

Schoenne Homes Inc., Inc.No. BC1028671  
101-144 Front Street  
Penticton, BC V2A 1H1

Walco Development Corp., Inc.No. BC0806891  
101-123 Martin Street  
Penticton, BC V2A 7X6

**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 249, Similkameen Division Yale District, Plan 3350
  - Civic: 511 Forestbrook Drive
  - PID: 010-861-106
3. This permit has been issued in accordance with Section 920 of the Local Government Act to permit the construction of two duplex units with secondary suites as shown in the plans attached in Schedule A.
4. In accordance with Section 925 of the Local Government Act a deposit or irrevocable letter of credit, in the amount of \$\_\_\_\_\_ TBC \_\_\_\_\_ 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 925(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, provided in Schedule B, 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 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> Inspection or additional inspections	\$200

**General Conditions**

- 7. 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.
- 8. 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.
- 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) 490-7535.

Authorized by City Council, the \_\_\_\_\_ day of \_\_\_\_\_, 2015

issued this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
 Dana Schmidt,  
 Corporate Officer

Attachment H - Draft DVP



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

### Development Variance Permit

Permit Number: DVP PL2015-077

Schoenne Homes Inc., Inc.No. BC1028671  
101-144 Front Street  
Penticton, BC V2A 1H1

Walco Development Corp., Inc.No. BC0806091  
101-123 Martin Street  
Penticton, BC V2A 7X6

#### 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 7, District Lot 249, Similkameen Division Yale District, Plan 3350  
Civic: 511 Forestbrook Drive  
PID: 010-861-106
3. This permit has been issued in accordance with Section 922 of the *Local Government Act* to vary the following section of Zoning Bylaw 2011-23 to allow for the construction of two duplexes with secondary suites, as shown in the plans attached in Schedule A:
  - Section 7.6: reduce the minimum number of parking spaces from a duplex unit with secondary suite from eight to four
  - Section 10.8.2.7.: reduce the interior side yard setback (east) from 3.0m to 1.5m
  - Section 10.8.2.8: reduce the minimum rear yard setback from 6.0m to 3.5m

#### 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 \_\_\_\_\_, 2015

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Bylaw No. 2015-61

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 2015-61".

2. **Amendment:**

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

Rezone Lot 2, District Lot 249, Similkameen Division Yale District, Plan 3350, located at 511 Forestbrook Drive, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

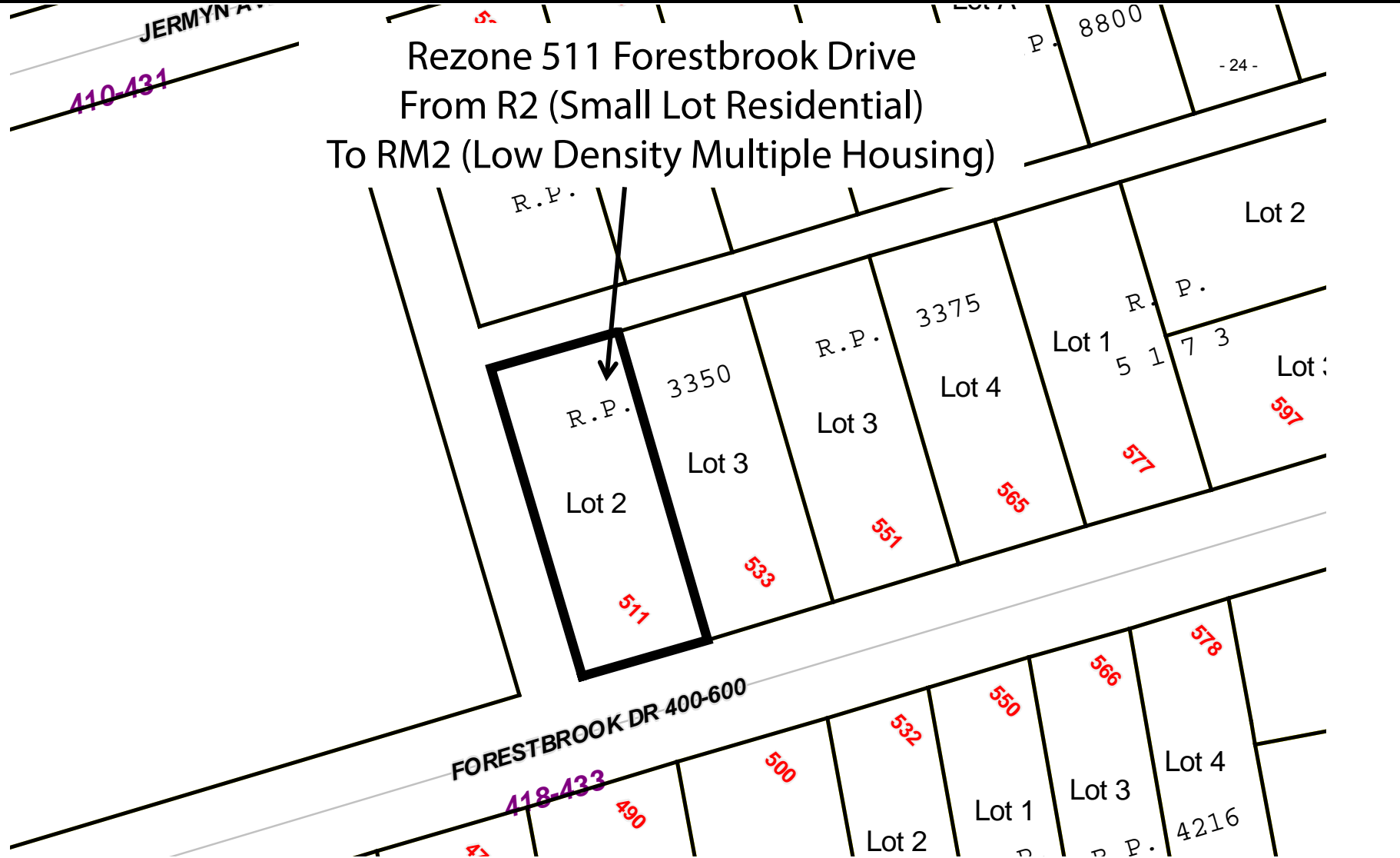
READ A FIRST time this	7	day of	December, 2015
A PUBLIC HEARING was held this	18	day of	January, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 8 day of January, 2016 and the 13 day of January, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

Rezone 511 Forestbrook Drive  
From R2 (Small Lot Residential)  
To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2015-61

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_