

**Electronic Public Hearing**  
**to be held via Zoom**  
**City of Penticton**  
**171 Main Street, Penticton, B.C.**

**Monday, January 18, 2021**  
**at 6:00 p.m.**

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2020-51”** 1-33

CO Reads Opening Statement and Introduction of Bylaw

“Zoning Amendment Bylaw No. 2020-51” (575 Ellis Street)

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

Rezone Lot 15 Block 19 District Lot 202 Similkameen Division Yale District Plan 269 Except Plan KAP80716, located at 575 Ellis Street, from C1 (Commercial Transition) to RM5 (Urban Residential).

The applicant is proposing to construct a multifamily development on the subject property consisting of 6 dwelling units, plus two ‘flex units’, for a total of 8-units. Flex units may be used for residential or limited commercial use. The development will consist of two connected buildings between 2.5 and 3 storeys in height.

Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Wednesday, January 13, 2021 and Thursday, January 14, 2021 (pursuant to the *Local Government Act*).

CO No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, January 13, 2021).

Mayor Requests the Director of Development Services describe the proposed bylaw

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invitation to electronic participants to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and participants may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2020-51” 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, December 8, 2020**  
**at 1:00 p.m.**

## **Resolutions**

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- 10.10 Zoning Amendment Bylaw No. 2020-51  
Development Permit PL2020-8812  
Re: 575 Ellis Street

468/2020

**It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-51", for Lot 15 Block 19 District Lot 202 Similkameen Division Yale District Plan 269 Except Plan KAP80716, located at 575 Ellis Street, a bylaw to rezone the subject property from C1 (Commercial Transition) to RM5 (Urban Residential);

AND THAT Council forward "Zoning Amendment Bylaw No. 2020-51" to the January 18, 2021 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2020-51", approve "Development Permit PL2020-8812", a permit to allow the construction of an 8-unit multifamily development.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** December 8, 2020  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner 1  
**Address:** 575 Ellis Street

File No: RMS/575 Ellis Street

**Subject: Zoning Amendment Bylaw No. 2020-51 and Development Permit PL2020-8812**

## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-51", for Lot 15 Block 19 District Lot 202 Similkameen Division Yale District Plan 269 Except Plan KAP80716, located at 575 Ellis Street, a bylaw to rezone the subject property from C1 (Commercial Transition) to RM5 (Urban Residential);

AND THAT Council forward "Zoning Amendment Bylaw No. 2020-51" to the January 18, 2021 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2020-51", approve "Development Permit PL2020-8812", a permit to allow the construction of an 8-unit multifamily development.

## Strategic Priority Objective

**Community Vitality:** The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

## Proposal

The applicant is proposing to construct a multifamily development on the subject property (Figure 1). The proposal consists of 6 dwelling units, two of which will contain a flex unit, for a total of 8-units. The development will consist of two connected buildings between 2.5 and 3 storeys in height. The applicant is proposing to rezone the property from C1 (Commercial Transition) to RM5 (Urban Residential) to facilitate the multifamily development. The applicant has also submitted a Development Permit



*Figure 1 - Rendering of proposed development*

application for approval of the form and character of the proposed development within the Multifamily Development Permit Area.

**Background**

The subject property is located on the west side of Ellis Street near White Avenue East (Figure 2). The property is 360m<sup>2</sup> in size and contains a single detached dwelling. The property is zoned C1 (Commercial Transition) and is designated 'Urban Residential' by the Official Community Plan (OCP).

Surrounding properties include a mix of single detached residential, multifamily residential, and commercial uses. The property is one block away from the Main Street corridor with a number of goods, services, restaurants and amenities within walking distance. Penticton Secondary School, the Penticton Museum and Public Library, the KVR trail and KVR Middle School are all within 800m of the subject property.

This property was rezoned from duplex residential to commercial in 2005. The intent of the 2005 rezoning was to allow the conversion of the existing dwelling into a professional office, which was completed in 2006.

The applicant is intending to build a similar development on the adjacent property, 583 Ellis Street. If a similar development is proposed, additional public notice will be sent and a separate application will be brought forward to Council for consideration.



Figure 2 - Location Map

**Technical Review**

This application was reviewed by the City's Technical Planning Committee. Building code requirements were provided to the applicant which resulted in minor adjustments to the proposed development. Staff worked with the applicant to provide the required number of secure bicycle parking stalls on site in lieu of one required parking space. Additional landscaping and a green roof are features added to this development as a result of staff review and discussion. The applicant is responsible for upgrading water and sanitary sewer line connections to the property, as well as upgrading the lane, through the building permit stage.

**Development Statistics**

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	RM5 Zone Requirement	Provided on Plans
<b>Minimum Lot Width:</b>	10 m	12.2 m
<b>Minimum Lot Area:</b>	275 m <sup>2</sup>	360 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	100%	74%

<b>Maximum Density:</b>	2.0 Floor Area Ratio (FAR)	1.5 FAR
<b>Vehicle Parking:</b>	1 parking space per dwelling unit 0 parking spaces per flex unit 0 visitor parking spaces Total: 6 parking spaces required	5 parking spaces provided *
<b>Bicycle Parking</b>	Class I (enclosed): 4 required Class II (bike rack): 1 required	Class I: 9 bicycle stalls provided * Class II: 1 bike rack provided
<b>Required Setbacks</b>		
Front Yard (Ellis Street):	2.5 m	4.0 m
Side Yard (north):	0 m	1.1 m
Side Yard (south):	0 m	1.1 m
Rear Yard (lane):	0 m	3.5 m
<b>Maximum Building Height</b>	15 m	12 m
<b>Maximum Flex Unit Area</b>	40% net floor area of the principal unit, up to 150 m <sup>2</sup>	40% (37.9m <sup>2</sup> each)
<b>Other Information</b>	* 1 parking space is discounted by providing an additional 5 bicycle parking spaces on-site, as permitted by Section 6.1.2.1 of the Zoning Bylaw	

## Analysis

### Rezoning

When considering a Zoning Amendment application, staff encourages Council to consider the applicable OCP policies and the property’s future land use designation. The OCP designation for the subject property is ‘Urban Residential’. The Urban Residential designation supports higher-density 3-6 storey apartments and townhouses. The proposed development is consistent with this OCP designation, as shown in Figure 3 below:

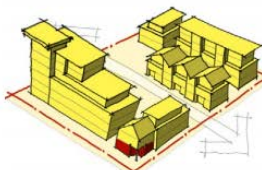
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Urban Residential</p>	Higher-density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame.	<ul style="list-style-type: none"> <li>Townhouses and stacked townhouses</li> <li>Low-rise and mid-rise apartment/condo buildings</li> </ul>	<ul style="list-style-type: none"> <li>Residential</li> <li>Limited Retail/Service</li> </ul>	<ul style="list-style-type: none"> <li>Heights up to 6 storeys</li> </ul>	<ul style="list-style-type: none"> <li>RM3</li> </ul>
<p><b>Site-Specific Urban Residential Policy Statement:</b> 556 to 736 Lakeshore Drive West: Development up to a maximum of four storeys can be considered subject to assessment of urban design impacts on Lakeshore Drive and the waterfront, Lakawanna Park and neighbouring properties on Churchill Avenue.</p>					

Figure 3 - Excerpt from Land Use Designations table (OCP)

There are several properties zoned RM5 (Urban Residential) in the surrounding area (Attachment 'A'). Recent developments on nearby RM5-zoned properties have a similar scale and density as the proposed development. The following multifamily developments were recently completed in the immediate area within the RM5 zone:

Address	Zoning	Number of Units	Number of Stories	Year Constructed
564, 576, 580 Ellis St <i>(Figure 4)</i>	RM5	12	3	2015
551, 559 Ellis St	RM5	8	2.5	2017
601, 609 Ellis St <i>(Figure 5)</i>	RM5	12	2.5	2015
99 White Ave E	RM5	4	2	2018
575 Ellis St <i>(Current proposal)</i>	RM5 <i>(Proposed)</i>	8	3	N/A



Figure 4 - Multifamily development at 564, 576 and 580 Ellis St



Figure 5 - Multifamily development at 601 and 609 Ellis St

Staff consider that the proposed rezoning will allow for development that is supported by the following OCP policies:

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- OCP Policy 4.1.1.4 Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
- OCP Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- OCP Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.

- OCP Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- OCP Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density close to collector roads, services and amenities).
- OCP Policy 4.1.5.3 Use Multifamily and Intensive Residential Development Permit Area Guidelines to direct, through the City’s approval processes, the character and feel of residential neighbourhoods, as well as guide water and energy conservation.
- OCP Policy 4.2.2.5 Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
- OCP Policy 4.2.3.8 Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.

The proposed development is considered to be an appropriate scale given its location near the urban core. Being one block from Main Street, this location is expected to see increased density. The proposed development will provide housing options between 1- and 3-bedrooms, in a location with many amenities being within walking distance. The two flex units included in the design allow for flexibility for some compatible, small-scale commercial uses or additional residential units. Nearby developments utilizing the same RM5 zoning exist, and the proposed density is in keeping with those recent redevelopments.

Given there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to “Zoning Amendment Bylaw No. 2020-51, and forward the bylaw to the January 18, 2021 Public Hearing to obtain comments and feedback from the public.

*Development Permit*

The proposed development is included in the Multifamily Residential Development Permit Area, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention, and neighbourliness. Staff have completed a development permit analysis (Attachment ‘D’) that shows how the development conforms to the applicable design guidelines in the OCP. The applicant also provided a development permit analysis with their application (Attachment ‘E’).

The proposed development has been designed with the OCP policies in mind and with due consideration of impacts on neighbouring property owners. As such, staff recommend that Council consider approving the Development Permit, subject to adoption of the related Zoning Amendment Bylaw.

**Alternate Recommendations**

Council may consider the proposed rezoning is not suitable or desirable for this site. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw.

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2020-51” and deny “Development Permit PL2020-8812”.

Council may consider the proposed rezoning is appropriate for this location, however Council may feel that improvements could be made to the design of the proposed development to more accurately reflect the Development Permit Area guidelines. If this is the case, Council should give first reading to the Zoning Amendment Bylaw, and provide specific direction to the applicant regarding the proposed design which Council feels appropriate.

- 2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2020-51" and provide the applicant specific direction on updates to the development plans to more accurately reflect the applicable Development Permit Area guidelines.

**Attachments**

- Attachment A – Zoning Map of Subject Property
- Attachment B – Official Community Plan Map of Subject Property
- Attachment C – Images of Subject Property
- Attachment D – Development Permit Analysis (staff)
- Attachment E – Letter of Intent (applicant)
- Attachment F – Development Permit Analysis (applicant)
- Attachment G – Draft Development Permit PL2020-8812
- Attachment H – Zoning Amendment Bylaw No. 2020-51

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner 1

Concurrence

Director  <i><b>BL</b></i>	Chief Administrative Officer  <b>DvD</b>
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Attachment A – Zoning Map of Subject Property

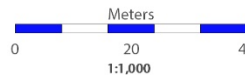


# 575 Ellis Street

## Zoning Map



**Terms of Use:** The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



August 21, 2020  
11:16:58 AM

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Attachment B – Official Community Plan Map of Subject Property

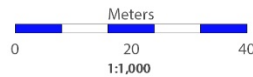


# 575 Ellis Street

Official Community Plan Map



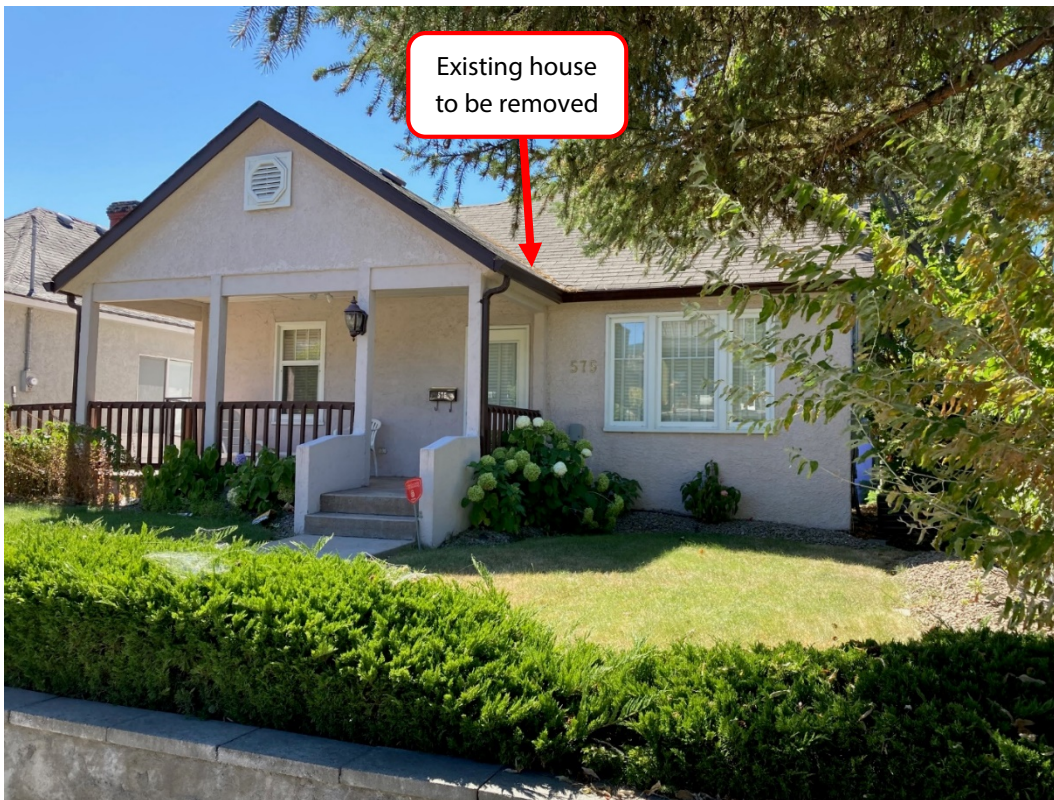
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11:17:33 AM

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Attachment C – Images of Subject Property



Attachment D – Development Permit Analysis (staff)

**Development Permit Analysis**

The proposed development is located within the Multifamily Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with the applicable design guidelines.

*Guideline G1 Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).*

- Site analysis informed the design of the proposed development. The two buildings are architecturally linked together. Three of the five parking spaces are under one of the buildings as a result of a slight grade down towards the rear lane. The narrowness of the site and proximity to neighbours led to fewer windows being provided on each side façade of the proposed development to maintain privacy. The highest portion of the development is near the rear of the property which assists with reducing the visual bulk of the development from the street.

*Guideline G3 Private and semi-private open spaces should be designed to optimize solar access.*

- Each unit will have windows and amenity space facing either the street or lane, to take advantage of morning and afternoon sun. The development features a gap between two buildings to allow solar access into the middle of the site, where several windows facing both directions are provided.

*Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*

- The proposed front yard setback is similar to that of new development in the immediate area. The building face is set back approximately 4m with decks and patios projecting towards the street.

*Guideline G7 All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*

- The design provides visual overlook onto the street and towards the parking area/lane with amenity spaces facing these directions. Class I bicycle storage is provided in the parking area, to provide a secure area for bicycles.

*Guideline G13 Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*

- The main entrances to the street-facing units are approximately 1.2m above the grade of the public sidewalk.

*Guideline G14 The outdoor space of a residential unit should be raised no more than 1.2m above adjacent public sidewalks and a “front stair” pedestrian connection shall be provided.*

- The main entrances to the street-facing units are approximately 1.2m above the sidewalk grade. Front stairs provide direct pedestrian connections to the public sidewalk, from units above and below grade.

*Guideline G16 Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...*

- The parking area for the proposed development is accessed from the rear lane while the primary pedestrian entrance is at the front, accessed from Ellis Street. A paving stone pathway is provided along each side of the building to connect the rear parking area to the main entrance and the street. These paths reduce conflict between vehicles and pedestrians on-site. This connection also allows each unit to have access to the garbage bin storage area at the rear of the property.

*Guideline G18 Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.*

- The parking at the rear of the property is partially under one of the proposed buildings. Screening will block the view of parked cars from adjacent properties, and the screening will be designed in keeping with the exterior finishes of the development.

*Guideline G19 All multifamily developments should accommodate sustainable modes of transportation...*

- The development plans indicate nine Class I bicycle parking stalls in the parking area, and one bike rack at the front of the building. The increased amount of bicycle parking beyond the minimum requirement is required to substitute for one required vehicle parking space not being provided. The property is within close proximity to a number of retail, service, food, and recreation amenities which can be easily accessed by foot or by bike.

*Guideline G21 Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*

- Each unit in the proposed development has a primary entrance to the exterior, 4 facing the street and 4 on the lane side of the building. The development is oriented towards the street and lane, with no entrances facing the side property lines.

*Guideline G24 Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.*

- Four units have entries facing Ellis Street. Each of the street-facing units have patios or decks facing towards the street. Low landscaping is proposed in the front yard, which will maintain visual overlook from these amenity areas out onto the public realm. These design features, along with varying façade materials and window configurations on the street-facing façade, improve the visual interest of the building.

*Guideline G26 Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*

- As shown on the elevation plans, windows primarily face towards the east and west and not towards either neighbouring property to the north and south. Small patios are provided on each side of the building, with some screening to maintain privacy.

*Guideline G28 Entries should be visible and clearly identifiable from the fronting public street.*

- Half of the unit entrances face Ellis Street. The applicant has advised that non-street facing entrances will be indicated by directive signage within the landscaping area, adjacent to the paving stone path. The street-facing entries are clearly visible from Ellis Street. The proposed landscaping is low to the ground which provides sightlines from

the public sidewalk to the two above-grade entries and the entrances to the two flex units slightly below grade. Paving stone paths connect each unit to the public sidewalk.

*Guideline G29 Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.*

- Large windows, patios and decks face Ellis Street and provide visual overlook onto the public realm. Upper level decks at the rear of the building provide overlook onto the parking area and the public lane.

*Guideline G33 Water conservation and plant maintenance: xeriscaping, irrigation & mulching.*

- Landscaping at the front of the property will be irrigated, and plants will be drought-resistant.
- A green roof is proposed on the second level of the rear building to provide greenspace between the buildings.

*Guideline G55 Where [locating mechanical/utility cabinets at the rear of the property] is unachievable, units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street.*

- Utility cabinets are located at the sides of the building, near the street for easy access. These locations allow easy access while keeping them out of public view. An electrical transformer is required on the property for the increased density, and is located within the landscaped area at the front of the property.

*Guidelines G58/G59/G60 Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic. Bins should be contained within screened enclosures that are coordinated with the overall design, with clear access.*

- The garbage/recycling bins will be stored at the rear of the property, and screened from the adjacent neighbour to the north. This location allows easy access to roll the bins out to the lane on collection day.

*Guideline MF1 All multifamily development should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development.*

- The proposed development provides an outdoor patio or deck for each unit. Amenity space is not required by the RM5 zone, but the developer has provided these spaces for the enjoyment of future residents.
- The subject property is located within walking distance of downtown, parks, shopping, restaurants, and transit.

## Attachment E – Letter of Intent (applicant)



July 27, 2020

575 Ellis Street

### ***Letter of Intent***

Thank you for considering our Development Permit and Re-Zoning submission for the property located at 575 Ellis Street.

We intend to build a multi-family 8-unit building for residential rentals including Flex Units for live/work space or small commercial units as outlined in the re-zoning to RM5 from C1. All units will have a parking space and private outdoor living space.

This building suits the neighbourhood very well. There are multiple properties located within 2 blocks that have been re-zoned to RM5 to accommodate the need for housing close to amenities and services. The architectural style is appealing and on point with the modern/industrial trend of the building across the street at 580 Ellis, 99 White Avenue and transitions well to the commercial buildings further down Ellis Street towards Wade Avenue.

These units will be designated as rental units to help the short supply of accommodation in our rental market. Providing 3 different sized units opens up the building to lower income earners with smaller 1-bedroom units available. The larger townhouse style units with 3 bedrooms and 2 ½ baths will accommodate families or young professionals looking to expand in the future while the 2-bedroom Penthouse units may appeal to empty nesters or professionals wanting to be close to our vibrant downtown core. The Flex Units allow for the residents to be able to work close to home which removes the need for a car, helpful to the pocketbook as well as the environment.

Creating density in the downtown mitigates urban sprawl by re-purposing existing properties and removing derelict homes or buildings to improve neighbourhood appeal. This building will densify the lot from housing 4 people max to up to potentially 30 people. The building will be new which will draw less energy and require less maintenance than older buildings. This building will also be built to Step Code 3 with the ability to add solar to offset costs and further reduce any strain on the environment. A new building also improves values for neighbouring properties. The neighbourhood is in transition and a new building brings property values up as well as brings a tenant demographic that is respectful, professional and responsible.

The neighbouring properties could be concerned of the construction noise for the duration of the project. We will only construct these properties during applicable hours set in the City of Penticton Bylaw. To avoid any nuisance visitors to the site after hours we plan for perimeter fencing whenever possible. The long-term impact to the neighbours would be purely beneficial by creating a new architectural building to enhance the visual of the street, increase property values, bring professional, respectful tenants and provide housing where there is a shortage in our town. The concerns of neighbours may include parking. This building will have 1 stall for each unit (not including Flex Units) and also provide additional bike stalls on property. The parking area under

the building will be screened on the sides so that neighbours, when in their yard will not have a view of a parking area and cars, adding appeal to the building overall. The garbage cans are tucked under the staircase at the rear of the building allowing for easy movement on garbage day from the lane and the screening will block their view from properties on either side. The 1.1m setback allows for fire safety to be achieved and with recessed electrical and water meters there will be no obstruction in case of an emergency. No unprotected openings are on the side exposed building face keeping the neighbours safe in the unlikely event of a fire and offers privacy for all residents. The side setback allows for space between properties as well, allowing for low lying landscaped paths rather than the 0.0m setback permitted in the zone. This benefits the adjacent original properties that remain helping with the transition of the area until in the future they may too be developed.

The architectural significance of the building is to appeal to all demographics and enhance Ellis Street appeal. The Flex Units are semi-sunken below grade and have direct access to the street to accommodate customers with easy access and parking. The Townhouse style units above have an urban style that is more commonly seen in the downtown residential areas of Vancouver and larger centers which would appeal to tenants formerly of these areas who are migrating to the Okanagan for the lifestyle it offers. The access up a small flight of stairs makes the building feel comfortable and not imposing while providing separation and safety appeal to these units. The rear of the building is stepped back to provide juxtaposition and balance of height to the footprint of the building and property size. These units deemed the Penthouses will offer beautiful, private, safe units with views over the buildings adjacent. The smaller 1-bedroom units at the rear of the building have easy access from parking and a private, quiet setting above grade. Each unit has an exterior entrance making them feel more like a private home than an apartment style building would. Xeriscape landscaping will provide softness and street appeal all while not utilizing water.

As the building designer, builder and developer for these properties, as well as a proud resident of Penticton, I can assure you that allowing these applications to go through will not compromise the property and will be consistent with the neighbourhood, which is key in locations like Ellis Street.

Thank you for your consideration.

Sincerely,



Kimberley J. Larson

*Director*

**All Elements**

Design . Manage . Build

303-1447 Ellis St.  
Kelowna, B.C. V1Y.2A3  
201.335 Churchill Ave.  
Penticton, B.C. V2A.1C9  
250.486.7679 cell [kim@allelements.ca](mailto:kim@allelements.ca)

## Attachment F – Development Permit Analysis (applicant)



July 27, 2020

575 Ellis Street

### ***Development Permit Analysis***

G1. identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.)

The building took into consideration the slope from street to lane and therefore the building was designed to allow for a level parking area to the lane in the back while the front of the building remains modest at street level

G2. demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

The architectural style is appealing and on point with the modern/industrial trend of the building across the street at 580 Ellis, 99 White Avenue and transitions well to the commercial buildings further down Ellis Street towards Wade Avenue.

G3. Private and semi-private open spaces should be designed to optimize solar access

The large flat roof allows for the entire roof to have solar panels without being visible from the street or other buildings. The 2-tier roof allows for solar exposure throughout the day from morning until night.

G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

The Penthouse units have roof top decks that view towards the West Bench mountains while the front of the building allows for views of the east mountains.

G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.

The setbacks are 2.5m to front of massed building but have projections into the setbacks bringing the building architectural components close to street while maintaining similar setbacks to properties at 601/609 Ellis, 580 Ellis, 551/559 Ellis and 99 White Ave.

G7. All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.

**Each unit was designed to have private outdoor entrances raised off grade level providing privacy and separation from nuisance visitors.**

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).

G14. The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a "front stair" pedestrian connection shall be provided

**This building was designed with height of entry not to exceed 1.8m from public sidewalks and the transition to the curb for pedestrian connection**

G16. Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space: • Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4). • Where possible, shared automobile accesses should be considered to optimize land use, and to reduce impermeable surface coverage and sidewalk crossings.

**Parking is accessed from the rear lane and shared vehicle access to the parking carport**

G17. On-site parking location and design should minimize visual impact and provide safe connections for pedestrians: • Parking should be located at the rear of buildings/sites. • Outdoor surface parking areas should incorporate pathways that provide safe, accessible and comfortable pedestrian connections to entries/destinations.

**Parking is located at the rear of the building by way of the lane. There are pathways down either side of the building from parking to the front of the building to access the front units. Rear units have direct access from parking up stairs to unit entries.**

G19. All multifamily developments should accommodate sustainable modes of transportation through: • Provision of bike parking and/or safe storage of alternative transportation/ mobility equipment (bikes, mobility scooters, etc.). • Provision of electric vehicle charging stations

**The building has ample bike storage space in the protected covered carport parking area. There will be one EV station for the complex as well.**

G20. Designs should respond to Penticton's setting and climate through use of: • passive solar strategies; • optimized placement of windows to maximize natural light; • energy-efficient building design; • passive solar principles; • landscape design and plantings that provide cooling through shade in summer months; • selecting roof materials to minimize heat loading and increase reflectivity.; and, • strategies for cross-ventilation

Windows are avoided on the south face of the building to eliminate sun rays from overheating spaces during the hot summer months. Balconies and outdoor living spaces are all covered for the ability to use year-round and in stormy weather. Each unit has windows on at least 2 walls allowing for cross ventilation. Covered decks and some large overhangs keep the sun off of windows during the height of the sun's heat of the day while allowing the lower winter sun to bring in solar gain in the colder months.

G21. Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).

The building was designed to have a front door for every residence rather than an internal, shared access.

G22. Massing of larger buildings should be composed of multiple volumes to reduce visual impact on the pedestrian realm.

G23. Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilevered upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection

G24. Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.

G25. Where appropriate, stepped massing should be utilized to transition and improve the relationship between developments of differing scale. In areas where there is an OCP Land Use Designation change, adjacent building heights should not be greater than one-and-a-half storeys higher than existing adjacent development with additional storeys terraced back with a minimum stepback of 3.0 metres. (see Figure 5-6).

G26. Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.

The building was designed with stepped, sunken and raised entries along with varying overhangs and architectural eyebrow roof features. The rear of the building is significantly stepped back (more than 3.0m) from the front/street side of building. The building is comprised of both horizontal and vertical articulations for visual interest and juxtaposition. The building does not have any side window openings which provide privacy for neighbouring properties.

G33. Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching • Employ xeriscaping principles (see Glossary) in landscape design that reduce the need for supplemental water from irrigation. • Encourage landscaping using native drought-tolerant plant species rather than water-hungry varieties. • Trees should be planted to provide shading for shrubs and grasses and south and west faces of buildings. • Where appropriate, mulching may further reduce irrigation demand by retaining soil moisture.

The landscaping proposed at 575 Ellis street will be Xeriscaping to reduce the need for water from irrigation and will be using native drought-tolerant plant species.

#### G35. Tree planting

Although space limits the ability to plant new trees that will not cause problems down the road. We do plant 500 trees for every home we build as an All Elements part of giving back to the environment. We partnered with Tree Canada this past year and have planted 3500 trees so far. Ellis Street will be one of the projects we will plant the trees for once completed.

G38. Notwithstanding the screening regulations in the Zoning Bylaw , landscape buffers should be utilized to reduce the visual impact of service areas and surface parking, including:

We will use landscape buffers to hide parking area and the front of the property to the corner so long as it does not impede fire setback requirements.

#### G41 Softscapes/G42 Hardscapes

Plant selection will emphasize local/native plants. Hardscapes shall be robust and easily maintained, be natural in texture and colour

G52. Signage should complement overall form and character as an extension of associated building and landscape designs.

G53. All signage shall comply to the City of Penticton's Sign Bylaw, (which regulates the number, size, type, form, appearance and location of signs)

Address sign will be located in the landscaping rather than on the building itself to create an urban/modern aesthetic and will meet the sign requirements of the City of Penticton.

G54. Mechanical/Utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building.

G55. Where this is unachievable, units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street.

The utilities will be on the rear wall of parking area except electrical meters which will be recessed into the side walls at the front of the building.

G58. Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic,

G59. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.

G60. Clear access to refuse/recycling areas must be provided.

Garbage area is hidden underneath the stairs at the back of the property not visible from the street. Area will be screened from neighbours. Easy access from open space for each unit with easy ability to locate bins on collection day.

Thank you for your consideration.

Sincerely,



Kimberley J. Larson

*Director*

**All Elements**

Design . Manage . Build

303-1447 Ellis St.  
Kelowna, B.C. V1Y.2A3  
201.335 Churchill Ave.  
Penticton, B.C. V2A.1C9  
250.486.7679 cell [kim@allelements.ca](mailto:kim@allelements.ca)

## Development Permit

Permit Number: DP PL2020-8812

Owner Name  
Owner Address

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
  - Legal: Lot 15 Block 19 District Lot 202 Similkameen Division Yale District Plan 269 Except Plan KAP80716
  - Civic: 575 Ellis Street
  - PID: 004-044-827
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 6-unit multifamily development with two flex units 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 \$\_\_\_\_\_ 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 of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
  - a. The permit has lapsed as described under Condition 8, or
  - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees

and Charges Bylaw (as amended from time to time).

**General Conditions**

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

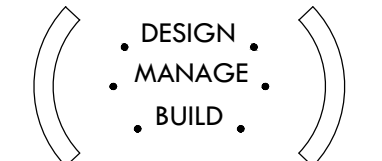
Authorized by City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

DESIGNED BY:

# ALL ELEMENTS



PROJECT SET:

## DEVELOPMENT PERMIT SET

PROJECT ADDRESS:

575 ELLIS STREET  
PENTICTON, BC

LOT 15  
BLOCK 19  
PLAN 269

PROJECT FLOOR AREAS:

FLEX UNIT 101 & 102	408 SQ.FT.
UNIT 103 & 104	494 SQ.FT.
MAIN LEVEL OF UNIT 201 & 202	469 SQ.FT.
UPPER LEVEL OF UNIT 201 & 202	551 SQ.FT.
MAIN LEVEL OF UNIT 301 & 302	550 SQ.FT.
UPPER LEVEL OF UNIT 301 & 302	420 SQ.FT.

GROSS FLOOR AREA 5800 SQ.FT.

PROJECT SCHEDULE:

1. ISSUED FOR ENGINEERING	AUG 24, 2020
2. ISSUED FOR BUILDING PERMIT	SEPT 14, 2020
3. DEVELOPMENT PERMIT REVISION	OCT 2, 2020
4. BUILDING PERMIT SET COMPLETION	OCT 2, 2020
5. REVISED DEVELOPMENT PERMIT	OCT 30, 2020
6. DEVELOPMENT PERMIT REVISIONS	NOV 9, 2020

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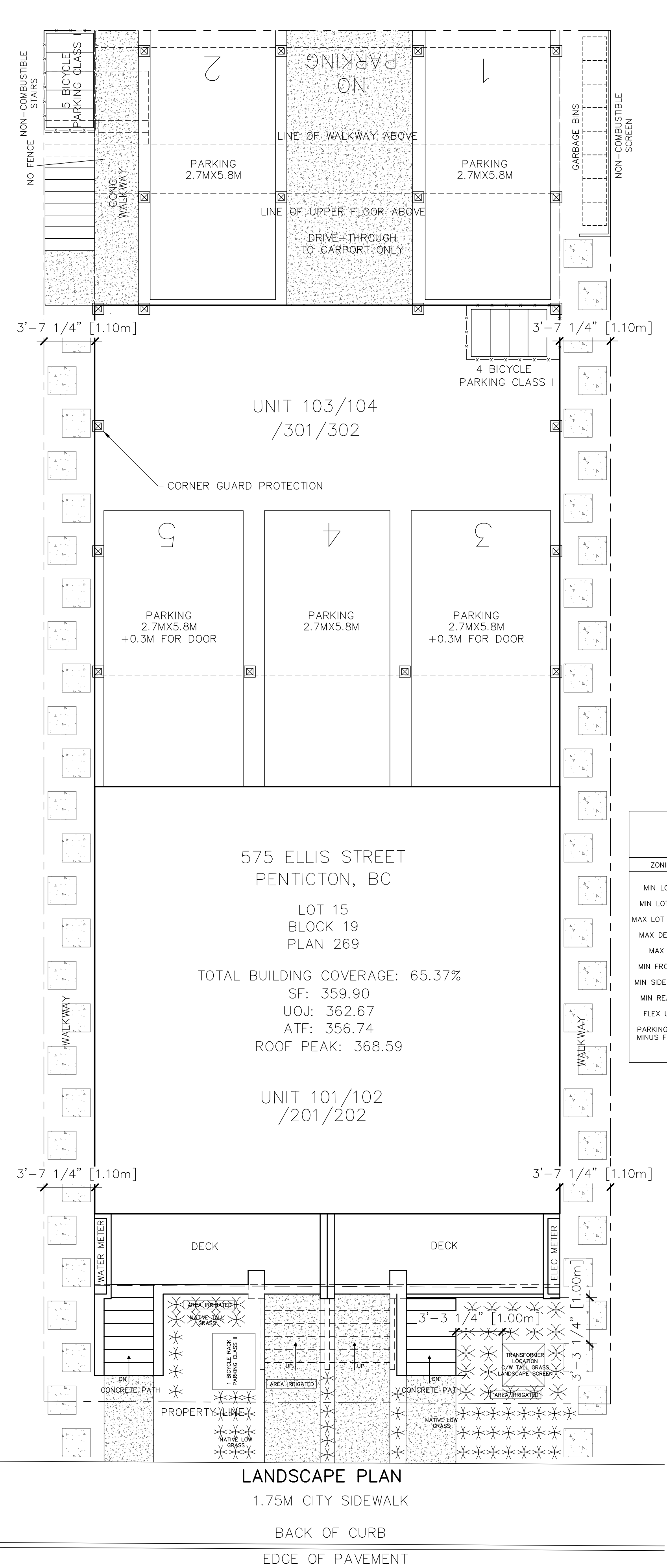
## SITE & LANDSCAPE PLAN

DRAWING INFORMATION:

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SCALE: 3/16" = 1'-0"

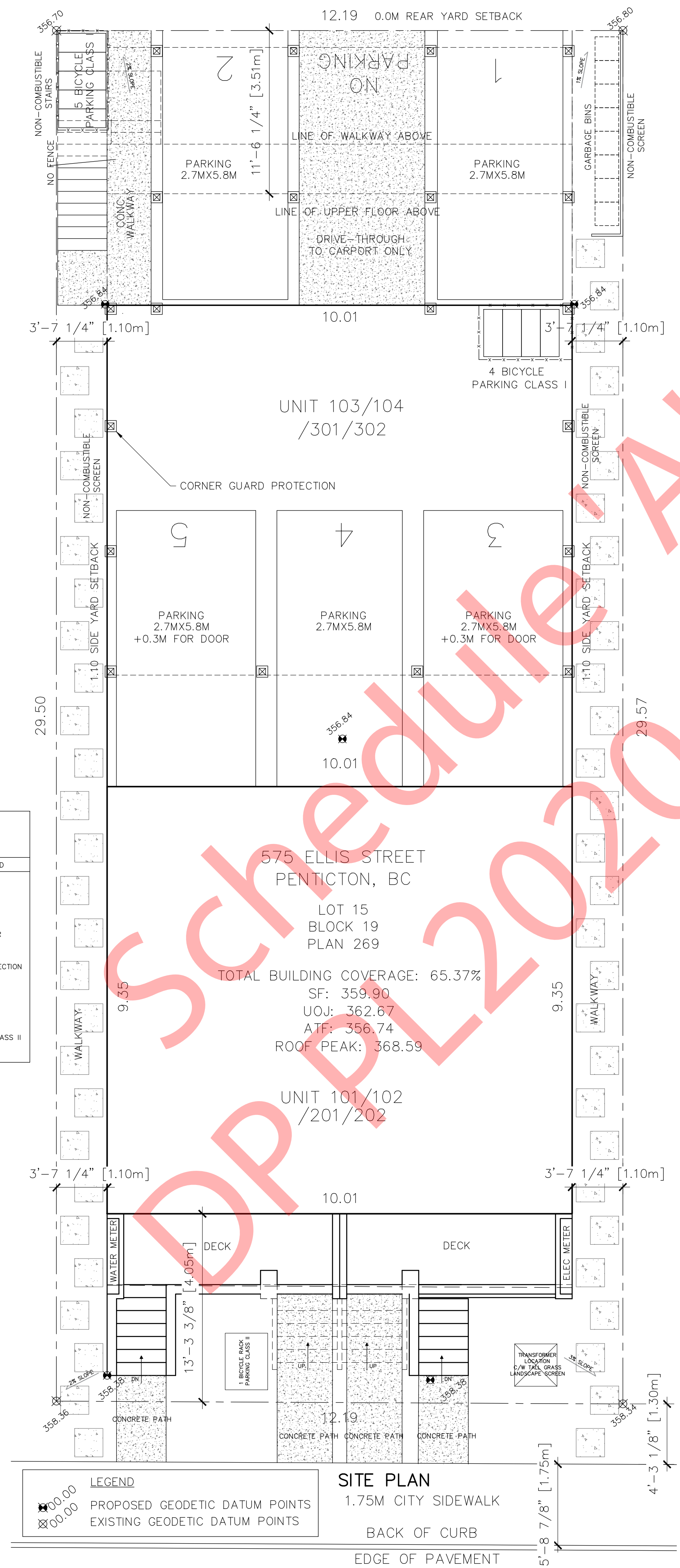
SHEET: 1 / 5

# REAR ALLEY



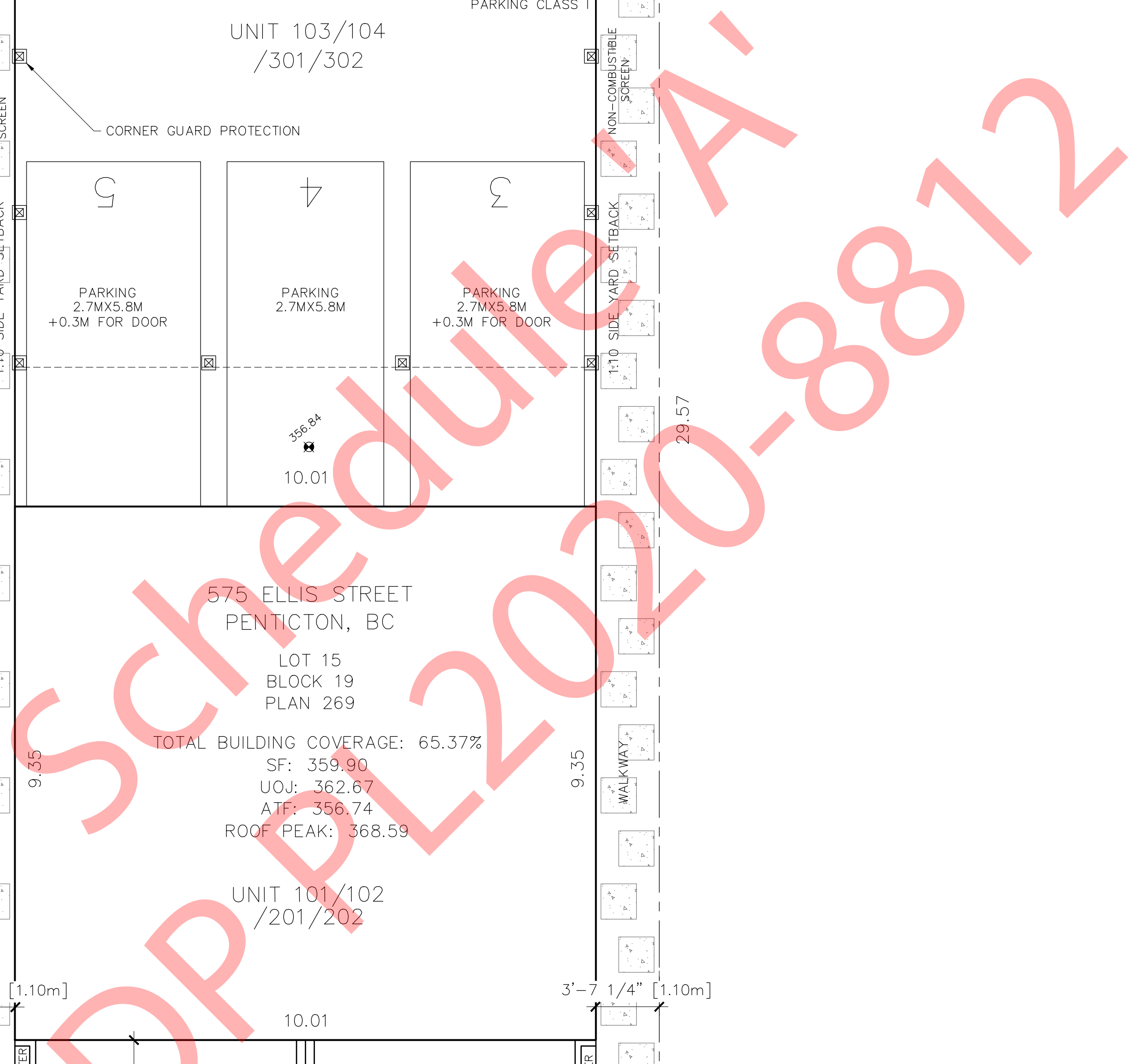
ZONING BYLAW COMPLIANCE TABLE RMS

ZONING BYLAW	PROPOSED
MIN LOT WIDTH 10M	12M
MIN LOT AREA 275M <sup>2</sup>	360M <sup>2</sup>
MAX LOT COVERAGE 100%	74.03%
MAX DENSITY 2.0 FAR	1.50 FAR
MAX HEIGHT 15M	11.97M
MIN FRONT YARD 2.5M	2.5M W/PROJECTION
MIN SIDE YARD INT 0.0M	1.1M
MIN REAR YARD 0.0M	0.0M
FLEX UNITS >150M <sup>2</sup>	39M <sup>2</sup>
PARKING 1 PER UNIT 8 MINUS FLEX UNITS = 6	5 PLUS 9 BICYCLE CLASS II
FLEX %	40%



LEGEND

⊙ 00.00	PROPOSED GEODETIC DATUM POINTS
⊙ 00.00	EXISTING GEODETIC DATUM POINTS



DESIGNED BY:

# ALL ELEMENTS



PROJECT SET:

## DEVELOPMENT PERMIT SET

PROJECT ADDRESS:

575 ELLIS STREET  
PENTICTON, BC

LOT 15  
BLOCK 19  
PLAN 269

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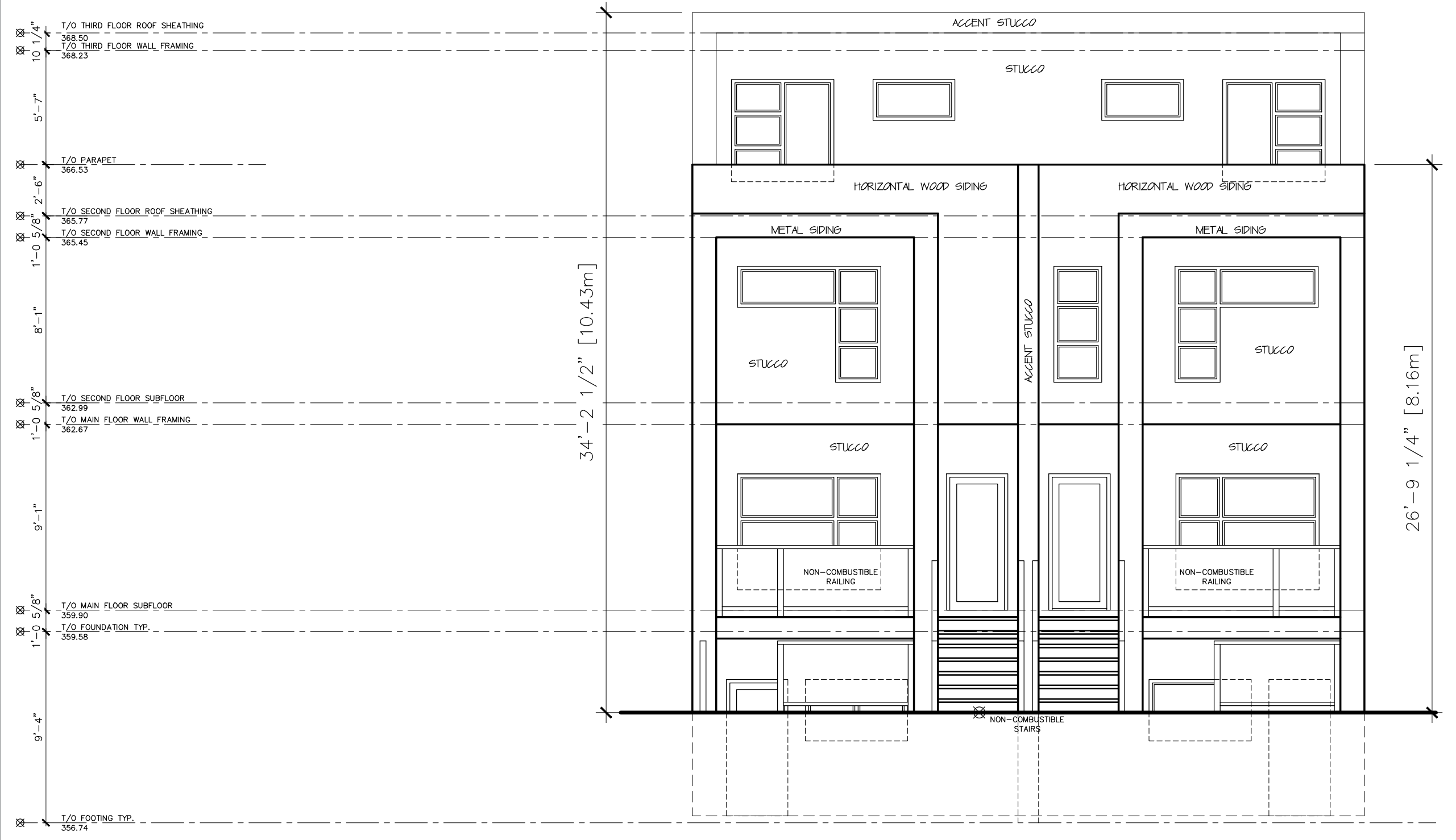
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## BUILDING 1 & 2 FRONT & REAR ELEVATIONS

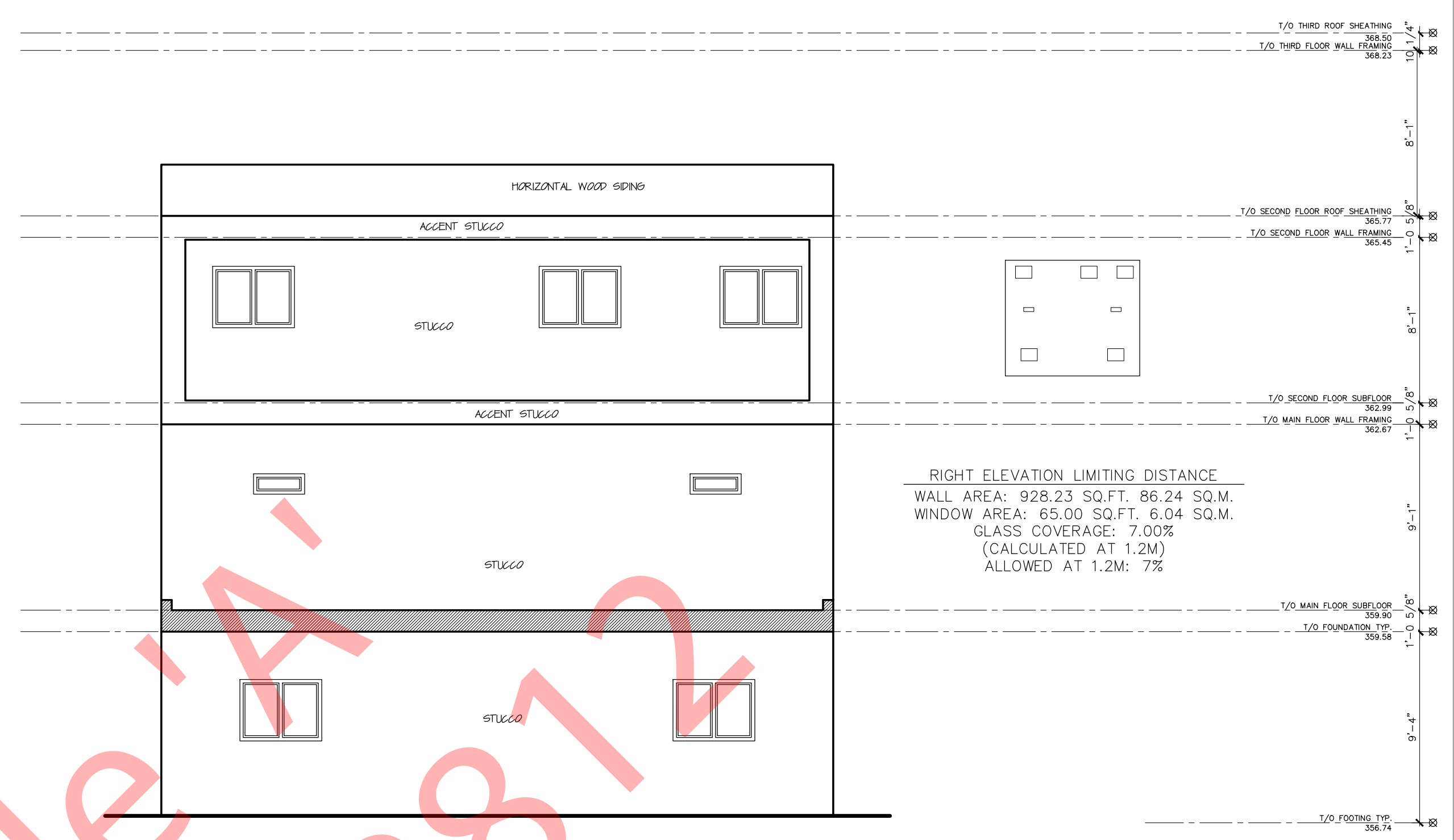
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DATE: NOV 9, 2020  
SCALE: 3/16" = 1'-0"

SHEET: 2 / 5

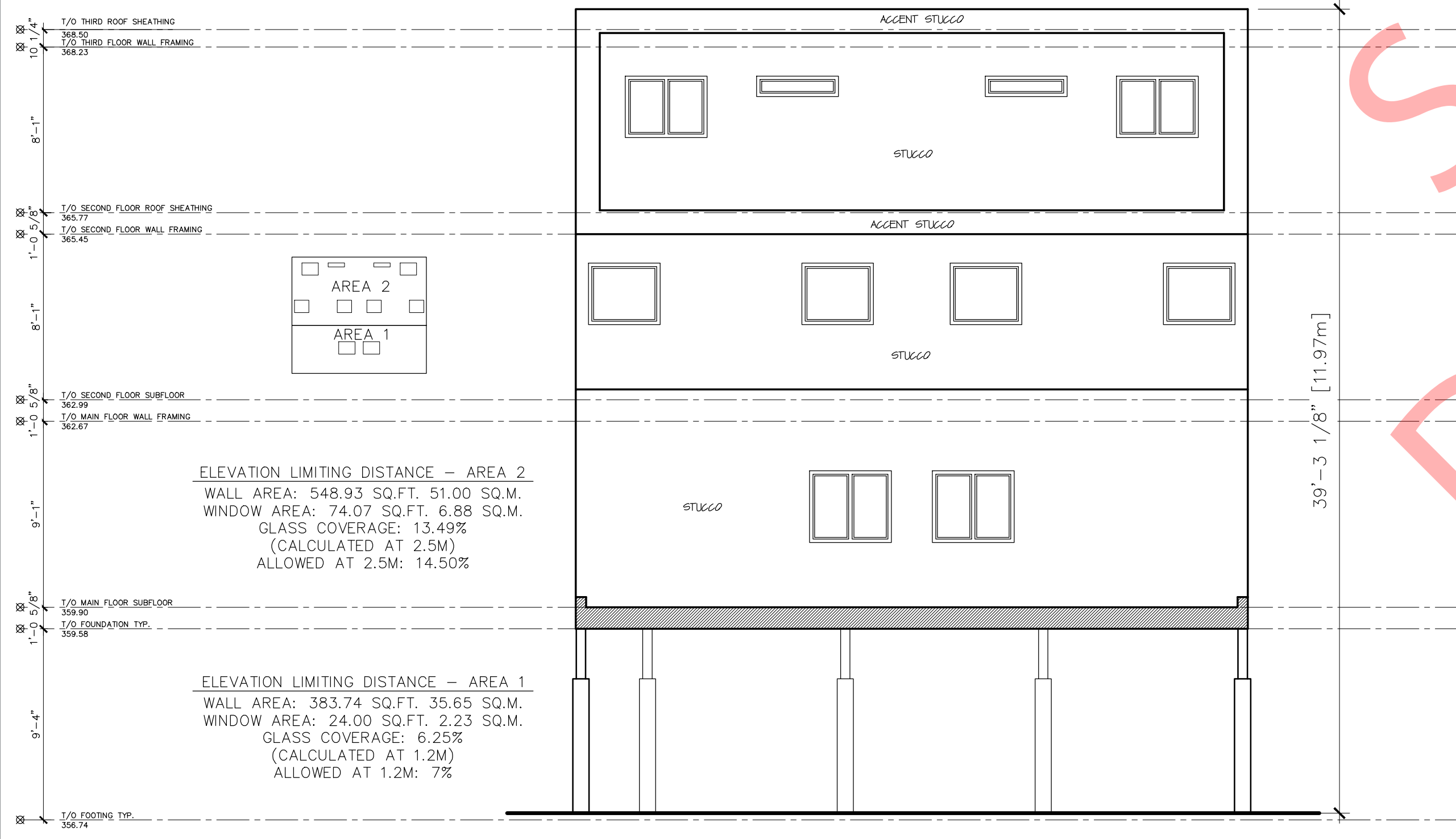


BUILDING 1 FRONT ELEVATION

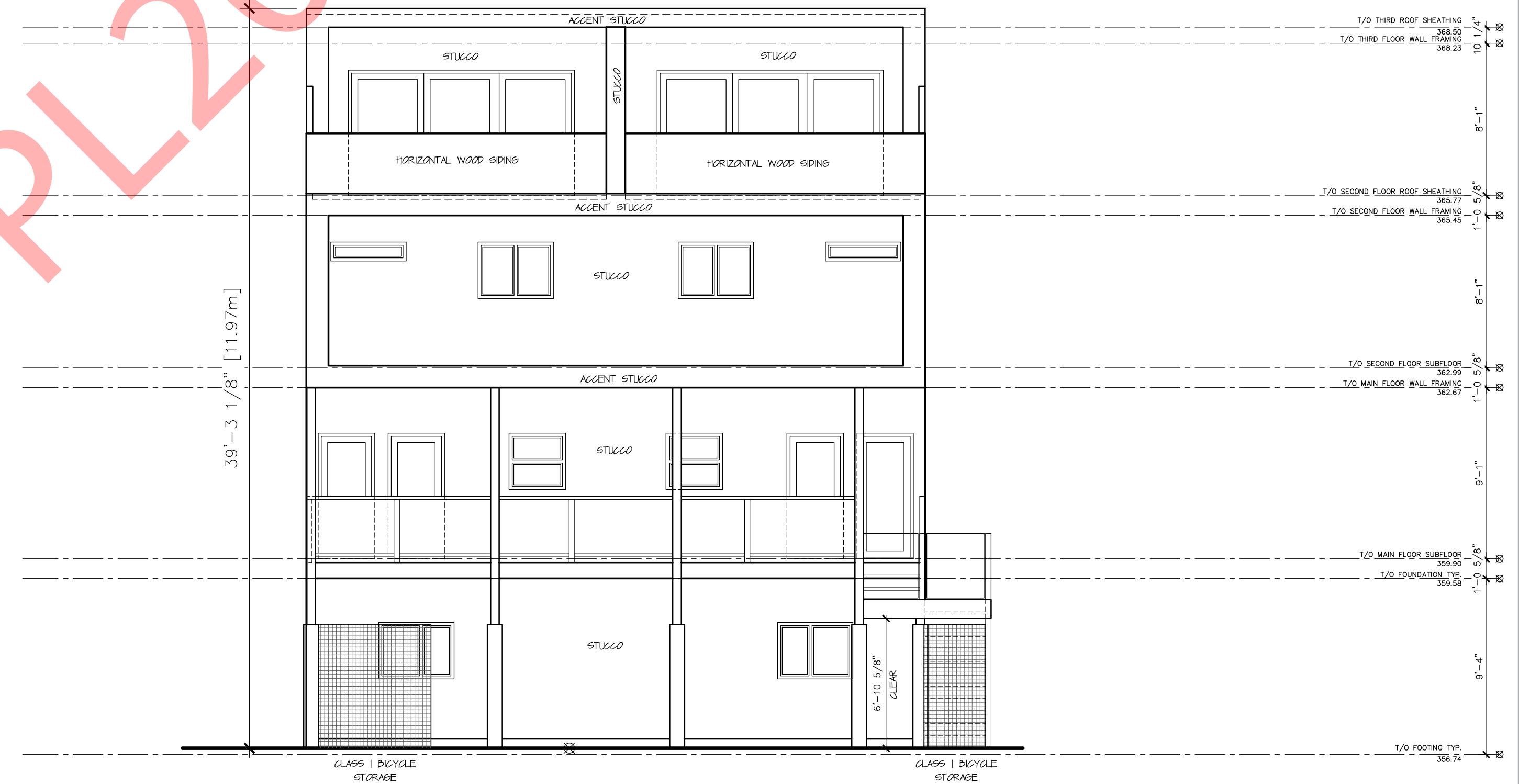


BUILDING 1 REAR ELEVATION

RIGHT ELEVATION LIMITING DISTANCE  
WALL AREA: 928.23 SQ.FT. 86.24 SQ.M.  
WINDOW AREA: 65.00 SQ.FT. 6.04 SQ.M.  
GLASS COVERAGE: 7.00%  
(CALCULATED AT 1.2M)  
ALLOWED AT 1.2M: 7%



BUILDING 2 FRONT ELEVATION



BUILDING 2 REAR ELEVATION

ELEVATION LIMITING DISTANCE - AREA 2  
WALL AREA: 548.93 SQ.FT. 51.00 SQ.M.  
WINDOW AREA: 74.07 SQ.FT. 6.88 SQ.M.  
GLASS COVERAGE: 13.49%  
(CALCULATED AT 2.5M)  
ALLOWED AT 2.5M: 14.50%

ELEVATION LIMITING DISTANCE - AREA 1  
WALL AREA: 383.74 SQ.FT. 35.65 SQ.M.  
WINDOW AREA: 24.00 SQ.FT. 2.23 SQ.M.  
GLASS COVERAGE: 6.25%  
(CALCULATED AT 1.2M)  
ALLOWED AT 1.2M: 7%

Schedule 'A'  
 DP PL 2020-8812

DESIGNED BY:

# ALL ELEMENTS



PROJECT SET:

## DEVELOPMENT PERMIT SET

PROJECT ADDRESS:

575 ELLIS STREET  
PENTICTON, BC

LOT 15  
BLOCK 19  
PLAN 269

PROJECT FLOOR AREAS:

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GROSS FLOOR AREA 5800 SQ.FT.

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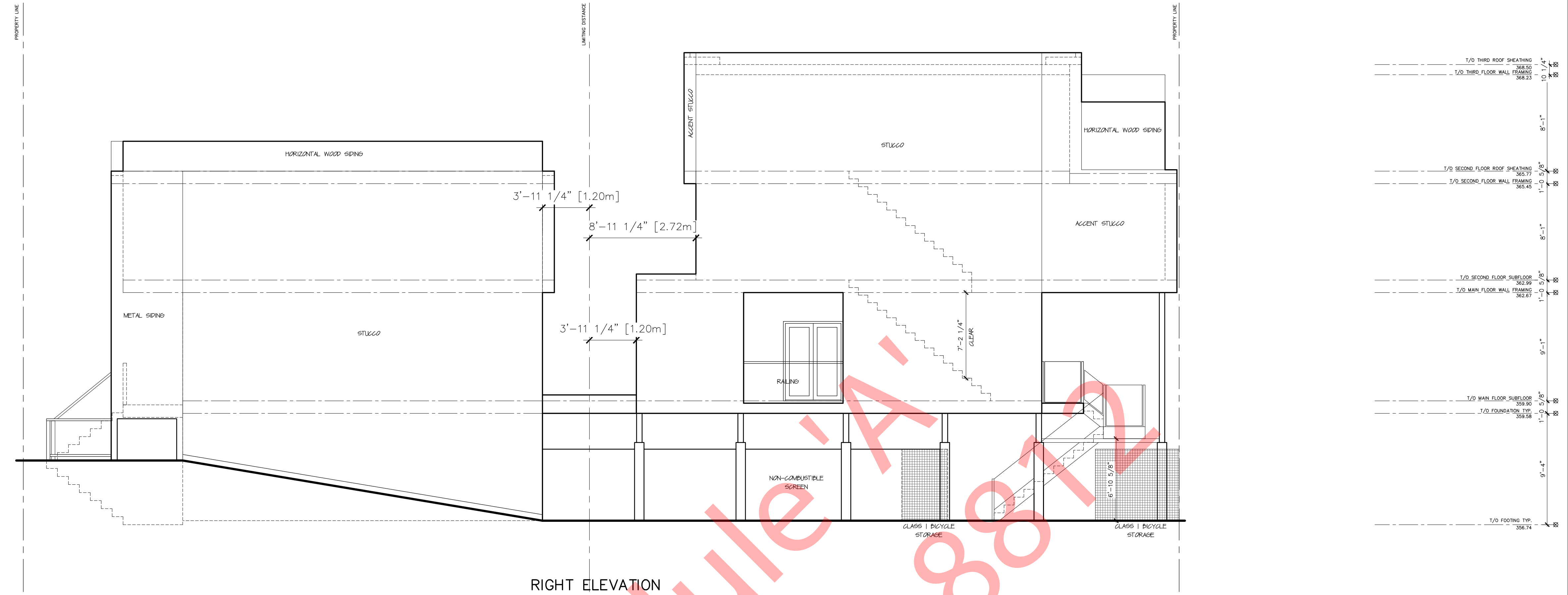
## RIGHT & LEFT ELEVATIONS

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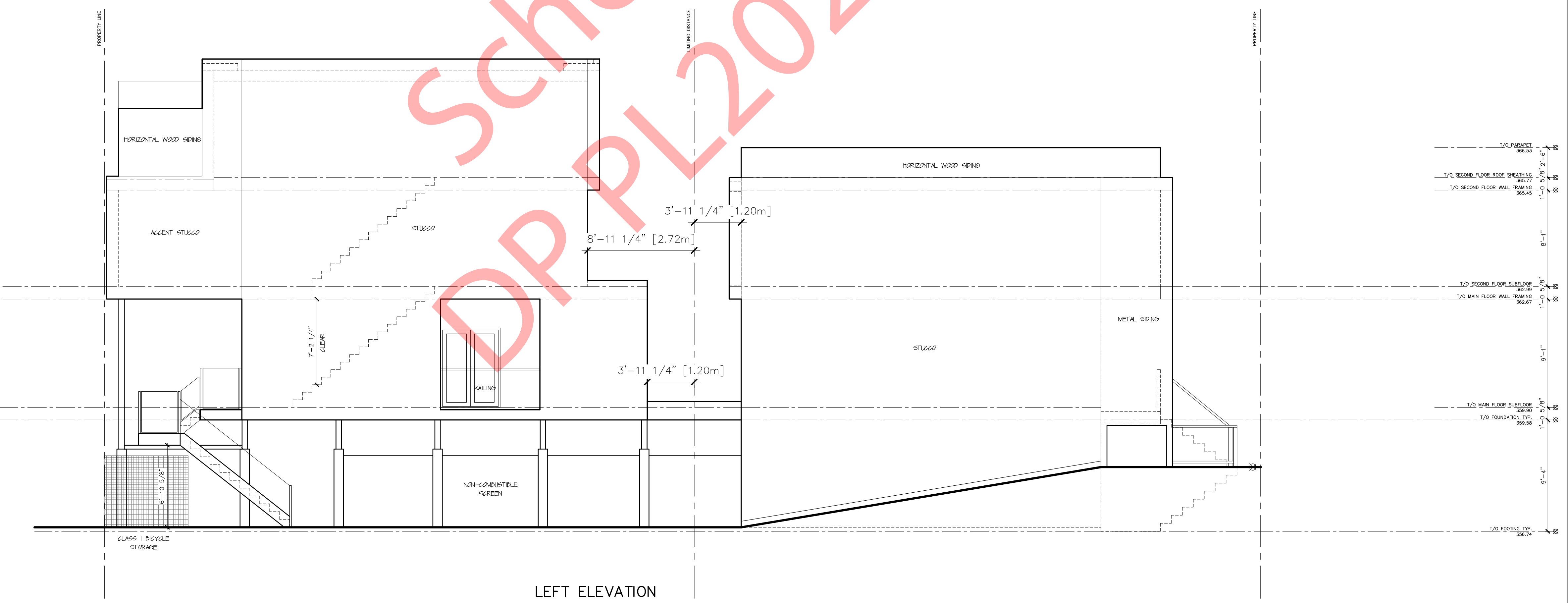
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SHEET:

# 3 / 5



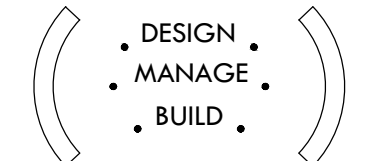
RIGHT ELEVATION



LEFT ELEVATION

DESIGNED BY:

# ALL ELEMENTS



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PENTICTON, BC

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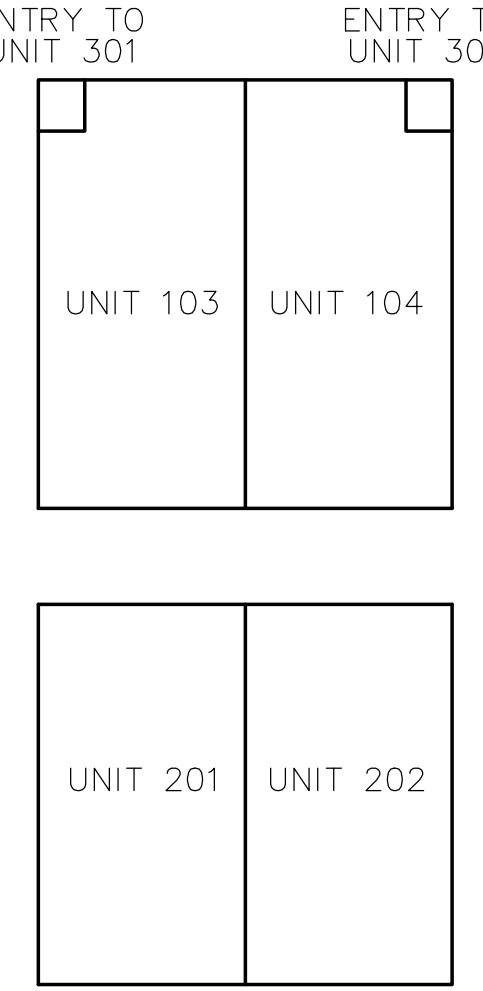
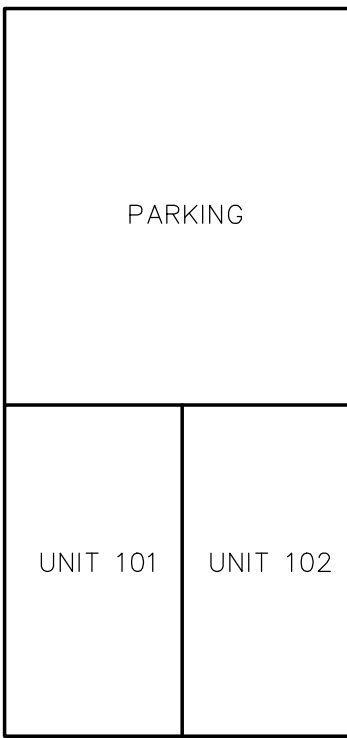
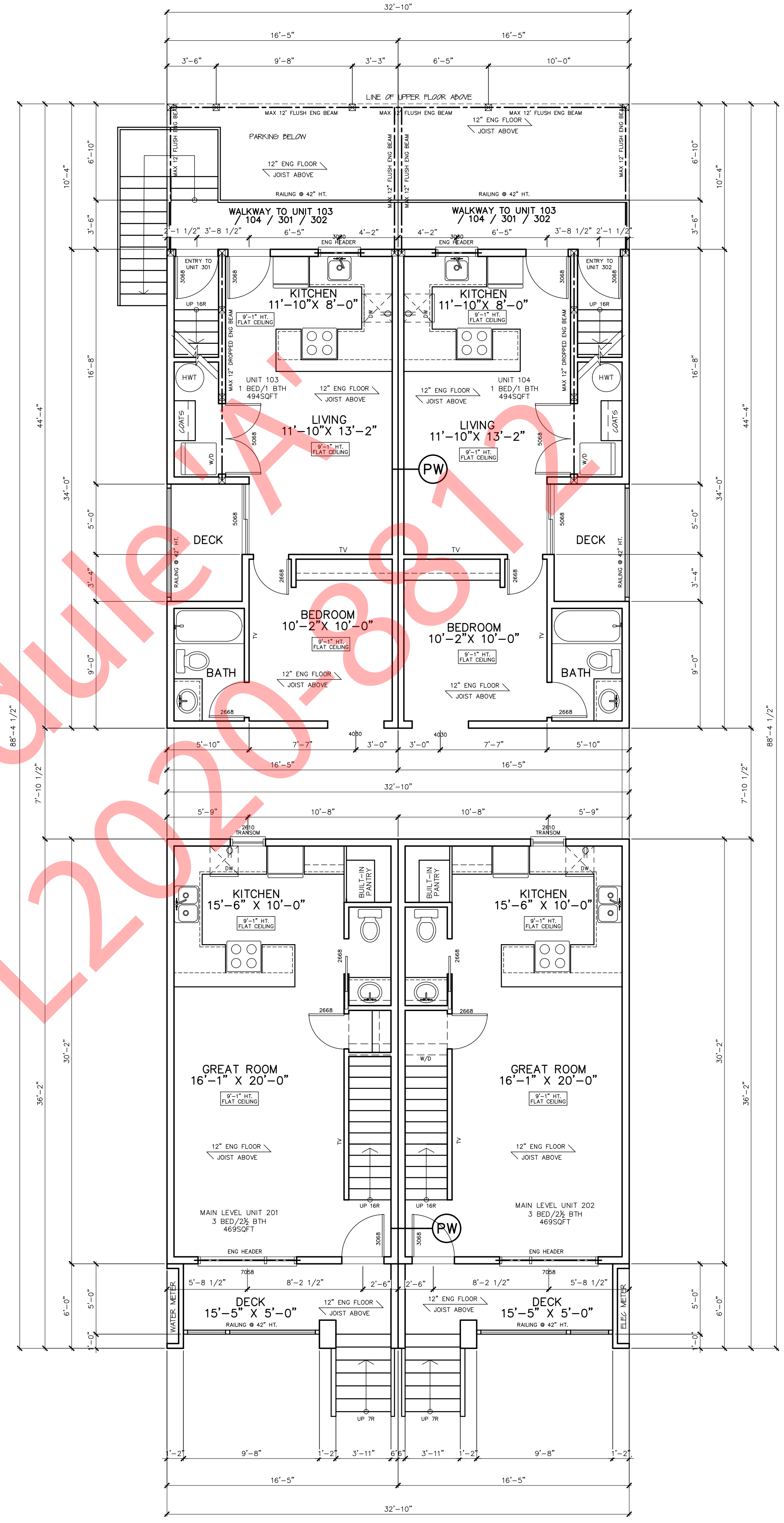
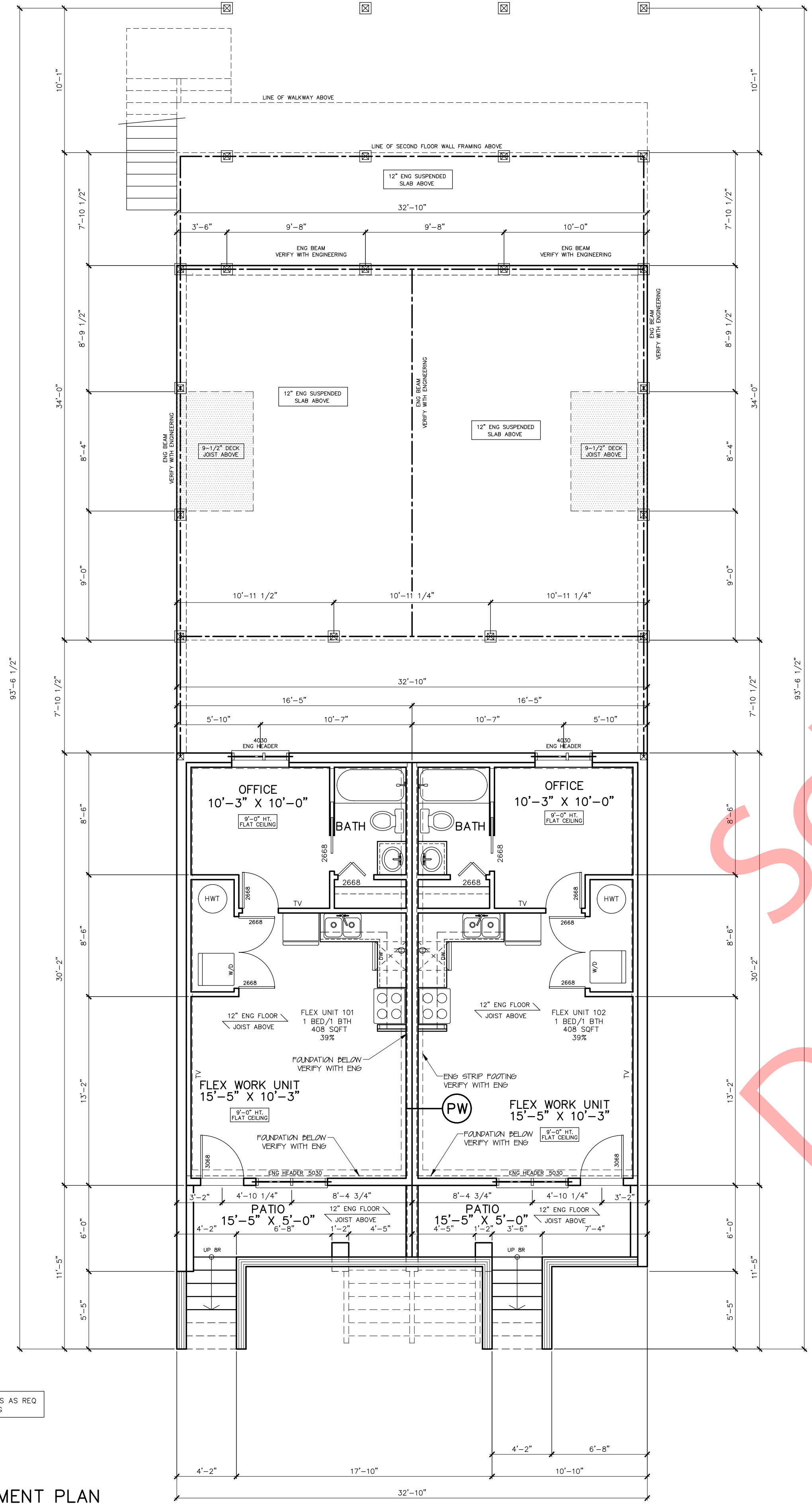
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## FD, BASEMENT & MAIN FLOOR PLAN

DRAWING INFORMATION:

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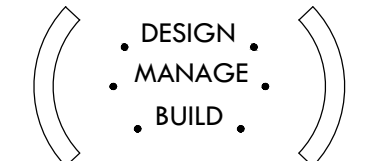
SHEET: 4 / 5



ALL WINDOWS & DOORS REQUIRE ENG HEADERS AS REQ. VERIFY WITH LAYOUTS & ENGINEERING

DESIGNED BY:

# ALL ELEMENTS



PROJECT SET:

## DEVELOPMENT PERMIT SET

PROJECT ADDRESS:

575 ELLIS STREET  
PENTICTON, BC

LOT 15  
BLOCK 19  
PLAN 269

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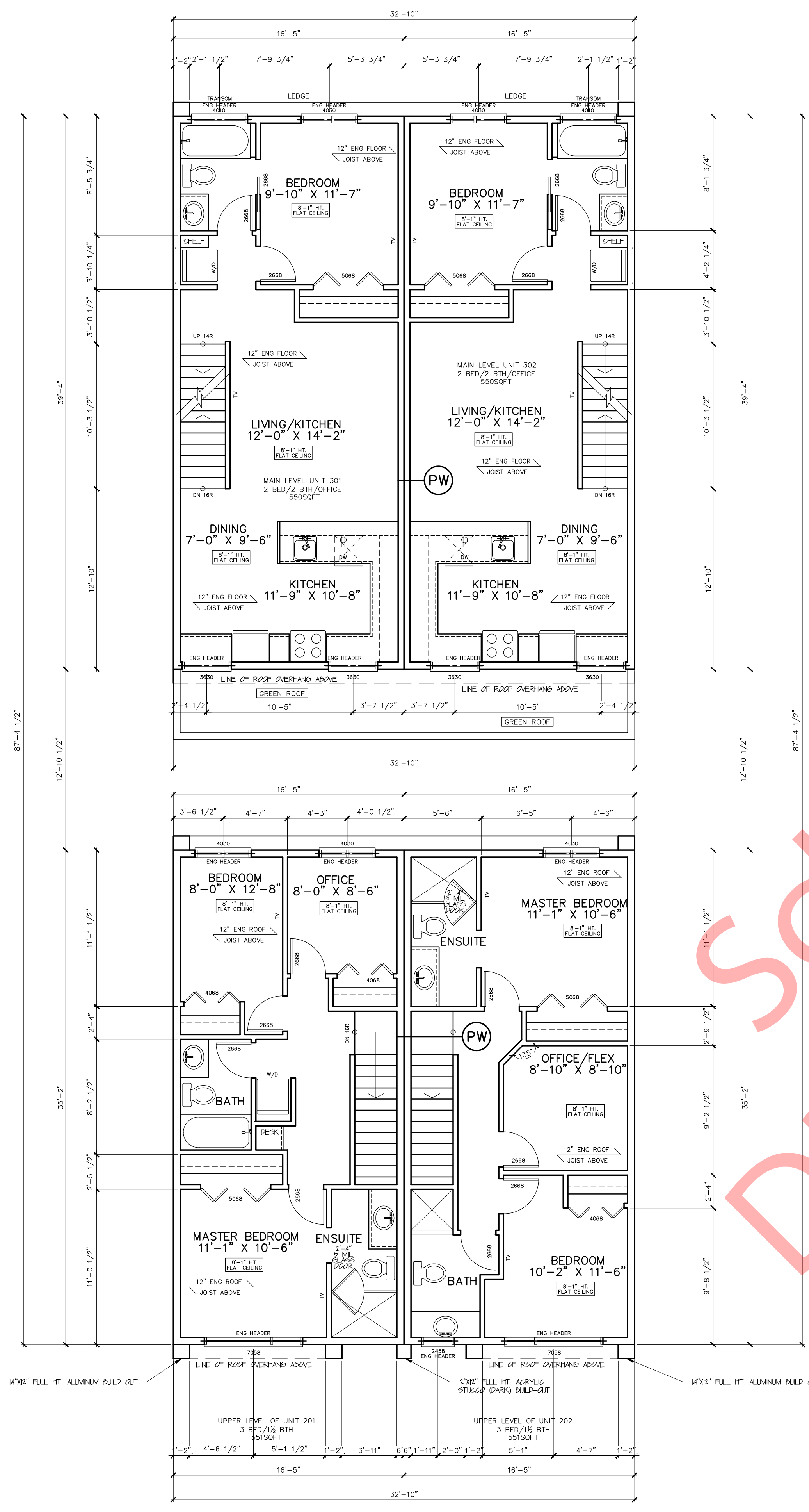
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## SECOND & THIRD FLOOR & ROOF PLAN

DRAWING INFORMATION:

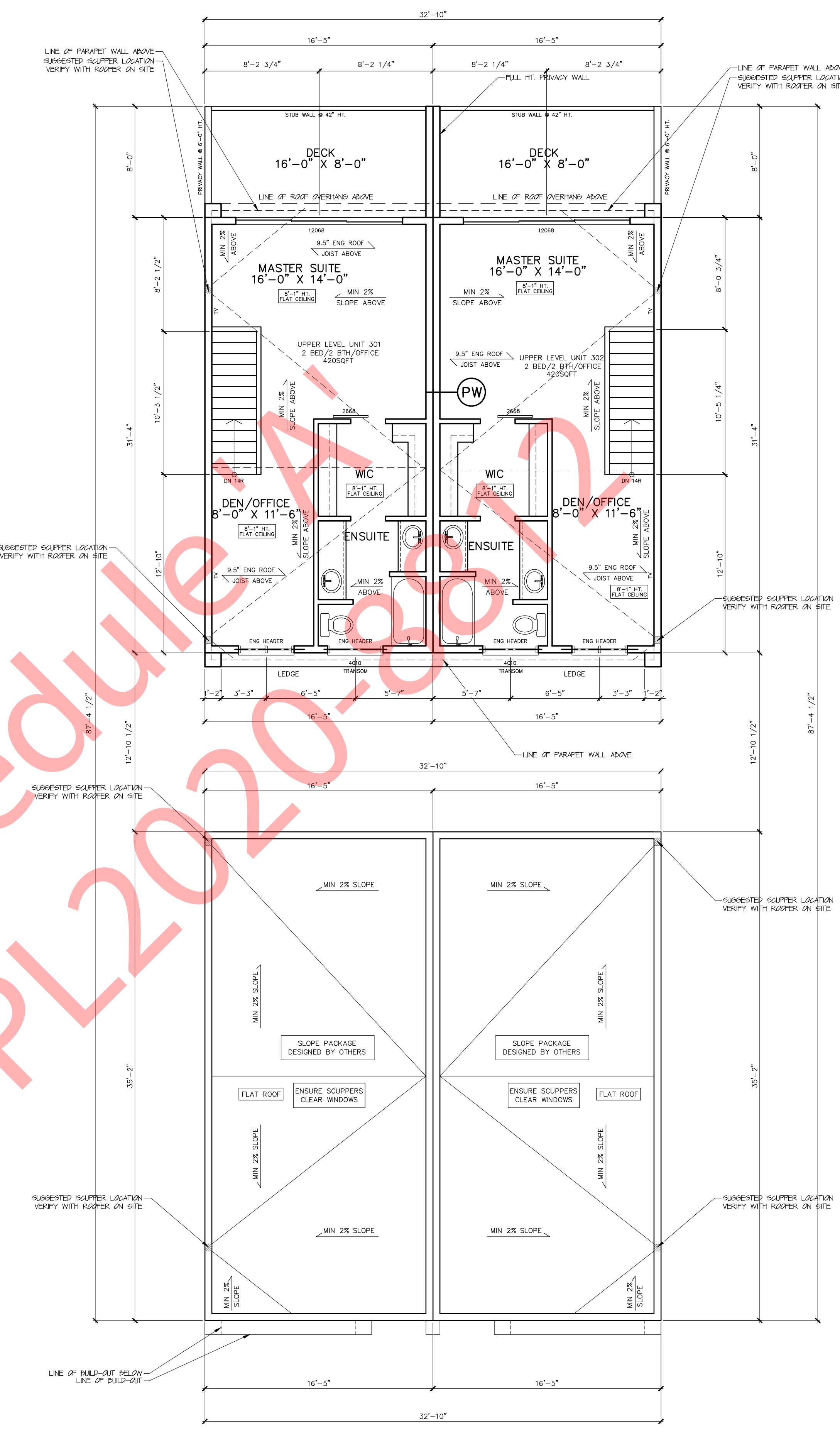
DATE: NOV 9, 2020  
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SHEET: 5 / 5

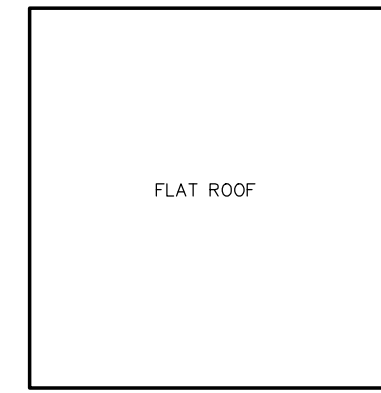
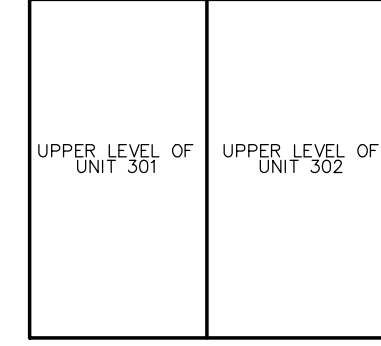


SECOND FLOOR PLAN  
UPPER LEVEL OF UNIT 201 & 202 - 551 SQ.FT.  
MAIN LEVEL OF UNIT 301 & 302 - 550 SQ.FT.

ALL WINDOWS & DOORS REQUIRE ENG HEADERS AS REQ. VERIFY WITH LAYOUTS & ENGINEERING



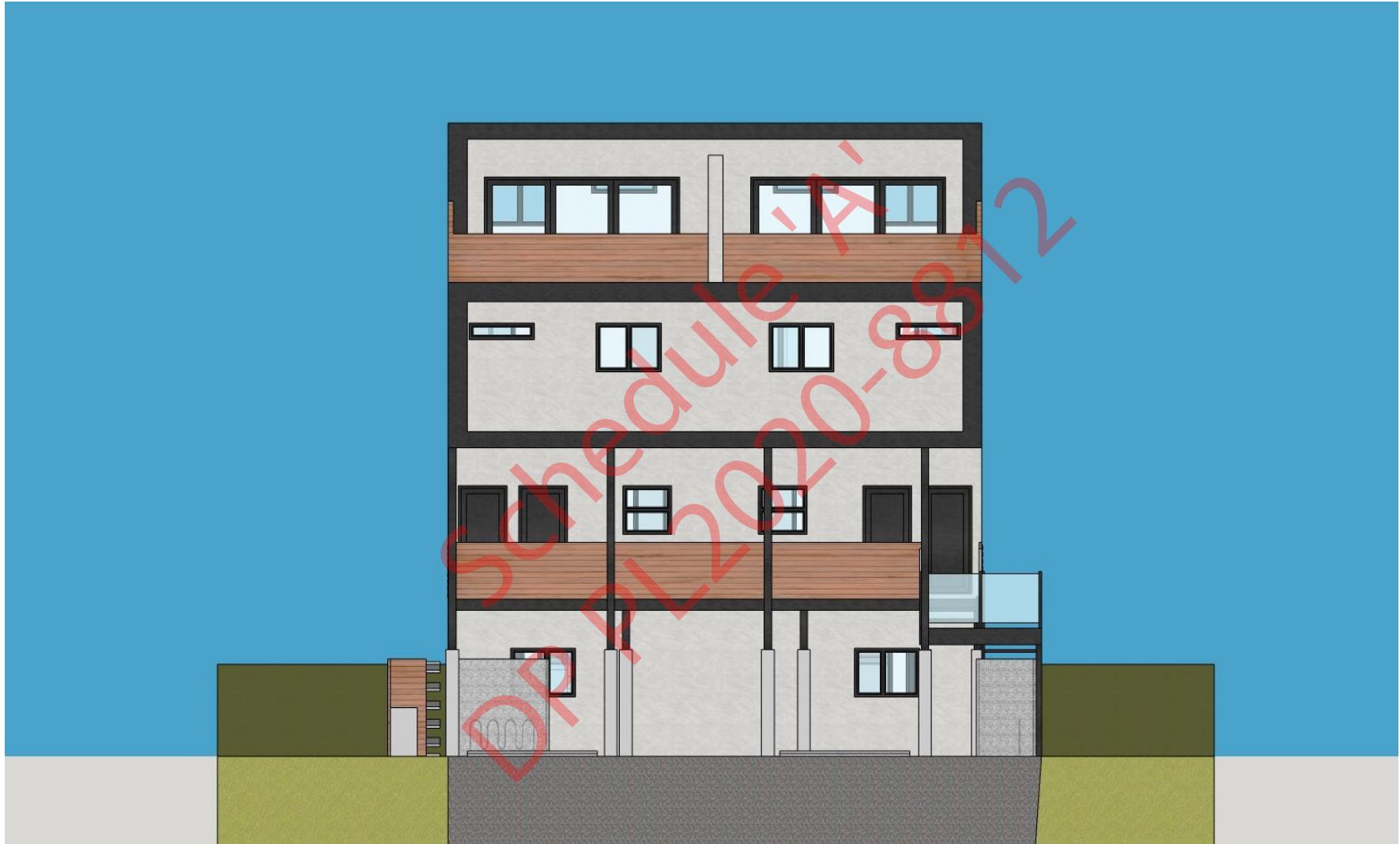
ROOF & THIRD FLOOR PLAN  
UPPER LEVEL OF UNIT 301 & 302 - 420 SQ.FT.



# Front Elevation (Ellis Street)



# Rear Elevation (lane)



# Side Elevation (north)



# Side Elevation (south)



**Bylaw No. 2020-51**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2020-51".

2. **Amendment:**

Zoning Bylaw No. 2017-08 is hereby amended as follows:

2.1 Rezone Lot 15 Block 19 District Lot 202 Similkameen Division Yale District Plan 269 Except Plan KAP80716, located at 575 Ellis Street, from C1 (Commercial Transition) to RM5 (Urban Residential).

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

READ A FIRST time this	8	day of	December, 2020
A PUBLIC HEARING was held this	18	day of	January, 2021
READ A SECOND time this		day of	, 2021
READ A THIRD time this		day of	, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 13 day of January, 2021 and the 14 day of Thursday, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

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John Vassilaki, Mayor

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Angie Collison, Corporate Officer

# 575 Ellis Street

Rezone from C1 (Commercial Transition)  
to RM5 (Urban Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2020-51

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

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



**Jan. 15, 2021**

**Re: 575 Ellis Street  
Rezone: PL2020-8811**

**I am writing on behalf of the Management Committee for the Care Closet. We are located at 574 Main which is directly behind 575 Ellis Street.**

**We do not approve of the zoning change from Commercial Transition to Urban Residential.**

**Our concern is the parking issue. Parking is already at a premium and given the City has just approved a 5 storey development, on Main Street, less than one block away will make parking even more challenging. We would like to know what the developer has done to address parking for this development.**

**The existing businesses need parking for their customers.**

**We would ask council to ensure that, if this is approved, the developer must provide access to The Care Closet's parking area, which is located in the lane behind our building, Monday through Saturday from 9am to 5pm. We also need assurance that the lane will not be blocked in order for our donors to drop off their donations as without these we cannot operate our charity. At this time donations cannot come through the front door due to COVID.**

**If we cannot access our parking area and are forced to park in the street, we should be issued parking passes for the street.**

**Erin Beck  
Chair of the Care Closet Management Committee**

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**Subject:** OPPOSE 575 Ellis Street development

**From:** mike hawley  
**Sent:** January 17, 2021 9:19 AM  
**To:** Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Subject:** OPPOSE 575 Ellis Street development

Caution! This message was sent from outside your organization.

City Council

I live at 609 Ellis Street and I oppose this development until you address the serious parking issues that you would be creating in this area. You have approved a development on White and Main street of 5 storey 28 units and are allowing the builder to only create 15 parking stalls. This creates a shortfall of 13 parking spaces not including potential guests visiting which is in close proximity to my home and Ellis street. The 575 development you are considering will further stress the parking. The parking in front of this residence at the moment is full. Adding 8 units and only providing 5-6 parking spaces creates another shortfall of 2-3 parking spaces plus guests parking.

#### **SOLUTION**

Open up street parking. On Ellis and White and remove the bus stop that is never used. This would free up nearly 10 spots. This bus stop was created in 2017/2018 when main street was blocked off for months water main /street improvements. This bus stop was never meant to be a permanent bus stop. This bus stop is not part of any daily bus stop route it is now only used from spring /summer for farmers market running Saturdays 7am until 3. RARELY does the bus stop during this time to let anyone off. This bus stop has become a cash grab for tickets by the city. Remove it please.

Remove parking meters between White /Ellis & Main street and designate permit parking for residences and 2 hour max.

Mike Hawley 609 Eliis Street



Virus-free. [www.avast.com](http://www.avast.com)