

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

Tuesday, July 18, 2017
at 6:00 p.m.

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-38”** 1-26
- CO Reads Opening Statement and Introduction of Bylaws
“Zoning Amendment Bylaw No. 2017-38” (1498 Leir Street)
Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, from R1 (Large Lot Residential) to C1 (Commercial Transition).

The applicant is proposing to construct a 2 storey medical building with vehicle access from the lane off of Carmi Avenue.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, July 7, 2017 and Wednesday, July 12, 2017 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, July 12, 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. 2017-38” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **“Official Community Plan Amendment Bylaw No. 2017-39”** 27-28

CO Reads Opening Statement and Introduction of Bylaws

“Official Community Plan Amendment Bylaw No. 2017-39” (1498 Leir Street)

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

Amend Schedule ‘H’ Development Permit Area Map to include Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street in the General Tourist Commercial Development Permit Area.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, July 7, 2017 and Wednesday, July 12, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the OCP Amendment (as of noon Wednesday, July 12, 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 “Official Community Plan Amendment Bylaw No. 2017-39” is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2017-45"** 29-48

CO Reads Opening Statement and Introduction of Bylaw

"Zoning Amendment Bylaw No. 2017-45" (730 Kamloops Avenue)

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

Rezone Lot 2, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 8381 from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

The applicant is proposing to subdivide 730 Kamloops Avenue into two lots and construct a side-by-side duplex on each lot.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, July 7, 2017 and Wednesday, July 12, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, July 12, 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. 2017-45" is terminated and no new information can be received on this matter.

4. Mayor Calls Public Hearing to Order for **“Official Community Plan Amendment Bylaw No. 2017-46”** 49-78

CO Reads Opening Statement and Introduction of Bylaw

“Official Community Plan Amendment Bylaw No. 2017-46” (103, 111, 117, 123 Front Street)

Purpose: To amend Official Community Plan Bylaw 2002-20 as follows:

Amend Section 2.1.2 The Downtown and Urban Villages to include “A five storey high density format would be an option in the Downtown Commercial (DC) designated area of 103, 111, 117 and 123 Front Street.”

The applicant is proposing to construct a five storey mixed use, multi-storey building consisting of 20,000 square feet of commercial office space and 16 residential units. The building will be four storeys in height at Front Street rising to five storeys along the back lane.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, July 7, 2017 and Wednesday, July 12, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the OCP Amendment (as of noon Wednesday, July 12, 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. 2017-46” is terminated and no new information can be received on this matter.

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

Tuesday, May 23, 2017
at 1:00 p.m.

Resolutions

- 15.7 Zoning Amendment Bylaw No. 2017-38
Official Community Plan Amendment Bylaw No. 2017-39
DVP PL2017-7900
Re: 1498 Leir Street

331/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-38", a bylaw to amend Zoning Bylaw No. 2017-08 to rezone Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, from R1 (Large Lot Residential) to C1 (Commercial Transition) be introduced, read a first time and be forwarded to the June 6, 2017 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2017-7900" for Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, a permit to reduce the required parking from 11 stalls to 4 stalls and, to reduce the minimum distance from the driveway to the flanking street curb from 10 metres to 7 metres, be heard at the June 6, 2017 Public Hearing;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-39" being a bylaw to include Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, in the General Tourist Commercial Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20 be introduced, read a first time and forwarded to the June 6, 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7900" following the adoption of "Zoning Amendment Bylaw No. 2017-38".

CARRIED UNANIMOUSLY

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

Tuesday, June 6, 2017
at 1:00 p.m.

Resolutions

- 14.5 Zoning Amendment Bylaw No. 2017-38
Official Community Plan Amendment Bylaw No. 2017-39
DVP PL2017-7900
Re: 1498 Leir Street

348/2017

It was MOVED and SECONDED

THAT Council refer Zoning Amendment Bylaw No. 2017-38 to staff to work with the developer to address concerns raised at the June 6, 2017 Public Hearing.

CARRIED

Councillors Konanz and Picton, Opposed

349/2017

It was MOVED and SECONDED

THAT Council refer OCP Amendment Bylaw No. 2017-39 and DVP PL2017-7900 to staff to work with the developer to address concerns raised at the June 6, 2017 Public Hearing.

CARRIED

Councillors Konanz and Picton, Opposed

Public Hearing Report

penticton.ca

Date: July 18, 2017 File No: RZ PL 2017-7899 & DVP PL7900
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 1498 Leir Street

**Subject: Zoning Amendment Bylaw No. 2017-38 & OCP Amendment Bylaw No. 2017-39
Development Variance Permit PL2017-7900**

Staff Recommendation

Zoning Amendment Bylaw

THAT Council consider giving second and third reading and adoption of "Zoning Amendment Bylaw 2017-38" following the July 18th Public Hearing.

OCP

THAT Council consider second and third reading and adoption of "Official Community Plan Amendment Bylaw No. 2017-39" following the July 18th Public Hearing.

Development Variance Permit

THAT Council consider "DVP PL2017-7900" following the adoption of "Zoning Amendment Bylaw No. 2017-38".

Strategic priority objective

This application meets the strategic pillars of creating a sustainable and livable city, through increasing small scale commercial activities where existing services already exist, and in areas close to transit, institutional uses and employment centers.

Background

City Council, in June 2017, gave first reading to a bylaw to rezone the subject property (Attachment 'A') to C1 (Commercial Transition) to construct a medical building on the subject property. During the Public Hearing for the zoning amendment bylaw, several members of the public attended to petition against the project, noting a number of concerns with the proposed development. Council referred the application back to staff with instructions that staff work with the developer to address concerns raised at the June 6, 2017 Public Hearing.

The main concerns that were identified at the June 6th, Public Hearing included:

- Inadequate parking on-site;
- The building did not seem to be fronting Leir Street;
- The development not fitting in with the residence next door and
- Traffic concerns, specifically in the lane.

With this direction in mind the developer's architect revised the plans taking the neighbourhood's concerns into consideration.

Public Open House – June 21, 2017

A Public Open House was held on June 21th at the Leir House, 220 Manor Park Avenue, from 4 PM to 6:30 PM to present the revised drawings to the neighbourhood. The meeting was well attended, with approximately 15 attendees, mostly from neighbourhood residents. Staff attended the meeting as well to provide information on the process. Again the majority of the discussion was focused on traffic and parking. The overall tone of the meeting was positive towards the changes made by the architect to increase parking and to scale the proposed building to the scale of other built structures in the area.

Feedback on the revised plans was collected from the attendees and further revisions have been made (Attachment 'G'). The developer feels that they have responded well to the concerns of the neighbourhood and have created plans for a building that has suitability with the surrounding area and which will be a positive addition to the neighbourhood.

The major change to the plans includes the provision of additional on-site parking, which removes the need for a parking variance.

Proposal

The applicant intends to build a new two storey 304m² medical building. The development is intended for two doctors and 2-3 support staff. The vehicular access to this building is from the lane directly perpendicular to Carmi Avenue and now includes 7 stalls (5 allocated to patients and 2 allocated to staff). The applicant is now requesting that a new Public Hearing be held and that the zoning bylaw be subsequently considered by Council. The applicant is also asking that a development variance permit be issued.

The applicant is requesting an amendment to the zoning of the property from R1 (Large Lot Residential) to C1 (Commercial Transition), as identified in Zoning Bylaw 2017-08.

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

- Section 5.3. Table 5.2 – To reduce the minimum width of the landscape buffer abutting a residential zone from 1.5m to 0m along the parking area

Last, the applicant is also seeking to vary the following sections of Subdivision and Development Bylaw 2004-81: Schedule "G" 12.0 – Driveways/Crossovers Section 12.7 Driveways to corner lots must be located a minimum 10m where the flanking street is classified a collector and Section 12.8 Driveways must be a minimum of 0.5m from a property line

Project Specifications

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

Item	Requirement C1 Zone	Provided on Plans
Maximum Lot Coverage:	40%	26%
Vehicle Parking:	1 per 30m ² Total: 10 stalls	Total: 7 stalls 2 cash in-lieu(\$12,000) 5 additional Class 1 biking stalls
Bicycle Parking	Class 1: 3 Class 2: 3	8stalls 3 stalls
Required Setbacks Principal Building		
Front yard	3.0m	3m
Rear yard	6.0m	14.6m
Interior Side yard	1.5m	1.5m
Exterior side yard	4.5m	4.5m
Maximum Building Height:	10.5m	7.5(2 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 building permit application.

Financial implication

N/A

Analysis

Support Zoning amendment

The future land use of the subject property is designated as LR (Low Density Residential) by the City’s Official Community Plan (OCP). The proposed C1 (Commercial Transitional) zone fits within the scope of the LR

designation. The project meets several policies listed in the OCP with respect to small scale neighborhood commercial uses, including:

- Maximum commercial lot area of 2000m²: The subject property is 607m² and is considerably under the maximum size permitted for a commercial property in the LR (Low Density Residential) designation of the OCP.
- Commercial use is located on a collector road and on an intersection: The property is located at the intersection of Carmi Avenue and Leir Street. Carmi Avenue is an urban collector road therefore the intent of this guideline is met. It is noted that the property is also located in vicinity of Penticton Regional Hospital.
- Provides screening along a property line that abuts residentially zoned areas: Privacy screening in the form of wood slat screen has been added along the north property line to reduce any detrimental externalities from the commercial use of the property with the residential neighborhood property. Staff is also proposing to include this property into a development permit area which will then secure appropriate landscaping and screening for the site.
- The size, scale and scope of the proposed use are compatible with the character of the area: The updated building placement and parking layout have been modified to meet the apprehensions raised by neighbors. The proposed building has been set to maintain the street line with the existing residential building to the north. The roof line of the building has been modified to minimize the bearings on the adjacent property. Vehicular access is proposed off the lane to reduce any impacts a drive isle from Leir Street would be creating in this neighborhood and also due to the fact that most properties on Leir Street have access from the rear lane. Staff still feels that the character of the neighborhood will not change significantly as the hospital and other medical buildings are directly across the street and alterations have been made to the design. The commercial building will provide a buffer from the busy Carmi Street.
- The proposed use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on the adjacent residential uses: Concerns were raised regarding additional traffic on the rear lane. Most vehicles will likely come from Carmi Avenue and will be exiting on Carmi Avenue as this is the last property of the block. Staff feel that the impacts are negligible given that the proposed use of the property is a medical building. Doctor's offices usually have daytime hours Monday to Friday and will not generate additional traffic in the evening and week end.

Given that the proposed zone is in-line with the OCP land use designation for the property, staff recommend that Council support the application and forward it to the July 18th, Public Hearing for further input from the surrounding neighbourhood and public. The revised plans submitted in support of the rezoning application show that the proposed development meets the guidelines for small scale commercial uses in the LR (Low Density Residential) designation. Development variance permit, however, will be necessary to accommodate the construction of the medical building. Details regarding the variances are spoken to below.

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 residential use. 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

The developer and architect have worked diligently addressing the neighbors' concerns. And in this case, the variances proposed as part of the revised drawings, are relatively minor and the designer has worked to respond to the neighbor's concerns to bring forward a well-designed building that will, in staff's opinion, fit in well with other development in the neighbourhood. The proposed variances are as follows:

Section 5.3. Table 5.2 To reduce the minimum width of the landscape buffer abutting a residential zone from 1.5m to 0m along the parking area

In the original application to Council, the developers were proposing to reduce the number of required parking stalls by accommodating the prerequisite parking across the street on a different lot. The neighbouring property owners were not in support of the variance request. The developer has made alterations to the plans to increase the number of parking stalls from 4 to 7 stalls by pulling the building forward, closer to Leir Street, and also added a 6 meter drive isle to the parking area. To accommodate the required parking, the landscape buffer needs to be decreased to allow for the required parking dimensions. The proposed variance pertains to the rear property where the parking area is being proposed. Landscaping along the building and the north property will be necessary. Screening is being proposed with a wood slat screening wall. The parking stalls are proposed adjacent to the neighbour's garage. Staff feel that the reduction in the landscape buffer is a good compromise to allow the development to increase the amount of parking on site.

Schedule "G", Section 400 part 12.7 of Subdivision & Development Bylaw where driveways must be located a minimum 10m to the face of curb where the flanking street is classified collector

This variance was also included in the original proposal. Subdivision and Development Bylaw 2004-81 requires that any driveway located on a corner lot be located a minimum of 7metres or 10 metres from the face of the curb to the adjoining street, based on the classification of the side street. In this case Carmi Avenue is classified as a collector hence in accordance with the bylaw the minimum distance is 10 metres. The developer is looking to decrease the requirement from 10m to 7m. This requirement was developed to provide appropriate distance for vehicles turning corners to observe and react to vehicles using the driveways. It is the opinion of Staff that, in this instance, there is limited justification to increase the minimum distance from 7.0 metres. While there is increased traffic on Carmi Avenue, due to the road being a collector, the impact of this is offset through a combination of the existing traffic calming and the reduced speed limit present during school hours.

Subdivision and Development bylaw 2004-81 also requires that driveways must be a minimum of 0.5m from a property line. This requirement was developed to provide appropriate distance between the vehicle and the neighboring property. In this case it is the opinion of Staff that this requirement can be reduced on the north property boundary. This is based on the benefit that the additional parking this variance will bring. The

negative impact of moving the parking closer to the boundary will be offset by the 100% visual barrier of the fence and that the parking requiring the variance is located at the rear of the property. To improve the safety of the parking stalls, the installation of wheel stops will be required.

Given the above, staff are recommending that Council supports DVP PL7900 and direct staff to issue the permit upon adoption of the associated bylaws.

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 Tourist Commercial Development Permit Area as this is a new development. The objective of the development permit area is to produce streetscape 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 into a development permit area; staff considers that it will secure the building design for the property as well retaining securities for landscaping and screening. A landscape design plan prepared by a landscape professional will need to be submitted along with the design for the signage for the new proposed medical building. This is a staff issuable Development Permit and will not require Council approval.

Deny

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

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Letter from Interior Health
- Attachment F: Letter of Intent
- Attachment G: Building Rendering
- Attachment H: Site Plan
- Attachment I: DVP
- Attachment J: Zoning Amendment Bylaw No.2017-38 & OCP Amendment Bylaw No. 2017-39

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Director <i>AH</i>	CAO PW
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Approvals

Attachment A – Subject Property



Figure 1: Location Map

Attachment B - OCP Maps



Figure 2: Current OCP Map

Attachment C - Zoning Maps



Figure 3: Current Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Leir Street



Figure 5: View from Lane



Figure 6: View from Carmi Avenue

Attachment F –Letter of Rationale and proposed changes

Landform Architecture Ltd.

Chris Allan, Architect AIBC

306-301 Main Street
Penticton, BC V2A 2E7
CANADA
t: 250-276-4106
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www.landformadb.com

Letter of Intent

June 23, 2017

**Revised Rezoning Application
1498 Leir Street**

Dear City of Penticton Mayor and Council,

This Letter of Intent accompanies a rezoning application for 1498 Leir Street, and provides an overview of the proposed project for your understanding and consideration. The proposal is to provide a two story medical office on the corner of Leir Street and Carmi Avenue. The Official Community Plan supports the conversion of properties along major roads in low density residential zones to commercial use, particularly for low impact uses such as doctor's offices.

June 6, 2017 Public Hearing

The application was originally submitted for rezoning in February of 2017, and was presented to council for first reading on May 23. The staff recommendation was for approval, and council voted unanimously to approve first reading. At the following public hearing, several residents of the neighbourhood spoke about the problems the neighbourhood is experiencing with parking overflow from the hospital. Despite the existence of resident only parking, and the presence of a public parking lot across Carmi, it was felt that the requested variance to parking requirements from 9 stalls to 4 stalls would only exacerbate the parking issues in the neighbourhood. Council voted to refer the rezoning back to staff, to address the concerns that were raised.

Revised Application

Based on the comments which were presented at the public hearing, and further discussions with staff, we have made several changes to the original application:

- lot plan has been revised to increase the available parking from 4 stalls to 7 stalls. The proponent will pay cash in lieu for the remaining 2 required stalls
- the request for a variance on parking is therefore withdrawn
- the building has been moved closer to Leir street, an entry canopy added, and bicycle parking moved to the Leir street entry, to strengthen the reading of Leir Street as the front of the building
- upper level exit door has been relocated from the interior side yard to the rear yard, to maintain privacy for the neighbour to the north
- privacy screening has been added along the north property line
- coloured renderings have been developed to better communicate the design intent, and refine the design to integrate with the existing neighbourhood

No. of Pages (including this page): 2

Conclusion

A public meeting was held at the Leir House on June 21st to present these changes to the community. It was well attended, with 19 local residents engaging in spirited discussions with the applicant, Dr. Moshaver, as well as City staff and our design team. The full presentation from the public meeting is included in this revised application. While it is not possible for one small development to solve all of the parking problems created by Interior Health, the feeling in the room was that the community's concerns had been heard, and that the revised application would be a good addition to the neighbourhood.

A handwritten signature in black ink, appearing to read 'CA' followed by a long horizontal stroke.

Chris Allen, Architect AIBC

No. of Pages (including this page): 2

Changes since June 6 Public Hearing:

Original Rezoning Application

4 stalls on site

variance to bylaw parking requirement

front entry on Leir, but perception expressed at public hearing that "Carmi looked like the front"

upper exit door into side yard

Revised Application

7 stalls on site, 2 stalls cash in lieu

project meets bylaw requirements for parking

building moved closer to Leir street, low roof canopy and signage added at front door, bicycle parking moved to front door

upper exit door relocated to open into parking area at rear yard

Features that have never changed:

Official Community Plan

Bylaw 2002-20

"consider the conversion of existing homes located along major roads to other uses, such as commercial or institutional"

"locate along a collector road"

"locate on a road intersection site"

Response

property is located along Carmi Avenue, and provides a buffer to the residential neighbourhood

Carmi Avenue is designated as a collector road, and includes bus routes and dedicated taxi stands

project is on a road intersection, with recently improved traffic bulges and crosswalk

8.0 SUMMARY

Attachment G – Building Rendering and Floor Plans



5.0 FORM + CHARACTER

The south facade of the building is largely glass. It is protected from the summer sun by a series of perforated aluminum fins that passively block out sun in summer months but allow it into the building in the winter. The other three sides have far fewer windows to respect neighbours' privacy.

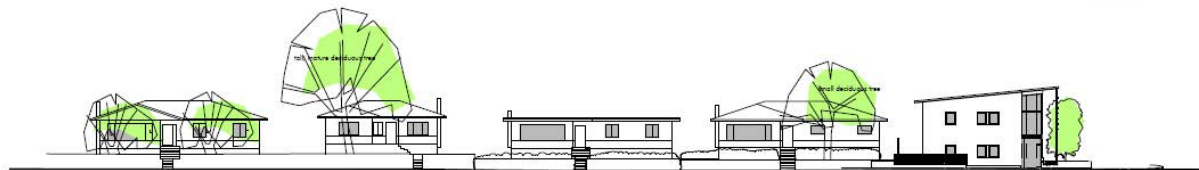
Figure 7: Street level view



6.0 PARKING

The updated building placement and parking layout allows for seven parking stalls: five to the north property line (right side of image) for clients and visitors; two to the south property line (left side of image) for staff.

Figure 8: View from the lane



4.0 NEIGHBOURHOOD SCALE

The roofline is low towards the residential neighbourhood, and slopes up towards the hospital across the street. The existing concrete wall along Leir is retained and used as a design element to guide users to the front doors.

Figure 9: view from Leir Street

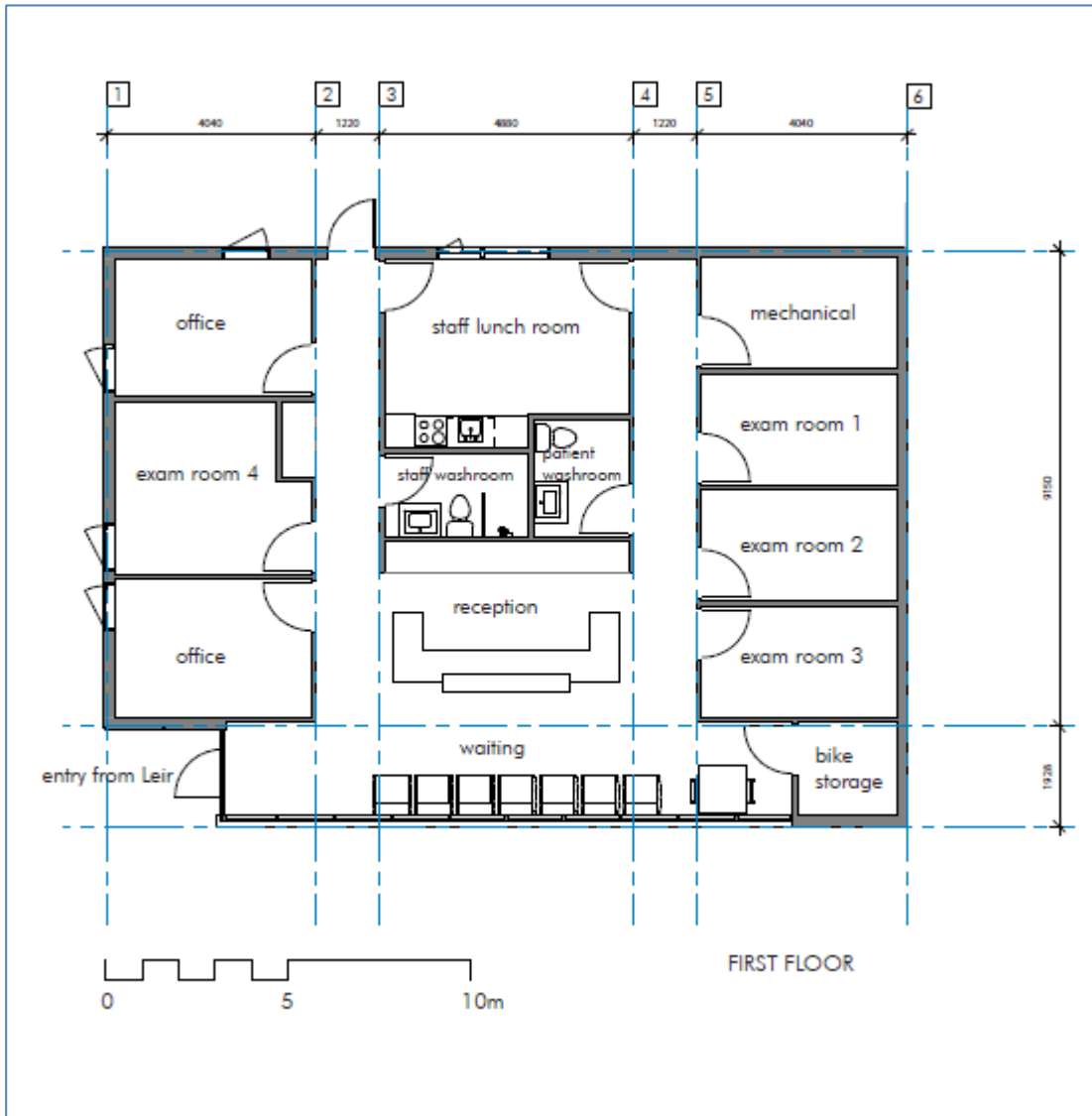


Figure 10: Lower Floor Plan

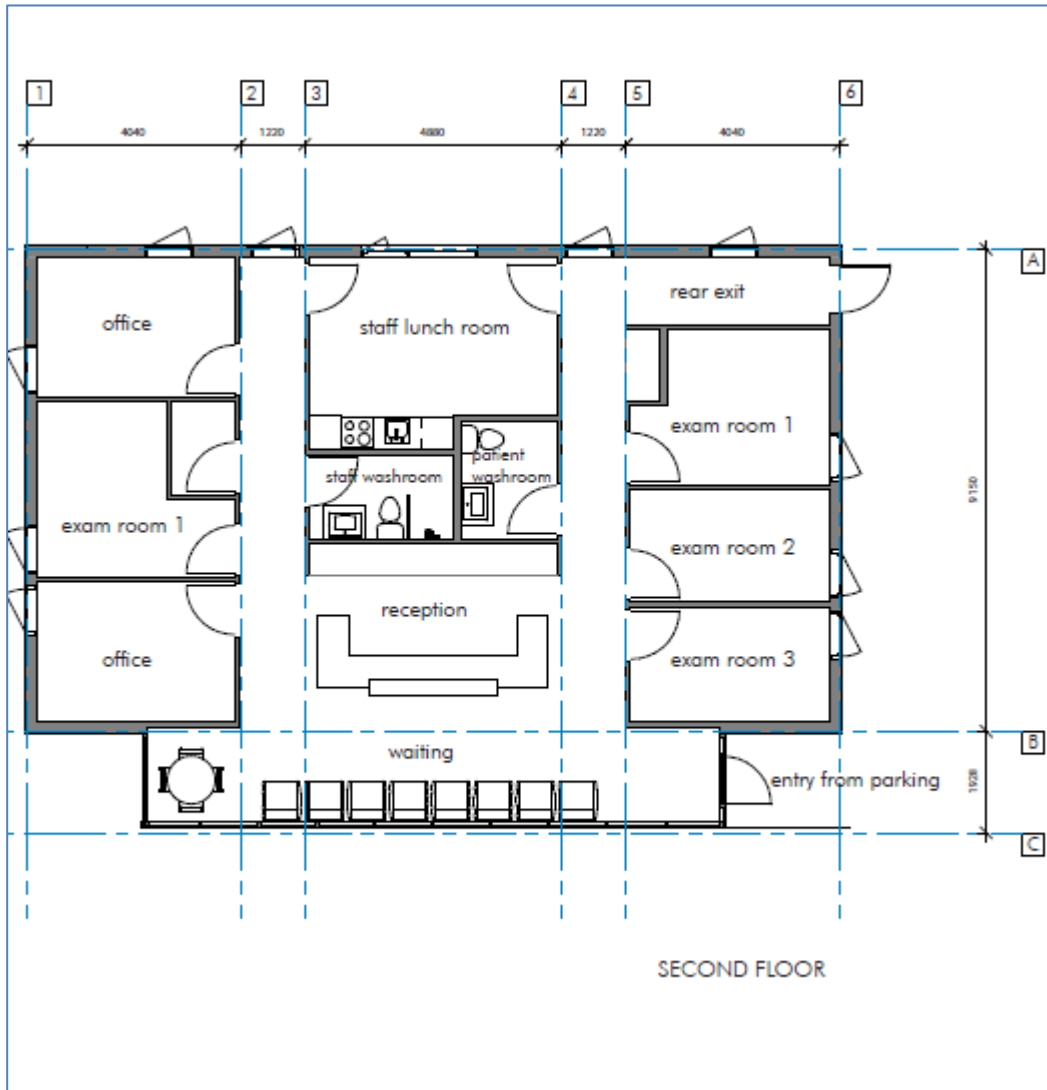


Figure 11: Upper Floor Plan

Attachment H: Site Plan

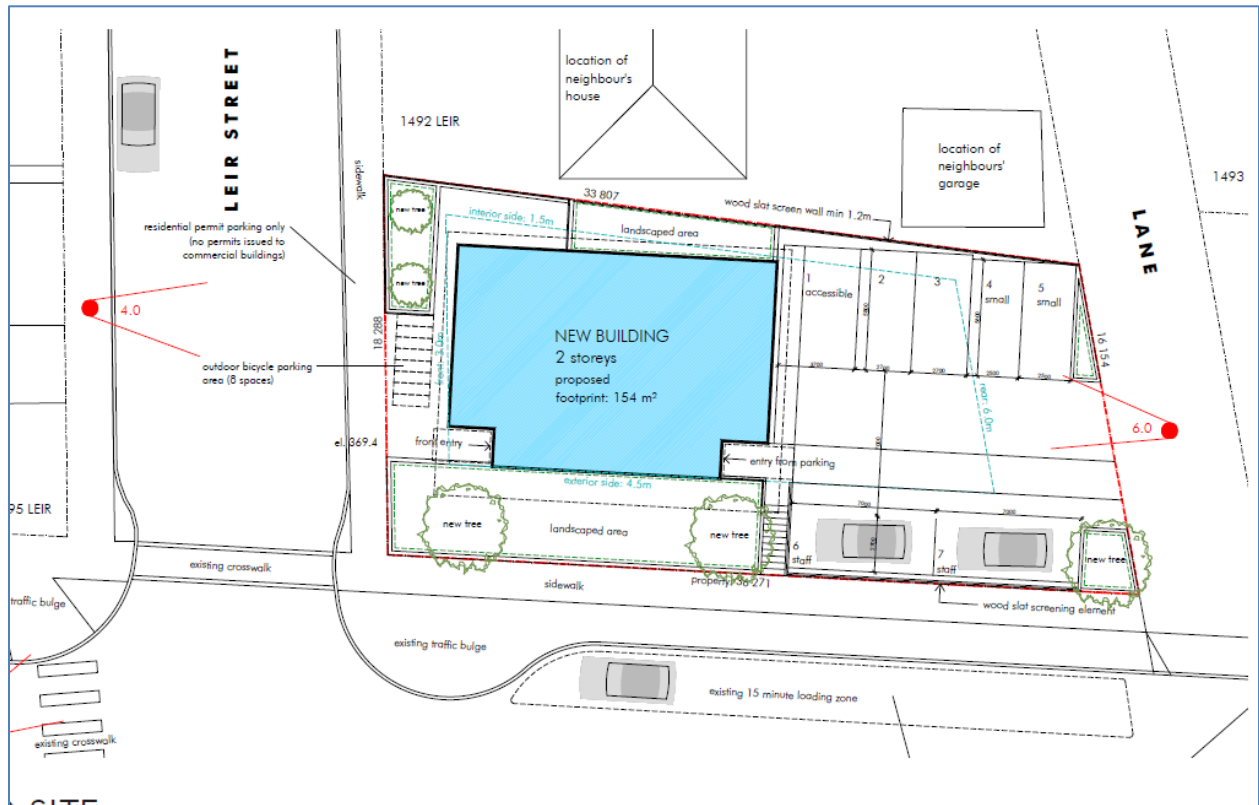


Figure 12: Proposed Site Plan(New)

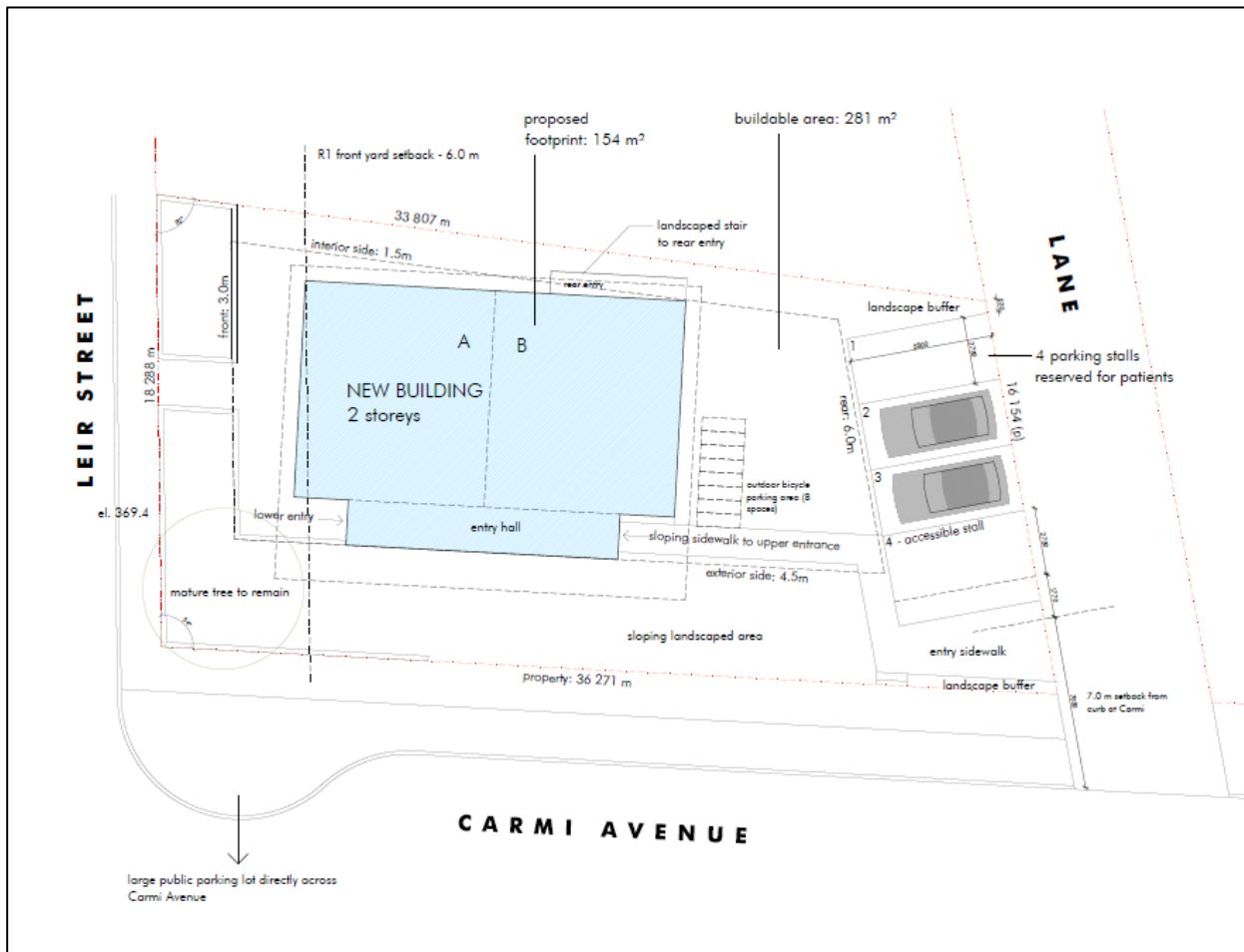


Figure 13: Original Site Plan

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 PL2017-7900

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 3, District Lot 250, Similkameen Division Yale District, Plan 8818
Civic: 1498 Leir Street,
PID: 009-784-845
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning bylaw 2017-08:

- **Section 5.3. Table 5.2** To reduce the minimum width of the landscape buffer abutting a residential zone from 1.5m to 0m along the parking area

And to vary the following section of Subdivision and Development Bylaw 2004-81:

- **Schedule "G" 12.0 Driveways/Crossovers Section 12.7 Driveways to corner lots must be located a minimum 10m where the flanking street is classified a collector and Section 12.8 Driveways must be a minimum of 0.5m from a property line**

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

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-38

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. 2017-38".

2. **Amendment:**

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

Rezone Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818 located at 1498 Leir Street, from R1 (Large Lot Residential) to C1 (Commercial Transition).

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

READ A FIRST time this	23	day of	May, 2017
A PUBLIC HEARING was held this	6	day of	June, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

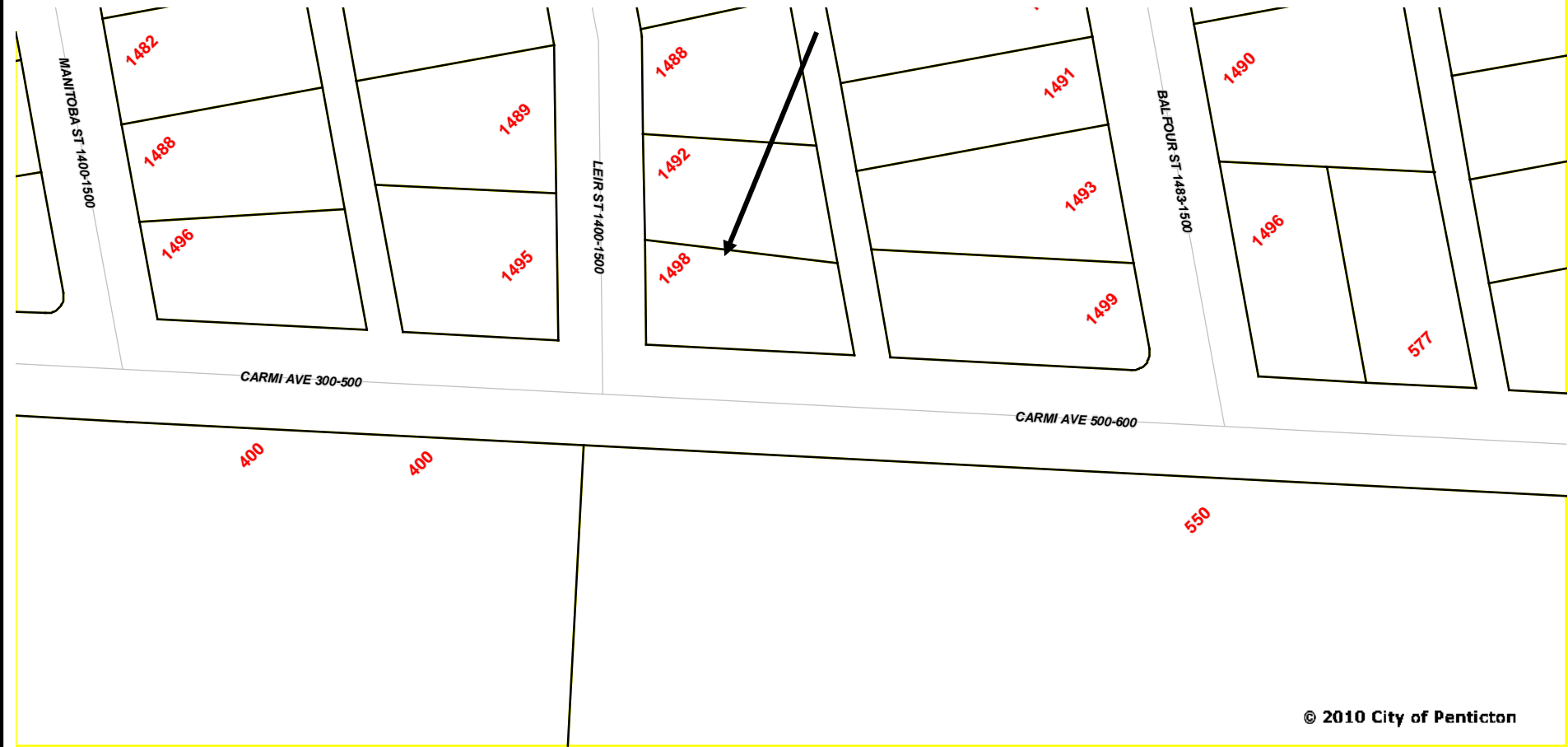
Notice of intention to proceed with this bylaw was published on the 26 day of May, 2017 and the 31 day of May, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 1498 Leir Street

From R1 (Large Lot Residential) To C1 (Commercial Transition)



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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-38

Date: _____

Corporate Officer: _____

Bylaw No. 2017-39

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. 2017-39."

2. **Amendment:**

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

2.1 Amend Schedule 'H' Development Permit Area Map to include Lot 3, District Lot 250, Similkameen Division Yale District, Plan 8818, located at 1498 Leir Street, as General/Tourist Commercial, identified in Schedule A of this bylaw.

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

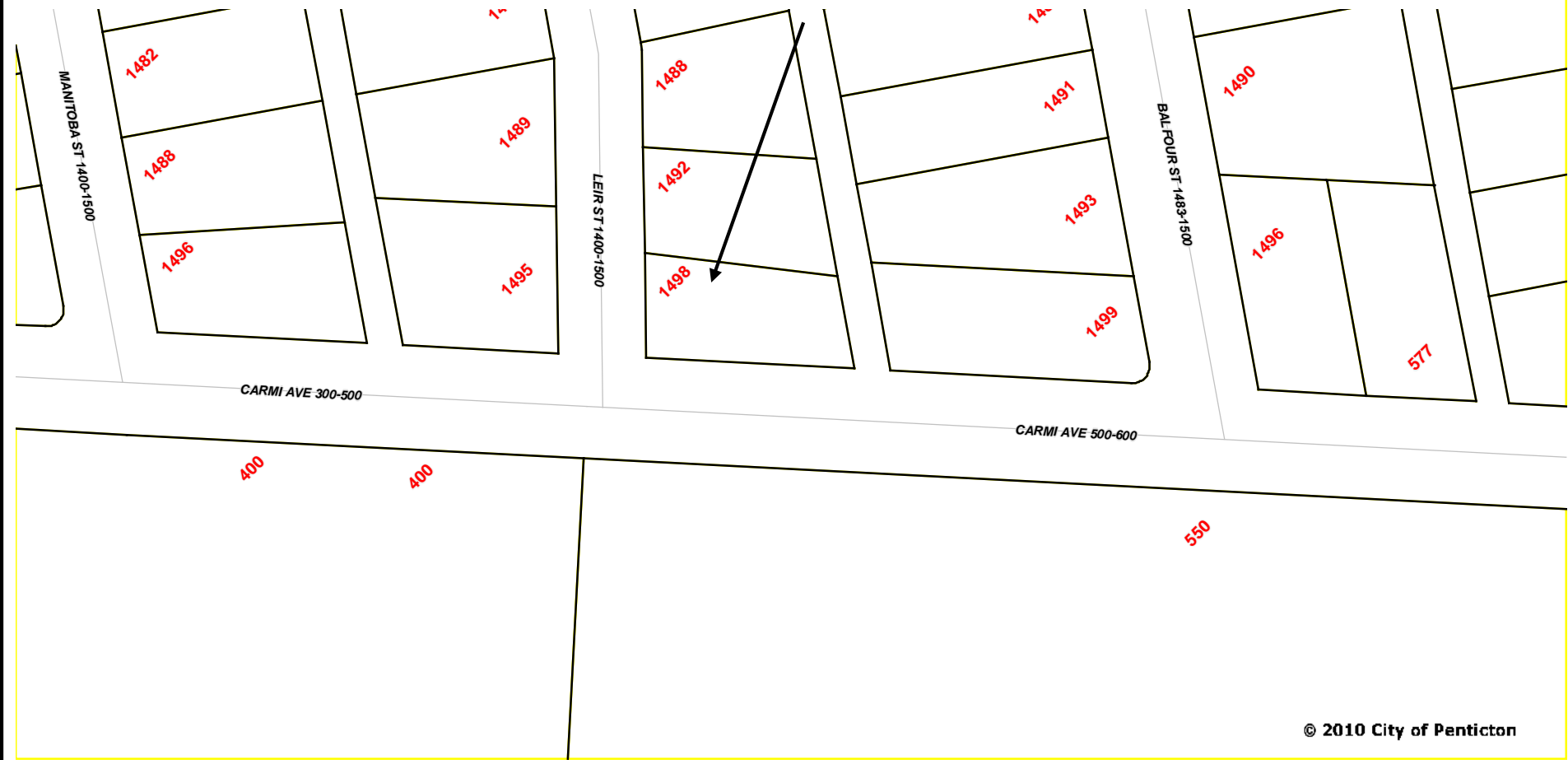
READ A FIRST time this	23	day of	May, 2017
A PUBLIC HEARING was held this	6	day of	June, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 26 of May, 2017 and the 31 of May, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend Schedule 'H' Development Permit Area Map to designate 1498 Leir Street as General/Tourist Commercial



© 2010 City of Penticton

City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-39

Date: _____

Corporate Officer: _____

- 29 -

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

Tuesday, July 4, 2017
at 1:00 p.m.

Resolutions

14. Land Matters

- 14.2 Zoning Amendment Bylaw No. 2017-45
DVP PL2017-7938
Re: 730 Kamloops Avenue

391/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-45," being a bylaw to rezone Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the July 18, 2017 Public Hearing; THAT delegations and submissions for "Development Variance Permit PL2017-7938" for Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue, a permit to decrease to minimum rear yard from 6.0m to 3.5m, be heard at the July 18, 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7938" following the adoption of "Zoning Amendment Bylaw No. 2017-45".

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: July 4, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 730 Kamloops Avenue

File Nos: RZ PL2017-7937
& DVP PL2017-7938

**Subject: Zoning Amendment Bylaw No. 2017-45
Development Variance Permit PL2017-7938**

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-45," being a bylaw to rezone Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the July 18, 2017 Public Hearing;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-7938" for Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue, a permit to decrease to minimum rear yard from 6.0m to 3.5m, be heard at the July 18, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7938" following the adoption of "Zoning Amendment Bylaw No. 2017-45".

Strategic Priority Objective

N/A

Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and is designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are incorporated as Attachment D. The site is 586m² (6307ft²) in area and presently features a single detached dwelling. The surrounding area is a mixture of single family dwellings, duplexes and townhomes. All the properties along Kamloops Avenue are designated Medium Density Residential (MR) in the OCP. Housing in this neighbourhood is slowly being replaced with more compact forms of development.

Proposal

The developer intends to demolish the existing single family house, subdivide the property in half, and build a side-by-side duplex on each of the two lots. Each of the four units is estimated to have an approximate floor area of 123 m² (1,325 ft²). Council recently supported a similar proposal for the property to the west (750 Kamloops Avenue). The difference is that the current proposal is for two duplexes instead of three.

The applicant is requesting that the subject property be rezoned from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) to accommodate the proposal.

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

- Section 10.6.2.8.i: To decrease the minimum rear yard for a principal building from 6.0m to 3.5m.

Project Specifications

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

Item	Requirement RD2 Zoning	Proposed Lot 1	Proposed Lot 2
Minimum Lot Size:	275m ²	293m ²	293m ²
Minimum Lot Width	9.1m	12.19m	12.19m
Maximum Lot Coverage:	40%	39.5%	39.5%
Maximum Density:	0.95 FAR	0.79 FAR	0.79 FAR
Vehicle Parking:	1 per unit	1 per unit (2 total)	1 per unit (2 total)
Required Setbacks			
Front yard (north):	4.5m	6.0m	6.0m
Interior yard (east):	1.5m	1.5m	1.5m
Interior yard (west):	1.5m	1.5m	1.5m
Rear yard (south):	6.0m	3.5m (Variance Required)	3.5m (Variance Required)
Maximum Building Height:	10.5m	7.4m	7.4m
Other Information:	The property is in the Downtown Multiple Family Development Permit Area and a development permit will be required.		

Financial Implication

Approval of the subject proposal will allow for the increase in property value substantially, replacing an older single family house with 4 new strata units. This increase in land value will have a positive impact on the City's tax base.

Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Frontage upgrades including curb and sidewalk and servicing requirements have been identified and will be included as part of the subdivision. Sidewalk was required along the road frontage for the duplexes at 750 Kamloops Avenue and will be a requirement for the current proposal, at the developer's expense. The sidewalks will connect and improve walkability and street appeal. The sanitary main will need to be extended to the property in order to service the newly created lot. The approximate cost for the sanitary main extension is \$12,500. These items have been communicated to the applicant.

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw 2017-45"

Staff considers that rezoning the lot from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) to enable this development is an appropriate use of the land for the following reasons:

- A duplex is a permitted use under the Medium Density (MR) OCP 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 and townhouses, this application encourages a mixed range of housing, types, tenures and densities;
- The plan supports residential intensification near commercial activities and institutional facilities (for example, Okanagan College) and supports densification in areas where existing services can accommodate higher densities; and
- The proposed duplexes will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community.

Given the above, staff find adequate policy to support the proposal to rezone the subject property from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and recommend that Council support the zoning amendment bylaw and forward it to the July 18, 2017 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that duplex development is not suitable for this site and the developer should conform to the existing zoning. If that is the case, Council should deny first reading of the amendment bylaw. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Development Variance Permit

Support Variance

When considering a variance to a City bylaw, staff encourages Council to be mindful of any constraint on the property that makes following the bylaw difficult; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 10.6.2.8.i: To decrease the minimum rear yard for a principal building from 6.0m to 3.5m.

- The applicant is requesting a reduction of the rear yard setback from 6.0m to 3.5m. Since there is no lane, on-site parking must be accessed from Kamloops Avenue. To accommodate the parking, the front setback is 6.0m instead of the required 4.5m minimum. By reducing the rear yard setback, a functional layout, design and use of the site results. Council recently approved the same variance for the neighbouring duplexes at 750 Kamloops Avenue and has approved several variances reducing rear yard setbacks. As shown on the landscape plan in Attachment G, the applicant is proposing to construct a 6' high privacy fence along the south property line along with trees to limit the impacts of a reduced rear yard on the townhouses to the south. Figure 6 & 7 show the backyard of the current residence and the proximity to the townhouses. The townhouses have rear fences which will act as additional screening. The proposed duplexes will be two storeys in height, which will match the height of the neighboring townhouses which sit at approximately 6.0m from the joint property line.

Deny/Refer

Should Council consider that the proposed variance represents a negative impact on the residential character of the area, it should deny the Development Variance Permit. Alternatively, Council may refer the application back to staff with further instructions.

Alternate Recommendations

1. THAT Council gives first reading to "Zoning Amendment Bylaw No. 2017-45" but deny support for "Development Variance Permit PL2017-7938".

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Landscape Plan
- Attachment H: Letter of Intent
- Attachment I: DVP PL2017-7938
- Attachment J: Zoning Amendment Bylaw No. 2017-45

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
<i>AH</i>	<i>PN</i>

Attachment A - Subject Property Location Map



Figure 1: Location Map

Attachment B - OCP Map

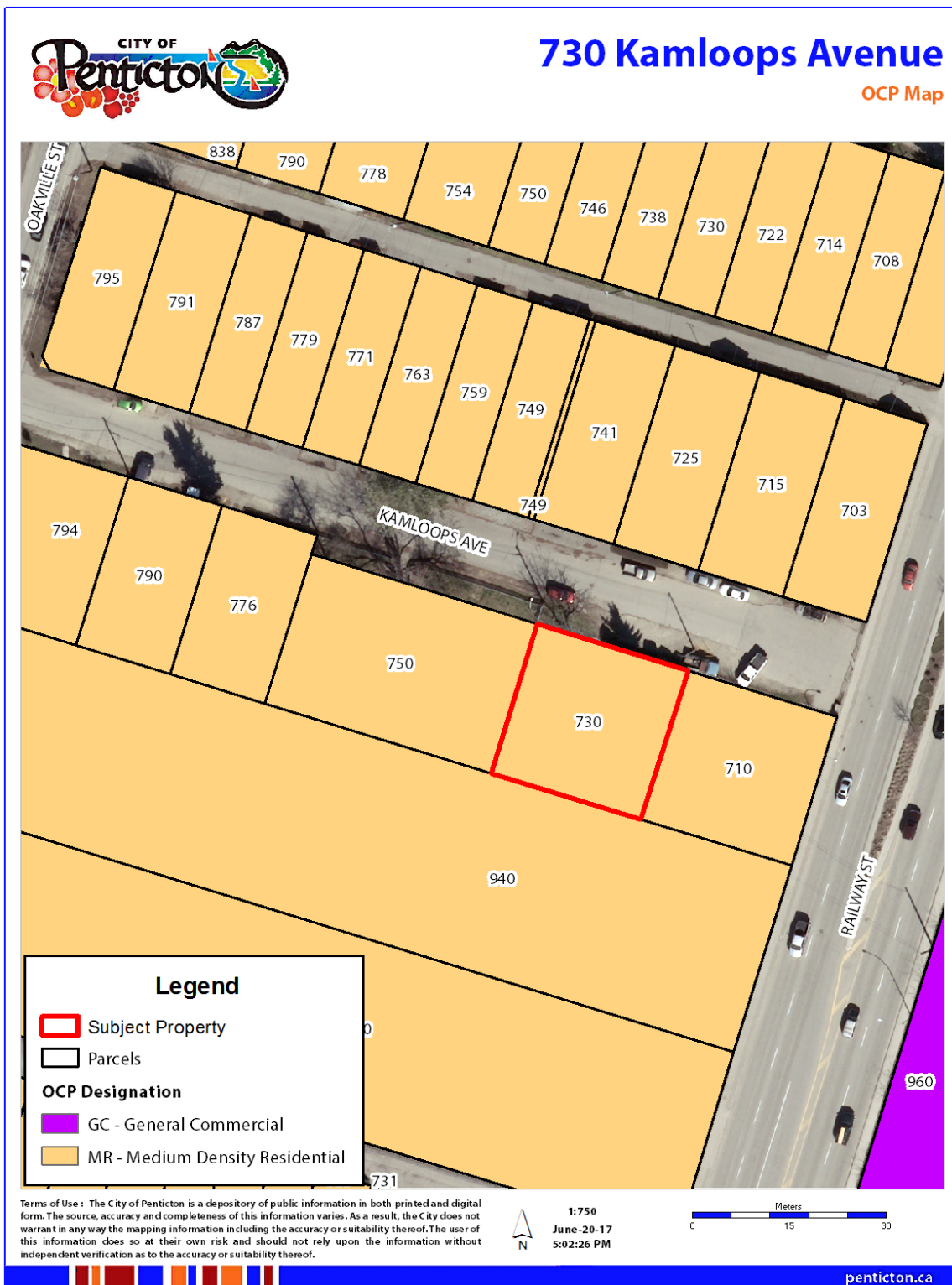


Figure 2: OCP Map

Attachment C - Zoning Map

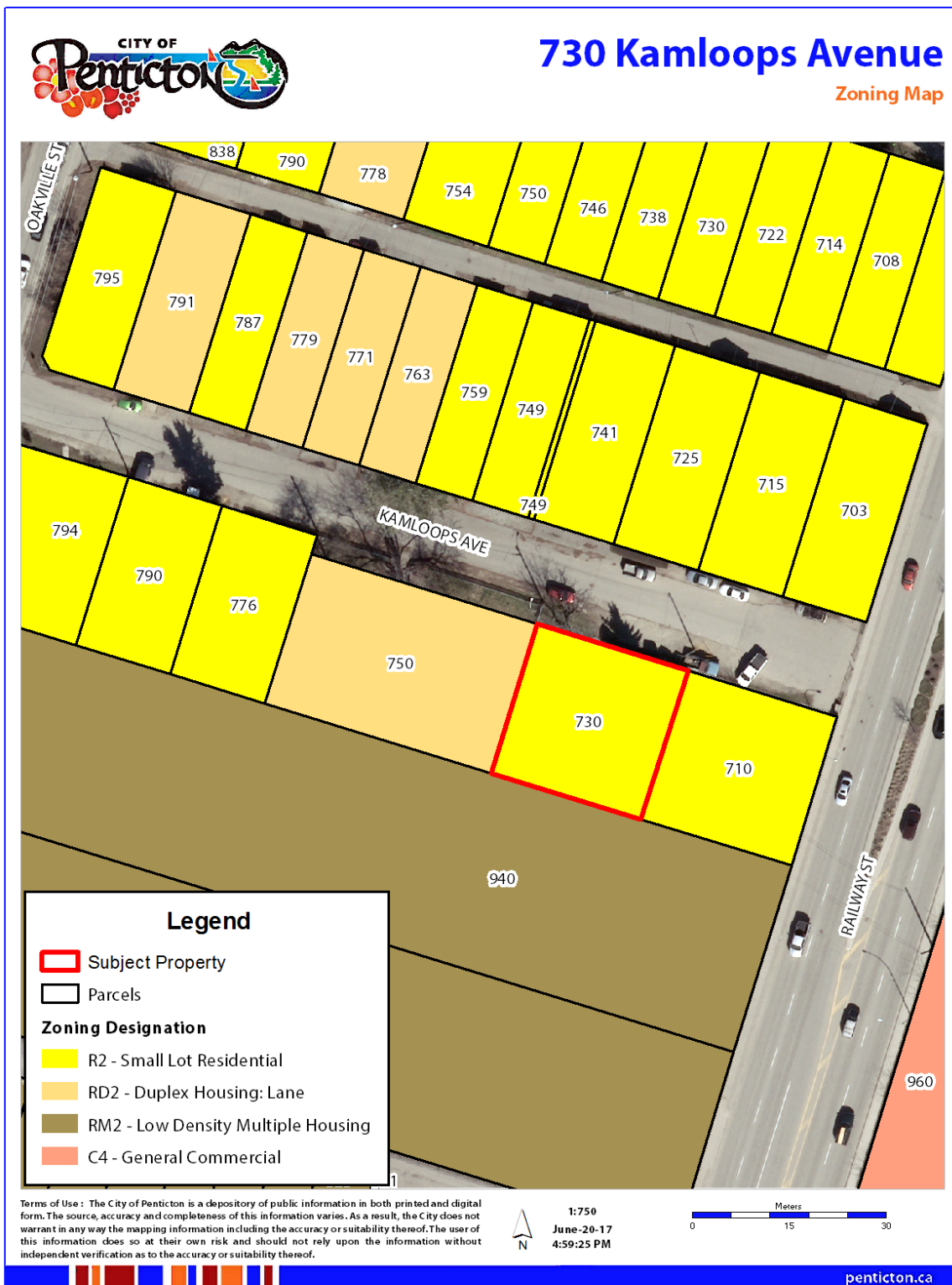


Figure 3: Zoning Map

Attachment D - Photos of Subject Property



Figure 4: View from Kamloops Avenue (looking South)



Figure 5: View from Kamloops Avenue (looking South East)



Figure 6: Rear Yard of subject property (looking South West)



Figure 7: Rear Yard of Subject Property (looking South East)

Attachment E – Site Plan

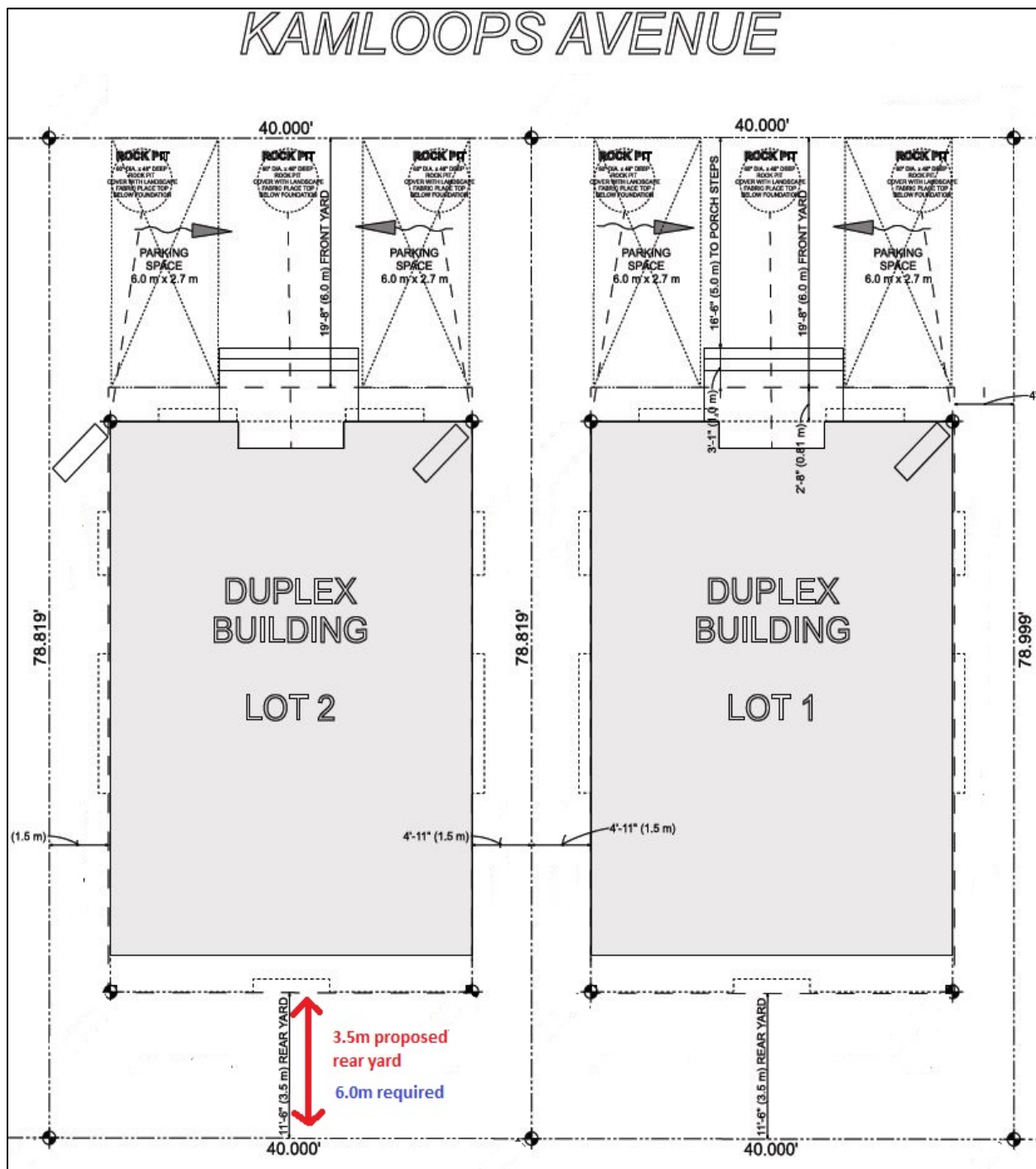


Figure 8: Site Plan

Attachment F – Elevations

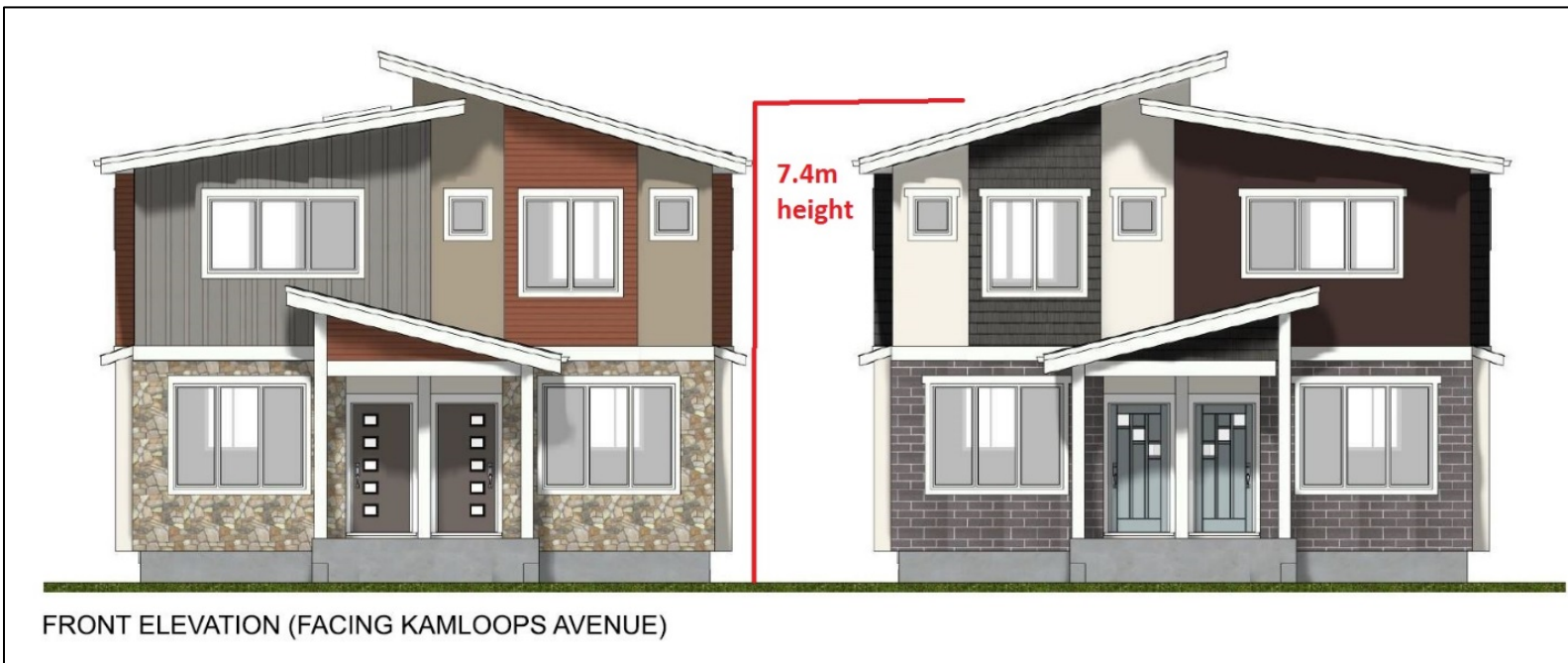


Figure 9: North Elevation

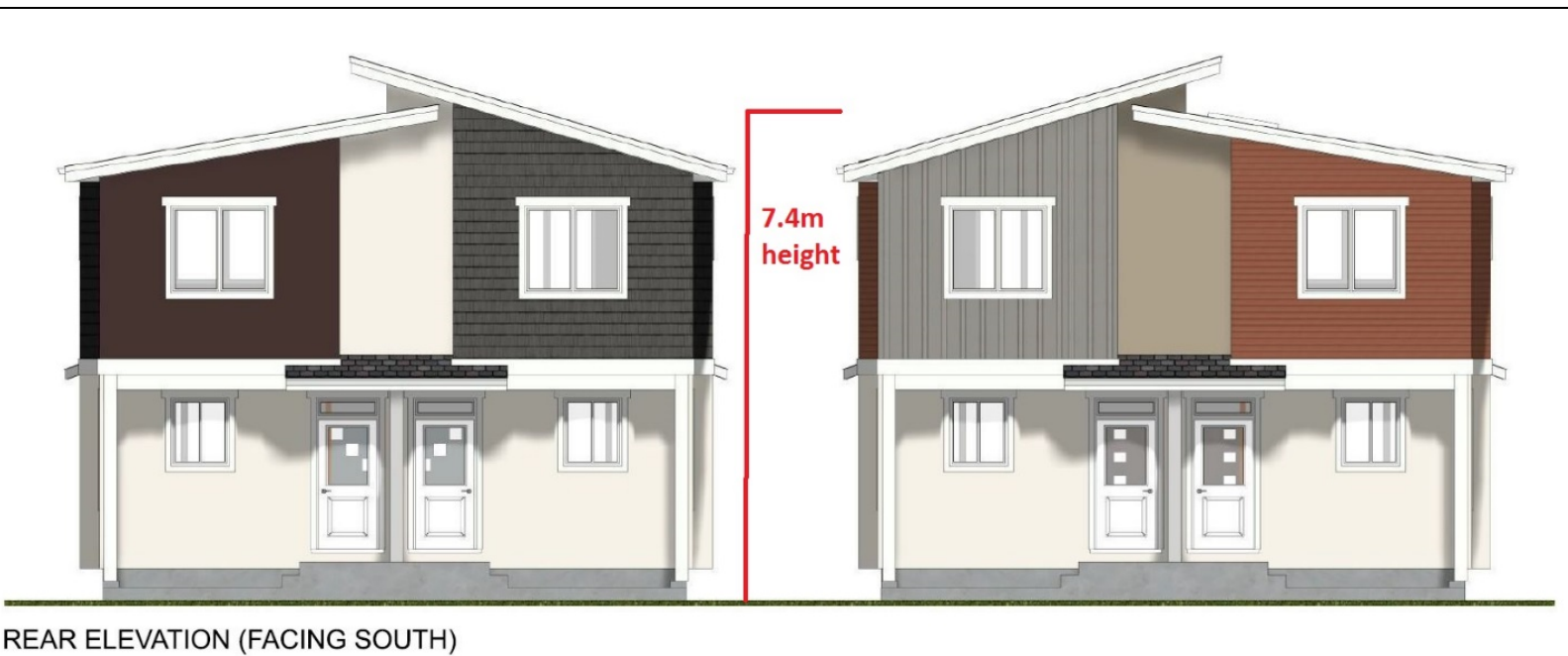


Figure 10: South Elevation

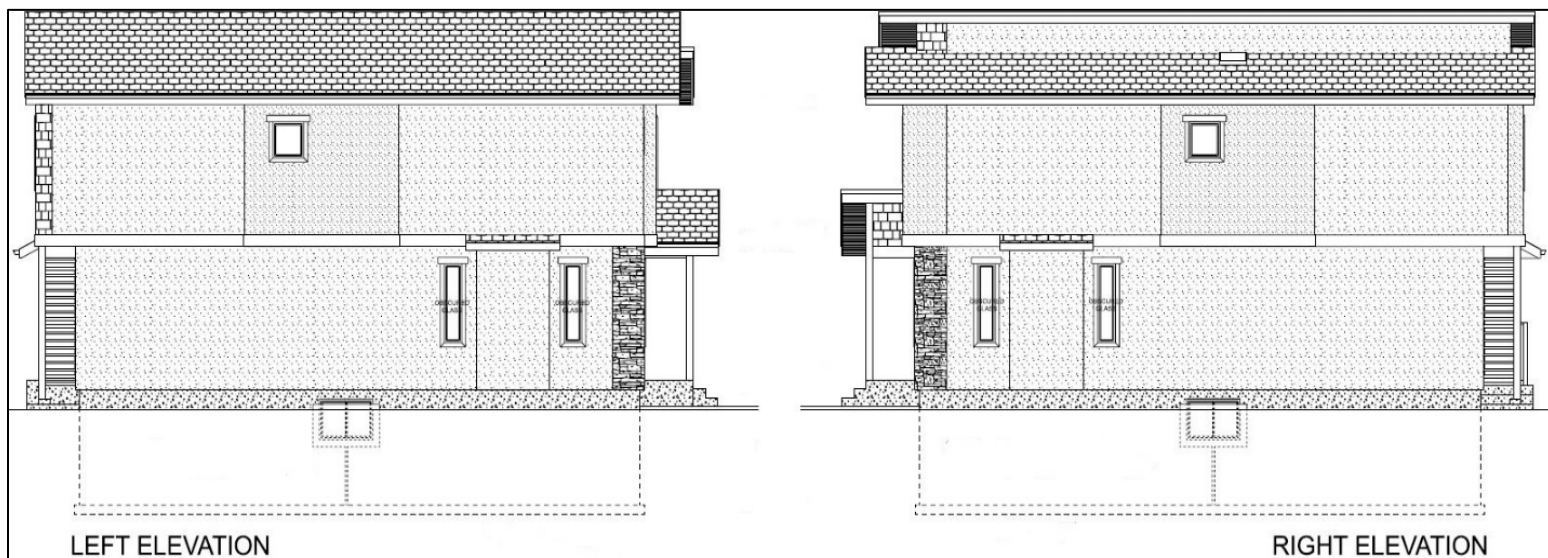


Figure 11: East and West Elevations

Attachment G - Landscape Plan

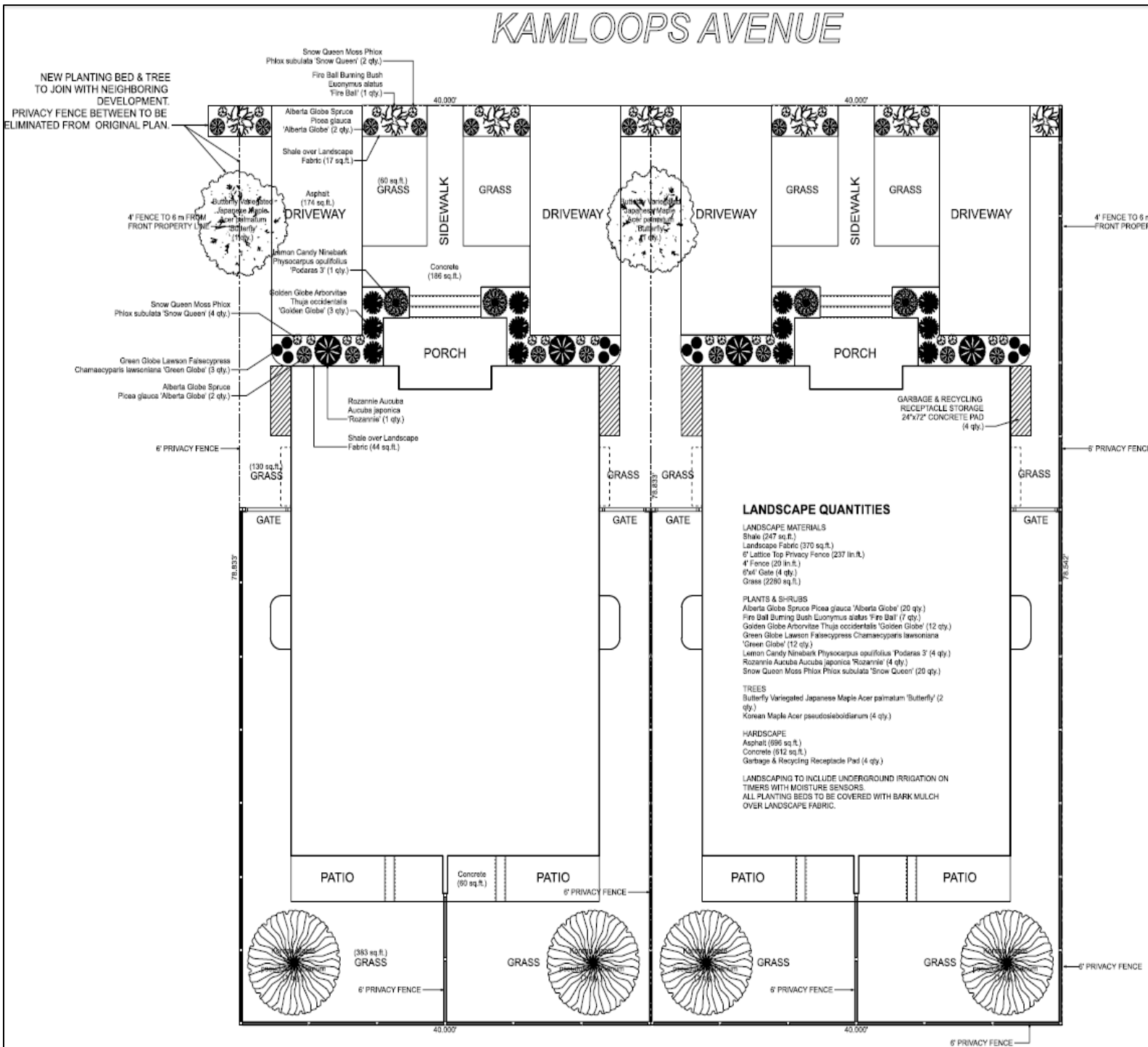


Figure 12: Landscape Plan

Attachment H - Letter of Intent



May 4, 2017

Giroux Design Group
1405-160 Lakeshore Drive W.
Penticton, BC V2A 9C2

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

Re: 730 Kamloops Avenue Rezoning & Development Permit Application

To City Planning Department,

This letter is regarding a rezoning and development permit application for 730 Kamloops Avenue as submitted by the developers and partners of 0796333 BC Ltd. The proposed development is to subdivide a large residential lot with an older single family home into two duplex zoned lots to allow for the construction of two duplex building with two units in each. This development will provide affordable housing for four families in an area of the city where similar development is taking place. Kamloops avenue is primarily made up of small duplex buildings as well as single family residences, with a townhouse development adjacent to the back yard of the property. The size of the proposed parcels allows for dwelling units suitable for young families or as starter homes for individuals entering the housing market. The close proximity to the college as well as businesses and recreational facilities makes the location ideal for this type of development.

The same developers recently put forward a similar development application on the neighboring lot located at 750 Kamloops, where the larger lot was divided into three new lots for three duplexes. That application was supported by City Planning staff and was approved unanimously by council. This project will be the same with the following changes: 1) As this property backs onto the yards of the townhouse complex, trees have been added to the back yards to add privacy; 2) The color scheme and finishes for the two new building are unique giving variety to the five duplexes, we feel this will create a attractive street scape.

Rezoning and variances are required to allow for the proposed development, we feel very strongly that these variances are justified in this case as there are some unique aspects to the lots location. The rezoning and variance justifications are as follows:

Rezoning R2 to RD2: RD2 zoning normally applies to small duplex lots with rear lanes, in the case of this property there is no rear lane which is unusual for this area of the city. The zoning for RD1

is meant for larger duplex lots, therefore, while this lot has no lane we feel the zoning to RD2 is more in line with what is being proposed.

Setbacks Variance: Only one variance is being requested for this development. Currently the zoning requires a rear yard setback of 6.0 m, this is to allow for parking from the lane. In this case as there is no lane thus we are asking for a variance to reduce the rear setback from 6.0 m to 3.5 m to allow for front yard parking. Please note that only the second floor will be 3.5 meters, the main floor is set further back at 4.5 meters. This variance is the same granted on the neighboring properties.

In summary, we believe that this development will provide much needed affordable housing in an area well suited for it. Rather than one older home on a large parcel of land, there will be four new economical, energy efficient, attractive homes. Along with the adjacent project that has already been approved we believe this will be a very positive development for the neighborhood.

Best regards,



Tony Giroux **BD.ASTTBC**

Owner/Designer

Giroux Design Group

Figure 13: Letter of Intent



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

Development Variance Permit

Permit Number: DVP PL2017-7938

Name:

Address:

Conditions of Permit

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

Legal: Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381
Civic: 730 Kamloops Avenue
PID: 009-818-090
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to waive the requirements of the following section of Zoning Bylaw 2017-08 to allow for the construction of two duplexes.
 - Section 10.6.2.8.i: To decrease the minimum rear yard for a principal building from 6.0m to 3.5m.

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 18 day of July, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-45

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. 2017-45".

2. Amendment:

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

Rezone Lot 2, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8381, located at 730 Kamloops Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	4	day of	July, 2017
A PUBLIC HEARING was held this	18	day of	July, 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 7 day of July, 2017 and the 12 day of July, 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 & Infrastructure</p>

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- 49 -

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

Tuesday, July 4, 2017
at 1:00 p.m.

Resolutions

- 14.3 Official Community Plan Amendment Bylaw No. 2017-46
DVP PL2017-7933 & DP PL2017-7934
Re: 103, 111, 117, 123 Front Street

392/2017

It was MOVED and SECONDED

THAT prior to consideration of OCP Amendment Bylaw No. 2017-46 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 consultation done to-date and the upcoming Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2017-46", being a bylaw to amend "OCP Bylaw No. 2002-20" to allow a 5 storey building at 103,111,117 and 123 Front Street; be introduced, given first reading and be forwarded to the July 18, 2017 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2017-7933" on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269, located at 103, 111, 117 and 123 Front Street, a permit to increase the maximum height of a building from 15m to 18.97m, be heard at the July 18, 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7933" following the adoption of "OCP Amendment Bylaw No. 2017-46". THAT Council approve DP PL2017-7934, a permit to allow the construction of a 5 storey building on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269, located at 103, 111, 117 and 123 Front Street; AND THAT Council consider "DP PL2017-7934" following the adoption of "OCP Amendment Bylaw No. 2017-46"; AND THAT the 4 lots be consolidated prior to issuance of the Development Permit.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: July 4, 2017 File No: OCP PL 7932 & DVP PL7933 & DP PL2017-7934
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 103, 111, 117 and 123 Front Street
Subject: **OCP Amendment Bylaw No. 2017-46, Development Permit PL2017-7934, and Development Variance Permit PL2017-7933**

Staff Recommendation

OCP

THAT prior to consideration of OCP Amendment Bylaw No. 2017-46 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 consultation done to-date and the upcoming Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2017-46", being a bylaw to amend "OCP Bylaw No. 2002-20" to allow a 5 storey building at 103,111,117 and 123 Front Street; be introduced, given first reading and be forwarded to the July 18, 2017 Public Hearing.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-7933" on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269, located at 103, 111, 117 and 123 Front Street, a permit to increase the maximum height of a building from 15m to 18.97m, be heard at the July 18, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7933" following the adoption of "OCP Amendment Bylaw No. 2017-46".

Development Permit

THAT Council approve DP PL2017-7934, a permit to allow the construction of a 5 storey building on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269, located at 103, 111, 117 and 123 Front Street;

AND THAT Council consider "DP PL2017-7934" following the adoption of "OCP Amendment Bylaw No. 2017-46";

AND THAT the 4 lots be consolidated prior to issuance of the Development Permit.

Strategic priority objective

The proposed development supports the City's priority for downtown revitalization and the creation of a more walkable, livable and sustainable community.

Background

The subject properties (Attachment 'A') represent four parcels of land at the intersection of Front Street and Veterans way, which are presently designated by Official Community Plan 2002-20 (OCP) as DC (Downtown Commercial) and zoned C5 (Urban Centre Commercial) by City of Penticton Zoning Bylaw No. 2017-08. These lots once accommodated the historic Slack Alice building, which was destroyed by fire in February of 2012. The site has been vacant and used as informal parking since.

These lands are also considered by the Downtown Plan, which Council adopted into the City's Official Community Plan (OCP) in 2013, as the first step in the strategic priority of Downtown Revitalization. The Downtown Plan specifically addresses opportunities for redevelopment and established the vision and direction for the future of Downtown Penticton. This site is shown in the Plan as being in the Cultural Creekside Character Area.

Council recently approved a 5 storey mixed-use building directly adjacent to this proposal, through a similar OCP amendment process. That project also required variances to building height and featured reductions in parking. That building, located at 135 Front Street, is currently under construction.

For the subject lands, the developer is proposing to develop a mixed-use, multi-storey building with 20,000 sq feet of commercial office space and 16 residential units. Eight parking stalls are provided on site, accessed from the rear lane. The building will be four storeys in height at Front Street rising to five storeys along the back lane.

The OCP currently has a desired height on Front Street of four storeys. Prior to getting any development approvals an amendment to the OCP is required. The development plans also necessitate a variance to the maximum height permitted along Front Street.

Proposal

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

- To amend Section 2.1.2 :The Downtown and Urban Villages to increase the maximum height in the Downtown Commercial (DC) designated area on Front Street from a maximum building height of 4 storeys to a maximum building height of 5 storeys at 103, 111, 117 and 123 Front Street

In addition to an OCP amendment the applicant is requesting a variance to increase the height of the building to allow one extra storey in the north corner of the building facing the lane. The applicant is seeking a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 18.97m

Furthermore, the applicant is also seeking a development permit to construct a 5 storey mixed use building.

Project Specifications

The proposed building contains a main level of 622m² (6,701ft²) of retail space and residential access. Parking is also provided on the ground floor. 8 spaces are accessed from the rear lane. The second level includes retail and office area and the third level include offices area and 5 residential units. Levels four contains 5 residential units and 340m² (3,663 ft²) of office area and level 5 contains three residential units.

The applicant is proposing to phase the building construction. The first phase would see the construction of offices and retail space on the ground level, with added offices on 3 level and four residential units above. The second phase would see the completion of 12 more residential units. Each residential unit contains 2 bedrooms and is approximately 93m² (1,000ft²).

The developer has also agreed to bring an additional co-operative vehicle to the downtown area. This is the third initiative in the downtown core to utilize the car share program. Under the zoning bylaw, the required number of parking spaces may be reduced by a maximum of six (6) spaces if the building provides one co-operative vehicle and one co-operative vehicle parking space.

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

Development Statistics

Item	Requirement C5 Zone			Provided on Plans
Maximum Lot Coverage:	100%			100%
Maximum Density:	6.0 FAR			3.2 FAR
Vehicle Parking:	16 stalls			8 stalls on site Car share(substitute for 6 stalls) Cash-in lieu for 1 stall (\$6,000) 5 additional bike parking (1 stalls)
Bicycle Parking	Commercial	Residential	Total	
<i>Class I</i>	13	8	21	26
<i>Class II</i>	15	2	17	17

Required Setbacks: All yards	0.0 m	0.0 m
Maximum Building Height:	15m (Front Street)	18.97 m (variance required)
Other Information:	<ul style="list-style-type: none"> The DP area that the property is situated in is the “Downtown Enterprise 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. Frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the developer.

Financial implication

The estimated value of this building is \$10 million dollars.

The property is in the downtown economic investment zone and may be eligible for incentives. Incentives for this type of building include tax reductions on the assessed value of any improvements made to the property for a 5 year period. Taxes will still be paid on the land as if it were vacant land and upon the increased that occurs to the land value as determined by BC Assessment. After the eligibility period is over, the property will be taxed at the full rate for the life of the development.

Consultation

The local government act requires opportunities for public consultation in addition to the required public hearing. No formal open houses were set up for this project, but consultation with the Downtown Penticton Association and other groups was done. Also, a similar project on an adjacent property was recently discussed by Council. The comments made by the public during that discussion are relevant to the subject project.

For these reasons, staff are recommending that the bylaw go to Public Hearing without further consultation.

Analysis

Support OCP amendment

Larger scale development sites in the downtown core are limited. This site was identified as a major redevelopment opportunity site in the Downtown Plan. Although the Downtown Plan limits the height of buildings on Main Street and Front Street to three storeys, the plan allows for an increase in density and height on suitable properties subject to a complete design review. Staff consider this provision of the bylaw applicable in this case.

At the street level, only 4 storeys are proposed. The 5 storeys only pertain to the north part of the proposal, directly facing the lane. The residential building behind this area is seven stories in height. The proposal adds to the already diverse range of densities of this area and fills a gap in the streetscape. Staff consider that the increase in height from 4 to 5 storeys will not have negative impact on the street considering the design proposed. This building will become a landmark building in this location.

The development provides for an increase in the supply of quality commercial space in the heart of the downtown and provides for an increased residential density in a strategic location. These are both objectives of the Downtown Plan. The proposed development also supports the recent street improvement projects in the downtown core invested in by the community and downtown property owners. The increased downtown residential population supports the local businesses community and increased pedestrian use of the improved sidewalks.

The reduction in parking will put a further strain on parking in the downtown. Staff, however, feel that requiring increased parking at the ground level will detract from the design of the building. A larger parking strategy for the downtown is currently underway to look at the provision of parking and alternative forms of transportation in and around the downtown. Typically, downtown commercial buildings have limited parking options and the high water table is a significant barrier to the development of sub-surface parkades. Parking is generally accommodated in private and publically owned parking lots in the downtown.

Overall, staff consider that the proposed building will contribute positively to the downtown with the increase in commercial area and the 16 new rental residential units. The location of the site and characteristics of the surrounding area make it ideally suited for densification. For these reasons staff are recommending that Council support the OCP amendment as provided in this report and refer the application to the July 18, 2017 Public Hearing for comment from the public.

Deny/Refer OCP 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 OCP amendment does not go forward, the property will be restricted to a 4 storey building, which will require a redesign of the proposed building. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Support Variance

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

- Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 18.97m

The developer's intention is to add an additional storey to the building consequently increasing the number of residential units from 13 to 16 units. The additional floor only affects the north end of the building facing the lane. At the street level, on Front Street and Veterans way, four levels are being proposed, which is in line with the zoning bylaw. Staff do not consider that the variance will have any unreasonable negative impact

on any neighbouring properties. The neighbouring property to the east recently had an approved variance to construct a 5 storey building as well. The building across the street, while only four storeys in height is a similar scale to the one being proposed. And across the lane from the subject property is a parking lot, which will not be negatively affected. Beyond the parking lot is a seven storey residential building.

The project architect has provided a shadow study, which is attached for Council's reference as Attachment H. The shadow study shows that there will be limited impact of shadowing on adjacent properties.

For these reasons, staff are recommending support for the variance.

Support Downtown Enterprise Development Permit Area

The Downtown Enterprise Development Permit Area (DPA) encompasses a three block area, which is considered to be the "heart" of Penticton's downtown. The City recognizes that the attractiveness of this area is vital in attracting tourists, pedestrians, and new development to the area. As such, development is expected to largely comply with what the OCP recommends with respect to siting, design, and community impact.

In terms of the Downtown Enterprise Development Permit Guidelines, the project architect has provided a letter of design rational, which is attached for Council reference as Attachment F.

Further to the letter, staff would like to comment that subject property is located in one of Penticton's most well-known and respected streets. The historical attributes of Front Street date back to Penticton's earliest of times and the colorful characters and building designs that have taken place over the years have contributed towards the form and character that exists in the street today. Over time however, the evolving design of Front Street has seen more contemporary building design elements and building materials come into play over recent years, including that of the building that previously occupied the subject property. Although some recent development has responded with the use of brick to reflect the earlier development form, the proposed development proposes a mix of wood (CLT) privacy screens, entry canopy, natural concrete, stone tile cladding and fritted glass.

One of the most fundamental components of the historical street design is the smaller frontages that exist and the OCP's design guidelines for this area reflect that context, stating; *"Buildings should be architecturally detailed so the street façade mimics the original legal parcel width along the street (original lot size character is retained)"*. The subject parcel is made up of four (4) smaller parcels of land, their width being consistent with the majority of parcels that exists along Front Street, and Main Street for that matter. One of the challenges with a new development taking place over four smaller parcels of land is trying to reflect this historical context and staff believe that the proposed development achieves this objective.

Each of the original parcels of land will incorporate a separate building entrance to Front Street and also include individual signage for the commercial / retail units along the street. The eastern most parcels are proposed to be one larger commercial space, however two entry doors and signage boards are proposed. The main entry to the building for the residential units from Front Street will also be provided with a separate entry point. The corner detail along Front Street and Veterans Way has been designed as a focal point for this intersection, with the entire Veteran Way and Front Street ground level façade including a canopy to cover the sidewalk and improve the pedestrian experience.

The Official Community Plan contains specific guidance for redevelopment in the downtown core and the following table outlines how the proposed development responds to the Downtown Enterprise DPA Guidelines:

OCP Design Guideline – Downtown Enterprise DPA	Proposed Design – Response to guideline
Building design should define a pedestrian oriented first floor with canopies, window and door trim and a varied building façade	Plans show the first floor along Front Street protected by a canopy with large windows and good transparency. The façade, at the ground floor is broken up into 9.1m sections, mirroring the original lot size character.
Building design should incorporate architectural detailing and variety in building finishes which provides interest, such as window and door details, varied roof lines, pillars, turrets, cornices, or similar features.	The building design incorporates a great degree of architectural detailing and includes an assortment of building finishes that provide visual interest. The design although modern and simple includes wood (CLT) privacy screens, entry canopy, natural concrete, stone tile cladding and fritted glass.
Outdoor eating areas and street-side plazas are encouraged.	No outdoor plazas are being proposed. If a food service were to lease space at the ground floor, the option of a sidewalk patio is available as is seen on other Front Street restaurants.
Front entrances should be well defined and provide a focal point to the building.	The renderings provided by the architect show several ground floor entrances. As the final tenant mix is established, these entrances will be further developed.
Corner lot developments are the focal point of any streetscape. On commercial corridor corner lots, the building and landscape architecture should therefore be exemplary and of landmark quality. Corner lot buildings are encouraged to be located close to the intersection and to relate to both street edges. Corner entrances, angled facades at intersections, and stepped designs are encouraged.	This property is a corner property and addresses the corner of Front Street and Veterans way with a glazed curtain wall system complete with a frit pattern to provided varied roof form. This design element is meant to become an iconic focal point to the building and street.
Building finish shall be consistent in terms of appearance and colour on all elevations facing a street. Building elevations not facing a street must be painted or finished in some other decorative manner.	Building finishes are consistent in terms of appearance and color on all elevations.
The shape, roof lines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.	The building features a mixture of materials including large expanses of glass, exposed wood elements and a prominent curtain wall with metal slats at the southern corner to mitigate solar exposure.
Buildings should be architecturally detailed so the street façade mimics the original legal parcel width along the street (original lot size character is retained).	The building has been designed to mimic the original 4 legal parcels with the concrete columns and the corten signage. Building articulation, signage and building materials are used to provide visual interest and enhance the existing pedestrian environment.
Buildings must be a minimum of two storeys and should be sited at the street edge unless a street plaza is proposed.	The building will be four storeys in height at Front Street and rise to five storeys along the lane.
Where the rear of the buildings back onto parking lots,	The rear elevation, which faces the back alley, provides visual

the design of the building should include entrance features or some level of architectural design to provide a "second front" to the building.	interest on upper storeys with balconies and lots of glass. At the ground level parking is provided.
--	--

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

- Encourages mixed use development on vacant parcels
- Retains the Downtown Commercial areas as a compact well defined and pedestrian oriented area and embrace convenient access to business, activities and services
- Encourages residential intensification and allow for a visually interesting building design
- Promotes infill development with priority on mixed use development with ground floor commercial
- Supports densification in areas where existing services can accommodate higher densities

Overall, staff believe that the proposed building will have a positive impact on the downtown with the increase in commercial area and the 16 new residential units. The overall design and appearance of the building is of high quality and will add positively to the eclectic mix of buildings that exist along Front Street. Staff considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP.

The four lots will need to be consolidated prior to issuance of the development permit. As such, staff recommend that Council approve the development permit, subject to lots consolidation, and direct staff to issue the permit.

Deny/Refer DVP and DP

Council may feel that the proposed development does not meet the design guidelines contained with the OCP and should not be permitted to advance as a result. If this is the case, Council should deny the development permit application, but will need to provide specific reasons as to why the development permit guidelines have not been met.

Alternatively, Council may wish to refer the proposed development back to planning staff with conditions that better reflect the OCP design guidelines, Council can forward back for staff review.

Alternate Recommendations

1. THAT Council give first reading to "OCP Amendment Bylaw No.2017-24" but deny support to "Development Variance Permit PL2017-7933" and Development Permit PL2017-7934.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Building Rendering
- Attachment G: Site Plan
- Attachment H: Shadow Study

Attachment I: "Development Variance Permit PL2017-7933"
Attachment J: OCP Amendment Bylaw No. 2017-46

Respectfully submitted,

Audrey Tanguay
Senior Planner

Approvals

Director AH	CAO PW
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Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map

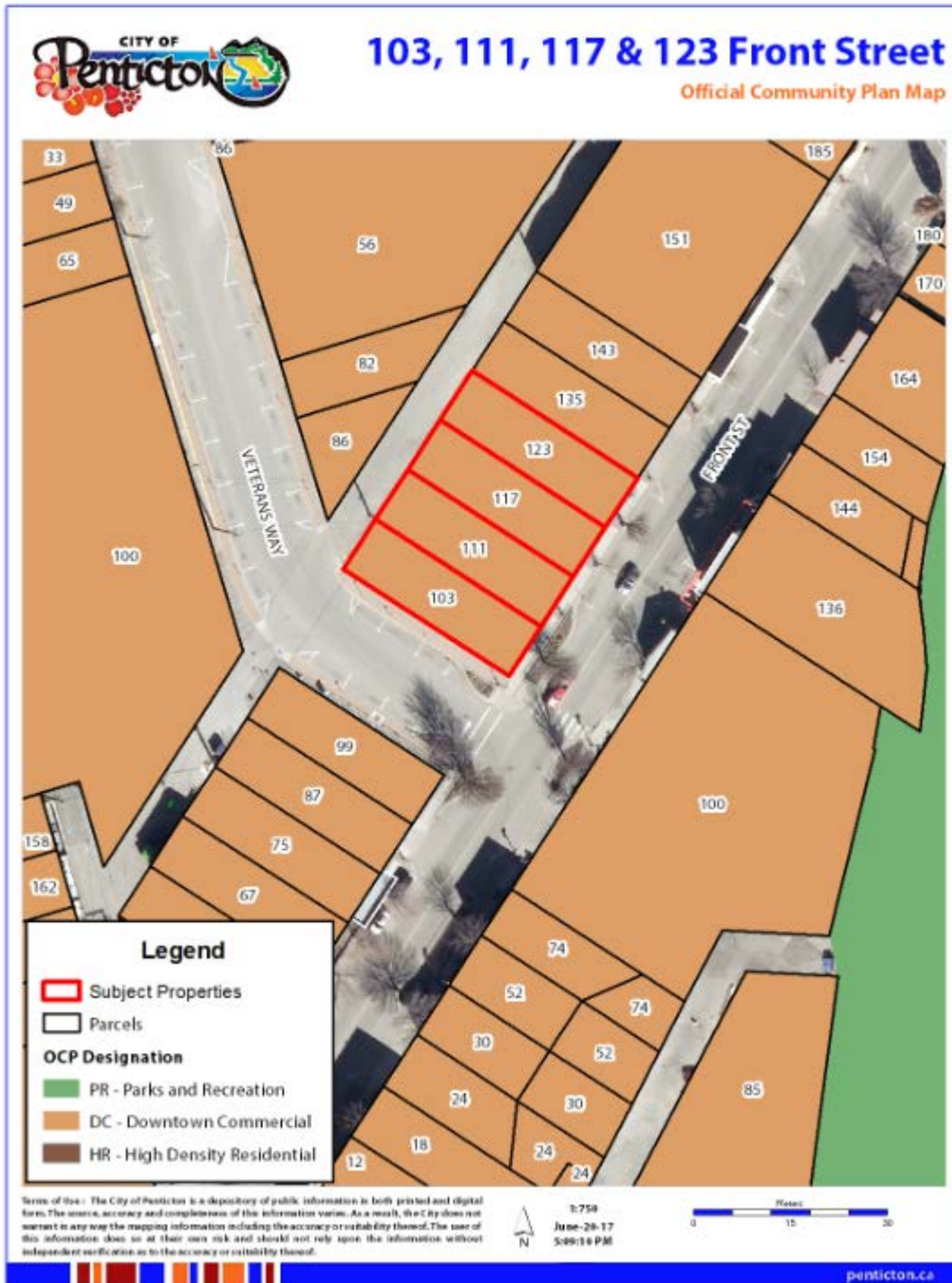


Figure 2: OCP Map

Attachment C - Zoning Map

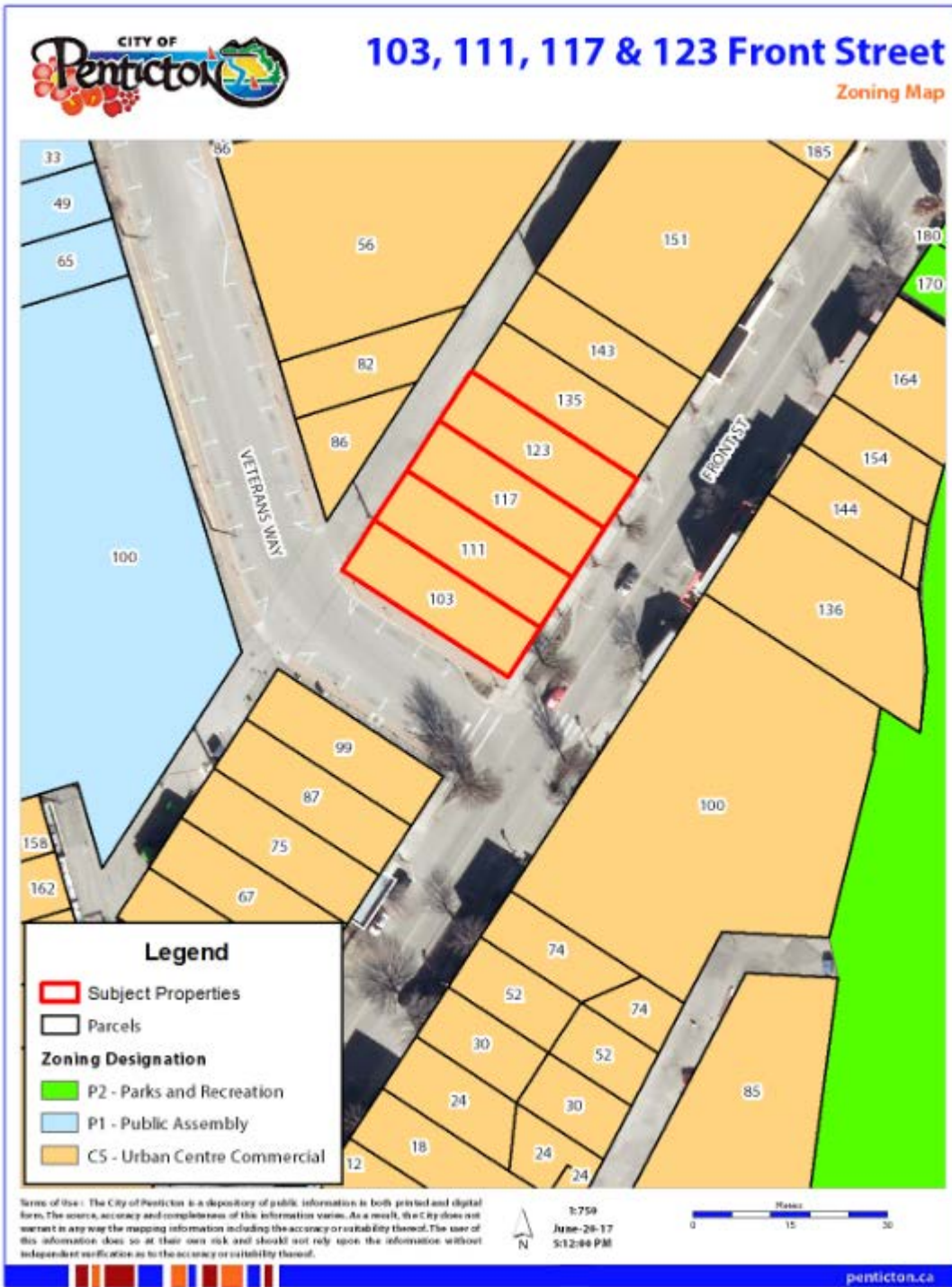


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from the lane



Figure 5: View from Veterans way



Figure 6: View at the intersection of Veterans way and Front street



Figure 7: View from Front Street with seven storey residential building in the back ground

Attachment E –Letter of Rationale



June 21, 2017

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

Re: Front Street Mixed Use Development, Design Rationale

Jim Alders
Architect AIBC, MRAIC,
LEED AP, NCARB

Mark Hentze
Architect AIBC, NLAA,
MRAIC,
NCARB, IAKS

William Locking
Architect AIBC, AAA,
FRAIC

Troy Ransdell
Architect AIBC, MBA

John Scott
Architect AIBC, AAA,
MRAIC, NCARB, AIA

Rod Windjack
Architect AIBC, MRAIC,
LEED AP

Dear Mr. Laven,

Located in Penticton, close to Okanagan Lake, on Front Street and Veterans Way, the proposed five storey mixed use development on four vacant lots will provide additional commercial and residential units in the downtown core close to amenities.

The \$10-million project would proceed in two phases. The first would see commercial and retail space on the ground level, with more offices and four residential units above. An interconnected lobby (4 storeys) accessed off Front Street is the main entry for the residential and commercial tenants above.

The second phase would see the completion of 12 more residential units. At full completion the building will provide approximately 20,000 square feet of office space, 6,000 square feet of commercial space and 16,000 square feet of residential space. The 16 residential units – all of them rentals – would each be 1,000 square feet with two bedrooms, two bathrooms and a private exterior patio.

City of Penticton Official Community Plan
Bylaw 2002-20

6.7 Downtown Enterprise Zone Development Permit Area

The proposed mixed use residential and commercial development is consistent with the objectives outlined in the Downtown Enterprise Zone Development Permit Area.

hdrcei.com

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

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

Victoria
203-655 Tyee Road
Victoria, BC V9A 6X5
T 250-388-5588

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

Calgary
4th Floor, 909 17th Avenue SW
Calgary, AB T2T 0A4
T 587-390-3091



Guidelines: Buildings and Structures

1. The first floor of the development facing Front Street and Veterans Way will be glazed to allow commercial activities within the building to telegraph onto the sidewalk; allowing a connection between interior and exterior space. A canopy along Front Street and Veterans Way constructed from CLT (cross laminated timber) will provide protection from the elements while maintaining the pedestrian scale of the sidewalk.
2. The design of the building is clean and contemporary; modern architecture that will contribute to the overall quality of our community as a reflection of its time. We propose building forms that are simple but well finished; the use of transparent and solid forms to provide privacy but also light in the public spaces.

We are proposing to use wood (CLT) as a canopy, privacy screens and part of the structural floor assembly; complete with glulam columns. One goal is to celebrate the use of wood as a material that can perform a dual function as structure and finish. There are many good reasons to explore the full potential of wood, as a viable option to steel and concrete, but as architects, our primary interest is in the fact that wood sequesters carbon dioxide at a rate of 1-1.2 tons/m³ of wood. In a world where the construction industry is responsible for 40-50% of CO₂ emissions, renewable materials, such as wood, can mitigate the rate of global warming.

To make the design more energy efficient we will be using glass that is printed with a ceramic frit and fired into a permanent, opaque coating on the curtain wall system proposed on the South façade. Not only does fritted glass help reduce glare, cut cooling costs, it also lowers the danger to birds. The following materials are proposed:

- CLT floor structure; exposed at the underside (typical)
- CLT elevator core
- CLT privacy screens at residential units
- CLT entry canopy (at street level)
- Curtain wall system at south corner (anodized aluminum)
- Storefront glazing (anodized aluminum)
- Natural Concrete (clear sealer)
- Stone tile cladding (white)
- Anodized aluminum louvres and OH security doors
- Frit glass with low e-coating (argon filled)
- Full light VG doors



3. The future tenant(s) are unknown at this time.
4. The front entrances along Front Street and Veterans Way will be punctuated by Corten signage panels (vary depending on the tenant) which reinforce the rhythm of the structural grid; the changing nature of this material will provide interest at the pedestrian scale.
5. The corner of Front Street and Veterans Way will be a focal point and anchor for the development with the glazed curtain wall system; complete with a frit pattern that will extend past the adjacent parapets to provide a varied roof form.
6. The quality of exterior cladding proposed on this project is high; such as the white stone tile, CLT panels, natural concrete, anodized aluminum and curtain wall system. There is an honesty to the materials specified whereas the structure becomes the finish.
7. The glazed corner extends past the adjacent parapet to provide a varied roof form. Residential decks are set back from the CRU space below to provide further depth to the façade expression. The white stone tile will accentuate the warmth and character of the wood elements proposed.
8. Consistent with the scale of Front Street a 28' module is expressed at street level by the rhythm of the round concrete columns. Corten signage also reinforces the rhythm of the structural grid. The residential units, commercial lobby and corner CRU along Front Street follow the 28' module; it can be further broken down into a 42" glazing module that relates to the proportion of the grid as a whole.
9. The proposed development is 4 storeys along Veterans Way and Front Street; 5 storeys along the lane way to the North.
10. The residential block facing the laneway has generous exterior deck which will have views to the lake (in some cases) and mountains. The second phase exterior cladding will be distinct from the adjacent commercial façade of phase one.



11. Zoning Bylaw (DP minor variance) C5

Height: 15m permitted
18.97m proposed (Glazed corner at Front Street and Veterans Way)

Parking: 18 Residential Stalls Required

8 stalls proposed (including 1 HC stall); 1 car share on Veterans Way equals 6 stalls; accommodate 5 additional bikes equals 1 stall and 1 stall by cash in lieu. Thus totaling 18 stalls.

The development is within 400m of a transit stop; encourages alternative transportation through a car share program and the variance will not reduce the number of parking spaces for persons with disabilities.

Guidelines: Parking and Access

5. Parking is accessed off the lane which is consistent with the guidelines.

Guidelines: Signage

1. Corten Steel signage will be incorporated in the overall design of the building as a means to reinforce the scale and module found elsewhere along Front Street. This will complement the overall building design and finishes.

Sincerely

.....
Robert Cesnik, Architect AIBC, LEED AP BD+C
Associate

Attachment F – Building Rendering



Figure 8: East Elevation (Front Street)



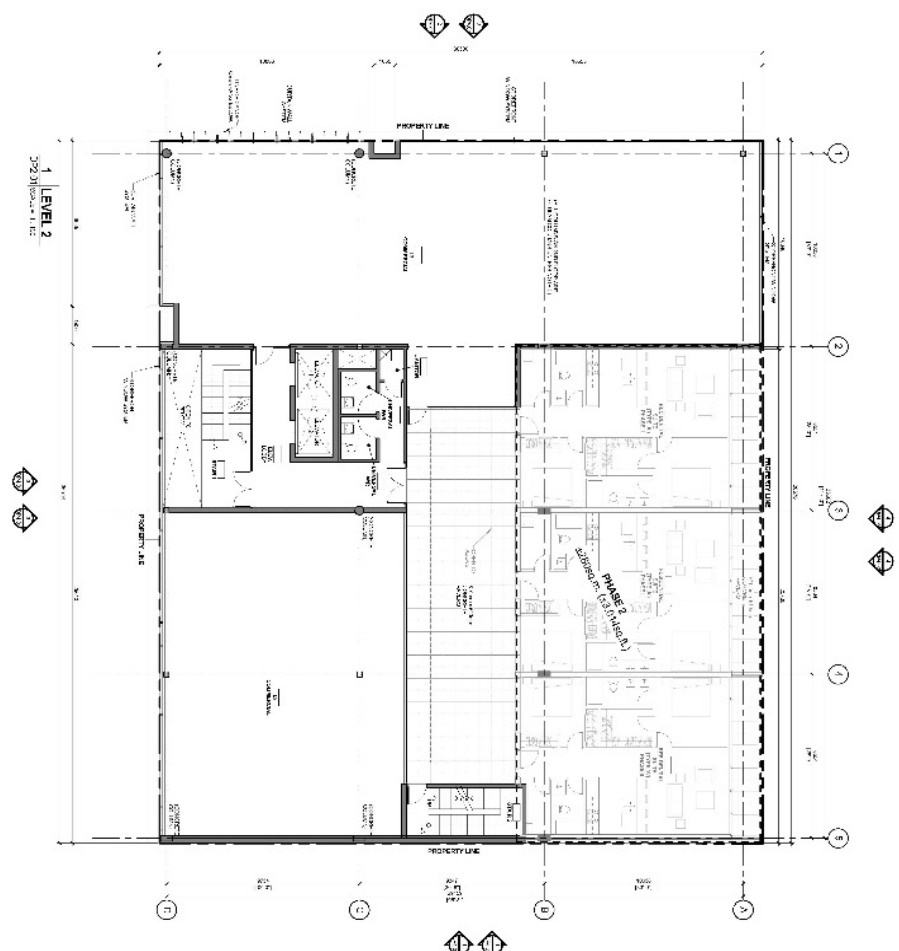
Figure 9: Veterans way Elevation



Figure 10: Street view at the junction of Front Street and Veterans way

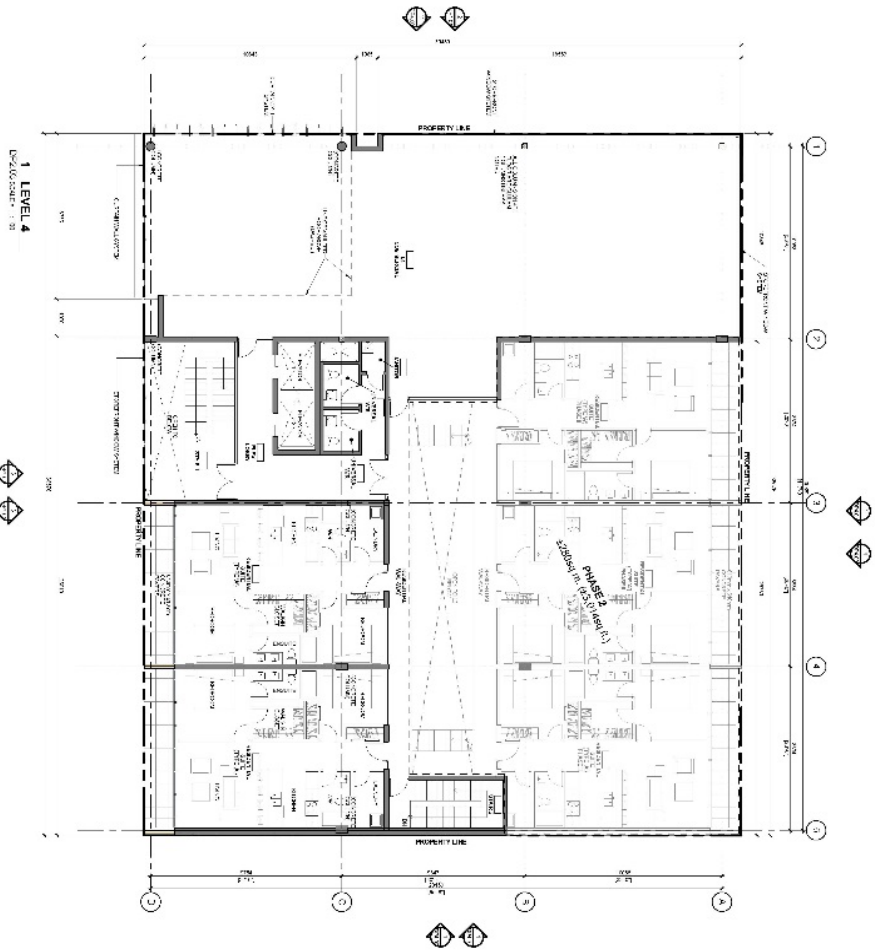


Figure 11: West Elevation (View from lane)



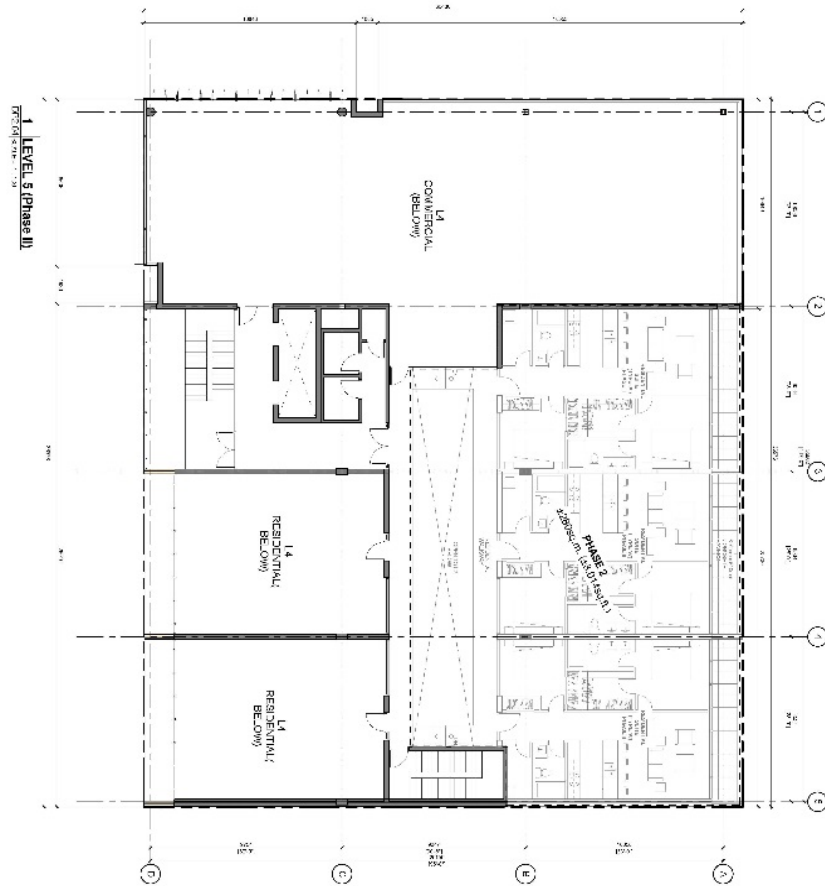
LEVEL 2
3522 Highway 11 E

<p>HR2 CEI 1875 137th Avenue, Suite 100 Oakville, Ontario L6M 3K3 Tel: 905.887.2225 Fax: 905.882.5288 www.hr2cei.com</p>	
<p>DATE: _____</p> <p>PROJECT: _____</p>	
<p>ISSUED FOR: _____</p>	
<p>PROJECT: _____</p>	
<p>FRONT STREET MIXED USE</p>	
<p>FLOOR PLAN - LEVEL 2</p>	
<p>2016-032 DP2.01</p>	



1 LEVEL 4
DATE: 08/14/2017

<p>1870 7th Avenue, Suite 1000 00106 Honolulu, HI 96813 Tel: 808-955-2329 Fax: 808-955-5988 www.hdr.com</p>	
<p>PROJECT: FRONT STREET MIXED USE</p>	
<p>DATE: 08/14/2017</p>	
<p>PROJECT NO: 2016-032</p>	
<p>DATE: 08/14/2017</p>	
<p>PROJECT NO: DP2.03</p>	



1 LEVEL 5 (Phase II)
PROPOSED

<p>HR CEI 1870 City Boulevard, Suite 400 Denver, CO 80202 Tel: 303.733.7333 Fax: 303.733.7338 www.hrcei.com</p>	
<p>PROJECT: 2016-032 DP2.04</p>	
<p>DATE: 11/22/16</p>	
<p>PROJECT NO.: 2016-032 DP2.04</p>	
<p>PROJECT NAME: 2016-032 DP2.04</p>	
<p>PROJECT ADDRESS: 2016-032 DP2.04</p>	
<p>PROJECT CITY: 2016-032 DP2.04</p>	
<p>PROJECT STATE: 2016-032 DP2.04</p>	
<p>PROJECT COUNTY: 2016-032 DP2.04</p>	
<p>PROJECT ZIP: 2016-032 DP2.04</p>	
<p>PROJECT CLIENT: 2016-032 DP2.04</p>	
<p>PROJECT ARCHITECT: 2016-032 DP2.04</p>	
<p>PROJECT ENGINEER: 2016-032 DP2.04</p>	
<p>PROJECT CONTRACTOR: 2016-032 DP2.04</p>	
<p>PROJECT SUBMITTER: 2016-032 DP2.04</p>	
<p>PROJECT REVIEWER: 2016-032 DP2.04</p>	
<p>PROJECT APPROVER: 2016-032 DP2.04</p>	
<p>PROJECT DATE: 2016-032 DP2.04</p>	
<p>PROJECT STATUS: 2016-032 DP2.04</p>	
<p>PROJECT NOTES: 2016-032 DP2.04</p>	
<p>PROJECT CONTACT: 2016-032 DP2.04</p>	
<p>PROJECT PHONE: 2016-032 DP2.04</p>	
<p>PROJECT FAX: 2016-032 DP2.04</p>	
<p>PROJECT EMAIL: 2016-032 DP2.04</p>	
<p>PROJECT WEBSITE: 2016-032 DP2.04</p>	
<p>PROJECT SOCIAL MEDIA: 2016-032 DP2.04</p>	
<p>PROJECT OTHER: 2016-032 DP2.04</p>	

Attachment H: Shadow Study



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 PL2017-7933

Conditions of Permit

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

Legal: on Lots 9, 10, 11 and 12 of Block 1, District Lot 202, Similkameen Division Yale District, Plan 269
Civic: 103, 111, 117 and 123 Front Street,
PID: 012-441-929, 012-441-953, 012-441-970, 012-441-988, 012-441-953
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning bylaw 2017-08:

Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 18.97m

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

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-46

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. 2017-46."

2. **Amendment:**

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

- 2.1 Amend Section 2.1.2 The Downtown and Urban Villages to include "A five storey high density format would be an option in the Downtown Commercial (DC) designated area of 103, 111, 117 and 123 Front Street."

READ A FIRST time this	4	day of	July, 2017
A PUBLIC HEARING was held this	18	day of	July, 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 7 of July, 2017 and the 12 of July, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer