



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

Monday, July 18, 2016
at 6:00 p.m.

- 1. Mayor Calls Public Hearing to Order for **“OCP Amendment Bylaw No. 2016-32”** 1-8

- CO Reads Opening Statement and Introduction of Bylaws

- “OCP Amendment Bylaw No. 2016-32”

- Purpose: To amend Official Community Plan Bylaw No. 2002-20 as follows:
 - Section 2.2.1: Replace Medium Density Residential Policies policy 1 with: “Establish a maximum residential density of 125 dwelling units per hectare and a maximum height of six storeys in the Medium Density designation.”; and Replace Medium Density Residential Policies policy 3a) with: “Permit residential densities of up to 125 dwelling units per hectare and six storey structures, considering neighbourhood character, in areas adjacent to the High Density Residential designations, adjacent to the Downtown, adjacent to major shopping centres, or areas along major roads; and,”

- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, July 8, 2016 and Wednesday, July 13, 2016 (pursuant to the *Local Government Act*).

- CO No Correspondence received regarding the OCP Amendment (as of noon Wednesday, July 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 “OCP Amendment Bylaw No. 2016-32” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2016-33"** 9

CO Reads Opening Statement and Introduction of Bylaw

"Zoning Amendment Bylaw No. 2016-33"

Purpose: To amend Zoning Amendment Bylaw No. 2011-23 as follows:

Replace Section 10.9 'Purpose' with: The purpose of this zone is to provide a zone for medium density multiple housing up to six (6) storeys above grade on urban services. Replace Section 10.9.2.4 with: Maximum density: 1.6 FAR. Replace Section 10.9.2.5 with: Maximum height: i: principal building 24 m; ii: accessory building structure 4.5 m.

Notice: The Public Hearing was advertised in the Penticton Western News on Friday, July 8, 2016 and Wednesday, July 13, 2016 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, July 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. 2016-33" is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2016-36"** 10-35

CO Reads Opening Statement and Introduction of Bylaw

"Zoning Amendment Bylaw No. 2016-36" (798 Revelstoke Avenue)

Purpose: To amend Zoning Amendment Bylaw No. 2011-23 as follows:

Rezone Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 5203 and THAT part of closed road shown as Lot C on Plan HG8, District 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District lying adjacent to Lot 2 Plan 5203 located at 798 Revelstoke Avenue, Penticton BC, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant is proposing to develop a strata multi-family project consisting of two side-by-side duplexes fronting Oakville Street.

Notice: The Public Hearing was advertised in the Penticton Western News on Friday, July 8, 2016 and Wednesday, July 13, 2016 (pursuant to the *Local Government Act*).

- CO Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, July 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. 2016-36" is terminated and no new information can be received on this matter.

4. Mayor Calls Public Hearing to Order for "**OCP Amendment Bylaw No. 2016-37**" 36-55

CO Reads Opening Statement and Introduction of Bylaws

"OCP Amendment Bylaw No. 2016-37" (151 Duncan Avenue West)

Purpose: To amend Official Community Plan Bylaw No. 2002-20 as follows:

Change Schedule 'B' future land use designation for Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale – Lytton) District, Plan KAP82678, located at 151 Duncan Avenue W., from GC (General Commercial) to MR (Medium Density Residential).

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, July 8, 2016 and Wednesday, July 13, 2016 (pursuant to the *Local Government Act*).

- CO No Correspondence received regarding the OCP Amendment (as of noon Wednesday, July 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 "OCP Amendment Bylaw No. 2016-37" is terminated and no new information can be received on this matter.

5. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2016-38"** 56-57

CO Reads Opening Statement and Introduction of Bylaw

"Zoning Amendment Bylaw No. 2016-38" (151 Duncan Avenue West)

Purpose: To amend Zoning Amendment Bylaw No. 2011-23 as follows:

Rezone Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale – Lytton) District, Plan KAP82678, located at 151 Duncan Avenue W., from C4 (General Commercial) to RM3 (Medium Density Multiple Housing).

The developer intends to develop two 5 storey rental apartment buildings with underground parking.

Notice: The Public Hearing was advertised in the Penticton Western News on Friday, July 8, 2016 and Wednesday, July 13, 2016 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, July 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. 2016-38" is terminated and no new information can be received on this matter.

6. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2016-43"** 58-73

CO Reads Opening Statement and Introduction of Bylaw

"Zoning Amendment Bylaw No. 2016-43" (361, 353, 343 Martin Street)

Purpose: To amend Zoning Amendment Bylaw No. 2011-23 as follows:

Add a new section under 11.5 C5 – Urban Centre Commercial: *11.5.4 SITE SPECIFIC PROVISIONS* In addition to the uses permitted above: .5 On Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373 located at 361, 353 and 347 Martin Street, the use 'winery' shall be permitted.

The applicant is proposing to renovate the building into a winery including a tasting and sales area, administrative offices as well as a food and beverage component.

Notice: The Public Hearing was advertised in the Penticton Western News on Friday, July 8, 2016 and Wednesday, July 13, 2016 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, July 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. 2016-43" 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, July 4, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

- 9.5 OCP Amendment Bylaw No. 2016-32 & Zoning Amendment Bylaw No. 2016-33
Re: six storey buildings

297/2016

It was MOVED and SECONDED

THAT "Official Community Plan Amendment Bylaw 2016-32", a bylaw that amends the Medium Density Residential Policies of Official Community Plan Bylaw 2002-20, to increase the permitted height and density in the medium density (MR) land use designation to include 6 storey wood frame construction on specific properties within the MR designation, be given first reading and be sent to the July 18, 2016 Public Hearing; AND THAT prior to consideration of Official Community Plan Amendment Bylaw 2016-32" and in accordance with Section 475 of the Local Government Act, that Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities,
2. The Regional District of Okanagan Similkameen,
3. Local First Nations,
4. School District #67, and,
5. The provincial or federal government and their agencies

AND FURTHER THAT it is determined that the Public Hearing is sufficient consultation; THAT "Zoning Amendment Bylaw 2016-33, a bylaw amending Section 10.9 of City of Penticton Zoning Bylaw 2011-23, allowing six (6) storey residential buildings by increasing the maximum permitted height from 18m to 24m and increasing the permitted maximum floor area ratio from 1.2 FAR to 1.6 FAR, be given first reading and sent to the July 18, 2016 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: July 4, 2016 **File No:** 6480-20
To: Eric Sorensen, Chief Administrative Officer
From: Blake Laven, Planning Manager
Subject: **Official Community Plan Amendment Bylaw No. 2016-32**
Zoning Amendment Bylaw No. 2016-33

Staff Recommendation

Official Community Plan Bylaw Amendment

THAT "Official Community Plan Amendment Bylaw 2016-32", a bylaw that amends the Medium Density Residential Policies of Official Community Plan Bylaw 2002-20, to increase the permitted height and density in the medium density (MR) land use designation to include 6 storey wood frame construction on specific properties within the MR designation, be given first reading and be sent to the July 18, 2016 Public Hearing;

AND THAT prior to consideration of Official Community Plan Amendment Bylaw 2016-32" and in accordance with Section 475 of the Local Government Act, that Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities,
2. The Regional District of Okanagan Similkameen,
3. Local First Nations,
4. School District #67, and,
5. The provincial or federal government and their agencies

AND FURTHER THAT it is determined that the Public Hearing is sufficient consultation;

Zoning Bylaw Amendment

THAT "Zoning Amendment Bylaw 2016-33, a bylaw amending Section 10.9 of City of Penticton Zoning Bylaw 2011-23, allowing six (6) storey residential buildings by increasing the maximum permitted height from 18m to 24m and increasing the permitted maximum floor area ratio from 1.2 FAR to 1.6 FAR, be given first reading and sent to the July 18, 2016 Public Hearing.

Executive Summary

Changes to the BC Building Code made in 2009 now allow for six (6) storey wood frame construction in BC. Interest in this style of development on Medium Density designated areas of the city has prompted a review of whether this

type of development is appropriate in the MR designation. This report proposes changes to the City's Official Community Plan and Zoning Bylaw to accommodate 6 storey wood frame construction in medium density residential areas of the city that are zoned RM3 – Medium Density Multiple Housing.

Strategic priority objective

Approval of these bylaws is in-line with smart growth principles and promotes housing affordability, both of which are strategic priorities of Council.

Approval of the bylaw amendments will also make our development processes more efficient and responsive to changes in the development industry.

Background

Recently, City Planning Department staff have been approached by several different developers looking to construct six (6) storey wood frame apartment buildings in Penticton. The lands being speculated on are all within the MR (Medium Density Residential) land use designation, where this type of development is slightly higher and slightly denser than currently permitted by the City's Official Community Plan and Zoning Bylaw – but would not typically be considered '*high density.*'

Because these developments do not fit within the existing MR guidelines and regulations, rather than construct at 6 storeys on the properties that will accommodate this type of density, developers are being faced with the prospect of either lowering the height (and thus unit count) of their developments or alternatively, amending the OCP on a site specific and ad-hoc basis. In most cases the HR designation (which allows for high rise construction) is not appropriate for the lands that are under discussion.

Because of this interest in wood frame construction up to six storeys in the MR land use designation, rather than making ad-hoc changes to the OCP, staff is proposing that the medium density residential policies of the OCP be amended to permit this type of development as-of-right.

When the OCP was originally drafted in 2002, 6 storey wood frame construction was not permitted under the BC Building Code. In 2009, BC became the first province in Canada to allow for wood frame construction for up to 6 storeys. Previous to the changes to the BC Building Code, buildings using wood technology were only permitted to be built to a four storey height. Most other jurisdictions in Canada soon followed BC's lead and to-date more than 250 five and six storey wood frame buildings have been built across the country.

One of the impetuses for the change to the building code was to provide more density in our communities, with the goal of increasing housing affordability and addressing a housing supply shortage. Wood frame construction is seen as easier to construct and cheaper than other forms of construction (concrete or steel frame) for mid-rise construction.

Previous to these changes, it was very rare to see buildings of 5 or 6 storeys as most developers once they made the change to concrete or steel frame structures would need to be a minimum of 8 storeys to make the economies of scale work for the more expensive building technology. Typically, buildings of 8 storeys or higher are seen as high-rise and fit within the high density (HR) residential land use designation.

With the allowance of the 6 storey wood frame product, five and six storey building are becoming more prevalent and it is becoming evident that our bylaws should be consistent with other authorities (such as the BC Building Code) to accommodate this increasingly popular product.

Proposal

The two amendment bylaws deal with adjusting the City's Official Community Plan Bylaw and Zoning Bylaw to accommodate residential buildings up-to 6 storeys in height on specific properties within the Medium Density Residential land use designation.

OCP Amendment Bylaw 2016-32 amends the following:

Replaces policy 1 of the 'medium density residential policies of Section 2.2.1 of the OCP (page 45) from:

Establish a maximum residential density of 115 dwelling units per hectare and a maximum height of four storeys in the Medium Density designation

to:

Establish a maximum residential density of 125 dwelling units per hectare and a maximum height of six storeys in the Medium Density designation

Replaces policy 3 of the 'medium density residential policies of Section 2.2.1 of the OCP (page 46) from:

a) permit residential densities of up to 115 dwelling units per hectare and four storey structures, considering neighbourhood character, in areas adjacent to the High Density Residential designations, adjacent to the downtown, adjacent to major shopping centers or along major roads.

to:

a) permit residential densities of up to 125 dwelling units per hectare and six storey structures, considering neighbourhood character, in areas adjacent to the High Density Residential designations, adjacent to the downtown, adjacent to major shopping centers or along major roads.

Zoning Amendment Bylaw 2016-33 amends the following:

Amends the wording of the 'Purpose' section of Section 10.9 of Zoning Bylaw 2011-23 from:

The purpose of this zone is to provide a zone for medium density multiple housing up to five (5) storeys above grade on urban services.

to:

The purpose of this zone is to provide a zone for medium density multiple housing up to six (6) storeys above grade on urban services.

Amends Section 10.9.2.4 increasing the maximum permitted density from 1.2 FAR to 1.6 FAR

Amends Section 10.9.2.5 increasing the maximum permitted height from 18m to 24 m.

Financial implication

N/A

Analysis

Support "OCP Amendment Bylaw 2016-32"

As the BC Building Code has allowed for wood frame construction up to 6 storeys since 2009, a review of our local bylaws shows that 6 storey wood frame construction is only permitted in areas designated by the OCP as "High Density Residential." This mid-rise style of development, however, is more in-line with a Medium Density development style.

When the City's Official Community Plan was drafted in 2002, 6 storey wood frame construction was not contemplated. In reading the intent of the Medium Density Residential designation, which allows for apartment buildings, staff consider that 6 storey wood frame construction is in keeping with that intent.

If Council were to adopt the proposed OCP and zoning amendments, developers could still not build this type of building on any MR designated land. The OCP has guidelines that identify where maximum MR densities should be constructed and where lower density development (townhomes and low rise apartments) should occur. Maximum densities, up to 125 uph, will be encouraged in areas that are:

- adjacent to high density areas;
- adjacent to the downtown;
- adjacent to major shopping centers or along major roads.

In all other areas where the MR land use designation exists, lower density multiple family developments are envisioned (up to 50 uph).

In the absence of allowing this type of development in the MR designation, developers are faced with the prospect of either reducing the height and density of their proposed development, which in some cases might make sense, but not in others, or trying to have the property redesignated as HR (High Density Residential), which allows high rise development and is mostly not appropriate in areas designated as MR.

In an analysis of this proposal, staff researched the densities and heights permitted in the medium density residential land-use designations of other, comparable, communities. While the proposal, if passed, will put Penticton on the higher end of the scale, Penticton has a denser urban form than most of the other communities on the list and less available land. Even so, the proposed densities are not out of line with what is typical of other communities:

Table 1: Comparison of the height and density permitted in Medium Density Residential Land Use Designation from various comparable municipalities

Community	Permitted maximum height in MR land use designation	Proposed maximum Density in the MR land use designation
Penticton (Current)	4 storeys	115 uph
Penticton (Proposed)	6 storeys	125 uph
Kelowna	5 storeys + more if CD zone	1.1 FAR
Vernon	Apartments permitted (no height identified)	110 uph
Nanaimo	Apartments permitted (no height identified)	150 uph (in certain areas)
North Vancouver	Wood frame apartments (no height identified)	1.6 FAR
Kamloops	Apartments (low rise) No storey or height identified	100 UPH
Port Moody	Permits up to 6 storeys (states typically 4-6 storeys)	No density number provided

Furthermore, all of the lands that are subject to these amendments are located in Development Permit Areas (DPAs). What this means is that staff, and in some cases Council, will have the ability to measure the proposal against a set of established design guidelines. These guidelines speak to the form and character of the development and how any new buildings would ‘fit in’ with existing development.

Given the above and the city’s need for additional housing, staff recommend that Council support the OCP amendment and forward the bylaw to the July 4th, 2016 Public Hearing for comment from the public.

Deny First Reading of “OCP Amendment Bylaw 2016-32”

Council may consider that 6 storey construction is too much density in the medium density land use designation. If that is the case, Council should deny first reading of the bylaw.

Support “Zoning Amendment Bylaw 2016-33”

For similar reasons listed above, staff consider that if the OCP is being amended to include 6 storey residential buildings within the medium density land use designation, a similar amendment should be made to the RM3 (Medium Density Residential) zone in the Zoning Bylaw to ensure consistency between the two bylaws.

Currently, the RM3 zone allows for five storey construction so the increase to six storeys would be minor. To accommodate the change, an amendment to the purpose section is required changing the reference of development being up to a maximum of five storeys in height to a maximum of six storeys. An increase in the height from 18 m to 24m is also required to accommodate the additional storey and a slight increase in the density from 1.2 FAR to 1.6 FAR is also required.

All other requirements of the medium density residential zone and other requirements of the zoning bylaw will remain the same. This includes requirements for parking, amenity space and landscaping. Those requirements will remain unchanged.

This amendment will affect all currently zoned RM3 properties as well as any properties which contemplate a zoning amendment from another zone to the RM3 zone.

Deny first reading "Zoning Amendment Bylaw 2016-33"

If Council does not consider that this is an appropriate level of density and height in the RM3 zone, Council should deny first reading of the zoning bylaw. This will mean that site specific, ad-hoc amendments to the bylaw will continue.

Alternate recommendations

1. THAT "OCP Amendment Bylaw 2016-32" and "Zoning Amendment Bylaw 2016-33" are denied first reading.
2. THAT "OCP Amendment Bylaw 2016-32" and "Zoning Amendment Bylaw 2016-33" are referred back to staff for further refinement as directed by Council.

Attachments

- OCP Amendment Bylaw No. 2016-32
- Zoning Amendment Bylaw No. 2016-33

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning

Approvals

Director <i>JGH</i>	Chief Administrative Officer <i>ES</i>
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Bylaw No. 2016-32

A Bylaw to Amend the Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend "Official Community Bylaw 2002-20";

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 "Official Community Plan Amendment Bylaw 2016-32."

2. **Amendment:**

2.1 Section 2.2.1 of the "Official Community Plan Bylaw 2002-20" is hereby amended as follows:

Replace Medium Density Residential Policies policy 1 with:

"Establish a maximum residential density of 125 dwelling units per hectare and a maximum height of six storeys in the Medium Density designation."

2.2 Replace Medium Density Residential Policies policy 3a) with:

"Permit residential densities of up to 125 dwelling units per hectare and six storey structures, considering neighbourhood character, in areas adjacent to the High Density Residential designations, adjacent to the Downtown, adjacent to major shopping centres, or areas along major roads; and,"

READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 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 July, 2016 and the 13 day of July, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Bylaw No. 2016-33

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 No. 2016-33".

2. **Amendment:**

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

Replace Section 10.9 'Purpose' with: The purpose of this zone is to provide a zone for **medium density multiple housing** up to six (6) **storeys** above grade on urban services.

2.2 Replace Section 10.9.2.4 with: Maximum **density: 1.6 FAR**

2.3 Replace Section 10.9.2.5 with:
Maximum **height:**

- i. **principal building** 24 m
- ii. **accessory building structure** 4.5 m

READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the		day of	, 2016
Ministry of Transportation on the			
ADOPTED this		day of	, 2016

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

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2016</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>
--

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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

Monday, July 4, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

- 9.6 Zoning Amendment Bylaw No. 2016-36 & DVP PL2016-7608
 Re: 798 Revelstoke Avenue

298/2016

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2016-36", a bylaw to amend Zoning Bylaw 2011-23 on Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 5203 and THAT part of closed road shown as lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Lying Adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, from R2 (Small lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the July 18, 2016 Public Hearing;

AND THAT prior to adoption of the bylaw a 5m X 5m corner cut at the corner of Oakville Street and Revelstoke Avenue be registered with the land title office.

THAT delegations and submissions for "Development Variance Permit PL2016-7608" Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 5203 and THAT part of closed road shown as lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Lying Adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, a permit to reduce the minimum interior yard setback from 3.0m to 2.35m, to reduce the exterior setback from 6m to 2.35m, to reduce the minimum rear yard setback from 6m to 4.6m and to waive the sidewalk requirement on Oakville Street to construct two side-by side duplexes, be heard at the July 18, 2016 Public Hearing;

AND THAT Council consider "DVP PL2016-7608" following the adoption of "Zoning Amendment Bylaw No. 2016-36.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: July 4, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: **798 Revelstoke Avenue**
Subject: **Zoning Amendment Bylaw No. 2016-36**
Development Variance Permit DVP PL7608

File Nos: RZ PL7607 & DVP PL7608

Staff Recommendation

Rezone

THAT Zoning Amendment Bylaw No. 2016-36, a bylaw to amend Zoning Bylaw 2011-23 on Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 5203 and THAT part of closed road shown as lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Lying Adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, from R2 (Small lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the July 18, 2016 Public Hearing;

AND THAT prior to adoption of the bylaw a 5m X 5m corner cut at the corner of Oakville Street and Revelstoke Avenue be registered with the land title office.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2016-7608" Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton) District, Plan 5203 and THAT part of closed road shown as lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Lying Adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, a permit to reduce the minimum interior yard setback from 3.0m to 2.35m, to reduce the exterior setback from 6m to 2.35m, to reduce the minimum rear yard setback from 6m to 4.6m and to waive the sidewalk requirement on Oakville Street to construct two side-by-side duplexes, be heard at the July 18, 2016 Public Hearing;

AND THAT Council consider "DVP PL2016-7608" following the adoption of "Zoning Amendment Bylaw No. 2016-36";

AND THAT Council deny the request to waive the sidewalk requirement on Oakville Street as per "DVP PL2016-7608".

Strategic Priority Objective

N/A

Background

The subject property (Attachment 'A') is currently designated in the Official Community Plan 2002-20 (OCP) as MR (Medium Density Residential) and is also zoned R2 (Small Lot Residential) in the City's Zoning Bylaw 2011-23. Photos of the site are included as Attachment 'D'. The site extends to 635m² (0.157 acre) and currently features a single detached dwelling with an accessory structure. These will be removed from the property. The property is bordered by Penticton Golf & Country Club to the west and by single family dwellings to the south, north and the east. All the properties along Oakville Street and Revelstoke Avenue are designated Medium Density Residential (MR) in the OCP. Housing in this neighbourhood is slowly being replaced with more dense forms of construction. Other redevelopment in the immediate area features townhouses at the end of Revelstoke Avenue, and duplexes on Kamloops Avenue.

The developer is intending to develop a strata, multi-family project containing two side-by-side duplexes; fronting Oakville Street with parallel parking facing the units. Each unit is anticipated to have an approximate floor area of 105 m² (1,126 sq.ft).

Proposal

The applicant is requesting that the subject property be rezoned from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), as identified in Zoning Bylaw 2011-23.

Additionally, the applicant is pursuing a Development Variance Permit to vary the following sections of Zoning Bylaw 2011-23:

- **Section 10.8.2.7 i. to vary the minimum interior side yard setback from 3m to 2.35m**
- **Section 10.8.2.7 ii. to vary the minimum exterior side yard setback from 6m to 2.35m**
- **Section 10.8.2.8 to vary the minimum rear yard setback from 6m to 4.6m**

Last, the applicant is also seeking to vary the following section of Subdivision and Development Bylaw 2004-81:

- **Schedule "G" Table 3 Sidewalk required on both sides of a street with multifamily development**

Project Specifications

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

Item	Requirement RM2 Zone	Provided on Plans
Maximum Lot Coverage:	40 %	35%
Minimum Lot Width	18m	19.8m
Minimum Lot Area	670m ²	635m ² *
Maximum Density:	0.75 FAR	0.6 FAR
Vehicle Parking:	1 space per unit (4 spaces)	4 spaces
Required Setbacks		
Front yard	3m	5.25m
Rear yard	6m	4.6m(Variance Requested)
Interior Side yard	3m	2.35m(Variance Requested)
Exterior Side yard	6m	2.35m(Variance Requested)
Maximum Building Height:	12m	8.2m
Other Information:	<ul style="list-style-type: none"> • Property is in a Development Permit Area • The plans generally conform to the DPA guidelines. • Development permit will be required prior to building permit application. The DP is staff issuable • * Legal authority provides that the rezoning does not require minimum lot area if, in the eyes of Council, the subject parcel can accommodate the intended use, as is the case in this instance. 	

Financial Implication

N/A

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. A corner cut requirement has been identified as part of this application. Prior to approval of the rezoning, staff recommends a 5m X 5m corner cut at the intersection of Oakville Street and Revelstoke Avenue. The corner cut at the intersection will improve sight lines and forward visibility for traffic.

Usual frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant. The applicant is responsible for the construction of the sidewalk along Revelstoke Avenue and Oakville Street and paving of the lane.

Analysis

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 of the land for the following reasons:

- The Official Community Plan designates the property for Multi-Family Residential development. Cluster housing is a permitted use in the Medium Density (MR) designation;
- According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a blend of single family homes, duplexes and townhouses, this proposal encourages a varied range of housing, types, tenures and densities; and
- The plan supports residential intensification near commercial activities and institutional facilities (for example, Okanagan College) and supports densification in areas where existing services can accommodate higher densities.

The plans submitted for the rezoning application show that the development is consistent with the guidelines for the OCP multiple housing designation. The location of the site and characteristics of the surrounding neighbourhood make it ideally suited for residential densification. As such, staff recommends that Council support the application to rezone the property and refer the application to the July 18th Public Hearing.

Deny/Refer

Council may consider that the proposed amendment is not appropriate for this site. In which case, Council should deny the bylaw amendment. If the amendment application does not proceed, the property will be restricted to the single family uses that the land is currently zoned for.

Alternatively, Council may refer the application back to staff with further instructions.

Support Staff Recommendations

When considering a variance to a City bylaw, staff encourages Council to contemplate whether there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties, and if the variance request is reasonable.

The developer has requested three zoning bylaw variances and one variance to Subdivision and Development Bylaw 2004-81 as itemized below. Each variance is discussed independently.

Section 10.8.2.7 i. of Zoning Bylaw 2011-23 to vary the minimum interior side yard setback from 3m to 2.35m

The applicant is requesting a 0.65m interior setback reduction along the south property line fronting the laneway. The two duplexes make good use of the lot by creating amenity space in the middle of the development. The reduction in the interior yard setback, enables this better use of the site. Staff does not

consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties, as the request is *de minimis*.

Section 10.8.2.7 ii. Zoning Bylaw 2011-23 to vary the minimum exterior side yard setback from 6m to 2.35m

The applicant is requesting a 3.65m exterior setback reduction facing Revelstoke Avenue. As with other infill projects throughout the City, it is often challenging to build within required setbacks on lots that were originally intended for an alternative form of development. The reduced setback is requested in order to achieve the desired floor plans and the orientation facing Oakville Street. Staff does not consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties, as the variance is minor in nature.

Section 10.8.2.8 of Zoning Bylaw 2011-23 to vary the minimum rear yard setback from 6m to 4.6m

The applicant is requesting a reduction of the rear yard setback from 6.0m to 3.6m. It is typical for this style of development to have parking access at the rear of a property, generally as the majority of these types of parcels are in locations with rear lanes. However, this is not the case for this property and so the parking is provided along the front of the building, on Oakville Street. The proposed development maximizes the use of the lot, dispersing the duplexes over a broader area and creating amenity space in the middle of the development. By reducing the rear-yard setback an enhanced layout, design and use of the site results. Staff does not consider that, given the magnitude of the variance requested, there will be an adverse impact on neighbouring properties.

In considering this submission, staff recognized the limitations of this site to accommodate cluster housing and determined that the Zoning Bylaw variances being requested are in keeping with the objectives of the OCP. In the case of infill development, where single family lots are used to accommodate multiple-family development, variances are often necessary to satisfy the better benefit that the development represents for this neighborhood.

Deny

Schedule "G", Table 3 of Subdivision & Development Bylaw where sidewalks are required on both sides of a street with multi-family development

Subdivision and Development bylaw 2004-81 calls for sidewalks on both side of the street when presented with a multi-family proposal. The developer is looking to forego this requirement for the sidewalk along Oakville Street. The application to waive the sidewalk requirement is not supported by Development Services. Staff considers that, in supporting the variance, this may set a precedent for future development in this and other areas of the City. In general, good planning practice emphasizes the importance of designing streetscapes in a way that strengthens 'interaction' between roads or sidewalks and the 'frontage' of buildings. The two duplexes are facing Oakville Street and future pedestrian connectivity will be crucial as this area redevelops through time.

Staff has worked with the developer in the last few months to find a solution that would address the need for a sidewalk on Oakville Street. Angled parking or street facing integral garages would allow the placement

of a sidewalk on Oakville Street. In this case the developer is proposing parallel parking which restricts the placement of sidewalk at this location.

Considering the above, it is recommended that Council supports DVP PL7608 with the exception of the request to waive the sidewalk requirement on Oakville Street and direct staff to issue the permit.

Support All Variances/Refer

Council may consider that all requested variances are reasonable and should be approved as part of its decision and that there will not be a negative effect on this residential neighbourhood. If this is the case, Council can support all the proposed variances.

Alternatively, Council may wish to refer the application back to staff for further work with the applicant.

Alternate Recommendations

1. THAT Council gives first reading to "Zoning Amendment Bylaw No.2016-36" but denies support for "Development Variance Permit PL2016-7608".
2. THAT Council amends "Development Variance Permit PL2016-7608" to include the request to waive the sidewalk requirement on Oakville Street, thereby approving all variances associated with this development.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Elevations
- Attachment G: Site Plan
- Attachment H: DVP
- Attachment I: Zoning Amendment Bylaw No. 2016-36

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director	CAO
<i>JGH</i>	<i>ES</i>

Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map

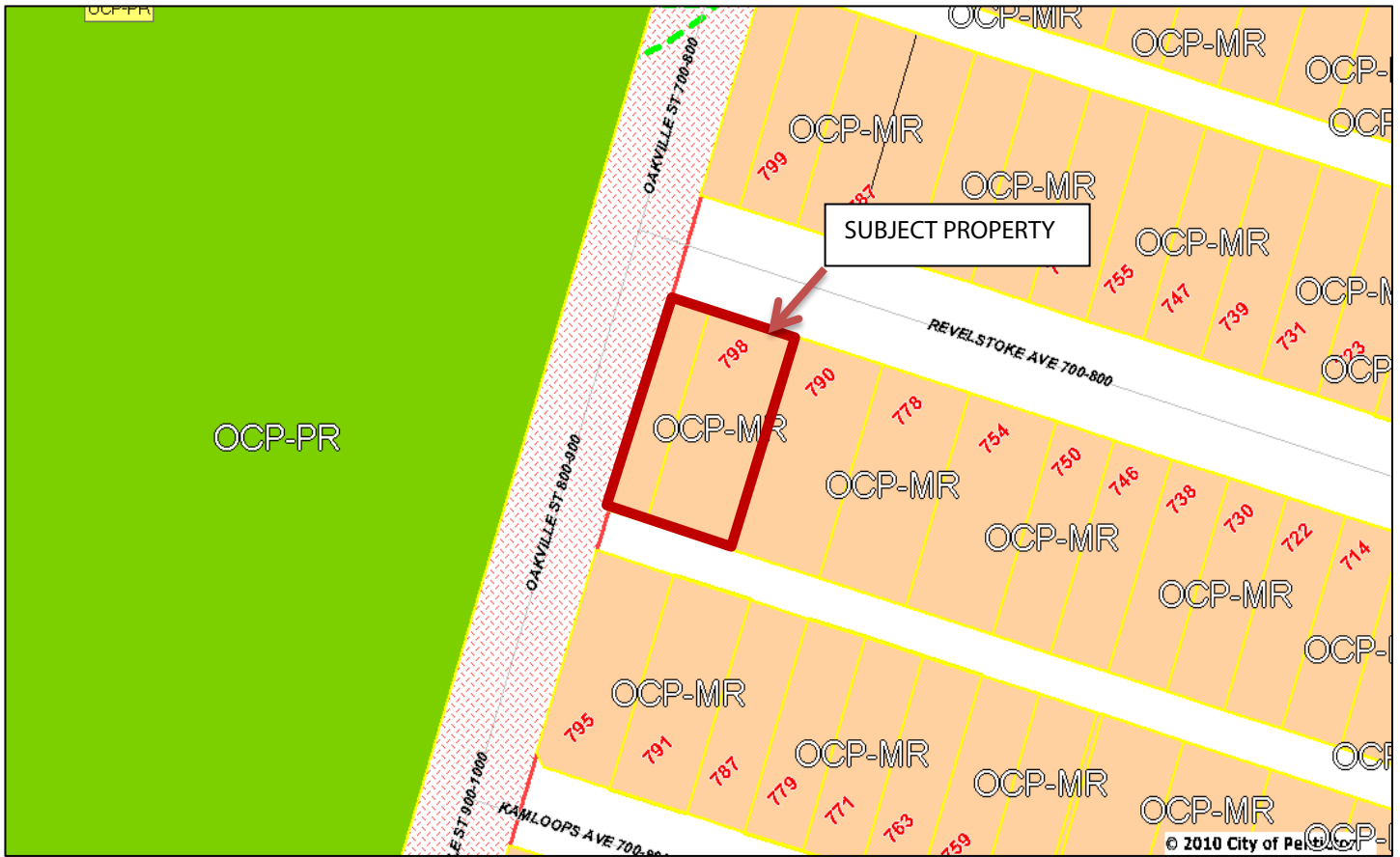


Figure 2: OCP Map

Attachment C - Zoning Map

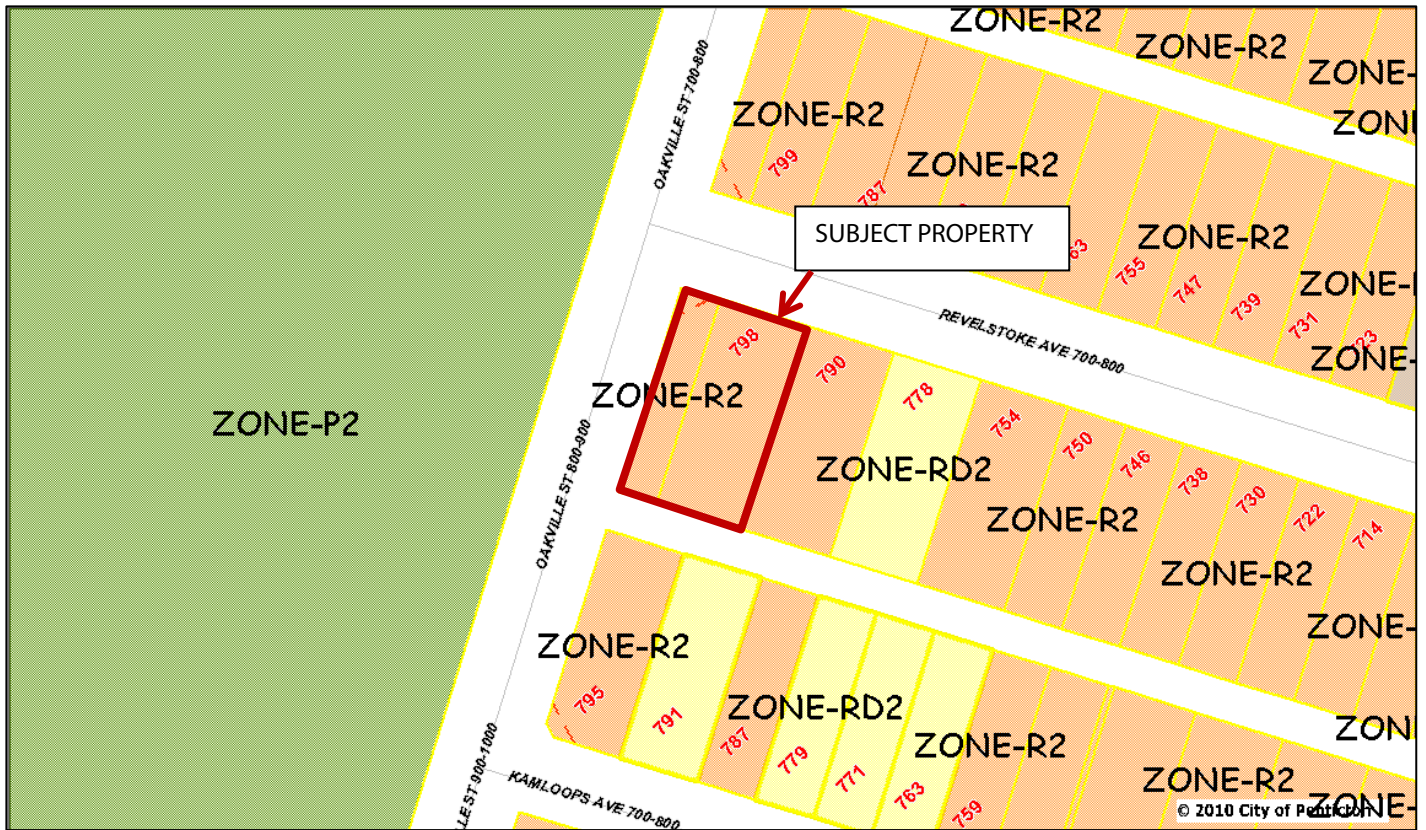


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Oakville Street



Figure 5: View from the rear lane



Figure 6: View on Revelstoke Avenue

Attachment E –Letter of Rationale



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

February 12, 2016

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

Attn: Blake Laven, Planning Manager

Dear Sir:

Re: Rezoning, lot amalgamation and Development Variance Permit
 798 Revelstoke Avenue, Penticton, BC.
 Lot C, Plan H98, DL 2, Grp 7 and Lot 2, Plan S203, DL 2, Grp 7

The above noted property is currently zoned R2 - Small Lot Residential and designated MR - Medium Density Residential on the Official Community Plan.

In addition to the request for an amalgamation of the properties in question, we are also requesting a rezoning of the properties from the current R2 - Small Lot Residential to RM2: Low Density Multiple Family. The purpose of the rezoning is to allow for the construction of two side by side duplex buildings.

In order to maximize the view of Penticton Golf Club located directly across the street and west of the subject property we are requesting a rear yard setback variation from 6.0m to 4.6m and a exterior side yard setback from 6.0m to 3.0m.

Respectfully submitted

A handwritten signature in blue ink, appearing to read 'Bruce Schoenne'.

Bruce Schoenne, President
 Schoenne Homes Inc.



Rec'd March 5/16



February 12, 2016

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

Attn: Audrey Tanguay, Long Range Planner

Dear Audrey:

Re: Development Variance Permit
798 Revelstoke Avenue, Penticton, BC
Lot C, Plan H98, DL 1, Grp 7 and Lot 2, Plan 5203, DL 2, Grp 7

We understand that an amalgamation of the above noted property from two lots to one lot and a rezoning of the property from R2 - Small Lot Residential to RM2: Low Density Multiple Family triggers an automatic requirement for sidewalks to be installed along the north and west boundary lines of our proposed development.

The RM2: Low Density Residential zoning, and our development proposal, requires that we provide for 4 on-site parking stalls. In order to meet those requirements we were proposing to provide those parking stalls along the west boundary line in a parallel parking configuration. However because of the requirement to install sidewalks along this elevation the ability to provide those parking stalls is no longer available. And there is no alternative parking option under this proposal.

Of two development options that were discussed with staff it was concluded that the proposal that we have put forward would provide for the greatest positive visual impact to the street and the immediate neighbourhood while highlighting a view of the Penticton Golf Course.

Except for a 4-plex development that is located at the easterly most end of Revelstoke Avenue, and on the opposite side of the street, there are no further sidewalks within this entire residential "pocket" made up from between Eckhardt Avenue West to the north, Fairway Avenue to the south, Highway 97 to the east and the Penticton Golf Course to the west. And given the very slow transition of the area it is unlikely that unless the City takes action to install sidewalks along



101-84 Front Street, Port Moody, BC, V3A 1H1
Tel: 250-490-6770
www.schoennehomes.com

existing properties there will be very little change to the number of new sidewalks. What would more likely occur is unappealing "orphan" sidewalks littered throughout this neighbourhood.

Therefore given the inability for us to provide for adequate on-site parking facilities as well as the fact that there are, for the most part, no sidewalks within this residential "pocket" development we are requesting that Council considers waving the requirement for sidewalks. We would however recommend that the street shoulder along the entire westerly boundary line of our development be asphalt paved, at our cost. Further we would agree to gift to the city the corner cut-off as identified.

Respectfully submitted


Bruce Schoenne, President
Schoenne Homes Inc.



Attachment F – Building Rendering



Figure 7: Rendering

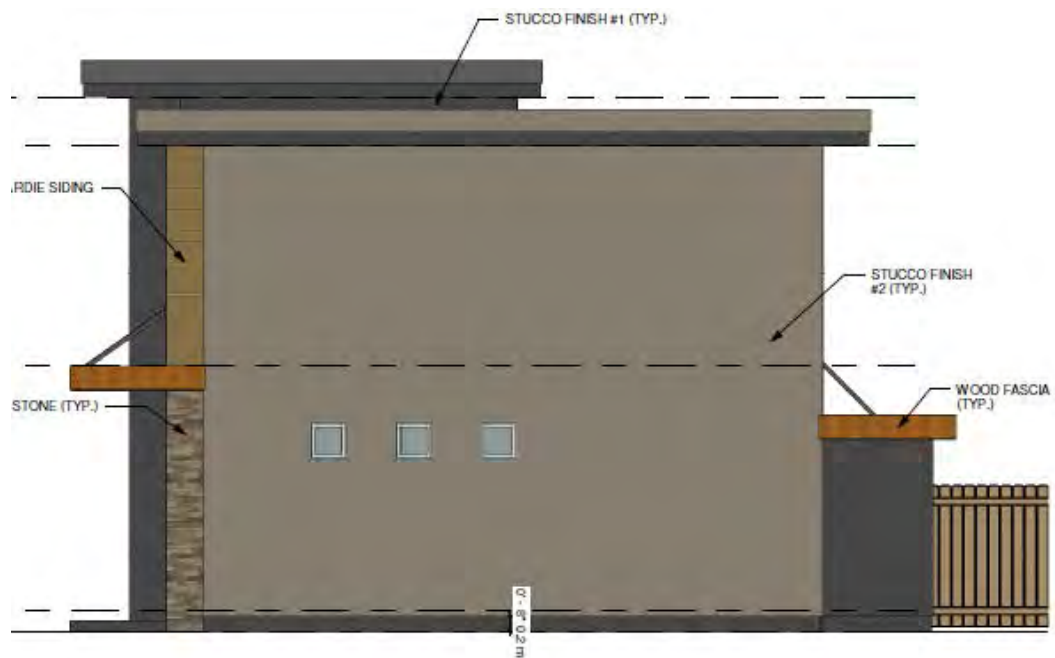


Figure 8: Front View



③ REAR ELEVATION
1/4" = 1'-0"

Figure 9: Rear Elevation



④ RIGHT ELEVATION
1/4" = 1'-0"

Figure 10: Right Elevation

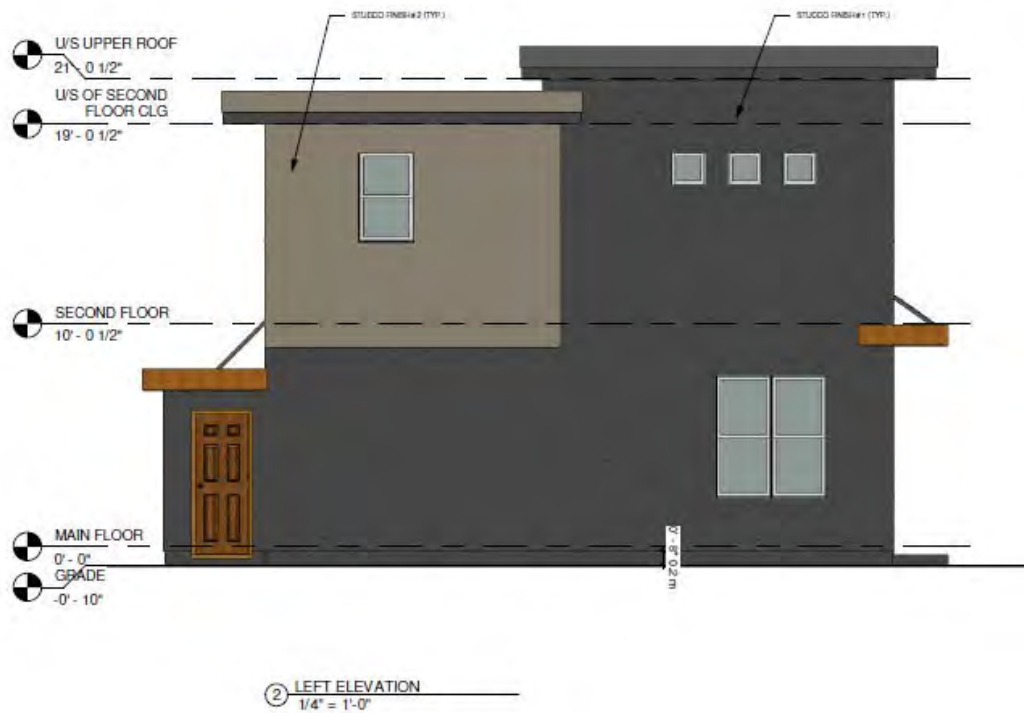


Figure 11: Left Elevation

Attachment G: Site Plan



Figure 12: Site Plan

Attachment H: DVP



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

Development Variance Permit

Permit Number: DVP PL2016-7608

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 2, Group 7, Similkameen Division Yale (Formerly Yale - Lytton)
District, Plan 5203
Civic: 798 Revelstoke Avenue
PID: 010-811-559
1. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary: **Section 10.8.2.7 i. to vary the minimum interior side yard setback from 3m to 2.35m, Section 10.8.2.7 ii. to vary the minimum exterior side yard setback from 6m to 2.35m Section 10.8.2.8 to vary the minimum rear yard setback from 6m to 4.6m** shown in the plans attached in Schedule A.

General Conditions

3. 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.
4. 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.
5. 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.
6. 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.
7. 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 4th July, 2016

Issued this ____ day of _____, 2016

Dana Schmidt,
Corporate Officer

Bylaw No. 2016-36

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 No. 2016-36".

2. **Amendment:**

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

Rezone Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 5203, and that part of closed road shown as Lot C on Plan HG8 District 2, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District lying adjacent to Lot 2 Plan 5203, located at 798 Revelstoke Avenue, 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	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the		day of	, 2016
Ministry of Transportation on the			
ADOPTED this		day of	, 2016

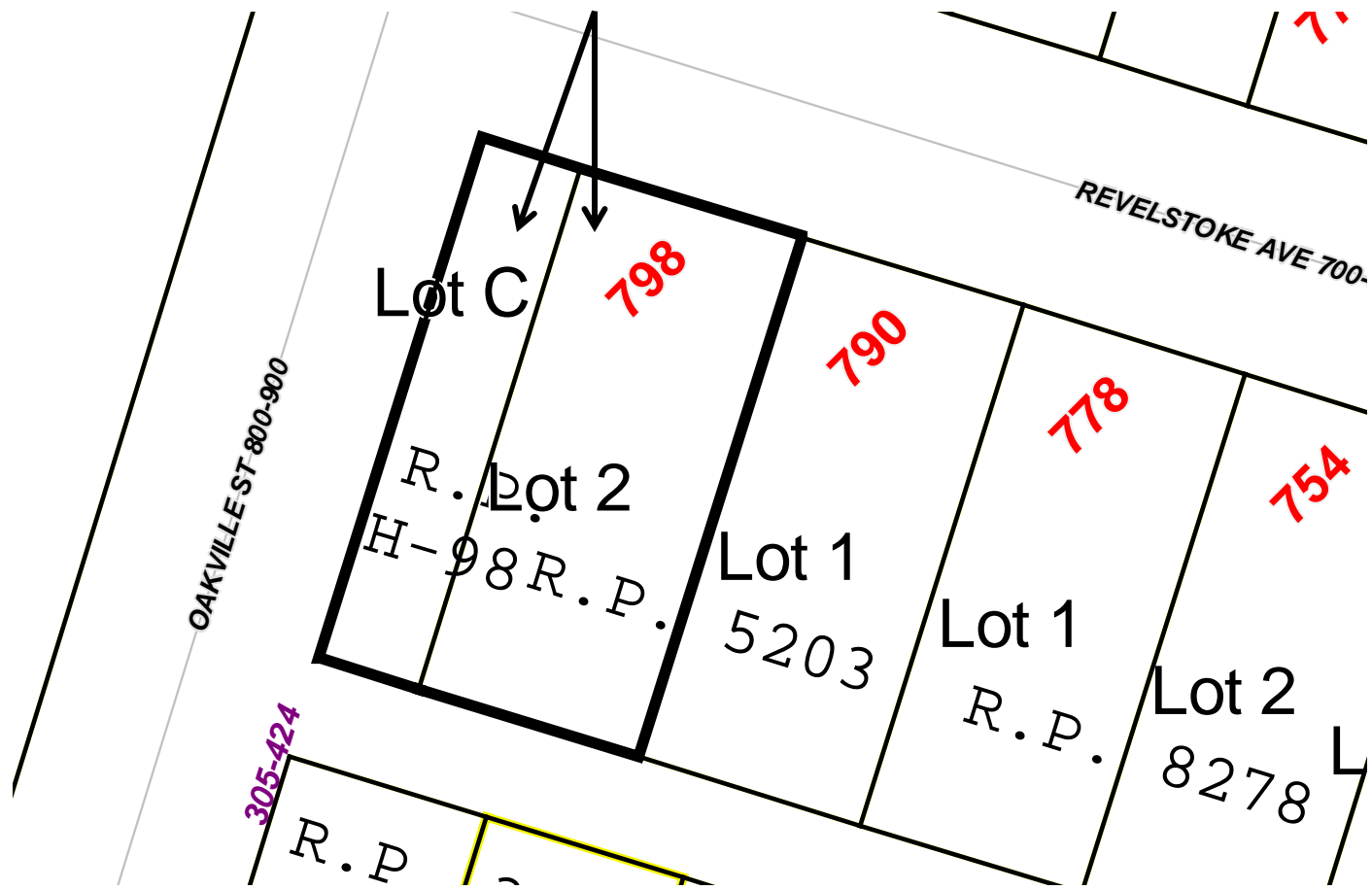
Notice of intention to proceed with this bylaw was published on the 8 day of July, 2016 and the 13 day of July, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2016</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 798 Revelstoke Ave. & Lot C From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2016-36

Date: _____

Corporate Officer: _____

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

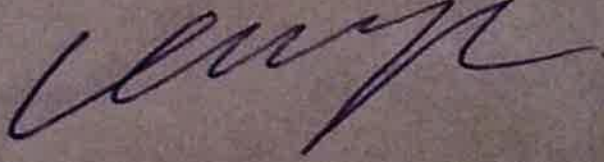
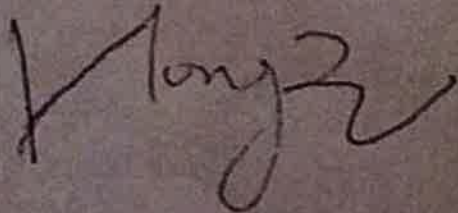
Dear Mayor and Council;

Re: Proposed development at 798 Revelstoke Avenue

I am in support of the development proposal for 798 Revelstoke Avenue, as presented in the Development Permit Application by Schoenne Homes Inc. As part of this support I am aware that Council will be required to waive the requirement for sidewalks along both the north and westerly boundary lines.

Name: Chihye Kim
Seokchong Hong

Address: 162 - 791 Kamloops Ave Penticton

Signature: 


July 7, 2016

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

Dear Mayor and Council;

Re: Proposed development at 798 Revelstoke Avenue

I am in support of the development proposal for 798 Revelstoke Avenue, as presented in the Development Permit Application by Schoenne Homes Inc. As part of this support I am aware that Council will be required to waive the requirement for sidewalks along both the north and westerly boundary lines.

Name:

Darcy Kirkpatrick

Address:

#101 - 791 Kamloops Avenue
Penticton, BC V2A 2J3

Signature:



From: Hotmail <
Sent: July-12-16 5:12 PM
To: Public Hearings
Subject: 798 Revelstoke ave

I am 100% AGAINST the proposed change to the sidewalk requirements in our neighbourhood. This is an area that regularly struggles with parking for additional vehicles as it is. The space along the golf course fence is very much needed. Take into consideration the new casino which will create parking issues for our neighbourhood once it is completed.

The new parking rules recently laid out for our neighbourhood have not been regulated or enforced by the city in any way during the days and hours when it is most required. Reducing or limiting them further would only add to the strain felt in this small neighbourhood. Please take the current residents need to heart when making your decision and not those of the developers who do not live in our neighbourhood and do not have to deal with the struggles we already face. They are out make a buck and are not in any way shape or form going to deal with the outcome after they have made their money and have gone.

Jody Wieler
715 Kamloops Ave.
Penticton BC

- 36 -

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

Monday, July 4, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

9.7 OCP Amendment Bylaw No. 2016-37 & Zoning Amendment Bylaw No. 2016-38
DVP PL2016-7672

299/2016

It was MOVED and SECONDED

THAT prior to consideration of OCP Amendment Bylaw No. 2016-37 and in accordance with Section 475 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the Public Hearing is sufficient consultation; AND THAT "OCP Amendment Bylaw No. 2016-37", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, from GC (General Commercial) to MR (Medium Density Residential); be introduced, given first reading and be forwarded to the July 18, 2016 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2016-38", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, from C4 (General Commercial) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the July 18, 2016 Public Hearing; THAT delegations and submissions for "Development Variance Permit PL2016-7672" on Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, a permit to change the maximum number of small car parking stalls from 43 to 50, be heard at the July 18, 2016 Public Hearing; AND THAT Council consider "DVP PL2016-7672" following the adoption of "Zoning Amendment Bylaw No. 2016-38".

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: July 4, 2016 File Nos: OCP PL 7671 & RZ PL7670 &DVP PL7672
To: Eric Sorensen, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: **151 Duncan Avenue W**
Subject: **OCP Amendment Bylaw No. 2016-37**
Zoning Amendment Bylaw No. 2016-38

Staff Recommendation

Official Community Plan Amendment

THAT prior to consideration of OCP Amendment Bylaw No. 2016-37 and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67; and
5. The provincial or federal government and their agencies.

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2016-37", being a bylaw to amend "OCP Bylaw No. 2002-20" changing the OCP designation on Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, from GC (General Commercial) to MR (Medium Density Residential); be introduced, given first reading and be forwarded to the July 18, 2016 Public Hearing;

Zoning Bylaw Amendment Meeting

THAT "Zoning Amendment Bylaw No. 2016-38", a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue W, from C4 (General Commercial) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the July 18, 2016 Public Hearing;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2016-7672" on Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678, located at 151 Duncan Avenue

W, a permit to change the maximum number of small car parking stalls from 43 to 50, be heard at the July 18, 2016 Public Hearing;

AND THAT Council consider "DVP PL2016-7672" following the adoption of "Zoning Amendment Bylaw No. 2016-38".

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is designated GC (General Commercial) by the City's Official Community Plan (OCP) and is currently zoned C4 (General Commercial). Photos of the site are included as Attachment 'D'. The property is 6,394m² (1.58 acre) and is currently vacant. The site is located directly west of the senior care facility the Hamlets and east of the Shaw TV Okanagan property.

The developer intends to develop two rental five (5) storey apartment buildings with underground parking. A total of 99 units are proposed in the two buildings with a mix of 1, 2 and 3 bedroom residential units. The development is intended to be a rental property. Primary access to this development is from Duncan Avenue W, with a secondary lane access to the rear of the property.

Prior to developing a residential development, an amendment to current OCP designation and zoning on the property is required.

Proposal

The applicant is requesting the following amendments to the OCP Bylaw 2002-20:

- `Schedule B: Future Land Use Map` to change the OCP designation of the site (as identified on Attachment 'H' of this report) from GC (General Commercial) to MR (Medium Density Residential).

The applicant is also requesting a change in the zoning of the property from C4 (General Commercial) to RM3 (Medium Density Multiple Housing), as identified in Zoning Bylaw 2011-23.

Furthermore, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2011-23:

- **Section 7.1.6.2** where up to 25% of the off-street parking spaces may be designated as small car parking as part of a development; and
- **Section 7.6** Parking Requirements Table 7.5 to reduce the number of required parking stalls from 124 to 122

Project Specifications

The following table outlines the proposed development statistics as indicated on the submitted plans:

Item	Requirement RM3 Zone	Provided on Plans
Maximum Lot Coverage:	50%	31%
Minimum Lot Width	25m	73.8m
Minimum Lot Area	1400m ²	6435m ²
Maximum Density:	1.2 (1.6) FAR*	1.53 FAR
Vehicle Parking:	1 space per unit (99) 0.25 visitor(25) 124	99 spaces 21 visitors stalls 2 barrier free spaces Total: 122 (Variance)
Bicycle Parking	Resident 0.5 per unit (50 stalls) Guest 0.1 per unit(10 stalls)	60 10
Required Setbacks Principal Building		
Front yard	3m	3m
Rear yard	6m	6m
Interior Side yard	3m	3m
Maximum Building Height:	24m*	16m (5storey)
Other Information:	<ul style="list-style-type: none"> • Property is in a Development Permit Area • The plans generally conform to the DPA guidelines. • Development permit will be required prior to building permit application. The DP is staff issuable • * Concurrently staff are proposing a Zoning bylaw amendment to increase the FAR in the RM3 zone from 0.2 to 1.6 	

Development Engineering Review

This application was reviewed by the City's Technical Planning Committee. Usual frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant.

Financial implication

N/A

Analysis

Support OCP and Zoning amendments

The subject property is currently designated General Commercial by the City's Official community Plan (OCP). Schedule K of the OCP also recognizes that the site lies within the "Plaza Urban Village". This area is centered behind the Safeway plaza and is well connected to the downtown via the KVR trail. The OCP recognizes, within the General Commercial designated lands, some redevelopment of existing commercial sites with potential higher density mixed-use.

Although the City's OCP projected commercial development on the ground floor, residential development was expected near the commercial plaza. Staff considers that the Medium Density Residential (MR) designation will achieve the intent of densification of this area and is compatible with adjoining land uses. The character of this neighborhood will slowly change as this is an area that is seeing revitalization through replacement of older residential building stock with higher density multi-unit residential. The OCP supports this transition.

The proposal adds to the already diverse range of uses including housing, types, tenures and densities of this area. The developers have indicated that they plan on making all of the units available for rental. There is a strong need for additional, purpose built rental in Penticton as the vacancy rate is at a near all-time low.

In summary, the development meets the following objectives of the OCP:

- Provide for the integration of new medium density development adjacent to commercial use and other medium density development;
- Encourage residential intensification near commercial activities and in the urban villages;
- Encourage densification in areas where existing services can accommodate higher densities;
- Encourage a wide range of Medium Density Residential housing, including apartment's compact housing; and
- Facilitating the development of affordable housing in Penticton.

Staff considers that the design is suitable and consistent with the revitalization trend in the area. The location of the site and characteristics of the surrounding neighbourhood make it ideally suited for residential densification. The plans, submitted in support of the rezoning application to RM3, demonstrate that the development meets the guidelines in the OCP.

Staff considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons staff is recommending that Council supports the land use designation change, as provided in this report and refers the application to the July 18 , 2016 Public Hearing.

Deny/Refer

Council may consider that the proposed amendments are not suitable for this site. If this is the case, Council should deny the bylaw amendments. If the OCP and zoning amendments do not proceed, the property will be restricted to general commercial use. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Support Variance

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances are as follows:

Section 7.1.6.2 where up to 25% of the off-street parking spaces may be designated as small car parking as part of a development.

The applicant is requesting to increase the number of allowable small car stalls from 43 to 50. Each building has underground parking but can only accommodate 50 small car parking spaces. The remainder of the residential, visitors and accessible parking is provided at grade. Staff does not consider that, given the magnitude of the variance requested, there will be an adverse impact on neighbouring properties.

Section 7.6 Parking Requirements Table 7.5 to reduce the number of required parking stalls from 124 to 122

As with other infill projects throughout the City, it is often challenging to build within the zoning requirements. This development variance application will maximize the development potential of the site in a manner which is sensitive to surrounding land uses, whilst also providing underground parking. The OCP has guidelines that support the reduced parking standard to accommodate density changes, providing that the development is within 400m of a transit stop and includes additional bike parking. In this case, 10 extra bicycle parking spaces are planned and transit is within the minimum 400m. Staff does not consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties.

Staff considers that the development will make an overall positive contribution to the community. Given the above, staff considers that the request is reasonable and recommends that Council supports the variances and direct the permit to be issued.

Alternate Recommendations

1. THAT Council gives first readings to "OCP Amendment Bylaw No.2016-37" and "Zoning Amendment Bylaw No.2016-38" but denies support for "Development Variance Permit PL2016-7672".
2. THAT Council gives first reading to "OCP Amendment Bylaw No.2016-37" and denies "Zoning Amendment Bylaw No.2016-38".
3. THAT Council denies first reading of both "OCP Amendment Bylaw No. 2016-37" and Zoning Amendment Bylaw No. 2016-38".

Attachments

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Images of Subject Property
Attachment E:	Letter of Intent

- Attachment F: Elevations
- Attachment G: Site Plan
- Attachment H: OCP Amendment Bylaw No. 2016-37
- Attachment I: Zoning Amendment Bylaw No. 2016-38
- Attachment J : DVP PL2016-7672

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director <i>JGH</i>	CAO <i>ES</i>
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Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map



Figure 2: OCP Map

Attachment C - Zoning Map

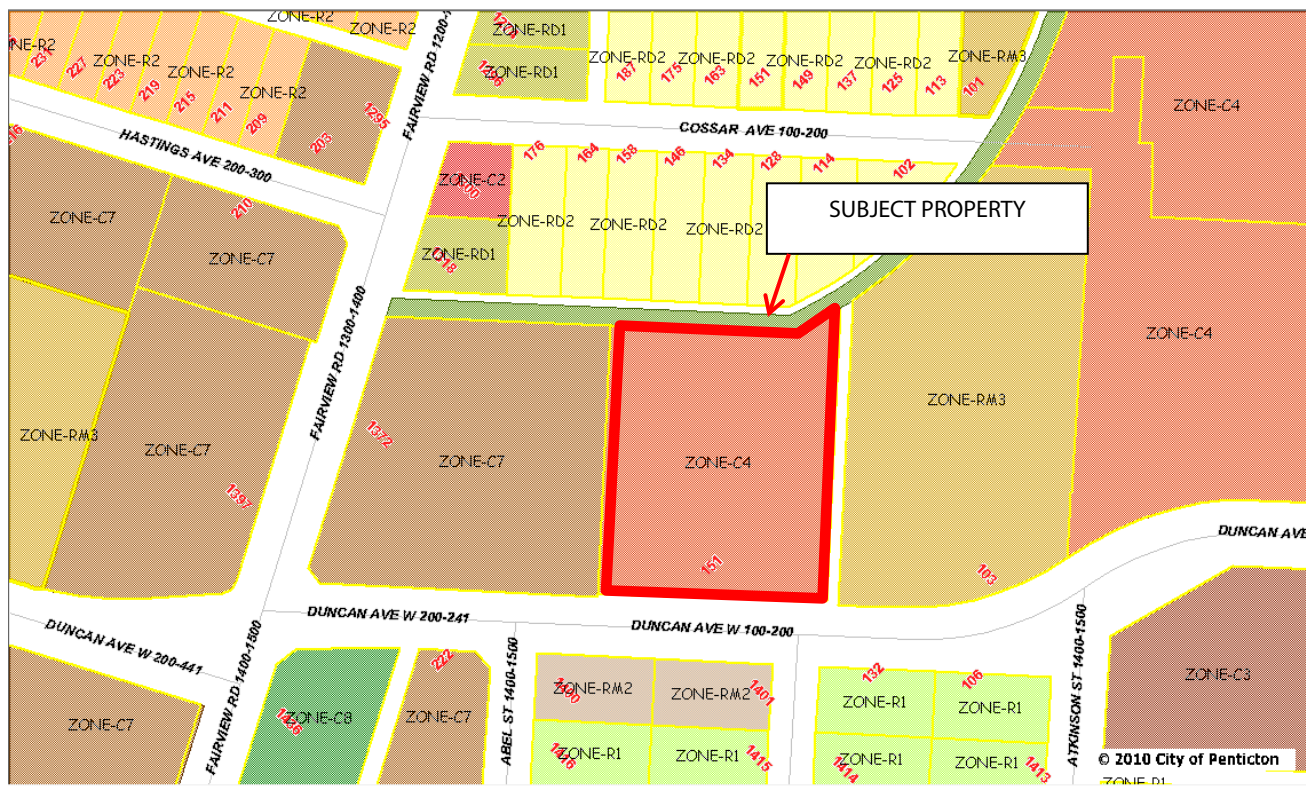


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Duncan Avenue W



Figure 5: View from the lane

Attachment E –Letter of Rationale



Ridgecrest Place Apartments, 151 Duncan Avenue W. Multifamily Rental Development Proposal

Date: May 19th, 2016

Design Rationale

Broadstreet Properties is pleased to submit to the City of Penticton our Development Permit, Rezoning Application and Official Community Plan Amendment for our second proposed rental housing community in the interior of BC – Ridgecrest Place Apartments.

The site for Ridgecrest Place is located at 151 Duncan Ave. approximately 200m west of the Penticton Plaza at the intersection of Main St. and Duncan Ave. The 1.59 acre site sits between the 4 story residential care community, "The Hamlets at Penticton" to the east and a Shaw Cable office to the west. Currently, the site is zoned C4 (General Commercial), with an OCP designation of GC (General Commercial). The current zoning and OCP designation both permit the construction of high density apartment dwellings, but require a commercial component as well.

In order to proceed with our proposed development, we are seeking to rezone the subject site from C4 to RM4 (High Density Multiple Housing) and amend the OCP designation from GC to HR (High Density Residential), (or some future category) to be developed by the city that falls between MR and HR). The change is to permit the construction of a 5 story purely residential development with 99 units. This represents substantially less density and height than what is contemplated under the HR designation and we while we will not be capitalizing on the density and height allowance we must proceed this way as Penticton's OCP was drafted prior to the contemplation of 6 story wood-frame construction by the BC Building Code. As such, Penticton's OCP does not yet have a designation that is appropriate for this type of medium density development. Although we require the HR designation to proceed, for all intents and purposes our project will be more consistent with the MR OCP designation, with a slight increase to the permitted height and density.

The area surrounding the site, known as the Columbia-Duncan neighbourhood has seen a significant amount of development and today is quite walkable with good transit on Main St. and with a direct route to Cherry Lane Mall. The site has convenient walking, cycling and vehicle access to daily necessities like groceries and shopping found in the nearby Penticton Plaza. Schools, parks, the Penticton Hospital and employment areas are all also within close proximity. The subject site at 151 Duncan Ave. is one of the few remaining sites to be redeveloped in the neighbourhood and its build-out as a multifamily rental project will be consistent with the city's allocation of servicing capacity and the existing form and character of the neighbourhood.

The rectangular site is bound by an extension of the Kettle Valley Trail and a seniors care home to the east, the Shaw Cable building to the West, and a mix of single family and duplex housing to the north. Our proposed development sits in the middle of these existing uses, complementing them and filling in a 'missing tooth' in the neighbourhood. Primary vehicle access and egress to the site is via Duncan Ave. with lane access through the rear of the site. Pedestrian connections are proposed



to Duncan Avenue and the Kettle Valle Trail to the east, ensuring that residents are not fully reliant on vehicles.

The overall massing and siting of the two buildings represents the implementation of sound planning principles and a fundamental understanding of orderliness and safety. The resultant configuration boasts a pleasantly landscaped amenity area with a pergola at the rear of the site, a dog run area for pets, and a row of street trees lining the frontage facing Duncan Ave. Upon landscape maturation, the planting selection will provide year-round interest with low watering requirements thanks to limited turf areas.

The two buildings on the site will each be 5 story's tall, with a total of 99 rental units in 1, 2 and 3 bedroom unit configurations. One of the two buildings will contain 50 rental units, while the other will have 49 units and a rental office that will be staffed by leasing agents and property managers. Each building has independent underground parking accessed via separate ramps that in total can accommodate 50 vehicles, with the remainder of the resident, visitor and accessible parking provided at grade. Short term bicycle parking is also provided at the surface, with secure options provided in the parkades.

The exterior details of the buildings themselves exemplify tasteful references to traditional and familiar craftsman-style neighbourhoods. The overall interplay of shapes, proportions, durable materials and muted colours will provide enduring interest to the facades and roof-lines. The use of stone on the entry ways adds a touch of mountain reference to suit the neighbourhood context. Over time, the well-proportioned buildings will settle securely into the maturing, peaceful landscape of the project and neighbourhood.

Explanation of Variances

Ridgecrest Place is proposing to provide 50 small car stalls, where the city permits only 43. This variance is requested in order to maximize the number of stalls in our underground parking. Our underground parking stalls will meet the required width, not the length of a standard parking stall. We are confident that this modest parking variance will have no negative impact to the neighbourhood or our project.

Conclusion

Broadstreet Properties would like to thank you for the opportunity to provide detailed information on our proposed project. Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

Adam Cooper MCIP, RPP
Development Manager
Broadstreet Properties



100 St. Ann's Road, Campbell River BC V9W 4C4
T 250.285.8045 | F 250.286.8046 | W www.broadstreet.ca | W www.seymourpacific.ca

Attachment F – Building Rendering



Figure 6: View on Duncan Avenue W



Figure 7: Front Elevation



Figure 8: Back Elevation

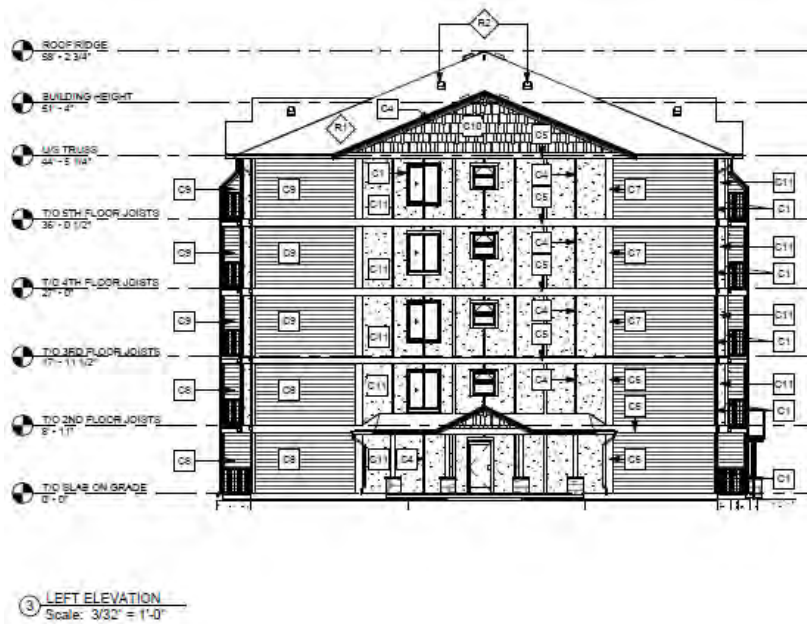


Figure 9: Left Elevation

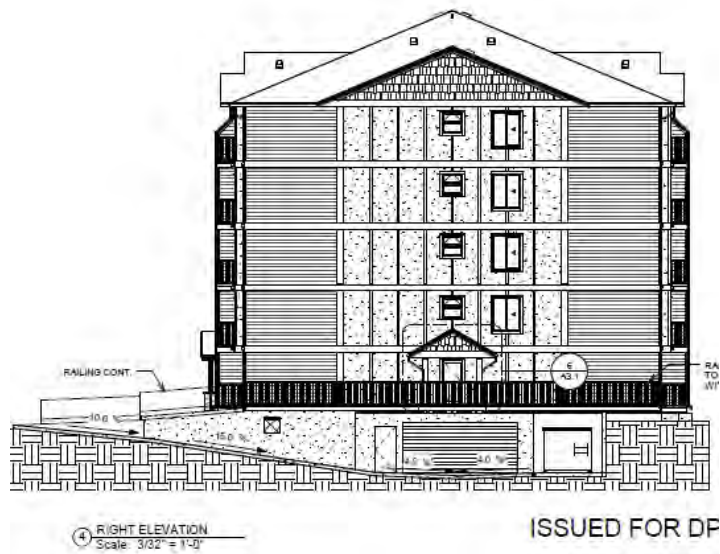


Figure 10: Right Elevation

Attachment G: Site Plan

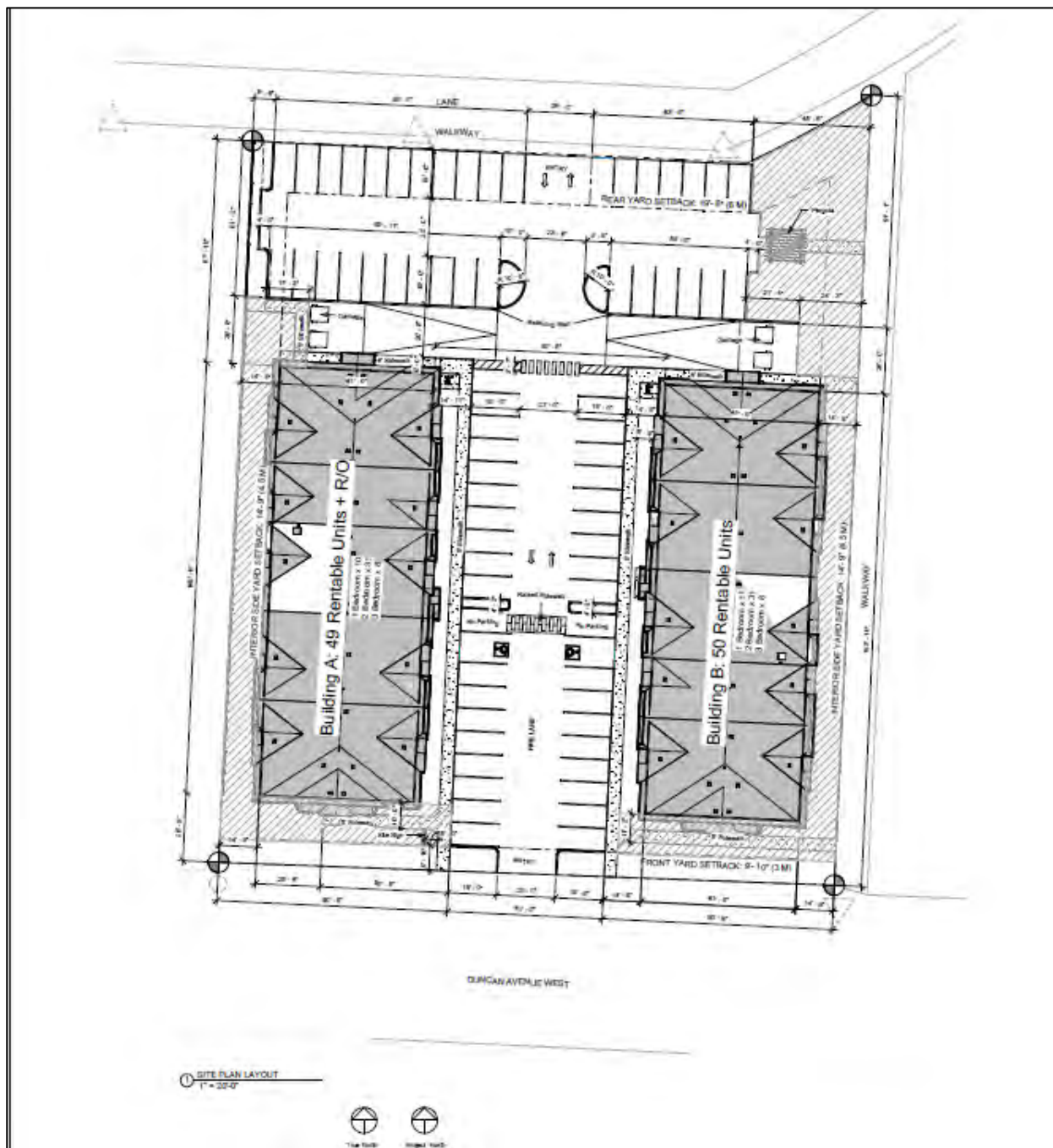


Figure 11: Site Plan



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

Development Variance Permit

Permit Number: DVP PL2016-7672

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: on Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale -Lytton) District, KAP82678,
Civic: 151 Duncan Avenue W
PID: 010-811-559
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary: **Section 7.1.6.2** where up to 25% of the off-street parking spaces may be designated as small car parking as part of a development and **Section 7.6** Parking Requirements Table 7.5 to reduce the number of required parking stalls from 124 to 122 as shown in the plans attached in Schedule A.

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 18th July, 2016

Issued this ____ day of _____, 2016

Dana Schmidt,
Corporate Officer

Bylaw No. 2016-37

A Bylaw to Amend Official Community Plan Bylaw 2002-20

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to Section 903 of the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

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 "Official Community Plan Amendment Bylaw No. 2016-37."

2. **Amendment:**

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

2.1 Change Schedule 'B' future land use designation for Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale – Lytton) District, Plan KAP82678, located at 151 Duncan Avenue W., from GC (General Commercial) to MR (Medium Density Residential).

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

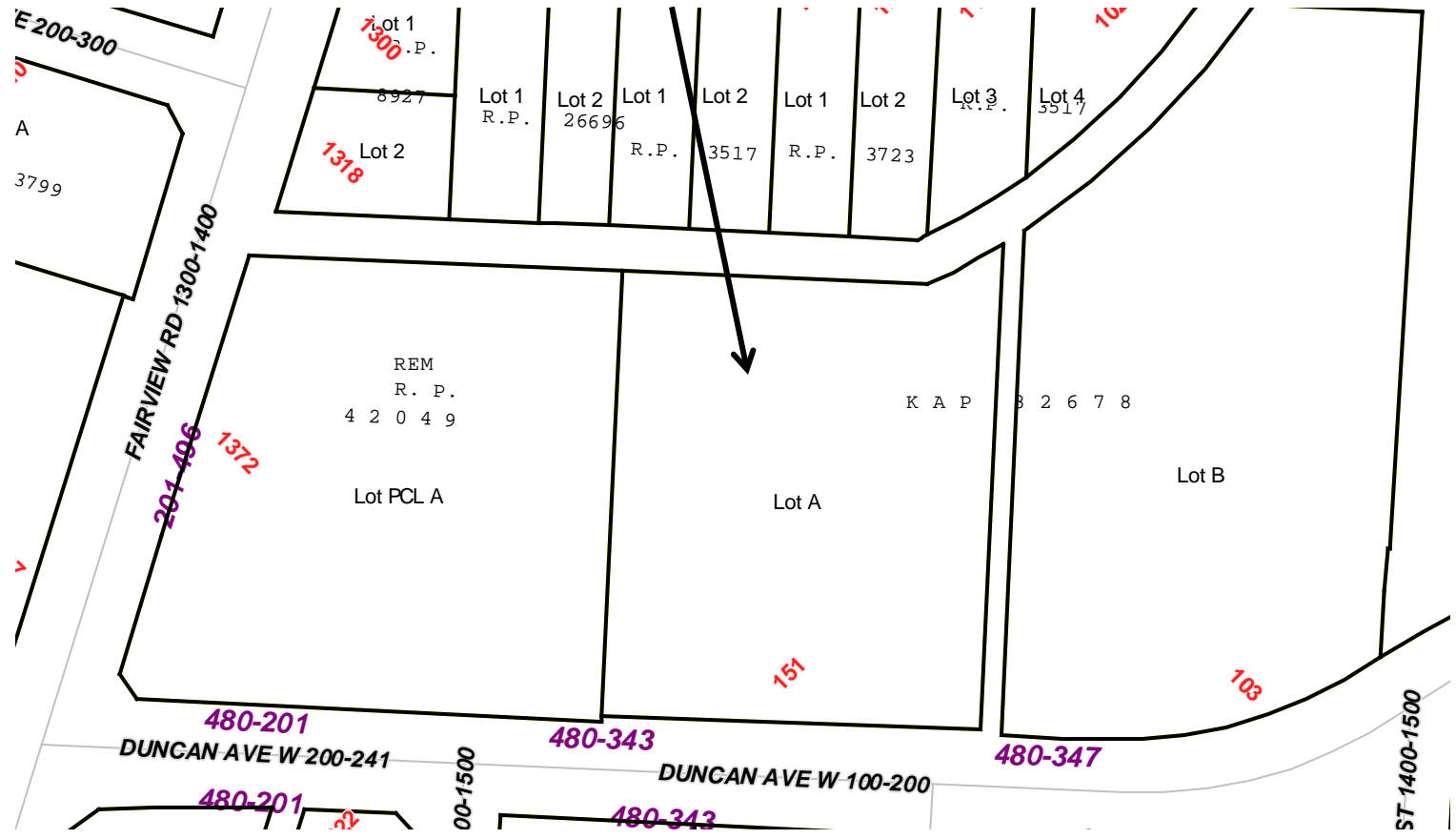
READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend the OCP designation for 151 Duncan Ave. W From GC(General Commercial) to MR (Medium Density Residential)



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2016-37

Date: _____

Corporate Officer: _____

Bylaw No. 2016-38

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 No. 2016-38".

2. **Amendment:**

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

Rezone Lot A, District Lot 5, Group 7, Similkameen Division Yale (Formerly Yale – Lytton) District, Plan KAP82678, located at 151 Duncan Avenue W., from C4 (General Commercial) to RM3 (Medium Density Multiple Housing).

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

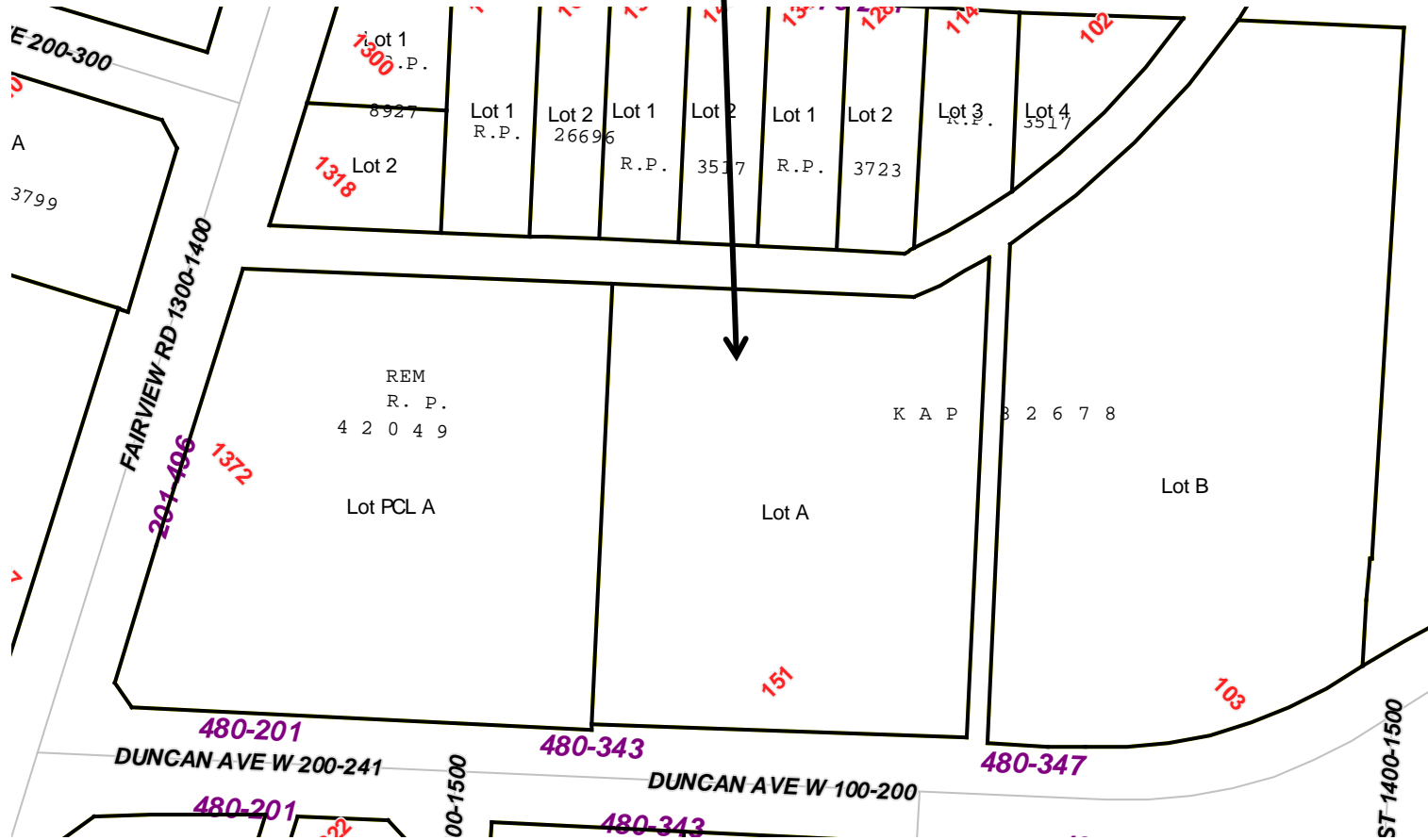
READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2016
ADOPTED this		day of	, 2016

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 151 Duncan Ave. W From C4 (General Commercial) to ⁵RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-38

Date: _____

Corporate Officer: _____

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

Monday, July 4, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

- 9.8 Zoning Amendment Bylaw No. 2016-43
Re: 361 Martin Street – Time Winery

300/2016

It was MOVED and SECONDED

THAT Council “Zoning Amendment Bylaw 2016-43” a bylaw that adds the use ‘winery’ as a site specific use for Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373, located at 361, 353 and 347 Martin Street, be given first reading and sent to the July 18, 2016 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: July 4, 2016
To: Eric Sorensen, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 361 Martin Street

File No: RZ PL2016-7687

Subject: Zoning Amendment Bylaw No. 2016-43

Staff Recommendation

THAT "Zoning Amendment Bylaw 2016-43" a bylaw that adds the use 'winery' as a site specific use for Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373, located at 361, 353 and 347 Martin Street, be given first reading and sent to the July 18, 2016 Public Hearing.

Strategic Priority Objective

This project meets Council's strategic priority of downtown revitalization.

Background

The subject development lands consist of three separate titled parcels that currently accommodate a 1,003 m² (10,800 sq ft) building that once housed the Pen Mar Cinema. The building was originally constructed in 1961 and was vacated with the construction of the new Landmark Cinema on Winnipeg Street in 2012. A Development Permit was issued to the property in 2014 for the renovation of the building into a community theater. Those plans, however, never moved forward and the property was recently sold.

The new owners of the building intend to renovate the building into a 'winery' operating under the trade name "Time Winery". This will feature some associated uses, such as a retail tasting and sales area, administrative offices and a food and beverage component.

The applicant has provided a letter outlining the vision for the new facility. The first phase of the project, which will begin imminently and is expected to be complete in time for the 2016 harvest, involves the renovation of the existing theatre area into a wine production and storage facility. The existing iconic domed roof design will remain. An outdoor crush pad will be located on the north side of the building in an area that was previously used for parking. The internal wine production facility area will feature a 192 m² (2,068 sq ft) tank room accommodating up to 25 large fermentation and storage tanks, a 195 m² (2,108 sq ft) barrel room and a third room of similar size accommodating bottle and case aging and storage.

The second phase of the project, intended to be finished in the spring of 2017, will involve the complete renovation of the Martin Street elevation of the building. The area where the lobby of the Pen Mar Theatre was located will be opened up and will feature a giant exposed glue-lam truss running the width of the space and generous glass and open areas to accommodate the retail, tasting and eating area. A second floor constructed on a mezzanine level will provide views to the area below and will feature administrative offices and a private tasting room.

While the office, tasting and reception areas are permitted uses in the downtown, the use 'winery' is not a permitted use in the C5 (Downtown Commercial) zone. Prior to development and operation of a winery an amendment to the zoning bylaw is required.

Proposal

The application proposes to amend Zoning Bylaw 2011-23 as follows:

Add Section 11.5.4

.5 On lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373 located at 361, 353 and 347 Martin Street, the use 'winery' shall be a permitted use.

Financial Implication

N/A

Technical Review

The subject application was referred to the Technical Planning Committee for comment. No issues have been identified that would preclude Council from supporting the zoning amendment for the use of the property as a winery. Some minor items, such as the need for a new fire hydrant to meet fire protection regulations are required.

Some site consideration matters have been brought up that will be dealt with prior to development permit approval. Specifically, staff has some concerns over the location of the open 'crush pad'. A crush pad is the area where grapes are processed and can create some negative impacts such as insects and odor. Staff is working with the architect on screening provisions, which may assist in mitigating some of these issues.

Analysis

Traditionally a manufacturing use such as 'wine making' would not typically be considered an appropriate use in a downtown area. New trends in urban design, however, have embraced the inclusion of alternative uses into denser urban areas, especially uses that create employment and vibrancy and have limited negative impacts. Recently, the City of Penticton has seen the construction of two operating breweries in the downtown area as well as a distillery. These uses have had a positive benefit to the downtown in terms of attracting people to the area and increasing the number of employees working in the downtown.

When considering a zoning amendment, staff relies on the Official Community Plan (OCP) for direction. The subject lands are designated by the OCP as Downtown Commercial. The Downtown Commercial designation describes the downtown area as the highest order of commercial in the community with

pedestrian oriented retail office, financial and other commercial offerings. The Downtown Commercial designation also allows for 'service commercial' uses on the periphery of the Downtown Commercial area (which this location would be considered as).

A winery in and of itself would not necessarily meet the threshold described in the OCP policy statements, but with the inclusion of the commercial storefront, retail tasting sales area and food and beverage component, the use of the building does meet the general intention of the designation. It provides an active storefront and the desired pedestrian orientation outlined in the OCP.

The lands are also located in the area considered by the City of Penticton "Downtown Plan". The Plan considers this area as part of the Entertainment District. The Downtown Plan envisions the re-use of the Pen Mar building for performance related uses. The conversion of the building into a winery is contrary to this part of the Plan. However, staff considers that the proposed use still meets the general intentions of the Plan, which speaks to this area as vibrant, fun, and creating a sense of arrival with liquor primary uses and entertainment and restaurant uses. The winery is intended to be a destination and the inclusion of the tasting room, retail sales area and restaurant use, will create the desired vibrancy that the plan envisions.

The proposal is consistent with the following City policies:

- Reinforcing the downtown as the highest order commercial area in Penticton by allowing a wide range of commercial uses;
- Ensuring Downtown Penticton's physical appearance is attractive, unique, clean, appealing and well maintained;
- Encouraging a diversity of on-street shopping experiences; and
- Promote and encourage pedestrian use within the commercial areas.

The subject development lands are also located in the Downtown Commercial Development Permit Area (DPA). The DPA is intended to promote a form and character for the downtown commercial core that improves its visual character and economic viability. The DPA guidelines speak to street level transparency and creating active storefronts. Staff considers that the plans meet the intent of the DPA guide lines. A Development Permit will be required prior to construction on the exterior of the building. The Development Permit is staff issuable and a Council decision will not be required to grant approval.

Given the above, staff recommends that Council give first reading to the zoning amendment bylaw and that the application be forwarded to the July 18, 2016 Public Hearing for comment from the public.

Alternate Recommendations

THAT "Zoning Amendment Bylaw 2016-43" be denied first reading.

THAT "Zoning Amendment Bylaw 2016-43" be referred back to staff with instructions that Council considers appropriate.

Attachments

Attachment A – Subject property(s) location map

Attachment B – Images of subject property

Attachment C – OCP and zoning map

Attachment D – Letter of intent from the architect

Attachment E – Proposed development permit plans for the new winery

Attachment F – Zoning Amendment Bylaw 2016-43

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

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





Figure 3: Image of building proposed to accommodate Time Winery from the back lane, looking south



Figure 4: Image of subject building from rear lane, looking north, showing proximity to apartment building

Attachment C
OCP and Zoning Maps



Figure 5: Zoning Map from Zoning Bylaw 2011-23, showing the subject property as within the C5 (Downtown Commercial) zoning district

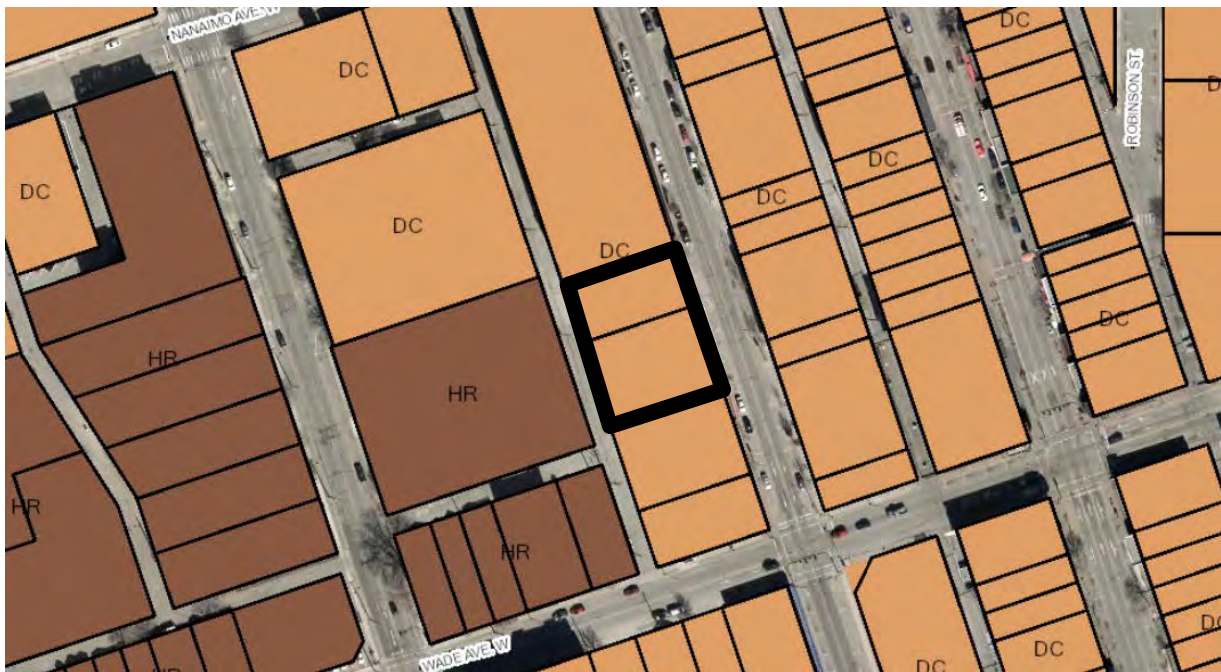
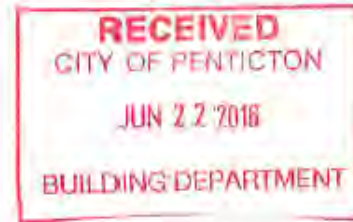


Figure 6: OCP Future Land Use Designation Map, showing the subject property as being within the Downtown Commercial (DC) designation

Attachment D
Letter of intent from project architect



June 21, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9
Attn: Blake Laven, RPP, MCIP, Planning Manager

Re: Time Urban Winery, Owner: Harry McWatters

Jim Aalton
Architect AIBC, MRAC,
LEED AP, NCARB

Nick Bevanda
Architect AIBC, FRAIC,
NCARB, AIA

Mark Hentze
Architect AIBC, RLAA,
MRAC,
NCARB, IAKS

William Locking
Architect AIBC, AIA,
FRAIC

Tom Kinsell
Architect AIBC, MBA

John Scott
Architect AIBC, AIA,
MRAC, NCARB, AIA

Rod Windler
Architect AIBC, MRAC,
LEED AP

Dear Mr. Laven,

Located in the heart of the downtown, on Martin Street, the owners purchased the Pen Mar Theatre, in Penticton, to renovate and retrofit the new winery as an urban bar and amenity for the downtown. It integrates a winery production facility, including a tasting and eating area with a small theatre. The building shell of the existing 3 theatres will become production spaces, including, a tank room, barrel room and case-goods storage. This space will be serviced by a crush pad located on the north side of the building. The eating and tasting area will be new construction.

The project will be constructed in two phases. Phase 1, is focused on the production facility. This is a simple renovation that exposes much of the existing structure, of the theatre as part of the aesthetic. The exposed structure includes Glue Laminated Beams and columns as well as 2x4 decking on its side. The exposed structure will be stripped and cleaned and expressed as part of the architecture. Phase 2 will focus on the public tasting, eating space and administration, schedule for completion in early 2017. This space is expressed as a 2 storey wood structure that highlights a giant truss, constructed from glue laminated beams. The truss is a focal point in the space and spans across the entire space from north to south.

The public space is intended to allow patrons views into the production area. As well, the east wall is entirely glazed and can open to the street through large overhead glazed garage doors.

Sincerely

.....
Nicholas Bevanda, Architect AIBC, AAA, FRAIC, AIA, NCARB
Vice President, Design Principal

hdrcei.com

CEI Architecture Planning Interiors in collaboration with HDR Architecture Associates, Inc.

Vancouver
500-1500 West Georgia Street
Vancouver, BC V6G 2Z6
T 604-687-1898

Victoria
203-655 Tyeo Road
Victoria, BC V9A 6X5
T 250-389-5635

Edmonton
Suite 3400, 10180-101 Street
Edmonton, AB T5J 3S4
T 780-801-5391

Calgary
4th Floor, 909 17th Avenue SW
Calgary, AB T2T 0A4
T 387-390-3081

Attachment E

Plans submitted with Development Permit application



ENCORE CONSULTANTS LTD.
TIME URBAN WINE BAR

301 Main St
Portland, BC V6A 1S4
DP # 162298
06/10/16

PROJECT NO. 2016-015



301 Main Street, Suite 100
Vancouver, BC V6C 2S5
Tel: 604-681-1000 Fax: 604-681-0508
www.enclerconsultants.com

ARCHITECTURAL DRAWING LIST

NO.	DESCRIPTION	DATE
A00	COVER SHEET	NTS
A01	CONCEPT ANALYSIS	NTS
A10	SITE PLAN	1:500
A20	FLOOR PLAN - LEVEL 1	1:100
A31	FLOOR PLAN - LEVEL 2	1:100
A32	EXTERIOR ELEVATIONS	1:60
A40	SECTION PERSPECTIVES	NTS
A41	SECTION PERSPECTIVES	NTS
A42	SECTION PERSPECTIVES	NTS
A43	EXTERIOR PERSPECTIVES	NTS

CODE ANALYSIS

APPLICABLE BUILDING CODE:

1997 BC BUILDING CODE (2012)

PROJECT DESCRIPTION:

The proposed building is located at 301, 303, 305 Main Street, Portland BC.

The building construction includes the renovation of an existing theatre (from Main Theatre) into a production venue (Phase 1) and a future sales and dining area (Phase 2).

Phase 1 is a single-story production space that includes three separate rooms, each of which have separate exits to the level on the level with the floor above.

1. Stage Room Area - 1057 sq ft 142 sq ft
2. Dress Room Area - 2138 sq ft 128 sq ft
3. Change Room Area - 1738 sq ft 108 sq ft

Temporary Woodwork will be provided in the parking area. New workstations for staff and the public will be provided in Phase 2.

BUILDING CONSTRUCTION:

The major occupancies for the building are a variety, Group F, Division 3, Up to 2 stories, Low Hazard industrial. The building construction will be as follows:

1. Phase 1 - 1057 sq ft (1083 sq ft)
2. Phase 1 + 2 - 1057 sq ft (1083 sq ft)

The building height is 20.7 m.

The building construction can be determined using Group F (Phase 1) and Group D (Phase 2) occupancies.

Item	Code	Group
Building Area	1004 S (102 (Phase 1 and 2))	082 S (102 (Phase 1))
Building Height	2 story	1 story
Spans	Yes	No
Construction Type	Frame/Composite	Frame/Composite
Floor Assemblies	42 min / combustible	42 min / combustible
Roof Assemblies	none	none
Roof Assemblies	none	none

OCCUPANCY CLASSIFICATION:

GROUP F3 (PHASE 1) AND GROUP D (PHASE 2)

FIRE SEPARATIONS AND FIRE RESISTANCE RATINGS

100% fire separation requirement (F3 and D). The building is sprinklered.

EJECTA

Two exits are required. The means of egress is to an exit door. Temporary exit will be provided through the existing wall. Secondary exits will be provided into Phase 2 complex.

Travel distance to at least one of the exits is 100m.

MEZANINES

The mezzanine mezzanine will be provided with a means of egress to the floor level below as permitted by the Building Code. The mezzanine mezzanine will be provided with the required.

ZONING ANALYSIS - C5 URBAN CENTRE COMMERCIAL

REQUIREMENT	PROPOSED	REQUIRED
MIN LOT WIDTH	10.0m (32.8 FT)	10.0m (32.8 FT)
MIN LOT AREA	2750 sq m (6400 sq ft)	1470 sq m (3960 sq ft)
MAX DENSITY	0.15 FAR	0.15 FAR
MAX LOT COVERAGE	100%	50%
MAX HEIGHT	20.0m (65.6 FT)	6.0m (19.7 FT)
MIN FRONT YARD	5m	5m
MIN SIDE YARD	5m	1.5m (5 FT)
MIN REAR YARD	5m	5m
MIN BUILDING SEPARATION	5m	5m

PROJECT DATA

ITEM	DESCRIPTION	DATE
PROJECT LOT	LOT 1 PLAN 3047 ACLOT 10 & 13	
LOT AREA	1470 sq m (3960 sq ft)	
BUILDING AREA	2750 sq m (6400 sq ft)	
SITE COVERAGE	50%	
BUILDING HEIGHT	MAXIMUM 20.0m (65.6 FT)	
APPROVED	8.0m (26.2 FT)	

PARKING

Parking requirements include:

From Table 7.1 Parking Requirements City of Portland Zoning Bylaw No. 2011-0207 (Amended Four Times)
Customer Vehicle: New construction: 1.0 spaces per sq. (0.0272) sq. ft.
Storage and Maintenance: 1 parking space per 200 sq. ft. (0.005) sq. ft.

	LOT #1	LOT #2	LOT #3	LOT #4	TOTAL SPACES PROVIDED	# OF SPACES REQUIRED
STANDARD SPACE	2750 sq. ft.	100	100	100	7	5
SMALL SPACE	2750 sq. ft.	100	100	100	9	750
DISABLED SPACE	2750 sq. ft.	100	100	100	1	1
ELECTRIC CAR CHARGING STATION	100	100	100	100	2	750
BICYCLE	100	100	100	100	7	5
TOTAL						
LOADING SPACE (MAX. SIZE)	1	0	0	0	1	1
# OF MOTORCYCLE STALLS PROVIDED	0	0	0	0	0	0

ACCESS: 100%

01 LOT PLAN

AD 1 (Scale: 1:10)



02 LOOKING EAST VIEW FROM ALLEY - EXISTING CONDITION (PHOTO)

AD 1 (Scale: 1:1)



03 LOOKING NORTH VIEW FROM ALLEY - EXISTING CONDITION (PHOTO)

AD 1 (Scale: 1:1)



01 LOT PLAN

AD 1 (Scale: 1:10)



301 Main Street, Suite 100
Vancouver, BC V6C 2S5
Tel: 604-681-1000 Fax: 604-681-0508
www.enclerconsultants.com

METRIC

NO.	DATE	ISSUED FOR	BY	REVISION	DESCRIPTION

PROJECT TITLE

TIME URBAN WINE BAR

ENCORE CONSULTANTS LTD.
301 Main Street, Suite 100
Vancouver, BC V6C 2S5

CODE AND ZONING ANALYSIS

CREATED BY: Designer DRAWN BY: Author

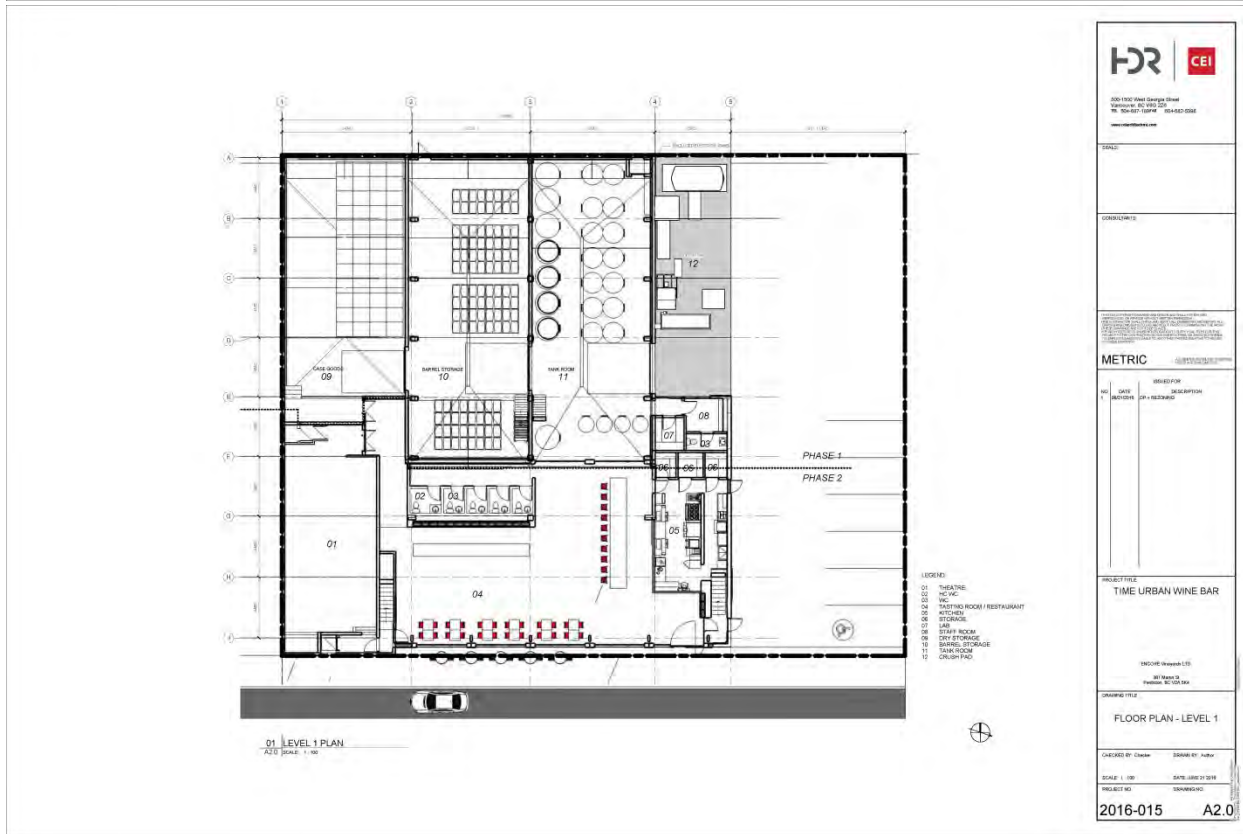
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PROJECT NO: 2016-015 DRAWING NO: 01

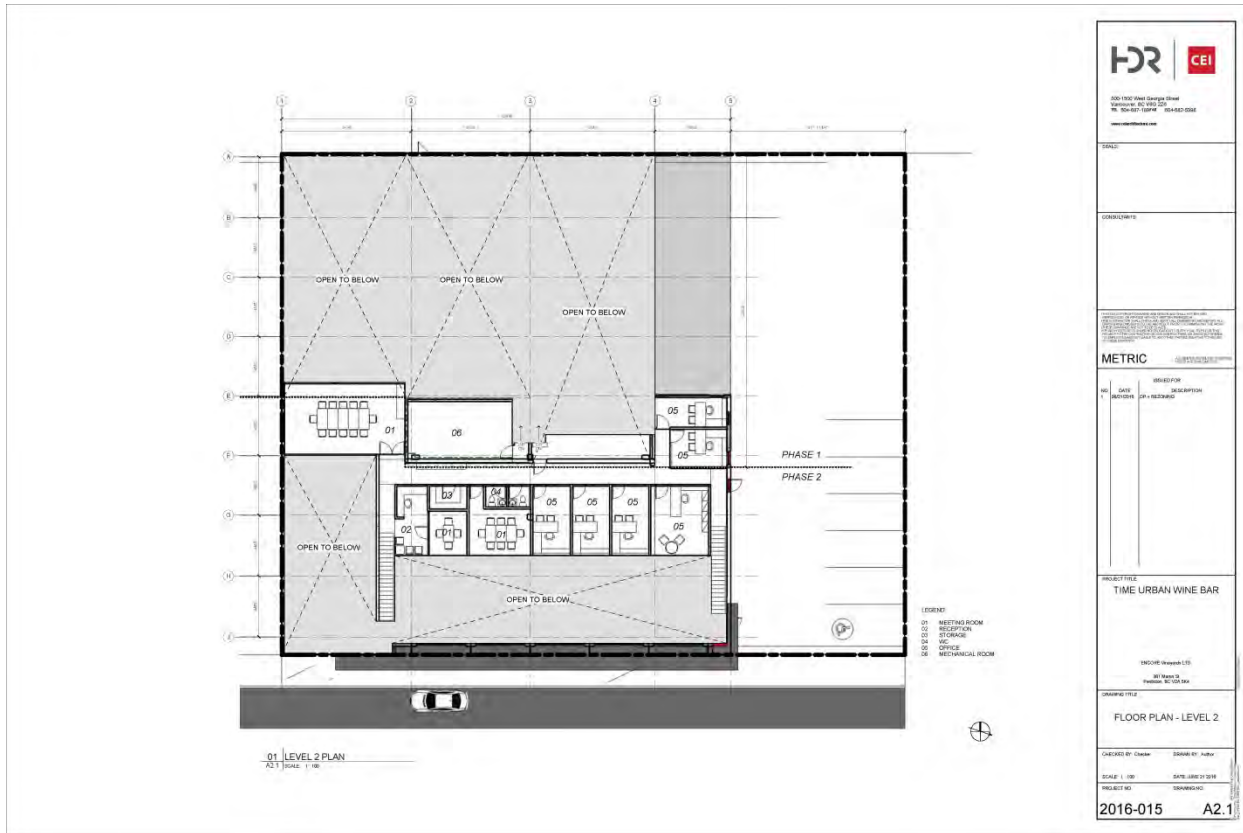
2016-015 A0.1



<p>100 TOWN HALL DRIVE, SUITE 200 ANNAPOLIS, MD 21403-1000 TEL: 410-291-1000 FAX: 410-291-1002 www.hdr.com www.cei.com</p>			
<p>DATE: _____</p>			
<p>CONSULTANTS: _____</p>			
<p>METRIC: _____</p>			
NO.	DATE	ISSUED FOR	DESCRIPTION
1		BY: [REDACTED]	[REDACTED]
<p>PROJECT FILE: TIME URBAN WINE BAR</p>			
<p>ENGINE: [REDACTED] L.L.C. 100 TOWN HALL DRIVE ANNAPOLIS, MD 21403</p>			
<p>DRAWING TITLE: SITE PLAN</p>			
<p>CHECKED BY: [REDACTED] DRAWN BY: [REDACTED]</p>		<p>SCALE: 1:20 DATE: JUNE 21, 2016</p>	
<p>PROJECT NO.: [REDACTED]</p>		<p>DRAWING NO.: [REDACTED]</p>	
<p>2016-015</p>		<p>A1.0</p>	



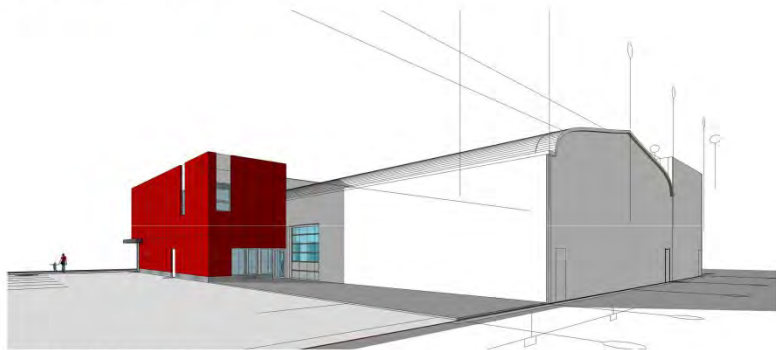
<p>100 TOWN HALL DRIVE, SUITE 200 ANNAPOLIS, MD 21403-1000 TEL: 410-291-1000 FAX: 410-291-1002 www.hdr.com www.cei.com</p>			
<p>DATE: _____</p>			
<p>CONSULTANTS: _____</p>			
<p>METRIC: _____</p>			
NO.	DATE	ISSUED FOR	DESCRIPTION
1		BY: [REDACTED]	[REDACTED]
<p>PROJECT FILE: TIME URBAN WINE BAR</p>			
<p>ENGINE: [REDACTED] L.L.C. 100 TOWN HALL DRIVE ANNAPOLIS, MD 21403</p>			
<p>DRAWING TITLE: FLOOR PLAN - LEVEL 1</p>			
<p>CHECKED BY: [REDACTED] DRAWN BY: [REDACTED]</p>		<p>SCALE: 1:10 DATE: JUNE 21, 2016</p>	
<p>PROJECT NO.: [REDACTED]</p>		<p>DRAWING NO.: [REDACTED]</p>	
<p>2016-015</p>		<p>A2.0</p>	



<p>1001 LOCUST STREET, SUITE 200 ANNAPOLIS, MD 21403 P: 410.293.8300 WWW.HDR.COM</p>									
SCALE:									
COORDINATOR:									
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NO.	DATE REVISION	ISSUED FOR	DESCRIPTION						
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<p>ENGINEER: ENVIROTECH LTD. 100 MARKET STREET, SUITE 200 ANNAPOLIS, MD 21403</p>									
DRAWING TITLE: FLOOR PLAN - LEVEL 2									
CHECKED BY: CHEN	DRAWN BY: ANNY								
SCALE: 1/8" = 1'-0"	DATE: JUNE 21, 2016								
PROJECT NO: 2016-015	DRAWING NO: A2.1								



EXTERIOR PERSPECTIVE LOOKING WEST - FROM MARTIN STREET



EXTERIOR PERSPECTIVE LOOKING EAST

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SCALE:									
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PROJECT TITLE: TIME URBAN WINE BAR									
<p>ENGINEER: ENVIROTECH LTD. 100 MARKET STREET, SUITE 200 ANNAPOLIS, MD 21403</p>									
DRAWING TITLE: EXTERIOR PERSPECTIVES									
CHECKED BY: CHEN	DRAWN BY: ANNY								
SCALE: 1/8" = 1'-0"	DATE: JUNE 21, 2016								
PROJECT NO: 2016-015	DRAWING NO: A4.1								



INTERIOR SECTION PERSPECTIVE LOOKING WEST - TASTING ROOM



INTERIOR SECTION PERSPECTIVE LOOKING SOUTH - TASTING ROOM + PRODUCTION

<p>330 VICTORIA DRIVE, SUITE 200 VANCOUVER, BC V6C 2G8 TEL: 604.273.1234 FAX: 604.273.1235 WWW.HDR.COM</p>							
SCALE:							
CORRECTIONS:							
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1	06/21/2016	FOR PERMITTING					
PROJECT TITLE:							
TIME URBAN WINE BAR							
<p>ENGINEER: HDR CEI 330 VICTORIA DRIVE, SUITE 200 VANCOUVER, BC V6C 2G8</p>							
DRAWING TITLE:							
SECTION PERSPECTIVES							
CHECKED BY: Chander	DRAWN BY: Ashu						
SCALE: 1/2	DATE: JUNE 21 2016						
PROJECT NO.:	DRAWING NO.:						
2016-015	A4.2						



INTERIOR PERSPECTIVE LOOKING NORTH - TASTING ROOM



INTERIOR PERSPECTIVE LOOKING SOUTH - TASTING ROOM

<p>330 VICTORIA DRIVE, SUITE 200 VANCOUVER, BC V6C 2G8 TEL: 604.273.1234 FAX: 604.273.1235 WWW.HDR.COM</p>							
SCALE:							
CORRECTIONS:							
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NO.	DATE	ISSUED FOR					
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PROJECT TITLE:							
TIME URBAN WINE BAR							
<p>ENGINEER: HDR CEI 330 VICTORIA DRIVE, SUITE 200 VANCOUVER, BC V6C 2G8</p>							
DRAWING TITLE:							
INTERIOR PERSPECTIVES							
CHECKED BY: Chander	DRAWN BY: Ashu						
SCALE: 1/2	DATE: JUNE 21 2016						
PROJECT NO.:	DRAWING NO.:						
2016-015	A4.3						

Bylaw No. 2016-43

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 2016-43."

2. **AMENDMENT:**

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

Add a new section under **11.5 C5 – Urban Centre Commercial:**

11.5.4 SITE SPECIFIC PROVISIONS

In addition to the uses permitted above:

- .5 On Lot 1, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 35147 and Lots 12 and 13 of District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 373 located at 361, 353 and 347 Martin Street, the use 'winery' shall be permitted.

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

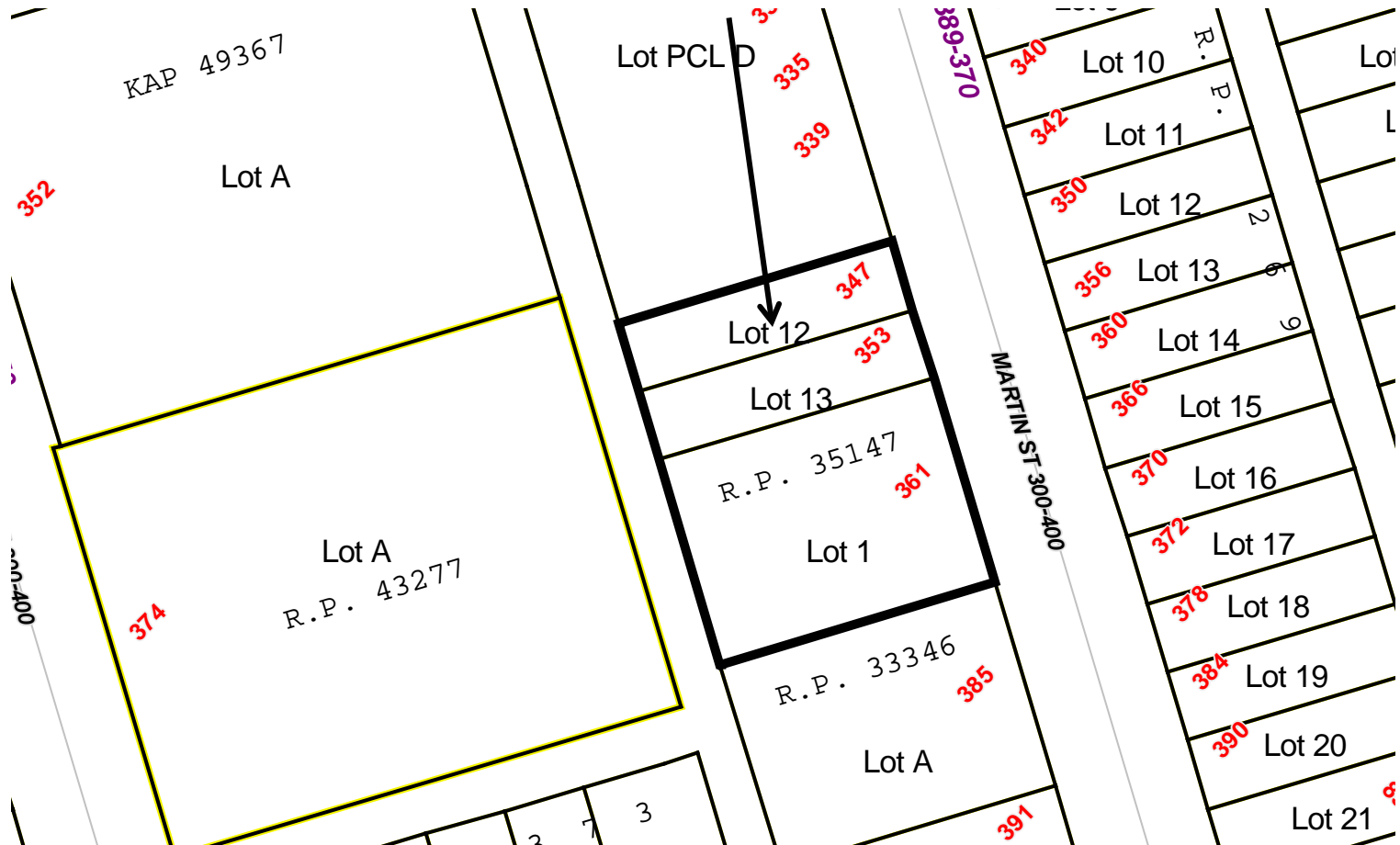
READ A FIRST time this	4	day of	July, 2016
A PUBLIC HEARING was held this	18	day of	July, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Add "Winery" as a site specific permitted use at 361, 353 & 347 Martin Street (C5 Zone)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-43

Date: _____

Corporate Officer: _____