

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

**Tuesday, October 1, 2019
at 6:00 p.m.**

- | | | |
|-------|---|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2019-36” | 1-18 |
| CO | Reads Opening Statement and Introduction of Bylaw | |
| | “Zoning Amendment Bylaw No. 2019-36” (340 Douglas Avenue) | |
| | Purpose: To amend Zoning Bylaw No. 2017-08 as follows: | |
| | Rezone Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue as shown on Schedule ‘A’, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane). | |
| | The applicant is proposing to subdivide into two lots and construct a front-to-back duplex on Proposed Lot 2. | |
| | Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, September 20, 2019 and Wednesday, September 25, 2019 (pursuant to the <i>Local Government Act</i>). | |
| CO | No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, September 25, 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. 2019-36” 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, September 17, 2019
at 1:00 p.m.

Resolutions

- 10.5 Zoning Amendment Bylaw No. 2019-36
Development Variance Permit PL2019-8592
Re: 340 Douglas Avenue

414/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-36", a bylaw that rezones Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, as shown on Schedule A of the bylaw, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the October 1, 2019 Public Hearing.

AND THAT delegations and submissions for "Development Variance Permit PL2019-8592" for Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue Lot 24, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 932, a permit to allow vehicle access with a maximum driveway width of 3m to be from both the lane and the street (Douglas Avenue), be heard at the October 1, 2019 Public Hearing;

AND THAT Council consider "DVP PL2019-8592" following the adoption of "Zoning Amendment Bylaw No. 2019-36".

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: September 17, 2019 File No: RZ PL2019-8552; DVP PL2019-8592
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 340 Douglas Avenue
Subject: **Zoning Amendment Bylaw No. 2019-36**
Development Variance Permit PL2019-8592

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-36", a bylaw that rezones Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, as shown on Schedule A of the bylaw, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the October 1, 2019 Public Hearing.

AND THAT delegations and submissions for "Development Variance Permit PL2019-8592" for Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, a permit to allow vehicle access with a maximum driveway width of 3m to be from both the lane and the street (Douglas Avenue), be heard at the October 1, 2019 Public Hearing;

AND THAT Council consider "DVP PL2019-8592" following the adoption of "Zoning Amendment Bylaw No. 2019-36".

Strategic priority objective

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 applicant is requesting to rezone a portion of 340 Douglas Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane). The property currently has one large single family dwelling and a garage. The site is 0.5233 acres in area. The proposed rezoning will facilitate the subdivision of the property into two parcels, which will allow the construction of a front-to-back duplex on Proposed Lot 2 (Figure 1 – Proposed Subdivision). The current house would remain on proposed lot 1. The applicant has also requested a variance to the RD2 zone to allow vehicle access from both the lane and the street.

The subject property (Attachment 'A') is currently zoned R2 (Small Lot Residential) and is designated for Detached Residential by the City's Official Community Plan 2019-08 (OCP). The surrounding neighbourhood is experiencing various infill redevelopments. The Zoning Map of the neighbourhood (Attachment 'C') indicates that there is a mix of zones within the neighbourhood including R2 (Small Lot Residential), RM2 (Low Density Multiple Housing), and RD2 (Duplex Housing: Lane). As indicated in the Future Land Use Map (Attachment 'B'), much of this neighbourhood is identified for Detached Residential and Infill Residential.

Proposal

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the property as follows: Rezone Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue, as shown on Schedule A of the bylaw, from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

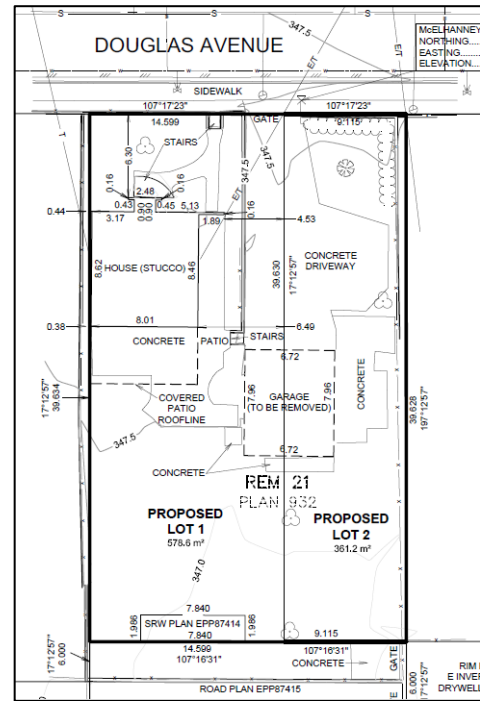


Figure 1 – Proposed Subdivision

The applicant is also requesting the following variance to the City's Zoning Bylaw:

Vary Section 10.6.3 of Zoning Bylaw 2017-08, allowing vehicle access to be from both the lane and the street (Douglas Avenue).

The applicant is required to obtain a Development Permit for the form and character of the building, as the property is located within the Intensive Residential Development Permit Area. This will be issued by staff at a later date.

Financial implication

If approved, the development anticipated by this application will create 1 new development site for the construction of a duplex, hence contributing to an increase in the City's tax base. All costs of the development are the responsibility of the property owner.

Development Statistics

The following table outlines the proposed development statistics for the new RD2 zoned lot (does not include the R2 lot, with the existing house):

	Requirement RD2 Zone	Provided on Plans
Minimum Lot Width:	9.1 m	9.1 m
Minimum Lot Area:	275 m ²	389m ²
Maximum Lot Coverage:	40 %	35%

Maximum Density:	0.95 Floor Area Ratio (FAR)	0.70 Floor Area Ratio (FAR)
Vehicle Parking:	2 (1 per dwelling unit)	2
Required Setbacks		
Front Yard (Douglas Ave):	4.5 m	6.0 m
Side Yard (east):	1.5 m	1.5 m
Side Yard (west):	1.5 m	1.5 m
Rear Yard (lane):	6.0 m	10.9 m
Maximum Building Height	10.5 m	7.0 m
Other Information:	<ul style="list-style-type: none"> • The Development Permit will be issued by Staff • Variance requested to allow parking from both the lane and the street 	

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 proposal for the site provides a single detached dwelling and a duplex, at an acceptable scale for the current area and follows the development pattern of the neighbouring lands. 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 policy that encourages more intensive “infill” residential development in areas close to employment, services and shopping.
- The OCP also encourages new residential development in or adjacent to existing developed areas where compatible, which is the case here.
- The OCP encourages subdivision of larger lots in established neighborhoods where access and services are adequate. The current proposal will convert a large lot into 2 lots in a desirable location.

In addition to the above, staff consider the proposed additional lot to be a good fit for the property and will increase housing diversity in the neighborhood. 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. 2019-36” and forward the application to the October 1, 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 R2 (Small 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.

Support Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance is to allow vehicle access to the RD2 (Duplex Housing: Lane) zone to be from both the lane and the street (Douglas Avenue).

The RD2 (Duplex Housing: Lane) zone, is one of many residential zones in the Zoning Bylaw that require primary vehicle access to be from the lane (provided there is a lane). There are many benefits associated with this requirement including:

- Generally improved pedestrian experience (the street becomes more comfortable and safe for pedestrians, rather than being dominated by vehicle parking and pavement).
- Increased greenery (less driveways allows for more space for boulevard grass, trees and other greenery); and
- Maintaining on-street parking (allowing driveways off of a street reduces available parking spaces along the street, as it becomes filled with driveways)

The proposed variance will allow for each unit of the duplex to have a more private entry into their home. It will also provide each unit with more private yard space. Furthermore, there are a number of existing driveways on Douglas Avenue. To minimize the impact of additional driveways, a maximum of 3m driveway is proposed to allow for landscaping and greenery.

Given the above, staff find that the proposed design generally integrates driveways into the existing neighborhood. Staff find the variance request reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the proposed access to the property is not appropriate at this location. If this is the case, Council should refer the permit back to staff to work with the developer as directed by Council.

Alternate recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-36" and deny support for DVP PL2019-8592.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-36", but deny support for DVP PL2019-8592.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-36", and give support for DVP PL2019-8592 with conditions that Council feels are appropriate.

Attachments

- Attachment A – Location Map
- Attachment B – Official Community Plan Map
- Attachment C – Zoning Map
- Attachment D – Image of Subject Property and Elevations
- Attachment E – Site and Subdivision Plan
- Attachment F – Letter of Intent
- Attachment G – DVP PL 2019-8592
- Attachment H – Zoning Amendment Bylaw No. 2019-36

Respectfully submitted

Audrey Tanguay
Senior Planner

Concurrence

Acting DS Director <i>KK</i>	Chief Administrative Officer DvD
--	---

Attachment A – Location Map

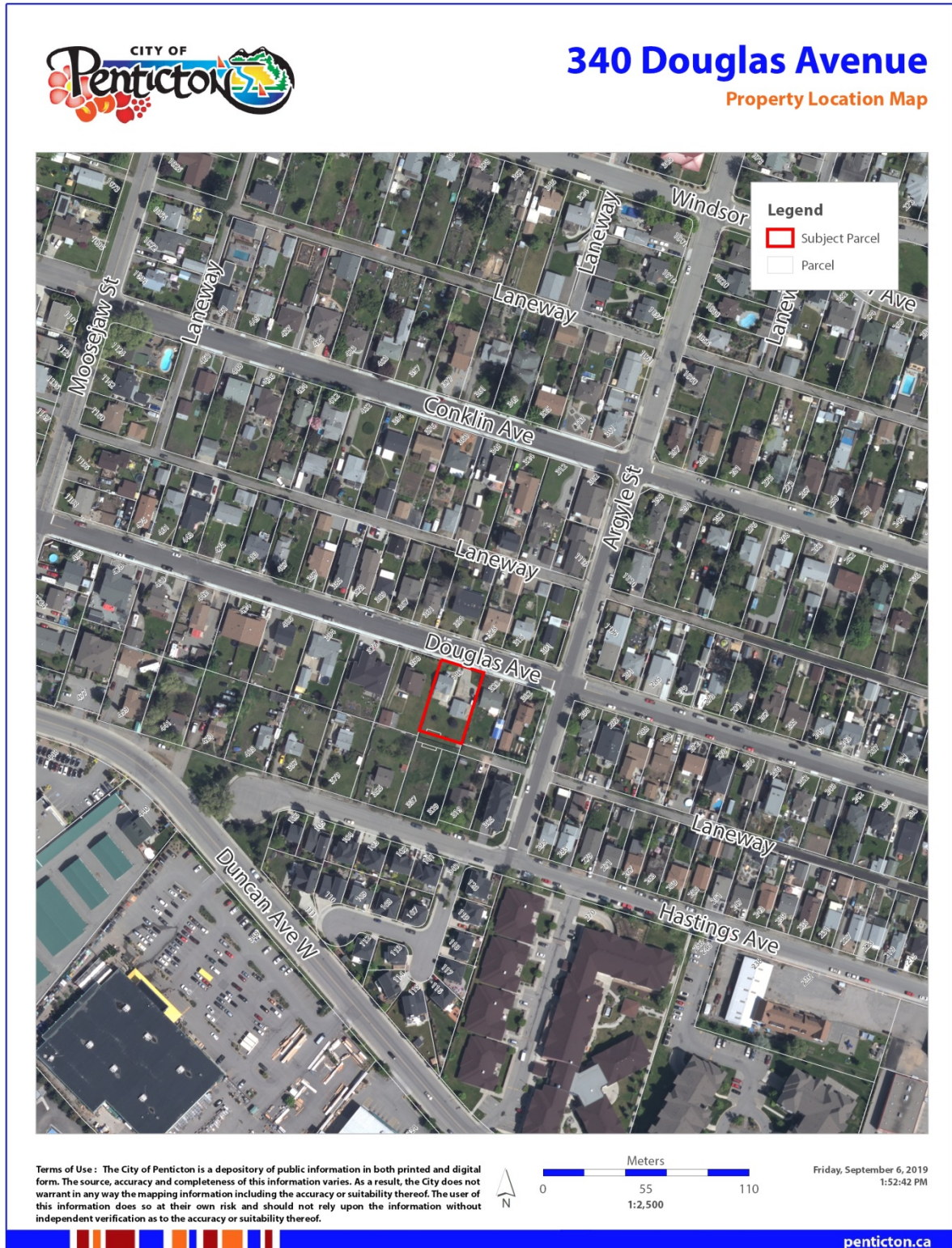


Figure 1: Location Map

Attachment B – Official Community Plan Map

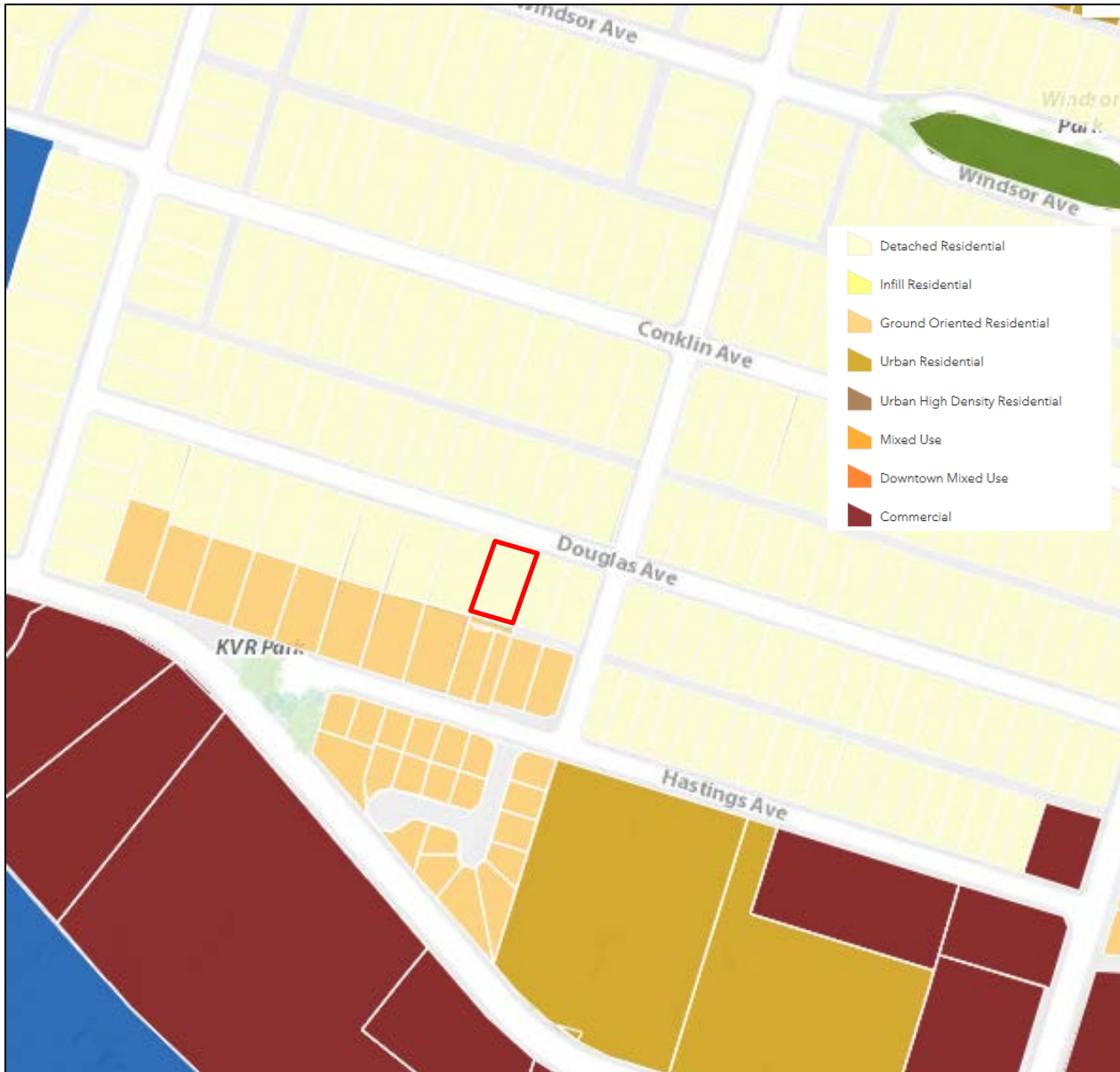


Figure 2: OCP Map

Attachment C – Zoning Map



Figure 3: Zoning Map

Attachment D – Image of Subject Property and Elevations



Figure 4: Image of subject property with current house and garage



Figure 5: Rendering showing the existing house and proposed duplex

Attachment E – Subdivision Plan

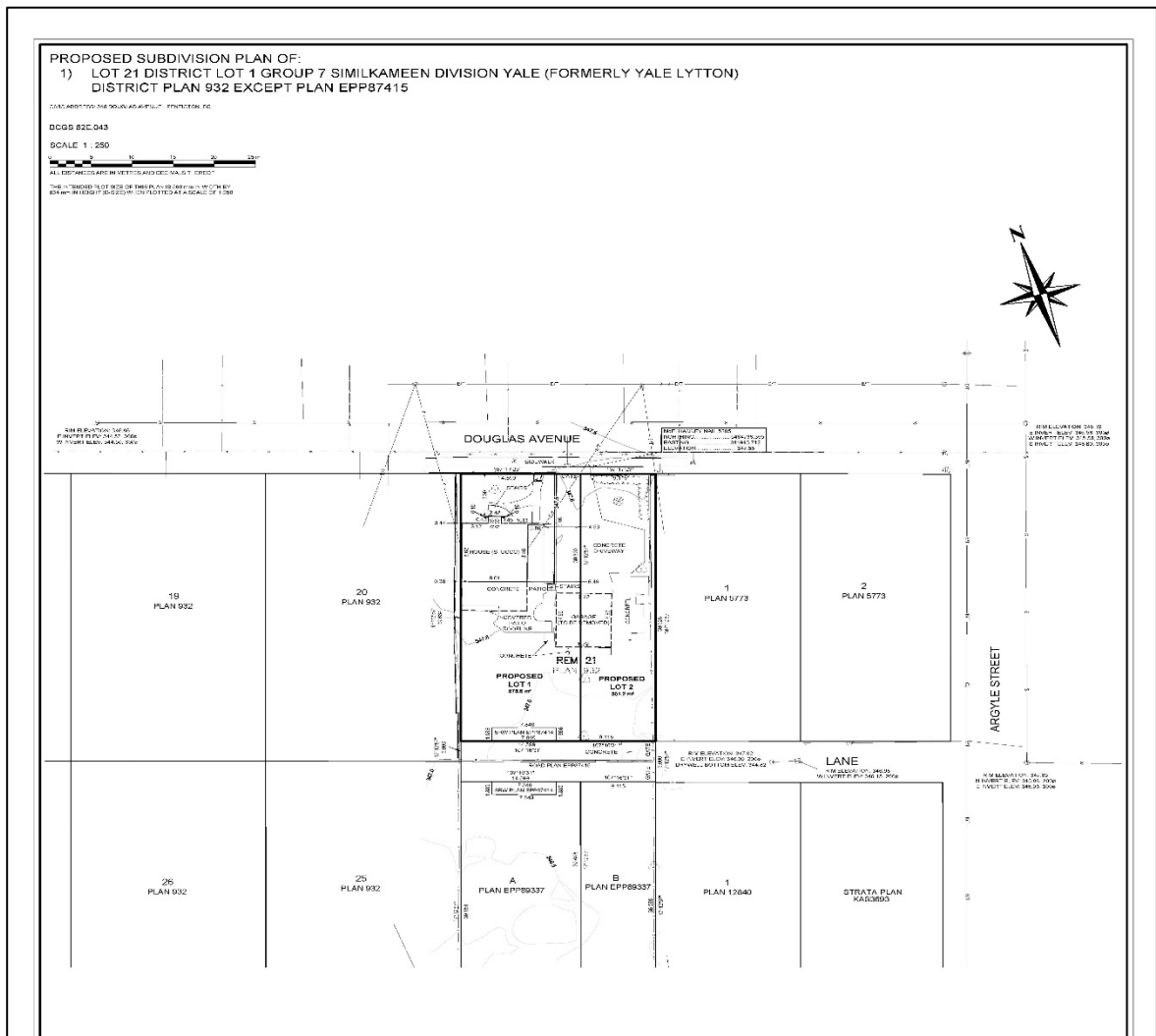


Figure 12: Subdivision Plan

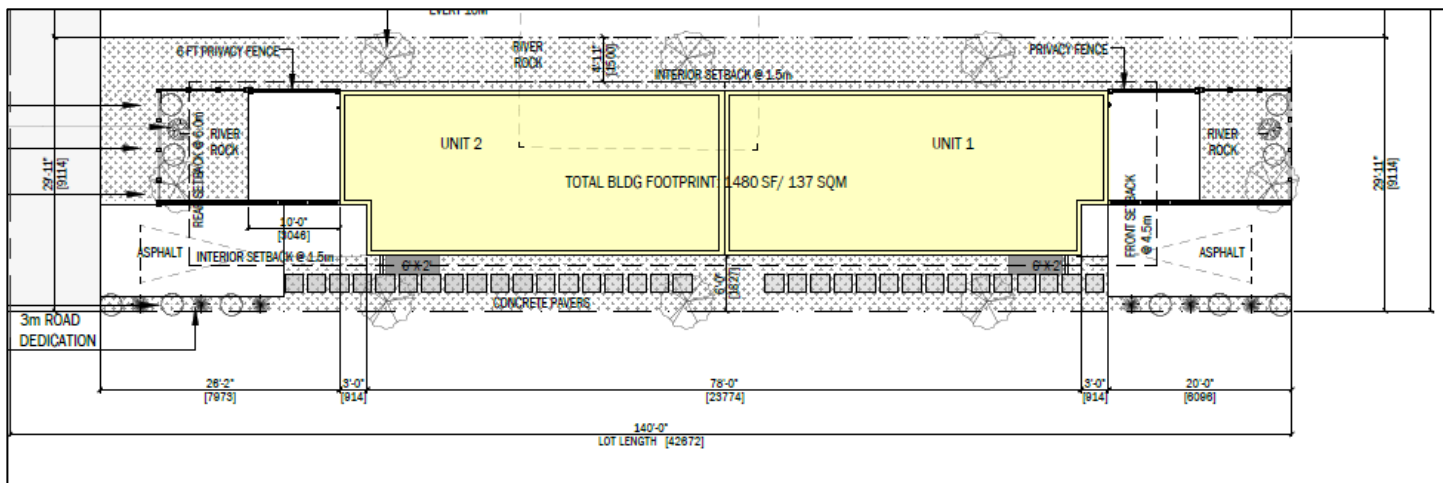


Figure 13: Site Plan

Attachment F – Letter of Intent

340 Douglas Avenue

Development Application, Rezoning & Subdivision Application

June 17, 2019

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

Dear Blake Laven:

We are proposing to construct a duplex at 340 Douglas Avenue. The project will require a re-zoning and a subdivision of the lot.

The goal of this project is to build an infill solution that provides more affordable housing and densification to accommodate the increase in population that is expected over the next few years. We believe this is a suitable lot for this townhome project as it is consistent with current development around the area, and the project will provide a great opportunity for young families to get in the market. Furthermore, the OCP designates this site as Low Density Residential, which is consistent with the intent of this project.

Under the zoning bylaw, the lot is currently zoned as R2- Small Lot Residential, which we propose to subdivide into two parcels. One of the parcels will remain R2 with the existing house and the other would be re-zoned to *RD2-Duplex Housing: Lane*. With this design there are no variances requested.

This design allows us to build affordable housing that is ideal for young families in a popular area of town. The proposed duplex is 3 bedrooms which, in our experience, is the most desirable for families. The design allows for two spacious units while also not requiring any variances to setbacks within the proposed subdivision. The new duplex would share the laneway with 1167041 B.C. LTD's duplex and fourplex projects at 329 and 337 Hastings Avenue so there will be no requests for any further dedications. With the lane, the new duplex has access and space for parking in front of each new unit.

The existing house at 340 Douglas will remain as it fits in well with the neighborhood and would remain a desirable home after the subdivision.

The only request we have is to allow parking at the front yard of the units on Douglas Avenue. Allowing parking from the front yard would be consistent with the housing development across the street to the south of Hastings Avenue and many of the homes on Douglas Avenue. By having single-car driveways we still allow for parking spots out front of the project along the street.

In summary, please accept the enclosed application package for the 340 Douglas Avenue. We would greatly appreciate your consideration in granting the request to re-zone, site-specific allowance and lane dedication requests and subdivision application.

Sincerely,



Drew Barnes
Owner 1167041 B.C. Ltd.

Attachment G – DVP



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

Development Variance Permit

Permit Number: DVP PL2019-8555

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: Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415
Civic: 340 Douglas Avenue
PID: 011-895-977
3. This permit has been issued in accordance with Section 498 of the *Local Government Act* to vary the following section of Zoning Bylaw 2017-08 to allow the construction of a front to back duplex:
 - Vary Section 10.6.3 of Zoning Bylaw 2017-08, allowing vehicle access to be from both the lane and the street (Douglas Avenue).

General Conditions

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

servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the day of, 2019.

Issued this ___ day of _____, 2019

Angie Collison,
Corporate Officer

DVP PL2019-8555

Page 2 of 2

Bylaw No. 2019-36

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. 2019-36".

2. Amendment:

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

Rezone Proposed Lot 2 of the subdivision of Lot 21, District Lot 1, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 932, Except Plan EPP87415, located at 340 Douglas Avenue as shown on Schedule 'A', 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 17 day of September, 2019
A PUBLIC HEARING was held this 1 day of October, 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 Transportaton on the
ADOPTED this day of , 2019

Notice of intention to proceed with this bylaw was published on the 20 day of September, 2019 and the 25 day of September, 2019 in the Penticton newspaper, pursuant to Section 94 of the Community Charter.

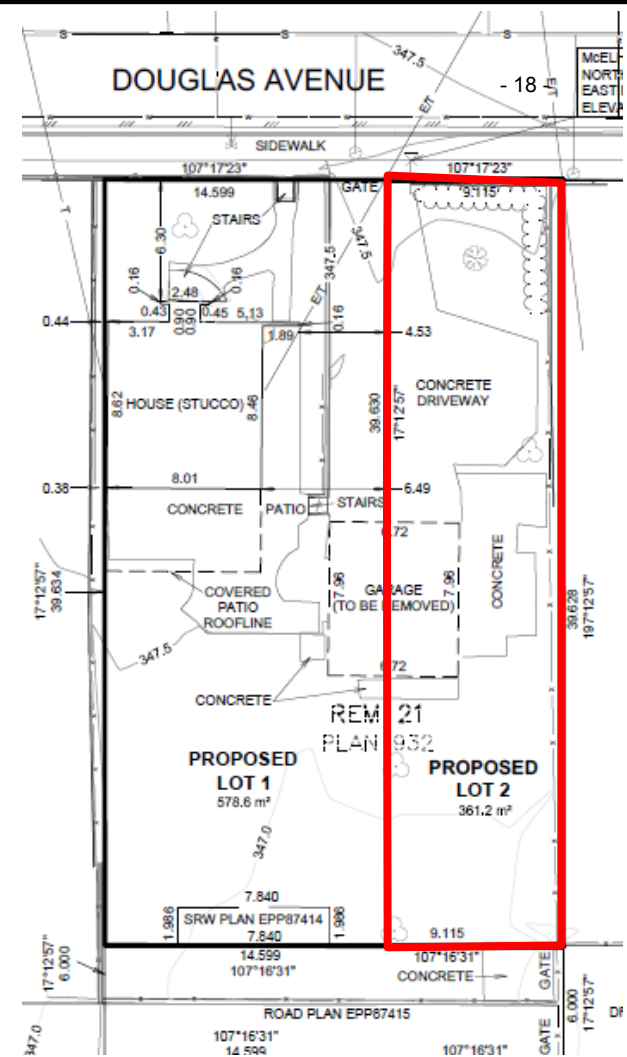
John Vassilaki, Mayor

Approved pursuant to section 52(3)(a) of the Transportation Act
this ____ day of _____, 2019
for Minister of Transportaton & Infrastructure

Angie Collison, Corporate Officer

Rezone Proposed Lot 2 of 340 Douglas Avenue

From R2 (Small Lot Residential) to
RD2 (Duplex Housing: Lane)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-36

Date: _____

Corporate Officer: _____