

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

Tuesday, September 20, 2016
at 6:00 p.m.

- | | | |
|-------|---|-----|
| 1. | Mayor Calls Public Hearing to Order for “OCP Amendment Bylaw No. 2016-55” | 1-5 |
| CO | Reads Opening Statement and Introduction of Bylaws | |
| | “OCP Amendment Bylaw No. 2016-55” | |
| | Purpose: To amend Official Community Plan Bylaw No. 2002-20 as follows: | |
| | Replace Medium Density Residential Policies policy 1 with: “Establish a maximum residential density of 1.6 FAR 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 1.6 FAR 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, September 9, 2016 and Wednesday, September 14, 2016 (pursuant to the <i>Local Government Act</i>). | |
| CO | No Correspondence received regarding the OCP Amendment (as of noon Wednesday, September 14, 2016) | |
| Mayor | Requests the Acting 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. 2016-55” is terminated and no new information can be received on this matter.

- 1 -

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

Tuesday, September 6, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

9.6 Official Community Plan Amendment Bylaw No. 2016-55

386/2016

It was MOVED and SECONDED

THAT Council “Official Community Plan Amendment Bylaw No. 2016-55”, a bylaw that amends the Medium Density Residential Policies of Official Community Plan Bylaw 2002-20, to change the density in the medium density (MR) land use designation from a maximum of 125 units per hectare (UPH) to a maximum Floor Area Ratio (FAR) of 1.6 FAR, be given first reading and be forwarded to the September 20, 2016 Public Hearing;

AND THAT prior to consideration of Official Community Plan Amendment Bylaw No. 2016-55, 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.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: September 6, 2016 **File No:** 6480-20
To: Eric Sorensen, Chief Administrative Officer
From: Blake Laven, Planning Manager
Subject: **Official Community Plan Amendment Bylaw No. 2016-55**

Staff Recommendation

THAT "Official Community Plan Amendment Bylaw No. 2016-55", a bylaw that amends the Medium Density Residential Policies of Official Community Plan Bylaw 2002-20, to change the density in the medium density (MR) land use designation from a maximum of 125 units per hectare (UPH) to a maximum Floor Area Ratio (FAR) of 1.6 FAR, be given first reading and be forwarded to the September 20, 2016 Public Hearing;

AND THAT prior to consideration of Official Community Plan Amendment Bylaw No. 2016-55, 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.

Background

City Council, at their meeting of July 18, 2016 adopted Official Community Plan Amendment Bylaw 2016-32, a bylaw which amended the OCP to include six storey construction in the Medium Density Residential land use designation. Council, at that meeting, also gave third reading to an accompanying zoning amendment.

Since adoption of both bylaws, staff have been working with a number of developers making plans for submission of applications for 5 and 6 storey buildings. Through those discussion, it was brought to staff's attention that there was a discrepancy between the Official Community Plan (OCP) and Zoning bylaw 2011-23 when it came to the allowable density in the Medium Density Residential land use designation and the Medium Density residential zone.

Staff have since reviewed the issue and are proposing to change the density provision from a unit per hectare (UPH) measure, to a floor area ratio (FAR) measure to align the two documents. Currently, the zoning bylaw measures density in FAR. The OCP has both a UPH measure, for the lower density designations and an FAR calculation, for the higher density designations.

The current density in the OCP is listed as 125 units per hectare. The density of the rM3 (Medium Density Residential) zone in the Zoning Bylaw is 1.6 FAR. The intent is for both of these to be 1.6 FAR.

To make the change, an amendment to the OCP is required.

Proposal

OCP Amendment Bylaw 2016-55 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 125 dwelling units per hectare and a maximum height of six storeys in the Medium Density designation.

to:

Establish a maximum residential density of 1.6 FAR 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 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.

to:

a) permit residential densities of up to 1.6 FAR 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.

Financial implication

N/A

Analysis

Support OCP Amendment Bylaw No. 2016-55

This amendment proposes a minor change to the City's Official Community Plan (OCP) to bring the language of the OCP and the City's Zoning Bylaw into congruency. Moving to a FAR measure, as opposed to a unit count, will also incentivize smaller units being built and may increase the total number of units on a given property.

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 September 20th, 2016 Public Hearing for comment from the public.

Deny First Reading of OCP Amendment Bylaw No. 2016-55

Council may consider that it is important to have a limit on the amount of units per hectare, in addition to a FAR measure. If that is the case, Council should deny first reading of the bylaw.

Alternate recommendations

1. THAT "OCP Amendment Bylaw No. 2016-55" is denied first reading.
2. THAT "OCP Amendment Bylaw No. 2016-55" is referred back to staff for further refinement as directed by Council.

Attachments

- OCP Amendment Bylaw 2016-55

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning

Approvals

Chief Administrative Officer <i>ES</i>
--

Bylaw No. 2016-55

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 2016-55."

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 1.6 FAR 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 1.6 FAR 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	6	day of	September, 2016
A PUBLIC HEARING was held this	20	day of	September, 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 9 day of September, 2016 and the 14 day of September, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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

Tuesday, September 6, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

- 9.5 Zoning Amendment Bylaw No. 2016-56
Re: 739 Birch Avenue

385/2016

It was MOVED and SECONDED

THAT Council "Zoning Amendment Bylaw No. 2016-56", being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.6.4.4: " In the case Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, two duplexes shall be permitted", be given first reading and be forwarded to the September 20th ,2016 Public Hearing.

THAT Council support "Development Permit PL2016-7710" on Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, a permit to approve the construction of a cluster housing development in the form of two back-to-back duplexes.

AND THAT staff are directed to issue "DP PL2016-7710", subject to adoption of "Zoning Amendment Bylaw No.2016-56".

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: September 6, 2016 File Nos: RZ PL7708 & DP PL7710
To: Eric Sorensen, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 739 Birch Avenue
Subject: Zoning Amendment Bylaw No. 2016-56

Staff Recommendation

Rezone

THAT "Zoning Amendment Bylaw No. 2016-56", being a bylaw to amend City of Penticton Zoning Bylaw 2011-23 by adding Section 10.6.4.4: " In the case Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, two duplexes shall be permitted", be given first reading and be forwarded to the September 20th ,2016 Public Hearing.

Development Permit

THAT Council support "Development Permit PL2016-7710" on Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, a permit to approve the construction of a cluster housing development in the form of two back-to-back duplexes.

AND THAT staff are directed to issue "DP PL2016-7710", subject to adoption of "Zoning Amendment Bylaw No.2016-56".

Strategic priority objective

N/A

Background

The subject property (Attachment 'A') is zoned RD2 (Duplex: Lane) and is designated by the City's Official Community Plan as MFLD (Medium Family Low Density). Photos of the site are included as Attachment 'D'. The site is 861m² (0.2 acre) and is presently vacant. The surrounding area is a blend of single family dwellings, duplexes, townhomes, and small apartment buildings. Recent developments in the area comprise a duplex on Bassett and Swift Street and a four-plex on Birch Avenue and Bassett Street neighboring the subject property.

In 2011, the owner of the property had rezoned the lot from a single family to a multifamily designation with the intention to build a 6 unit townhouse complex. Ultimately, the development did not go forward, due to market decline. In 2015, the applicant brought forward a zoning amendment to rezone the property from

RM2 to RD2. With zoning in place, the applicant intended to subdivide the lot and erect two duplexes (one per lot) with secondary suites in each. Again that development didn't go forward.

The developer is now proposing to develop a stratified ownership, multi-family project comprising two back to back duplexes; facing Birch Avenue (Attachment 'D') with all the parking off the lane. The current proposal is in line with the 2015 approval from Council. The applicant still intends to build two back to back duplexes with a shared walking path between the two buildings. The only modification is in this case no subdivision is suggested. The two duplexes are proposed on the same lot. The current RD2 zoning, however, does not permit two duplexes on the same lot. As such an amendment to the zoning is required.

The property is also in a Development Permit Area and a development permit will be required to be issued prior to construction if the zoning amendment is successful. The property is in the Downtown Multiple Family Development Permit Area.

Financial implication

N/A

Proposal

The applicant is requesting the following amendment to Zoning Bylaw 2011-23:

Add: Section 10.6.4.4: In the case Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, two duplexes shall be permitted.

The applicant is also requesting Development Permit approval in order to move ahead with construction of the project.

Development Statistics

No variances to any of the zoning bylaw development regulations are being proposed. The following table outlines the proposed development statistics on the plans submitted with the rezoning application:

Item	Requirement RD2 Zone	Provided on Plans (PER LOT)
Minimum Lot Width:	13 m	21m
Minimum Lot Area:	390 m ²	861 m ²
Maximum Lot Coverage:	40 %	28%
Maximum Density:	0.95 FAR	0.85 FAR
Vehicle Parking:	4 spaces per duplexes	4 spaces per duplexes
Required Setbacks		
Front yard (Birch Avenue):	4.5m	4.5m
Side yard (east):	1.5m	1.5m
Side yard (west):	1.5m	1.5m
Rear yard (lane):	6.0m	6.0m
Maximum Building Height:	10.5m	8.5m
Other Information:	<ul style="list-style-type: none"> Property is in the 'Downtown Multiple' Development Permit Area 	

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. 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.

Analysis

Support "Zoning Amendment Bylaw 2016-56"

The site is situated near the downtown in an area experiencing densification, with several apartments and other multi-unit developments already existing nearby. The OCP designation for this site is Multi-Family Low Density, which is conducive to cluster housing development including two duplexes. Staff considers that the zoning amendment to allow the two duplexes on the lot represents the highest and best use for the land for the following reasons:

- The property has a lot area large enough to accommodate two buildings as proposed without the need for variances to the Zoning bylaw.
- The proposal is in line with the approved zoning in place.
- The OCP provides that infill residential development is an appropriate method of maximizing the use of land and increasing housing choice for Penticton residents.
- The OCP also encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proposal encourages residential intensification near institutional use like Queen's park school and the Community Centre.
- The neighbourhood is characterized by numerous duplexes, townhouse and apartment buildings. The proximity to downtown and nearby services encourages more walking and active forms of transportation.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support Zoning Amendment Bylaw 2016-56 and forward the application to the September 20, 2016 Public Hearing for comment from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. If the zoning amendment does not go forward, the property will need to be subdivided in order to fit two duplexes. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Support the Development Permit

The development permit that is being requested is staff-issuable, but is included in this report to simplify the approvals process. The design of the building provides consistency with the Downtown Multiple Family Development Permit Guidelines, specifically:

- The building provides a smooth transition between the adjacent apartment and low-density developments.
- The building features architectural articulation and includes a varied building shape; creating an interesting and activated frontage for pedestrians
- Parking is provided at the rear with vehicle access provided from the lane; parking will not dominate the streetscape.
- The landscaping meets the general intent of the landscaping requirements of the OCP guidelines.

With such close proximity to downtown, the redevelopment of this site in the form of multi-unit duplex housing shows a positive contribution to this neighborhood. Staff considers that the plans submitted meet the intent of the Development Permit Area guidelines and conform to the Zoning Bylaw. As such, staff recommends that Council approve the development permit application in conjunction with the rezoning.

Deny/refer

Council may consider that the design could be amended in a way that better responds to the lot’s site-specific context. If this is the case, Council should deny the application.

Alternate Recommendations

1. THAT Council denies first reading to Zoning Amendment Bylaw No.2016-56” and denies support to “Development Permit PL2016-7642”.
2. THAT Council refers the applications RZ PL7708 and DP PL7710 back to staff with instructions that Council feels are warranted.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: Images of Subject Property
- Attachment D: Elevations and Site Plan
- Attachment E: “Development Permit PL2016-7642”
- Attachment F: Zoning Amendment Bylaw No. 2016-56

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

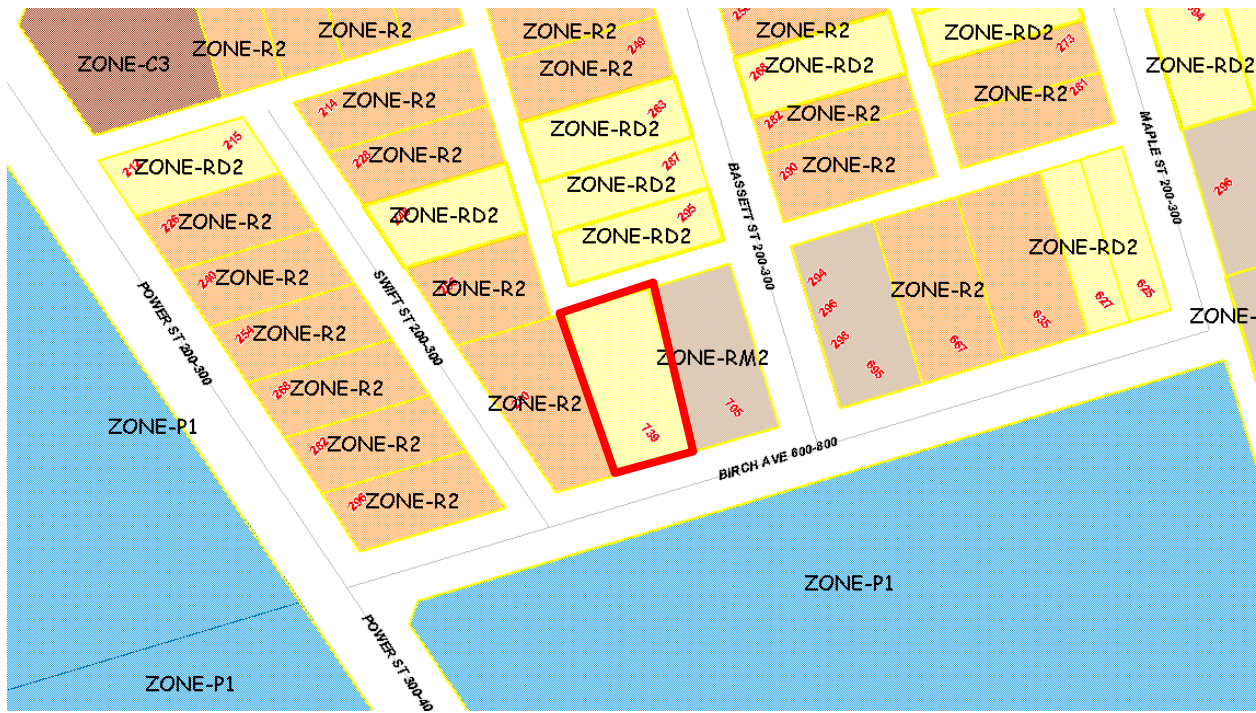
Approvals

<p>CAO</p> <p><i>ES</i></p>

Attachment 'A' – Subject Property Location Map



Attachment 'B' – Zoning Map of Neighbourhood



Attachment 'C' – Images of Subject Property



Figure 1: Aerial photo of subject property



Figure 2: Image of subject property from Birch Avenue looking north

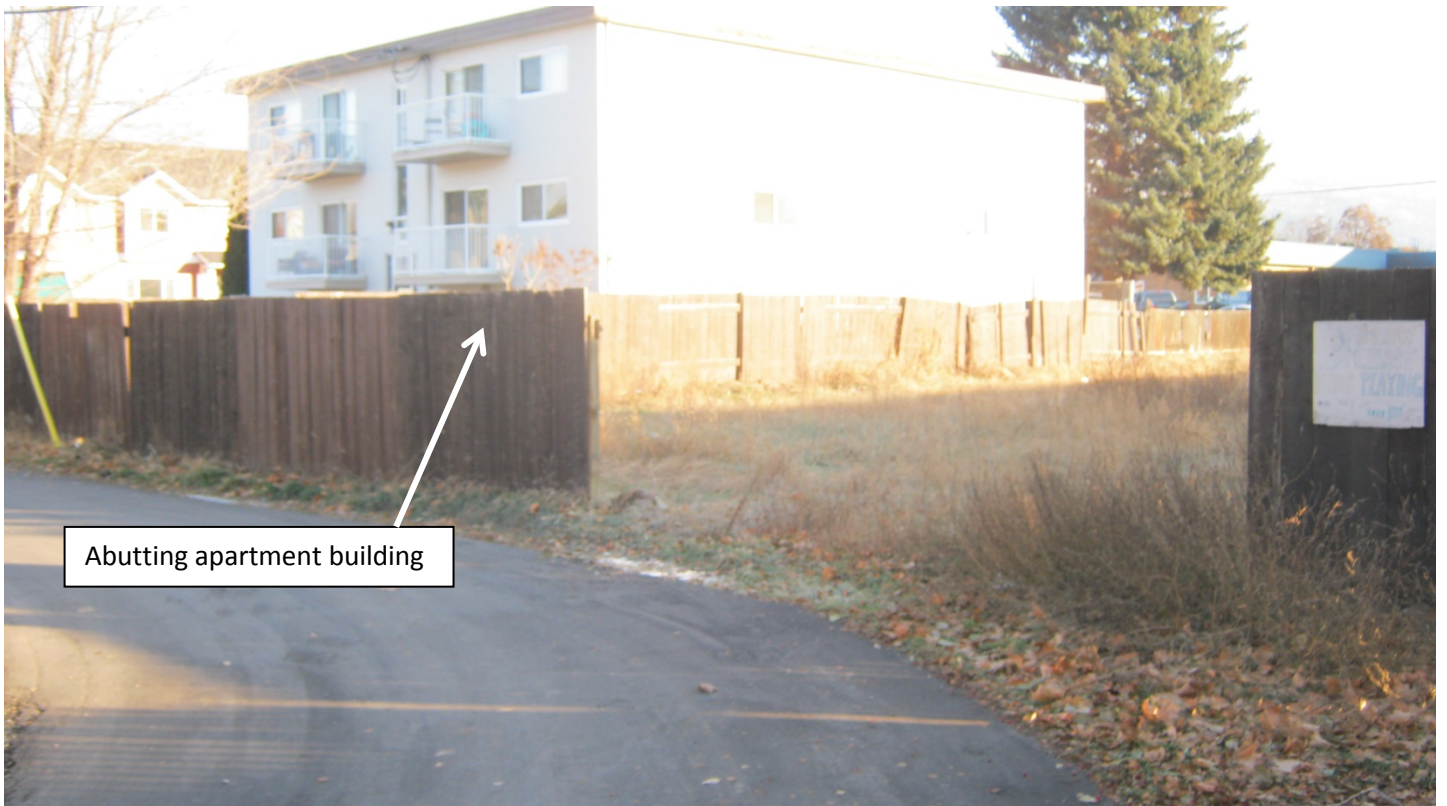
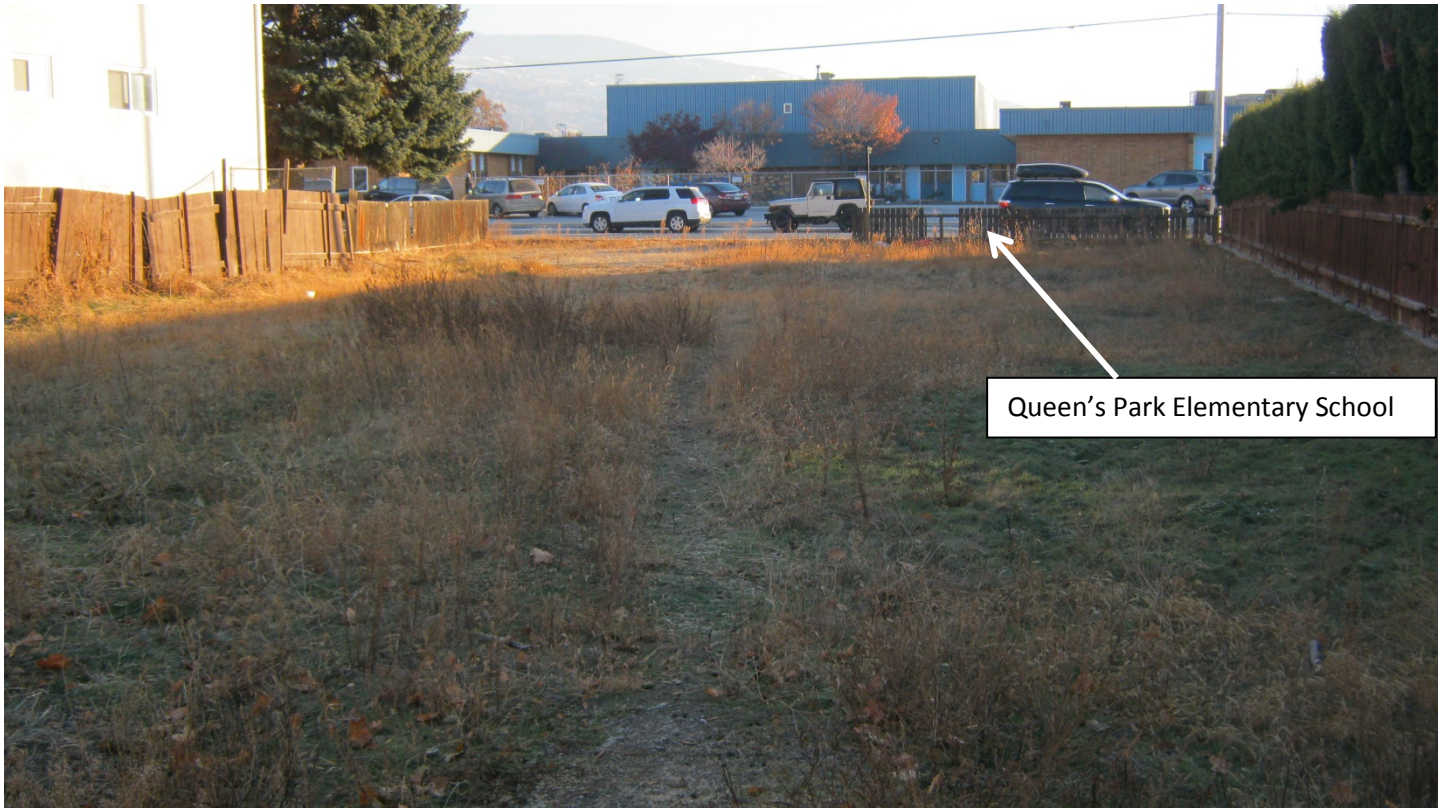


Figure 4: Image of subject property and back lane looking toward apartment building, southeast



Figure 5: Front and Rear Elevation

FRONT & REAR ELEVATIONS

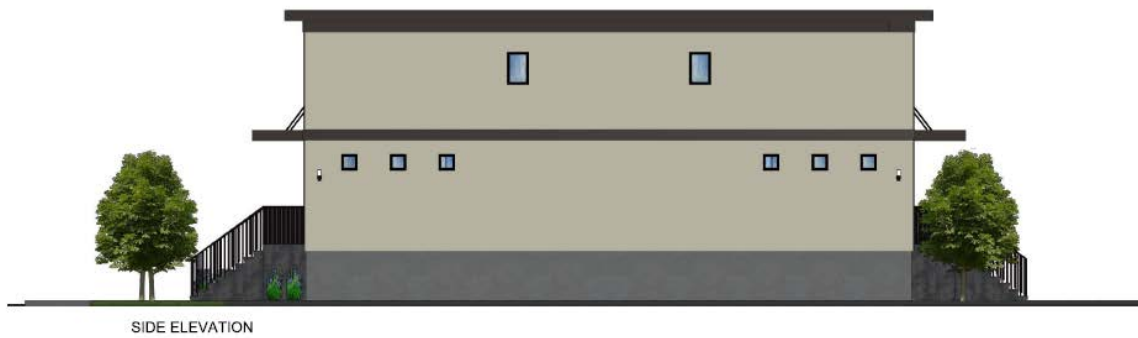
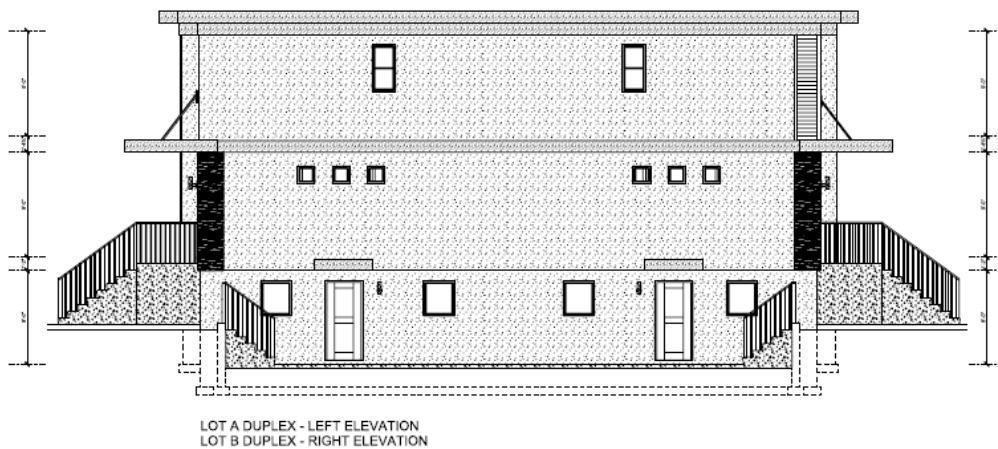


Figure 6: Side Elevation



Exterior Elevation

Figure 6: Side Elevation (suites entrance)

Attachment 'E' – Draft DP



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

Development Permit

Permit Number: DP PL2016- 7710

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 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445

Civic: 739 Birch Avenue

PID: 010-601-791

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of strata, multi-family project comprising two back to back duplexes as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities, provided in Schedule B, must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met.

Inspection fees may be withheld from the security as follows:

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

General Conditions

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the _____, 2016

Issued this _____ day of _____, 2016

Dana Schmidt,
Corporate Officer

Bylaw No. 2016-56

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. 2016-56".

2. Amendment:

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

Add Section 10.6.4.4: In the case of Lot 16, District Lot 2, Group 7, Yale Lytton District, Plan 3445, located at 739 Birch Avenue, two duplexes shall be permitted.

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

READ A FIRST time this	6	day of	September, 2016
A PUBLIC HEARING was held this	20	day of	September, 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 9 day of September, 2016 and the 14 day of September, 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

