

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

**Tuesday, September 3, 2019
at 6:00 p.m.**

- | | | |
|-------|---|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2019-24” | 1-10 |
| CO | Reads Opening Statement and Introduction of Bylaw | |
| | “Zoning Amendment Bylaw No. 2019-24” (cash in lieu) | |
| | Purpose: To amend Zoning Bylaw No. 2017-08 as follows: | |
| | Increase the cash-in-lieu fee from \$6,000 per space to \$20,000 per space. Include the RM2 and RM3 zones in the cash-in-lieu program, subject to having at least one parking space per dwelling unit. Re-direct where the cash-in-lieu funds go, from: the Alternative Transportation Infrastructure Reserve to: a blend between the Alternative Transportation Infrastructure Reserve (25%) and the Off-street Parking Reserve (75%). Remove the co-operative vehicle parking reduction provision, until such time as there is a car share organization operating in Penticton. | |
| | Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, August 23, 2019 and Wednesday, August 28, 2019 (pursuant to the <i>Local Government Act</i>). | |
| CO | No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, August 28, 2019). | |
| Mayor | Requests the Planning Manager 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. 2019-24” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2019-29”** 11-27
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2019-29” (595 Vancouver Avenue)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- Rezone “Proposed Lot 1” of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R3 (Small Lot Residential: Lane) and rezone “Proposed Lot 2 and 3” of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R2 (Small Lot Residential) as identified on Schedule ‘A’ of this bylaw.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, August 23, 2019 and Wednesday, August 28, 2019 (pursuant to the *Local Government Act*).
- CO Correspondence attached regarding the Zoning Amendment Bylaw (as of noon Wednesday, August 28, 2019).
- Mayor Requests the Planning Manager 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. 2019-29” is terminated and no new information can be received on this matter.

- 3.** Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2019-33”** 28-40
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2019-33” (2800 Cedar Road)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- Rezone Lot 1, District Lot 2710, Similkameen Division Yale District Plan 14911, Except Plans 20725 and KAP66018 and EPP57171, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential).
- The applicant is proposing to subdivide 2800 Cedar Road into two lots. One lot will include the current house and the second lot will be set aside for future residential subdivision.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, August 23, 2019 and Wednesday, August 28, 2019 (pursuant to the *Local Government Act*).
- CO No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, August 28, 2019).
- Mayor Requests the Planning Manager 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. 2019-33” 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, August 20, 2019
at 1:00 p.m.

Resolutions

14.2 Zoning Amendment Bylaw No. 2019-24
Re: cash in lieu

386/2019

It was MOVED and SECONDED

THAT Council give second reading to "Zoning Amendment Bylaw No. 2019-24" and be forwarded to the September 3, 2019 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: June 18, 2019 File No: RMS 3360-02 (2019 Reviews)
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Planning Manager
Subject: **Zoning Amendment Bylaw No. 2019-24 (cash in lieu)**

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-24", a bylaw that amends the 'cash-in-lieu of parking' and 'parking reductions for providing co-operative cars' provisions of the zoning bylaw, be given first reading;

AND THAT Council refer "Zoning Amendment Bylaw No. 2019-24" to the "Economic Prosperity and Development Services Advisory Committee" for comment prior to second reading.

Executive Summary

City Council has directed staff to review the parking reduction provisions currently included in the City's zoning bylaw (Council resolution 695/2017). Staff have conducted a review and are proposing the following changes:

- Increase the cash-in-lieu fee from \$6,000 per space to \$20,000 per space
- Include the RM2 and RM3 zones in the cash-in-lieu program, subject to having at least one parking space per dwelling unit
- Re-direct where the cash-in-lieu funds go, from: the Alternative Transportation Infrastructure Reserve to: a blend between the Alternative Transportation Infrastructure Reserve (25%) and the Off-street Parking Reserve (75%)
- Remove the co-operative vehicle parking reduction provision, until such time as there is a car share organization operating in Penticton

Strategic priority objective

Staff recommendations meet the Council Priorities of 'good governance' and 'community building', by establishing an equitable way to reduce parking obligations while providing community benefit.

Background

The City's Zoning Bylaw, since 1993, has included a provision whereby developers in select zones in the City, predominately in the downtown, could reduce the parking requirements for their developments through

the payment of funds 'in-lieu' of parking. Funds collected are saved in a reserve accounts to go towards public off-street parking infrastructure and / or alternative transportation infrastructure.

Since implementation of the program in 1993 until 2011, all funds collected were directed to the 'off-street parking reserve'. This fund was established for the provision of off street parking spaces – municipal parking lots. With the adoption of the 2011 zoning bylaw this was changed to direct funds to the 'alternative transportation infrastructure reserve fund'. These funds go towards infrastructure projects that support walking, biking, public transit and other forms of alternative transportation.

Under the current zoning bylaw (Zoning Bylaw 2017-08) a developer in any commercial zone or the RM4 multi-family zone can *buy out* required parking at the rate of \$6,000 per space. There is no limit to the amount of spaces that may be reduced. Staff and Council do receive many requests for reductions in parking in other multi-family zones. In those cases, Council are usually being asked to issue development variance permits (variances) to reduce the parking. In those cases, the City receives no money towards the reserve accounts.

The \$6,000 figure, is not necessarily a true reflection of the current costs of providing parking in Penticton. Estimates put the cost of developing surface parking at between \$7,000 and \$10,000 per stall and for structured parking at approximately \$35,000 per stall (this number is based on a recently completed parkade in downtown Kelowna). Likely the number was set at \$6,000 because that was the estimated cost of providing a surface space when the fee was established. Also, the \$6,000 was likely reflective of what other municipalities charged at the time.

Another important parking provision was included in the 2011 zoning bylaw amendments: all parking for commercial uses in the C5 (City Centre Commercial) zone was removed. In the interest of encouraging downtown investment and in recognition of the large amount of public parking in the downtown, the requirement to provide on-site-parking was removed. Hence no cash-in-lieu provision exists in the downtown for commercial uses. Developers though can still buy out any required residential parking in the C5 zone.

Co-operative car share program parking reductions

The zoning bylaw has another parking reduction provision aside from the cash-in-lieu option. The bylaw allows the total number of parking spaces for a residential building to be reduced by up to six (6) spaces in the case where a co-operative vehicle or car share vehicle and parking space is provided. While this program has seen success in other communities, there are currently no car share companies operating in Penticton, making administration of a car share vehicle program difficult.

Why allow for reductions in parking at all?

Council may ask why these provisions exist in the zoning bylaw at all. It seems that at every public hearing and development open house, comments from the public demand more parking not less. So why then would we include these provisions in the zoning bylaw?

Firstly, having options for housing without parking, reduces the overall costs of housing – which is a public good. There are also many instances where people choose to not own or are unable to own a vehicle. Making those people pay for a parking spot is not fair to them. Furthermore, a lot of housing in Penticton is located in areas where not having a car is achievable – such as in the downtown and other high amenity areas. The parking reduction provisions are there to provide choice.

Another reason for specified reductions in parking standards, is to support urban design and land use objectives. Parking takes up a lot of space. Removing parking requirements allows for valuable land to be used for higher value purposes – parks, open space, housing, business etc. Removing parking, especially surface parking, allows for tighter urban development which promotes a more walkable built form leading to healthier communities.

Parking comes with a considerable cost associated with it, so when a developer is balancing the creation of more affordable housing, parking is often reduced, to bring down overall construction costs. The impact on the surrounding neighbourhood by not having that parking, is a consideration through the development approval process and is only supported where it has a strong chance of success.

Developing in the downtown also comes with its challenges. Underground parking is expensive and in some cases not financially viable given the high water table and construction costs that would be required to mitigate the geotechnical conditions. It is rare to find any underground parking downtown, and although examples do exist, they are on a smaller scale. Larger, higher density forms of development have chosen to construct parking above grade, to eliminate the need for underground parking.

Furthermore, the land parcel configuration in and around the downtown presents a number of challenges to the development of larger, more comprehensive projects. In an effort to try and achieve the densities desired in and around the downtown, smaller parcels of land are often proposed with 1-2 units more than what may be appropriate for the existing parcel of land. Land consolidation is often used to allow for larger developments however with the historical land ownership and multiple amount of smaller parcels downtown, balancing approvals for the density envisioned with the parking requirements has been difficult in some instances.

Staff are not arguing for complete removal of parking requirements, but are highlighting instances and benefits to selective reductions in parking, and some of the challenges when providing parking in a compact downtown environment. Often the market itself will dictate parking needs. For example, a developer will want to ensure that they are providing enough parking for the ultimate end purchaser or leaser of the finished project of whatever they are building. Sometimes this parking will be in the public realm but often there is demand for the parking on site. It is in the interest of the developer to provide this parking and in cases where the parking is in the public realm, it is important that the developer is paying their fair share of that parking – hence the 'cash-in-lieu program.

Council direction and proposed changes

Council has provided direction to review these parking reductions and provide recommended changes. Staff have conducted a review and are making several recommendations. The first change involves increasing the cash-in-lieu charge from \$6,000 to \$20,000 to better reflect a closer assessment of the true cost of developing parking spaces. The second change is an expansion to the number of zones that the cash in lieu provision apply to include the RM2 and RM3 zone. Thirdly, a change to where the funds go is being proposed, with 25% going to the Alternative Transportation Infrastructure Fund and the remaining 75% going towards the Off-street Parking Reserve. Finally staff are proposing to remove the section of the zoning bylaw providing a reduction in parking where providing a car share vehicle is included, until such time as there is a car share company operating in Penticton.

Zoning Amendment Bylaw 2019-24 amends Zoning Bylaw 2017-08 as follows:

- Removes Section 6.1.2.2 Cooperative Vehicle Parking Spaces
- Amends Section 6.1.2.3 Cash-in-Lieu as follows:

In lieu of providing the required number of off-street vehicular parking spaces in the following zones RM2, RM3, RM4, RM5, C1 – C9 and M1-3 or bicycle parking in any zone, a property owner may provide the City a sum of money equal to the number of parking spaces not provided multiplied by the applicable cash in lieu amount as identified in Table 6.1. ~~The sum of money will be deposited in the Alternative Transportation Infrastructure Fund.~~ The sum of money will be deposited in the Off-street Parking Reserve and Alternative Transportation Infrastructure Reserve at the rate of 75% to the Off Street Parking Reserve and 25% to the Alternative Transportation Infrastructure Reserve.

Add Section 6.1.2.4

In the case of the RM2 and RM3 zones, the cash in lieu provision shall not lower the total number of parking spaces to below one space per dwelling unit.

Table 6.1 Cash in Lieu

Existing floor area converted to residential dwelling unit	New commercial, industrial and/or high density residential floor area	Class 1 bike parking space for new commercial and/or residential floor area
\$ 6,000 -\$20,000	\$ 6,000 -\$20,000	\$500

Remove Section 14.5.4.1.ii

Financial implication

The proposed changes will provide additional funds to the City’s Off-site Parking Reserve. The Off-street Parking Reserve currently has a balance of \$124,577 at December 31, 2018. Funds held in that reserve are required to be used for the provision of new and existing off street parking spaces. The City’s Alternative Transportation Infrastructure Fund currently has a balance of \$53,666 at December 31 2018 and is required to be used for infrastructure that supports walking, biking, public transit or other forms of alternative transportation. In this case, alternative means alternatives to personal vehicles.

Consultation

Staff are recommending that if Council is satisfied with the direction of these changes that the bylaw be considered by the *Economic Prosperity and Development Services Advisory Committee* prior to being given second reading and being scheduled for a Public Hearing.

While no direct public consultation on these changes has been done, many of the concepts captured herein have come about based on the work done on the parking strategy (2017), which involved extensive consultation with the public and business community, as well as from comments from the public at open houses and public hearings when parking reductions are being proposed.

Staff are not recommending any further consultation prior to the Public Hearing on this bylaw, which will be scheduled after comment from the Economic Development and Development Services Advisory Committee is received.

Comparisons from other communities

The following table shows a comparison of approaches from other communities with regard to cash-in-lieu of parking:

Community	Cost per parking space	Comments
Kelowna	\$22,500 in the downtown and \$7,500 elsewhere	Goal to establish a cost of 75% of the cost of installing a spot, hence the higher cost in the downtown where parking is structured as opposed to surface.
Kamloops	\$6,000	Directed to transit, cycle and walking facilities
Nanaimo	\$3,000	Require to be within 600m from a parking facility
Langford	\$11,000	Total overall parking may be reduced by 10%
Vernon	\$10,000	Maximum of 50% of required spaces are permitted to be reduced and only for commercial uses
Vancouver	\$20,200	Council support is required to accept the funds / approve the parking reduction

Analysis

The proposed changes reflected in the bylaw are based on the desire to create a more equitable system for reducing parking for new developments. The increase in the fee from \$6,000 to \$20,000 is a better reflection of the true costs to developers in providing parking and no longer financially incentivizes developers to provide less parking. The cash-in-lieu provision is there in those cases where there is legitimate need to reduce parking, for social and or urban design reasons – not necessarily for the developer to just save money. The increased amount allows for funds to flow towards increasing and improving off-street public parking as well as to support alternative transportation.

Adding the RM2 and RM3 zones into the program will reduce the amount of variance permit requests for parking and allow the City to receive funds for reductions in those zones as well. In those zones however, each residential unit will be required to have at least one parking space. The reduction is mainly for visitor parking.

With regard to the changes to the co-operative vehicle (car-share) program, the amendment reflects the fact that there are currently no car share companies operating in Penticton. As staff have investigated and researched the various car share models from other communities, it is becoming evident that until a co-op company offering shared vehicles begins operating in Penticton (or is started by the City itself), offering the incentive only creates confusion amongst the development community.

Council should be aware that these changes may have some unintended impacts. Increasing the fee for cash-in-lieu of parking may disincentive people from developing, or developing at a lower density than if the cash-in-lieu fee is not increased. The parking changes were originally made in 2011 to promote growth and development downtown and as part of a larger effort to eliminate barriers to develop downtown. Since that

time, there has been significant activity downtown, the reduction in the commercial parking requirements⁷ - allowing for new commercial developments to take place on land that could not have accommodated anywhere near the required parking under the previous bylaws – the new breweries and cinema for example.

Also, with the change from funds going to the alternative transportation fund to a split between the alternative transportation and off-street parking reserve, Council may receive some criticism in reducing the amount going to alternative transportation infrastructure. It is with these questions in mind that staff are recommending referral to the Economic Development and Development Services Advisory Committee prior to second reading of the bylaw.

For the reasons listed above, staff are recommending first reading of the zoning amendment bylaw and referral of the bylaw to the Committee.

Alternate recommendations

Council has several options with regard to this matter and staff have provided some alternatives to consider rather than proceeding with the staff recommendation.

Alternative 1: THAT Council support the changes and send the bylaw to the July 16, 2019 Public Hearing, without referral to the Economic Prosperity and Development Services Advisory Committee.

Staff's recommendation is to have the applicable Advisory Committee provide comment on the proposed changes prior to the public hearing to ensure that the community most affected by the amendments has the opportunity to provide comment and advice to Council. Council however, may feel that it is not necessary for this. If that is the case, Council could refer this item directly to the public hearing. Staff are not recommending this alternative as the Committee's perspective is important to ensure no unintended consequences come out of the bylaw amendment.

Alternative 2: THAT Council support the increase to the cash-in-lieu provision but don't support the change to the co-operative car reductions

Under this scenario, Council could give direction to support the portion of the amendment bylaw that deals with the cash-in-lieu section but leave the incentive in for the co-operate car share. While it is important to incentivize co-operative car share initiatives, staff do not support leaving the parking reduction in place at this time. As stated above, there are no co-operate car share companies operating in Penticton and until such time as there are, having this section in the bylaw causes confusion for the development community.

THAT Council support the increase in fees and removal of the co-operative vehicle parking space reductions, but not support the inclusion of the RM2 and RM3 zones into the cash-in-lieu program.

Council may feel that expansion of the parking reduction incentives to the RM2 and RM3 zones is not warranted. If that is the case, Council could support all other aspects of the bylaw, but direct staff to amend the bylaw to remove those sections expanding the program to the RM2 and RM3 zones. Staff do not support this as there have been several variances granted for parking reductions in the RM2 and RM3 zones, where the City did not receive any funds in compensation. The way the bylaw is currently drafted, it is only the visitor parking that could be waived. Anytime parking is proposed to be less than one space per unit, Council approval is still required.

Attachments

Attachment A – Zoning Amendment Bylaw No. 2019-24

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Concurrence:

Director <i>BL</i>	CFO <i>LWB</i>	Chief Administrative Officer DvD
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Bylaw No. 2019-24

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. 2019-24".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Remove Section 6.1.2.2 Cooperative Vehicle Parking Spaces in its entirety.

2.2 Delete and replace Section 6.1.2.3 Cash-in-Lieu with the following:

In lieu of providing the required number of off street vehicular parking spaces in the following zones RM2, RM3, RM4, RM5, C1 – C9 and M1 - M3 or bicycle parking in any zone, a property owner may provide the City a sum of money equal to the number of parking spaces not provided multiplied by the applicable cash in lieu amount as identified in Table 6.1. The sum of money will be deposited in the Off-Street Parking Reserve and Alternative Transportation Infrastructure Reserve at the rate of 75% to the Off Street Parking Reserve and 25% to the Alternative Transportation Infrastructure Reserve.

2.3 Add Section 6.1.2.4:

In the case of the RM2 and RM3 zones, the cash in lieu provision shall not lower the total number of parking spaces to below one space per dwelling unit.

2.4 Delete and replace Table 6.1 Cash in Lieu with the following:

Existing floor area converted to residential dwelling unit	New commercial, industrial and/or high density residential floor area	Class 1 bike parking space for new commercial and/or residential floor area
\$20,000	\$20,000	\$500

2.5 Delete Section 14.5.4.1.ii in its entirety.

READ A FIRST time this	18	day of	June, 2019
READ A SECOND time this	20	day of	August, 2019
A PUBLIC HEARING was held this	3	day of	September, 2019
READ A THIRD time this		day of	, 2019
RECEIVED the approval of the Ministry of Transportation on the		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 23 day of August, 2019 and the 28 day of August, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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

for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer

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

Tuesday, August 20, 2019
at 1:00 p.m.

Resolutions

14.1 Zoning Amendment Bylaw No. 2019-29
Re: 595 Vancouver Avenue

385/2019

It was MOVED and SECONDED

THAT Council give second reading as amended (replacing Schedule A) to "Zoning Amendment Bylaw No. 2019-29";

AND THAT a second Public Hearing for "Zoning Amendment Bylaw No. 2019-29" be held on September 3, 2019.

CARRIED
Councillor Robinson, Opposed

Date: August 6, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 595 Vancouver Avenue

File No: RZ PL2019-8526

Subject: Zoning Amendment Bylaw No. 2019-29

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-29", a bylaw that rezones "Proposed Lot 1" to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 to R2 (Small Lot Residential) of the subdivision of "Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662" (595 Vancouver Avenue), as shown on Schedule 'A' of the bylaw, be given first reading and be forwarded to the August 20, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-29", the following condition be completed:

- Registration of a Covenant to restrict direct vehicular access to Proposed Lot 3 (access will need to come through an easement on the Proposed Lot 2 panhandle)
- Demolition of the current single family dwelling

Background

The subject property (Attachment "A") is currently zoned R1 (Large Lot) and is designated in the City's Official Community Plan (OCP) as LR (Low Density Residential). The site is 0.556 acres in area and is located adjacent to the "Esplanade", a dedicated city park. The property currently has one large single family dwelling and is located in close proximity to the downtown, in an established traditional single-family neighborhood undergoing infill style re-development.

The applicant is requesting to rezone 595 Vancouver Avenue from R1 (Large Lot

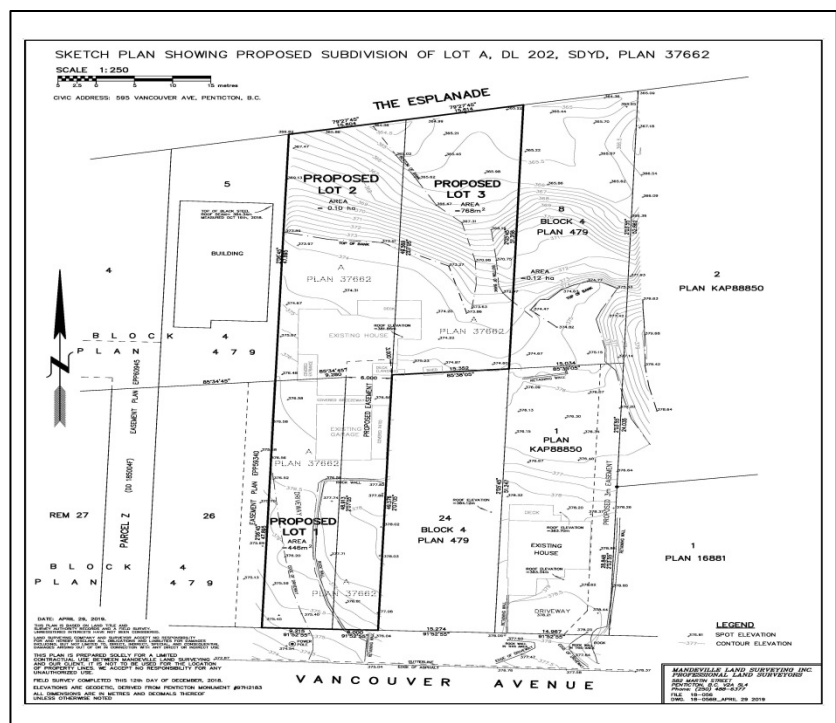


Figure 1 - Proposed Subdivision

Residential) to R2 (Small Lot Residential) and R3 (Small Lot Residential: Lane). This rezoning will facilitate the subdivision of the property into three parcels, which will permit the construction of three single family dwellings (Figure 1 – Proposed Subdivision).

The Zoning Map of the neighbourhood (Attachment 'B') indicates that this area is mainly zoned R1 (Large Lot Residential) but also includes R2 (Small Lot Residential) and RD1 (Duplex Housing) designations. As indicated in the Future Land Use Map (Attachment 'C'), much of this neighbourhood is identified for low density development.

There is a prevailing pattern of subdivision that has occurred in this area where a number of lots were created years ago fronting the "Esplanade". At the time, there were discussions about a road being placed close by. Through time, the "Esplanade" was deemed part of an important sensitive ecosystem and considered noteworthy to protect. A number of existing properties along Vancouver Avenue have access through easement and panhandle. The subject property was originally three lots that were consolidated to build the existing large single family dwelling. The property owner wishes to re-establish the historic lot layout with the three lots (one fronting Vancouver Avenue and two fronting the Esplanade).

Proposal

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the property as follows: "Proposed Lot 1" from R1 (Large Lot) to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 from R1 (Large Lot) to R2 (Small Lot Residential) of the subdivision of "Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662" (595 Vancouver Avenue). The zoning amendment is intended to facilitate a 3 lot subdivision.

Financial implications

If approved, the development anticipated by this application will create in total 2 new development sites for the construction of single family housing, hence contributing to an increase in the City's tax base. All costs of the development are the responsibility of the property owner.

New Official Community Plan (2019) – Future Land Use Designation

The draft Official Community Plan (OCP) (2019) identifies this area for 'Detached Residential'. This designation envisions single family detached houses with secondary suites or carriages houses, duplexes or small scale neighborhood commercial building. The proposed rezoning is reflective of the current development trends in the area, providing for a wider variety of housing and is in line with the proposed designation.

Environmental Development Permit Area

The subject property is located in an Environmental Development Permit Area as per the OCP. The Environmental Development Permit area is designated to protect important sensitive ecosystems and biological diversity. The property is located near an area known as the "esplanade" which refers to the benches and steep slopes above the Okanagan Lake shoreline. The Esplanade is characterized by riparian and coniferous woodland communities with grassland and disturbed areas used for recreational purposes.

The OCP references the “Esplanade” as an area where the natural environmental qualities should be maintained and enhanced. The applicant has submitted an Environmental Assessment prepared by a Qualified Environmental Professional (QEP) in support of the rezoning application. An approved development permit will be required prior to final approval of the subdivision. If successful with rezoning and subdivision, as part of the building permit process, an Environmental Development permit will need to be obtained and will include provisions for restoration and replanting with natives trees. A qualified Environmental Professional will provide ongoing monitoring to confirm that conditions of the permit are met.

Technical Review

This application was forwarded to the City’s Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Subdivision and Building Permit stage of the project, if rezoning is supported by Council. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. The owner (developer) must provide a detailed site grading plan of the proposed lots showing existing and final site elevations as well as a detailed geotechnical report as part of the subdivision process. The development is required to conform to the BC Building Code. These items have been communicated to the applicant.

Access

Access to all three proposed lots is intended to be from a 6m panhandle. The proposed R3 zoning does not allow vehicular access from the collector road and specifies that access shall be from a rear lane. Because lane access is required the R3 zone, allows for lots with less widths than a typical lot where a driveway is required from the fronting street. In this case, no lane is present. Additional driveways on Vancouver Avenue is not recommended therefore staff recommend to secure the vehicular access of the proposed panhandle of “Proposed Lot 2” by way of a restrictive covenant to be placed on the property and easement over the proposed panhandle. Similar access arrangements have been created in the past for other parcels of land in this area, given the historical parcelization and access constraints of Vancouver Avenue.

Demolition of the single family dwelling

If Council adopt Zoning Bylaw 2019-29 as presented, the proposed zoning would not be in –line with the current house on the property. The zoning bylaw stipulates that where a lot is divided into more than one zone, each zoned portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions. In this case the current house on the property if retained would be in contravention of this provision; hence, demolition of the house is necessary prior to final adoption of the proposed zoning bylaw amendment.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the development application. It is worth noted that no building is proposed at this time:

Item	Requirement R2 zone	Proposed	Requirement R3 zone	Proposed
Minimum Lot Width:	13m	15.3m	9.1m	9.2m
Minimum Lot Area:	390m ²	1,903.34m ²	277m ²	446m ²

Analysis

Support "Zoning Amendment Bylaw No. 2019-29"

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 2019 also identifies the future land use of this property as Detached Residential. There may be some concerns over the assessment of view impacts on the existing homes in the vicinity. Regarding single family dwellings, the current and proposed OCP does not provides guidelines or policies to protect views. New housing development is to be sensitive in scale and character to the neighbourhood around it. Where development permit is required, views through the mountain and lakes should be carefully considered and incorporated into the design, however a development permit for the eventual single family homes is not required. The Zoning Bylaw regulates the height and development regulations regarding the build form on the lots.

The proposal for the site provides single detached housing, at an acceptable scale for the current area and follows the development pattern of the neighbouring lands with lots of a similar size. 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.
- Recognizing that traditional single family neighborhood will see intensification as the City grows, the draft OCP (2019) envisions new forms of residential developments along collector roads, services and amenity 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 a large lot into 3 smaller lots in a desirable location.

In addition, staff consider the proposed additional lots to be a good fit for the property and the neighbourhood. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for the proposal. Given the above, staff recommends that Council support "Zoning Amendment

Bylaw No. 2019-29" and forward the application to the August 20, 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 R1 (Large Lot residential). If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate recommendations



1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-29".
2. THAT Council refer the application back to staff for further discussions with the applicants.

Attachments

- Attachment A – Location Map
- Attachment B – Official Community Plan Map
- Attachment C – Zoning Map
- Attachment D – Images of Subject Property
- Attachment E – Site and Subdivision Plan
- Attachment F – Letter of Intent
- Attachment G – Zoning Amendment Bylaw No. 2019-29

Respectfully submitted

Audrey Tanguay
Senior Planner

Director Development Services 	Chief Administrative Officer 
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Attachment A – Location Map



Figure 1: Location Map

Attachment B – Official Community Plan Map

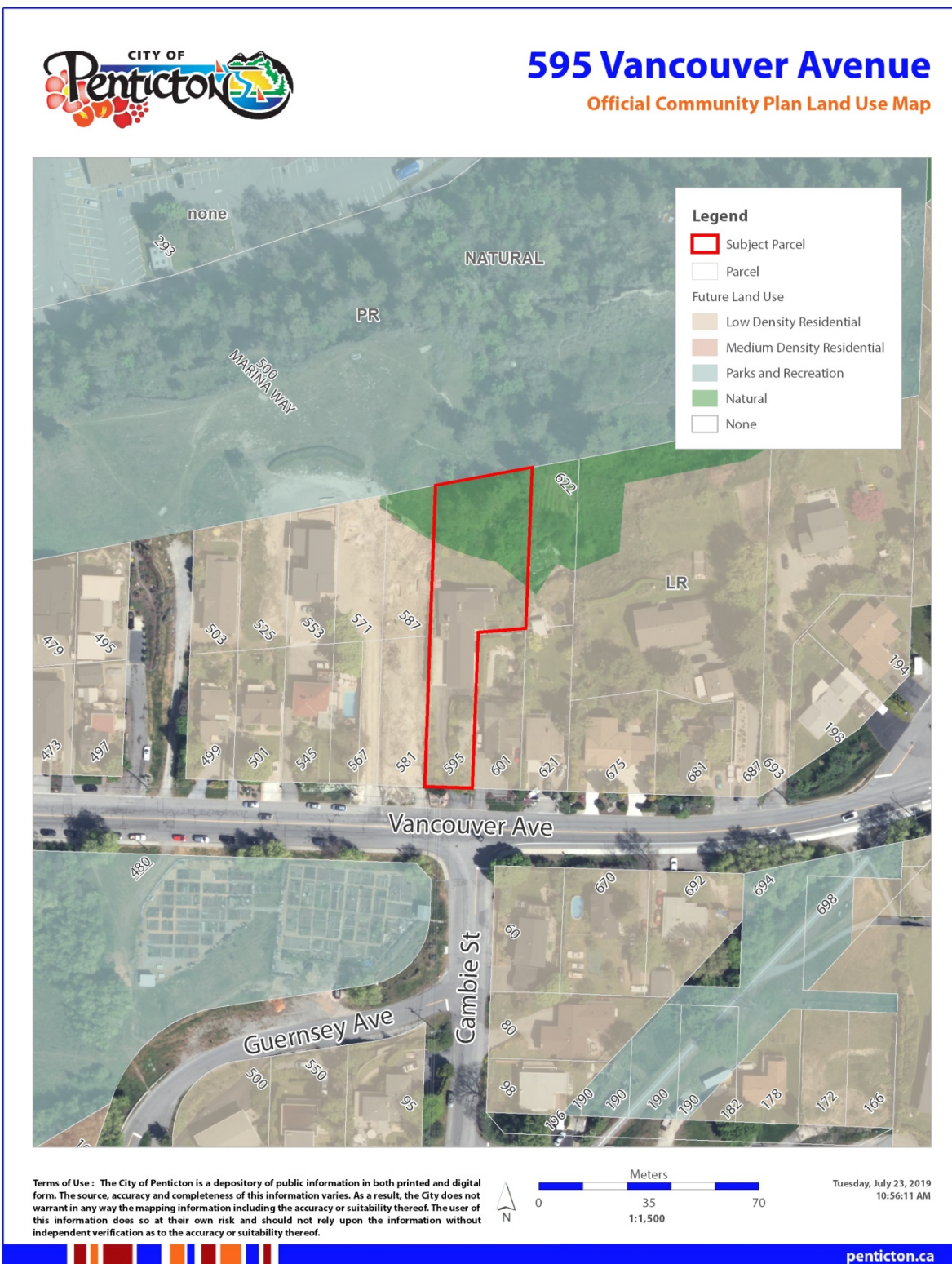


Figure 2: OCP Map

Attachment C – Zoning Map

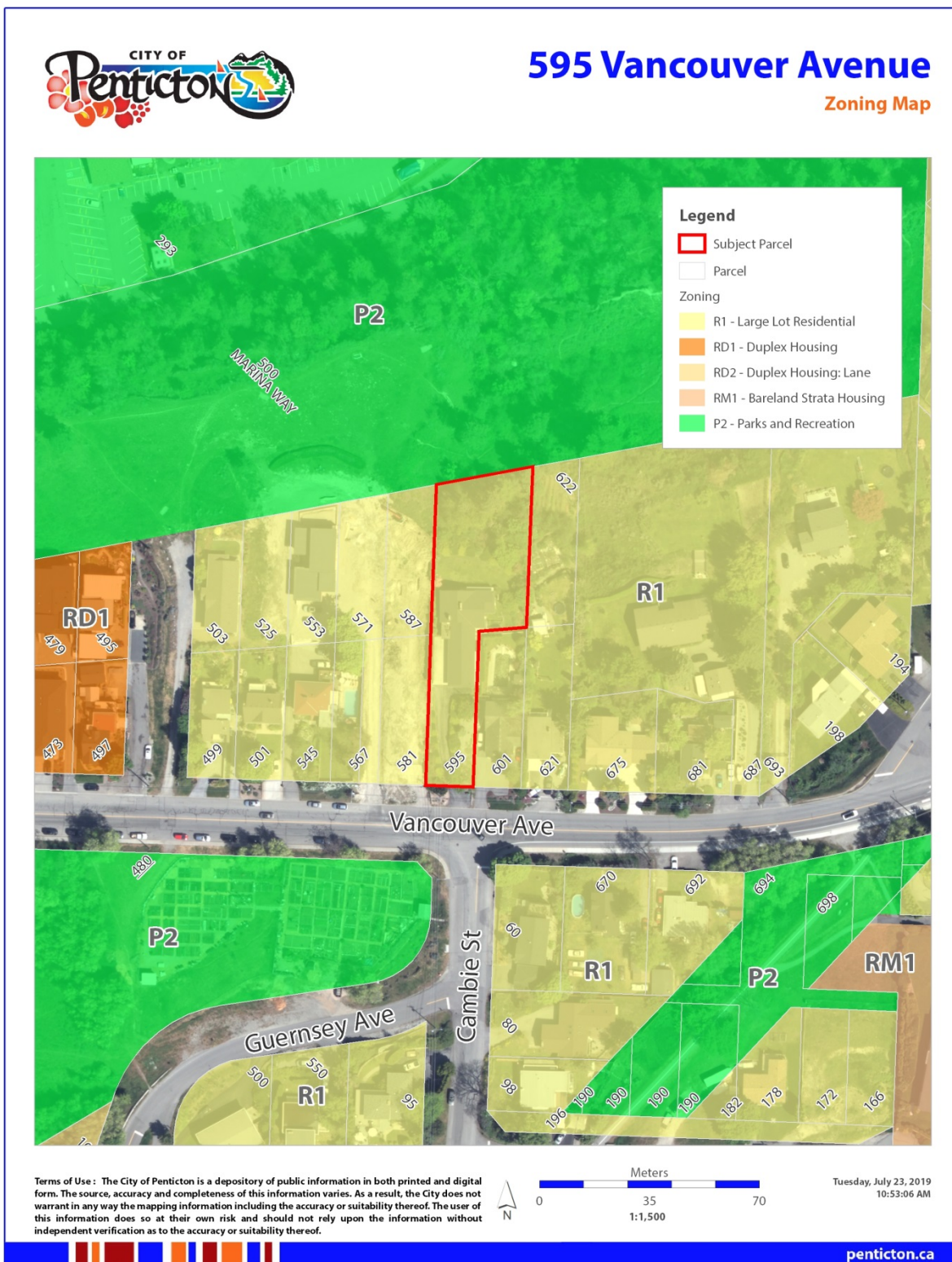


Figure 3: Zoning Map

Attachment D - Images of Subject Property



Figure 4: Image of subject property with current driveway shown

Attachment F - Letter of Intent



May 05, 2019
City of Penticton Planning Department
Blake Laven, RPP, MCIP – Planning Manager
171 Main Street
Penticton BC, V2A 5A9

RE: 595 Vancouver Avenue

Dear Mr. Laven,

The registered owner of the property has commissioned our firm, HDR Architecture, Inc., to provide architectural design services for 595 Vancouver Avenue in Penticton. The site is currently zoned R1; which accommodates a single family home. We feel this is a lost opportunity and an underutilization of site potential, as this desirable location is close to many public amenities such as Okanagan Lake and the Esplanade. Thus we are proposing the following subdivision (from 1 lot to 3 lots) and rezoning strategy (maintain R1 zoning except Lot 1 to R3) which is in keeping with the scale and form of the neighborhood:

- Lot 1: Rezoned to R3; access via 6 meter easement over panhandle Lot 2.
- Lot 2: Panhandle Lot; maintain current R1 zoning
- Lot 3: Maintain current R1 zoning; access via easement over panhandle Lot 2

This proposal will be a positive contribution to our community by allowing more housing opportunities and allowing densification in an area which is close to downtown and its associated amenities. This project is a viable alternative to urban sprawl and hope for a reduction in vehicular reliance.

Sincerely,
HDR Architecture, Inc.

Robert Cesnik ARCHITECT AIBC, MRAIC, LEED AP BD+C
Associate

hdrinc.com/ca

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

Registered Architects: Jim Aalders, Arch. AIBC, MRAIC, LEED AP, NCARB Mark Hentze, Arch. AIBC, NLAA, MRAIC, NCARB, IAKS Troy Ransdell, Arch. AIBC, MBA
John Scott, Arch. AIBC, AAA, MRAIC, NCARB, AIA Rod Windjack, Arch. AIBC, MRAIC, LEED AP

Bylaw No. 2019-29

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. 2019-29".

2. **Amendment:**

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

Rezone "Proposed Lot 1" of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R3 (Small Lot Residential: Lane) and rezone "Proposed Lot 2 and 3" of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R2 (Small Lot Residential) as identified on Schedule 'A' of this bylaw.

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

READ A FIRST time this	6	day of	August, 2019
A PUBLIC HEARING was held this	20	day of	August, 2019
READ A SECOND time as AMENDED this	20	day of	August, 2019
A SECOND PUBLIC HEARING was held this	3	day of	September, 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 9 day of August, 2019 and the 14 day of August, 2019 and the 23 day of August, 2019 and 28 day of August, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

595 Vancouver Ave – Rezoning

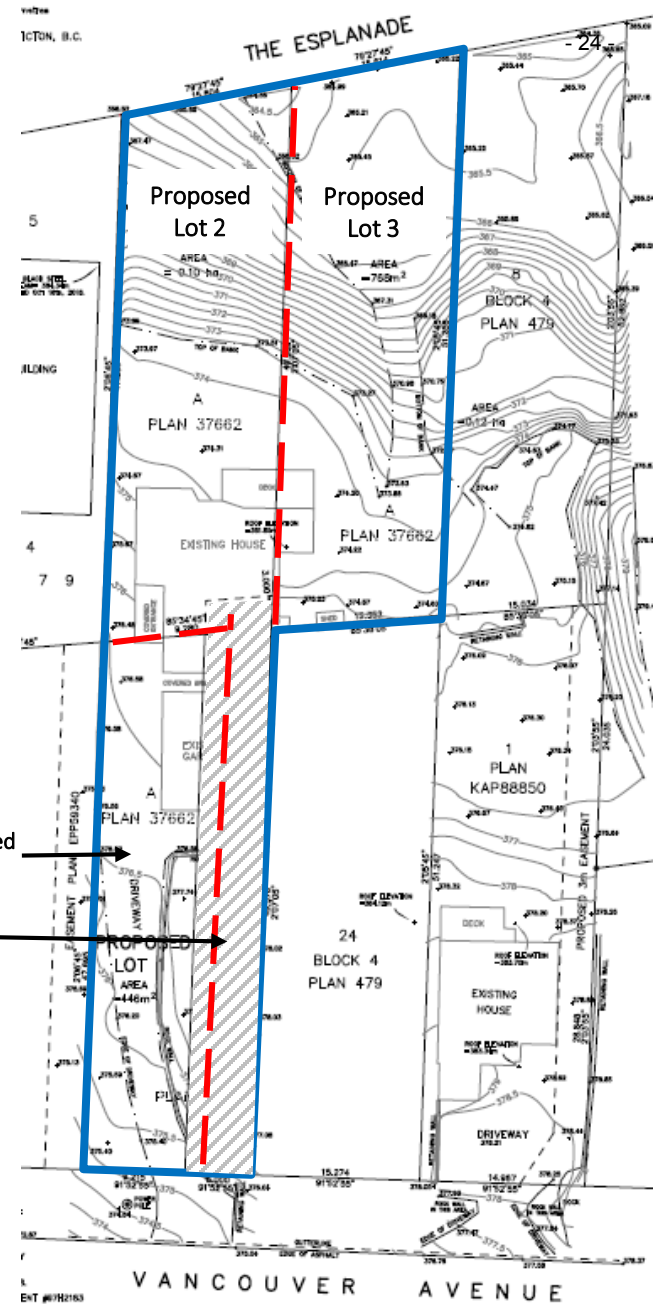
Proposed Lot 1:
From R1 (Large Lot Residential) to R3
(Small Lot Residential: Lane)

Proposed Lots 2 and 3:
From R1 (Large Lot Residential) to R2
(Small Lot Residential)

Reduce width of panhandle from 6.0m to 4.5m

Proposed
Lot 1

Proposed
Lot 1



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-29

Date: _____

Corporate Officer: _____

From: Gerry Bate
Sent: August-29-19 10:28 AM
To: Public Hearings
Subject: Subdivision/Rezoning Application (Aug.6/19) - 595 Vancouver Avenue, Penticton, B.C.

City of Penticton.
Mayor and City Council,
Planning and Land Use Department.

Attn: Corporate Officer, City of Penticton

Dear Mayor John Vassilaki, Councillors, and
City Planning Department;

I oppose the above Rezoning/Subdivision Application.

With regard to the Subdivision/Rezoning Application for 595 Vancouver Avenue, Penticton, B.C., it is our understanding the Developer/Applicant is applying to subdivide a single family home R1 lot into 3 smaller lots zoned R2 and R3. The purpose of the subdivision would be to replace the now existing single family home with 3 new separate houses.

It is also our understanding that the same Developer/Applicant also owns 2 other adjacent R1 zoned city lots (621/622 Vancouver Avenue), on which there is currently located one home existing between those 2 lots. The intent of the owner/developer is to replace that existing single family home with 2 new houses.

The overall result for these existing 3 R1 zoned lots would be to replace the existing 2 single family homes with 5 new houses on the combined properties.

My wife, Deborah Nelson and I own our home at 675 Vancouver Avenue, located next door to these subject combined properties, which include the Subdivision Application for an additional 3 lots on 595 Vancouver Avenue.

We are extremely concerned, as are a number of other property owners in the neighborhood, and are strongly opposed to the proposed Rezoning/Subdivision Application.

This proposed Subdivision would involve carving up an existing R1 zoned Single family lot into 3 smaller housing lots resulting in R2 and R3 zoned lots.

This Vancouver Avenue area is completely zoned with R1 lots and there would be no benefit to the City of Penticton to approve three new R2 and R3 zoned lots right in the middle of an R1 Lot zoning area.

The only purpose fulfilled by this subdivision would be to facilitate the potential profits for the Developer.

Our main concerns are:

- Any subdivision rezoning of this subject property would potentially **destroy the existing charm and beauty of the neighborhood**
- This would result in **decreased property values** of the existing homes in the area, reducing valuations and decreasing the City's tax base
- This development, with **increased density would obstruct the views of existing neighborhood homes**, which were purchased and invested in as single family dwellings in an existing R1 zoned area
- Detrimental effect to **area environmental issues**
- **Future liability costs to the City of Penticton** resulting from **soil instability issues (red zone)**, and

- **Increasing existing traffic volume and problems** on Vancouver Avenue., which is potentially becoming a dangerous situation for vehicles, pedestrians, cyclists and wildlife.

The City of Penticton's zoning regulations were put place with thoughtful consideration for the benefit of the overall community and any approvals of this Subdivision could set a dangerous precedence for future detrimental rezoning of other residential R1 zoned areas (Redlands, Uplands, Kendall Cres., Pineview and Wiltse benches, etc.) throughout our city. Any increased density in the city should be achieved within the existing higher density zoned areas already established and approved in the city's overall development plan.

Thank you very much for your attention to these concerns and we look forward to any further updates on this issue.

Yours truly,
Gerry Bate, CPA, CGA
Financial Advisor



RAYMOND JAMES®

Raymond James Ltd.
100-498 Ellis Street
Penticton, BC
V2A4M2

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From: [Debbie Nelson](#)
To: [Public Hearings](#)
Subject: Subdivision/rezoning application for 595 Vancouver Avenue
Date: August-29-19 12:23:40 PM

August __, 2019

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

Email: publichearings@penticton.ca

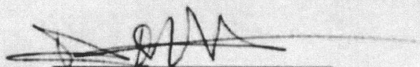
Attention: Corporate Officer, City of Penticton

**Re: Subdivision/Rezoning Application for 595 Vancouver Avenue
City of Penticton Zoning Amendment Bylaw No. 2019-29 – Public Hearing Sept. 3, 2019**

Dear Sir or Madam;

I oppose the above rezoning/subdivision application.

I strongly feel this DOES NOT fit into the character of the neighborhood and I am concerned this will set a precedent for this neighborhood as this is an R1 zoned area and it is currently zoned LOW density residential.



Signature

Deborah Nelson
1675 Vancouver Ave
Penticton BC V2A 1A4
Property Owner Name and Address

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

Tuesday, August 20, 2019
at 1:00 p.m.

Resolutions

- 10.2 Zoning Amendment Bylaw No. 2019-33
Re: 2800 Cedar Road

378/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-33", a bylaw that rezone Lot 1, District Lot 2710, Similkameen Division Yale District Plan 14911, Except Plans 20725 and KAP66018 and EPP57171, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential), be given first reading and be forwarded to the September 3, 2019 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: August 20, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 2800 Cedar Road

File No: RZ PL2019-8496

Subject: Zoning Amendment Bylaw No. 2019-33

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-33", a bylaw that rezone Lot 1, District Lot 2710, Similkameen Division Yale District Plan 14911, Except Plans 20725 and KAP66018 and EPP57171, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential), be given first reading and be forwarded to the September 3, 2019 Public Hearing.

Council Priorities

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

The subject property (Attachment A) is designated for detached residential development by the City's newly adopted Official Community Plan (OCP 2019-08), but is currently zoned A (Agriculture) under the Zoning Bylaw. The large rectangular property (3.339 Acres) is lightly wooded and features one single detached dwelling which is accessed off Cedar Road. The property runs from Cedar Road at its west side, is intersected by Evergreen Drive (though unconstructed at this point) and runs east to Partridge Drive. The property is included in the Cedar Road Area Plan created in 1999 and revised in 2010 Attachment C.

The applicant is requesting to rezone 2800 Cedar Road from A (Agriculture) to R1 (Large Lot Residential). This rezoning will facilitate the subdivision of the property into 2 parcels. The owner intends to subdivide the existing house on the property and the remainder will be set aside for future residential subdivisions. The Zoning Map of the neighbourhood (Attachment B) indicates that this area is mainly zoned R1 (Large Lot Residential). Since the intent is for future residential development, a zoning amendment is required prior to subdivision.

Proposal

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the property from A (Agriculture) to R1 (Large Lot Residential). The zoning amendment is intended to facilitate eventual residential subdivision in line with Cedar Road Area Plan. The Plan shows approximately the creation of 9 new lots.

Financial implications

If approved, the development anticipated by this application will create a large development site for the construction of single family housing, hence contributing to an increase in the City's tax base. All costs of the development are the responsibility of the property owner.

Technical review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. No significant issues arose in the process. The subsequent subdivision application that will follow this zoning amendment, if adopted, will require full engineering consultation and review by the City's Public Works and Engineering departments. That review will look for conformance to the City's Subdivision and Development Bylaw, Sewer, Irrigation and Water Bylaw and other relevant City policies.

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 B), this property is identified for detached residential development and future development is envisioned to support single family and duplex development as well as limited commercial and institutional use.

The City's Official Community Plan has identified the area where this property is located for residential growth and future development. The current Agricultural zoning of the property is not in-line with that future vision for the property and no agricultural activity has taken place on the property. This area has seen strong residential growth in the past few years with development activity along Partridge Drive, Hawthorne Drive and Cedar Road.

The proposal for the site provides the opportunity for future single detached housing, at an acceptable scale for the current area and follows the development pattern of the area as per the Cedar Road Area Plan. Staff consider that the zoning amendment represents an appropriate use of the land for the following reasons:

- The proposal focuses new residential development in or adjacent to existing developed areas. The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- Consistent with the City's desire to provide a variety of housing, the City encourages the development of higher-end single detached dwellings.
- Permitting the subdivision of larger lots in neighborhood where access and servicing are adequate.

The location of the site and characteristics of the surrounding neighbourhood make it appropriate for the proposal. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2019-33" and forward the application to the September 3, 2019 Public Hearing for comments from the public.

Alternate recommendations

THAT "Zoning Amendment Bylaw No. 2019 -33" be denied first reading.

THAT "Zoning Amendment Bylaw No. 2019-33" be referred back to staff with instructions that Council feels are appropriate.

Attachments

Attachment A – Location Map

Attachment B – Official Community Plan Map

Attachment C – Cedar Road Area Plan

Attachment D – Zoning Map

Attachment E – Images of Subject Property

Attachment F – Site and Subdivision Plan

Attachment G– Letter of Intent

Attachment H– Zoning Amendment Bylaw No. 2019-33

Respectfully submitted

Audrey Tanguay

Senior Planner

Concurrence

<p>Acting Director</p> <p><i>KK</i></p>	<p>Chief Administrative Officer</p> <p>DyD</p>
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Attachment A – Location Map

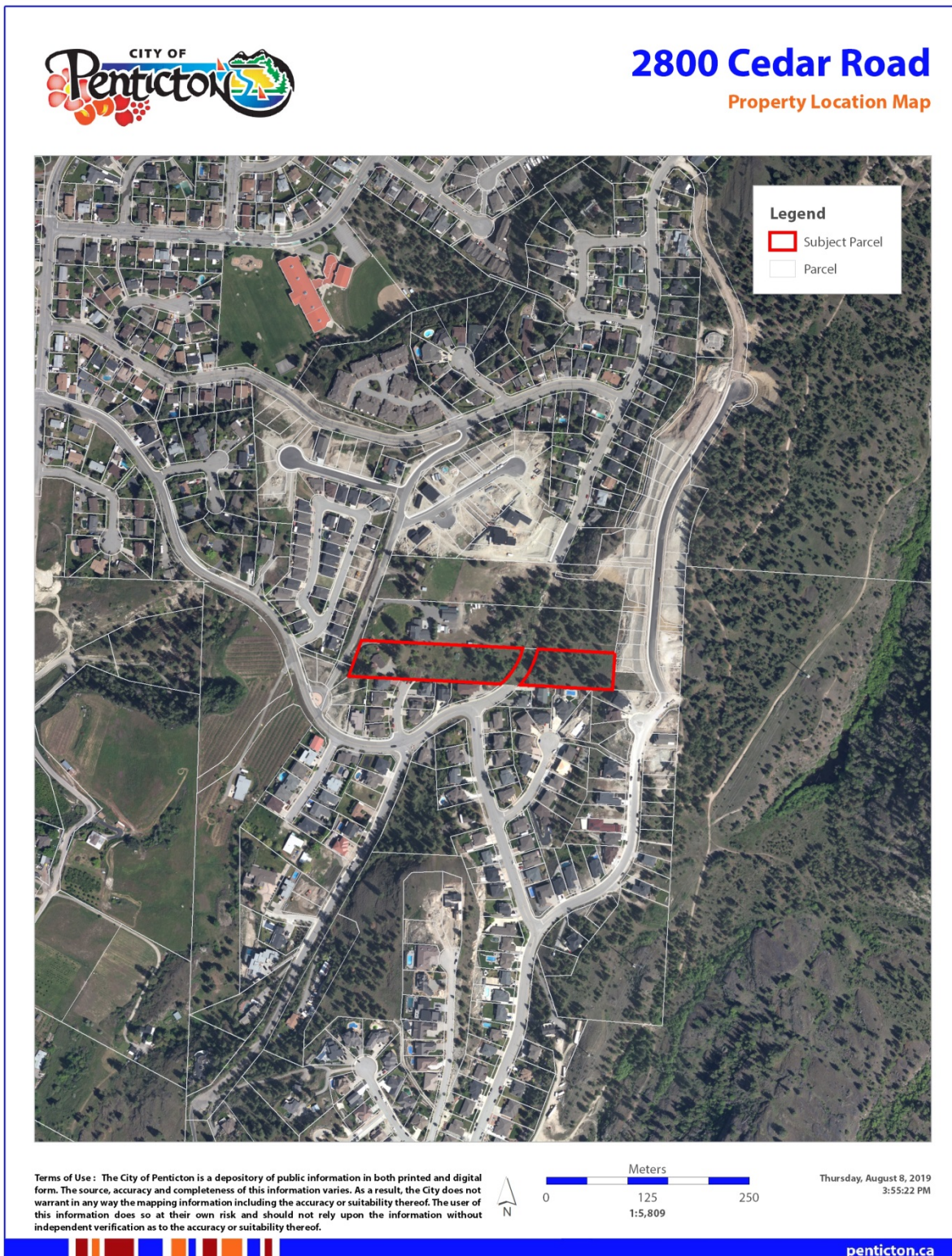


Figure 1: Location Map

Attachment B – Official Community Plan Map



Figure 2 OCP Map

Attachment C – Cedar Road Area Plan

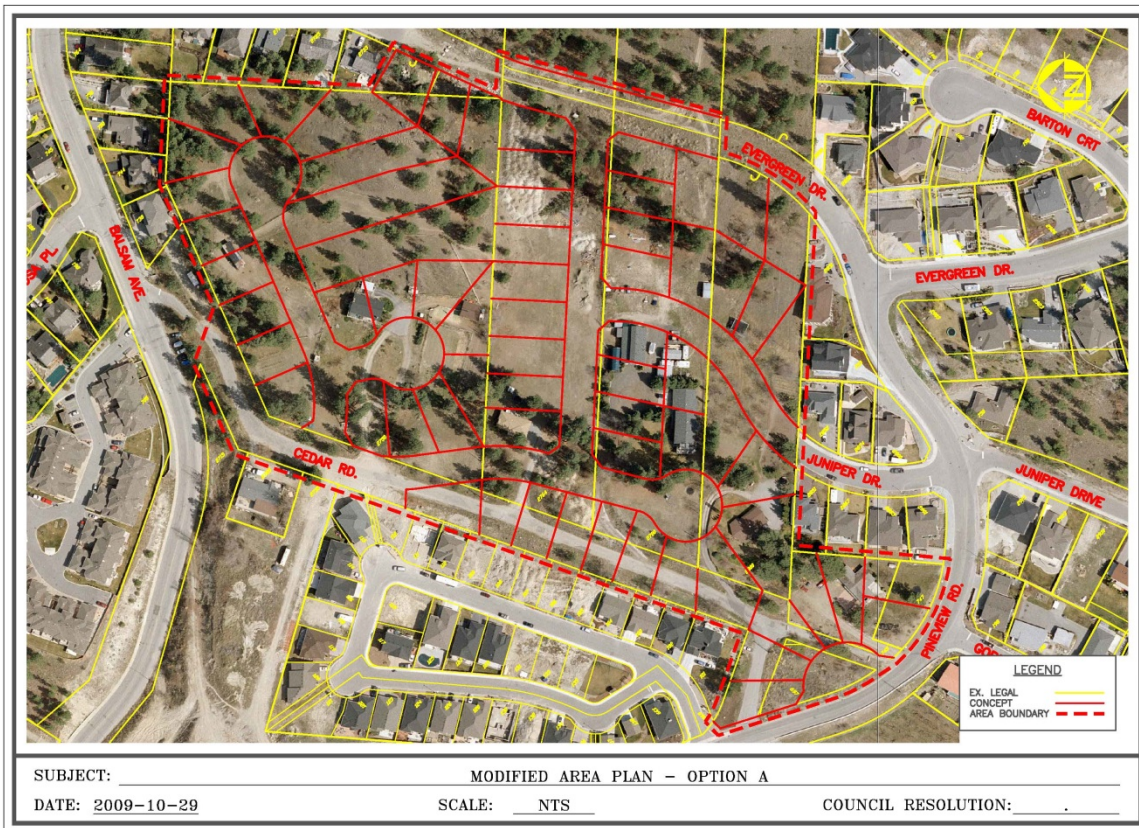


Figure 3: Cedar Road Area Plan

Attachment D – Zoning Map

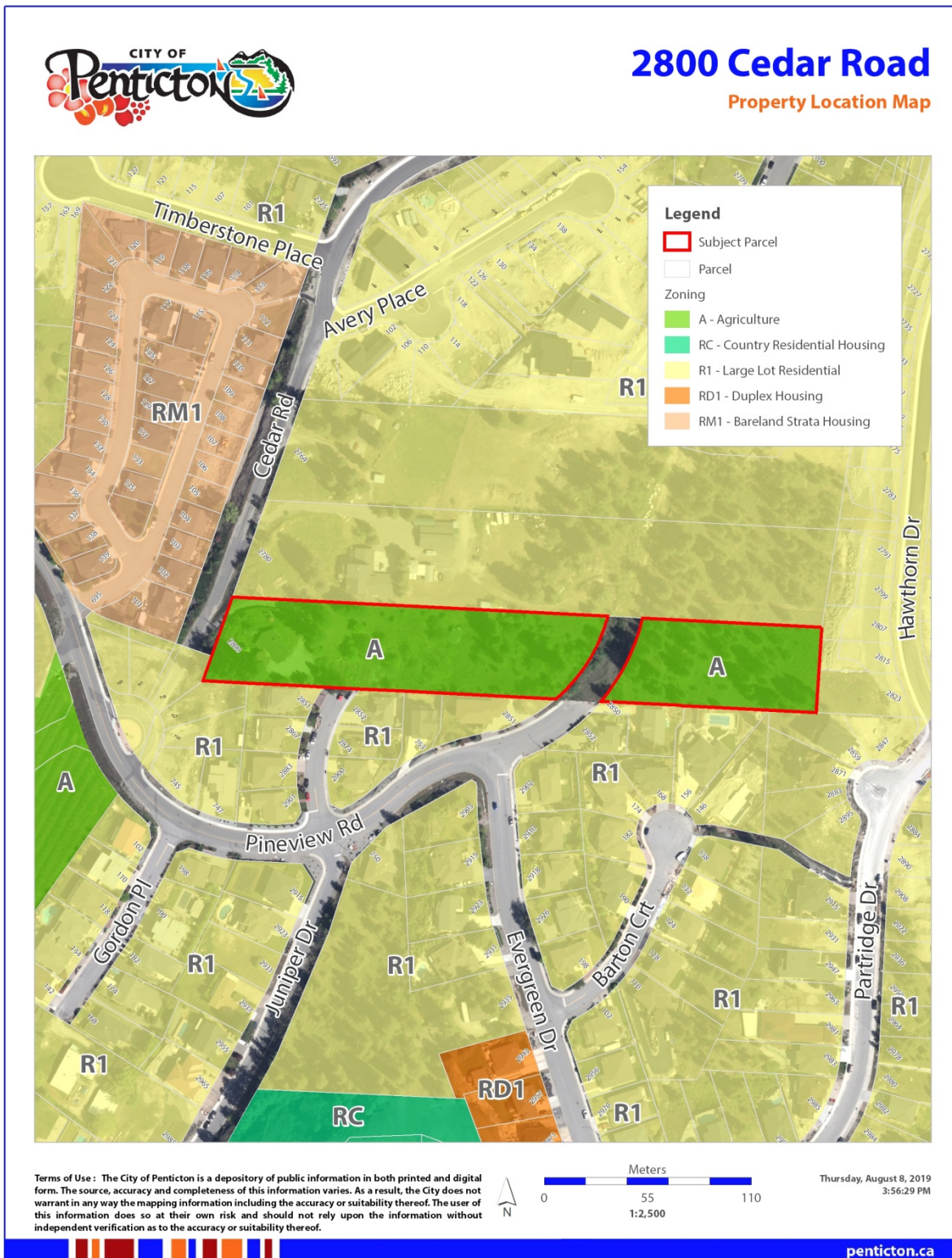


Figure4: Zoning Map

Attachment E - Images of Subject Property



Figure 5: Image of subject property with the house and current driveway shown



Figure 6: Image of current Access of Cedar Road

Attachment F - Site and Subdivision Plans

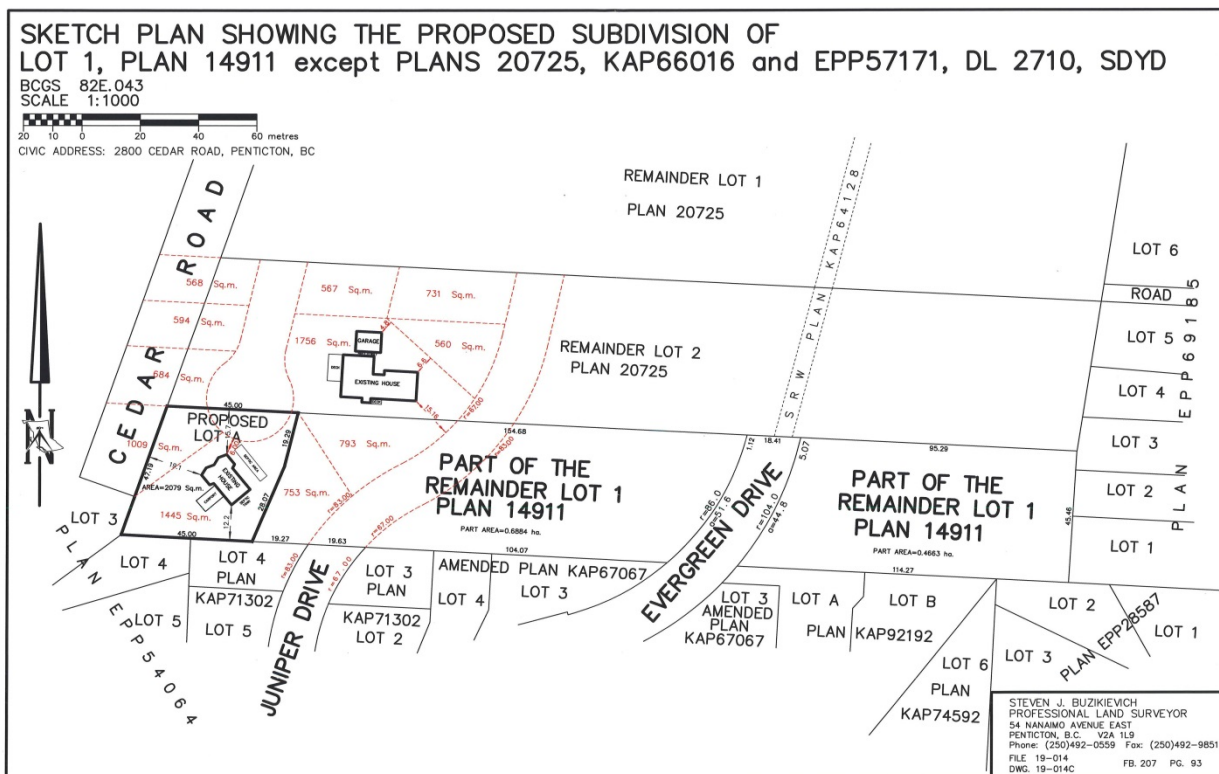


Figure 7 Site Plan

Attachment G - Letter of Intent

LETTER OF INTENT

March 6, 2019

RE: Rezone and Subdivision applications

2800 Cedar Road

I wish to subdivide off my house that I have lived in for over 30 years and wish to continue living in from the remainder of my property. This will facilitate a much simpler estate settlement in the future. My plan is to sell off the large remainder thus converting the land into money which is much simpler to split in two than the land would be.

S.W. Lawrie

Bylaw No. 2019-33

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. 2019-33".

2. **Amendment:**

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

Rezone Lot 1, District Lot 2710, Similkameen Division Yale District Plan 14911, Except Plans 20725 and KAP66018 and EPP57171, located at 2800 Cedar Road, from A (Agriculture) to R1 (Large Lot Residential).

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

READ A FIRST time this	20	day of	August, 2019
A PUBLIC HEARING was held this	3	day of	September, 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 23 day of August, 2019 and the 28 day of August, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

