Public Hearing No. 3

penticton.ca

Public Hearing

to be held at the City of Penticton Council Chambers
171 Main Street, Penticton, B.C.
To view the Council Meeting, visit www.penticton.ca

Tuesday, March 15, 2022
at 6:00 p.m.

1.	Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2022-13"**	1-31
CO	Reads Opening Statement and Introduction of Bylaw	
	"Zoning Amendment Bylaw No. 2022-13"	
	Purpose: To amend Zoning Bylaw No. 2021-01 as follows:	
	Rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) zone to C1 (Commercial Transition) zone.	
	The applicant intends to construct a one storey, 439m^2 (4,730ft^2) dental office.	
	Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Tuesday, March 8, 2022 and Wednesday, March 9, 2022 (pursuant to the *Local Government Act*).	
CO	No correspondence has received regarding the Zoning Amendment Bylaw (as of noon Wednesday, March 9, 2022).	
Mayor	Requests Development Services staff describe the proposed bylaw	
Mayor	Invitation to applicant for comment or elaboration on the application	
Mayor	Invitation to electronic and in person 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. 2022-13" is terminated and no new information can be received on this matter.	

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

Tuesday, March 1, 2022
at 1:00 p.m.

Resolutions

10.8 Zoning Amendment Bylaw No. 2022-13
Development Permit PL2020-8849
Re: 1196 Fairview Road

65/2022 **It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-13", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) zone to C1 (Commercial Transition) zone;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-13" to the March 15, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-13", require the following road dedications to be registered with the Land Title Office:

- A 0.6m road dedication along the Fairview Road frontage;
- A 2.3m road dedication along the Calgary Avenue frontage; and
- A 5m by 5m corner cut at the intersection of Fairview Road and Calgary Avenue;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-13", approve "Development Permit PL2020-8849", a permit to approve the form and character of a one-storey dental office on the subject property.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS/1196 Fairview Rd
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 1196 Fairview Road

Subject: **Zoning Amendment Bylaw No. 2022-13**
Development Permit PL2020-8849

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-13", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) zone to C1 (Commercial Transition) zone;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-13" to the March 15, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-13", require the following road dedications to be registered with the Land Title Office:

- A 0.6m road dedication along the Fairview Road frontage;
- A 2.3m road dedication along the Calgary Avenue frontage; and
- A 5m by 5m corner cut at the intersection of Fairview Road and Calgary Avenue;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-13", approve "Development Permit PL2020-8849", a permit to approve the form and character of a one-storey dental office on the subject property.

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 one storey, 439m^2 (4,730ft^2) dental office on the subject property (Figure 1). In order to proceed with the proposed development, a Zoning Amendment application has been submitted to rezone the subject property from the C2 (Neighbourhood Commercial) zone to the C1

(Commercial Transition) zone in order to allow 'health service' (which allows for a dental office) as a permitted use. The development is considered within the Commercial & Mixed Use Development Permit Area outlined by the OCP, as such the applicants have applied for a Development Permit for approval of the

Figure 1 - Rendering of proposed dental office

form and character of the proposed dental office.

Background

The subject property is 1,886m^2 in size and is located at the corner of Fairview Road and Calgary Avenue (Figure 2). The property previously contained a convenience store, residence, and accessory building which were all demolished in 2020. The subject property is currently vacant. Surrounding land uses range from low to medium density residential uses along Calgary Avenue, and some small scale commercial and institutional uses on Fairview Road (i.e. church, cemetery, utilities, and photography studio). The subject property is located within walking distance of Penticton Plaza with a number of shops and services. The Lake-to Lake bike route runs along Fairview Road next to the property, and the KVR trail is located nearby where it crosses Calgary Avenue.

Figure 2 - Location map

The subject property is currently zoned C2 (Neighbourhood Commercial) in the Zoning Bylaw and is designated 'Commercial' by the Official Community Plan.

Previous uses on the site had contaminated the lands. After submitting this application package in 2020, the applicant worked through the Ministry of Environment remediation requirements and obtained provincial approvals to proceed with the demolition (July 2020) and the rezoning (December 2021).

Technical Review

This proposed development was reviewed by the Technical Planning Committee, a group of internal City staff who review planning applications. The committee requested clarification on the proposed variances through the development permit for building projections into required yard setbacks, and the applicant prepared drawings which clearly show these proposed projections. The property is adjacent to the Lake-to-Lake bike route, and staff worked with the applicant to agree on an exit-only drive from the site onto Fairview Road, allowing some vehicle egress over the bike route but limiting potential conflicts compared to a full access driveway. Road dedications were identified along both the Fairview Road and Calgary Avenue frontages, in order to obtain right-of-way widths on the two streets which meet the City's bylaw standards. As such, staff are recommending that Council require the following dedications prior to adoption of the rezoning:

- 0.6m road dedication along Fairview Road frontage;
- 2.3m road dedication along Calgary Avenue frontage; and
- A 5m by 5m corner cut at the intersection of Fairview Road and Calgary Avenue.

Staff note that these dedications result in architectural projections into the required side yards, which are reduced along both street frontages as a result of the road dedications.

Development Statistics

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

	C1 Zone Requirement	Provided on Plans
Minimum Lot Width:	13 m	50 m
Minimum Lot Area:	550 m^2	1,886 m^2
Maximum Lot Coverage:	40%	23%
Vehicle Parking:	1 space per 30m^2 net floor area Total: 14 spaces Maximum 25% small car spaces	22 spaces provided 25% small car spaces (5 spaces)
Required Setbacks Front Yard (Calgary Ave): Interior Side Yard (East): Exterior Side Yard (Fairview Rd): Rear Yard (North):	 3.0 m 1.5 m 4.5 m 6.0 m	 3.0 m 15 m 4.5 m 13.5 m
Maximum Building Height	10.5 m	5.3 m
Other Information:	3.0 m wide landscape buffer required along east, south, and west property lines – Variance through Development Permit Table 4.1 outlines the allowable building projections – Variances through Development Permit	

Analysis

Zoning Amendment

The property is designated as 'Commercial' by the OCP, a designation which supports a range of commercial uses including office, retail, goods and services. The proposed dental office development is consistent with the OCP vision for the subject property.

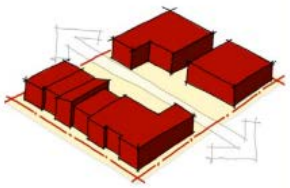
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Commercial 	Areas with a wide range of commercial uses including office, retail, goods and services.	• Commercial (retail/ office/service) buildings and mixed-use buildings (in specific areas, residential units limited to the second floor and above)	• Retail, Service • Office • Restaurant • Grocery Store • Residential (in specific zones)	• varies by zone	• C1 • C3 • C4 • C7 • C8

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

The applicant is proposing to rezone the property from C2 (Neighbourhood Commercial) to C1 (Commercial Transition). The reason for rezoning is to allow the use 'health service' on the property, which is permitted in the C1 zone. 'Health service' is defined in the Zoning Bylaw as

"The provision of physical or mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical uses include but are not limited to medical and dental offices (underline added), *chiropractors, massage therapists, acupuncture clinics, health clinics, and counselling services."*

The purpose of the C1 zone is to allow limited, small scale, commercial development in mostly residential areas (Section 11.1). The proposed zoning is considered compatible with the surrounding land uses, and the C1 zone development regulations ensure the commercial use is kept within a moderate size and scale. For example, the maximum building height permitted in the C1 zone is 10.5m and a maximum lot coverage of 40%. The development plans show a proposal which meets these zoning regulations, with the exception of the requested variance for permitted architectural and roof projections and one reduced width landscape buffer.

Staff consider that the proposed zoning amendment will allow for development that is supported by the following OCP Policies:

Policy 4.3.2.1	Encourage high quality commercial development by applying Development Permit Area Guidelines, updating and enforcing regulatory bylaws, and fostering initiatives that improve the quality and infrastructure of commercial areas.
Policy 4.3.6.6	Support business investment and worker attraction to Penticton by adhering to high-quality urban design standards, mixing compatible land uses, providing parks, trails and amenities, protecting the natural environment, and supporting active transportation to create quality neighbourhoods.
Policy 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.

Staff consider that the proposed development provides an appropriately scaled commercial development. The proposed rezoning to the C1 (Commercial Transition) zone is consistent with the Commercial OCP designation and the development is considered compatible with adjacent residential uses.

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to "Zoning Amendment Bylaw No. 2022-13", and forward the bylaw to the March 15, 2022 Public Hearing to hear comments and feedback from the public.

Development Permit

The proposed development is included in the Commercial & Mixed Use Development Permit Area (DPA) outlined by the OCP. The Commercial & Mixed Use DPA is established to encourage a wide range of developments that can support both commercial-only and mix of uses (e.g., retail, office, residential), preserving affordable forms of commercial development. The applicant has submitted a development permit analysis with their submission which outlines the development's conformance with the OCP design guidelines (Attachment 'F'). Staff have also completed a development permit analysis that shows how the development conforms to the DPA guidelines (Attachment 'G').

Section 5.1.4 of the OCP allows for certain variances to be addressed through the development permit. This section states that minor variances to setbacks may be approved through development permit issuance to accommodate desirable architectural features, provided that the building face still meets required setbacks. The building design includes architectural projections into the required setbacks along both fronting streets, which are considered architecturally-desirable and provide visual interest to the building. Staff note the requested road widenings result in these projection variance requests coming forward, and that the dedication on the Calgary Avenue frontage is particularly large at 2.3m in width.

In addition, the landscape buffer is proposed to be reduced along the east property line from 3.0m in width to 1.8m in width. The landscape plan shows the required number of trees and shrubs will still be provided, but the reduced width is requested in order to meet the parking demands for this use. The landscape plan shows additional plantings provided next to the building, along the Fairview Road side, and at the southwest corner of the property to provide visual interest. The applicant has reached out to the affected neighbour to the east, who has signed a letter of support for the reduced landscape buffer width (Attachment 'E').

The following variances are requested through the Development Permit:

- Table 5.1: to reduce the width of the landscape buffer (east) from 3.0m to 1.8m.
- Table 4.1: to increase the permitted eaves and roof projection into a required front yard setback (Calgary Ave) from 1.5m to 2.4m.
- Table 4.1: to increase the permitted eaves and roof projection into a required exterior side yard setback (Fairview Rd) from 1.5m to 2.85m.
- Table 4.1: to increase the maximum architectural projection into the required front yard setback (Calgary Ave) from 25% of the building face projecting up to 0.6m to 38% of the building face projecting up to 1.8m.
- Table 4.1: to increase the maximum architectural projection into the required exterior side yard (Fairview Rd) from 25% of the building face projecting up to 0.6m to 41% of the building face projecting up to 0.7m.

The proposed development has been designed with the OCP policies and guidelines in mind and is a project aimed at achieving the desired form of commercial development in this area of the City, while being courteous in scale to the surrounding residential neighbours. The variances requested through the

development permit, as allowed for by the OCP, support a visually-appealing building design providing a positive face to both Fairview Road and Calgary Avenue. As such, staff recommend that Council, subject to adoption of Zoning Amendment Bylaw No. 2022-13" approve "Development Permit PL2020-8849" and direct staff to issue the permit.

Alternate Recommendations

Council may consider that the proposed Zoning Amendment Bylaw 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. 2022-13".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Subject Property
Attachment D – Letter of Intent (applicant)
Attachment E – Letter of Support (neighbour)
Attachment F – Development Permit Analysis (applicant)
Attachment G – Development Permit Analysis (staff)
Attachment H – Draft Development Permit PL2020-8849
Attachment I – Zoning Amendment Bylaw No. 2022-13

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

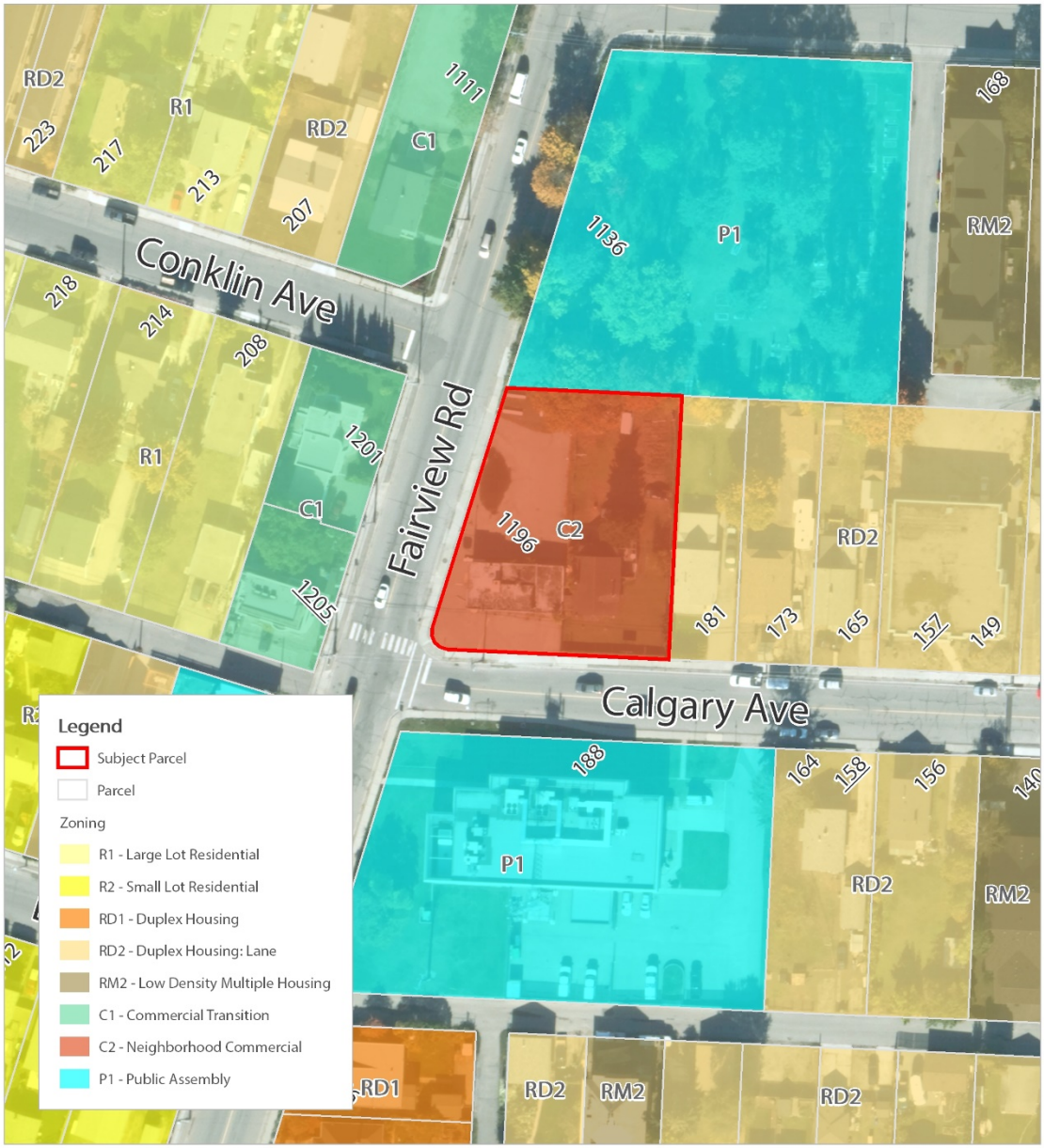
Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Zoning Map

1196 Fairview Road

Zoning Map



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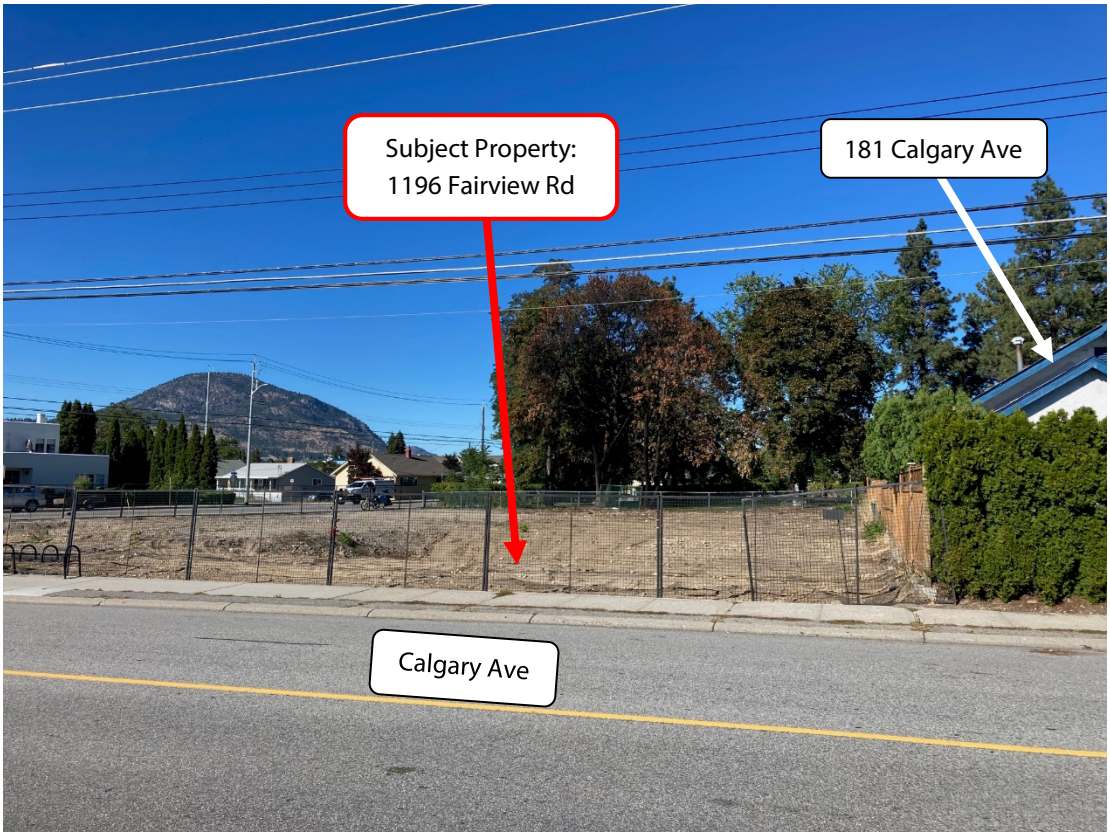
September 21, 2020
9:50:16 AM

penticton.ca

Attachment B – Official Community Plan Map

Attachment C – Photos of Subject Property



Subject Property:
1196 Fairview Rd

Subject Property:
1196 Fairview Rd

Attachment D – Letter of Intent (applicant)

SUVA ARCHITECTURE INC

John Saliken Architect AIBC AAA
Vancouver
720 - 999 W. Broadway V5Z 1K5
Penticton
166 Bassett St. V2A 5W2

Dec 3, 2021

Letter of Intent
1196 Fairview DP/ Rezoning Application

The Development Permit/ Rezoning Application for 1196 Fairview Rd, is for a 4,730 sf new purpose-built one-storey dental office. The current zoning C2 is to be rezoned to *C1 Commercial Transition* which allows for health service. The size and height of the building fits within all the C1 zoning bylaws, notwithstanding several minor variances.

SITE STATISTICS (all numbers are approximate to be verified by surveyor)

Site area before dedications	19,997 sf (1,858.45 sm)
Site area after dedications	18,232 sf (1,694.42 sm)
Building area gross	4,730 sf (439.59 sm)
Dedications	
Along Fairview Rd	1.968 ft (.6 m)
Along Calgary Ave	7.544 ft (2.3 m)
Building setbacks from new property line (after dedications	
Front (Fairview Rd)	9.84 ft (4.5m)
Front (Calgary Ave)	9.84 ft (3 m)
North Side	45.3 ft (13.8 m)
East Side	50 ft (15.24 m)
Corner Cut	27.88 ft (8.5 m)
Building height	17.5 ft (5.33 m)
Lot coverage (after dedications)	25%
Parking	22 stalls

VARIANCES (all numbers approximate)

The floor plan of the dental office has been carefully crafted by dental specialists to produce a highly functional and efficient floor plan. In addition, the site plan has been designed for maximum efficiency in the remaining site area. Due to the off-axis angle of Fairview Rd, the site is tapered and pinches at the north. In turn, the dental office fits snuggly into the southwest corner of the site. In an effort to create interesting urban architecture on a busy intersection, we ask for three small projection variances and one landscape variance.

1. Table 4.1: Variance required to increase the maximum architectural projection into the required front yard (Calgary Ave) from 25% of the building face projecting up to 0.6m, to 38% of building face projecting up to 1.8m

   The design intent is to have a thick heavy wall on the southwest corner that carves open to strategically frame the inside of the dental office with large windows. The carved openings strengthen views in/out, while maintaining privacy for the waiting room. To enhance the views, the entrance and waiting room walls project south into the setback. The projections enhance the street character and become a positive safe space, connecting inside and out, for natural surveillance. The thick walls frame the landscaping and

produce an invigorating public realm. The thickly articulated walls also mitigate solar heat gain, while shielding the large windows.

2. Table 4.1: Variance required to allow roof overhang projecting over corner cut by 7-4"(2.235 m)

   The site is located on a very busy corner, and the building fits tightly on the southwest corner. A large, sculpted roof overhang cantilevers out 7 ft (2.1 m) at the southwest to create an elegant wow factor for passing traffic. Similar to the thick wall, the overhang helps control solar heat gain, and allows the use of large windows, in an environmentally sensitive design.

3. Table 4.1: Variance required to increase the permitted eaves/roof projection into a required front yard setback (Calgary Ave) from 1.5m to 2.4m.

   Similar to item 3 above.

4. East side landscape buffer

   The landscape buffer on the east property line faces a residential area. The buffer zone between the edge of the parking stalls and the property line is 5.8 ft (1.76 m). This edge will be fenced, landscaped, and professional screened. The building is at least 50 ft away from the property line, and there are no overlooking windows onto the neighboring house or yards. This is a tight site, and pinches on the north end due to the offset street grid. The buffer space has been maximized with reference to safe efficient site planning. A letter of support has been provided by the neighbor.

John Saliken | **Principal**
Architect AIBC, AAA,
john@suvaarchitecture.com
direct 604 318 1904

Attachment E – Letter of Support (neighbour)

SUVA
ARCHITECTURE INC

John Saliken Architect AIBC AAA
Vancouver
720 - 999 W. Broadway V5Z 1K5
Penticton
166 Bassett St. V2A 5W2

Nov 12, 2020

1196 Fairview DP/ Rezoning Application
Landscape Buffer Variance

Dear Neighbor,

The City of Penticton Zoning Bylaw Table 5.2 requires a 3m (9.84') landscape buffer abutting a residential zone. The proposed landscape buffer on the east property line faces a residential zone. The proposed buffer between the edge of the parking stalls and the property line is 1.76m (5.8'). The east property line will be fenced, with a 1.8m (6') tall solid wood fence, and professionally landscaped with irrigation. It will have deciduous street trees at least 1/ 10m.

The proposed one storey building is over 50 ft away from the east property line, and there are no overlooking windows onto the neighboring house and yard. This is a tight site, and pinches on the north end due to the offset street grid. The buffer space has been carefully designed with reference to safe efficient site planning. It is our understanding that due to the distance of the building and the solid fence, that the reduced landscape buffer will not negatively affect the residential zone. Every effort has been made to design a safe, clean, and high-quality project.

We would be grateful if you would offer support of this variance.

Sincerely,

John Saliken | **Principal**
Architect AIBC, AAA,
john@suvaarchitecture.com
direct 604 318 1904

I/We support the variance as described above

Name DENNIS + SANDRA BOWHAY

Address 181 CALGARY AVE PENTICTON, B.C. V2A 2T7

Date NOV 25/2020

Signature

Dennis & Bowhay

Attachment F – Development Permit Analysis (applicant)

SUVA ARCHITECTURE INC

John Saliken Architect AIBC AAA
Vancouver
720 - 999 W. Broadway V5Z 1K5
Penticton
166 Bassett St. V2A 5W2

Sept 14, 2020

Development Permit Analysis
1196 Fairview DP/ Rezoning Application

OFFICIAL COMMUNITY PLAN REVIEW

Chapter 5 Development Permit Area Guidelines

5.1.4 Variances

1. Minor variances to setbacks may be considered to... accommodate desirable architectural criteria... projecting design features

See Letter of Intent for Variance request

Landscape Variances

1. Variances to landscape buffer requirements may be considered in cases where the proposed building locations make establishment difficult to thrive... reduced buffer... compensatory planting elsewhere on site

See Letter of Intent for Variance request

5.2.2 General Guidelines

G1 Significant site opportunities / constraints

The site is flat and vacant and outside of all special DP zones. It is surrounded by 2 busy streets.

G2 Site plan

As per the accompanying site plan, the building is located on the busy south west corner and pulled away from the quiet graveyard to the north and residential area to the east. The building is one storey and does not affect any neighbors by proximity and overlooking.

G3 Solar access

As a dental office, the interior solar access needs to be controlled for glare and overheating. However, large windows along the front south side open to the street and are shaded by architectural projections, thick walls, and a large overhang. The windows open to a landscaped garden. Each operating room has a large window facing the street and is protected by angled sculpted projections shading the windows from direct summer sun.

G4 Window views

Views are maximized looking out of the dental office with large windows in every room.

G5 Strong street definition / sensitive transitions

The building is designed to directly present an interesting architectural pattern along Fairview Rd and Calgary Ave. The strong architectural presence is enhanced on the corner with a large dramatic overhang. The building pulls away from the quiet neighbors to the north and east.

G6 Views

There are no significant water, mountain, or ridge views for the site.

G7 CPTED

CPTED principles are prevalent in the site plan and building plan. There are no dead-end corners, there are many windows, one in every room, high quality spaces and natural surveillance keep the site safe. Landscaping around the building is strategic in height for safety and views. The entrance is big and well lit with full glazing. A 6' tall black metal fence protects the surgery rooms, from the public.

G8 Secondary Buildings
Not Applicable
G9 Pedestrian connectivity
Public sidewalks connect all the neighboring properties. The front entrance naturally connects to Calgary Ave, through a landscaped accessible pedestrian area.
G10 Pedestrian connections for block scale 60 – 190 m
Not Applicable
G11 Barrier free
The entire site is barrier free.
G12 Pedestrian ways
Paving accents are intended for the pedestrian areas.
G13 Residential entrance
Not Applicable
G14 Residential outdoor space
Not Applicable
G15 Fencing public realm to be transparent
The fence along Fairview Rd is a traditional black metal picket fence with 4" spaces between the pickets. It is highly transparent and bordered with landscaping.
G16/17 Site and building access prioritize pedestrians... minimize visual impact... pathways
The vehicular access, drive aisles and parking spaces were designed as efficiently as possible due to site constraints, and a narrow tapering site. They are surrounded by wide walkways and landscaped permeable areas. The pedestrian entrances link directly to the parking area, for safe efficient pedestrian circulation. The parking is located behind the building shielding it from the street. The parking is screened from the neighbors with 6 ft tall fences and landscaping. However, there are no dead ends or dark corners and circulation through the parking area is safe and comfortable.
G18 Parking structures
Not Applicable
G19 Multifamily developments
Not Applicable
G20 Design should respond to Penticton's setting and climate
The building is designed for passive solar control with large windows facing south. The high sun path in the summer months will be blocked by the large projecting canopy. The cooler months when the sun is low, will allow the sun to penetrate into the building under the overhang. The west facing windows have deciduous trees protecting the glass from summer sun, and deep angled walls eliminate summer glare and afternoon heat gain. A large skylight naturally lights the reception desk all year.
G21 Orientation of building... face public spaces
The building is situated on the busy public corner of Fairview Rd and Calgary Ave with large windows facing out. The entrance is alongside Calgary Ave, open to the street. Fairview Rd is lined with windows, so that no public areas face blank elevations.
G22 Larger buildings
Not Applicable
G23 Upper storeys
Not Applicable
G24 Street facing layering
There is a layer of landscaping, fencing and walkways along the front edge of Fairview Rd and Calgary Ave.
G25 Stepped massing
Not Applicable
G26 Minimize impacts... adjacent dwellings
The building has no overlook on the adjacent dwelling, Impact on privacy is negligible. Fences and landscaping create a buffer.

G27 – G31 Eyes on the street

The building is designed to standard CPTED principles including "eyes on the street". Windows and doors open to every elevation. The parking area is wide, open and well lit, and leads directly to the front entrance. There are 2 street connections and walkways, with no dead-ends. The entry is clearly visible, and a landscaped staff seating area overlooks the parking area and covers the blank rear wall. The entrance and reception area looks out to the front through a large window for natural surveillance.

G32 Riparian

Not Applicable

G33 Water conservation for landscaping

Mulch and efficient sub surface drip irrigation help in water conservation for landscaped areas.

G34 Tree retention

Not Applicable

G35 Tree planting

Trees are planted along the perimeter of the site including Fairview Rd. They are closer than 10m apart and have water efficient irrigation.

G36 Landscape habitat

A rich landscape plan is proposed that will attract birds and bees.

G37 Stormwater

A large area of the site is permeable landscaped soil that will help control storm water runoff.

G38 Screening and Buffering

A landscape buffer is included along the east property line to the residential neighbor. A 6 ft (1.8 m) tall fence and trees screen the parking area from the house and residential yard.

G39 Defining public private realms

The public sidewalks will be bordered with green softscape along Fairview Rd and Calgary Ave clearly defining the public private interface.

G40 Energy

The entire west side of the building is passive solar controlled with a deciduous tree at each window.

G41-G42 See landscape drawings

G43-47 Corner Lots / Public Art – focal points

The building sits proudly on the corner of Fairview Rd and Calgary Ave. The entrance is not located on the outside corner, rather it is located to the east side, designed to create an efficient and safe connection to the parking area. The outside corner of the building is the waiting room inside. The building acts both as a viewing platform with large windows inside to out, but also offers privacy and protection to those in the waiting and lobby area. Carefully placed windows, and deep walls shelter sitting areas behind opaque walls, framed by large windows. The architecture is a landmark design with deep articulated walls and a large pronounced corner overhang. The design is sculpted along the south corner to enhance the public realm and create interest at a busy intersection.

G48-G51 Lighting

Lighting will be designed to meet criteria for this section.

G52 – G53 Signage

Signage will be designed to meet criteria for this section.

G54 – G57 Electrical Pad

The transformer pad is located in a landscaped area and does not obstruct private views for surveillance. There is no riparian area nearby.

G58-60 Waste Management

The garbage recycling area is in the rear corner of the lot, out of view, and creates no conflict with pedestrian patterns. The area has a screened enclosure, with direct access from the parking drive aisle.

G61-G63 Fences

The fence along Fairview Rd is a black metal picket fence with 4" spaces and is transparent. See site plan for fence locations

5.3.3.7 Commercial and Mixed-Use Guidelines

CM1 Not Applicable
CM2 Not Applicable
CM3 Not Applicable
CM4 Parking Areas to rear
See answer to G16-17
CM5 Not Applicable
CM6 Parking with no lane
The parking access is from both streets, Fairview Rd and Calgary Ave.
CM7 Not Applicable
CM8 Building projections
See answer to Variance request in Letter of Intent.
CM9-CM12 Commercial frontages
Mostly these DP items refer to a retail/ restaurant street frontage, and less to a standalone dental office. However, the dental office entrance will be clearly signed and indicate primary pedestrian access.
CM13-CM16 Weather protection
Mostly these DP items refer to a retail/ restaurant street frontage, and less to a standalone dental office. The overhang of the dental office does not cover the public sidewalk however, part of the building roof forms the covered entrance area.
CM17-CM21 Signage
All signage at the dental office is individual back lit channel letters or equivalent to offer a high-quality exterior finish. Signage is attached directly to the building face. Traffic signage will be visible from the street and building signage will be placed for pedestrian-orientation.
CM22-24 Not Applicable

John Saliken | **Principal**
Architect AIBC, AAA,
john@suvaarchitecture.com
direct 604 318 1904

Development Permit Analysis

The proposed development is considered within the Commercial & Mixed Use 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.).*

- The subject property is located at a prominent intersection of busy roads, and has been designed to engage with the corner. The Lake-to-Lake bike route runs along Fairview Road in front of this property, and as a result the driveway entrance onto Fairview Road has been designed as 'Exit Only' to limit interference with the bike lane.

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

- The proposed building is set close to the intersection of Fairview Road and Calgary Avenue, supporting strong street definition by placing parking in behind the building.

Guideline G11 *Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*

- The plans show a barrier-free access to the main entrance from both the parking area and the public sidewalk on Calgary Avenue.

Guideline G17 *On-site parking location and design should minimize visual impact and provide safe connections for pedestrians.*

- The parking area is proposed at the rear of the proposed building, not in between the building and the street.

Guideline G20 *Designs should respond to Penticton's setting and climate […]*

- The white exterior of the building reduces the heat absorption effect. Roof overhangs assist with limiting sunlight and heat directly into the building while still allowing large windows on the southern and western street facades.

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 and every business).*

- The development plans show the street-facing facades of the proposed dental office feature various windows, architectural projections, and roof overhangs to provide visual interest and architectural character facing towards the street. The main entrance is clearly visible from Calgary Avenue and set close to the public sidewalk.

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

- The proposed building is set back approximately 15m (49 feet) from the adjacent residential property to the east. That setback and the one storey building design minimizes potential privacy impacts from the proposed development.

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

- The primary entrance is clearly visible from Calgary Avenue. The landscaping plan shows an attractive corner at the intersection with an addressing sign to make the building easily identifiable.

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.*

- The building design features windows on all sides of the building, facing out towards both fronting streets as well as the parking area.

Guideline G35 *Tree planting […]*

- Nine (9) trees are proposed along the property lines abutting the cemetery to the north and the single detached home to the east. These trees, in addition to other plantings and fencing, will assist with buffering the proposed new commercial use from its neighbours.

Guideline G38 *Screening & Buffering*

- A landscape buffer is required along the east property line abutting a single detached home. The proposed landscape buffer width is 1.8m, which is less than the 3m wide normally required. The applicant has shown on the landscaping plan that the landscape buffer is sufficiently wide to provide the required number of trees and shrubs as per the Zoning Bylaw requirements. The reduced width of the landscape buffer is proposed to be varied through the development permit, as permitted by Section 5.1.4 of the Official Community Plan.

Guideline G43 *Address both fronting streets in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades.*

- The main entrance faces towards Calgary Avenue, and there are a number of vertical windows leading from floor to ceiling. These features in addition to architectural projections and roof overhangs provide visual interest to the street-facing facades at this corner property.

Guideline G58/59 *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. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.*

- The garbage and recycling storage area is located at the northeast corner of the property, far from either fronting street. The 1.8m (6 foot) high screening around the storage area will assist with shielding the receptacles from view.

Guideline G63 *All plans should show intended fencing.*

- Fencing is proposed along the two neighbouring property lines to buffer the dental office use form the cemetery to the north and the single detached dwelling to the east.

Guideline CM1 *Retail building frontages…*

- The proposed building is set close to the public sidewalks with a minimal setback to the property lines. The main entry is at the same level as the adjacent sidewalk on Calgary Avenue.

Guideline CM4 *Locate parking areas to the rear or interior of a site rather than between the street and building.*

- The parking area is behind the building and not located between the building and the street. This design choice provides a strong connection to the street.

Guideline CM10 *Visual connection to the store interior maintained through at least 75% glazing along the primary store frontage. Windows shall be transparent and clear of obstructions (e.g., posters, decorative decals, reflective and highly tinted glass, etc.) looking onto display materials and/or active uses.*

- The proposed building features large windows facing both streets.

Guideline CM14 *Design awning and canopies as an extension of the architectural expression of the building façade.*

- The design includes roof projections along the length of the building, with roof projections towards both fronting streets to provide architectural interest and shade. These features are architecturally integrated into the building design.

City of Penticton
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Development Permit

Permit Number: DP PL2020-8849

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 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164
Civic:	1196 Fairview Road
PID:	010-850-163

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a one-storey dental office as shown in the plans attached in Schedule 'A'.

4. In accordance with Section 489 of the Local Government Act, the following provisions of the City of Penticton Zoning Bylaw No. 2021-01 are varied by this permit:
    a. Table 5.1: to reduce the width of the landscape buffer (east) from 3.0m to 1.8m.
    b. Table 4.1: to increase the permitted eaves and roof projection into a required front yard setback (Calgary Ave) from 1.5m to 2.4m.
    c. Table 4.1: to increase the permitted eaves and roof projection into a required exterior side yard setback (Fairview Rd) from 1.5m to 2.85m.
    d. Table 4.1: to increase the maximum architectural projection into the required front yard setback (Calgary Ave) from 25% of the building face projecting up to 0.6m to 38% of the building face projecting up to 1.8m.
    e. Table 4.1: to increase the maximum architectural projection into the required exterior side yard (Fairview Rd) from 25% of the building face projecting up to 0.6m to 41% of the building face projecting up to 0.7m.

5. 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

DRAFT

c. repair damage to the natural environment that has resulted from a contravention of this permit.

6. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:

   a. The permit has lapsed as described under Condition 9, 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.

7. 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

8. 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'.

9. 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.

10. **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.**

11. 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.

12. 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.

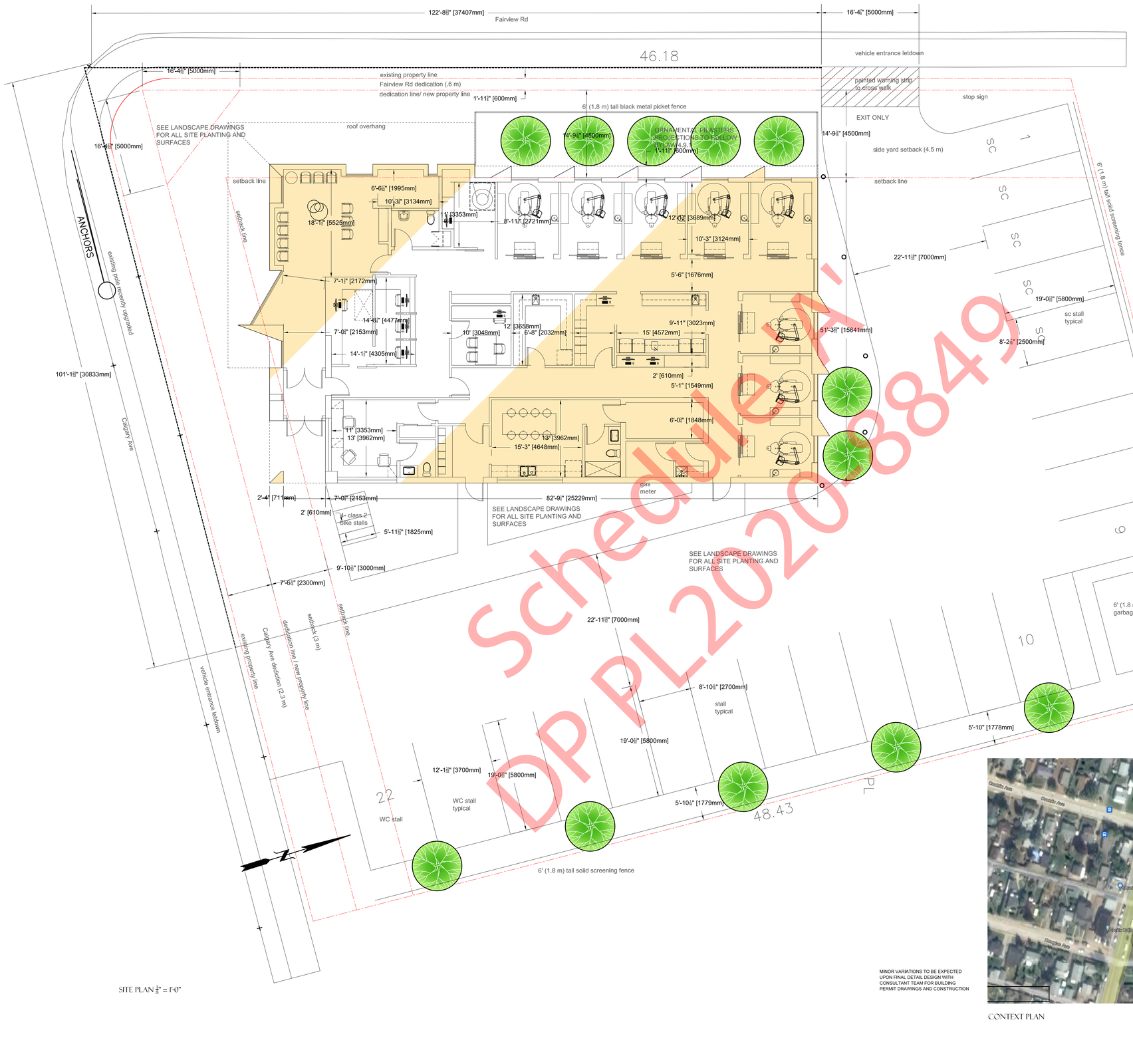
Authorized by City Council, the _____ day of _____, 2022.

Issued this _____ day of _____, 2022.

_____

Angela Collison
Corporate Officer

DRAFT



SITE PLAN $\frac{1}{8}$" = 1'-0"

Schedule 'A'
DP PL2020-8849

MINOR VARIATIONS TO BE EXPECTED UPON FINAL DETAIL DESIGN WITH CONSULTANT TEAM FOR BUILDING PERMIT DRAWINGS AND CONSTRUCTION

CONTEXT PLAN

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REVISION
7.CORNER CUT REDUCED TO 5 M
6.EXIT ONLY ADDED
6.ACCESS PLAN CONSOLIDATED

REVISIONS:

7	FEB 23, 2022	RE- ISSUED FOR DP/REZONING
6	JAN 24, 2022	RE- ISSUED FOR DP/REZONING
5	JAN 20, 2022	RE- ISSUED FOR DP/REZONING
4	DEC 27, 2021	RE- ISSUED FOR DP/REZONING
3	NOV 12, 2021	RE- ISSUED FOR DP/REZONING
2	NOV 4, 2021	RE- ISSUED FOR DP/REZONING
1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL

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FAIRVIEW DENTAL CLINIC
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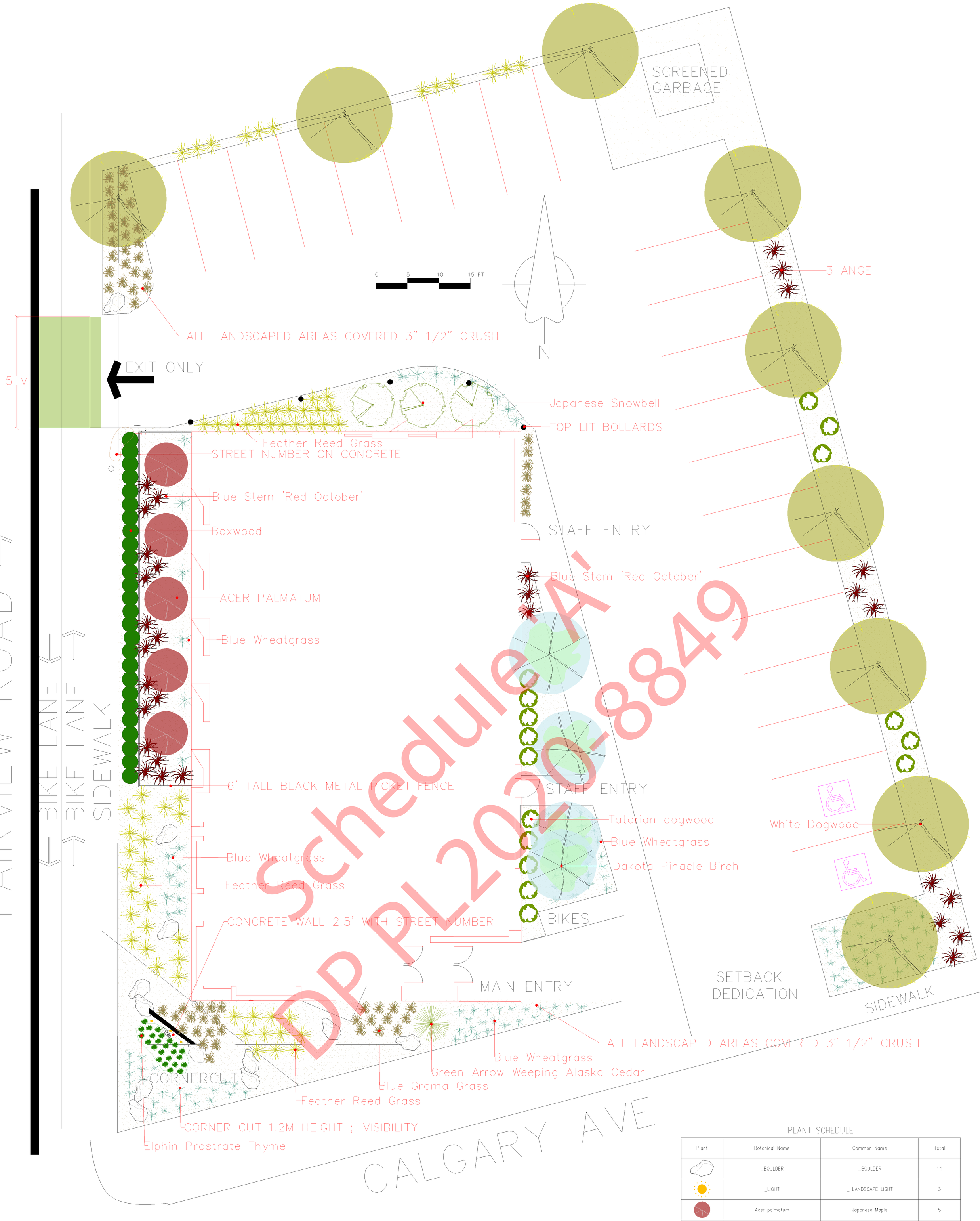
SCALE:	As Indicated
DRAWN BY:	JS

SHEET TITLE:
SITE PLAN
CONTEXT PLAN
ACCESS

PROJECT No.:	20-003
DATE:	August 13, 2020
DRAWING No.:	REV.
A0.01	1



Schedule 'A'
DP PL2020-8849

PLANT SCHEDULE

Plant	Botanical Name	Common Name	Total
	_BOULDER	_BOULDER	14
	_LIGHT	_ LANDSCAPE LIGHT	3
	Acer palmatum	Japanese Maple	5
	Andropogon gerardii 'Red October'	Blue Stem 'Red October'	31
	Betula platyphylla 'Fargo'	Dakota Pinacle Birch	4
	Bouteloua gracilis 'Blonde Ambition'	Blue Grama Grass	59
	Buxus 'Green Gem'	Boxwood	26
	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	67
	Chamaecyparis nootakatensis 'Green Arrow'	Green Arrow Weeping Alaska Cedar	1
	Cornus florida	White Dogwood	9
	Cornus siberica	Tatarian dogwood	16
	Elymus magellanicus	Blue Wheatgrass	152
	Styrax japonicus	Japanese Snowbell	3
	Thymus 'Elphin'	Elphin Prostrate Thyme	24

NEW LANDSCAPE INSTALLATION NOTES:

- IRRIGATION ALL LANDSCAPING AREAS WILL BE SERVICED BY FULLY AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM
- NEW SOIL TO BE ADDED TO NEW PLANTING AREAS
- PLANTING AS PER DETAIL
- COMMERCIAL GRADE LANDSCAPE FABRIC TO BE USED IN ALL LANDSCAPING AREAS
- 3" DEPTH OF GRAVEL TO BE USED OVER ALL LANDSCAPE AREAS

PLANT MATERIAL:

- ALL TREES TO HAVE A MINIMUM CALIPER OF 60MM AND CLEAR STEM HEIGHT OF 1.5M
- ALL SHRUBS AND PERENNIALS TO BE MINIMUM NO 2 POT

MAINTENANCE:

- IRRIGATION TO BE BLOWN OUT EACH FALL BEFORE HARD FROST
- IRRIGATION TO BE ACTIVATED BY APRIL 1. CHECK ALL DRIP IS PROPERLY WORKING.
- FIRST TWO YEARS AFTER INSTALL: DRIP IRRIGATION TIMING TO BE 3 X PER WEEK UNTIL PLANT MATERIAL WELL ESTABLISHED. THEREAFTER IRRIGATION TIMING SHOULD BE CUT DOWN TO 1X PER WEEK.
- SHRUBS AND PERENNIALS SHALL BE CUT DOWN TO A HEIGHT OF 4-6" MARCH 15. ORNAMENTAL GRASSES ARE TO BE ALLOWED TO REMAIN THROUGH THE WINTER.

SHEET 1 OF 3
DRAWING NO.
FILE NO.

REVISIONS

DATE	DESCRIPTION	APPROVED
10/15/2020	REVISIONS	
11/05/2021	REVISIONS	
12/16/21	REVISIONS	

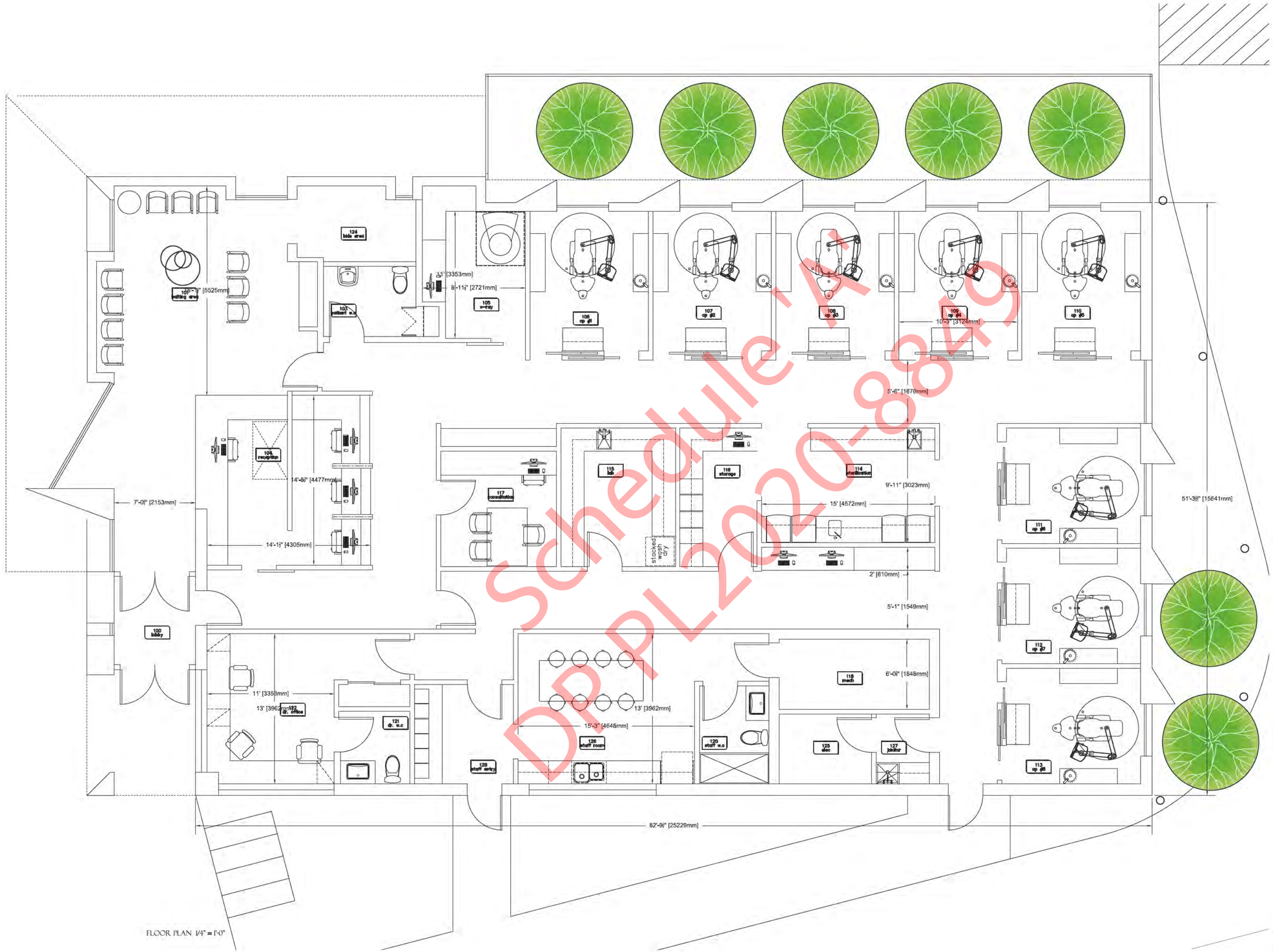
DIG IT DESIGN
LANDSCAPE DESIGN
Barb Lennie Davis
www.barblennie.com
250-460-1709 barblennie@gmail.com

LANDSCAPE DESIGN CONCEPT

DESIGNED BARB DAVIS
DRAWN 12/16/21
CHECKED

1196 FAIRVIEW ROAD, PENTICTON

APPROVED _____ DATE ____
TITLE _____ JOB CLASS __



FLOOR PLAN 1/4" = 1'-0"

MINOR VARIATIONS TO BE EXPECTED UPON FINAL DETAIL DESIGN WITH CONSULTANT TEAM FOR BUILDING PERMIT DRAWINGS AND CONSTRUCTION

Schedule A
DP PL2020-8849

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REVISIONS:

4	DEC 27, 2021	RE-ISSUED FOR DP/REZONING
3	NOV 12, 2021	RE-ISSUED FOR DP/REZONING
2	NOV 4, 2021	RE-ISSUED FOR DP/REZONING
1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL

2021-12-28

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SCALE: As Indicated
DRAWN BY: JS
SHEET TITLE:
FLOOR PLAN

PROJECT No.: 20-003
DATE: August 13, 2020
DRAWING No.: A1.01
REV.: 1

MATERIALS LEGEND	
#	DESCRIPTION
	FLASHINGS - PAINTED ALUMINUM
1	TILE OR STUCCO - LIGHT SHADE OF WHITE OR EQUIVALENT
2	FIBER CEMENT PANEL
3	STUCCO OR TILE - SHADE OF WHITE OR EQUIVALENT
4	CLEAR GLAZING OR EQUIVALENT
5	ANODIZED ALUMINUM FRAME OR EQUIVALENT
6	STEEL PAINTED DOOR
7	WOOD SOFFIT OR EQUIVALENT

NOTE: ALL MATERIALS TO BE FINALIZED POST TENDER.

1 South Elevation
1/4" = 1'-0"

2 West Elevation
1/4" = 1'-0"

Schedule 'A'
DP PL2020-8849

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REVISIONS:

1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL:

2021-12-28

CLIENT:

CONTACT:
ADDRESS:
CITY:
TEL:
EMAIL:

PROJECT:

FAIRVIEW DENTAL CLINIC
1196 Fairview Rd.
Penticton, BC V2A 5Z4

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ARCHITECTURE INC.
720 - 999 W. BROADWAY
VANCOUVER BC. V5Z 1K5
+1 604 318 1904
john@suvaarchitecture.com
www.suvaarchitecture.com

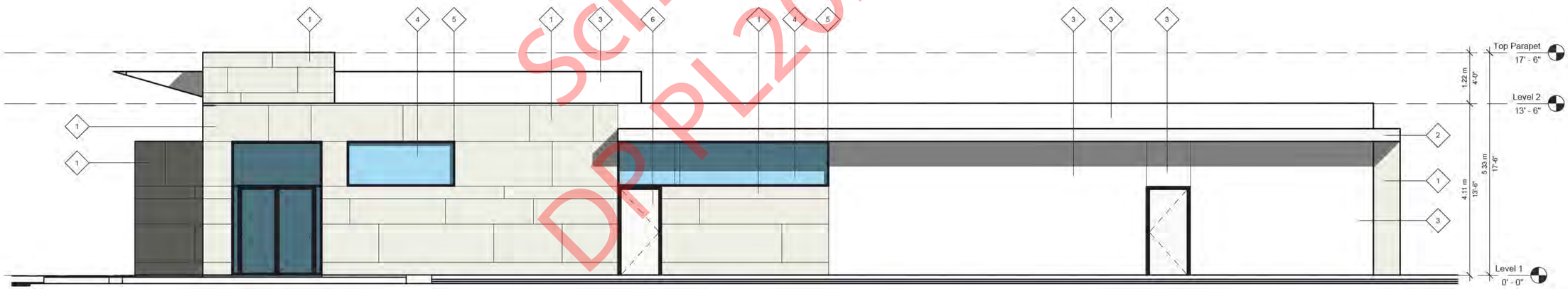
SCALE: 1/4" = 1'-0"
DRAWN BY: AB
SHEET TITLE:
ELEVATIONS - SOUTH & WEST

PROJECT No.: 20-003
DATE: August 13, 2020
DRAWING No.: A2.01
REV.: 1

MATERIALS LEGEND	
#	DESCRIPTION
	FLASHINGS - PAINTED ALUMINUM
1	TILE OR STUCCO - LIGHT SHADE OF WHITE OR EQUIVALENT
2	FIBER CEMENT PANEL
3	STUCCO OR TILE - SHADE OF WHITE OR EQUIVALENT
4	CLEAR GLAZING OR EQUIVALENT
5	ANODIZED ALUMINUM FRAME OR EQUIVALENT
6	STEEL PAINTED DOOR
7	WOOD SOFFIT OR EQUIVALENT

NOTE: ALL MATERIALS TO BE FINALIZED POST TENDER.

1 North Elevation
1/4" = 1'-0"



2 East Elevation
1/4" = 1'-0"

Schedule 'A'
DP PL2020-8849

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REVISIONS:

1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL:

REGISTERED ARCHITECT
BRITISH COLUMBIA
2021-12-28

CLIENT:

CONTACT:
ADDRESS:
CITY:
TELL:
EMAIL:

PROJECT:

FAIRVIEW DENTAL CLINIC
1196 Fairview Rd.
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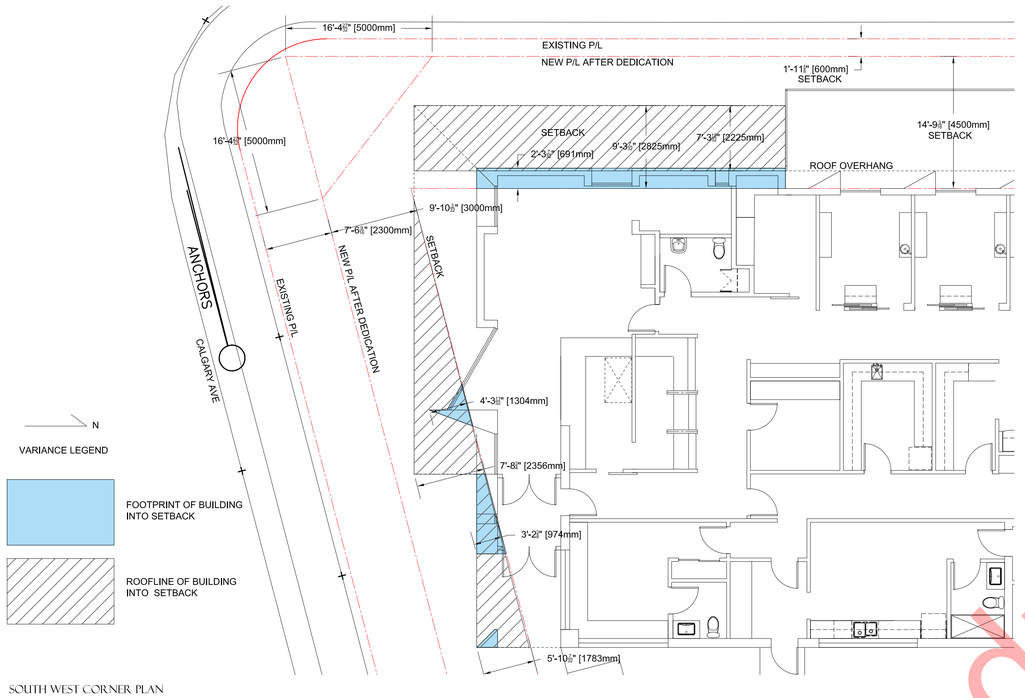
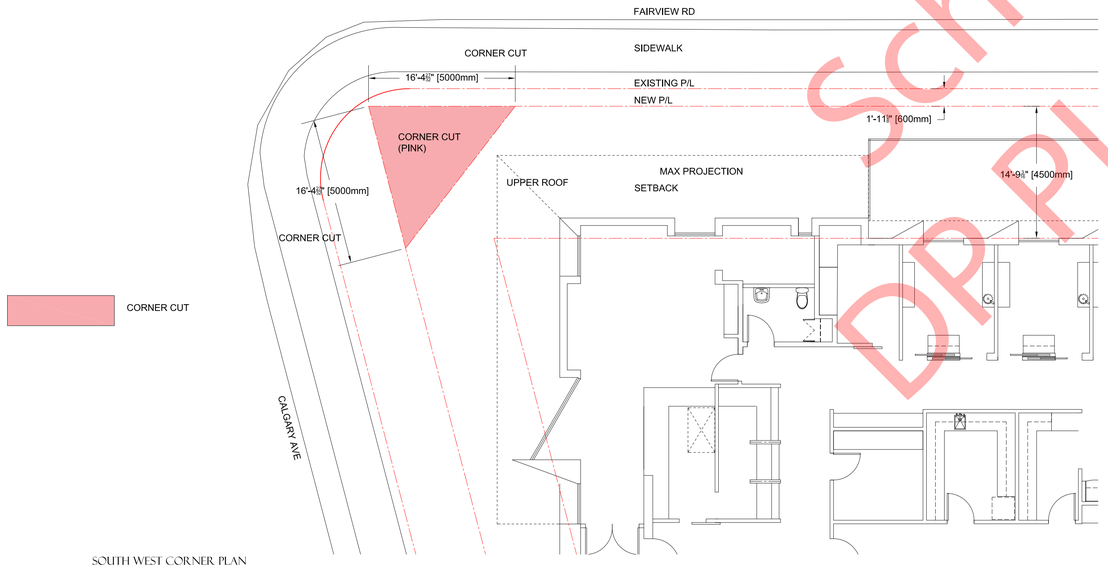
SCALE: 1/4" = 1'-0"
DRAWN BY: AB
SHEET TITLE:
ELEVATIONS - NORTH & EAST

PROJECT No.: 20-003
DATE: August 13, 2020
DRAWING No.: A2.02
REV.: 1



SOUTH WEST CORNER PLAN



SOUTH WEST CORNER PLAN

WEST ELEVATION
AREA 1,370 SF
AREA IN SETBACK 560 SF
40.9%

SOUTH ELEVATION
AREA 853 SF
AREA IN SETBACK 325.6 SF
38%

(FROM FOOTPRINT OF) BUILDING INTO SETBACK

ROOFLINE OF BUILDING INTO SETBACK

CORNER CUT

MINOR VARIATIONS TO BE EXPECTED UPON FINAL DETAIL DESIGN WITH CONSULTANT TEAM FOR BUILDING PERMIT DRAWINGS AND CONSTRUCTION

Schedule 'A'
DP PL2020-8849

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REVISIONS:
2, CORNER CUT REDUCED TO 5 m

2	FEB 23, 2022	ISSUED FOR DP/REZONING
1	DEC 27, 2020	ISSUED FOR DP/REZONING

SEAL

2022-02-23

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FAIRVIEW DENTAL CLINIC
1196 Fairview Rd.
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SCALE:	1/8"=1-0"
DRAWN BY:	JS

SHEET TITLE:
VARIANCES

PROJECT No.:	20-003
DATE:	OCT 1, 2021
DRAWING No.:	REV.
A4.01	1

The Corporation of the City of Penticton

Bylaw No. 2022-13

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-13".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) to C1 (Commercial Transition).

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

READ A FIRST time this	1	day of	March, 2022
A PUBLIC HEARING was held this	15	day of	March, 2022
READ A SECOND time this		day of	, 2022
READ A THIRD time this		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 8 day of March, 2022 and the 9 day of March, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-13

Date: Corporate Officer:

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February 24, 2022 8:45:43 AM

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Coordinate System: NAD 1983 CSRS UTM Zone 11N