

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

**Tuesday, February 5, 2019**  
at 6:00 p.m.

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2019-02”** 1-15
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2019-02” (1760 Carmi Avenue)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- Rezone “Proposed Strata Lot 1” of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing).
- The applicant is proposing to create a six lot bareland strata.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, January 25, 2019 and Wednesday, January 30, 2019 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, January 30, 2019).
- Mayor Requests the Director of Development Services describe the proposed bylaw
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2019-02” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2019-03"** 16-45

CO Reads Opening Statement and Introduction of Bylaws

"Zoning Amendment Bylaw No. 2019-03" (964 Dynes Avenue)

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

Rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

The applicant is proposing to construct a 12-unit townhouse development.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, January 25, 2019 and Wednesday, January 30, 2019 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, January 30, 2019).

Mayor Requests the Director of Development Services describe the proposed bylaw

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2019-03" 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, January 22, 2019**  
**at 1:00 p.m.**

## **Resolutions**

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- 10.6 Zoning Amendment Bylaw No. 2019-02  
Re: 1760 Carmi Avenue

26/2019

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2019-02", a bylaw that rezones "Proposed Strata Lot 1" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850" (1760 Carmi Avenue), as shown on Schedule 'A' of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject property, be given first reading and be forwarded to the February 5, 2019 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** January 22, 2019  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 1760 Carmi Avenue  
**Subject:** **Zoning Amendment Bylaw No. 2019-02**

File No: RZ PL2018-7301

## Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-02", a bylaw that rezones "Proposed Strata Lot 1" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850" (1760 Carmi Avenue), as shown on Schedule 'A' of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject property, be given first reading and be forwarded to the February 5, 2019 Public Hearing.

## Strategic priority objective

This application is aligned with the *Council Priorities* of Community Building and Economic Vitality, creating five new single family housing sites.

## Background

City Council, in late 2017, supported the rezoning of the subject property to allow a, five (5) lot, bareland strata subdivision on portion of the lot (9,000 m<sup>2</sup>). At that time, the existing single family house was not included in the original rezoning application. The intent of the property owner is now to carry on with the bareland strata on the entire parcel, incorporating the existing house. This will allow the owner to create six strata lots. The existing house will remain on the property and would be serviced with water and sanitary services from the proposed bareland strata. At present, the single family dwelling has City water service only.

The subject property (Attachment 'A') is split zoned RM1 (Bareland Strata Housing) and RC (Country Residential Housing). The property is also designated in the City's Official Community Plan (OCP) as LR (Low Density Residential). The site is 4.06 acres in area and is characterized by rocky outcrops and relatively steep topography. The subject property is located on the east side of Carmi Road at the city's limit with the Regional District Okanagan Similkameen (RDOS) and comprises one single family dwelling and two accessory structures.

## Proposal

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the newly created lot, "Proposed Strata Lot 1" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850", from RC (Country Residential Housing) to RM1 (Bareland Strata Housing). The remainder parcel already has the RM1 designation.

The bylaw will also include a site specific provision as follows:

Replace Section 10.7.3 Site Specific Provisions with:

.1 In the case of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850", townhouses are not permitted.

### **Technical Review**

This application was reviewed by the City's Technical Planning Committee. This is a complex development given that the subject land is serviced with City water only and not sanitary sewer. Additionally, the presence of bedrock and irregular topography make providing adequate access to the proposed strata lots challenging. Nevertheless, the applicant consulting engineers has worked through the majority of the servicing issues to the satisfaction of City staff. A road dedication is identified along Carmi Avenue. The dedication will occur as part of the subdivision process.

### **Financial implications**

If approved, the development anticipated by this application will create in total 5 new development sites for the construction of single family housing, hence contributing to an increase in the City's tax base. As part of the subdivision process, a small land exchange will take place and provide the city with land to access its adjacent water reservoir at minimal cost.

### **Draft Official Community Plan – Future Land Use Designation**

While the current OCP identifies this area as LR (Low Density Residential), the draft OCP that is currently under development and anticipated to be adopted early in 2019, identifies this area for 'Ground Oriented Residential'. The proposed rezoning would be in line with the proposed designation.

### **Analysis**

When considering a zoning amendment application, staff and Council look toward the Official Community Plan's future land use map and designation for guidance, including all relevant planning policy. As indicated by the Future Land Use Map (Attachment 'C'), this property is identified for low density residential (LR) development and future development is envisioned to support single family and duplex development as well as limited commercial and institutional use. The City's draft Official Community Plan (anticipated to be adopted in early 2019) identifies the future land use of this property as Ground Oriented Residential, which is defined as medium-density residential areas where each unit has an exterior door and construction is primarily wood frame, or bareland strata. The proposal for the site provides single detached housing, at an acceptable scale for the current area. The existing house on the property zoned RC (Country Residential Housing), represents less development density than is contemplated by the existing or new OCP. The proposed RM1 zone, which is the zone that is specifically designed for bareland strata development, would allow for the proposed 6-lot bareland strata subdivision therefore meets the intent of the future Ground Oriented Designation.

Nevertheless, the RM1 zone allows townhouses, which are not a use contemplated in the low density residential of the current OCP land use designation. Even though the new OCP anticipates ground oriented residential on the site and include townhouses, staff are recommending that if Council supports the zoning change that a site specific amendment be included in the zoning bylaw prohibiting townhouse development on the subject land. All the other uses of the RM1 zone (single detached housing, duplex housing, home based business etc.) are uses that are envisioned in the low density residential land use designation.

The proposed zoning amendment will generate five new development strata lots in a desirable area of the city and is in keeping with the intent of the OCP. As such staff are recommending that Council give first reading to the bylaw and forward it to the February 5, 2019 Public Hearing for comment from the public.

**Alternate recommendations**


1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-02".
2. THAT Council refer the application back to staff for further discussions with the applicants.

**Attachments**

- Attachment A – Location Map
- Attachment B – OCP Map
- Attachment C – Zoning Map
- Attachment D – Images of Subject Property
- Attachment E – Site and Subdivision Plan
- Attachment F – Letter of Intent
- Attachment G – Proposed Road Widening
- Attachment H – Zoning Amendment Bylaw No. 2019-02

Respectfully submitted

Audrey Tanguay  
Senior Planner

Director Development Services  	Acting Chief Administrative Officer  AH
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Attachment A – Location Map

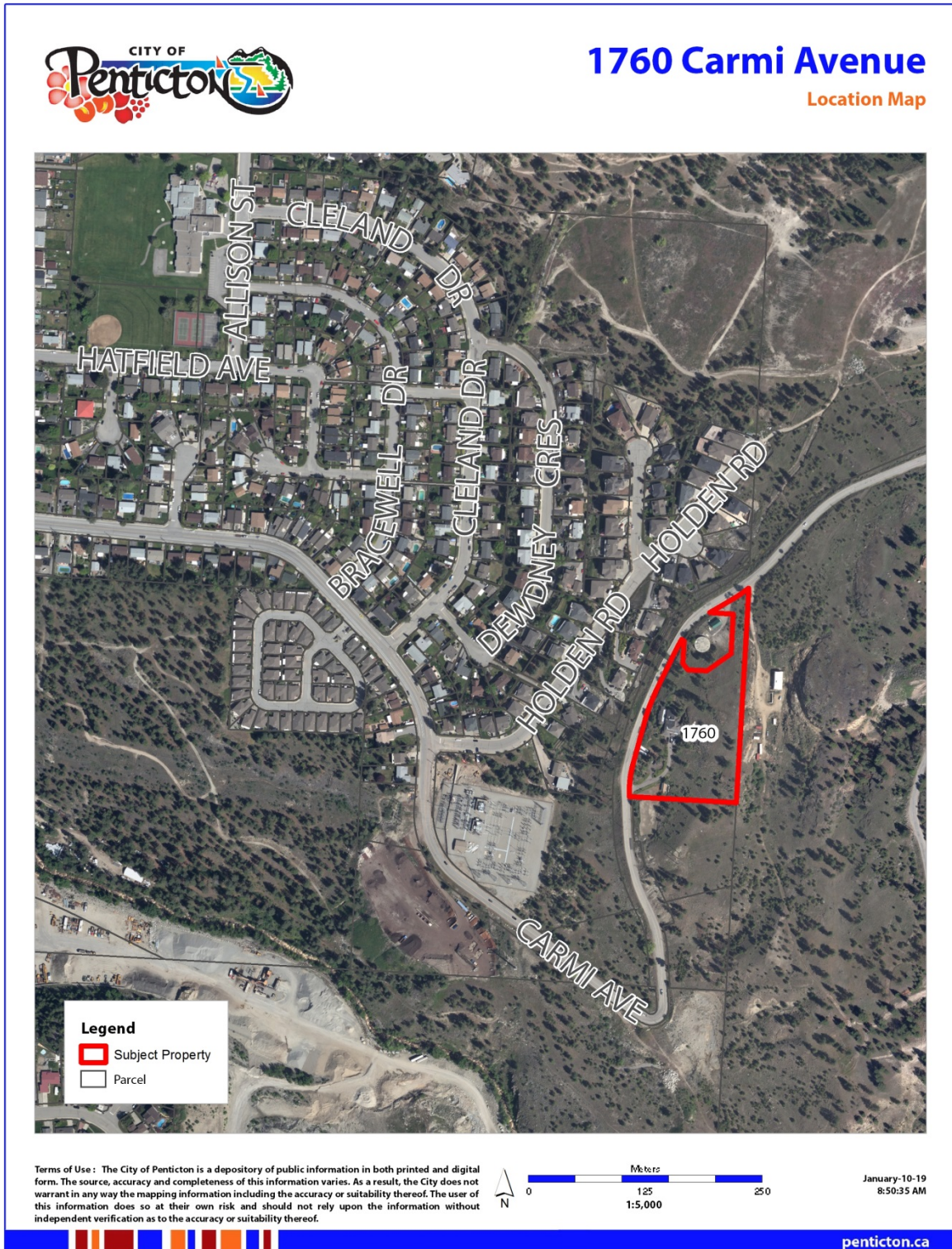


Figure 1: Location Map

Attachment B – OCP Map

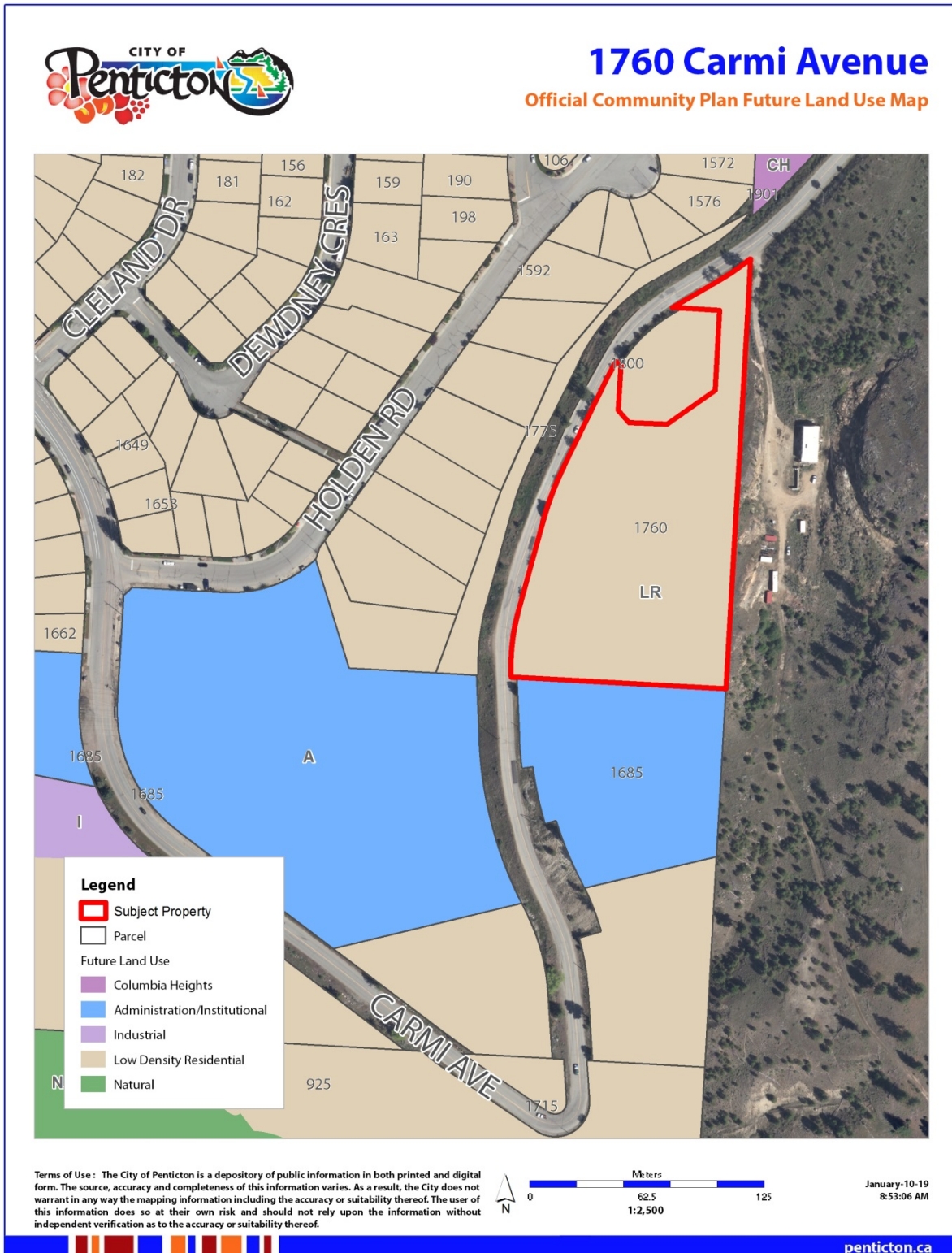


Figure 2: OCP Map

Attachment C – Zoning Map

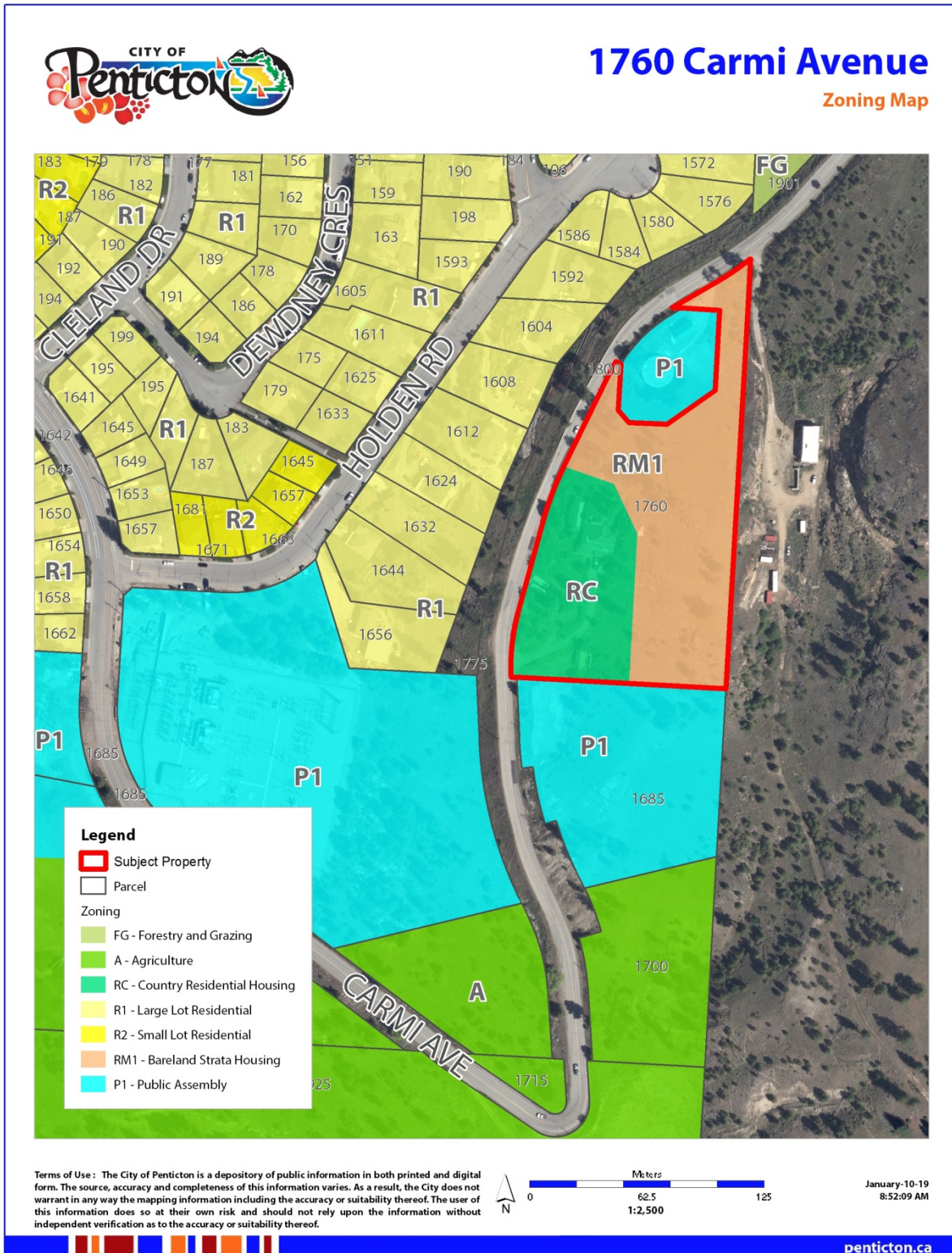


Figure 3: Zoning Map

Attachment D - Images of Subject Property



Figure 4: Image of subject lands from Carmi Avenue looking east, with current driveway shown



Figure 5: Image of subject land from Carmi Avenue looking east



Figure 6: Looking west with water pump house in mid-ground



Figure 7: Looking towards downtown Penticton over pump house and reservoir

Attachment E - Site and Subdivision Plans

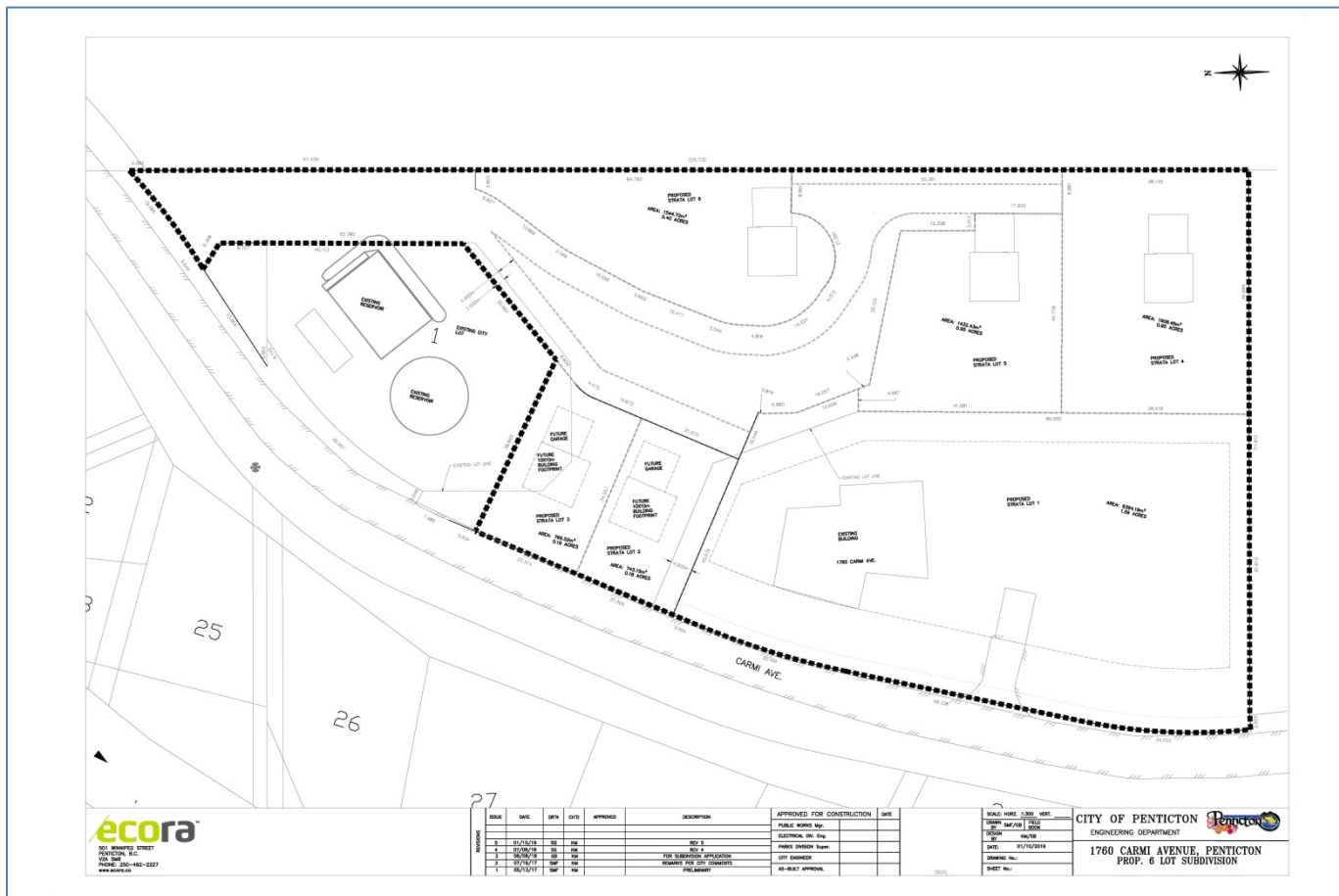


Figure 8: Site Plan

## Attachment F - Letter of Intent



June 21, 2018

Ecora File No.: CP-17-208-ODC

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

**Attention:** Blake Laven, Planning Manager

**Reference:** Letter of Intent – 1760 Carmi Avenue- Rezone Application

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Please accept this Letter of Intent for the proposed Rezoning and Subdivision Application for the property at 1760 Carmi Avenue. The owners of the noted property would like to rezone the existing house from Country Residential Housing (RC) to Low Density Cluster Housing (RM1). The proposed amendment to rezone the entire property to RM1 will include the existing house in the development which will now have six strata lots. The rezoning is desired for the following reasons:

1. The existing house is only serviced by the City of Penticton's water utility. The owners would like the existing house to be serviced by all of the City of Penticton utilities.
2. The existing house can be serviced with sanitary sewer from the strata subdivision which will enable the owners to decommission their old septic system; and
3. During the design development for the originally Proposed 4 – Lot Strata Subdivision on only the RM1 zoned portion of the property, it was determined that the servicing costs for subdivision exceeded the recoverable costs from the sale of lots. The servicing costs are high due to the presence of bedrock which has to be mechanically hammered rather than blasted due to the proximity to reservoir.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

**Ecora Engineering & Resource Group Ltd.**



Kelly Mercer, ASCT  
Penticton Branch Manager  
kelly.mercer@ecora.ca



501 Winnipeg Street Street, Penticton, BC V2A 5M8 P: 250.492.2227 | F: 250.492.2135 | [www.ecora.ca](http://www.ecora.ca)

Attachment G - Road Dedication Map

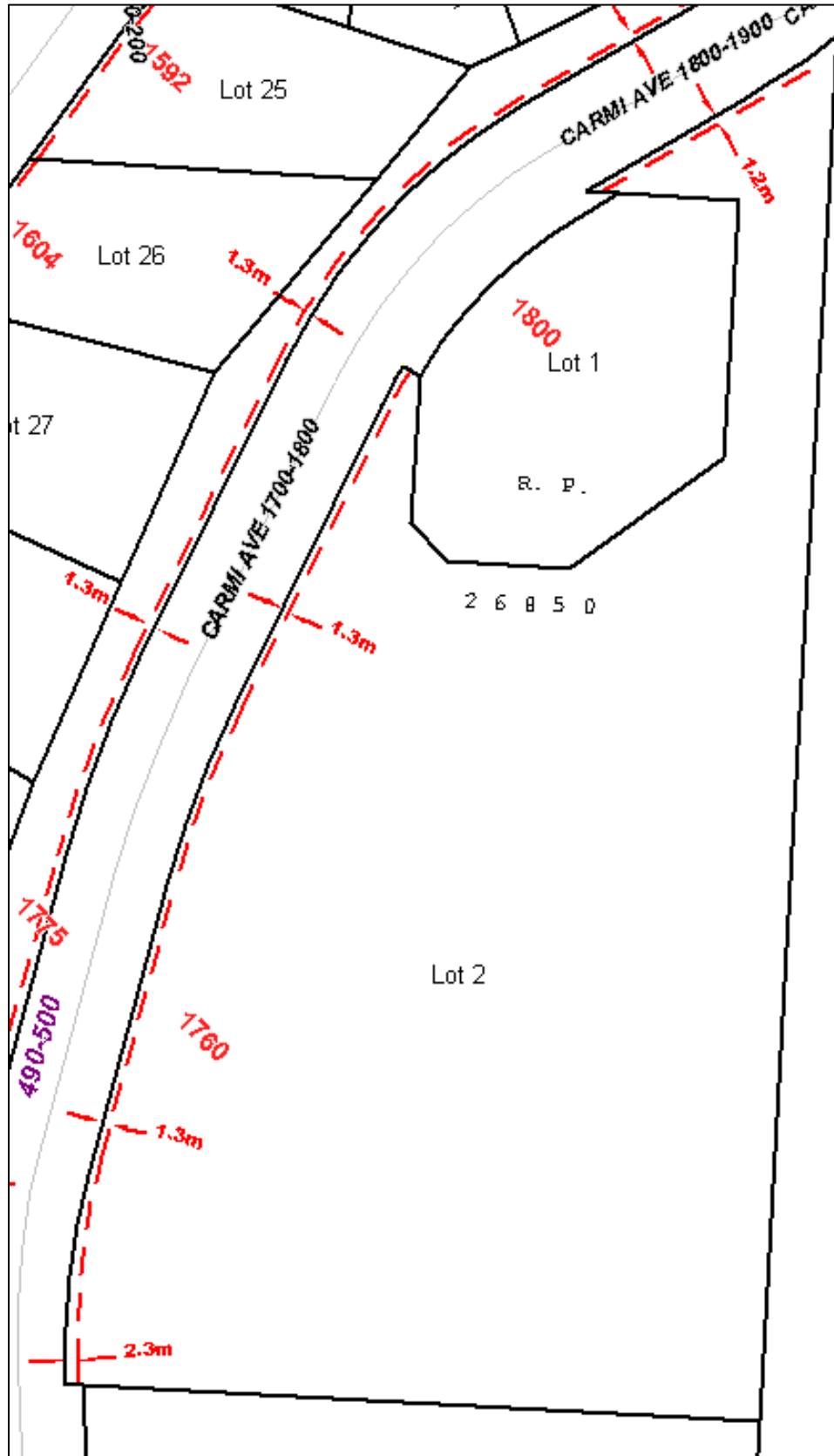


Figure 9: Road Dedication

**Bylaw No. 2019-02**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-02".

2. **Amendment:**

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

Rezone "Proposed Strata Lot 1" of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing).

2.2 Delete and replace Section 10.7.3 SITE SPECIFIC PROVISIONS with the following:

.1 In the case of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, townhouses are not permitted.

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

READ A FIRST time this	22	day of	January, 2019
A PUBLIC HEARING was held this	5	day of	February, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 25 day of January, 2019 and the 30 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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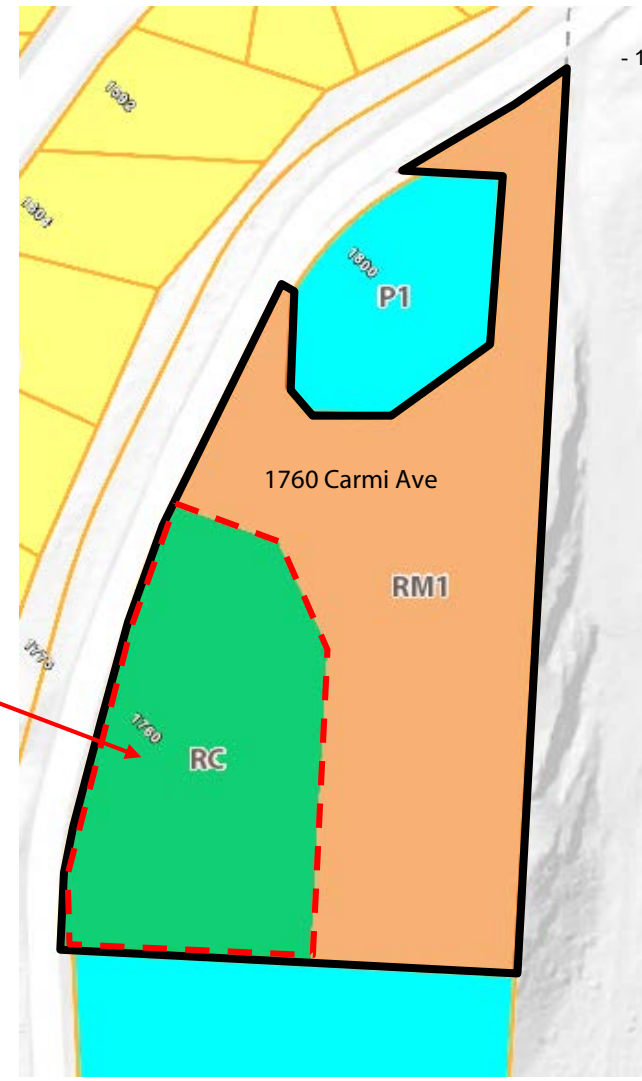
John Vassilaki, Mayor

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Angie Collison, Corporate Officer

# 1760 Carmi Avenue

- Rezone the portion of 1760 Carmi Avenue currently zoned as RC (Country Residential) to RM1 (Bareland Strata Housing).
- Add a site specific provision to the RM1 Zone prohibiting townhomes on the property



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-02

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

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

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**From:** Public Hearings  
**Subject:** REFERRAL - City of Penticton (1760 Carmi Ave) PL2018-8301

**From:** Moraes, Ryan [<mailto:Ryan.Moraes@fortisbc.com>]  
**Sent:** January-29-19 2:09 PM  
**To:** Public Hearings  
**Subject:** RE: REFERRAL - City of Penticton (1760 Carmi Ave) PL2018-8301

Hello,

Fortis BC Gas has no concern with this development.

Regards,

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**Ryan Moraes, ASct | Planning & Design Technologist | FortisBC**  
1260 Commercial Way | Penticton, BC V2A 3H5  
☎ 250-490-2621 📠 778-214-0509 | ✉ [ryan.moraes@fortisbc.com](mailto:ryan.moraes@fortisbc.com)

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**From:** OGorman, Krystina <[Krystina.OGorman@fortisbc.com](mailto:Krystina.OGorman@fortisbc.com)>  
**Sent:** Tuesday, January 29, 2019 1:51 PM  
**To:** Moraes, Ryan <[Ryan.Moraes@fortisbc.com](mailto:Ryan.Moraes@fortisbc.com)>  
**Subject:** REFERRAL - City of Penticton (1760 Carmi Ave) PL2018-8301

Property Referral: 2019-127

Hi Ryan,

Please review the attached / below and provide your comments directly to [publichearings@penticton.ca](mailto:publichearings@penticton.ca) by **February 4, 2019**.

If FortisBC Energy Inc. is affected, please copy [referrals@fortisbc.com](mailto:referrals@fortisbc.com) in on your response so that we may update our records.

Thank you,

Krystina O’Gorman  
Property Services Clerk  
Property Services, FortisBC Energy Inc.  
16705 Fraser Hwy, Surrey, BC V4N 0E8  
Direct Phone 604-592-8205  
Toll Free 1-800-773-7001



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

**Tuesday, January 22, 2019  
at 1:00 p.m.**

## **Resolutions**

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- 10.7 Zoning Amendment Bylaw No. 2019-03  
Development Variance Permit PL2018-8274  
Development Permit PL2018-8273  
Re: 964 Dynes Avenue

27/2019

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2019-03", a bylaw to rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 5, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-03", the owner be required to consolidate all four lots;

AND THAT delegations and submissions for "Development Variance Permit PL2018-8274" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit to vary Section 10.9.2.7.i to reduce the interior side yard from 4.5m to 3.0m, be heard at the February 5, 2019 Public Hearing;

AND THAT Council consider "DVP PL2018-8274" following the adoption of "Zoning Amendment Bylaw No. 2019-03".

THAT Council, in accordance with Section 507 of the Local Government Act, require the following excess and extended services:

- Full construction of curb and sidewalk along the front of 988 and 994 Dynes Avenue, to create a pedestrian connection between the development and the existing sidewalk along Dynes and Sydney Avenue.

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2019-03", approve "Development Permit PL2018-8273" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit that allows for the construction of two rows of six-unit townhouses.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** January 22, 2019  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Nicole Capewell, Planner 1  
**Address:** 964 Dynes Avenue  
**Subject:** **Zoning Amendment Bylaw No. 2019-03 and  
Development Variance Permit PL2018-8274  
Development Permit PL2018-8273**

File No: PRJ2018-134

## Staff Recommendation

### *Zoning Amendment Bylaw*

THAT "Zoning Amendment Bylaw No. 2019-03", a bylaw to rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 5, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-03", the owner be required to consolidate all four lots;

### *Development Variance Permit*

AND THAT delegations and submissions for "Development Variance Permit PL2018-8274" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit to vary Section 10.9.2.7.i to reduce the interior side yard from 4.5m to 3.0m, be heard at the February 5, 2019 Public Hearing;

AND THAT Council consider "DVP PL2018-8274" following the adoption of "Zoning Amendment Bylaw No. 2019-03".

### *Excess and Extended Service*

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the following excess and extended services:

- Full construction of curb and sidewalk along the front of 988 and 994 Dynes Avenue, to create a pedestrian connection between the development and the existing sidewalk along Dynes and Sydney Avenue.

### *Development Permit*

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2019-03", approve "Development Permit PL2018-8273" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit that allows for the construction of two rows of six-unit townhouses.

## **Strategic Objective**

The subject application demonstrates that it is aligned with the Council Priorities of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

## **Background**

The applicant is requesting to rezone 964, 970, 976 and 982 Dynes Avenue from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing). This rezoning will facilitate the consolidation of four parcels into one large parcel, which will allow for the construction of 12 townhouse units, 6 facing Dynes Avenue and 6 facing the rear lane. Each unit is intended to have garage parking and is four storeys in height. To support the development, the applicant is also requesting a variance to the RM3 zone to reduce the required side yards from a minimum side yard of 4.5m to 3.0m.

The subject property (Attachment 'A') is currently zoned R2 (Small Lot Residential) and is designated for medium density residential by the City's Official Community Plan (OCP). There are currently two existing single family homes on the properties, which were constructed in the 1930's. As indicated in the Zoning Map (Attachment 'B'), the surrounding neighbourhood currently contains a diverse mix of residential zones, ranging from R2 (Small Lot Residential), to RM4 (High Density Residential). There are housing types including a mobile home park, single family homes, duplexes, townhouses, apartments, and tourist accommodations (hotels/motels). This area has been slowly transitioning from a low density neighbourhood to accommodate medium to high density units, as directed by the OCP.

## **Draft Official Community Plan**

The Official Community Plan review currently underway includes the subject property within the Future Land Use category called 'ground oriented residential'. The draft Official Community Plan describes the ground oriented residential designation as "medium-density residential areas where each unit has an exterior door and construction is primarily wood frame." Compatible types of development include duplexes with or without suites; cluster housing; higher-density rowhouses; townhouses and stacked townhouses; and bareland strata developments. This OCP designation supports building heights up to 3 ½ storeys.

## **Proposal**

The applicant is proposing to construct two rows of six-unit townhouses at 964 and 982 Dynes Avenue (to be consolidated into one large lot). To facilitate this development, the applicant is requesting to rezone the property from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

The applicant is also requesting a variance to reduce the required side yard from 4.5m to 3.0m.

The applicant is required to attain a Development Permit for the form and character of the building, as the properties are located within the Downtown Multiple Family Development Permit Area. This has been included in this report for Council's consideration.

## **Technical Review**

This application was reviewed by the City's Technical Planning Committee. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Building Permit stage of the project, if rezoning and variance permit applications are supported by Council. Any servicing

upgrades required for the development are the responsibility of the applicant. The development is required to conform to the BC Building Code. These items have been communicated to the applicant.

Staff are recommending that the applicant be required to construct and extend curb, sidewalk and boulevard landscaping on Dynes Avenue from the front of the development to the west, to connect to Sydney Avenue. This scope of work is not within the authority of the Subdivision and Development Bylaw, which only requires infrastructure upgrades along the frontage of a property up to the centre line of the road. The *Local Government Act*, however, does give Council the authority to require these works through the excess or extended service sections of the legislation. When Council utilizes this power, a developer is eligible for 'latecomer' payments when a property that benefits from the works redevelops within a 15 year period. In this case, the two benefitting properties are 994 and 988 Dynes Avenue. If those lots were to redevelop the City would be responsible for collecting funds from the developers and forwarding them back to the persons who completed the excess or extended service works. This has been communicated to the developer, who is in agreement with the proposal.

### Financial Implication

The application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer. The developer will be paying for the extension of the sidewalk in front of the development along Dynes Avenue to create better pedestrian connections.

### Development Statistics

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

	Requirement RM3 Zone	Provided on Plans
<b>Minimum Lot Width:</b>	25 m	36.588 m
<b>Minimum Lot Area:</b>	1,400 m <sup>2</sup>	1,692.53 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	50 %	37%
<b>Maximum Hard Surfacing</b>	60%	60%
<b>Maximum Density:</b>	1.6 Floor Area Ratio (FAR)	1.25 Floor Area Ratio (FAR) (text amendment)
<b>Vehicle Parking:</b>	15 (1 per unit, plus 0.25/unit for visitor parking)	24 (2 per unit)
<b>Required Setbacks</b>		
Front Yard (Dynes Ave):	3.0 m	6.0 m
Side Yard (east):	4.5 m	3.0m – <b>Variance Requested</b>
Side Yard (west):	4.5 m	3.0m – <b>Variance Requested</b>
Rear Yard (lane):	6.0 m	6.0 m
<b>Maximum Building Height</b>	24 m	12.5 m (4 storeys)

## Analysis

### *Support Zoning Amendment Bylaw*

The 2002 Official Community Plan (OCP) designation for the subject property is MFMD (Multi-Family Medium Density Residential), which supports townhouses, cluster housing, condominiums and other forms of increased density. The applicant is proposing to consolidate four legal parcels into one large parcel, which will allow for 12 townhouse units to be constructed. The proposed development is following the OCP vision for the neighbourhood of a multi-family medium density. Staff consider that the proposed zoning amendments will allow for a development that is supported through the following City Policies:

- OCP goal to facilitate the provision of a variety of housing types, tenures and densities that will continue to respond to the diverse needs, including income levels, of individuals and families in Penticton in varying stages of their life.
- OCP goal to strive to achieve a housing stock that includes high quality, luxury housing.
- OCP policy which promotes residential infill development as an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The subject property is in an appropriate location for density being near existing transit services and other amenities, like parks and grocery. The subject property is within close proximity to Okanagan Lake, Riverside Plaza, the South Okanagan Events Center, the Penticton Community Center, and the City's downtown core, which encourages more walking and active forms of transportation.

In addition to the properties being within the MFMD (Multi-Family Medium Density) OCP designation, the properties are also located within the Downtown Multiple Family Development Permit Area. Prior to any development on the properties, the applicant must receive development permit approval. The Development Permit has been included for Council consideration as part of this application (see below section on Development Permit).

Given the above, there is adequate policy through the OCP to support the proposal to rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2019-03".

### *Deny Zoning Amendment Bylaw*

Council may consider that the proposed development is not appropriate for the subject properties. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2019-03".

### *Support Development Variance Permit*

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance is to reduce the minimum interior side yards from 4.5m to 3.0m.

#### *Section 10.9.2.7: to reduce the minimum interior side yard from 4.5m to 3.0m.*

- The applicant is requesting a variance to reduce the minimum interior side yard from 4.5m to 3.0m. The RM3 zone has larger setback requirements in place:
  - Increased setbacks are in place to require taller buildings to be setback further from the neighbouring properties;
  - The RM3 zoning allows for buildings up to 24m in height, the 4.5m setback assists in reducing the impact of such a tall building on the neighbours;
  - The space created by these setbacks is often used to accommodate landscaping buffers between properties and differing uses.

- While there are benefits to requiring a 4.5m setback, the proposed development is minimizing the impacts of the requested variance by:
  - Limiting the height of the proposed building to 12.5m, although the RM3 zone allows for a 24m building.
  - Integrating a significant amount of landscaping throughout the property, including along the side yards to create a buffer between the uses.
  - Limiting the number and size of windows on the sides of buildings that would overlook into neighbouring properties, respecting the privacy of adjacent properties.

The requested variance would allow for an increased building envelope available onsite, which allows for larger, more desirable units with 3 bedrooms.

Given the above, staff find that the proposed design successfully integrates a medium density development into the existing neighbourhood. Staff find the variance request reasonable and recommend that Council support the application.

#### *Deny Development Variance Permit*

Council may consider that the buildings should be reduced to meet the 4.5m side yard setback for both interior side yards. If this is the case, Council should refer the permit back to staff to work with the developer as directed by Council. The result of this approach would likely result in the redesign of the units with potential loss of density. Staff do not support denial of the variance request, as the rationale provided by the applicant and high quality design proposed will result in a positive contribution to this area of the community.

#### *Support Development Permit*

The subject property is located within the Downtown Multiple Family Development Permit Area (DPA), as such a Development Permit (DP) is required prior to application for a building permit. The DP, once approved, will be listed on title of the property and 'locks-in' the form and character of the building, giving some assurance that the building will look as was presented to Council.

The objective of the Downtown Multiple Family DPA guidelines are to ensure that the siting, form, character and landscaping of new development and exterior renovations and additions to existing buildings in the downtown area, are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods. In this DPA, there is emphasis on the following design considerations:

*The mass and façade of buildings should be articulated with variations in materials and detailing to emulate the scale of the existing neighbourhood.*

- The proposed buildings have been designed with sufficient variations to both the front and the back of the buildings. As shown on the proposed elevations (Attachment 'I'), the front façade of the buildings have jogs and off-sets, which create visual interest. The façade also incorporates an adequate variation of building materials, using an abundance of windows, varied colours of stucco, brick, and other accent materials.

*Multiple dwelling buildings should have street orientation to all adjacent streets.*

- The proposed development proposes to build two six-unit townhouse buildings. The proposed site plan places the front building facing onto Dynes Avenue, and the second building will face onto the lane at the rear of the property. This development will help to increase security and safety on the lane behind the development by increasing 'eyes on the street' at all times of the day.

*Building shape, roof lines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.*

- As described above, the proposed development has used architectural features, variation to the façade, as well as a mixture of exterior building materials to ensure sufficient variation to the building and create an architecturally appealing design.

*Where a site is to contain several buildings, careful attention should be given to the provision of usable private open space, trail linkages between buildings and potential other development enclaves. On-site walkways and trails and connections to external walkways and trails should be indicated on the site plan.*

- The proposed landscape plan demonstrates where outside space will be available to the occupant(s) of the development. There is ample usable, private open space for each of the proposed units, provided through decks and ground level green space between the two proposed buildings. The landscape plan also features pathways along both sides of the proposed buildings creating direct connections to the street.

*All waste disposal bins should be completely screened within an enclosure.*

- The proposed design places all waste and recycling bins inside the garages provided for each unit. Garbage collection will be curbside, collected from the lane and from the street on the designated collection day.

*Large buildings should be designed in a way that creates the impression of smaller units and less imposing massing, by using building jogs and irregular faces.*

- As previously noted, the building uses jogs and irregular faces to assist in breaking down the appearance of one large building. This helps in using the development to transition the neighbourhood to a medium density area, as desired by the Official Community Plan.

*Mechanical/Utility cabinets and transformer pads are to be located at the rear of the property, behind the building. Where this is unachievable, the located may be permitted at the edge of the front yard and must be incorporated into landscaped area and screened from the street.*

- The proposed development locates the mechanical/utility cabinets and transformer pads at the front of the property. Although this is not the desired location, the applicant has proposed to incorporate landscaping around the mechanical equipment, as well as placing a decorative wrap onto the utility boxes.

*For apartment or condominium developments, large surface parking areas should be broken down into smaller parking evenly dispersed throughout the development and integrated with planted landscaping areas. Tree planting and landscaping is required in parking areas.*

- The proposed site plan does not have one large parking area for the entire site. Rather, each unit has parking located directly in front of it. The driveways are broken down further with landscaping breaks between units, which include both shrubbery and trees.

*Landscaping shall comprise of plant material that has a high decorative value and drought tolerant, cedar trees and hedges are discouraged in all landscaping plans.*

- The proposed landscaping plan incorporates a significant amount of trees and shrubs throughout the site. The plan has included a 3m wide landscaping buffer along both side yards, which includes trees and shrubs as well as a walking path to connect the units at the rear of the property to the street.

*Landscaped areas should include an underground irrigation system, which should be programmed to maximize efficient water use.*

- The proposed landscaping plan has noted that all landscaping areas will be equipped with an automatic, underground, efficient irrigation system.

*Landscape areas, boulevards and setback areas adjacent to streets should be planted with boulevard trees and use plantings and techniques that conserve water through xeriscaping and incorporation of drought resistant species.*

- The proposed landscaping plan includes landscaped boulevard areas. The boulevard landscaping will be completed by the City (developer to provide funds for work). The landscaping plan also incorporates a number of trees near the boulevard on the private property.

The design presented by the applicant has been created with street presentation and architectural interest in mind. There is sufficient landscaping incorporated throughout the entire site, with attention given to the side yards buffering the neighbours. The proposed development is supported through OCP Policy to increase density within established areas, where servicing exists and through staff's review, the plans adhere to the DP guidelines for this area. As such, Staff recommend that Council approve the Development Permit.

#### *Deny Development Permit*

Council may consider that the developer can change the design to more accurately reflect the guidelines for the Downtown Multiple Family Development Permit Area. If this is the case, Council should refer the permit back to staff to work with the developer as directed by Council. Staff have been working with the applicants and their architects over the past few months on small improvements to ensure full alignment with the development permit area guidelines. Given the work and negotiation to get the point where the plans are currently at, staff do not recommend this course of action. Staff consider that the plans reflect the intent of the development permit area guidelines and that the project will be a positive addition to the site.

#### **Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-03" and deny support for DVP PL2018-8274 and DP PL2018-8273.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-03", but deny support for DVP PL2018-8274 and DP PL2018-8273.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-03", and give support for DVP PL2018-8274 and DP PL2018-8273 with conditions that Council feels are appropriate.

#### **Attachments**

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map of Subject Property
Attachment C:	Official Community Plan Map of Subject Property
Attachment D:	Images of Subject Property
Attachment E:	Letter of Intent
Attachment F:	Proposed Site Plan
Attachment G:	Proposed Landscape Plan
Attachment H:	Proposed Floor Plans
Attachment I:	Proposed Building Elevations
Attachment J:	Proposed Renderings

Attachment K: Draft Development Variance Permit (DVP)  
Attachment L: Draft Development Permit (DP)  
Attachment M: Zoning Amendment Bylaw No. 2019-03

Respectfully submitted

Nicole Capewell  
Planner 1

Approvals

Director Development Services  <i>AH</i>	Acting Chief Administrative Officer  AH
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Attachment A – Subject Property Location Map



Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property



Figure 2 – Subject Property Currently Zoned R2 (Small Lot Residential)

Attachment C – Official Community Plan Map of Subject Property

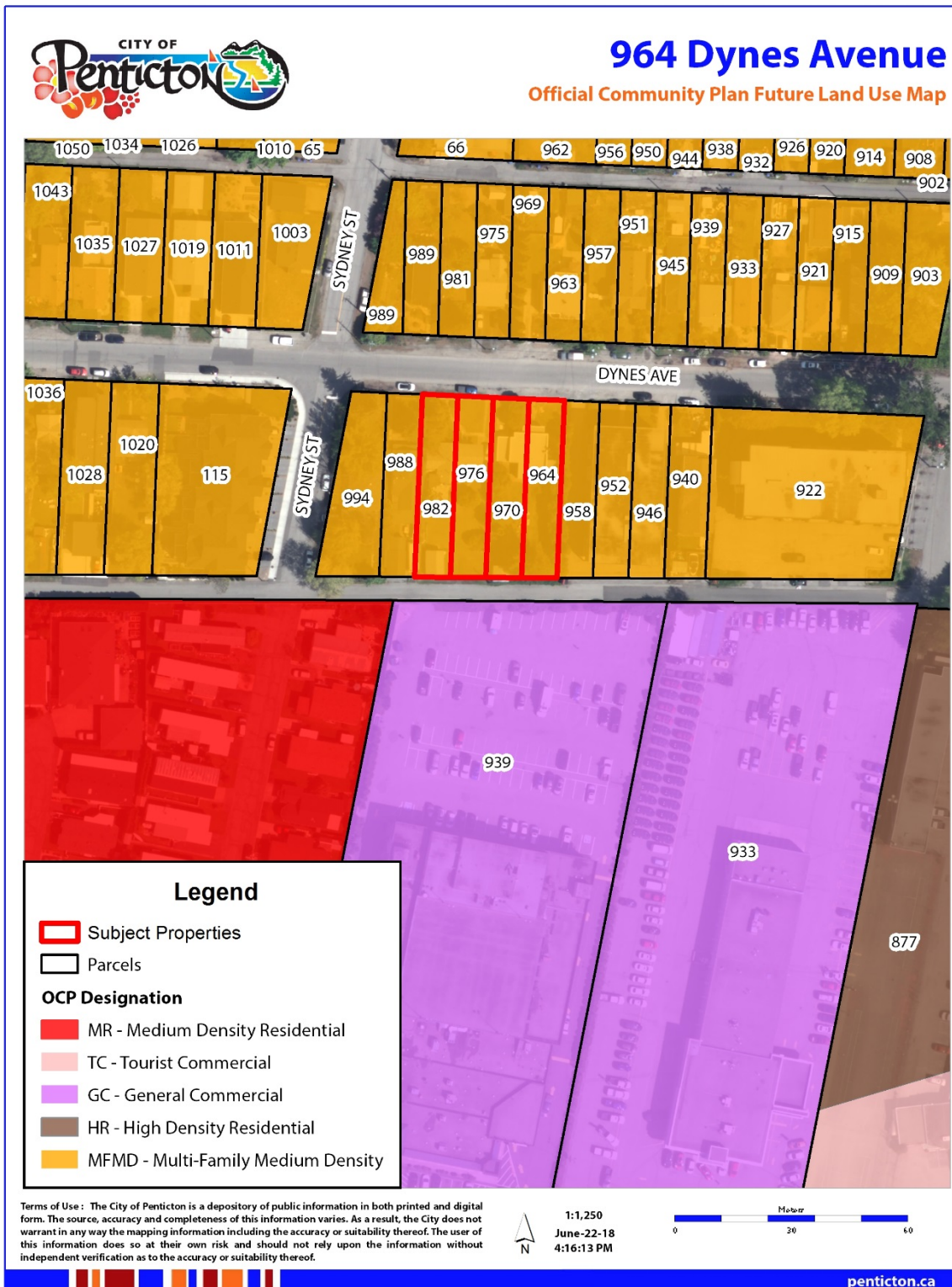


Figure 3 – Subject Property Currently Designated as MFMD (Multi-Family Medium Density Residential) within Official Community Plan

Attachment D – Images of Subject Property

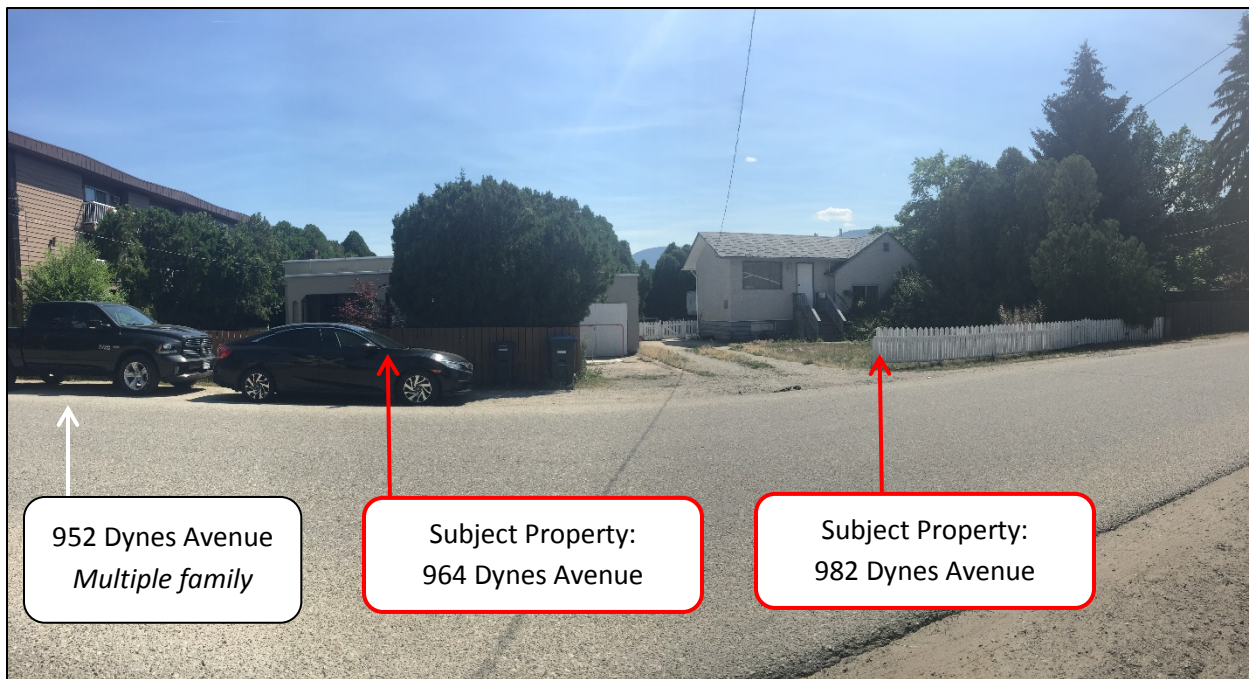


Figure 4 – Looking at front of 964 and 982 Dynes Avenue from Dynes Avenue



Figure 5 – Looking down eastern property line from Dynes Avenue



Subject Property:  
982 Dynes Avenue

988 Dynes Avenue  
*Single family dwelling*

Figure 6 – Looking down the western property line from Dynes Avenue



Dynes Avenue

Subject Property:  
964/982 Dynes  
Avenue

Figure 7 – Looking along the boulevard of Dynes Avenue in front of subject property (to be constructed with curb and sidewalk)

### Attachment E – Letter of Intent



## Proposal for Rezoning, Development Permit, and Development Variance Permit 964 & 982 Dynes Ave (Version2)

### Introduction

This application is for a Rezoning, Development Permit, and Development Variance Permit to facilitate the construction of a 12 unit townhome enclave.



### Site Context and Land Use

The subject site consists of 2 parcels. Both are currently zoned R2 with a "Multi Family Medium Density" Land Use Designation. Both lots have existing single family homes on them.



**Site Location**  
Source: Google Map



**Site Context**  
Source: City of Penticton

Figure 8 – Letter of Intent (1/2)



### Proposal Overview

The owner of these properties would like to rezone the site to RM<sub>3</sub> "Medium Density Multiple Housing" and undertake a Development Permit to construct a series of three storey townhomes.

The units have been designed with significant contemporary influences and host a very modern appearance. Exceptionally well-appointed rooftop patios are provided for each home to increase livability and useable space. Exterior materials include acrylic stucco, architectural brick, and fiber cement siding. These high quality materials will create durable and low maintenance buildings. Parking is provided in a mixture of surface driveway stalls and garages.



### Variances Requested

- 1) *Reduce Side yard Setback from 4.5m to 3.0m.*  
Reducing the side yard setback from 4.5m to 3.0m allows for 6 units to fit in each building, which also allows the concept to get much closer to the allowable FAR under the RM<sub>3</sub> zone. Maximizing FAR potential is important to help ensure orderly and predictable development in accordance with the Official Community Plan and Zoning Bylaw. Furthermore, the max height under the RM<sub>3</sub> zone is 24m, so the 4.5m side setback was formulated with a much larger building in mind. Given that the proposed homes are only 12.5m high (half of bylaw maximum), it seems reasonable that the side yard setback could be reduced accordingly. Honoring the site coverage and the height constraints, the proposed development is scoring FAR of 1.25, whereas 1.6 is permitted for the site.

Figure 9 – Letter of Intent (2/3)



**Conclusion**

This project will provide a series of new townhomes within walking/biking distance of jobs, shopping, and services. Focusing this type of low impact medium density on the periphery of the downtown core enhances the variety of housing stock available in the City. The variances requested are minor in nature and are mitigated with functional, creative design elements. The applicant kindly requests support from staff and council on this application.

Figure 10 – Letter of Intent (3/3)

### Attachment F – Proposed Site Plan

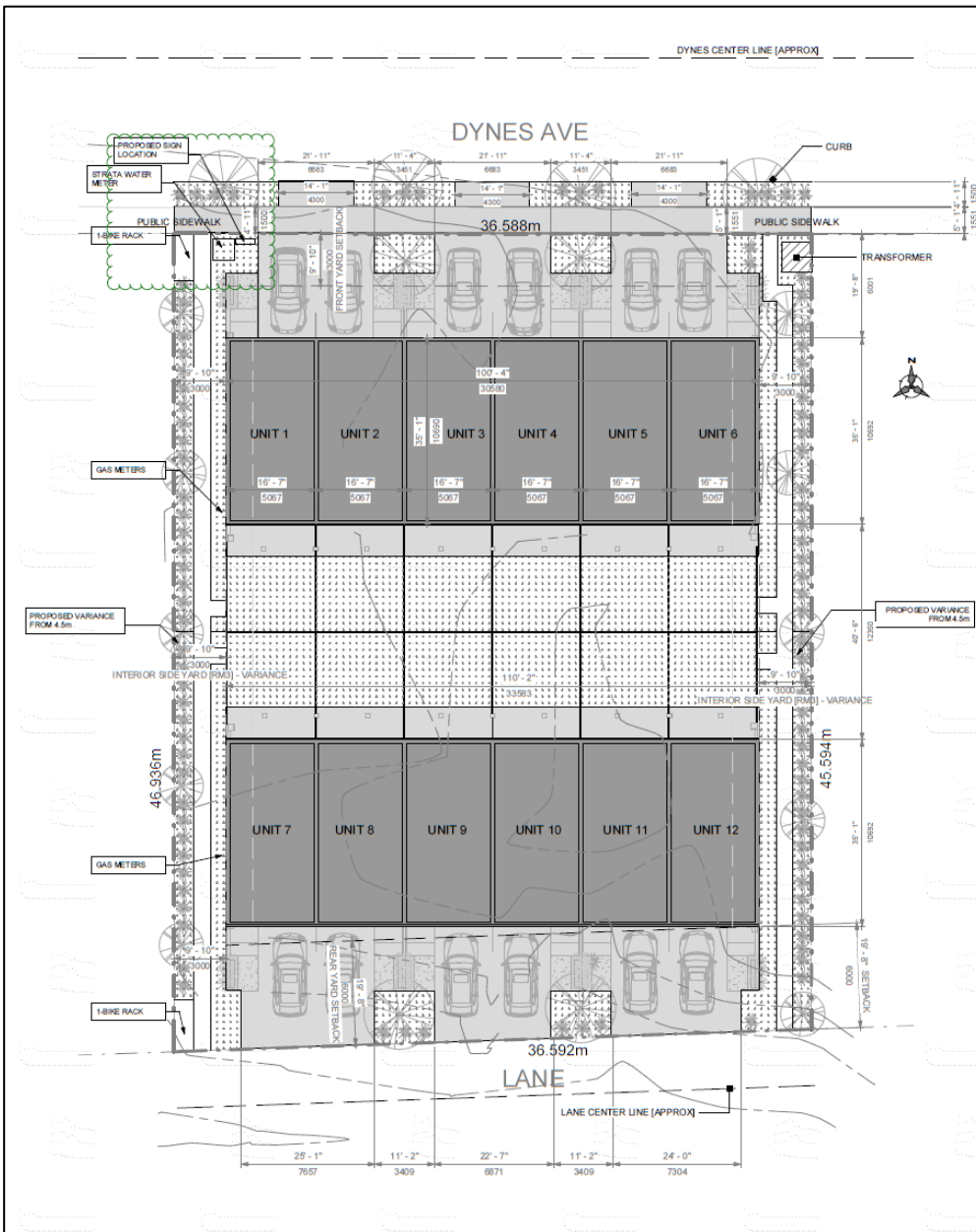


Figure 11 – Conceptual Site Plan

### Attachment G – Proposed Landscape Plan

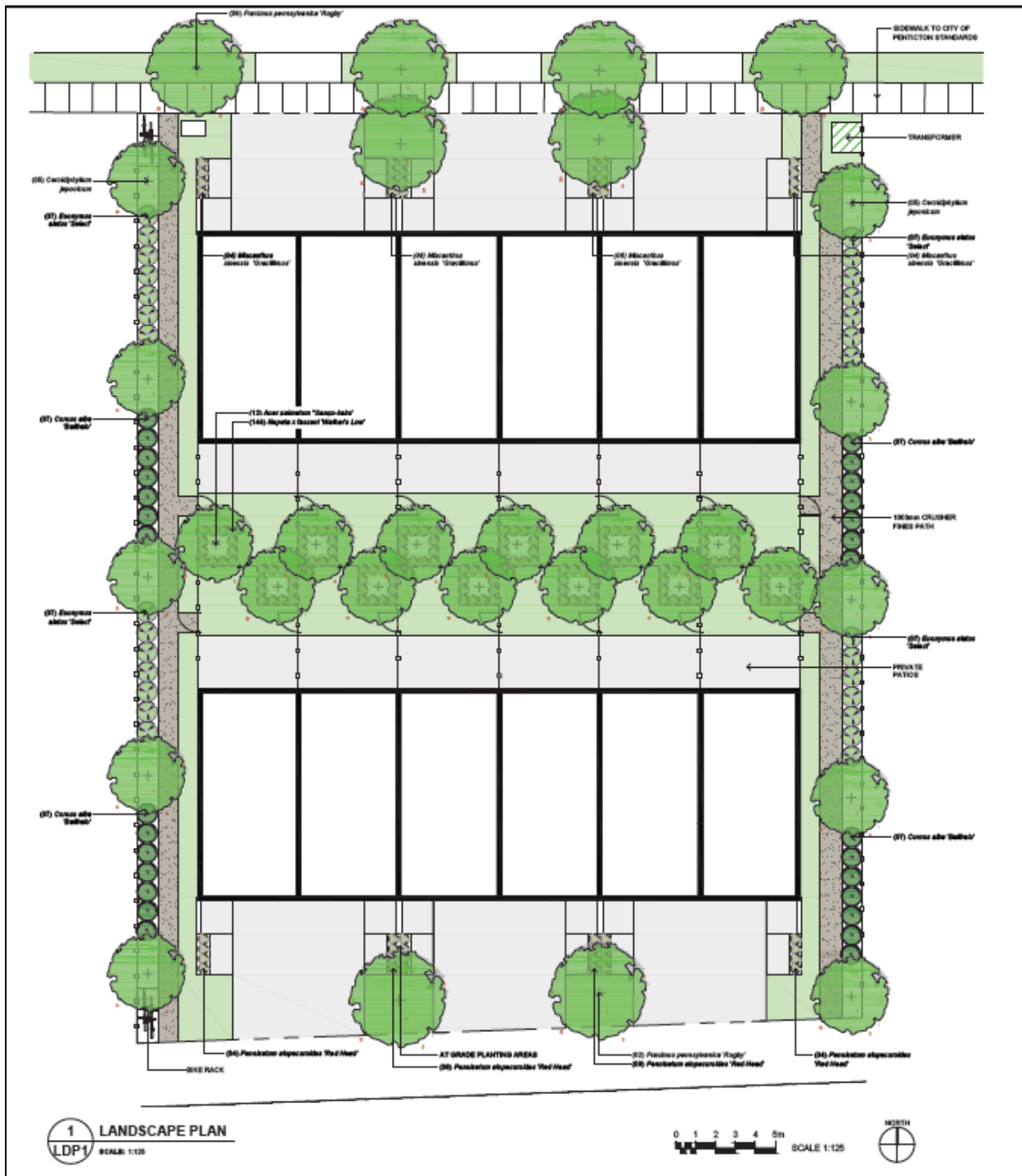


Figure 12 – Conceptual North Elevation

### Attachment H – Proposed Floor Plans

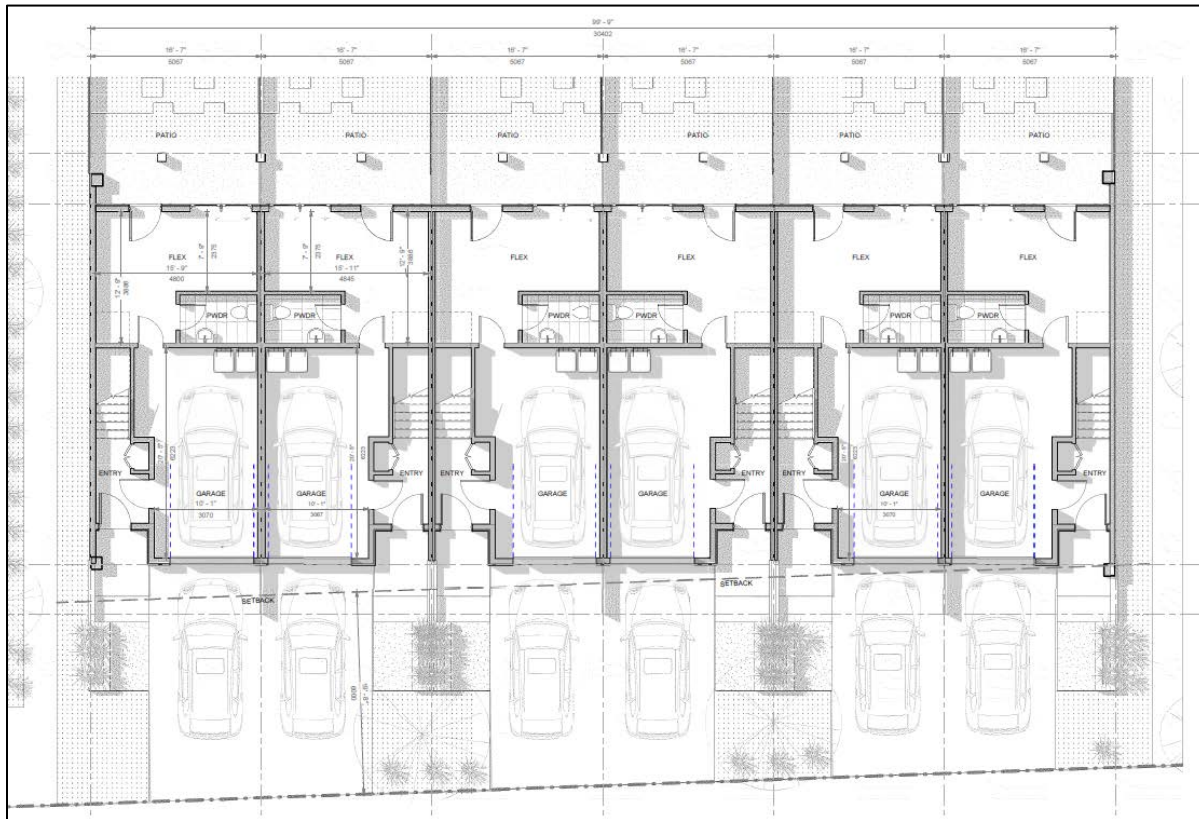


Figure 13 – Main Floor Plan

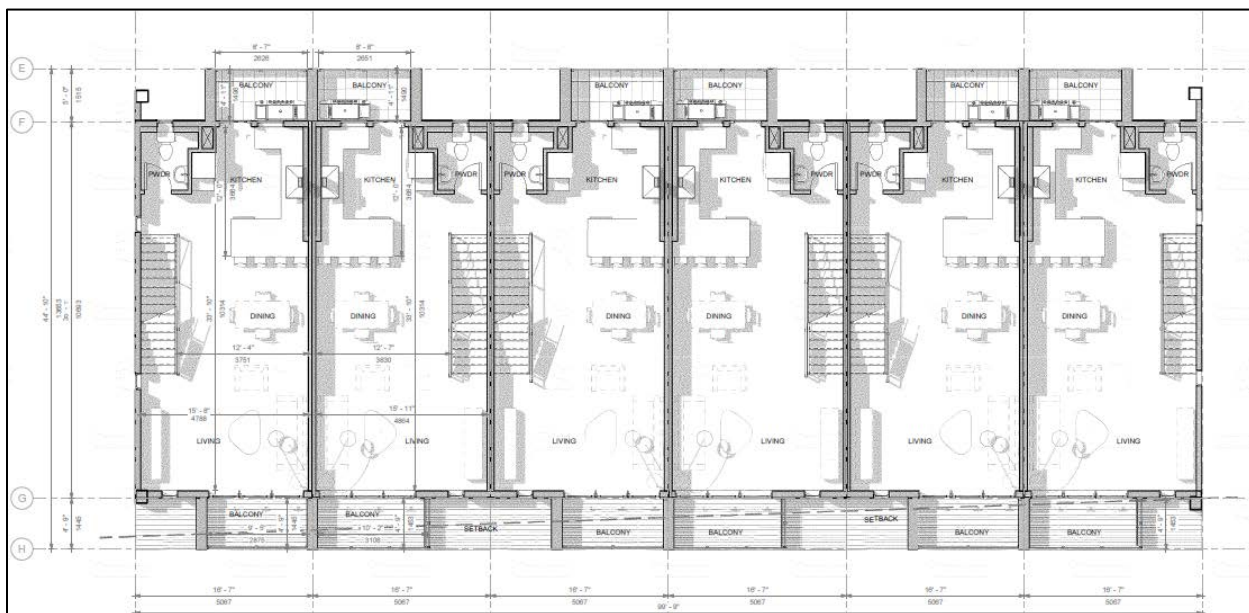


Figure 14 – Second Floor Plan

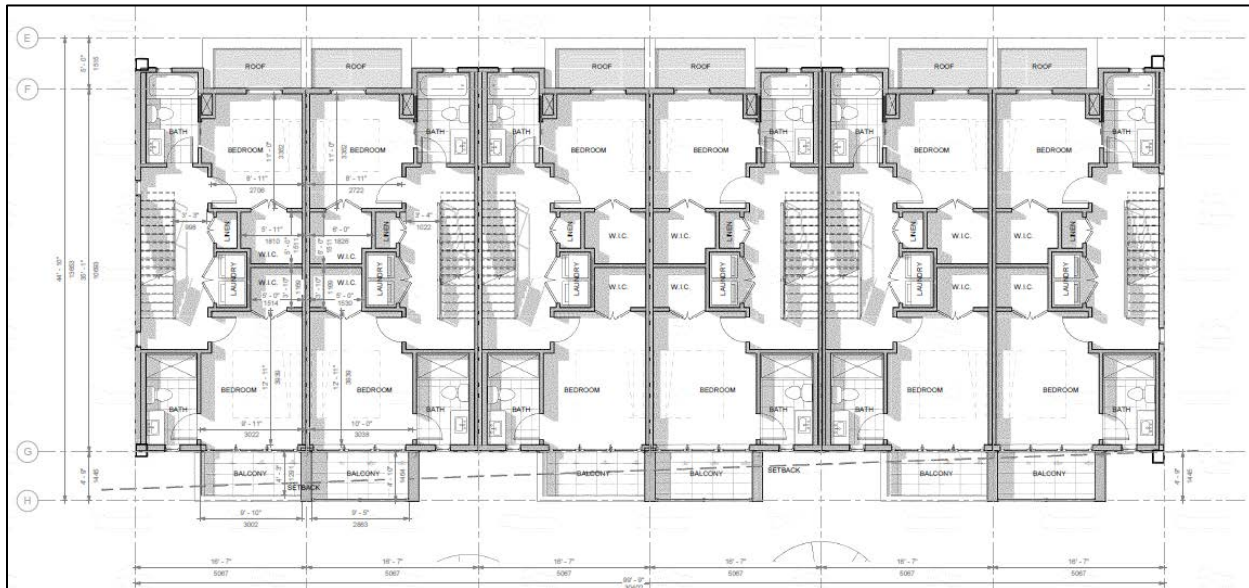


Figure 15 – Third Floor Plan

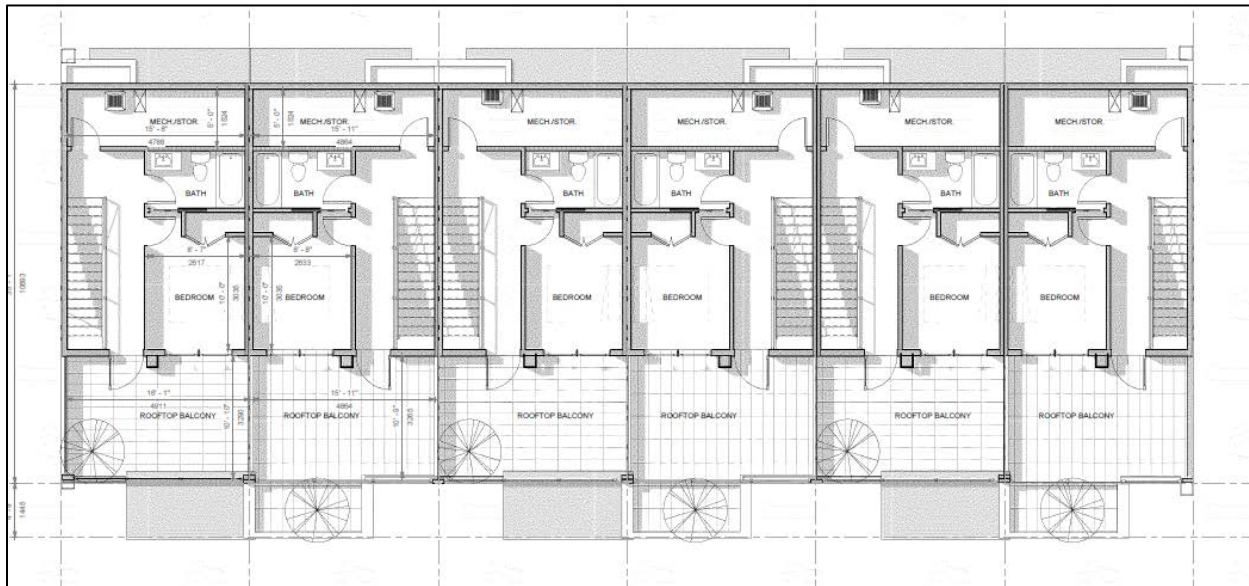


Figure 16 – Fourth Floor Plan

### Attachment I – Proposed Building Elevations



Figure 17 – Fourth Floor Plan



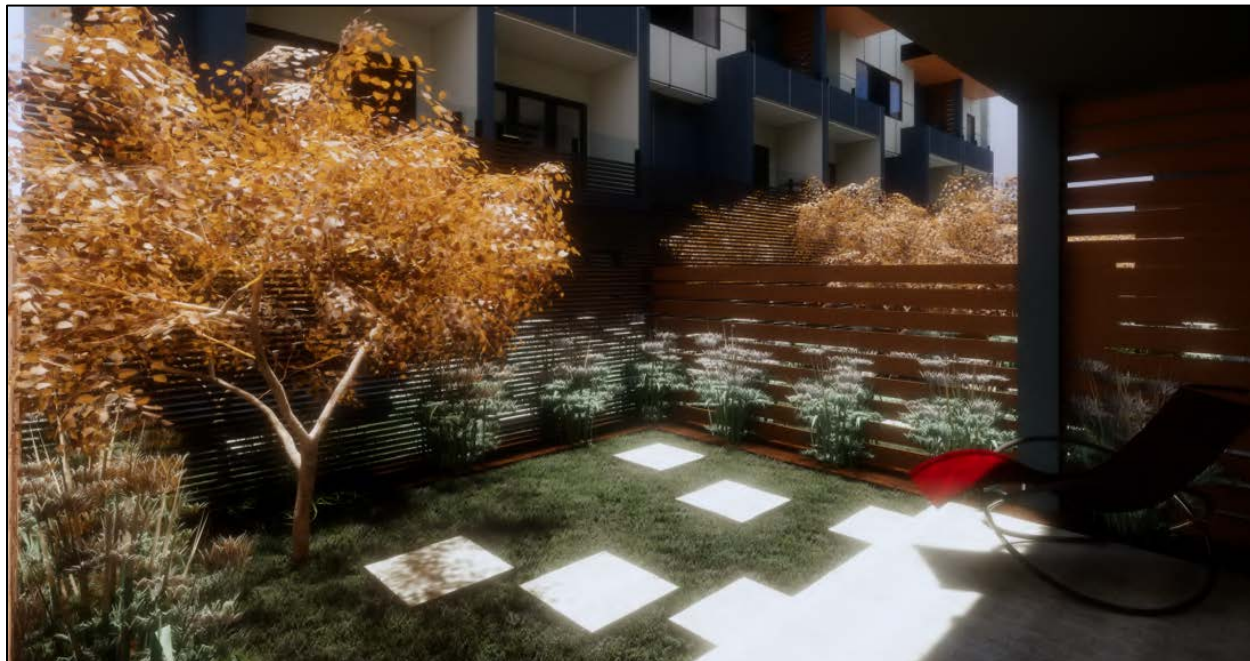
Figure 18 – Fourth Floor Plan



Figure 19 – Fourth Floor Plan

Attachment J – Proposed Renderings





Attachment K – Draft Development Variance Permit (DVP)



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

**Development Variance Permit**

**Permit Number: DVP PL2018-8274**

Owner Name  
Owner 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: TBD after consolidation of lots  
Civic: TBD after consolidation of lots  
PID: TBD after consolidation of lots
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 to allow for the construction of two rows of six-unit townhouses:
  - a. Section 109.2.7.i: to reduce the minimum interior side yard setback from 4.5m to 3.0m.

**General Conditions**

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

Authorized by City Council, the \_\_\_\_\_ day of \_\_\_\_\_, 2018

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Angela Collison,  
Corporate Officer

DRAFT

Attachment L – Draft Development Permit (DP)



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

## Development Permit

**Permit Number: DP PL2018-8273**

Owner Name  
Owner 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: TBD after consolidation of lots  
Civic: TBD after consolidation of lots  
PID: TBD after consolidation of lots
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two rows of six-unit townhouses as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$104,711.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
  - a. The permit has lapsed as described under Condition 8, or
  - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

- 6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

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

**General Conditions**

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

Authorized by City Council, the \_\_\_\_ day of \_\_\_\_\_, 2018

Issued this \_\_\_\_ day of \_\_\_\_\_, 2018 \_\_\_\_\_

Angela Collison  
Corporate Officer

Bylaw No. 2019-03

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. 2019-03".

2. Amendment:

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

Rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	22	day of	January, 2019
A PUBLIC HEARING was held this	5	day of	February, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
RECEIVED the approval of the		day of	, 2019
Ministry of Transportation on the			
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 25 day of January, 2019 and the 30 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

John Vassilaki, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*  
 this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_

for Minister of Transportation & Infrastructure

Angie Collison, Corporate Officer

Rezone 964, 970, 976 and 982 Dynes Avenue  
From R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) <sup>-45-</sup>



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-03

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

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