

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

**Tuesday, May 2, 2017**  
**at 6:00 p.m.**

- 1. Mayor Calls Public Hearing to Order for **“OCP Amendment Bylaw No. 2017-26”** 1-24
- CO Reads Opening Statement and Introduction of Bylaws
- “Official Community Plan Amendment Bylaw No. 2017-26” (180 Industrial Avenue W)
- Purpose: To amend Official Community Plan Bylaw No. 2002-20 as follows:
  - Amend Schedule ‘B’ Future Land Use designation for a portion of Amended Lot A (DD244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except Plans 20051 and 26786 located at 180 Industrial Avenue W, from LR (Low Density Residential) to MR (Medium Density Residential) and include in Schedule ‘H’ General Multiple Development Permit Area.
  - The applicant is proposing to subdivide 180 Industrial Avenue W into two lots and construct a non-market rental, one storey apartment building consisting of ten units for individuals with intellectual disabilities and/or seniors and a five unit congregate housing building for individuals with intellectual disabilities.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, April 21, 2017 and Wednesday, April 26, 2017 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the OCP Amendment Bylaw (as of noon Wednesday, April 26, 2017)
- Mayor Requests the Director of Development Services describe the proposed bylaw
- 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. 2017-26” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-27”** 25-26

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2017-27” (180 Industrial Avenue W)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

Rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except Plans 20051 and 26786 located at 180 Industrial Avenue W from P1 (Public Assembly) to RM2 (Low Density Multiple Housing).

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, April 21, 2017 and Wednesday, April 26, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, April 26, 2017)

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. 2017-27” is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **“OCP Amendment Bylaw No. 2017-30”** 27-54
- CO Reads Opening Statement and Introduction of Bylaws
- “Official Community Plan Amendment Bylaw No. 2017-30” (352 and 398 Eckhardt Ave E)
- Purpose: To amend Official Community Plan Bylaw No. 2002-20 as follows:
- Amend Schedule ‘B’ Future Land Use designation for Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Ave E from I (Institutional) to MR (Medium Density Residential) and Amend Schedule ‘H’ General Multiple Development Permit Area to include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West ½ of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E.
- The applicant is proposing to consolidated 352 and 398 Eckhardt Ave E and construct a twenty-four (24) unit townhouse development.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, April 21, 2017 and Wednesday, April 26, 2017 (pursuant to the *Local Government Act*).
- CO Correspondence received regarding the OCP Amendment attached (as of noon Wednesday, April 26, 2017)
- 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. 2017-30” is terminated and no new information can be received on this matter.

4. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-31”** 55-58

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2017-31” (352 and 398 Eckhardt Avenue E)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing).

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, April 21, 2017 and Wednesday, April 26, 2017 (pursuant to the *Local Government Act*).

CO Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, April 26, 2017)

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. 2017-31” 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, April 18, 2017**  
**at 1:00 p.m.**

## Resolutions

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- 13.5 OCP Amendment Bylaw No. 2017-26 &  
Zoning Amendment Bylaw No. 2017-27 & DVP PL2017-7878  
Re: 180 Industrial Avenue W

270/2017

**It was MOVED and SECONDED**

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-26" 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 in addition to the Public Hearing proposed for May 2, 2017, the Public Consultation completed to date is sufficient;

AND THAT "OCP Bylaw No. 2002-20" be amended by changing the OCP designation on a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, as shown in Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20" be amended by including a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20;

AND THAT "OCP Amendment Bylaw No. 2017-26" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-27", a bylaw to amend Zoning Bylaw 2017-08 to rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 2, 2017 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2017-7878" on portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, a permit to reduce the required parking from 16 stalls to 11 stalls be heard at the May 2, 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7878" following the adoption of "Zoning Amendment Bylaw No. 2017-27". **CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** April 18, 2017 File No: OCP PL 7877 & RZ PL 2017-7876 & DVP PL7878  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 180 Industrial Avenue W  
**Subject:** **OCP Amendment Bylaw No. 2017-26**  
**Zoning Bylaw Amendment No. 2017-27**  
**Development Variance Permit DVP PL7878**

## Staff Recommendation

OCP

THAT prior to consideration of OCP Amendment Bylaw No. 2017-26 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 in addition to the Public Hearing proposed for May 2<sup>nd</sup> 2017, the Public Consultation completed to date is sufficient;

AND THAT "OCP Bylaw No. 2002-20" be amended by changing the OCP designation on a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, as shown in Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20" be amended by including a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20;

AND THAT "OCP Amendment Bylaw No. 2017-26" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

### *Zoning Bylaw Amendment*

THAT "Zoning Amendment Bylaw No. 2017-27", a bylaw to amend Zoning Bylaw 2017-08 to rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 2, 2017 Public Hearing;

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2017-7878" on portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, a permit to reduce the required parking from 16 stalls to 11 stalls be heard at the May 2, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7878" following the adoption of "Zoning Amendment Bylaw No. 2017-27".

### **Strategic priority objective**

The subject application meets the strategic pillars of creating a sustainable city and a livable city, through increasing residential density in areas where existing services already exist and in areas close to transit, commercial and employment centers.

### **Background**

The subject property has a split OCP designation with the 0.589 hectare(1.45 acre) fronting Industrial Avenue West designated as SC (Service Commercial) and the remainder, a 0.313 hectare (0.77acre) land being designated LR(Low Density Residential) as per Official Community Plan 2002-20 (OCP) as shown as Attachment "B". The property is also zoned P1 (Public Assembly) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. The property extends to 0.902ha (2.2acre) and is located between Industrial Avenue W and Bruce Court. The proposed development only affects 0.313ha of land directly adjacent to Bruce Court and currently features numerous accessory structures. These will be removed from the property. The surrounding properties are primarily zoned R1 (Large Lot Housing), RM2 (Multiple Family Low Density), R2 (Small Lot Residential) and C7 (Service Commercial). Surrounding properties are designated by the OCP as LR (Low Density Residential), MR (Medium Density Residential) and SC (Service Commercial).

The developer intends to develop two buildings; a one storey apartment building with surface parking and a 5 bedroom congregate housing for individuals with intellectual disabilities. A total of 10 units are proposed in the apartment building with all 1 bedroom residential units. The development is intended to be a non-market rental housing development for people with intellectual disabilities and or seniors. The access to this development is from Bruce Court. The ultimate goal of the applicant is to enable the subdivision of the lot into two lots; one lot front Industrial Avenue and the other lot fronting Bruce Court. Due to funding requirements, the subdivision is necessary as the main capital funders (BC Housing) will require a Section 219 Covenant to protect the property for social housing, and the applicant did not want to encumber the rest of the property for the future. It is also needed to mortgage any costs that will be tied to the new property only.

**Consultation**

In consideration of the Official Community Plan amendment proposed, staff requested that the applicant consult with the adjacent neighbourhood prior to this application coming before Council for a decision and a public information meeting was held at PDSCL office at 180 Industrial Avenue W on April 6<sup>th</sup>, 2017. The applicant notified owners and residents within 100m of the site and a total of 75 households received hand delivered notices. The consultation session was well attended with over 20 attendees from the surrounding community. Positive comments were brought up regarding the proposed use, the quality of the design and the buffering between the proposed building and the low density residential area. A number of concerns were also identified by a few residents of Bruce Court including the additional traffic that may be generated on Bruce Court, the loss of privacy and quietness of the neighborhood.

**Proposal**

The applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:

‘Schedule B: Future Land Use Map’ to change the OCP designation of a portion of the site (as identified on Attachment “B” of this report) from LR (Low Density Residential) to MR (Medium Density Residential).

The applicant is also requesting an amendment to the zoning of the property from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), as identified in Zoning Bylaw 2017-08. The rezoning will facilitate the subdivision of the lot into two lots; one lot front Industrial Avenue and the other lot fronting Bruce Court.

Additionally, the applicant is seeking a Development Variance Permit to vary the following section of Zoning Bylaw 2017-08:

- **Section 7.6.** To reduce the parking requirement for an apartment from 15 stalls to 10 stalls

**Project Specifications**

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

Item	Requirement RM2 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	40%	33%
<b>Maximum Density:</b>	0.8 FAR	0.33 FAR
<b>Vehicle Parking:</b>	Apartment:1 space per unit (10) Visitors: 0.25 per unit visitor(4) Congregate Housing : 1 per staff dwelling, plus 1 per 5 bed spaces  <b>Total: 16 stalls</b>	9 stalls(Apartment) 0 visitor ( <b>Variance required</b> ) 2 stalls(Congregate Housing)  <b>Total: 11 stalls</b>
<b>Bicycle Parking</b>	Class 1 0.5 per unit ( <b>5stalls</b> )	



	Class 2 0.1 per unit(2 stalls)	5stalls 10 stalls in lockers
<b>Required Setbacks</b>		
<b>Principal Building</b>		
Front yard	3.0m	6m
Rear yard	6.0m	6m
Interior Side yard	3m	4.5m
<b>Exterior side yard</b>	6m	6m
<b>Maximum Building Height:</b>	12m	5.33m(1 storey)

**Development Engineering Review**

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No frontage upgrades will be required as part of this application and servicing requirements have been identified and will be included as part of the subdivision application. The Subdivision and Development Bylaw requires a private fire hydrant and a fire lane access for this development to be required as a condition of approval. A private pedestrian access secured through an easement from the development site to Industrial Avenue will be secured through a condition of the eventual subdivision approval. These items have been communicated to the applicant.

**Financial implication**

N/A

**Analysis**

Support OCP and Zoning amendment

The subject property is designated for Low Density Residential under OCP Bylaw 2002-20. The OCP provides a list of criteria when considering re-designating areas to Medium Density Residential. The guidelines and staff’s comments are as follows:

The city will support rezoning to higher densities:

- On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:

In the Low Density (LR) residential designation, small scale institutional use is a permitted use. Congregate housing fits under the definition of Low Density Residential however the proposed low density apartment would be considered medium density residential. The neighbourhood that the subject property is located in features residential forms of development, including low-rise apartment buildings, townhouses, duplexes and single family dwellings. The character of the neighborhood will

not materially change as this is an area that has existing medium density. The property is bordered by low density residential as well as medium density residential development.

- *Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing;*

The buildings proposed have been set to respect all required setbacks of the proposed RM2 Zone. Landscaping buffering is also proposed on each side, adjacent to the lower density development. The proposal adds to the already diverse range of housing, types, tenures and densities and strives to achieve a housing stock that satisfies the requirements of the community including residents with special needs.

- *Near parks, commercial activities or public/institutional facilities;*

The OCP supports intensification of residential land use and density around existing commercial activities and near parks and institutional facilities. The property is located directly adjacent to Ellis Creek and is within 300 m of the Main Street commercial area. Pedestrian access for this proposed development to Industrial Avenue West will be secured through the remainder lot to the north of the proposed development.

- *On sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets and;*

No driveway access is proposed on Industrial Avenue West. All vehicle traffic will be directed to Bruce Court and will not generate an unreasonable level of traffic. The proposed development is tailored for individuals with intellectual disabilities which typically do not drive any vehicles. The increased traffic to the proposed development will be mainly from the employees of the group home and or visitors which, as outlined by the applicant can be accommodated on site within the proposed surface parking area.

The development meets the following objectives of the OCP:

- Encourage residential intensification near commercial activities and institutional facilities
- Encourage a diversified range of housing types including special housing needs
- Encourage densification in areas where existing services can accommodate higher densities.
- Encourage a wide range of Medium Density Residential housing, including congregate housing and ground oriented units

Staff consider that the design is suitable and the location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. This development encourages and supports the development of special needs housing with ground oriented accessibility. For these reasons staff are recommending that Council support the land use designation change, as set out above and refer the application to the May 2, 2017 Public Hearing.

### Deny/Refer

Council may feel 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 amendment do not go forward, the property will be restricted to a public institutional use which can include congregate housing. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with direction that Council feels is appropriate.

### Support Variance

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause an undesirable impact on neighbouring properties and if the variance request is reasonable. The proposed variance is as follows:

### ***Section 7.6 Parking Requirements Table 7.5 to reduce the number of required parking stalls from 16 to 11 stalls***

This development variance application will maximize the development potential of the site in a manner which is sensitive to surrounding land uses, while providing adequate parking. The OCP contains guidelines that support the reduced parking standard to accommodate density changes, providing that the development is within 400m of a transit stop. As stated above, the ten apartments proposed are for people with intellectual disabilities and their reliance on a vehicle is advised to be low. The proposal includes parking to ensure adequate parking for visitors and employees of the group home. Staff do not consider that the variance will have a negative impact on the adjacent residential areas considering the proposed use and programming proposed within the facility.

### Development Permit Area Amendment

#### Support

The property is not located in a development permit area under OCP Bylaw 2002-20. Staff recommends that the property be included in the General Multiple Family Development Permit Area as this is a new development. The objective of the development permit area is to produce streetscapes defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. By including the proposed development in a development permit area; staff considers that it will secure the building design for the property and retain securities for landscaping in order to protect and enhance the design of the site and character of the surrounding area

The form and character of the development shows general consistency with the General Multiple Family Development Permit Area. The plans, as part of the eventual development permit application, will be required to substantially conform to the plans submitted as part of this rezoning application. The City's Development Procedures and Delegation Bylaw delegate the authority to issue the development permit to the Director of Development Services.

#### Deny

Council may feel that a development permit is not suitable for this site therefore denying the insertion of the lot under the General Multiple Family Development Permit Area of OCP Bylaw 2002-20.

**Alternate Recommendation**

1. THAT Council give first reading to "OCP Amendment Bylaw No.2017-26" but deny support to "Development Variance Permit PL2016-7878"

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Proposed Subdivision
- Attachment E: Images of Subject Property
- Attachment F: Letter of Intent
- Attachment G: Building Rendering
- Attachment H: Site Plan
- Attachment I: DVP
- Attachment J: OCP Amendment Bylaw No. 2017-26
- Attachment K: Zoning Amendment Bylaw No.2017-27

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

Director	CAO
AH	PW

Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Maps

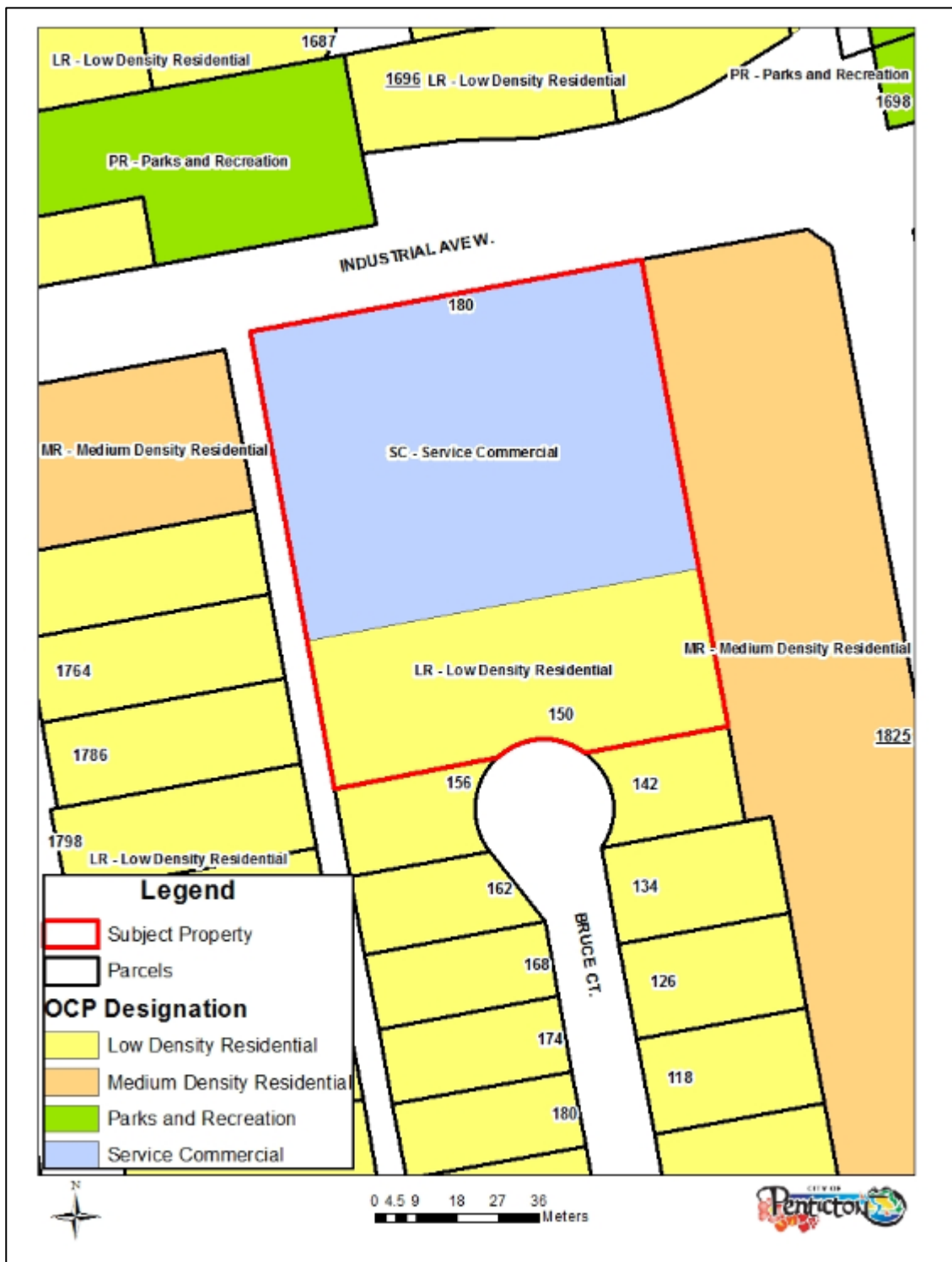


Figure 2: Current OCP Map

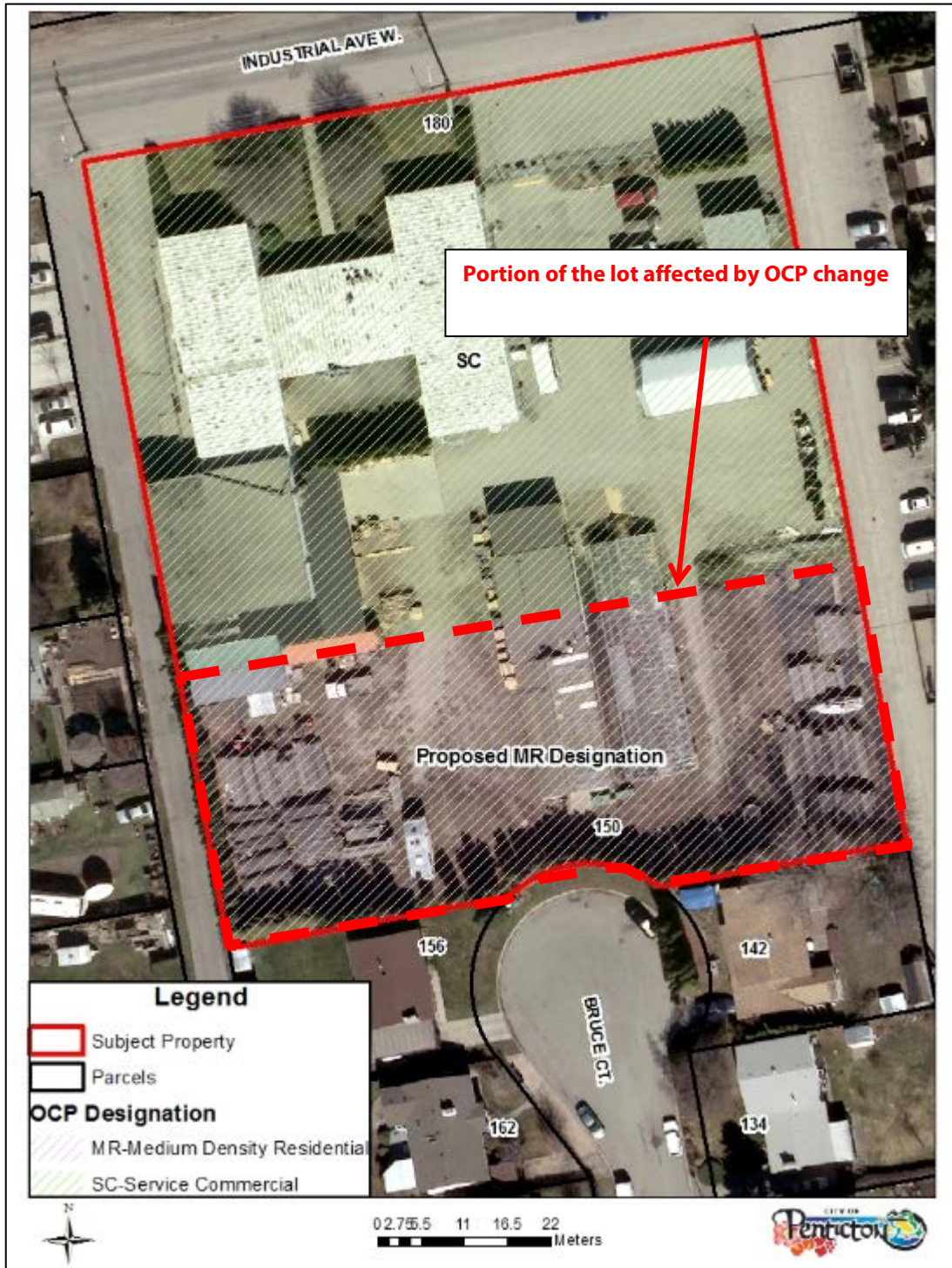


Figure 3: Proposed OCP Map

Attachment C - Zoning Maps

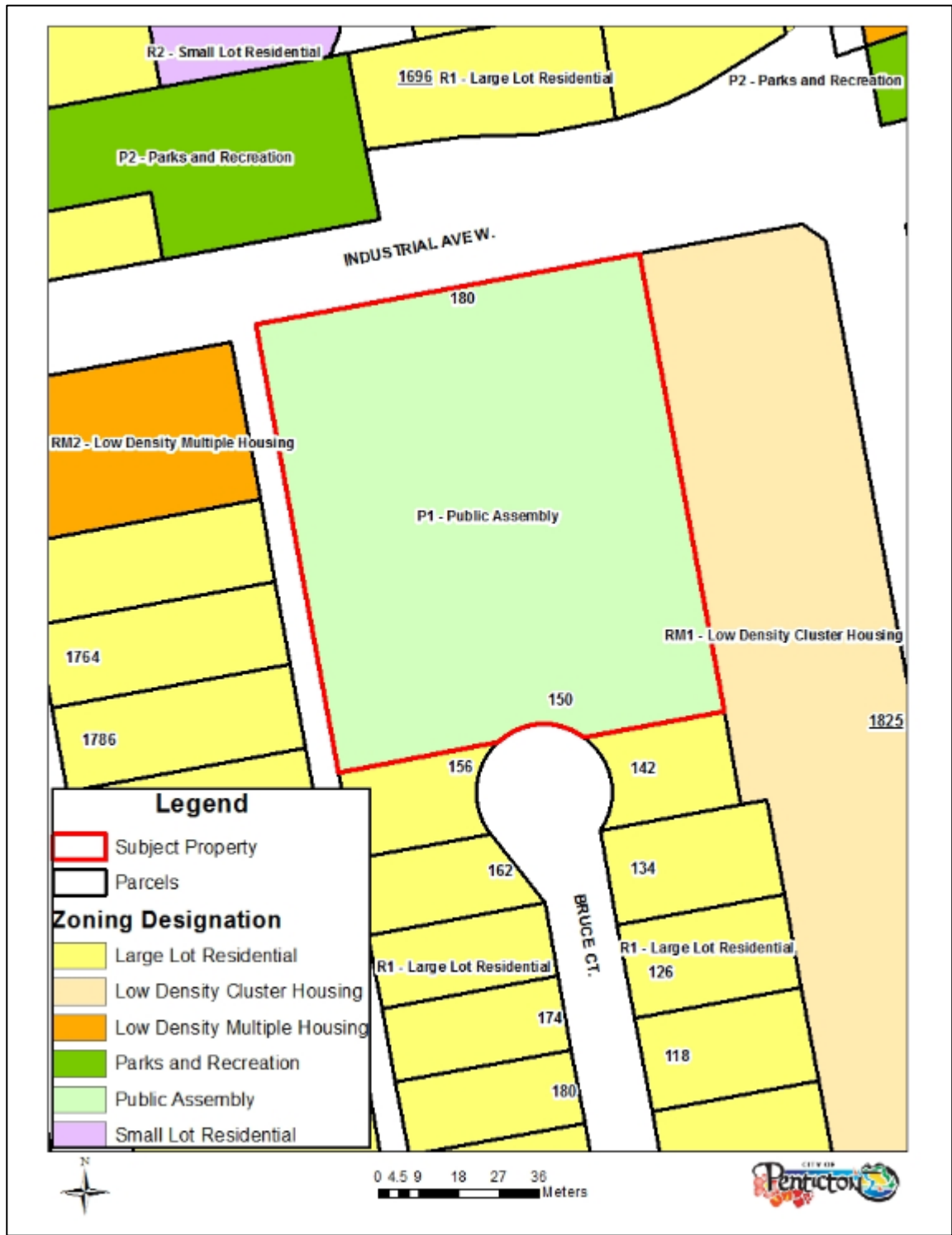


Figure 4: Current Zoning Map



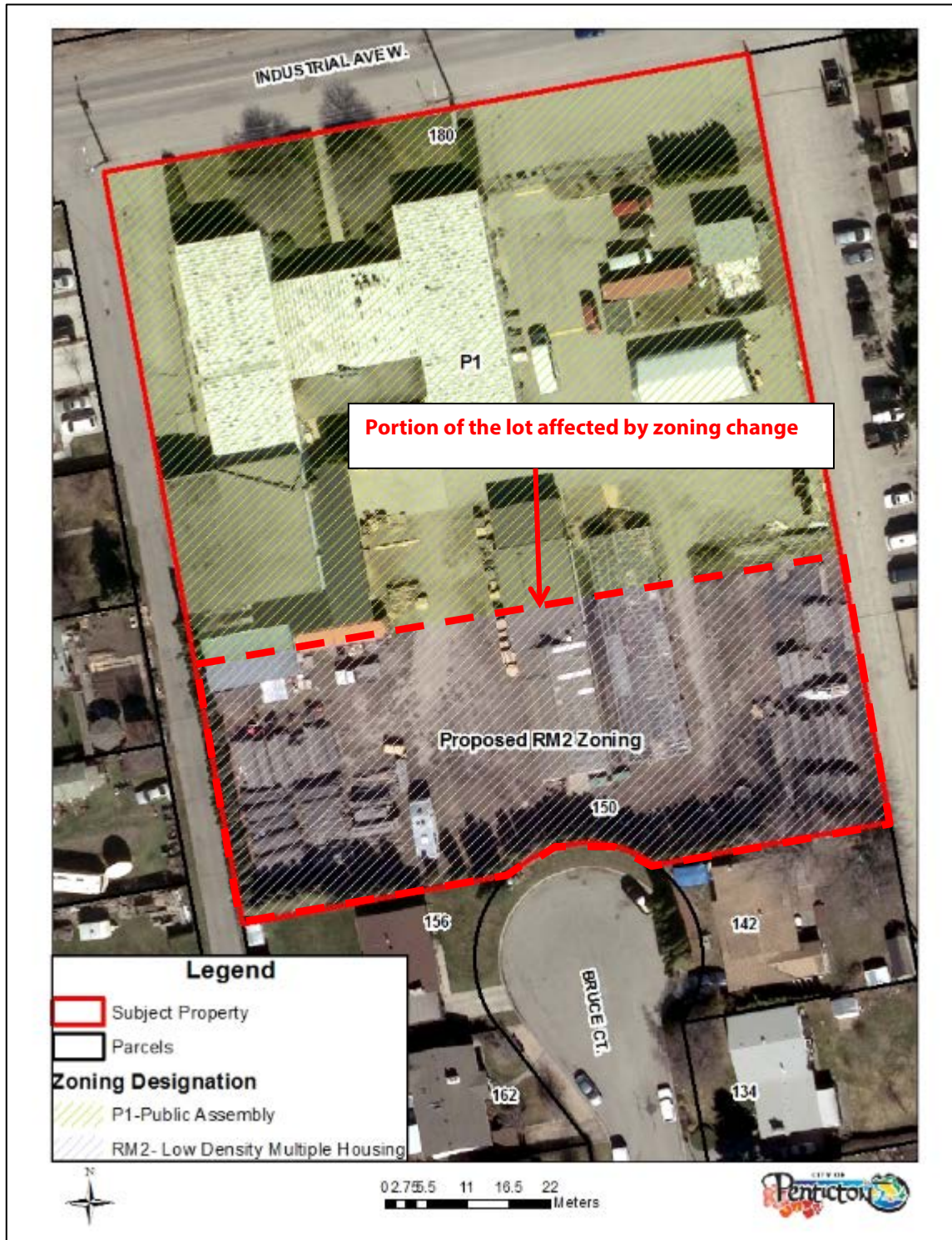
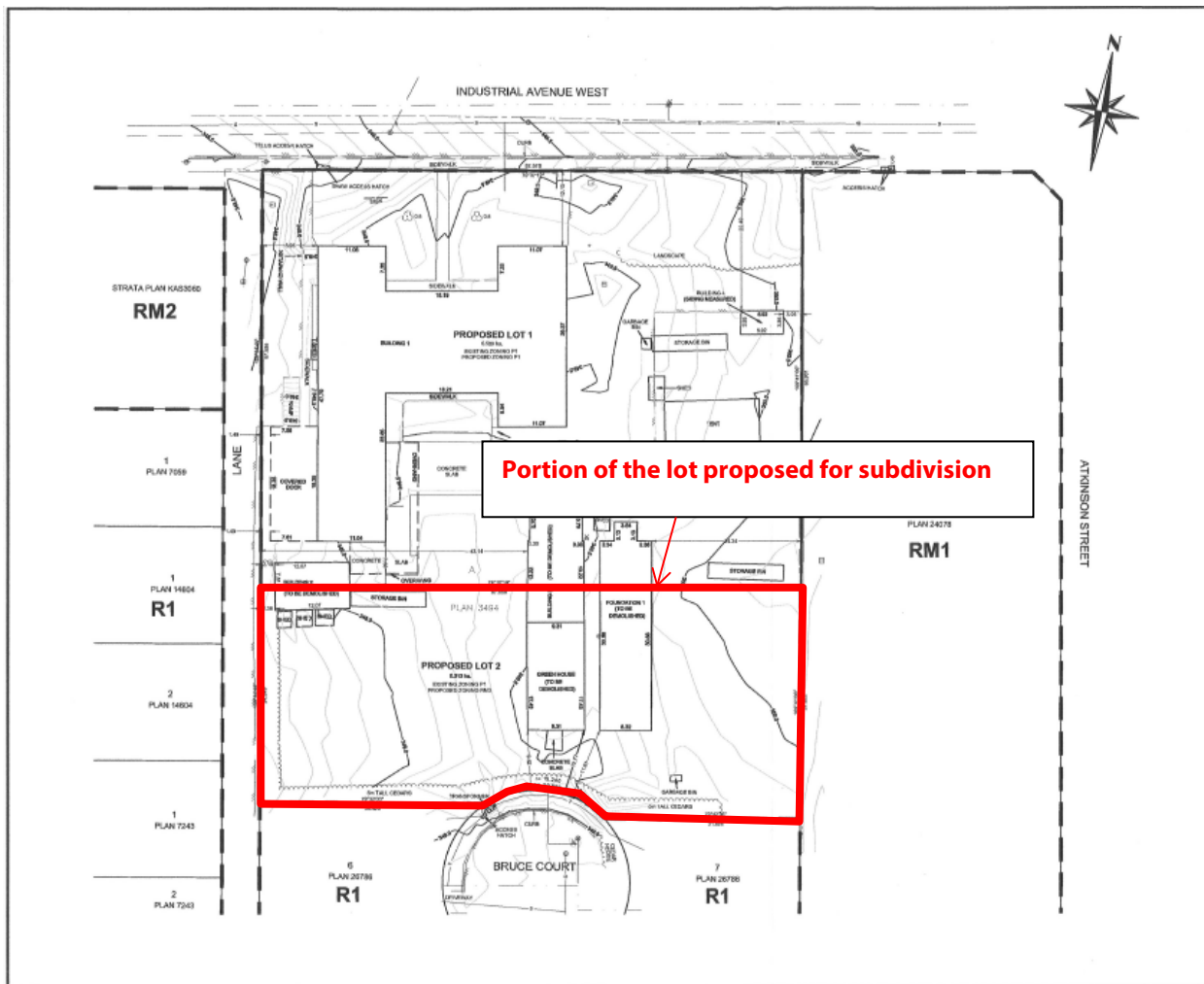


Figure 5: Proposed Zoning

### Attachment D - Proposed Subdivision



Attachment E - Images of the Subject Property



Figure 6: View from Bruce Court



Figure 7: View from Bruce Court

Attachment F –Letter of Rationale



February 10, 2017

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

Attention: Planning Department

Re: Letter of Intent – 180 Industrial Avenue (West), Penticton, B.C.

It is the Penticton & District Society for Community Living's (PDSCCL) pleasure to submit the following Development permit/Rezoning/OCP amendment/Subdivision application to the City of Penticton. PDSCCL is requesting subdividing the above-referenced property and rezone the remaining property to allow for the construction of an affordable 10-unit apartment and 5-bedroom group for individuals with intellectual disabilities.

The application is requesting a subdivision and rezoning of 180 Industrial Avenue, Penticton to create a new lot. The existing zoning of the new lot is P1 – Institutional with a request to rezone to RM-2 Low-Density Multi-Family Residential with an amendment to OCP to change the designation (SC – Service Commercial / LR – Low Density) to allow for an RM-2 zone.

The applicant requests two zoning variances as follows:

1. **South Side Yard Setback:** The side yard setback is requested to be reduced from 6 meters to 4.5 meters. The group home will have additional interior common space and storage.
2. **Parking Variance:** For the Apartment, there is a requirement 1 per unit + 2.5 (3) for visitors and the group home under the 'congregate care' would be 1 per staff and 1 per 5 beds:
  - Making the **total requirement 15 spaces**, and we are asking for a **reduction of 5 parking spaces**.
  - **The rationale for the reduction:** *The ten apartments are for people with intellectual disabilities and or seniors. Rents will be at or near the shelter allowances provided to individuals receiving social assistance payments from the province. Our experience with our other housing in Penticton has been that it is very rare for persons with an intellectual disability to own and drive a vehicle and less than 50% of low-income seniors we currently support own and drive a car. The nominal reduction in parking we are requesting will still ensure adequate parking for residents and visitors and not have an adverse impact on the surrounding neighborhood. Tony Laing, PDSCCL.*

If you require any additional information or would like to discuss the above, please call me at (250) 212-9128.

Regards,

Per: Bentsen Homes Inc.

Kane Bentsen, A.Sc.T.  
Project Manager

C: Tony Laing, PDSCCL



Phone: 250.717.3113 | Fax: 250.469.7767 | Cell: 250.212-9128  
Email: bentsen@shaw.ca | bentsenhomes.com  
1769 Broadview Avenue, Kelowna B.C. V1Y 4G3

### Attachment G – Building Rendering



Figure 8: Apartment Entrance

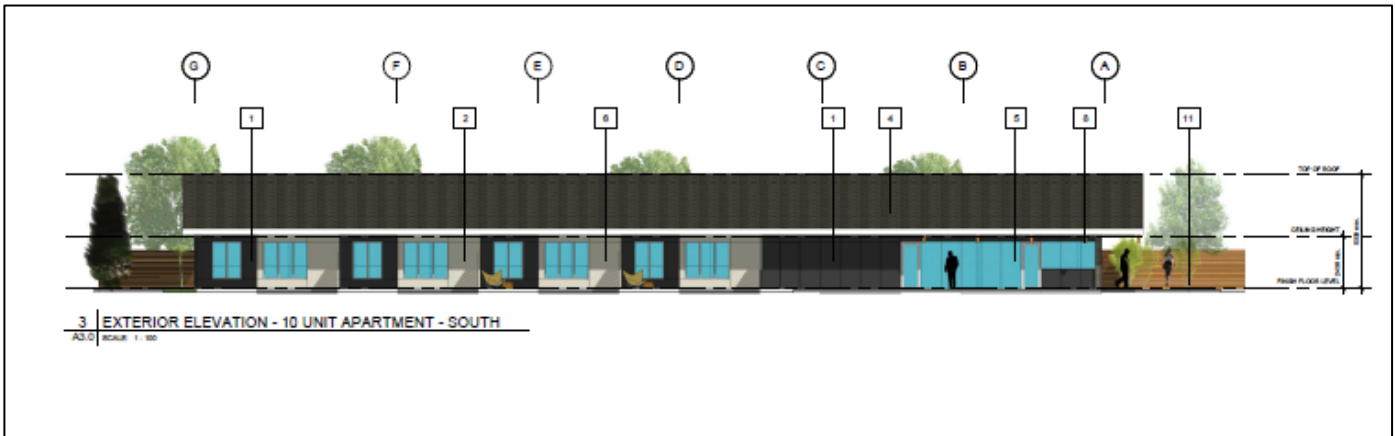


Figure 9: Apartment South Elevation



Figure 10: Apartment North Elevation



Figure 11: Looking North East (Bruce Court)



Figure 12: North West Perspective



Figure 13: Entrance of Group Home

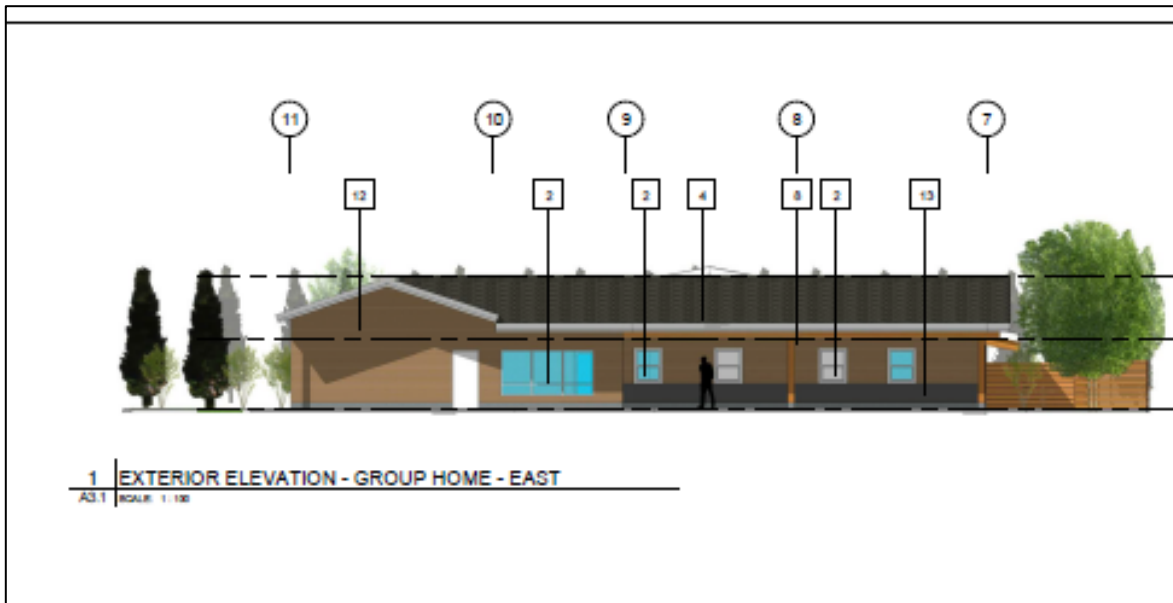


Figure14: South Elevation

### Attachment H: Site Plan

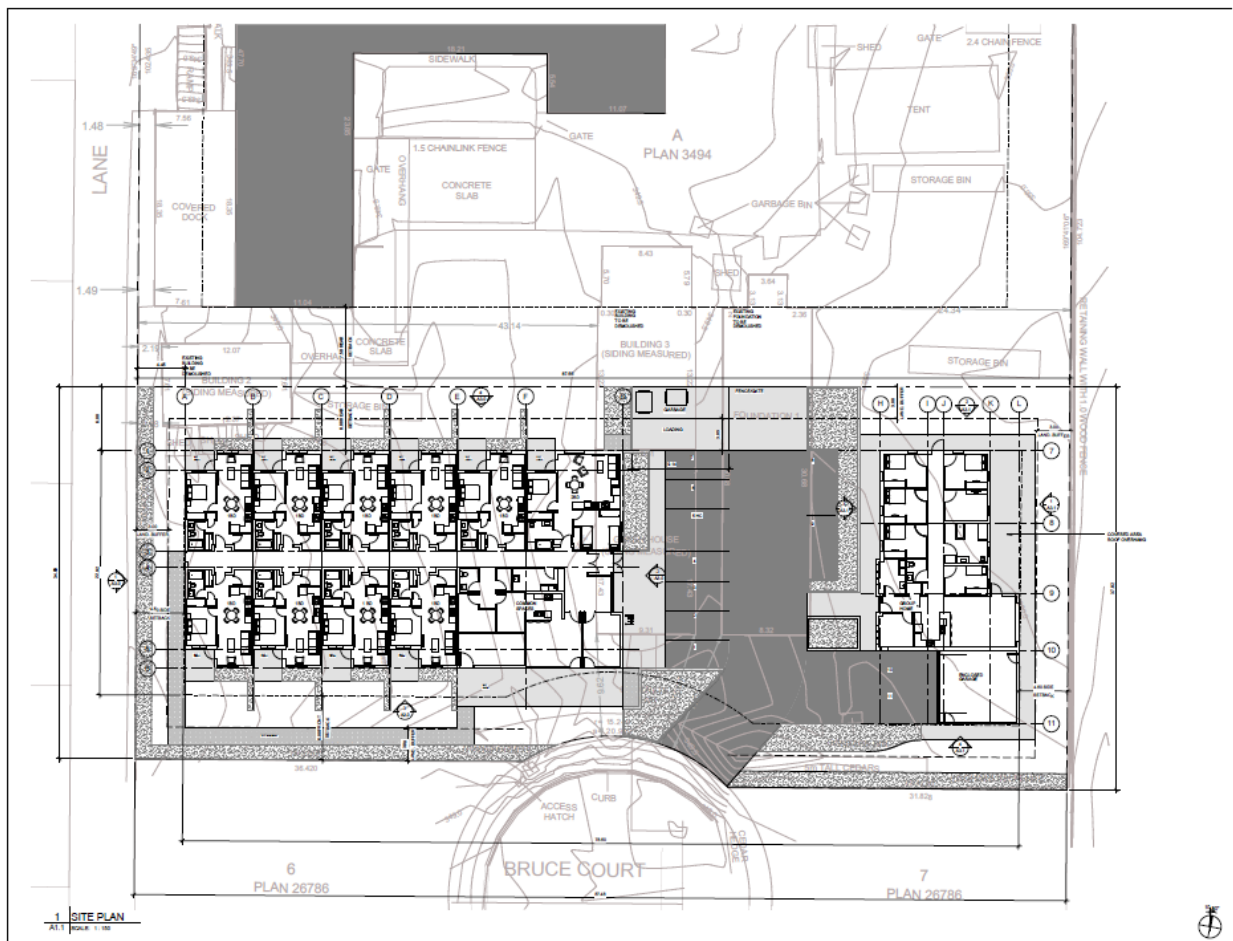


Figure 15: Site Plan



Attachment I: DVP



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

## Development Variance Permit

**Permit Number: DVP PL2017-7878**

### 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:** AMENDED LOT A (DD 244437F) DISTRICT LOT 115, SIMILKAMEEN DIVISION YALE, DISTRICT PLAN 3494 EXCEPT PLANS 20051 AND 26786  
  
**Civic:** 180 Industrial Avenue  
**PID:** 010-843-124
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 as shown in the plan attached in Schedule "A":
  - ***Section 7.6 Parking Requirements Table 7.5 to reduce the number of required parking stalls from 16 to 11 stalls***

### General Conditions

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

requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the     day of     , 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

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Dana Schmidt,  
Corporate Officer

Bylaw No. 2017-26

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 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. 2017-26."

2. Amendment:

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

- 2.1 Amend Schedule 'B' Future Land Use designation for a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 and 26786 located at 180 Industrial Avenue W, identified in Schedule A of this bylaw, from LR (Low Density Residential) to MR (Medium Density Residential).
- 2.2 Amend Schedule 'H' General Multiple Development Permit Area to include a portion of amended Lot A (DD 244437F) DL 115, Similkameen Division Yale, District Plan 3494 Except Plans 20051 and 26786 located at 180 Industrial Avenue W, identified in Schedule A of this bylaw.
- 2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	18	day of	April, 2017
A PUBLIC HEARING was held this	2	day of	May, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

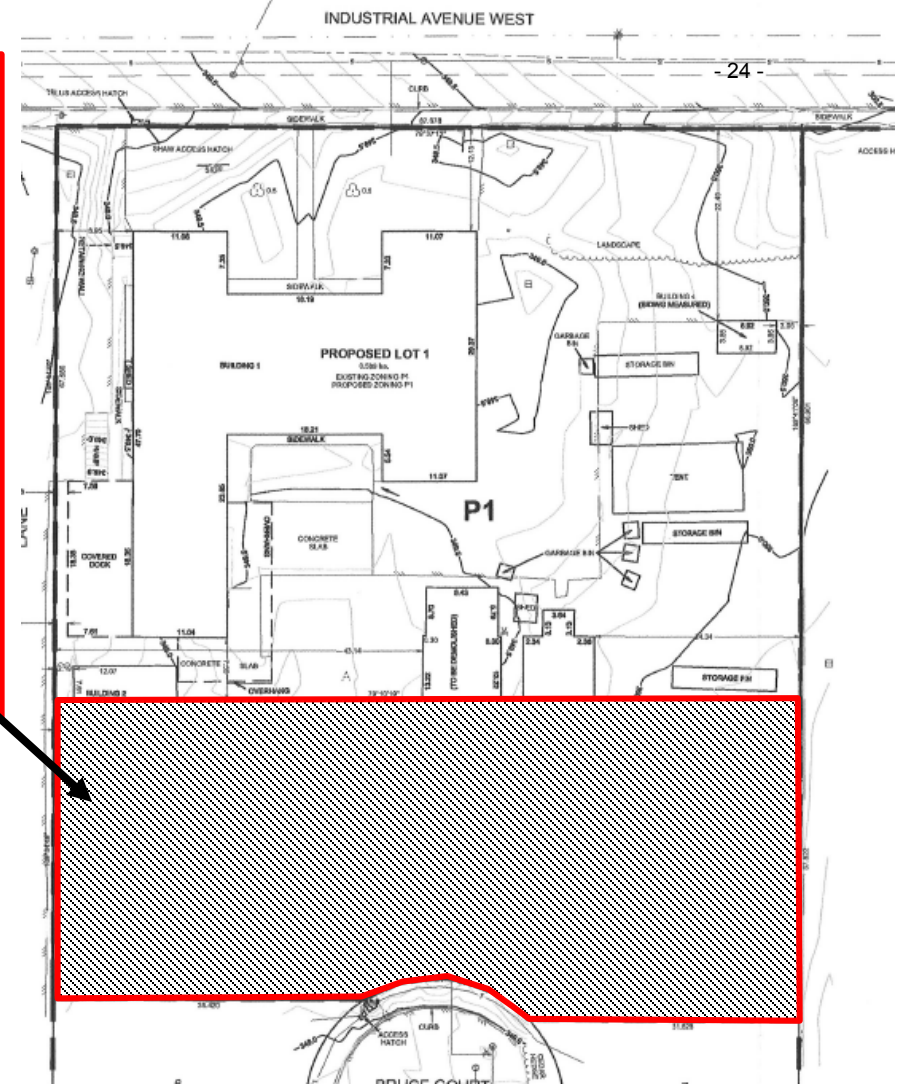
Notice of intention to proceed with this bylaw was published on the 21 of April, 2017 and the 26 of April, 2017 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

1) To amend the OCP designation on a portion of 180 Industrial Avenue W From LR (Low Density Residential) To MR (Medium Density Residential)

2) To include a portion of 180 Industrial Avenue W in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20



**City of Penticton – Schedule 'A'**

**Official Community Plan Amendment Bylaw No. 2017-26**

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

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

Bylaw No. 2017-27

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-27".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan3494 Except PLANS 20051 and 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing).

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

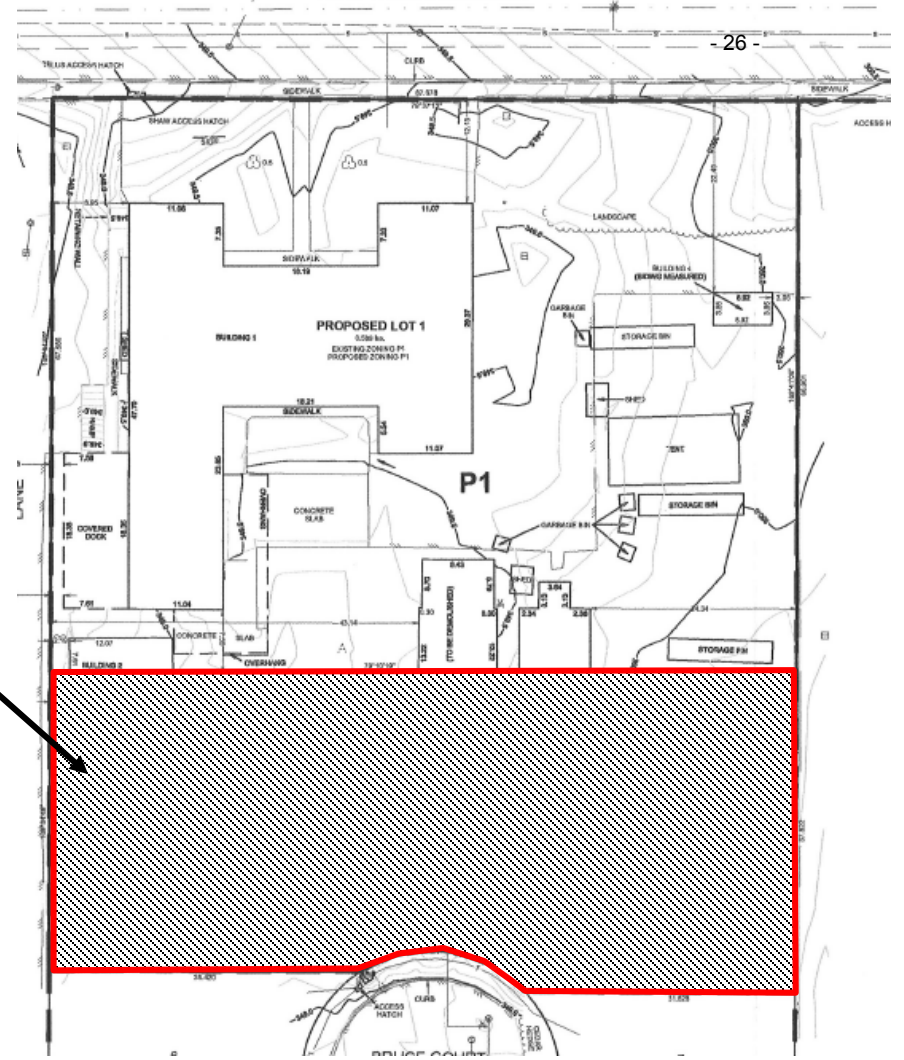
READ A FIRST time this	18	day of	April, 2017
A PUBLIC HEARING was held this	2	day of	May, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 21 day of April, 2017 and the 26 day of April, 2017 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 _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

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

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



To rezone a portion of 180 Industrial Avenue W From P1 (Public Assembly) To RM2 (Low Density Multiple Housing)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-27

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

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

- 27 -

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

**Tuesday, April 18, 2017**  
**at 1:00 p.m.**

## Resolutions

---

- 13.6 OCP Amendment Bylaw No. 2017-30  
Zoning Amendment Bylaw No. 2017-31 & DVP PL2017-7914  
Re: 352, 398 Eckhardt Avenue E

271/2017

**It was MOVED and SECONDED**

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-30" 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 consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, from I (Institutional) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20", be amended by including 352 Eckhardt Avenue E in Schedule 'H' General Multiple Development Permit Area;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-30" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-31", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1(Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., from RM2 (Low Density Multiple Housing ) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the May 2 , 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-31," the following conditions are fulfilled:

- A 1.4m road widening along Eckhardt Avenue East is registered with the Land Title Office.

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

**Tuesday, April 18, 2017**  
**at 1:00 p.m.**

## **Resolutions**

---

- Lot A, District Lot 202, Similkameen Division Yale District Plan 26857 (352 Eckhardt Avenue E) and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 (398 Eckhardt Avenue E), are consolidated.

AND THAT, in accordance with section 507 of the *Local Government Act*, Council require the developer to construct the full width of Gahan Avenue to a local residential street standard including the provisions for storm water management but excluding curbing and sidewalk on the east side of Gahan Avenue;

THAT delegations and submissions for “Development Variance Permit PL2017-7914” include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., a permit varying the following provisions of Zoning Bylaw 2017-08:

- reduce the required visitor parking from 6 stalls to 3 stalls,
- decrease the rear yard setback from 6m to 2.69m and
- increase the projections for balconies from 0.6m to 1.5m,

be heard at the May 2, 2017 Public Hearing; AND THAT Council consider “DVP PL2017-7914” following the adoption of “Zoning Amendment Bylaw No. 2017-31”.

**CARRIED UNANIMOUSLY**



# Council Report

penticton.ca

**Date:** April 18, 2017 File Nos: OCP PL7865 & RZ PL 7864 & DVP PL7914  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 352/398 Eckhardt Avenue East  
**Subject:** **OCP Amendment Bylaw No. 2017-30 and Zoning Amendment Bylaw No. 2017-31  
Development Variance Permit PL2017-7914**

## Staff Recommendation

*OCP*

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-30" 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 consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, from I (Institutional) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20", be amended by including 352 Eckhardt Avenue E in Schedule 'H' General Multiple Development Permit Area;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-30" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

### *Zoning Bylaw Amendment*

THAT "Zoning Amendment Bylaw No. 2017-31", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1(Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., from RM2 (Low Density Multiple Housing ) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the May 2 , 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-31," the following conditions are fulfilled:

- A 1.75m road widening along Eckhardt Avenue East is registered with the Land Title Office.
- Lot A, District Lot 202, Similkameen Division Yale District Plan 26857 (352 Eckhardt Avenue E) and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 (398 Eckhardt Avenue E), are consolidated.

AND THAT, in accordance with section 507 of the Local Government Act, Council require the developer to construct the full width of Gahan Avenue to a local residential street standard including the provisions for storm water management but excluding curbing and sidewalk on the east side of Gahan Avenue;

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2017-7914" include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., a permit varying the following provisions of Zoning Bylaw 2017-08:

- reduce the required visitor parking from 6 stalls to 3 stalls,
- decrease the rear yard setback from 6m to 2.69m and
- increase the projections for balconies from 0.6m to 1.5m,

be heard at the May 2 , 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7914" following the adoption of "Zoning Amendment Bylaw No. 2017-31".

### **Strategic priority objective**

The subject application meets the strategic pillars of creating a sustainable city and livable city through increasing residential density in areas where existing services already exist and in areas close to transit, commercial and employment centers.

### **Background**

The subject properties (Attachment 'A') are currently designated in the Official Community Plan 2002-20 (OCP) as I (Institutional) at 352 Eckhardt Avenue E and MR (Medium Density Residential) at 398 Eckhardt Avenue as show as Attachment "B". The larger lot (352 Eckhardt Avenue) is also zone P1 (Public Assembly) and currently features Circle of Friends daycare. The smaller lot is zoned RM2 (Low Density Multiple Housing)

in the City's Zoning Bylaw No. 2017-08 and features a single detached dwelling with an accessory structure. Photos of the site are included as Attachment 'F'. The site extends to 3,589m<sup>2</sup> (0.89acre).

The developer intends to consolidate the two lots and develop a twenty four (24) unit townhouse development with three bedroom units. Each unit has an approximate floor area of 140 m<sup>2</sup> (1500sq.ft). Each dwelling comprises 3 bedrooms and a single or double enclosed garage. The main access to this proposal is from Eckhardt Avenue E but 9 units will have driveways off of Gahan Avenue. The design incorporates pedestrian access and a large courtyard behind the units. Landscaping will be incorporated along both streets with one large tree for each unit. If Council supports the inclusion of the lots into a development permit area, supplementary screening in the forms of fencing and planting will be triggered along the public roads and public areas.

### **Consultation**

Staff had requested that the applicant meet with the adjacent neighbourhood prior to this application coming in front of Council for a decision and a public information meeting was held at the Shatford Centre on April 12<sup>th</sup>, 2017. A total of 32 properties received hand delivered notices in the vicinity of the site. The consultation session was well attended with over 65 attendees from the community. Positive commentaries were conveyed regarding the proposed development, the location and the quality of the proposal.

### **Proposal**

The applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:

‘Schedule B: Future Land Use Map’ to change the OCP designation of the site (as identified on Attachment B of this report) from I (Institutional) to MR (Medium Density Residential).

The applicant is also requesting an amendment to the zoning of the property located at 352 Eckhardt Avenue East from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing) and from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing) at 398 Eckhardt Avenue East, as identified in Zoning Bylaw 2017-08.

Additionally, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- **Section 6.5.** To reduce the visitor parking requirement for a townhouse development from 6 stalls to 3 stalls
- **Section 10.9.2.8** To reduce the rear yard setback from 6m to 2.69m
- **Section 5.11.1** To increase balconies projection from 0.6m to 1.5m into an interior side yard

### **Project Specifications**

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

Item	Requirement RM3 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	50%	42.2%
<b>Maximum Density:</b>	1.6 FAR	0.94 FAR
<b>Vehicle Parking:</b>	1 space per unit (24) 0.25 per unit visitor(6) <b>Total: 30 stalls</b>	12 Double car garages 12 Single car garages 3 visitors ( <b>Variance required</b> ) <b>Total: 12 stalls</b>
<b>Bicycle Parking</b>	Class 1 :0.5 per unit ( <b>12 stalls</b> ) Class 2: 0.1 per unit( <b>2 stalls</b> )	Bike storage housed through private garage 6 stalls
<b>Required Setbacks Principal Building</b>		
Front yard	3.0m	3.0m
Rear yard	6.0m	2.69m( <b>Variance required</b> )
Interior Side yard	4.5m	4.5m
<b>Exterior side yard</b>	6m	6m
<b>Maximum Building Height:</b>	24m	10.1m (3 storey)
<b>Amenity Space</b>	20m <sup>2</sup> per units	27m <sup>2</sup> per units
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>• 60% of the lot covered with hard surfacing</li> <li>• Covered or uncovered balconies, porch and deck can encroached 0.6m in the interior side yard (<b>Variance required</b>)</li> </ul>	

### Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Storm water/drainage is to be maintained on site. A 1.75m road widening is proposed along Eckhardt Avenue W to closely match the standard set out in Subdivision and Development Bylaw 2004-81. This item has been communicated to the applicant.

### Excess Service Resolution

Under current Subdivision and Development Bylaw requirements, the developer is responsible to design and construct works to the centerline of existing roads adjacent to the development. In cases where it is in the public interest, the *Local Government Act* gives authority to Council to formally require the developer to build beyond that requirement. In those cases, that developer is eligible for latecomer contributions from any land owner that later-on ties into the excess services constructed.

For this particular application, frontage upgrades will be required on Gahan Avenue. This will require the property frontage to be brought up to the City standard road design for an Urban Local Residential S-R2 as per Subdivision and Development bylaw 2004-81. The requirement for sidewalks on both sides of the road in a medium density area is requisite of the Subdivision and Development Bylaw. Consequently, the design for Gahan Ave will include sidewalk on both sides of the road as per Attachment “G”. The developer will also be responsible to carryout the design, including determining if storm water infrastructure is required.

Approximate costs for these offsite works along with frontage improvements are estimated at approximately \$80,000 (sidewalk, concrete curb, asphalt, design & construction, etc). Due to the current condition of Gahan Ave, the Engineering Department are requesting that Council pass a Section 507 'excess or extended services' resolution requiring the developer to construct the full width of Gahan Avenue to a local residential street standard, but not requiring the installation of curbing or sidewalks on the west side.

While the developer is only required, through the Subdivision & Development bylaw, to upgrade up to the centre line of the road, in this case it is not possible to stop at the centre line. The Engineering Department have stated that it is not technically possible to limit the developer to upgrades to the centre line of the road as the entire road width must be constructed at the same time to deal with the drainage and infrastructure requirements. The curbing and sidewalk would then either be completed by the adjacent property owner, if they were to redevelop, or through a public works project.

### **Excess Service Resolution – Alternative**

The City's 5 year capital plan includes Gahan Avenue and surrounding street and lane improvements as a specific project for completion in 2019. However funding of this project would not be secured until the budget year beforehand and there is no guarantee that this project would move ahead in the current schedule. The developers' schedule for the works to be completed along Gahan Avenue will most likely precede the capital project timeline unless Council provide pre-approval for this budget item for the 2018 year. Under this scenario, as opposed to the developer paying for the entire road improvement identified under the 'excess service resolution' recommendation, the developer would contribute towards the portion of improvements required under the Subdivision & Development Bylaw (costs for 1/2 the design and construction width of Gahan Avenue), reducing the city's capital costs by that amount.

There is no guarantee that this project would move ahead as currently identified considering the potential reprioritization of projects that may be directed by the Pavement Management Study that is currently nearing completion.

For Council to support this alternative, Council would need to authorize all or a portion of the Gahan Avenue project to be completed earlier than originally anticipated. Staff advise that this project is a lower priority than other areas of the city and although there is an identified need for improvements, other areas of the City are considered to be more critical for the allocation of limited capital funding.

### **Financial implication**

Staff are recommending that Council pass a Section 507 'excess or extended services' resolution to require the developer to upgrade the full width of Gahan Avenue. If Council does not support this recommendation, then the cost of the upgrades will be the responsibility of the City for the eastern half of the road.

### **Analysis**

#### ***Support OCP and Zoning amendment***

The subject property is designated for Institutional Use under OCP Bylaw 2002-20. There are very limited guidelines and policies to safeguard those land use designations. The OCP also provides a list of criteria

when considering re-designating areas to Medium Density Residential. The guidelines and staff's comments are as follows:

*The city will support rezoning to higher densities:*

- *On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:*

Land uses considered Institutional in the OCP typically include public, non-profit or utilities uses such as schools, churches, recreation facilities, health facilities, special needs housing and government buildings. One of the City's goals with respect to institutional land uses is to assist School District #67 and Okanagan University College in identifying and securing additional lands required providing quality education within Penticton. The applicant has approached the SD#67 and at this point of time the School District does not foresee future interest in the property as shown in Attachment "D". The proposal is located adjacent to existing medium density land use designation. According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, duplexes, townhouses and apartments, this application encourages a mixed range of housing, types, tenures and densities. This application also supports residential intensification near commercial activities, institutional facilities (directly adjacent to the High School) and in proximity to the downtown. Potential conflicts between the high school field lights and the southern rear units of the proposed development may occur and consideration will need to be given through the building design to limit the impact that the field lights may have on the residents living there.

- *Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing;*

The developer has presented a design with aesthetic appeal. The building has been set to respect the front, interior and exterior setback. Appropriate fencing, buffering and landscaping will be triggered at the development permit stage. The proposal adds to the already varied range of housing, types, tenures and densities.

- *Near parks, commercial activities or public/institutional facilities;*

The OCP supports intensification of residential land use and density around the downtown core. The property is located directly adjacent to Penticton High School and is within 250m of the downtown commercial core. This development will increase the residential offerings adjacent to the downtown area and encourage greater use of the Downtown amenities and businesses. The proximity to the lake, downtown and nearby services encourages more walking and active forms of transportation.

- *On sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets and;*

A main driveway access to the development is proposed on Eckhardt Avenue East. The remainder of the traffic will be directed to Gahan Avenue where garage parking, accommodating 9 driveways, is being proposed. The majority of the traffic will be entering and exiting from Eckhardt Avenue hence limiting the traffic impact on Gahan Avenue. All the units have pedestrian access on Eckhardt Avenue and maintain a positive relationship with the street.

Overall, staff considers that the design is fitting and consistent with the up-to-date medium density development in the area. The proposal is considered to provide an appropriate level of density and form and the proposed three storey height offers a smooth transition from the downtown area. This proposal reflects the consistent theme of mid-scale density that has been occurring around the periphery of the downtown. Each of the units have small backyards but will benefit from the surrounding amenities, which will encourage the efficient use of the surrounding resources. 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 May 2, 2017 Public Hearing.

### ***Deny/Refer***

Council may consider that the proposed amendments are not suitable for this site. Council may feel that the institutional land use designation on the site contributes to a broader community use and if this is the case, Council should deny the bylaw amendment. The OCP has some policies that speak to population growth and how as the population increases, the institutions that support the population will need to grow in size, both physically and in terms of the service provided. The OCP also speaks to the importance of grouping institutional use together rather than fragmenting the lands. Moreover, the OCP envisions the City working with the School Board in identifying and securing lands for school site expansion, however over recent times the School Board have been looking to reduce their facilities in the region. Staff have reservations about changing the land use from institutional, which is a public use, to a residential use. Ultimately though, the school board has indicated that they do not have an interest in the lands and the land is a privately held lot. Nevertheless, if Council feels that the lands are a valuable area for the school site expansion, they may wish to not support the OCP and zoning amendment.

### ***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 6.5 Parking Requirements Table 6.5 to reduce the number of required visitors parking stalls from 16 to 12 stalls**

As with new infill projects throughout the City, it is often difficult 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, while providing more than one parking stall for each unit. Half of the proposed units (12) will have double car garages. Staff does not consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties.

**Section 10.9.2.8 of Zoning Bylaw 2017-08 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 2.69m. The proposed development maximizes the use on the site. The proposed road dedication on Eckhardt Avenue resulted in the applicants having to shift the proposal to the south, which reduced the rear yard setback. The rear yard will still provide enough space for visitors parking, garbage/recycling facilities and landscaping buffer. Adequate landscaping and a fence will provide screening from the neighbouring properties. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on nearby properties.

**Section 4.9.1 of Zoning Bylaw 2017-08 to vary balconies projection into an interior side yard from 0.6m to 1.5m.**

The zoning bylaw states that projections up to 0.6m are allowed to accommodate desirable architectural features in any yard; the applicant is requesting that maximum increased to 1.5 m in the interior side yard to allow balconies. Given that the buildings will be setback at 4.5m, this variance will maximize the development potential of the site in a manner which is sensitive to surrounding land uses and it is supported by staff.

Given the above, staff feels that the variances requested are reasonable and recommend that Council, after hearing from any other affected neighbours, support the application.

Development Permit Area Amendment

Support

The property is not located in a development permit area under OCP Bylaw 2002-20. Staff recommends that the property be included in the General Multiple Family Development Permit Area as this is a new development. The objective of the development permit area is to produce streetscapes defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. By including the proposed development in a development permit area; staff considers that it will secure the building design for the property and retain securities for landscaping in order to protect and enhance the design of the site and character of the surrounding area.

The form and character of the development shows general consistency with the General Multiple Family Development Permit Area. The plans will need to be amended nevertheless to reflect the screening and landscaping regulations of the OCP. Supplementary screening between the residential use and the public areas in the forms of planting and fencing will be required along the south property line and west property line. The plans, as part of the eventual development permit application, will be required to substantially conform to the plans submitted as part of this rezoning application. The City's Development Procedures and Delegation Bylaw delegate the authority to issue the development permit to the Director of Development Services.

Deny

Council may feel that a development permit is not suitable for this site therefore denying the insertion of the lot under the General Multiple Family Development Permit Area of OCP Bylaw 2002-20.



**Alternate Recommendations**

Council may consider that the proposed variances are not appropriate and have the option of not supporting the proposed Zoning and Official Community Plan amendments. Further work on the project design could be completed to reduce the need for variances and Council could provide direction for the applicant to work with staff to reduce or eliminate the variances proposed.

1. THAT Council give first reading to "Zoning Amendment Bylaw No.2017-31" but deny support to "Development Variance Permit PL2017-7914" .

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D : Letter from the School District
- Attachment E Letter from the owner of the daycare
- Attachment F: Images of Subject Property
- Attachment G Cross Section of Gahan Avenue
- Attachment H Letter of Intent
- Attachment I : Elevations
- Attachment J : Renderings
- Attachment K: Site Plan
- Attachment L: DVP
- Attachment M: OCP Bylaw No. 2017-30
- Attachment N: Zoning Bylaw No. 2017-31

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

Director  <i>AT</i>	CAO  PW
---------------------------	---------------

Attachment A - Subject Property

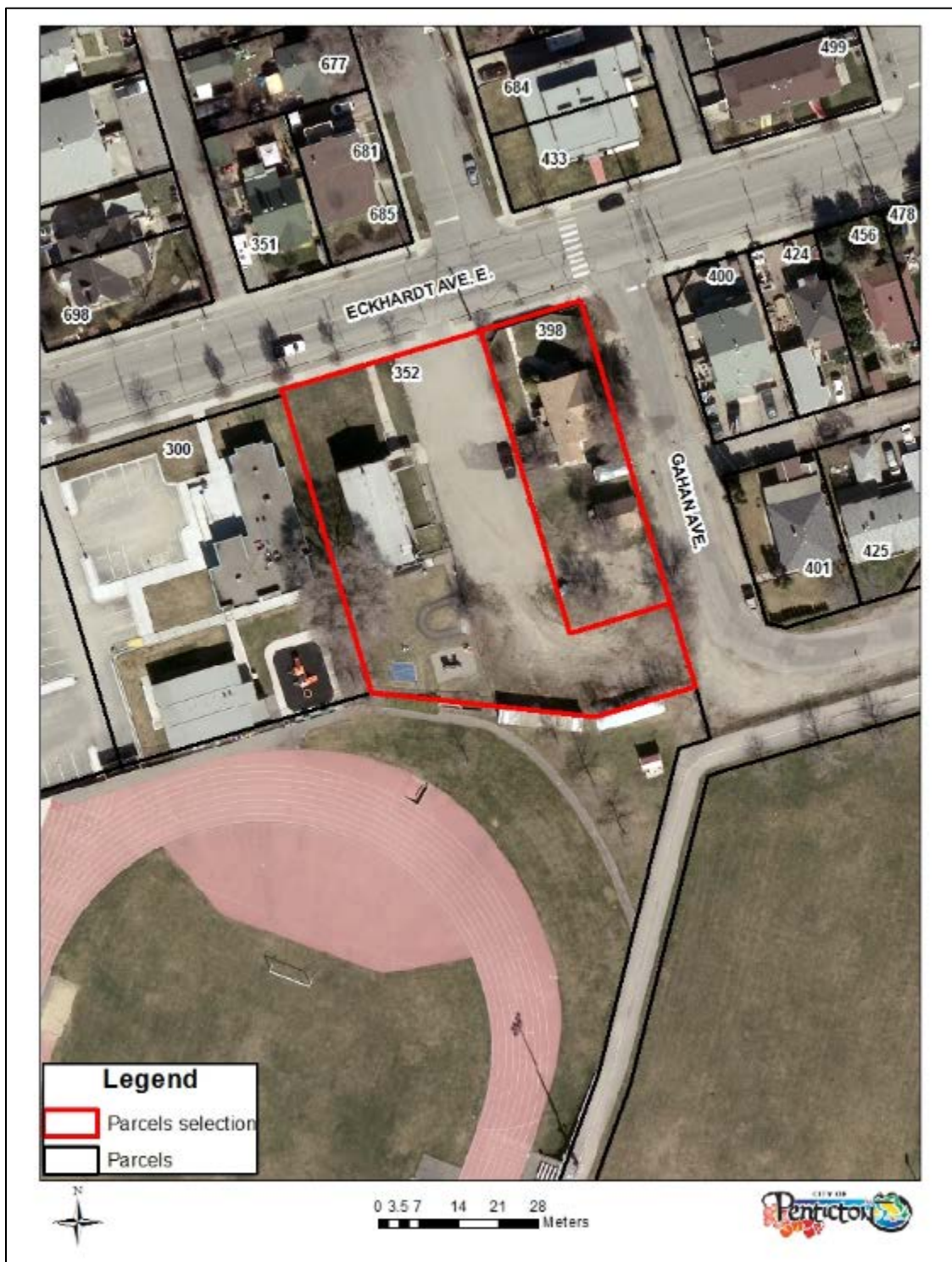


Figure 1: Location Map

Attachment B - OCP Map

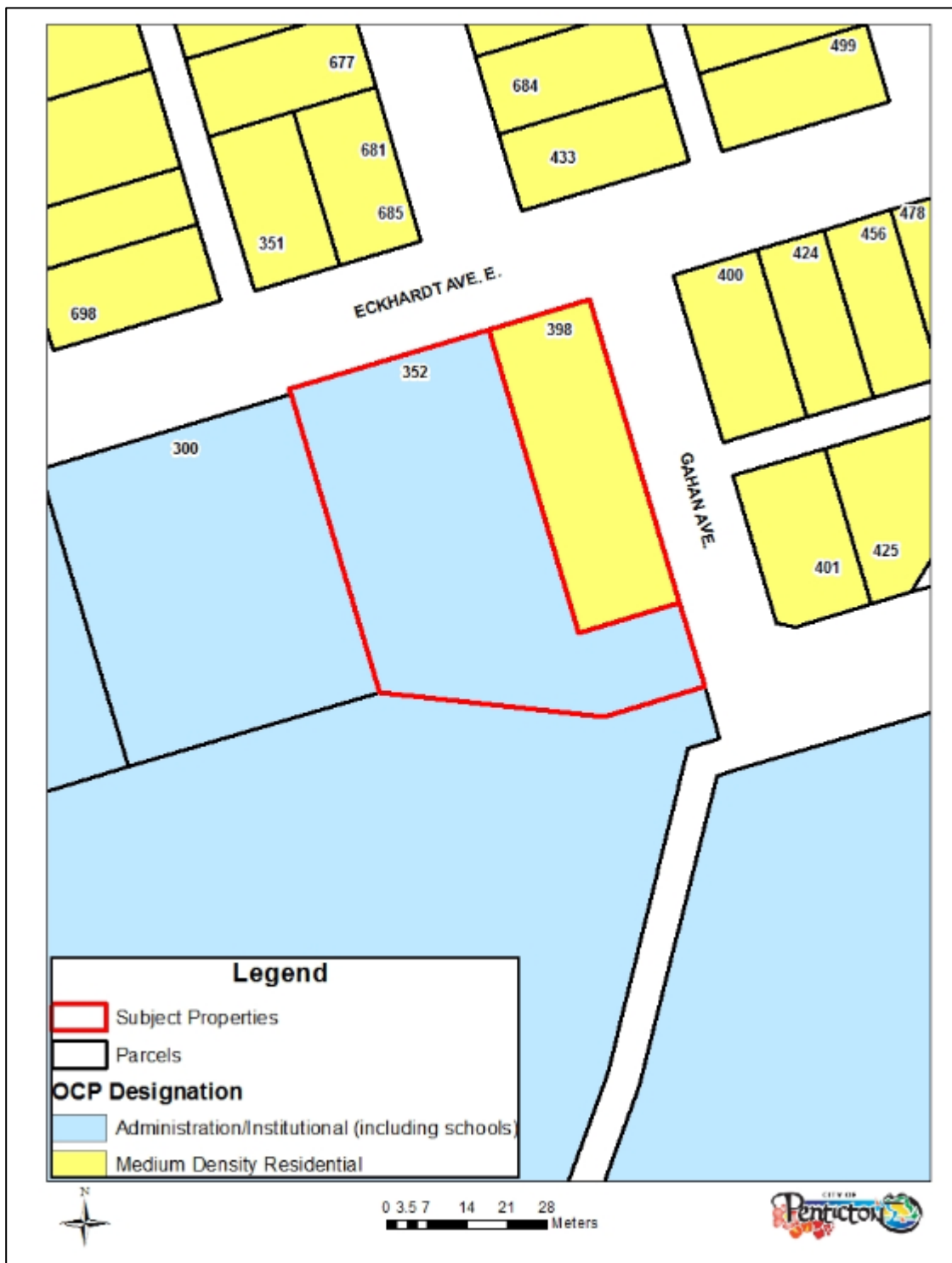


Figure 2: OCP Map

Attachment C - Zoning Map

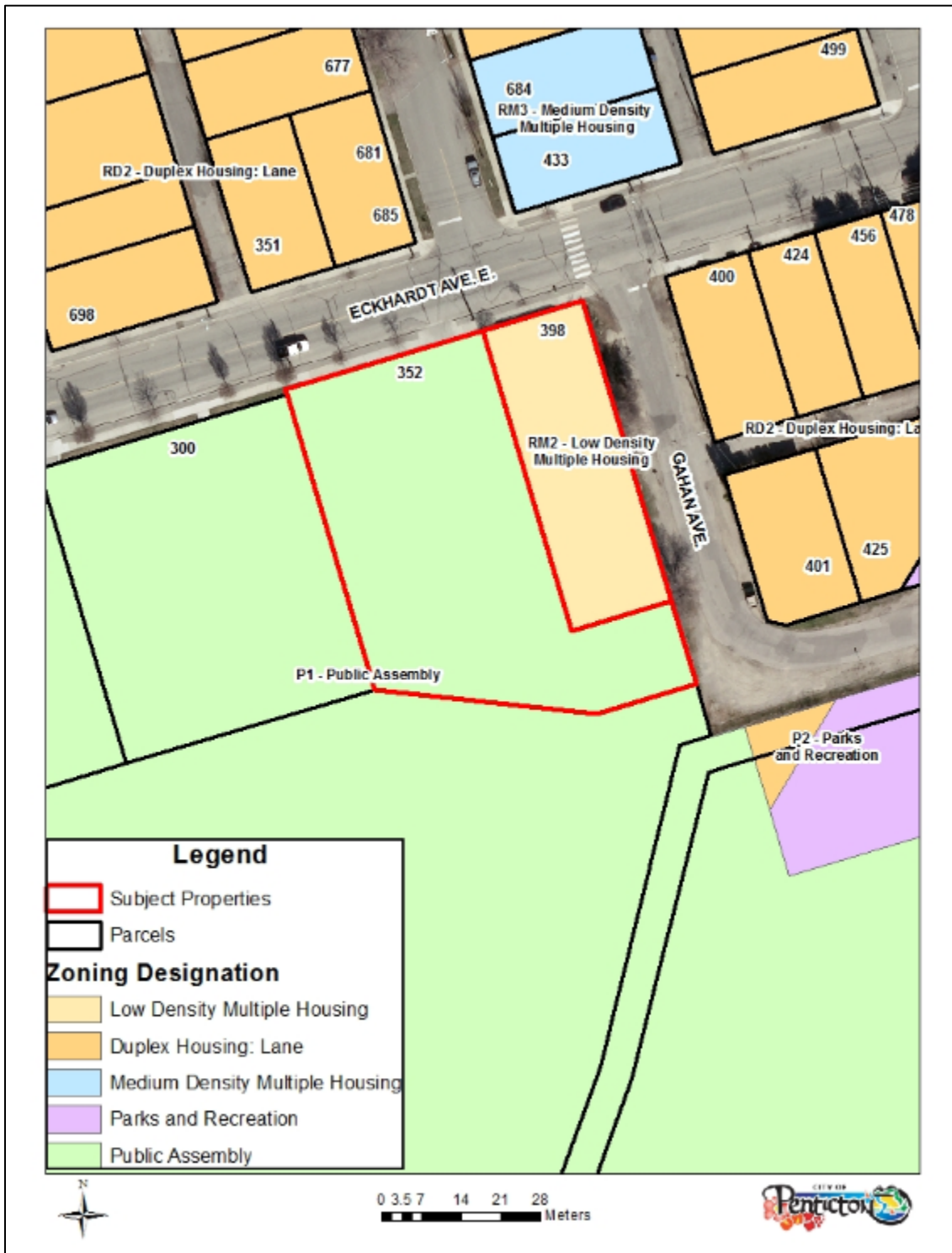


Figure 3: Zoning Map

Attachment D - Letter from the School District



**BOARD OF EDUCATION  
SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)**

425 Jermyn Avenue  
Penticton, BC, Canada V2A 1Z4

Telephone: 250-770-7700

Fax: 250-770-7722

E-mail: [lvanalphen@summer.com](mailto:lvanalphen@summer.com)

Website: [www.sd67.bc.ca](http://www.sd67.bc.ca)

Office of the Chair of the Board

File No.: 00300-01

OPR: SECTR

February 8, 2017

Schoenne Homes  
101-144 Front Street  
Penticton, BC  
V2A 1H1

Attention: Bruce Schoenne

**Re: 352 Eckhardt Avenue East, Penticton, B.C.  
Lot A, DL 202, Plan 26857, PID # 002-099-080**

On February 6, 2017 at the regular in-camera meeting, the Board of Education discussed your letter dated January 25, 2017 regarding 352 Eckhardt Avenue, Penticton, B.C.

Please be advised that the Board of Education does not foresee any future interest regarding this property.

Thank you for your due diligence in this matter.

Yours truly,

Linda Van Alphen  
Chair  
Board of Education

LVA:kk

Attachment E - Letter from the owner of the daycare

March 1, 2017

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

**Attn: Mayor and Council**

My name is Cindy Schlamp and I am the owner of Circle of Friends Daycare Ltd. current located at 352 Eckhardt Avenue. I am aware of Schoenne Homes proposed multi-family development for the subject property and I am writing in support to the development. Their proposal for a family oriented multi-family development in the downtown core and adjacent to Pen High school appears to be the best use of the property and in the best interest of the community.

I would like to say that Schoenne Homes Inc. has been very transparent of their intentions to develop the property and have helped us, and continue to help us, as we transition to a new location.

Thank you



Cindy Schlamp, Owner  
Circle of Friends Daycare Centre

Attachment F - Images of the Subject Property



Figure 4: View from Eckhardt Avenue E



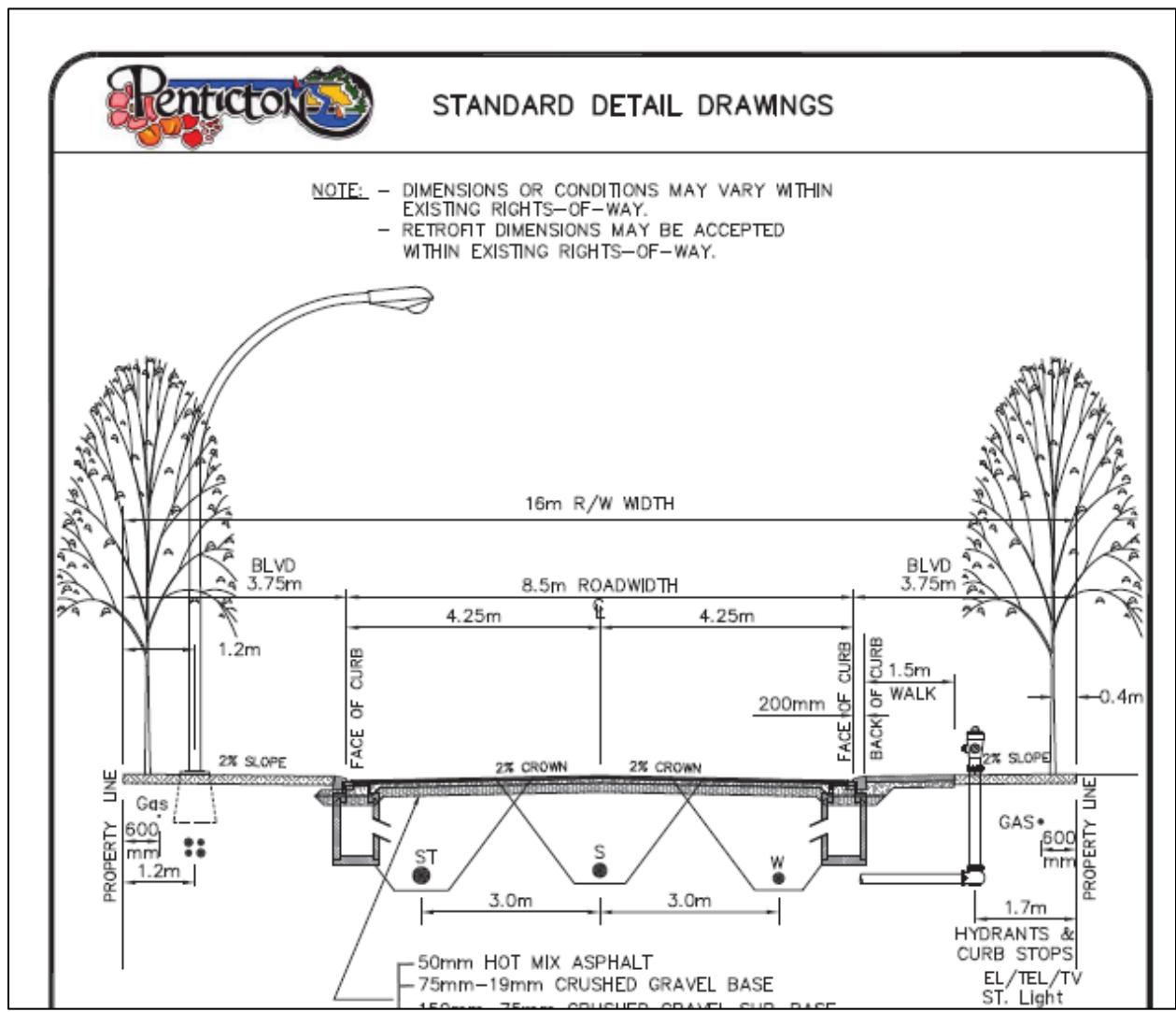
Figure 5: View at the corner of Gahan Avenue and Eckhardt Avenue



Figure 6: View at the corner of Gahan Avenue looking North



Attachment G – Cross Section of Gahan Avenue



Attachment H –Letter of Intent



April 10, 2017

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

**Attn: Audrey Tanguay, Long Range Planner**

Dear Audrey:

Re: OCP and Zoning Amendment  
352-398 Eckhardt Avenue, Penticton, BC  
Lot A, DL 202, Plan 26857 and that part of west ½ of Lot 24, Plan B4852, BLK 37, Plan 356  
PID# 002-099-080 and 012-472-573

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Schoenne Homes Inc. is pleased to bring forward for your review a 24 unit, family oriented, townhouse development proposal for our property located at 352 and 398 Eckhardt Avenue East.

As part of this development proposal we are requesting an amendment to the OCP for 398 Eckhardt Avenue (West ½ of Lot 24) from A – Administration/Institutional to Medium Density Residential. In conjunction with this amendment, we are requesting a rezoning of both 352 and 398 Eckhardt Avenue from RM2 – Low Density Residential and P1 – Public Assembly to RM3 – Medium Density Multiple Housing.

As part of our application we are requesting the following variances:

1. To reduce the required visitor parking from 6 stalls to 3 stalls. Of note is the fact that our proposal offers 36 unit parking stalls while the zoning requirement is 24. Our proposal exceeds the requirements by 12 stalls.

2. To reduce the rear yard setback from 6.0m to 2.69m and to allow for deck projection into side yard (7 units). Decks measure 2.5m x 1.52m.
3. To increase the allowable building projections into yards from 25% of wall area to a maximum of 41.2% (37.5% to 41.2%). This variance is being requested to add additional architectural interest to the buildings and the development as a whole.

Respectfully submitted



Bruce Schoenne, President  
Schoenne Homes Inc.

### Attachment I – Elevations



Figure 7: Gahan Avenue (East Elevation)



Figure 8: West Elevation (Side elevation)



Figure 9: Eckhardt Avenue (North Elevation)



Figure 10: Drive-Isle Elevation (Facing East)

Attachment J: Site Plan



Figure 11: Site Plan

Attachment K: DVP



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

## Development Variance Permit

Permit Number: DVP PL2017-7914

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
**Legal:** Lot A, District Lot 202, Similkameen Division Yale District Plan 26857 and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356  
**Civic:** 352 and 398 Eckhardt Avenue E  
**PID:** 002-099-080, 012-472-573
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 as shown in the plan attached in Schedule "A":
  - **Section 6.5. To reduce the visitor parking requirement for a townhouse development from 6 stalls to 3 stalls**
  - **Section 10.9.2.8 To reduce the rear yard setback from 6m to 2.69m**
  - **Section 5.11.1 To increase balconies projection from 0.6m to 1.5m in an interior side yard**

### General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the

building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the     day of     , 2017

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

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



Bylaw No. 2017-30

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 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. 2017-30."

2. Amendment:

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

- 2.1 Amend Schedule 'B' Future Land Use designation for Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, identified in Schedule A of this bylaw, from I (Institutional) to MR (Medium Density Residential).
2.2 Amend Schedule 'H' General Multiple Development Permit Area to include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West 1/2 of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E, identified in Schedule A of this bylaw.
2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this 18 day of April, 2017
A PUBLIC HEARING was held this day of , 2017
READ A SECOND time this day of , 2017
READ A THIRD time this day of , 2017
ADOPTED this day of , 2017

Notice of intention to proceed with this bylaw was published on the 21 of April, 2017 and the 26 of April, 2017 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend the OCP designation of 352 Eckhardt Ave E from I (Institutional) to MR (Medium Density Residential)

Include 398 & 352 Eckhardt Ave E in the General Multiple Development Permit Area Schedule "H"



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-30

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

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

**Bylaw No. 2017-31**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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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 2017-08;

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. 2017-31".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E, from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	18	day of	April, 2017
A PUBLIC HEARING was held this	2	day of	May, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 21 day of April, 2017 and the 26 day of April, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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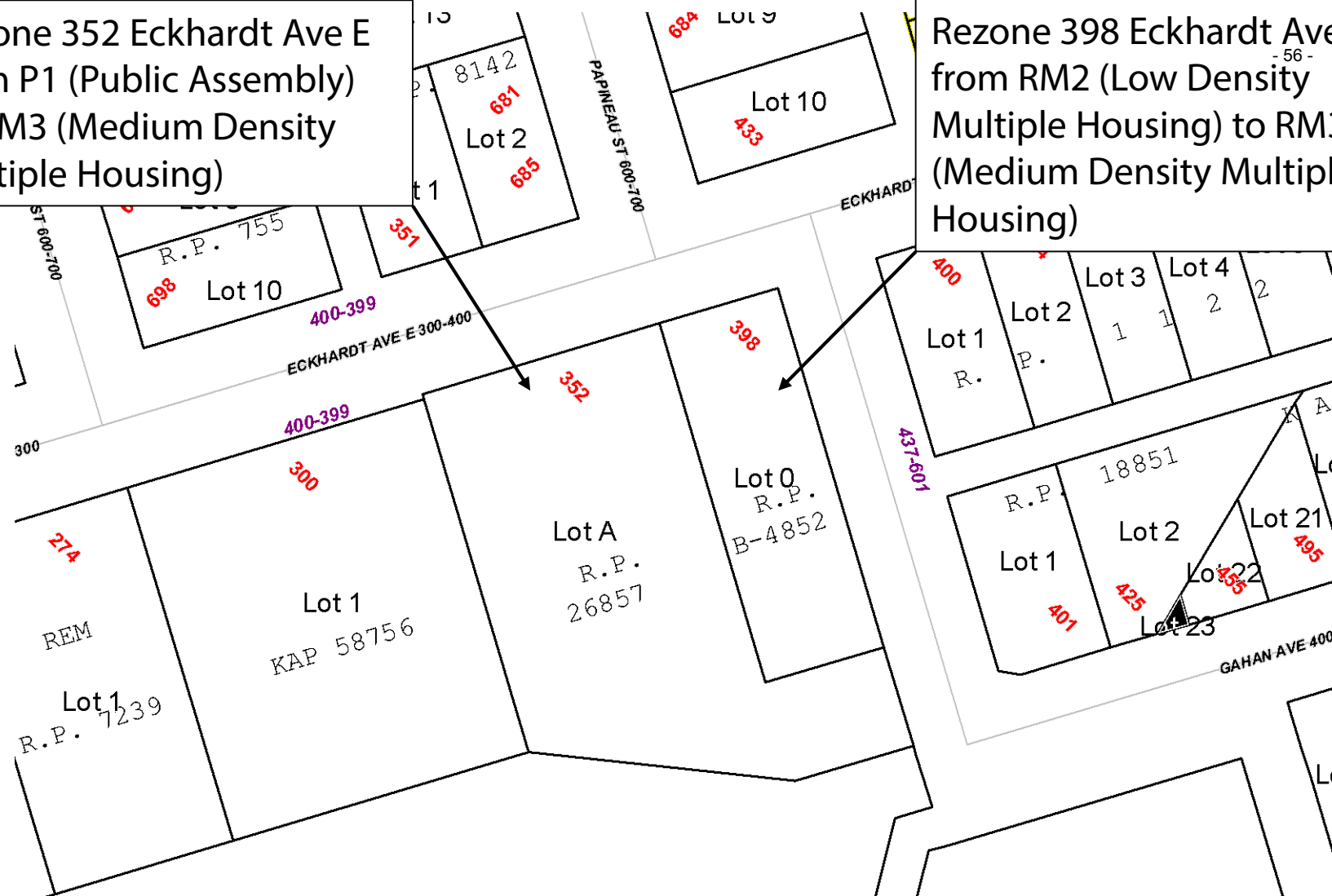
Andrew Jakubeit, Mayor

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Dana Schmidt, Corporate Officer

Rezone 352 Eckhardt Ave E from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing)

Rezone 398 Eckhardt Ave E from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-31

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

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

**From:** Public Hearings  
**Subject:** 352 & 398 Eckhardt Avenue West

**From:** Stephen Paholek  
**Sent:** April-24-17 11:15 AM  
**To:** Public Hearings  
**Subject:** 352 & 398 Eckhardt Avenue West

Good Afternoon Mr. Laven,

I just wanted to send a quick letter of support with regards to the proposed project at 352 and 398 Eckhardt Avenue that I understand is going before City Council on May 2<sup>nd</sup> of this year. I think it will be a wonderful addition to the downtown core and wanted to express my feelings as such.

Kind Regards,

Stephen Paholek

11242 57 Street  
Edmonton, AB  
T5W 3T9

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**From:** Dru Davids  
**Sent:** April-24-17 3:05 PM  
**To:** Public Hearings  
**Subject:** New development - 352, 398 Eckhardt Ave West

Good afternoon,

Just a quick note to provide my support for the proposed new development at 352 and 398 Eckhardt Avenue in downtown Penticton. I am extremely excited about this beautiful new property and think it'll be a great addition to the downtown core.

Sincerely,

Dru Davids  
11242 57 Street  
Edmonton AB T5W 3T9  
780 908 5747