

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

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

- 1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2019-05”** 1-21
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2019-05” (484 Eckhardt Avenue West)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
 - Rezone Lot 8, Block B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 930, located at 484 Eckhardt Avenue West from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).
 - The applicant is proposing to subdivide the property into two lots and construct a front to back duplex on each lot.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, February 22, 2019 and Wednesday, February 27, 2019 (pursuant to the *Local Government Act*).
- CO No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, February 27, 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. 2019-05” 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. 2019-06”**

22-23

CO Reads Opening Statement and Introduction of Bylaws

“Official Community Plan Amendment Bylaw No. 2019-06” (484 Eckhardt Avenue West)

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

Amend Schedule ‘H’ Development Permit Area Map for Lot 8 Block B District Lot 4, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 930, located at 484 Eckhardt Avenue West, identified in Schedule A of this bylaw, and include in the Downtown Multiple Family Development Permit Area.

The applicant is proposing to subdivide the property into two lots and construct a front to back duplex on each lot.

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, February 22, 2019 and Wednesday, February 27, 2019 (pursuant to the *Local Government Act*).

CO No correspondence received regarding the Official Community Plan Amendment Bylaw (as of noon Wednesday, February 27, 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 “Official Community Plan Amendment Bylaw No. 2019-06” is terminated and no new information can be received on this matter.

- 3.** Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2019-07”** 24-56
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2019-07” (253 Norton Street)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- Rezone Lot A, District Lot 202 Similkameen Division Yale District Plan KAP83201, located at 253 Norton Street from RM4 (High Density Multiple Housing) to RM3 (Medium Density Multiple Housing).
- The applicant is proposing to construct four, 4-unit townhouses for a total of 16 units on the site. Two townhouse blocks will face Norton Street with two facing the lane.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, February 22, 2019 and Wednesday, February 27, 2019 (pursuant to the *Local Government Act*).
- CO No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, Wednesday 27, 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. 2019-07” 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, February 19, 2019
at 1:00 p.m.

Resolutions

- 15.1 Zoning Amendment Bylaw No. 2019-05
Official Community Plan Amendment Bylaw No. 2019-06
Re: 484 Eckhardt Avenue West

65/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-05", a bylaw to rezone Lot 8 Block B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 930, located at 484 Eckhardt Avenue West from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)," be given first reading and forwarded to the March 5, 2019 Public Hearing.

THAT prior to consideration of "OCP Amendment Bylaw No. 2019-06" and in accordance with Section 475 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "Official Community Plan Amendment Bylaw No. 2019-06," a bylaw to amend Schedule 'H' Development Permit Area Map of the City's OCP, to include the subject property in the Downtown Multiple Family Development Permit Area; be introduced, given first reading and forwarded to the March 5, 2019 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: February 19, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 484 Eckhardt Avenue West

File No: 2019 PRJ-004

**Subject: Zoning Amendment Bylaw No. 2019-05
Official Community Plan Amendment Bylaw No. 2019-06**

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2019-05", a bylaw to rezone Lot 8 Block B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 930, located at 484 Eckhardt Avenue West from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)," be given first reading and forwarded to the March 5, 2019 Public Hearing.

Official Community Plan Amendment

THAT prior to consideration of "OCP Amendment Bylaw No. 2019-06" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "Official Community Plan Amendment Bylaw No. 2019-06," a bylaw to amend Schedule 'H' Development Permit Area Map of the City's OCP, to include the subject property in the Downtown Multiple Family Development Permit Area; be introduced, given first reading and forwarded to the March 5, 2019 Public Hearing.

Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Photos of the site are included as Attachment D. The lot is 702m² (7,556ft²) in area and features an older single family dwelling which is intended to be demolished. Surrounding properties are primarily zoned for single and multi-family development.

Surrounding properties are designated by the OCP as LR (Low Density Residential) and MFLD (Multi Family Low Density). The site is in a central location, close to the Kings Park and the SOEC. The close proximity to commercial nodes, parks and several amenities creates the potential for more density.

Proposal

The proposed rezoning will facilitate a subdivision of the subject property into two lots. On each of those lots, the developer is proposing to construct a front to back duplex. To facilitate this use, a rezoning to RD2 (Duplex Housing: Lane) is required. The conceptual renderings illustrate a two and half storey duplex, with living space on the main level, one bedroom in the basement, two bedrooms upstairs and a rooftop patio. The exact design will be thoroughly reviewed by staff through the development permit process after the rezoning and subdivision process is complete. All required parking will be accessed from the rear lane and provided on-site.

Financial implication

The City will receive Development Cost Charges of \$13,262.00 from the developer for the creation of the new lot in addition to the building permit fees, based on the cost of construction.

Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works departments. A new water and sewer connection will be required to service the additional lot as well as possible upgrades to existing services. Lane upgrade will be required as part of subdivision approval. A 2.5m road dedication will be obtained by the City through the subdivision process, which will help to achieve the desired 20.0m width of Eckhardt Avenue West. A demolition permit will be required for the existing structures on the property. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. If the request for the zoning amendment is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

New OCP

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 this spring, identifies this area for ‘Detached Residential.’ This designation allows single detached dwellings with suites, carriage houses or duplexes where zoning permits. The proposed zoning amendment is in line with this future designation.

Development Statistics

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

Item	Requirement RD2 zone	Proposed Lot A	Proposed Lot B
Maximum Lot Coverage:	40%	36%	32%
Minimum Lot Width:	9.1m	9.14m	9.14m
Minimum Lot Area:	275.0m ²	351m ²	351m ²
Maximum Density:	0.95 FAR	0.78 FAR	0.52 FAR
Vehicle Parking:	1 space per dwelling unit (2 per lot)	2 spaces	2 spaces

Required Setbacks			
Front yard (north, Eckhardt Ave W):	4.5m	6.32m	4.5m
Rear yard (south, lane):	6.0m	12.39m	11.63m
Interior yard (west):	1.5m	1.5m	1.5m
Interior yard (east):	1.5m	1.56m	1.56m
Maximum Building Height:	10.5m (three storeys)	10.4m	7.8m
Other Information:	- The subject property is not located in a Development Permit Area, but staff are recommending that the property be included in the Downtown Multiple Family DPA to ensure the form and character of the buildings and landscaping are of high quality.		

Analysis

Zoning Amendment

Support Zoning Amendment Bylaw No. 2019-05

The OCP states that “when reviewing applications to allow duplexes within the LR designation, Council and staff should consider overall neighbourhood character and locating duplexes in areas that meet the following guidelines:”

- a) areas with existing duplexes;
- b) areas in close proximity to multiple family, commercial or institutional uses.
- c) predominately in single family areas undergoing redevelopment.
- d) duplexes shall have a high aesthetic value and be consistent with the character of the recipient neighbourhood.

With those guidelines in mind, staff can provide the following points:

- The surrounding neighbourhood features several duplex and multi-family zoned properties. More specifically, two duplexes are being constructed on both 453 and 461 Eckhardt Avenue West.
- The proposed development is in close proximity to commercial zoned properties as well as King’s Park, and transit routes
- The proposal is in a neighbourhood of an older building stock, with some minor development occurring in the form of exterior renovations and duplex construction.
- The conceptual renderings submitted with the application are of high aesthetic value with hardi-board and large picture windows. The elevations feature multiple projections, adding visual interest to the building. The design will be controlled by the development permit process, ensuring a high quality product that will fit-in with the surrounding neighbourhood.

Furthermore, Staff considers this development to be an appropriate use of the land for the following reasons:

- 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, multiple family homes, and small scale commercial uses, 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, the SOEC and King's Park) and supports densification in areas where existing services can accommodate higher densities.

The proposed rezoning allows for two sizeable duplexes to be constructed with no variances to City bylaws. Under the current R2 (Small Lot Residential) zone, a new three-storey single family dwelling could be constructed with a footprint of 3000ft², and could include a secondary suite or a two-storey carriage house. The carriage house could be setback 1.5m from the rear lane, which would have a larger impact on the neighbours to the south than the 12.0m rear setback for the proposed duplexes. If the rezoning is approved and the developer does not decide to follow through with the development, the existing single-family dwelling will still conform to the bylaw.

Given the information presented above, staff recommends that Council support "Zoning Amendment Bylaw No. 2019-05" and forward the application to the March 5, 2019 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain as single family in which a carriage house could be built. If this is the case, Council should deny the bylaw amendment. Staff do not recommend this approach, as City policy clearly supports the proposal.

Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

OCP Amendment

Support OCP Amendment Bylaw No. 2019-06

Including the property in a development permit (DP) area means that City staff can hold the developer to a high standard when it comes to landscaping and form and character (building material types, etc). Not including the property in a DP area could result in a re-design that maximizes the three full storey height, with vinyl siding and inadequate landscaping. Staff are recommending to include the property in the Downtown Multiple Family DP area to ensure the design is retained similarly as proposed and a professional landscape plan is submitted, along with a deposit for the landscape costs.

The Downtown Multiple Family Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family 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."

Deny/Refer OCP Amendment

Council may feel that it is not necessary to include the subject property in a DP area. If this is the case, Council should deny the bylaw amendment.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-05" and deny first reading of "OCP Amendment Bylaw No. 2019-06."
2. THAT Council support first reading of "Zoning Amendment Bylaw No. 2019-05," but deny first reading of "OCP Amendment Bylaw No. 2019-06."
3. THAT Council support first reading of the bylaws with conditions.
4. THAT Council refer the bylaws back to staff.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Conceptual Site Plan
- Attachment F: Subdivision Plan
- Attachment G: Conceptual Elevations
- Attachment H: Conceptual Floor Plans
- Attachment I: Letter of Intent
- Attachment J: Zoning Amendment Bylaw No. 2019-05
- Attachment K: Official Community Plan Amendment Bylaw No. 2019-06

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	Acting CAO LD
--	----------------------

Attachment A – Subject Property Location Map

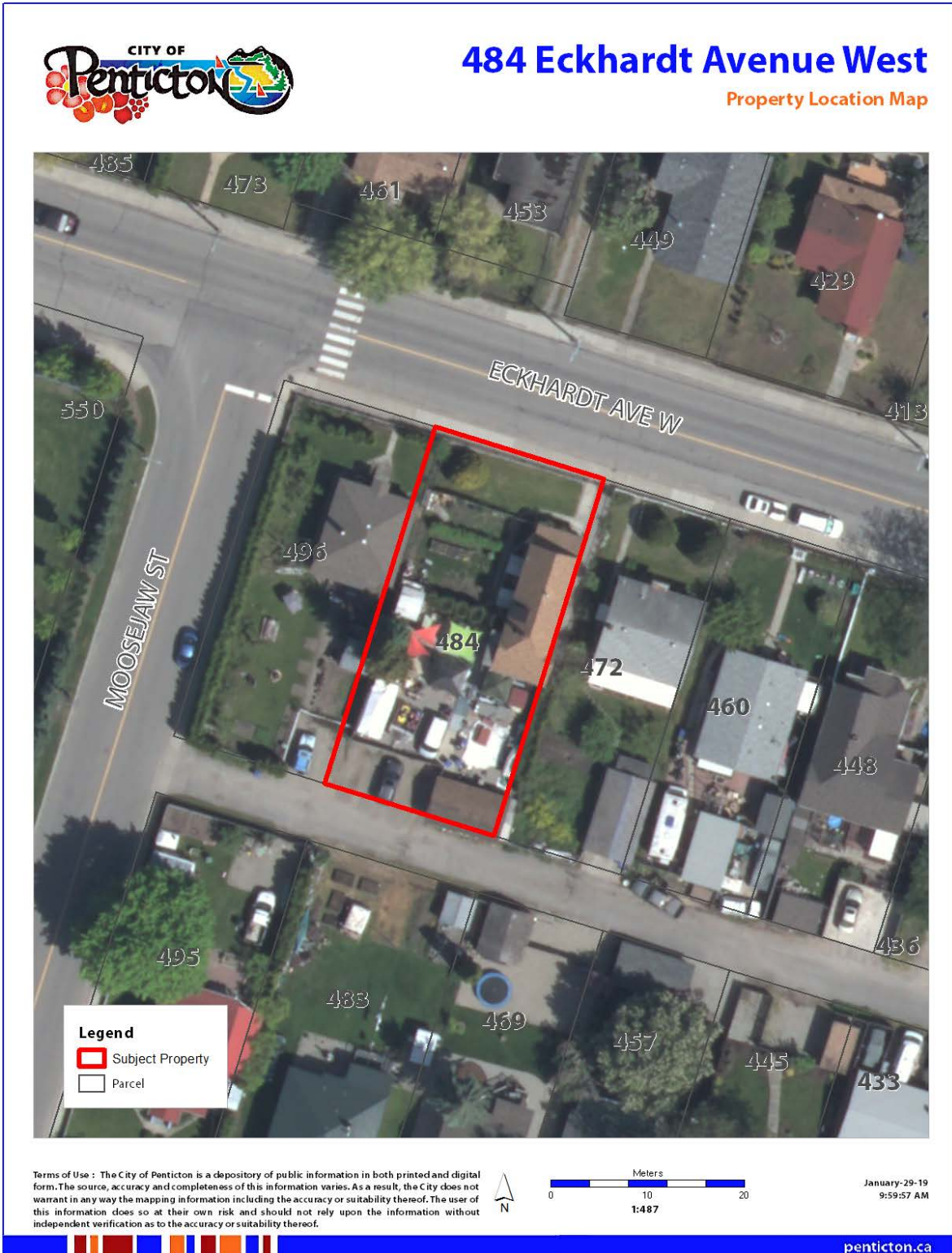


Figure 1: Subject Property Location Map

Attachment B – Zoning Map



Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: North view of subject property (from Eckhardt Avenue West)



Figure 5: North View showing western portion of property



Figure 6: North view showing neighbour to the east



Figure 7: South View (from the lane)

Attachment E – Conceptual Site Plan

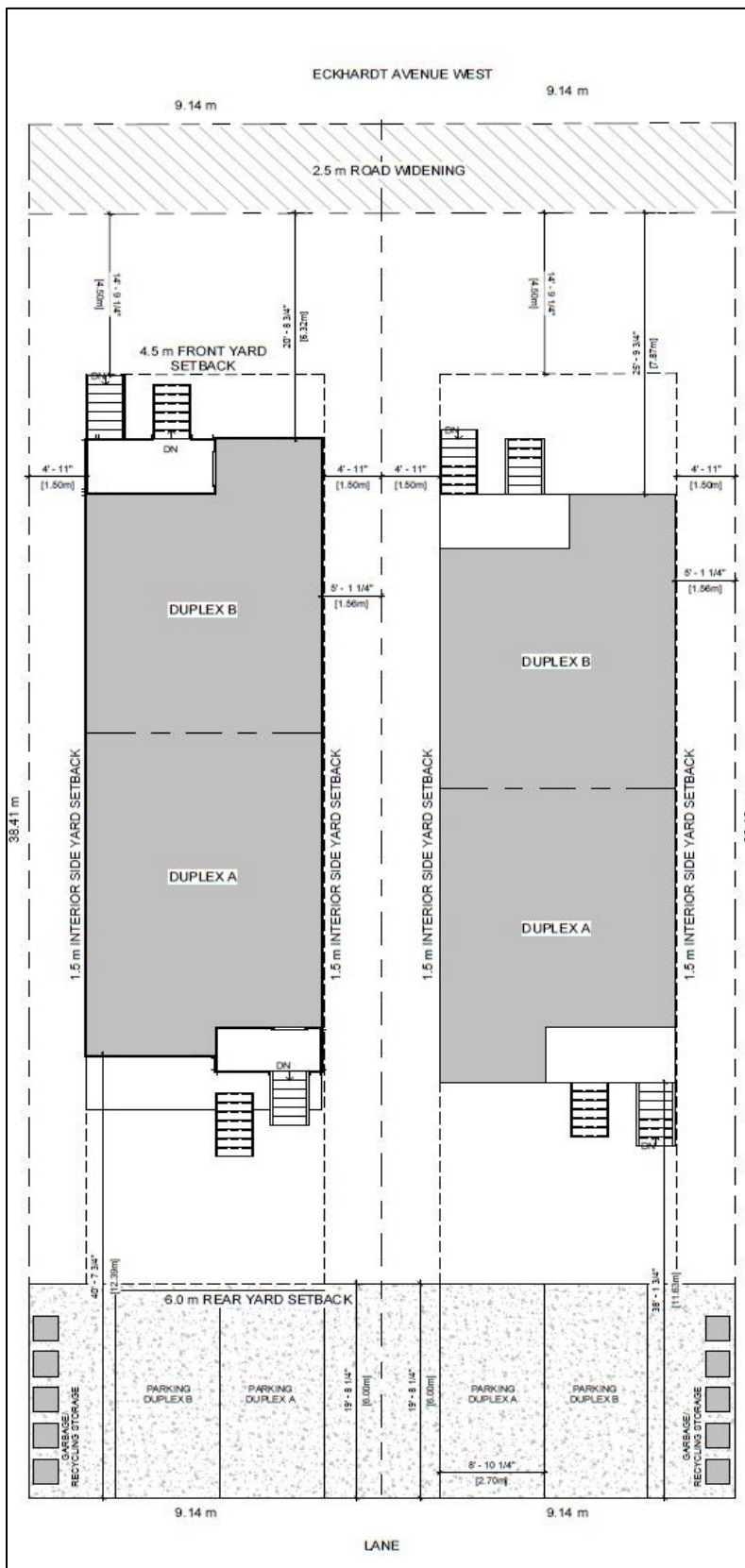


Figure 8: Conceptual Site Plan

Attachment F – Subdivision Plan

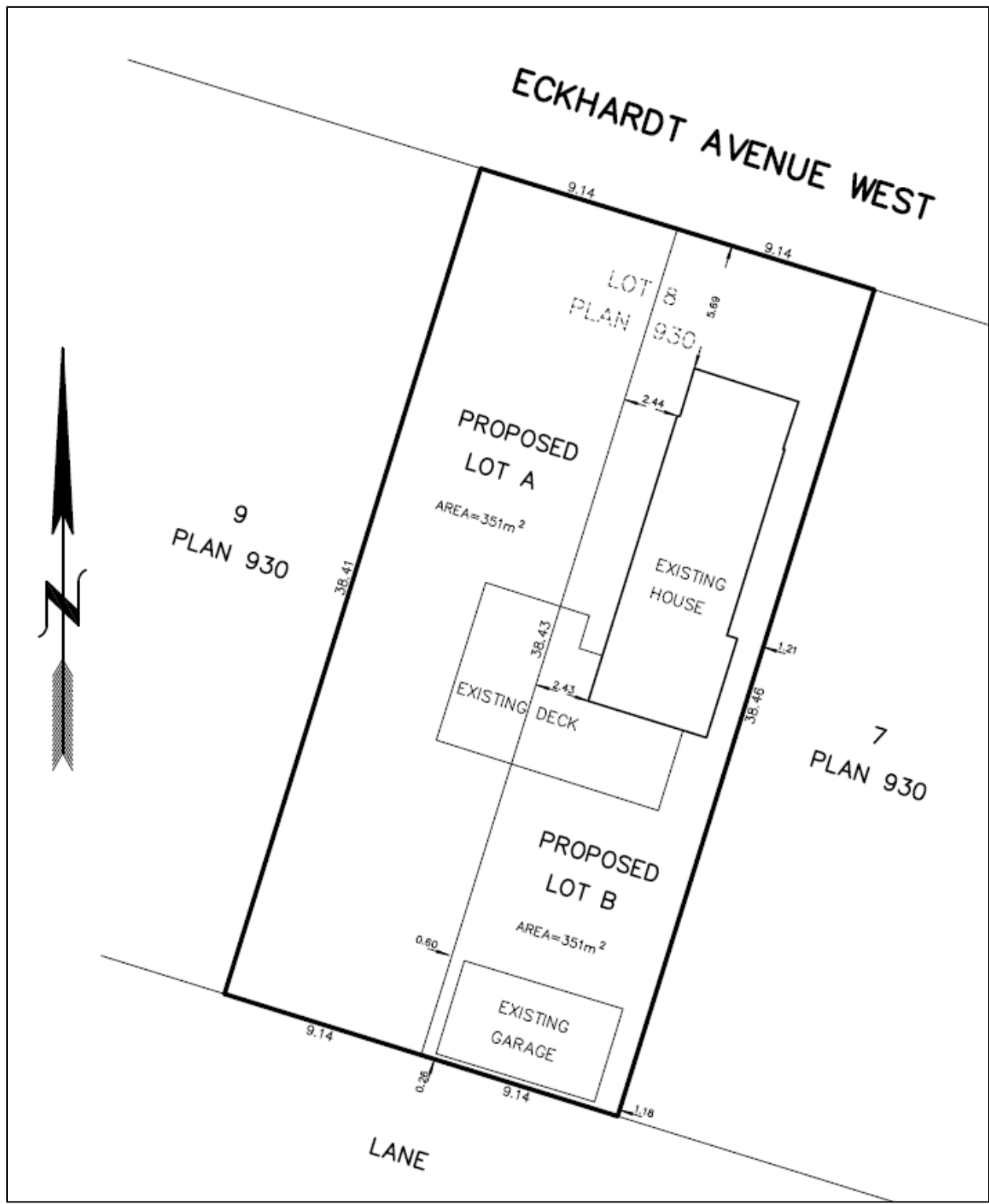


Figure 9: Subdivision Plan

Attachment G – Conceptual Elevations

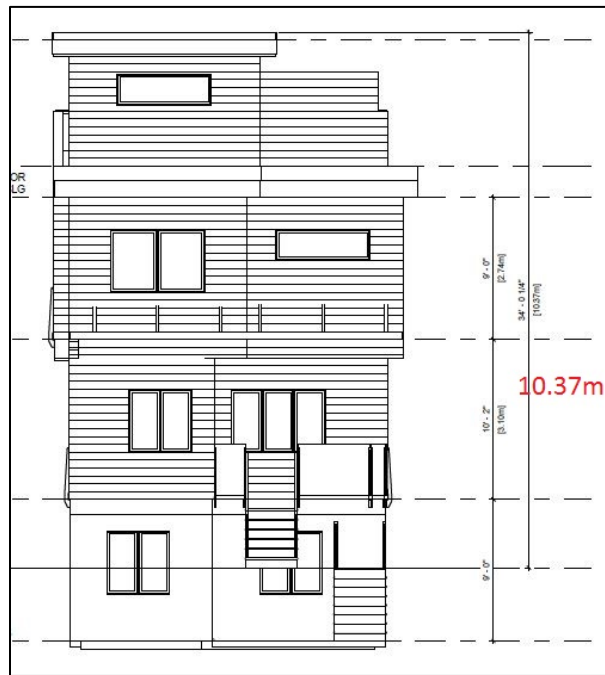


Figure 10: North Elevation (from Eckhardt Ave W)

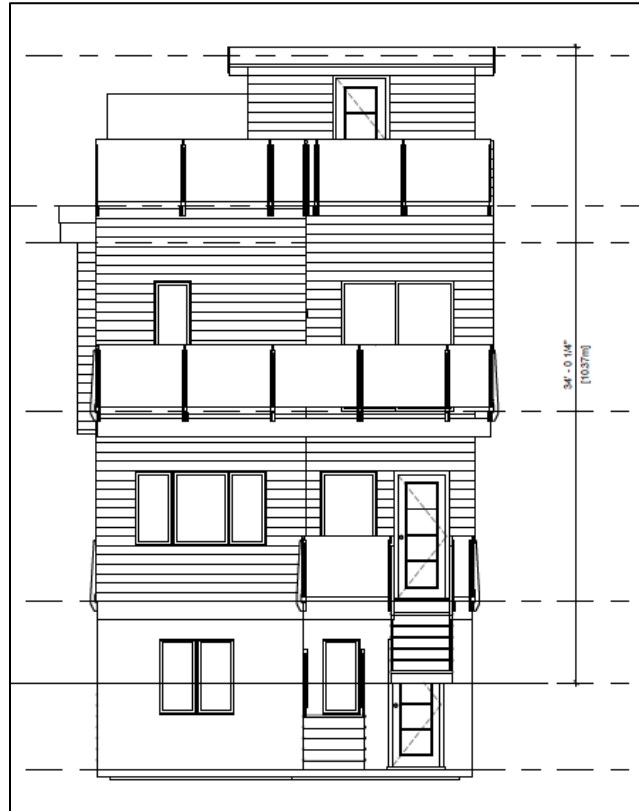


Figure 11: South Elevation (from the lane)

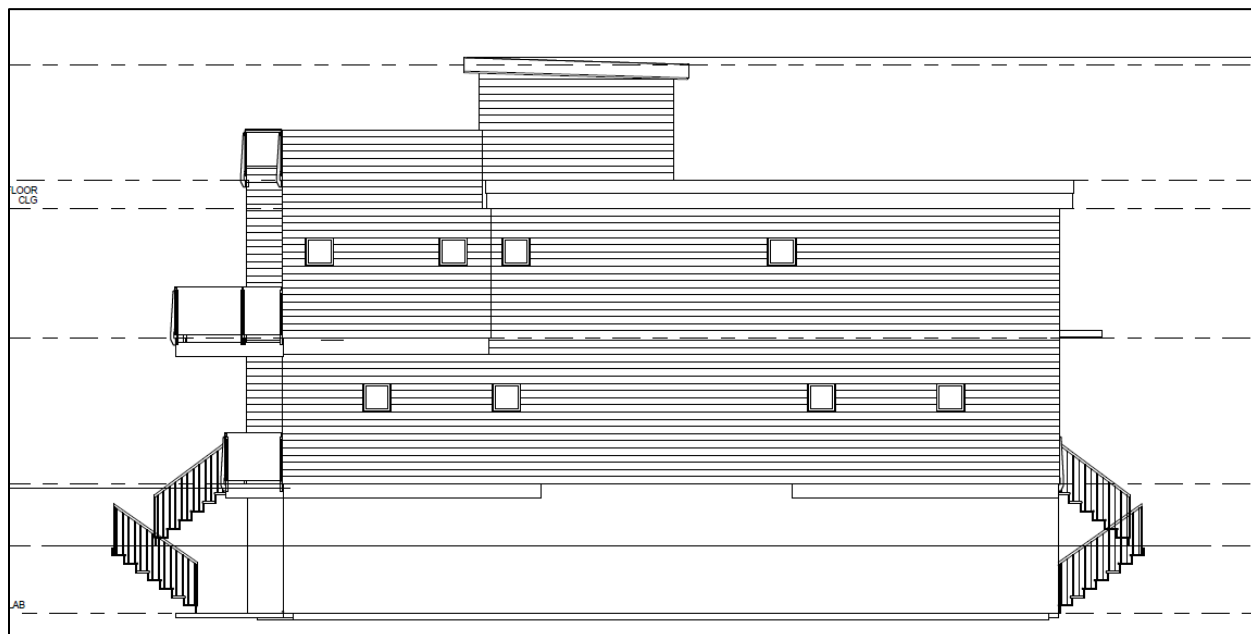


Figure 12: East elevation

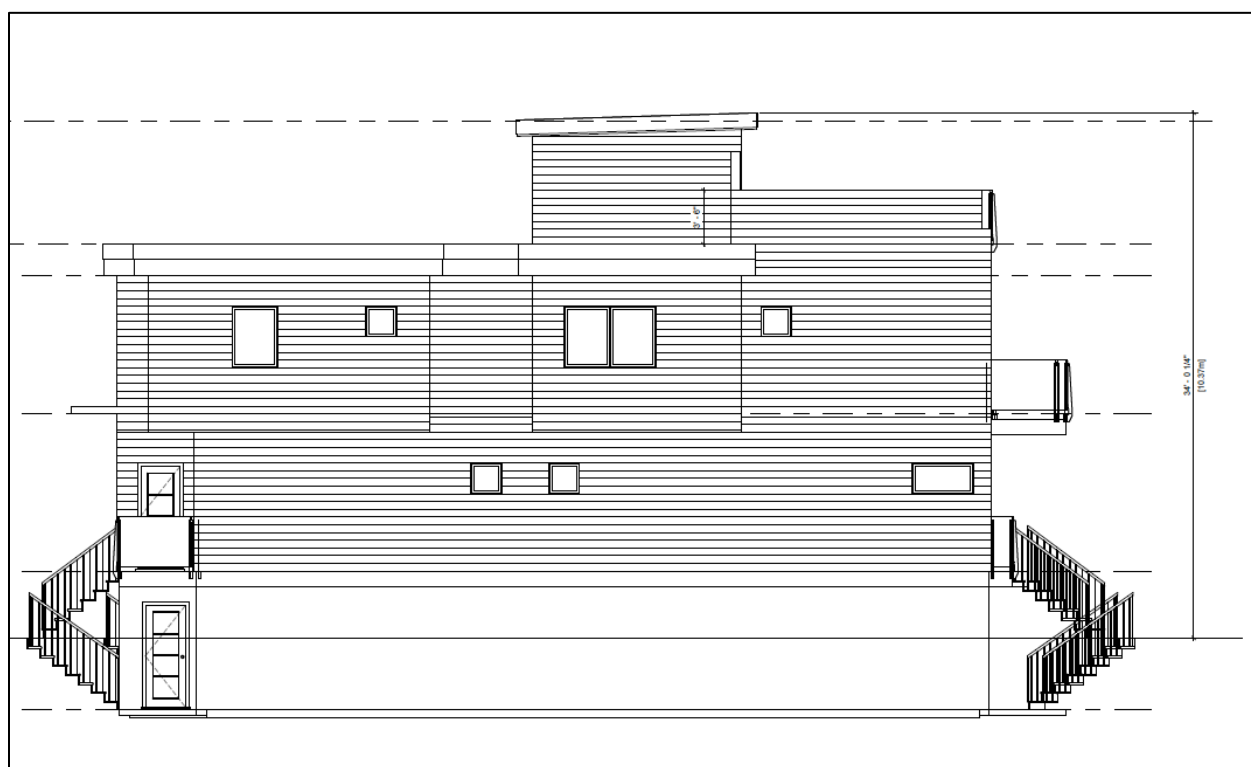


Figure 13: West Elevation

Attachment H – Conceptual Floor Plans

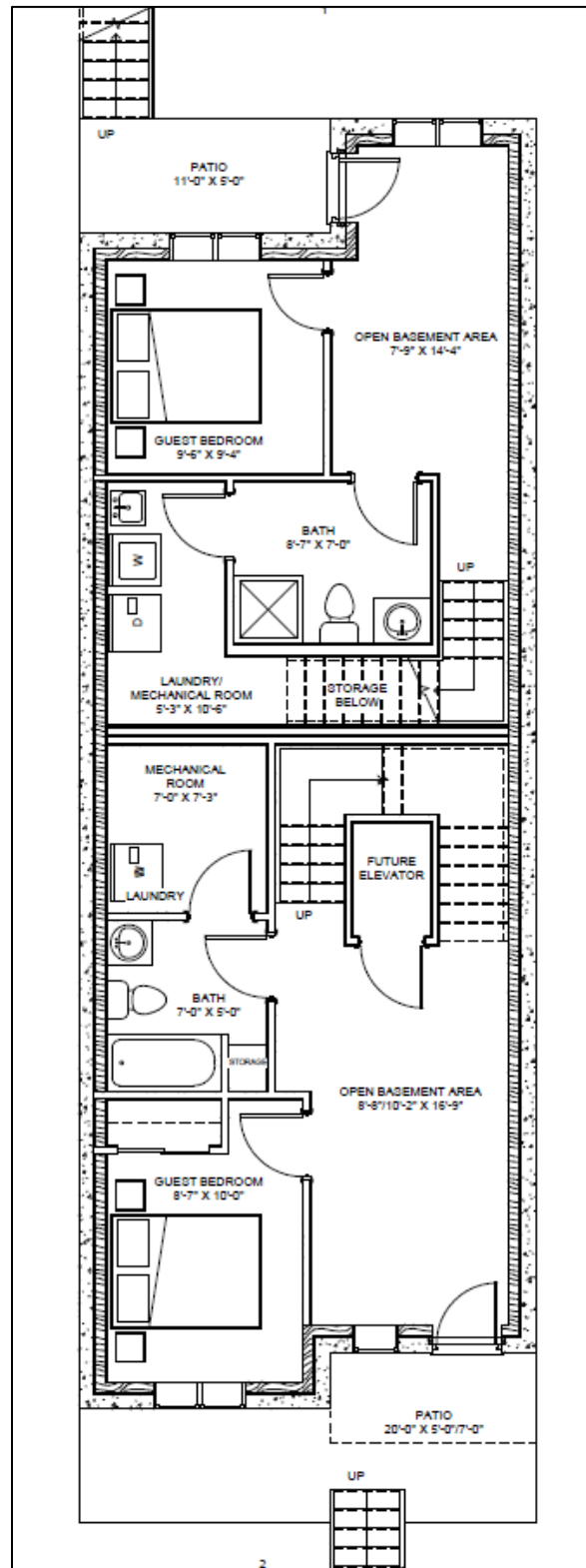


Figure 14: Basement Floor Plan

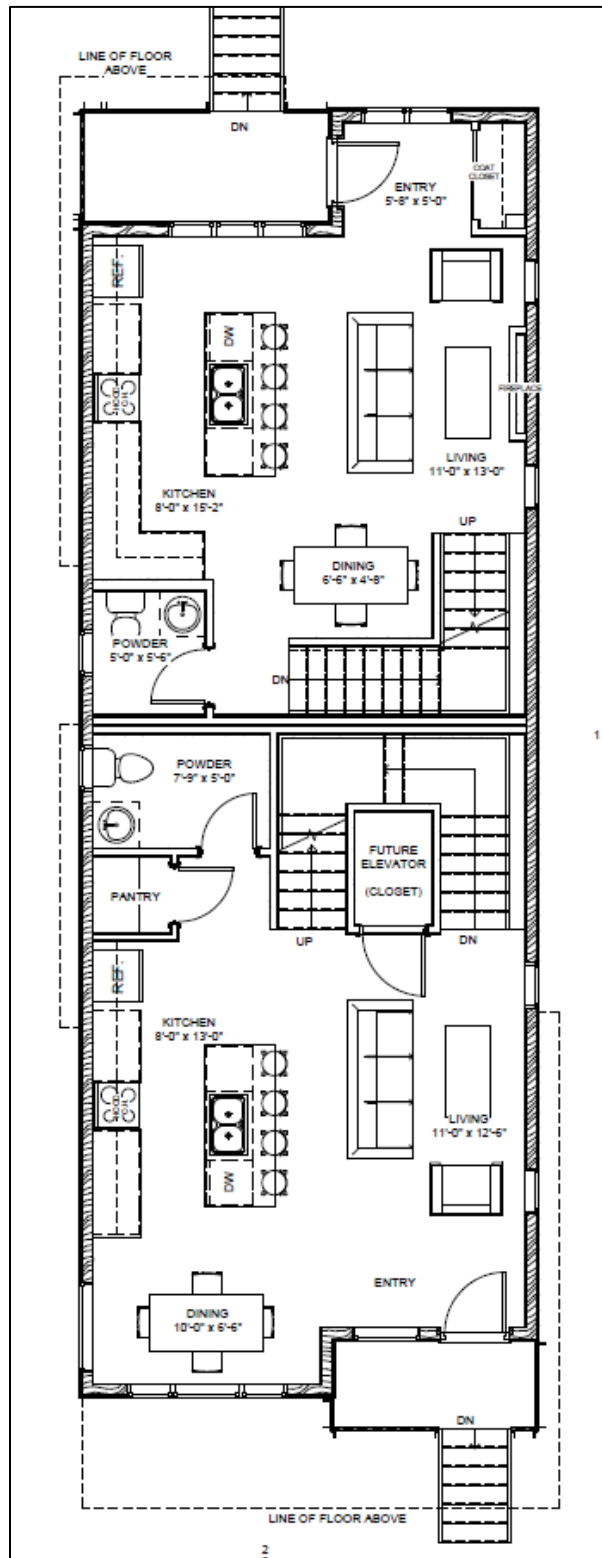


Figure 15: Main Floor Plan

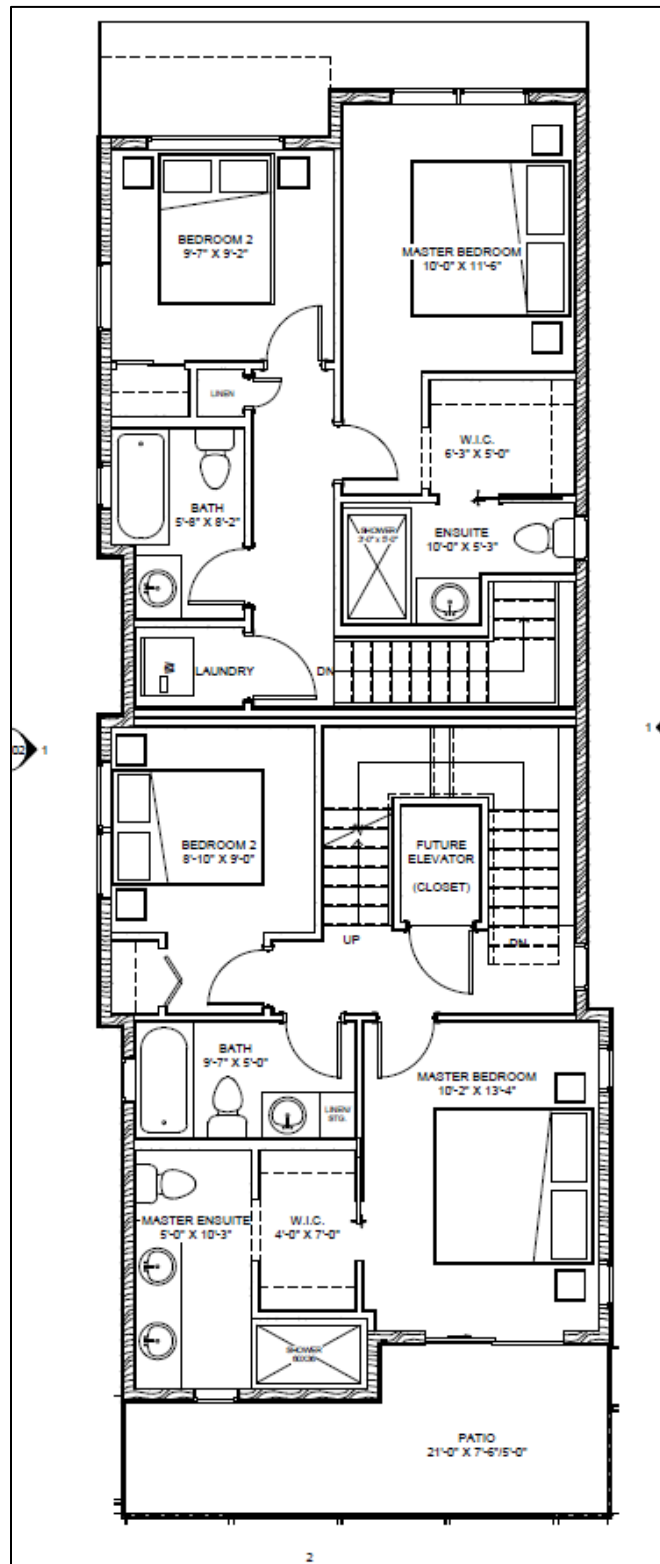


Figure 16: Second Storey Plan

Attachment I - Letter of Intent

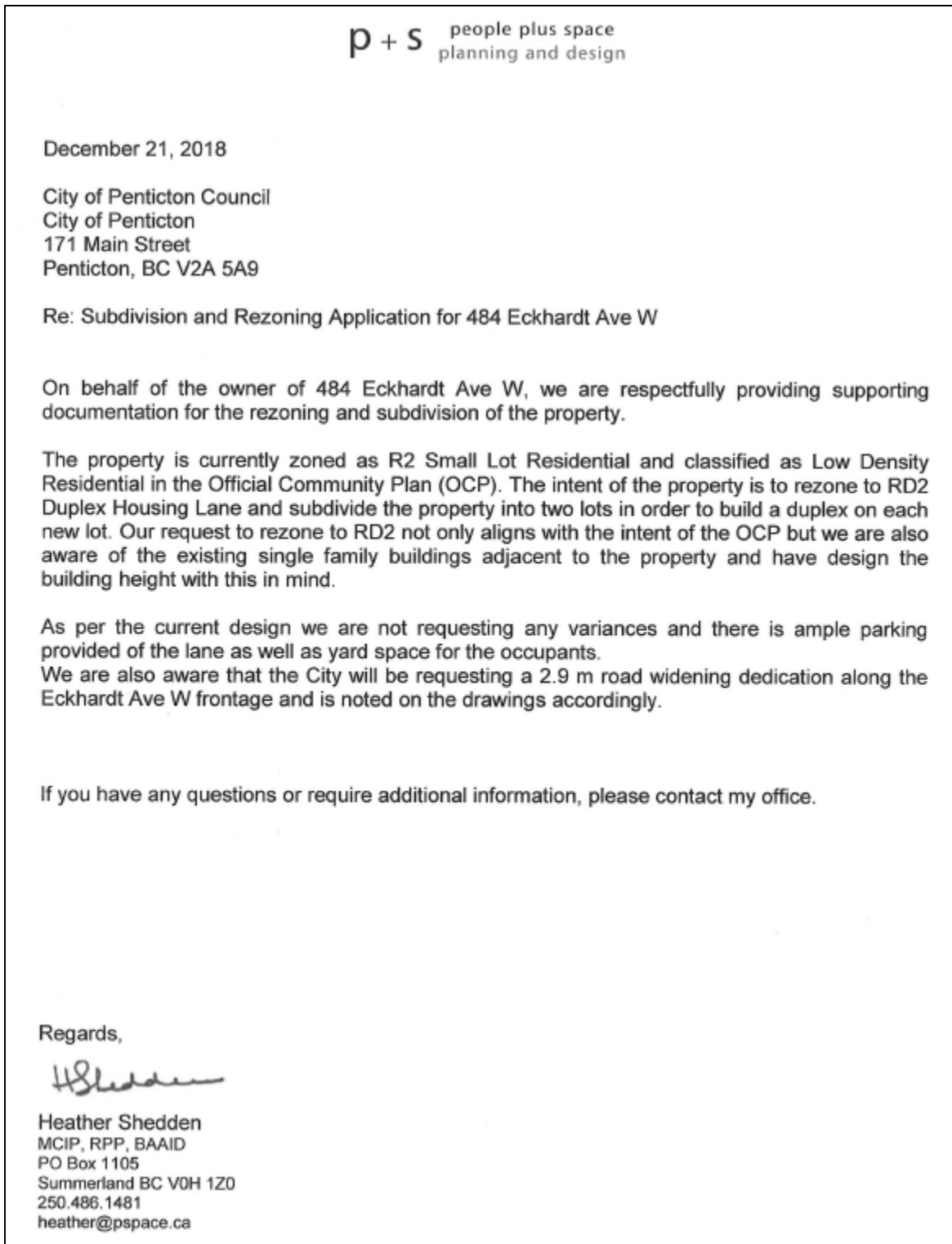


Figure 17: Letter of Intent

Bylaw No. 2019-05

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. 2019-05".

2. Amendment:

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

Rezone Lot 8, Block B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 930, located at 484 Eckhardt Avenue West 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	19	day of	February, 2019
A PUBLIC HEARING was held this	5	day of	March, 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 22 day of February, 2019 and the 27 day of February, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2019</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>
--

Angie Collison, Corporate Officer

Rezone 484 Eckhardt Avenue West
From R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-05

Date: _____

Corporate Officer: _____

Bylaw No. 2019-06

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. 2019-06."

2. Amendment:

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

2.1 Amend Schedule 'H' Development Permit Area Map for Lot 8 Block B District Lot 4, Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 930, located at 484 Eckhardt Avenue West, identified in Schedule A of this bylaw, and include in the Downtown Multiple Family Development Permit Area.

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

READ A FIRST time this 19 day of February, 2019
A PUBLIC HEARING was held this 5 day of March, 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 22 of February, 2019 and the 27 of February, 2019 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

484 Eckhardt Avenue West

To amend Schedule 'H' Development Permit Area Map of the City's OCP,
to include the subject property in the Downtown Multiple Family
Development Permit Area



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2019-06

Date: _____

Corporate Officer: _____

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

Tuesday, February 19, 2019
at 1:00 p.m.

Resolutions

- 15.2 Zoning Amendment Bylaw No. 2019-07
Development Variance Permit PL2018-8429
Development Permit PL2018-8430
Re: 253 Norton Street

66/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-07", a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan KAP83201, located at 253 Norton Street from RM4 (High Density Multiple Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the March 5, 2019 Public Hearing.

THAT delegations and submissions be heard at the March 5, 2019 Public Hearing for "Development Variance Permit PL2019-8429" for Lot A District Lot 202 Similkameen Division Yale District Plan KAP83201, located at 253 Norton Street, a permit that:

- Increases the allowable architectural projection that constitutes less than 25% of the wall face to which it is attached to less than 35% of the wall face to which the projection is attached,
- Decreases the minimum interior side yards from 4.5m to 2.0m; and,
- Increases the maximum hard surfacing of a lot from 60% to 69%,

AND THAT Council consider "DVP PL2018-8429" following the adoption of "Zoning Amendment Bylaw No. 2019-07."

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2019-07" approve "Development Permit PL2018-8430" for 253 Norton Street, a permit that allows for the construction of a 16 unit, townhouse development.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: February 19, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 253 Norton Street

File No: 2018 PRJ-251

**Subject: Zoning Amendment Bylaw No. 2019-07
Development Variance Permit PL2018-8429
Development Permit PL2018-8430**

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2019-07", a bylaw to rezone Lot A District Lot 202 Similkameen Division Yale District Plan KAP83201, located at 253 Norton Street from RM4 (High Density Multiple Housing) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the March 5, 2019 Public Hearing.

Development Variance Permit

THAT delegations and submissions be heard at the March 5, 2019 Public Hearing for "Development Variance Permit PL2019-8429" for Lot A District Lot 202 Similkameen Division Yale District Plan KAP83201, located at 253 Norton Street, a permit that:

- Increases the allowable architectural projection that constitutes less than 25% of the wall face to which it is attached to less than 35% of the wall face to which the projection is attached,
- Decreases the minimum interior side yards from 4.5m to 2.0m; and,
- Increases the maximum hard surfacing of a lot from 60% to 69%,

AND THAT Council consider "DVP PL2018-8429" following the adoption of "Zoning Amendment Bylaw No. 2019-07."

Development Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2019-07" approve "Development Permit PL2018-8430" for 253 Norton Street, a permit that allows for the construction of a 16 unit, townhouse development.

Strategic Objective

The subject application demonstrates alignment with the Council Priority of Community Building. 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 subject property (Attachment A) is currently zoned RM4 (High Density Multiple Family) and designated by the City's Official Community Plan as HR (High Density Residential). Photos of the site are included as Attachment D. The subject property is approximately 1,904m² (20,494ft²) in area. Two single family dwellings and garages were demolished in 2007. A metal storage container and mobile office building will be removed from the property as part of the development process. The property is located in close proximity to the downtown, in an area slowly undergoing re-development. A four-storey, 16-unit apartment building borders the subject property to the north while a duplex building with suites borders the subject property to the south. Across the lane to the west are several duplexes and single family dwellings. Surrounding properties are primarily zoned for duplexes and multiple family. The current OCP calls for high density residential in this neighbourhood, indicating a desire for 4-8 storey apartment buildings.

In March of 2007, the subject property was rezoned from duplex to multi-family to allow for the construction of an eight storey, 33-unit apartment building (Attachment J). A Development Variance Permit was issued that reduced the north and south setbacks to 3.5m. A Development Permit was issued for the apartment building but the project never commenced. In 2007, two houses with accessory buildings were demolished and the lot has remained vacant since then.

Proposal

The applicant is proposing to construct four, 4 unit townhouses for a total of 16 units on the site. Two townhouse blocks will face Norton Street with two facing the lane. A central courtyard runs from Norton to the lane providing access to the lane facing units. Since townhouses are not permitted in the RM4 (High Density Multiple Housing) zone, a rezoning to RM3 (Medium Density Multiple Housing) is required.

Secondly, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 4.9.1 (Table 4.1): to increase the allowable architectural projection that constitutes less than 25% of the wall face to which it is attached to less than 35% of the wall face to which the projection is attached.
- Section 10.9.2.7.i: to decrease the minimum interior side yards from 4.5m to 2.0m.
- Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 69%.

Lastly, the property is located within the High Density Development Permit area and requires development permit approval for the form and character (architectural style, materials etc.) of the buildings and landscaping.

Financial implication

The City will receive Development Cost Charges from the developer at a rate of \$5,548 per dwelling unit for a total of \$88,768.00 in addition to building permit fees, based on the cost of construction. A new sidewalk with curb and gutter across the entire frontage of the property will be constructed at no cost to the City.

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. Extensive road works will be required along the Norton Street frontage including sidewalk, curb and gutter as well as lane upgrade. There are existing power poles along Norton Street that may require re-locating if conflicting with driveway access. Multiple sewer and water connections exist on the property which will need to be decommissioned and upgraded as required. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

New Official Community Plan (2019)

While the City's current Official Community Plan (2002) identifies this area as HR (High Density Residential), the draft OCP that is currently under development and anticipated to be adopted this spring, identifies this area for 'ground orientated residential.' This designation envisions townhouses, or duplexes with suites up to 3 ½ storeys in height. The proposed townhouses are more reflective of the current development trends in the area, providing for a wider variety of housing types as opposed to apartment units. The current proposal is more in-line with the draft OCP than the current OCP.

Development Statistics

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

Item	Requirement RM3 zone	Proposed
Maximum Lot Coverage:	50%	42.3%
Maximum Density:	1.6 FAR	1.19 FAR
Minimum Lot Width:	25.0m	51.421m
Minimum Lot Area:	1,400m ²	1,903.34m ²
Vehicle Parking:	1 space per dwelling unit (16) + 0.25 per unit (4) for visitors = (20 total)	23 spaces
Required Setbacks		
Front yard (east, Norton Street):	3.0m	3.0m
Rear yard (west, lane):	6.0m	6.0m
Interior yard (north):	4.5m	2.0m (variance required)
Interior yard (south):	4.5m	2.0m (variance required)
Maximum Building Height:	24.0m	9.5m
Amenity Area:	20m ² per unit (320m ² total)	388.03m ²
Hard Surfacing:	60%	68.3% (variance required)

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2019-07"

The OCP designation for this site is HR (High Density Residential). The HR designation envisions a higher density product than what is being proposed. That said there is ample policy support in the OCP to support the zoning to RM3. Furthermore, the draft OCP (2019) currently under development, has reevaluated this area and is indicating a preference for more ground oriented multi family, which is in-line with what is being proposed. Staff consider that the zoning amendment to allow for the proposed development represents an appropriate use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the downtown, Okanagan beach, and other nearby services encourages more walking and active forms of transportation.
- The current proposal will convert an underutilized lot into sixteen new, 3-bedroom dwelling units in a desirable location.

In addition, staff consider the proposed townhouses to be a better fit for the property and the neighbourhood than an apartment building. An apartment building would have a significantly greater impact on the neighbourhood, both in terms of privacy and viewscape. The 33-unit proposal from 2007 featured primarily 1 and 2 bedroom units, whereas the current proposal is all 3-bedroom units. This could allow for close to the same amount of people living on-site, without the negative impacts that an eight storey building would have on the surrounding neighbourhood.

Staff consider that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for a medium density development rather than a high density development. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2019-07" and forward the application to the March 5, 2019 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain for high density residential. If this is the case, Council should deny the bylaw amendment. Staff do not recommend this, as the draft OCP (2019) really does support the conversion of this site to townhousing as opposed to apartment. 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 as to whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

Section 4.9.1 (Table 4.1): to increase the allowable architectural projection that constitutes less than 25% of the wall face to which it is attached to less than 35% of the wall face to which the projection is attached.

- The zoning bylaw allows minor projections into setbacks, so long as it is only 25% of the wall face to which it is attached and it projects a maximum distance of 0.6m. In the proposed design, 35% of the west units projects a distance of 0.6m towards the lane. This is valuable floor space gained for an expanded master bedroom and main floor bathroom, increasing the livability of the units. The 6.0m setback is still maintained on the lower garage level, which allows enough space for vehicles to park in front of the garages, without hanging out onto the lane. The projections add variation and character to the building and will provide for an interesting façade. The impact on the neighbours is limited, given that the rear yard setback and lane acts as a buffer from the residents across the lane.

Section 10.9.2.7.i: to decrease the minimum interior side yards from 4.5m to 2.0m.

- The developer is proposing a variance from 4.5m to 2.0m along both the north and south sides. The reduced setbacks allow the developer to create adequately sized units, thus increasing livability for the end resident. Through the design process, City staff requested a central stairwell to provide easy access from Norton Street to the lane for emergency services and residents. This ultimately pushed the buildings further apart and closer to the side yard setbacks. Overall, this feature provides for an improved design and reduces the massing of what would have been a wider building form with no breaks in the façade. The developer has incorporated several design and landscape features to limit the negative impacts that a reduced setback could have. These are as follows:
 - Limited windows along the side elevations help to limit privacy concerns.
 - A 6ft fence will be constructed along both the north and south property line.
 - The 2.0m side yard setback is more of a side walkway rather than a backyard space for the residents, with three trees planted in the area to help screen the building.
 - The building follows the grade down the slope, reducing the overall height and impact on the neighbours.
- Staff consider that a variance request to 2.0m for a three storey townhouse is a better outcome than an apartment tower with a side yard setback of 4.5m. The eight-storey proposal from 2007 received a variance for the side yards from 4.5m to 3.5m, which would have had a greater impact on the neighbourhood. It is important to note that on any of the single family and duplex zoned properties in the City, a developer could construct a three storey building within 1.5m from the interior side yards.

Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 69%.

- The developer is proposing to increase the maximum hard surfacing of a lot from 60% to 69%. The maximum hard surfacing requirement is in place to insure storm water measures are followed and for aesthetic purposes. The proposed building lot coverage of 42% is much less than the 50% permitted, with the driveways increasing the hard surfacing to 69%. The driveways are broken up with landscaping and a grass amenity area is proposed between the units. The grass will help to absorb storm water and provide aesthetic value within the development. The storm water management will be addressed through the building permit stage to ensure it is all retained on site and does not impact adjacent properties. The 9% variance equates to approximately 1600ft², which is minimal in a larger development. As per the City's zoning bylaw, gravel is not counted as hard surfacing. Therefore, the developer could gravel surface some of the driveways to meet the hard-surfacing maximum. This is not a desirable outcome for the developer or the City and given the any stormwater issues will be dealt with on-site the variance proposed is considered to have a negligible impact on the overall impact of the development.

For the reasons listed above, Staff feel that the variances requested are reasonable, do not unreasonably impact the adjacent neighbours and will result in a desirable end product for both the end residents and surrounding neighbourhood. Staff have work diligently with the applicant and their designer to reduce the number of inconsistencies with the Zoning Bylaw and are comfortable with the 3 variances that are presented herein. Given these considerations staff are recommending that Council, after hearing no serious objections from the surrounding neighbourhood, support the application.

Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the width of the buildings to meet the interior yard setback or incorporate more landscaping into the site design to reduce hard surfacing. If this is the case, Council should deny the variances. Staff do caution that a reduction in building widths will require a complete redesign of the project and may result in the loss of units, bringing the viability of the project into question.

Development Permit

Support Development Permit

The subject property is located within the High Density Development Permit Area. As a consequence, a Development Permit is required. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings and ensure landscaping requirements are met. Staff feel that the proposed development meets the intent of the Development Permit Guidelines as explained below:

- The entrances have street orientation on Norton with narrow driveways broken up by strips of landscaping. The sidewalk entries create an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants and trees as well as grass and bark mulch.
- The new sidewalk, paid for by the developer will significantly benefit the surrounding neighbourhood by improving walkability and street aesthetics.

- The building material type will be comprised of a mix of hardi-board and stucco, with picture windows and stone bordered entry doors, thus creating visual interest to the building.
- The decks and grass areas will provide valuable amenity space to future residents of the development.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit application.

Deny/Refer Development Permit

Council may consider that the proposal does not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-07" and deny support for DVP PL2018-8429 & DP PL2018-8430.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-07" but deny support for DVP PL2018-8429 & DP PL2018-8430.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-07" and support DVP PL2018-8429 & DP PL2018-8430 with conditions that Council feels are appropriate.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Landscape Plan
- Attachment G: Elevations
- Attachment H: Proposed Renderings
- Attachment I: Floor Plans
- Attachment J: 2007 Proposal for 33-unit Apartment Building
- Attachment K: Letter of Intent
- Attachment L: Development Variance Permit PL2018-8429
- Attachment M: Development Permit PL2018-8430
- Attachment N: Zoning Amendment Bylaw No. 2019-07

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	ACAO LD
--	----------------

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

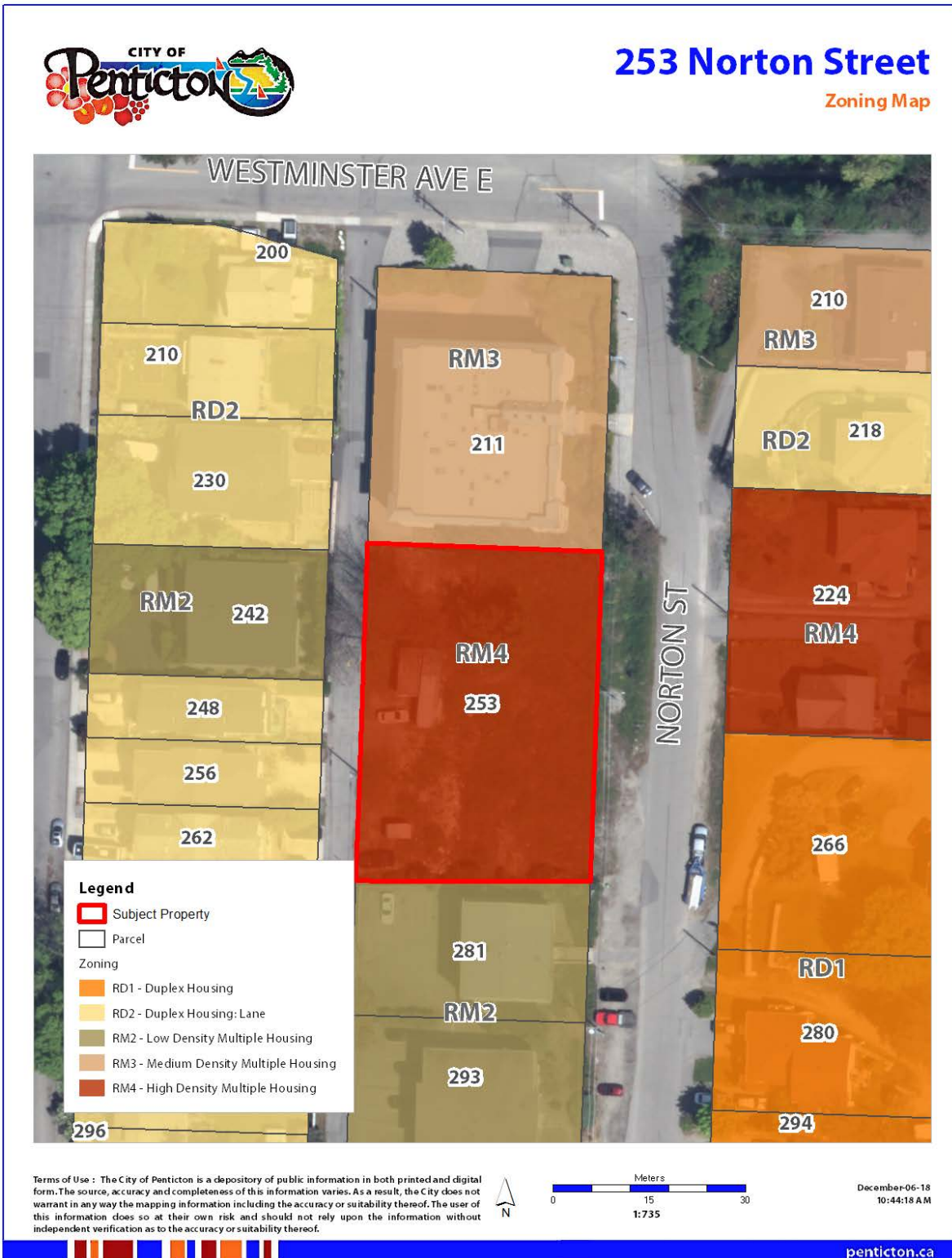


Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View of Subject Property (from Norton Street)



Figure 5: East View showing duplex building to the south



Figure 6: East View showing apartment building to the north



Figure 7: North View of Subject Property



Figure 8: North View of Subject Property



Figure 9: West View of Subject Property (from the lane)



Figure 10: West View of Subject Property showing steep elevation



Figure 11: South View showing rear lane elevation

Attachment E – Site Plan

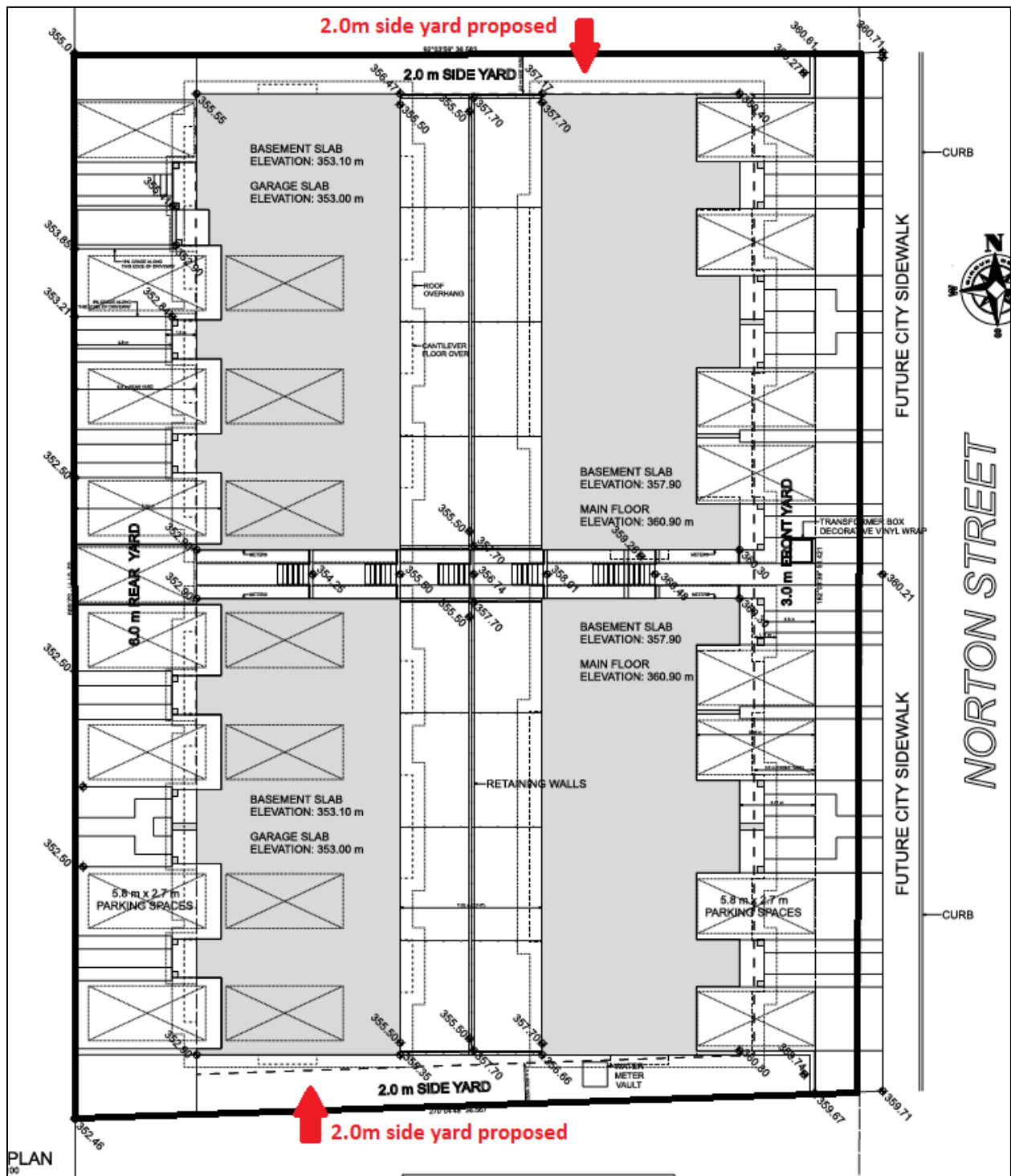


Figure 12: Site Plan

Attachment F – Landscape Plan

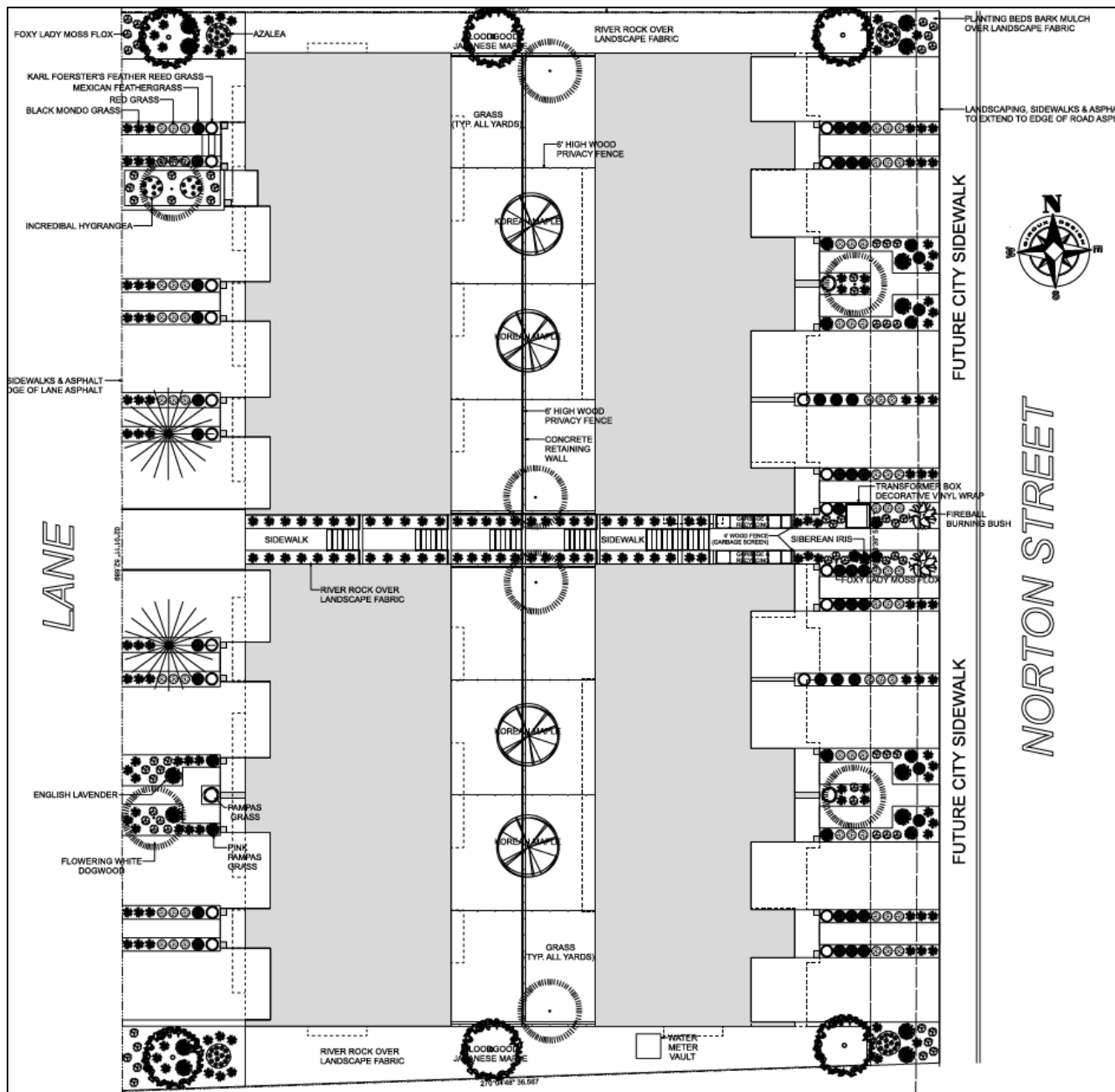


Figure 13: Landscape Plan

Attachment G – Elevations



Figure 14: East Elevation (from Norton Street)



Figure 15: West Elevation (from the lane)



Figure 16: South Elevation

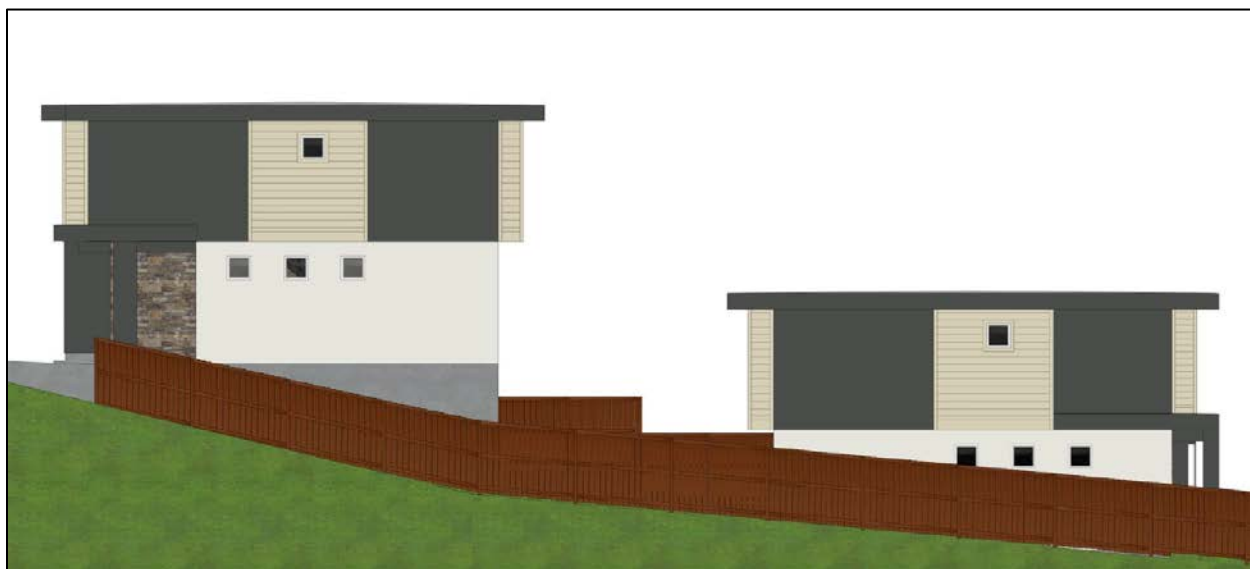


Figure 17: North Elevation

Attachment H – Proposed Renderings



Figure 18: East Rendering (from Norton Street)



Figure 19: West Rendering (from the lane)

Attachment I - Floor Plans

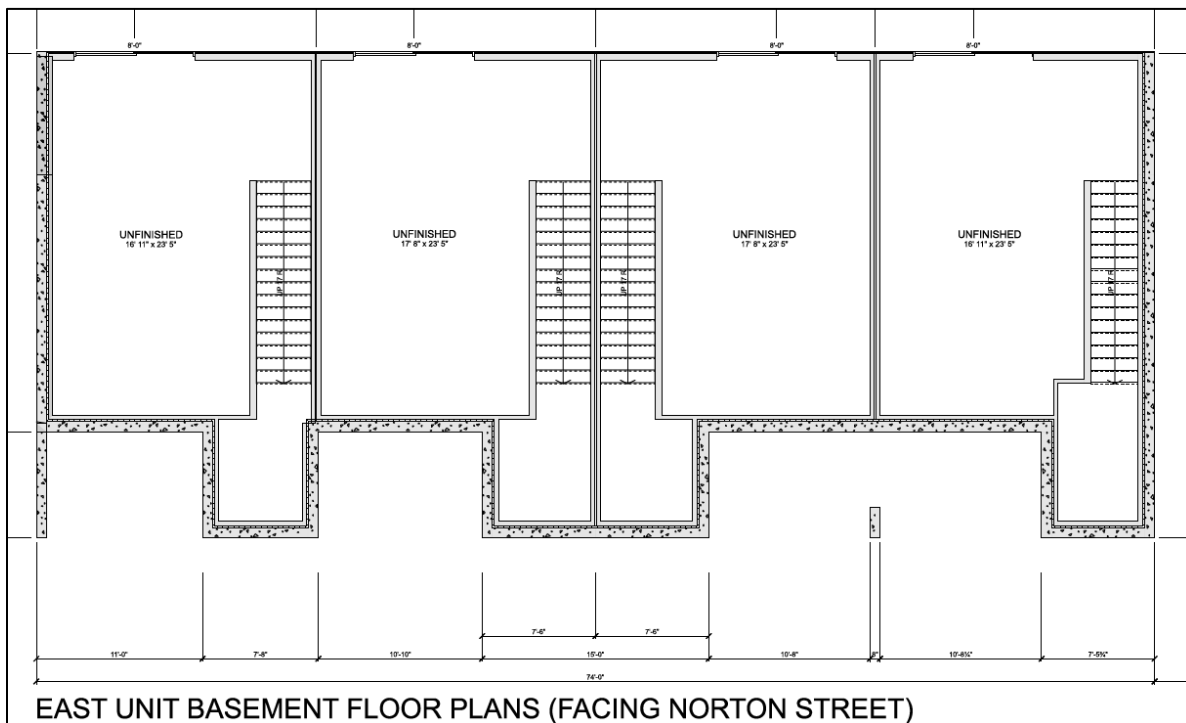


Figure 20: East Units Basement Floor

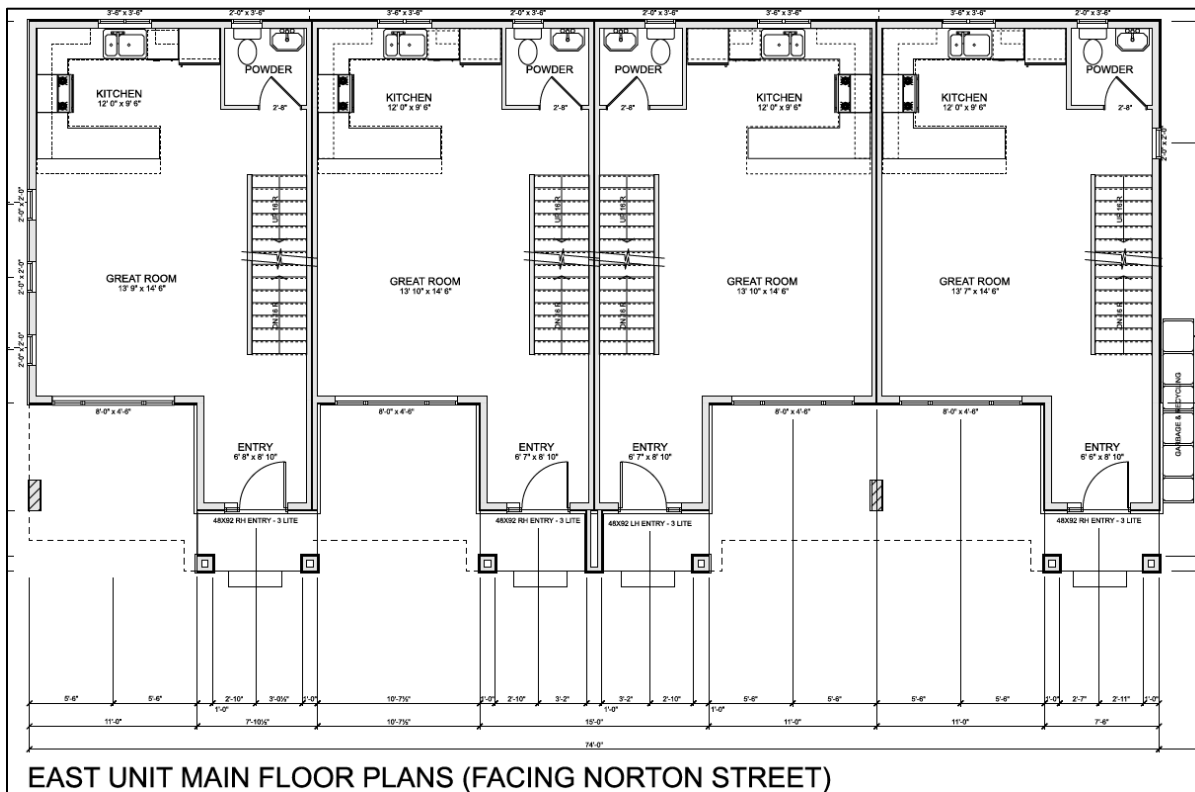


Figure 21: East Units Main Floor

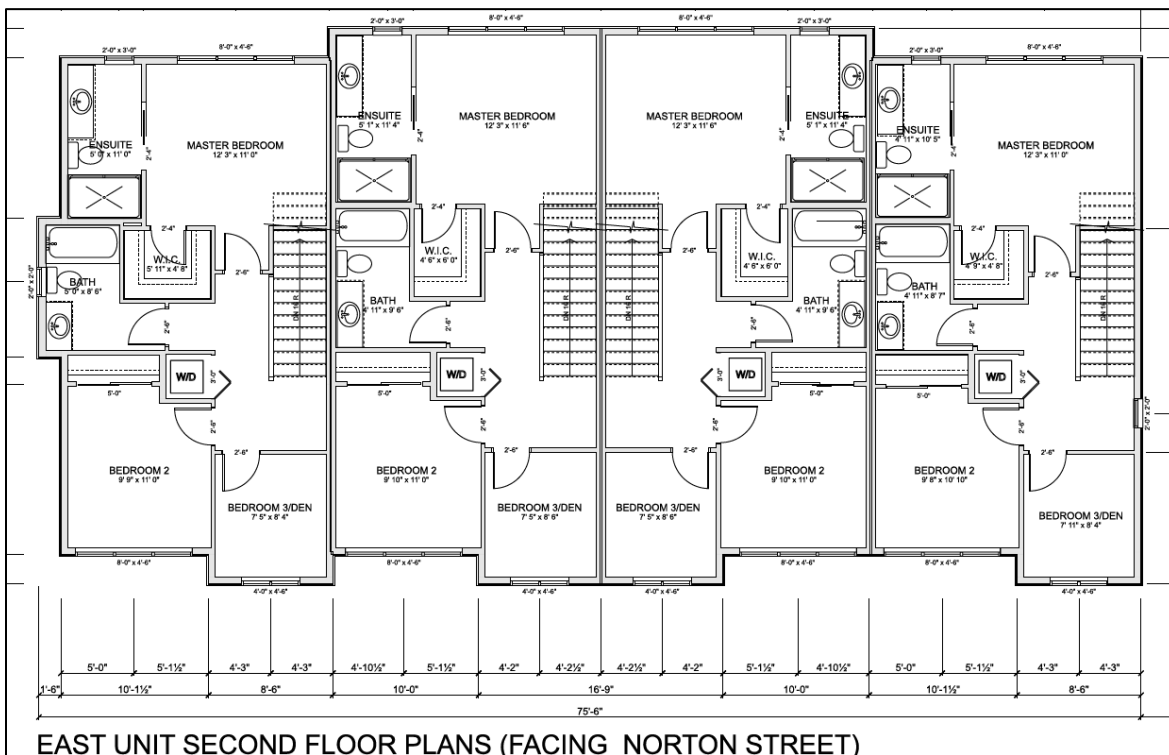


Figure 22: East Units Top Floor

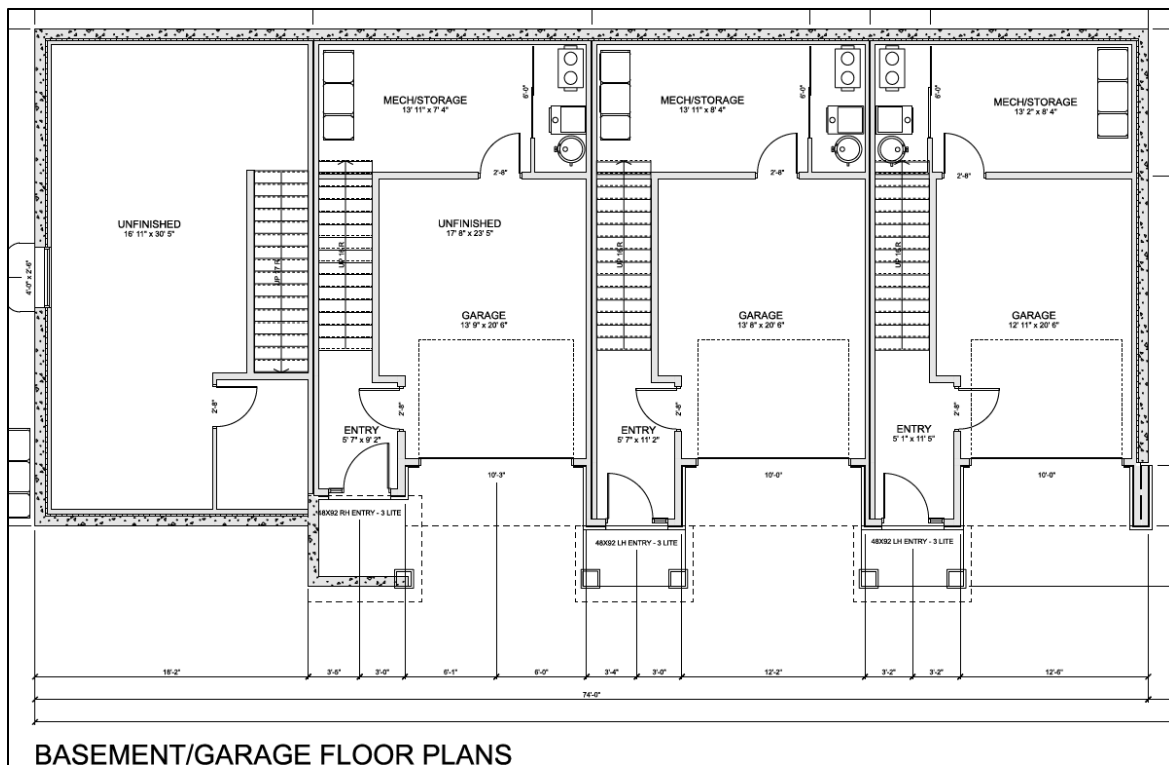


Figure 23: West Units (Basement Floor, lane level)

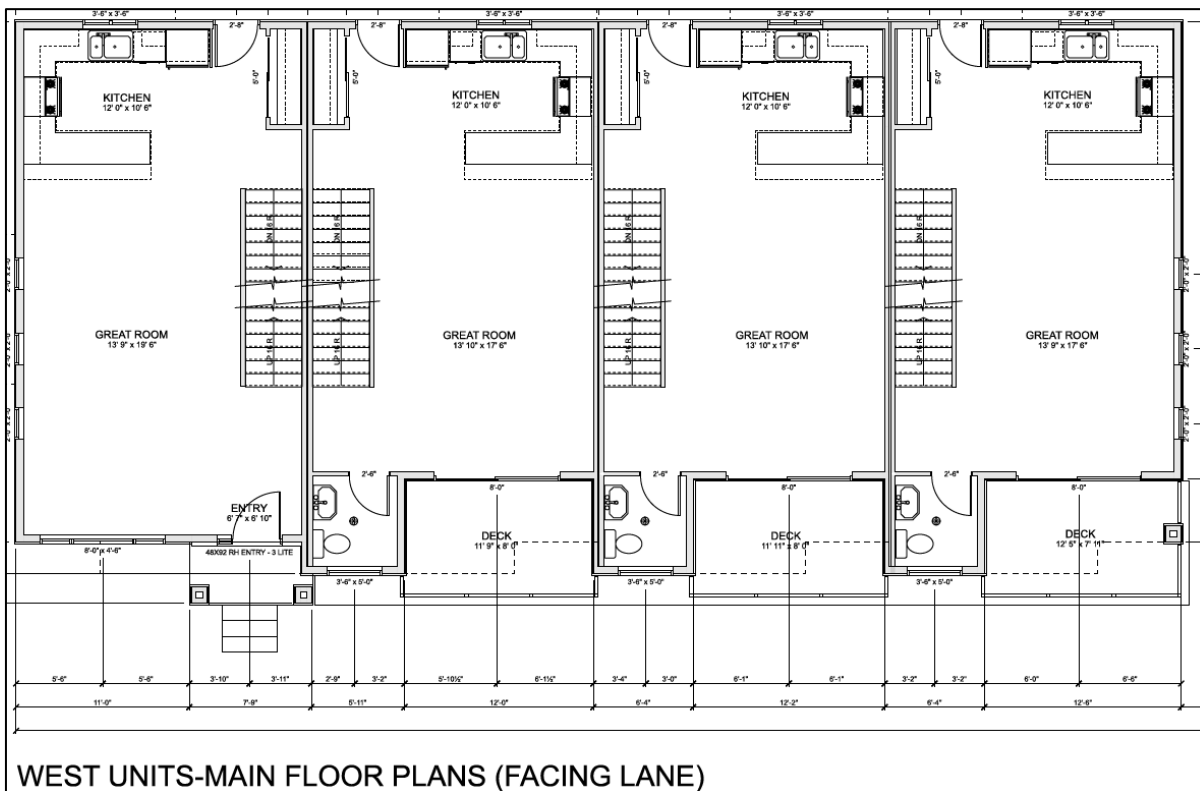


Figure 24: West Units (Main Floor)

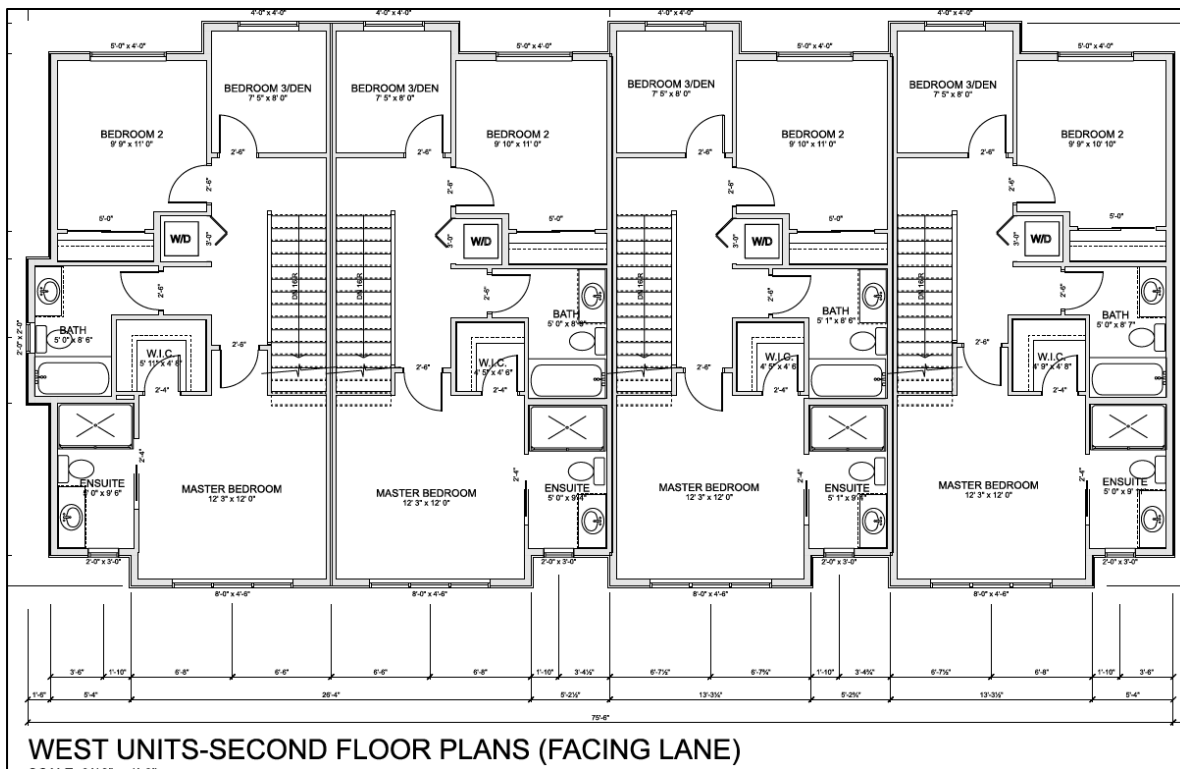


Figure 25: West Units (Top Floor)



Figure 27: East Elevation (six storeys visible from Norton Street)



Figure 28: West Elevation (eight storeys visible from the lane)

Attachment K - Letter of Intent



January 31, 2019

Giroux Design Group Inc.
Suite 175, 113-437 Martin Street, Penticton, BC
Penticton, BC V2A 5L1

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

Re: 253 Norton Street Development Permit Application

To City of Penticton Mayor, Council, and Planning Department,

This letter is regarding the proposed development of the property located at 253 Norton Street. The proposal is to take a large vacant lot and construct four townhouse buildings with each unit having four units for a total of 16 units.

The current zoning is listed as RM4, the proposal is to use the RM3 zoning for the project, rezoning to the lower density is required. There have been other projects planned for this lot over the years, but due to the slope of the property and some other difficulties with the lot, they have not been financially viable. This proposal was designed to meet these challenges in a way that reduces cost of construction significantly while still providing the higher density designation in the OCP. Extra consideration was given to the neighboring properties by providing more trees, parking, and amenity space than required by the current zoning bylaw. The City planning department was consulted very early on in the planning stages to discuss some of the challenges with driveway access, emergency service accessibility, lot slope and engineering issues. We believe the proposed development addresses these issues in a balanced way, providing well thought out solutions to some very difficult development obstacles.

Three variances are required for the project as follows, all are required to meet some of the unique challenges of this property:

- 1) Reduce the side yard setbacks from 4.5 m to 2.0 m. The City planning department was consulted early on to discuss a reasonable reduction to the side yard setbacks, this was the suggested reduction. Because of the amount of onsite retaining walls and other high costs with land development, the developer needs to maximize the number of units on the property to allow for a minimum of 16 units. Problems with site access and lot slope made an apartment style project impossible. This led to the concept of townhouses, which requires a minimum width to depth ratio to work properly. The City planning department also requested a central exterior stairway from the front of the property to the rear. These factors require the reduction in the side yard setbacks. There are no building code issues presented with the

reduction of the side yards, and the design of the buildings has minimal windows on the side so as to not encroach on privacy for the neighboring properties.

- 2) Increase the allowable percentage of architectural projections into the rear yard from 25% to 35%. To increase the green space between the buildings, the design makes use of cantilevered projections, allowing the bottom floors of the buildings to have a smaller footprint. The units facing the lane have extra cantilevered portions which project 24" (0.6 m) into the rear yard. The bylaw allows 25% percent of the total building face to project past the setback, the current design requires an extra 10%. We do not believe this will at all be a hardship on any neighboring properties as there is a 6.0 m setback and a lane on this side of the building. There are also no building code or structural issues presented by the design.
- 3) Increase the allowable hard surfacing from 60% to 68.5%. Hard surfaces include buildings, sidewalks, patios, and asphalt. The sidewalk and staircase requested by the City from the front of the property to the rear is a major contributing factor to the need for this variance. The developer has the options to not pave the driveways and leave them as gravel, by doing this there would be no need for a variance. We do not feel this is a good option, we would prefer to see all the parking paved. We do not feel that this variance will have any negative impact on site drainage, as the greenspace on the property is well placed to absorb any precipitation. The landscaping also is evenly distributed across the property to provide abundant green space.

In summary, much thought and planning went into the design of this project which will provide much needed housing both for families or those wishing to retire to the area. The height of the project has been kept down by tiering the buildings, this allows the buildings to be one full storey below what is allowed in the bylaw, reducing the potential negative impact that an apartment style project would have. The variances requested are reasonable and necessary for the development of the lot, they are also in line with other variances approved for other similar projects. We strongly believe this project will be a very positive addition to the area.

Thank you for considering our proposal.

Best regards,



Tony Giroux **ASTTBC.RBD**
Owner/Registered Building Designer
Giroux Design Group Inc.

Figure 29: Letter of Intent

Attachment L - Development Variance Permit PL2018-8429



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

Development Variance Permit

Permit Number: DVP PL2018-8429

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 A District Lot 202 Similkameen Division Yale District Plan KAP83201
Civic: 253 Norton Street
PID: 026-991-403
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 a multi-family development.
 - Section 4.9.1 (Table 4.1): to increase the allowable architectural projection that constitutes less than 25% of the wall face to which it is attached to less than 35% of the wall face to which the projection is attached.
 - Section 10.9.2.7.i: to decrease the minimum interior side yards from 4.5m to 2.0m.
 - Section 10.9.4.1: to increase the maximum hard surfacing of a lot from 60% to 69%.

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 05 day of March, 2019.

Issued this ___ day of _____, 2019

Angie Collison,
Corporate Officer

Attachment M - Development Permit PL2018-8430



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

Development Permit

Permit Number: DP PL2018-8430

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 A District Lot 202 Similkameen Division Yale District Plan KAP83201
Civic: 253 Norton Street
PID: 026-991-403
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a multi-family development, 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 \$24,593.00 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 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

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

General Conditions

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

Authorized by City Council, the 22 day of January, 2019

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer

Bylaw No. 2019-07

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. 2019-07".

2. **Amendment:**

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

Rezone Lot A, District Lot 202 Similkameen Division Yale District Plan KAP83201, located at 253 Norton Street from RM4 (High Density Multiple Housing) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	19	day of	February, 2019
A PUBLIC HEARING was held this	5	day of	March, 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 22 day of February, 2019 and the 27 day of February, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone 253 Norton Street

From RM4 (High Density Multiple Housing) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-07

Date: _____

Corporate Officer: _____