



Public Hearing No. 1

penticton.ca

Public Hearing

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

To view the live broadcast, visit www.penticton.ca

**Tuesday, May 2, 2023
at 6:00 p.m.**

- | | | |
|-------|---|------|
| 1. | Mayor Calls Public Hearing to Order for "Zoning Amendment Bylaw No. 2023-14" | 1-35 |
| CO | Reads Opening Statement and Introduction of Bylaw | |
| | "Zoning Amendment Bylaw No. 2023-14" | |
| | Purpose: To amend Zoning Bylaw No. 2023-08 as follows: | |
| | Rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 37914. Located at 924 Fairview Road, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing), to facilitate the construction of a 6-unit townhouse development. | |
| | The applicant is proposing to construct a 6-unit townhouse development consisting of two, three-storey triplexes accessed from an internal driveway. Each unit has its own garage and rear yard space. | |
| | Notice: Pursuant to the <i>Local Government Act</i> the Public Hearing was advertised on Friday, April 21, 2023 and Wednesday, April 26, 2023 in an online news source and the newspaper. | |
| CO | Two letters have been received regarding the Zoning Amendment Bylaw (as of noon Wednesday, April 26, 2023). | |
| 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 | |
| | PUBLIC HEARING for "Zoning Amendment Bylaw No. 2023-14" is terminated and no new information can be received on this matter. | |

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

Tuesday, April 18, 2023
at 1:00 p.m.

Resolutions

- 8.4 Zoning Amendment Bylaw No. 2023-14
Development Permit PL2022-9302
Re: 924 Fairview Road

169/2023

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-14", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 37914, located at 924 Fairview Road, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing), to facilitate the construction of a 6-unit townhouse development;

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-14" to the May 2, 2023 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2023-14", require a 0.8m road dedication along the frontage of the subject property be registered with the Land Title Office;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-14", approve "Development Permit PL2022-9302", a permit to approve the form and character of a 6-unit townhouse development.

CARRIED
Mayor Bloomfield and Councillor Miller, Opposed

Council Report

penticton.ca

Date: April 18, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Senior Planner
Address: 924 Fairview Road

File No: RMS/924 Fairview Rd

**Subject: Zoning Amendment Bylaw No. 2023-14
Development Permit PL2022-9302**

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-14", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 37914, located at 924 Fairview Road, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing), to facilitate the construction of a 6-unit townhouse development;

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-14" to the May 2, 2023 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2023-14", require a 0.8m road dedication along the frontage of the subject property be registered with the Land Title Office;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-14", approve "Development Permit PL2022-9302", a permit to approve the form and character of a 6-unit townhouse development.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicant is proposing to construct a 6-unit townhouse development on the subject property (Figure 1). The proposal consists of two, three-storey triplexes accessed from an internal driveway. Each unit has its own garage and rear yard space.



Figure 1 - Rendering of proposed development

To facilitate the proposed development, an application was made to rezone the property from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) to allow the multifamily use.

Council previously gave first reading to Zoning Amendment Bylaw 2022-37 on July 5, 2022, but did not give further readings after the Public Hearing held on July 19, 2022, citing concerns about access and design. More information about this file's history is in the 'Background' section of this report (below). The applicants have redesigned the proposed development and are now requesting further consideration of the rezoning and approval of the associated 'form and character' development permit.

Background

Property Description

The subject property is located on the east side of Fairview Road, just south of the Martin Street/Fairview Road/Scott Avenue intersection (Figure 2). The property contains a single detached dwelling constructed in 1954, which is proposed to be demolished. Apartment buildings are located on neighbouring properties to the north and south, with other apartments and townhomes located in the surrounding area. The Lake-to-Lake bike route runs directly in front of the subject property, with driveway access to the property in the same location as the current driveway. The property is within walking distance of the downtown, Penticton Public Library, KVR Middle School and Penticton Secondary School.

The property is currently zoned 'RD1 (Duplex Housing)' and is designated 'Urban Residential' by the Official Community Plan (OCP).

Previous Council Decisions

Staff presented a previous version of this application for 7 townhouse units to Council for introduction on July 5, 2022. That proposal included a Development Variance Permit request to reduce the minimum required rear yard setback from 6.0m to 5.4m to accommodate the 7-units factoring in the required 0.8m road dedication at the front of the property. Council gave the Zoning Amendment Bylaw first reading on July 5, 2022, and forwarded the bylaw to the July 19, 2022 Public Hearing.

At the July 19, 2022 Public Hearing, six people spoke with concerns about the proposal. The main concerns were focused on the density for the lot and the only access/egress point at Fairview Road, near the intersection with Scott Avenue/Martin Street and the Lake-to-Lake bike route in front. After the Public Hearing, Council voted to deny 2nd and 3rd reading to the Zoning Amendment Bylaw. This vote kept the bylaw at first reading and allowed the applicant to revisit their proposal in response to the Public Input.



Figure 2 - Property location map

274/2022	<p>It was MOVED and SECONDED THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-37".</p> <p style="text-align: right;">DEFEATED</p> <p style="text-align: center;">Mayor Vassilaki and Councillors Bloomfield, Miller, Sentes and Watt, Opposed</p>
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Revised Proposal

The resubmission package was submitted to the City in February 2023, and reviewed by staff. The applicant has submitted an updated letter of intent (Attachment 'D').

The letter states the applicant attempted to acquire the property to the east, which would have allowed an alternate road access to Fairview Road, however that acquisition was not successful.

The letter further describes the changes made to their application package in response to the public hearing in July 2022.

The key changes are:

- Reduce the number of units from 7 to 6,
- Provide a larger vehicle turnaround area at the rear of the property, and
- Eliminate the previous variance request to reduce the required rear yard from 6.0m to 5.4m.

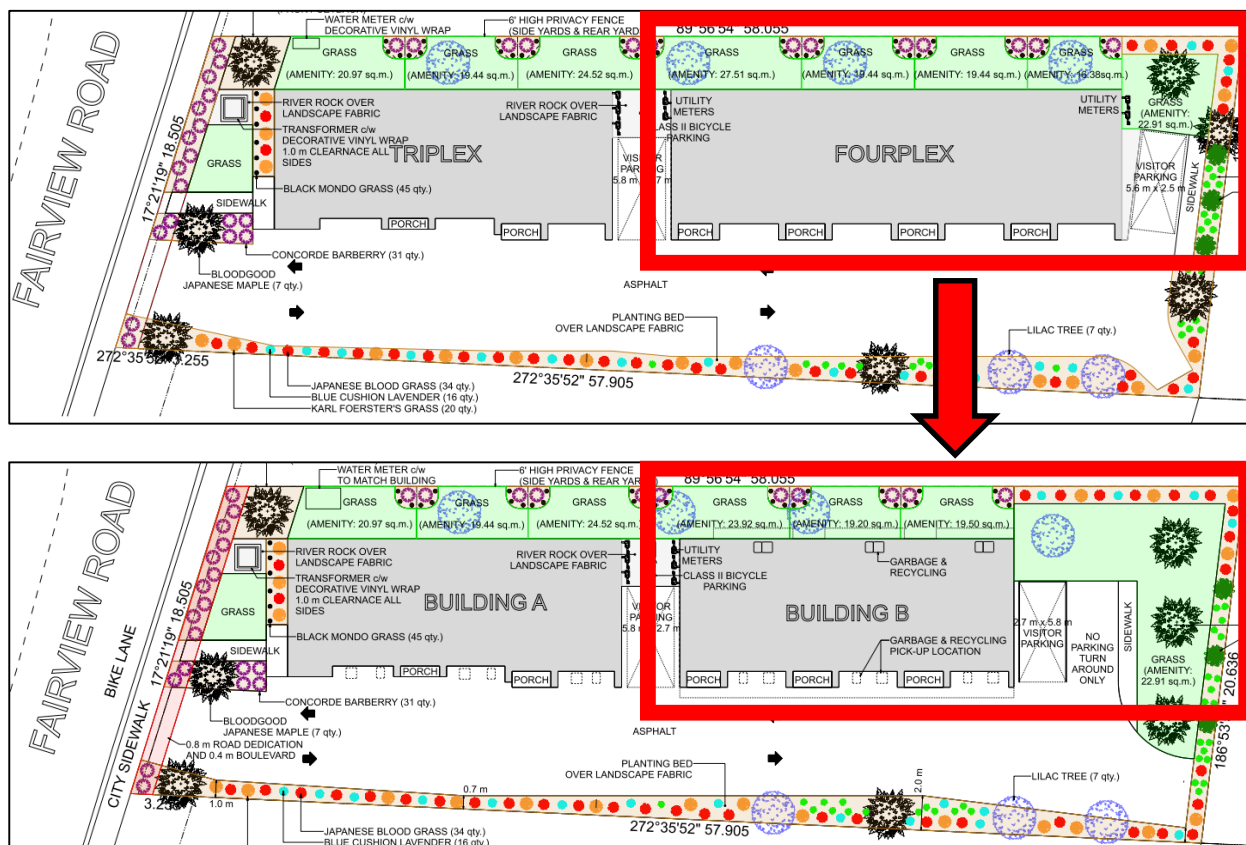


Figure 3 - Original 7-unit proposal (top) versus the updated 6-unit proposal (bottom)

New Zoning Bylaw

Since submission of the revised plans, the City has adopted a new zoning bylaw (Zoning Bylaw 2023-08). The new zoning bylaw does not impact the development in any substantial way. Regardless, as the original application was made before the zoning bylaw was considered by Council, the development would not be subject to any of the recent bylaw changes. However, because of the new Zoning Bylaw 2023-08 now in effect, a new amendment bylaw is being presented to Council for first reading and staff recommend another public hearing so Council can hear feedback directly from the public on this revised proposal.

Climate Impact

Council adopted the Community Climate Action Plan (CCAP) in 2021. The proposed development is consistent with the following aspects of the CCAP:

- **Shift Beyond the Car:** Encourage active & accessible transportation and transit.
 - Each unit has a private attached garage, which provides sufficient room to securely store a bicycle.
 - Visitor bike parking racks are provided on the property, near the vehicle visitor parking.
 - The subject property is located along the Lake-to-Lake bike route on Fairview Road, which has also bus routes and nearby bus stops within walking distance.
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
 - The new buildings will be required to meet Step 3 of the BC Energy Step Code as a minimum standard of energy efficiency.

Technical Review

This proposed development was reviewed by the Technical Planning Committee, a group of internal staff who review development applications. The committee identified a 0.8m road dedication along the Fairview Road frontage and recommend that the dedication occur through the rezoning process, in order to achieve the desired road right-of-way width. The applicant is aware of this recommendation and has designed their development accordingly. Other updates to the plans were completed to address the staff review comments. Future requirements related to the building permit stage have been provided to the applicant, in the effort to expedite that future approvals process, should Council ultimately approve the planning applications.

Access

The city's preference is for rear lane vehicle access, where possible, however the only access point to the subject property at this time is from Fairview Rd. The developer did approach the owner of the adjacent property to the east (off Weyburn St) to see if they would sell the property to avoid having vehicle access onto Fairview Road, and through the protected Lake-to-Lake bicycle route. As the applicant describes in their letter of intent (Attachment 'D'), they were unable to acquire the neighbouring Weyburn St property. Given that there is no alternate vehicle access point to the property at this time, the development has been designed to utilize the existing driveway onto Fairview Road and the updated plans provide 6 units instead of 7, along with a larger vehicle turnaround area on the lot than the previous proposal. The redesign would

also facilitate the option for access from the rear, if the right to access from the rear can be secured at a later date, allowing for the closure of the Fairview Rd driveway in the future.

Development Statistics

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

	RM2 Zone Requirement	Original Plans (7 units)	Updated Plans (6 units)
Minimum Lot Width*:	18 m	19.6 m	19.6 m
Minimum Lot Area*:	540 m ²	1,142 m ²	1,142 m ²
Maximum Lot Coverage:	40%	37%	30%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.75 FAR	0.63 FAR
Vehicle Parking:	1 parking space per dwelling unit 0.25 visitor parking spaces per dwelling unit Total: 7 parking spaces required	7 parking spaces in unit garages 2 visitor parking spaces Total: 9 parking spaces provided	6 parking spaces in unit garages 2 visitor parking spaces Total: 8 parking spaces provided
Bicycle Parking:	Class I: 0.5 spaces per dwelling unit Class II: 0.1 spaces per dwelling unit	Class I: each unit has a garage** Class II: 1 bicycle rack provided	Class I: each unit has a garage** Class II: 1 bicycle rack provided
Required Setbacks Front Yard (Fairview Rd): Side Yard (north): Side Yard (south): Rear Yard (east):	3.0 m 3.0 m 3.0 m 6.0 m	3.0 m 3.0 m 7.1 m 5.4 m – Variance Required	3.0 m 3.0 m 7.1 m 11.7 m
Maximum Building Height	12 m	10.1 m	10.3 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision. ** Section 6.4.3.5 allows unit garages to count as secure bicycle parking when each unit has access to its own garage space.		

Analysis

Rezoning

The OCP designation for the property is 'Urban Residential'. This land use designation supports townhouses, stacked townhouses, low-rise and mid-rise apartment buildings (Figure 4). The proposed 6-unit townhouse development is a consistent use with the Urban Residential designation. The Urban Residential designation calls for higher density residential development. This updated proposal does represent a reduction in

proposed density, at the past direction of Council, resulting in the applicant revising their proposal to reduce the number of units in the development from 7 to 6.

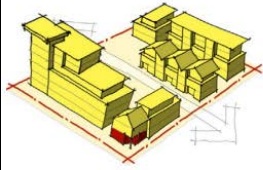
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
	Higher-density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame.	<ul style="list-style-type: none"> Townhouses and stacked townhouses Low-rise and mid-rise apartment/condo buildings 	<ul style="list-style-type: none"> Residential Limited Retail/Service 	Heights up to 6 storeys	RM3
Site-Specific Urban Residential Policy Statement: 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.					

Figure 4 - Excerpt from Land Use Designations table (OCP)

Staff consider that the proposed rezoning to the RM2 zone will allow for development that conforms to the following OCP Policies:

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- The property is located in an existing developed area with municipal services.
- 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.
- The developer is responsible to cover development costs including any required infrastructure upgrades. The City covers the surveying and registration costs of the road dedication. The developer will pay DCC's at the building permit stage to help account for the increased demand on municipal infrastructure.
- 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.
- There are other multifamily developments located along Fairview Road. The property is located along an urban collector road with a bike route, bus route, and is close to schools and commercial areas.
 - The plans meet the applicable Development Permit Area Guidelines in the OCP, as shown in the Development Permit Analyses (Attachments 'E' and 'F').
- Policy 4.1.3.4 Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or larger, to accommodate families.
- All 6 units are proposed to have 3-bedrooms and 2 full bathrooms. This provides an accommodation option for families.
- 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.

- The Lake-to-Lake bike route runs in front of the subject property
- The site is approximately 80m from a bus stop.
- The property is within walking distance of the downtown, shops, services, Penticton Public Library, KVR Middle School and Penticton Secondary School

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.

- The applicant has submitted a Development Permit application in conjunction with the rezoning request for Council’s consideration. Attachments ‘E’ and ‘F’ show how the proposed development meets the applicable OCP design guidelines.

Staff consider that the application proposes an appropriately scaled development in an area of the community that has been identified for increased density within the OCP. The reduction of one unit, expanded vehicle turnaround area, and additional rear yard setback in this revised proposal are positive changes to help address the concerns raised through the previous Public Hearing in July 2022. Given that there is adequate policy through the OCP to support the development, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2023-14” and forward the bylaw to the May 2nd Public Hearing.

Development Permit

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

The OCP allows for minor variances through a development permit, rather than a standalone development variance permit application. The applicant is proposing a reduced landscape buffer width along the south property line (Figure 5). Section 5.1.4 of the Official Community Plan allows variances to landscape buffers in cases where “the proposed building locations make establishment of a buffer difficult or impossible or where the trees will not thrive...in cases where the buffer is reduced, compensatory planting elsewhere on site or in the adjacent public realm is required.” In this instance, the south landscape buffer is reduced in width on these plans from 3m to 0.7m at its narrowest point, as a result of the driveway providing access into each unit garage. The north landscape buffer remains at the 3m required width. Staff are supporting the

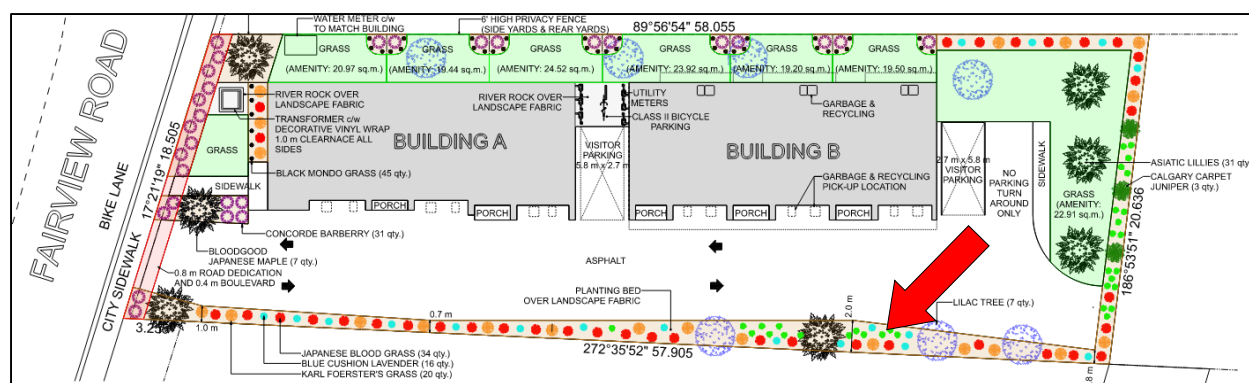


Figure 5 - Landscape plan showing reduced southern landscape buffer (red arrow)

variance through the development permit because the landscape plan shows that the required number of trees and shrubs will be planted along the reduced buffer, at the ratios required by the Zoning Bylaw: 1 tree per 10m and 1 shrub per 1m. As a result, no additional plantings elsewhere on site or in the public realm are required. This reduced landscape buffer allows vehicle access into the units and maintains shrubs and trees along this side of the property adjacent to the neighbouring apartment building.

Staff consider that the proposed development has been designed with the OCP policies and design guidelines in mind and with due consideration to neighbourhood fit and buffering impacts on neighbouring property owners. The reduction of one unit, expanded vehicle turnaround area, and additional rear yard setback in this revised proposal are positive changes to help address the concerns raised through the previous Public Hearing in July 2022. As such, staff recommend that Council consider approving the Development Permit, subject to the adoption of the related Zoning Amendment Bylaw.

Alternate Recommendations

Council may have a desire to see a similar density to what was previously proposed. If this is the case, Council may choose to proceed with further readings of the Zoning Amendment Bylaw, and provide direction to staff regarding the density that they wish to see at this location. This could include Council choosing to support the originally proposed Development Variance Permit and Development Permit.

1. THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-14";
AND THAT Council provide direction regarding the Development Permit.

Council may consider the proposed development to be undesirable at this location, or not in keeping with the goals and policies of the Official Community Plan. If this is the case, Council should to not give first reading to the Bylaw.

2. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2023-14".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Updated Letter of Intent and Development Permit Analysis (applicant)

Attachment E – Development Permit Analysis (staff)

Attachment F – Draft Development Permit PL2022-9302

Attachment G – Zoning Amendment Bylaw No. 2023-14

Respectfully submitted,

Concurrence

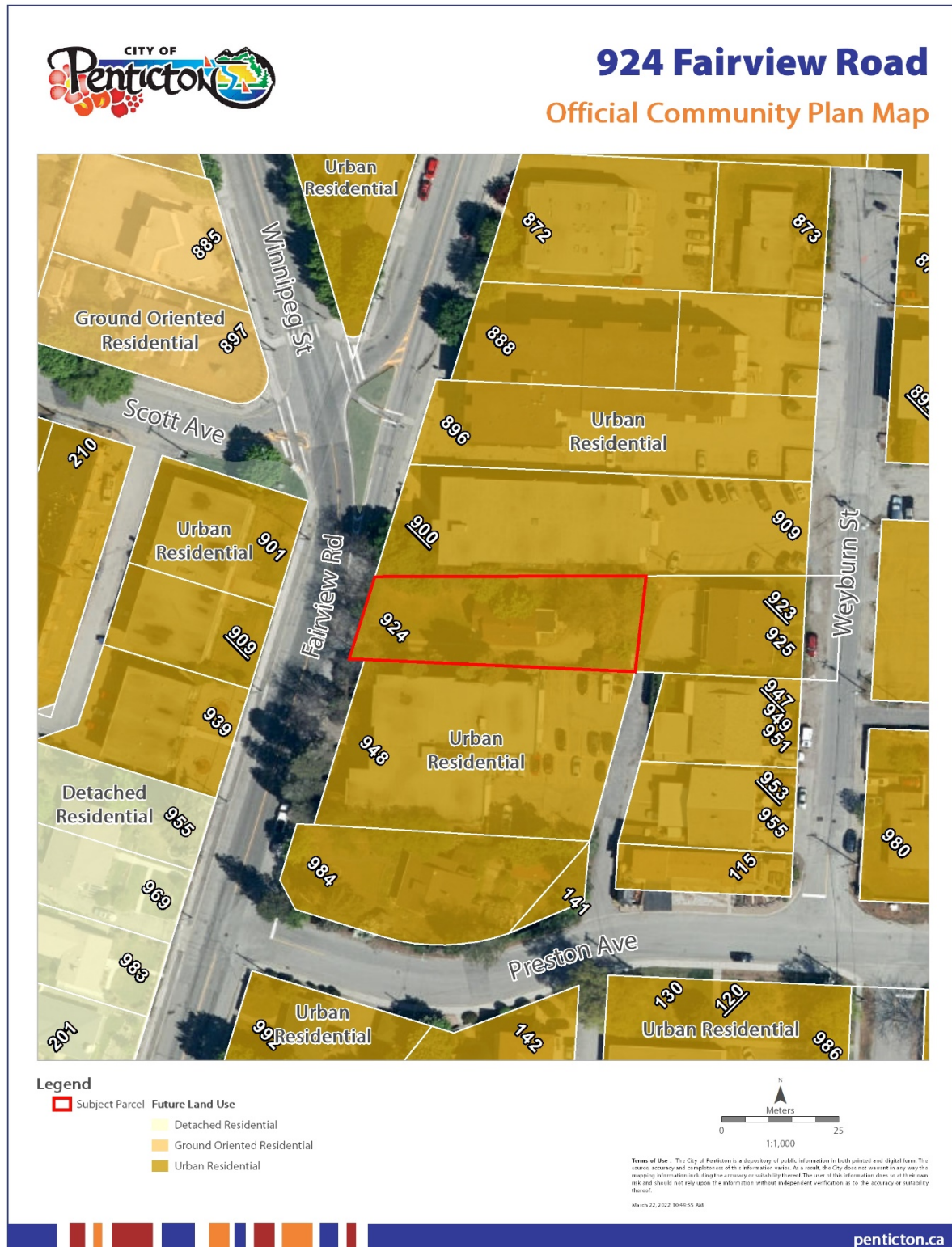
Steven Collyer, RPP, MCIP
Senior Planner

Director of Development Services <i>BL</i>	General Manager of Infrastructure <i>KD</i>	Chief Administrative Officer DyD
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Attachment A – Zoning Map

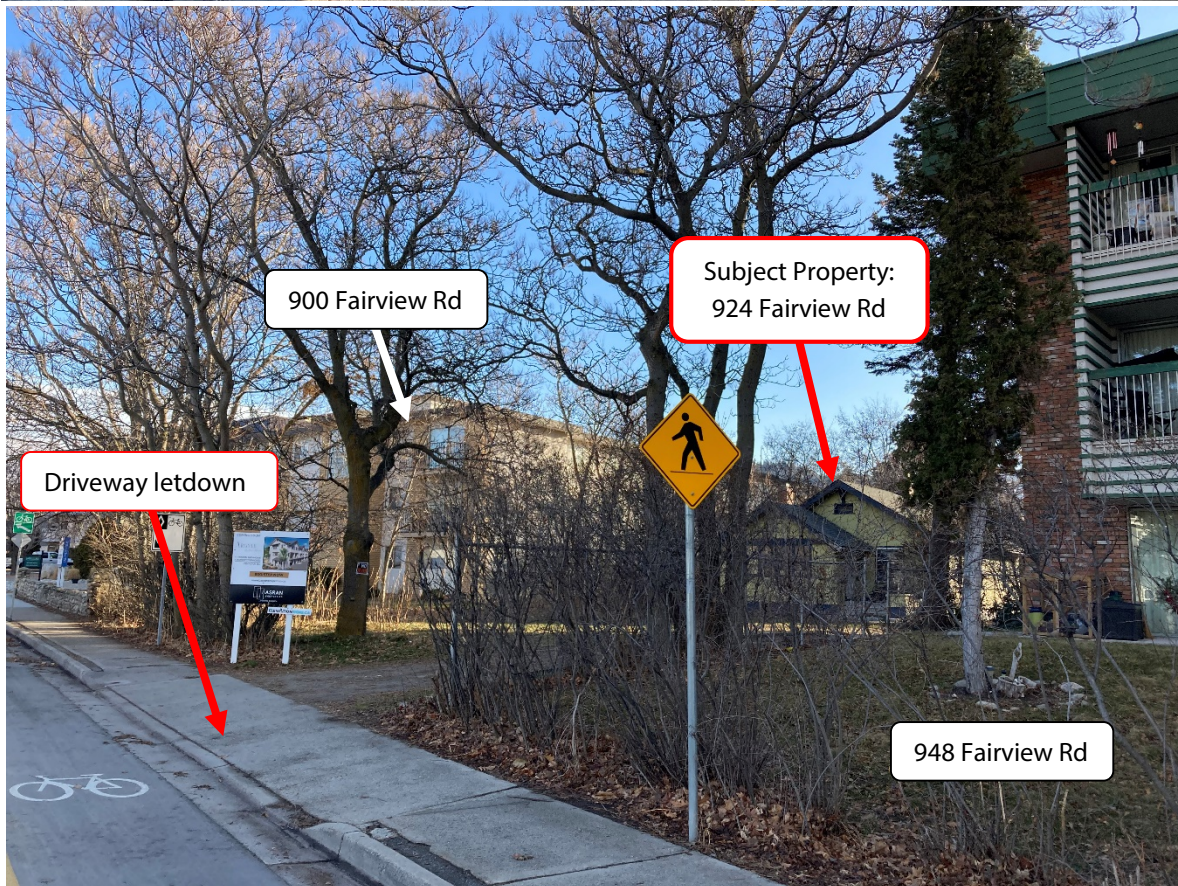


Attachment B – Official Community Plan Map



Attachment C – Photos of Property







February 27, 2023

Giroux Design Group Inc.

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

Re: 924 Fairview Road Rezoning & Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the revised proposal to rezone and develop the property located at 924 Fairview Road. The property is currently zoned RD1.

The revised proposal is to rezone the property to RM2 (Medium-density residential areas with multi-family developments) and build two three-unit townhouses for a total of six units. This is a reduction in the number of units previously proposed. Access to the development is from Fairview Road as there is no lane access available. Since the first application to the City, the owner made multiple attempts to purchase the property to the east to allow for lane access, however these attempts were unsuccessful. The reduction of one dwelling unit while keeping the other units the same size as originally proposed allows for a proper hammerhead turn-around at the back of the property and reduces the number of vehicles entering and leaving the property. We believe this compromise is sufficient to address the concerns brought up with the initial proposal which was denied by council. A two-way drive aisle provides access to secure garage parking in each unit with two additional guest parking spots on site. Both townhouses will be modest in size and will provide much needed family housing close to schools, parks, and shopping. The proposal fits within the City of Penticton's Official Community Plan as the area is designated for Urban Residential development which allows for fourplexes, higher density rowhouses, townhouses and stacked townhouses.

No variances are required for this application.

We believe the project meets the intent of providing modest densification to an area of town that has a mix of townhouses, and high-density apartment buildings. In contrast to nearby apartment buildings, this development will provide much needed family housing in the area with private outdoor green areas and amenity space for families with children.

Thank you for considering our proposal.

Best regards,

Tony Giroux **ASTTBC.RBD**
Owner/Registered Building Designer

Giroux Design Group Inc.

924 FAIRVIEW ROAD: DEVELOPMENT PERMIT ANALYSIS

PEDESTRIAN CONNECTIVITY

The development is on a road with pedestrian sidewalks and within walking and biking distance to the downtown business core and shopping. The location is central to parks and within blocks of elementary, middle, and high schools. City Bus stops are also located nearby, allowing easy access to transit. The bike lane runs in front of the property making bicycle access particularly convenient.

PARKING

Each unit has secured garage parking for one vehicle accessed by a two-way drive lane coming off of Fairview Road with two additional visitor parking spots. No variances are needed for parking as the number of spaces exceeds the COP requirements.

DESIGN FOR CLIMATE

The building will meet the requirements of Step 3 of the BC Building Code. Trees to be planted along three property lines are deciduous which will provide shade during the summer and sunlight during the winter as the leaves fall. Each property has its own private rear yard to allow for outdoor living.

ORIENTATION & MASSING

Each unit has its own entry door with a covered porch. The townhouses are three storeys tall and will nicely suit the neighbourhood which is comprised of duplexes, townhouses, and apartment buildings of varying size. At 10 meters tall the building is under the 12 m maximum height allowance. The style of the building is Modern style which will complement the neighbourhood and is in harmony with newer construction in the area.

LANDSCAPING (ENHANCING THE URBAN FOREST)

The landscaping plan for the development includes the planting of 14 trees along the surrounding property lines. Along Fairview a continuous planting bed borders the sidewalk providing pleasing aesthetics and increased curb-appeal. Three trees are to be planted along Fairview and a grass area with surrounding planting beds containing low-maintenance plants will create a pleasing aesthetic and curb appeal for the development and a pleasant environment for occupants. In minimal selected areas, river rock is used to provide a clean, easily maintained utility spaces. A grass lawn at the front property line will provide a pleasant green accent for the property. Grassed rear yards will provide pleasant private areas for each unit and will contain accent planting beds and Lilac trees. The planting strip along the south property line varies in width from 0.7 m at the narrowest spot to 2.1 m at the widest spot, the average width is just over 1.0 m. The reduce width is necessary for the required drive aisle width and the turn around at the rear of the property. We feel this width is sufficient to allow for the required landscape screening along the property line, along with this the apartment to the south also has landscaping and trees which provide a buffer along this property line.

WASTE MANAGEMENT

Garbage and recycling collection is provided by individual bins provided for each unit to be collected from in front of each garage door on collection day. The ability to collect the garbage with this configuration has been confirmed with Waste Management. The garbage and recycling bins will be stored within the unit garages on non-collection days.

FENCES

Six-foot-high wood privacy fences will be installed along the surrounding property lines excluding the front property line and will be stepped down to four feet within the front yard setback. Six-foot-high privacy fences will also be between each of the townhouse rear yards.

We believe that the rezoning and development of this property is good use of the land and will provide much needed family housing for the city. It is our opinion that the legitimate concerns raised by neighbours have been addresses sufficiently. It is our hope that council will see the earnest efforts to purchase the neighbouring property to the east as a genuine effort to attain lane access. It should also be noted that the original proposal went before council with staff support.

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.).

- The applicant has designed the development with the recommended 0.8 road dedication in mind. The driveway location is in the same spot as the existing driveway, where an entrance through the protected Lake-to-Lake bike route already exists.

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

- The buildings have large windows facing south towards the shared driveway, where the building setback is greater and solar access into each unit is easily achieved.

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 minimal (3m at the closest corner of the building) which improves connectivity between the building and the street, and connects with the pedestrian realm.
- The proposed front yard setback is less than the apartment buildings on either side, which each have setbacks of 5m and 9m, however the angle of the front building is about the same as the existing buildings on either side, front yard setbacks
- Landscaping and trees are proposed in the front yard to create interest from the public realm.

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 entries to each unit are less than 1m above the grade of the shared on-site driveway.

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

- A sidewalk is proposed from the street-facing unit to the public sidewalk along Fairview Road. Six of the eight parking spaces on-site are provided in garages.
- By orienting the building lengthwise on the property, there is no parking between the building and the street, and parked cars will not be easily visible from the public realm.

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 townhouse unit has its own entrance at the ground level. The design of the end unit closest to Fairview Road faces towards the street in a positive way with its front entry windows and landscaping on that side.

Guideline 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 cantilever upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.

- The design of both buildings includes projections, cantilevers, and multiple finish materials to create visual interest. These features exist on all outward-facing facades and not solely the street-facing façade, which improves the visual interest on all sides. The exception is the sides of the buildings facing each other, where fire safety requirements require no windows or projections on that side. The 0.6m cantilevers over the driveway help add visual interest and provide more living space in each unit.

Guideline G28 Development should activate the public realm (e.g., sidewalks) and shared open spaces by placing active uses at street level.

- The entrance to each townhouse unit is at ground level, with a driveway for vehicle access at the south side. A sidewalk is provided between the street and the street-facing unit. The connection to the public sidewalk helps activate the public realm.

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.

- Windows on all levels of the street-facing triplex facade face Fairview Road and provide for visual overlook onto the public realm. All units have windows looking over the driveway and over the amenity yard areas at the north side of the buildings.

Guideline G35 Tree planting...

- The landscape plan shows three new trees in the front yard, and four trees along each side of the property, with two trees along the rear. These trees and other proposed landscaping provide buffering between the public realm and adjacent properties.

Guidelines G54/G55 Mechanical/utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building. 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 transformer pad is located at the edge of the front yard in a landscaped area. This location allows easy access by the City staff as needed. The transformer box shall be covered in decorative wrap. The required meter is located within one of the unit yards and will also be wrapped in decorative vinyl, as noted on the landscape plan.

Guideline 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.

- Each unit garage has room for garbage and recycling carts. Each unit will place the carts in front of the unit garages for collection. The applicant will be required to engage a private collector for this development with an arrangement to not block the driveway with bins or totes.

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 plans show a shared amenity lawn area at the rear of the property for use by future residents.
- In addition, each unit has a private yard space on the north side of the buildings. The amenity space provided meets the Zoning Bylaw requirements.
- The subject property is located within walking distance of the KVR trail and recreation amenities at Penticton High School.
- The Lake to Lake bike route runs along the front of this property, providing connections to commercial areas, the downtown, as well as Okanagan and Skaha Lakes.

Guideline MF3 Amenity spaces should incorporate vegetation for the purpose of active and passive recreation and/or visual interest, and incorporate safe play areas in interior courtyards.

- The landscaping plan shows each unit will have a dedicated yard, with some landscaping provided as well.
- These areas will be available to each occupant for active or passive outdoor use. 1.8m high fencing will delineate each unit rear yard.
- A shared amenity lawn area is provided at the rear of the property for use by future residents.

Guideline MF4 Visitor parking should be in public view, easily accessible near the main entry to the site, and clearly indicated by pavement markings and/or signs.

- Two visitor parking spaces are provided. One space is located at the rear of the property. The other space is located between the two buildings. These spaces will be clearly marked for visitors.

Development Permit

Permit Number: DP PL2022-9302

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 Plan 37914
 - Civic: 924 Fairview Road
 - PID: 006-914-888
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 6-unit townhouse development 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 minimum required width of a landscape buffer (south) from 3.0m 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
 - 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 _____, 2023.

Issued this ____ day of _____, 2023.

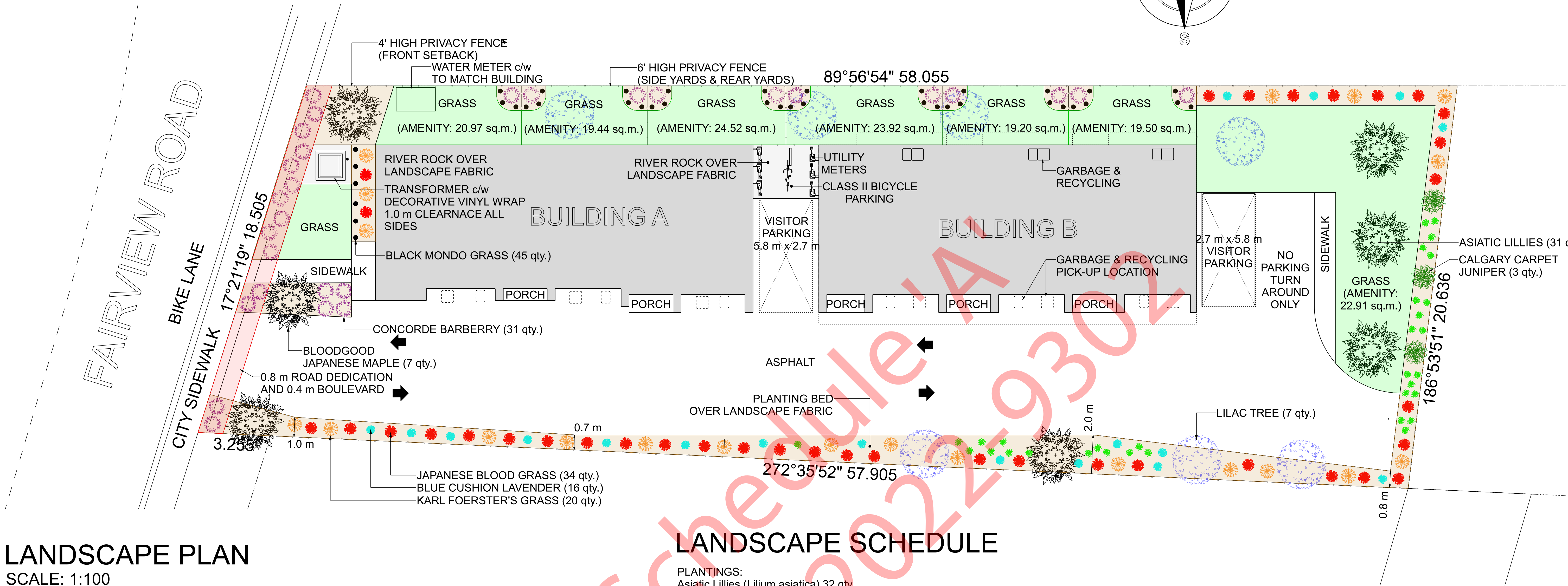
Angela Collison
Corporate Officer



FIELD SURVEY COMPLETED THIS 23rd DAY OF FEBRUARY, 2021.
ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM
PENTICTON MONUMENT #4815

THESE BUILDINGS ARE PART 9 BUILDINGS
THESE BUILDINGS ARE SPRINKLERED.

Site Plan



LANDSCAPE PLAN

SCALE: 1:100
CIVIC ADDRESS: 924 FAIRVIEW ROAD, PENTICTON, B.C.
LEGAL DESCRIPTION: SITE PLAN OF LOT 1, DL 250, SDYD, PLAN 37914
PID: 006-914-888

SURVEY BY MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL BC AND CANADA LAND SURVEYORS
FILE: 21-045

FIELD SURVEY COMPLETED THIS 23rd DAY OF FEBRUARY, 2021.
ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM
PENTICTON MONUMENT #4815

LANDSCAPE SCHEDULE

PLANTINGS:
Asiatic Lillies (Lilium asiatica) 32 qty.
Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens') 39 qty.
Blue Cushion Lavender (Lavandula angustifolia 'Blue Cushion') 18 qty.
Calgary Carpet Jupiter (Juniperus sabina 'Calgary Carpet') 3 qty.
Concorde Barberrry (Berberis thunbergii 'Concorde') 29 qty.
Karl Foerster Grass (Calamagrostis x acutiflora) 21 qty.
Japanese Blood Grass (Imperata cylindrica 'Red Baron') 37 qty.

TREES:
Bloodgood Japanese Maple (Acer palmatum var. atropurpureum 'Bloodgood') 7 qty.
Lilac (Syringa reticulata) 7 qty.

GARBAGE DISPOSAL:
Garbage Bins 9
Recycling Bins 9

GROUND COVER/HARD SURFACES:
Property Area (1,141.82 sq. m.) 12,290 sq.ft.
Asphalt (421.92 sq. m.) 4,542 sq. ft.
Grass (121.94 sq. m.) 1,313 sq. ft.
Planting Beds-Bark Mulch (185.12 sq. m.) 1,993 sq. ft.
River Rock-2" Rainbow (17.39 sq. m.) 188 sq.ft
Landscape Fabric (202.51 sq. m.) 345 sq. ft.
Sidewalks/Patios/Pads (32.04 sq. m.) 2,180 sq. ft.

FENCING:
4' High Wood Fence (17.1 linear m.) 56 lin. ft.
6' High 'Good Neighbour' Privacy Fence (130 lin. m.) 426.5 lin. ft.

LANDSCAPE NOTES:

SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS

ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A
CLEAR STEM HEIGHT OF 1.5 m

NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION

NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED
WITHIN ANY SETBACK AREA

LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND
IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS
& TIMERS.

LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF
CITY SIDEWALKS, CURBS, ASPHALT. (INCLUSIVE OF LANDSCAPING
ON CITY BOULEVARD)

DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE
ASPHALT.

BASRAN PROPERTIES
RAYMOND BASRAN
924 FAIRVIEW RD.
PENTICTON, BC.
DESIGN BY: AIG
DRAWN BY: AIG
DATE: 2023-02-23
REVISED:

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PLAN NO.
WP-5676
SLAB
SHEET NO.
A2

www.girouxdesigngroup.com - www.westhomeplanners.com - www.houseplanhunters.com

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Landscape Plans



Building A-Lower Floor Plans


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PLAN NO. **WP-5676**
 SLAB
 SHEET NO. **A3**


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BASRAN PROPERTIES RAYMOND BASRAN 924 FAIRVIEW RD. PENTICTON, BC.	DESIGN BY: AJG	DATE: 2023-02-23	PLANS
	PRINTED BY: AJG		




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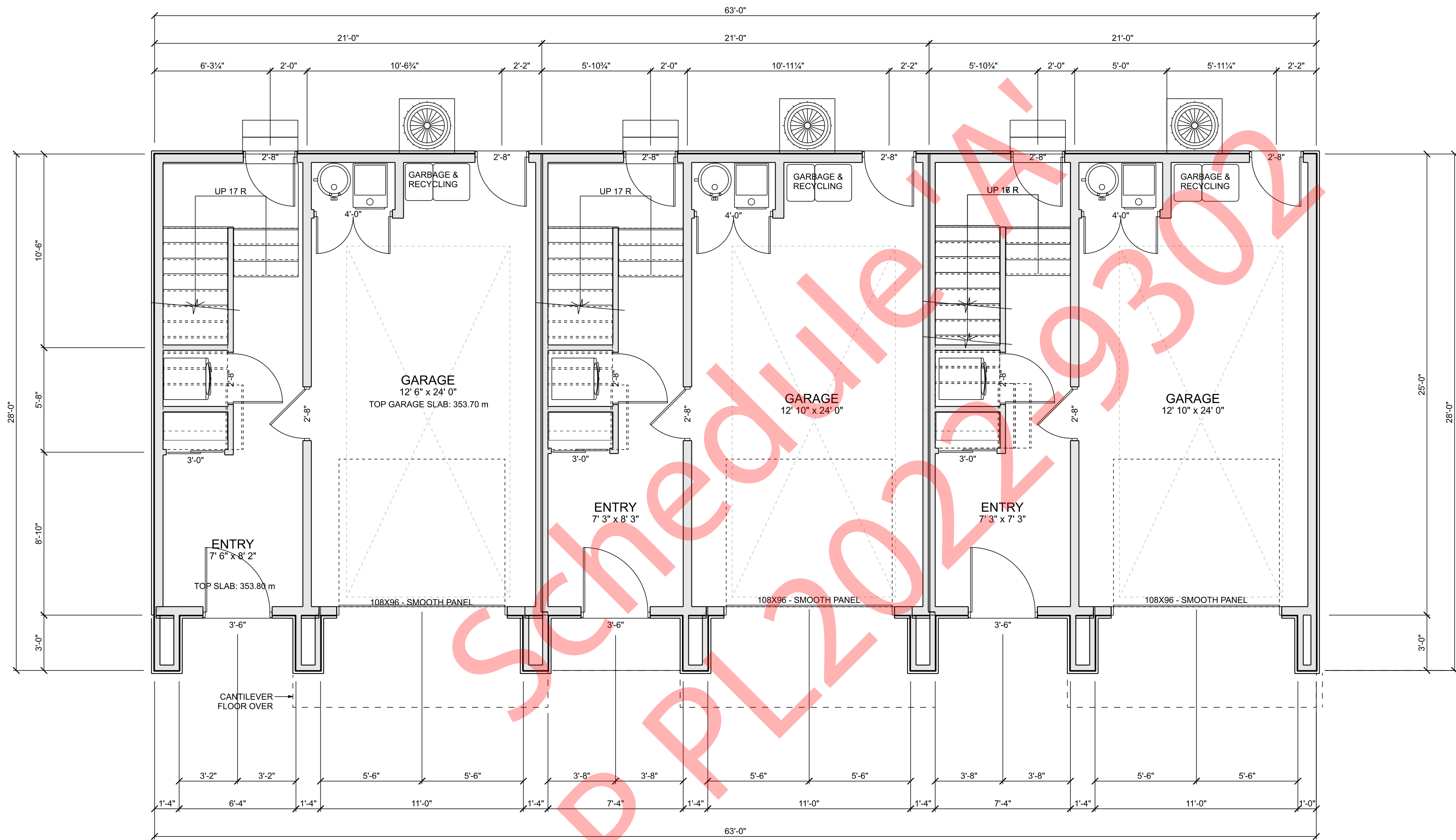


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PLAN NO. WP-5676 SLAB
SHEET NO. A6

Building A-Exterior Elevations



BUILDING B-LOWER FLOOR PLAN
SCALE: 1/4" = 1'-0"
LOWER LEVEL LIVING AREA: 466.6 sq ft.
GARAGE AREA: 1349.0 sq ft.
(LIVING AREAS EXCLUDE STAIRS)
THESE BUILDINGS ARE SPRINKLERED

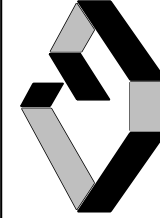
BASRAN PROPERTIES
RAYMOND BASRAN
924 FAIRVIEW RD.
PENTICTON, BC.

DESIGN BY: AJG
DRAWN BY: AJG

DATE: 2023-02-23
REVISED:

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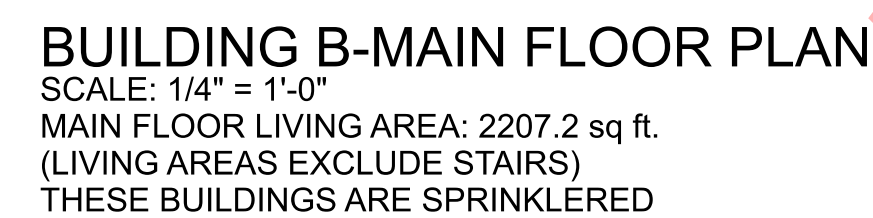
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Building B-Lower Floor Plans



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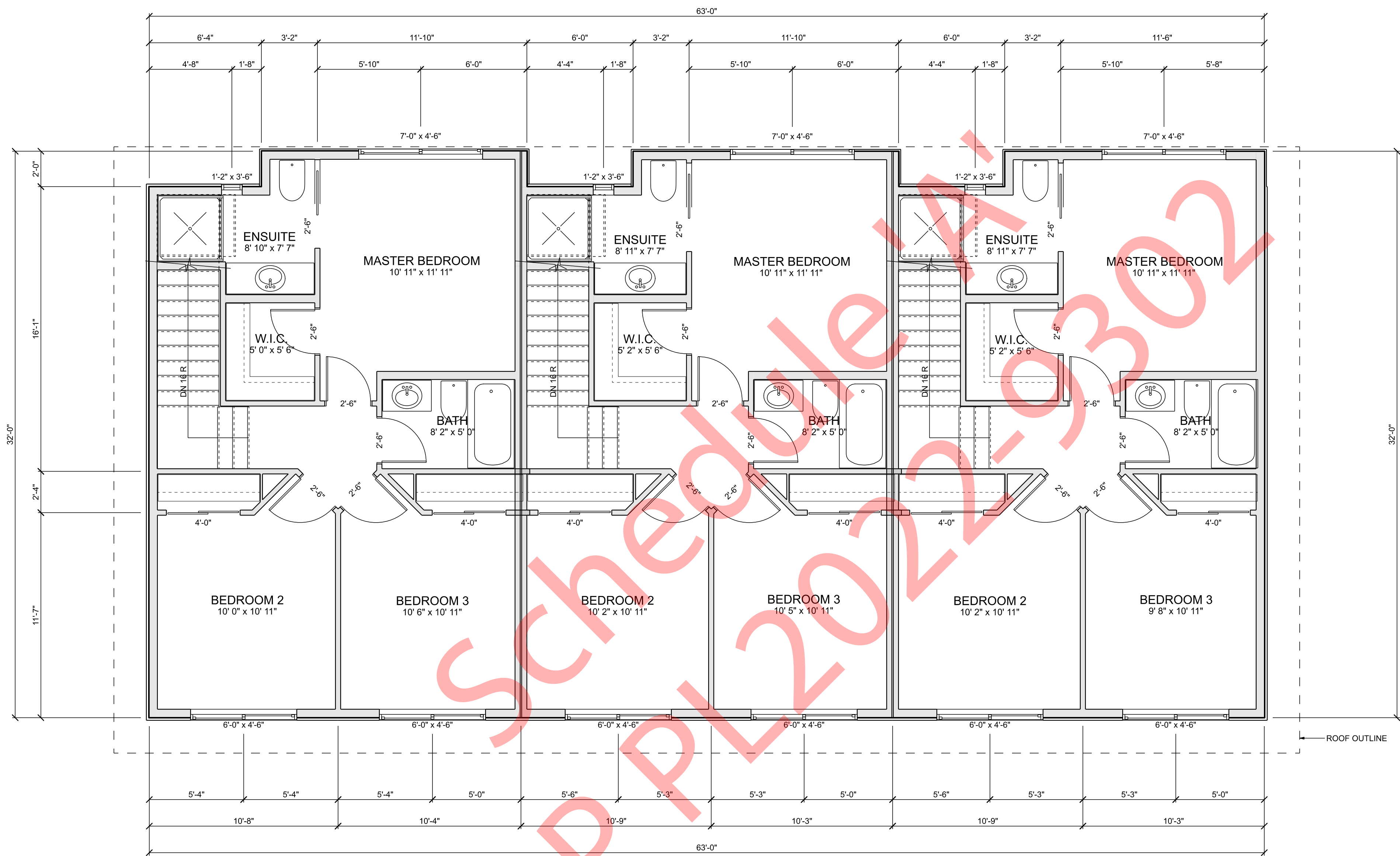
Building B-Main Floor Plans


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PLAN NO.
WP-5676
 SLAB
 SHEET NO.
A8

BASRAN PROPERTIES
RAYMOND BASRAN
924 FAIRVIEW RD.
PENTICTON, BC,

DESIGN BY: AJG
DRAWN BY: AJG



BUILDING B-UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"
SECOND FLOOR LIVING AREA: 2444.8 sq ft.
(LIVING AREAS EXCLUDE STAIRS)
THESE BUILDINGS ARE SPRINKLERED

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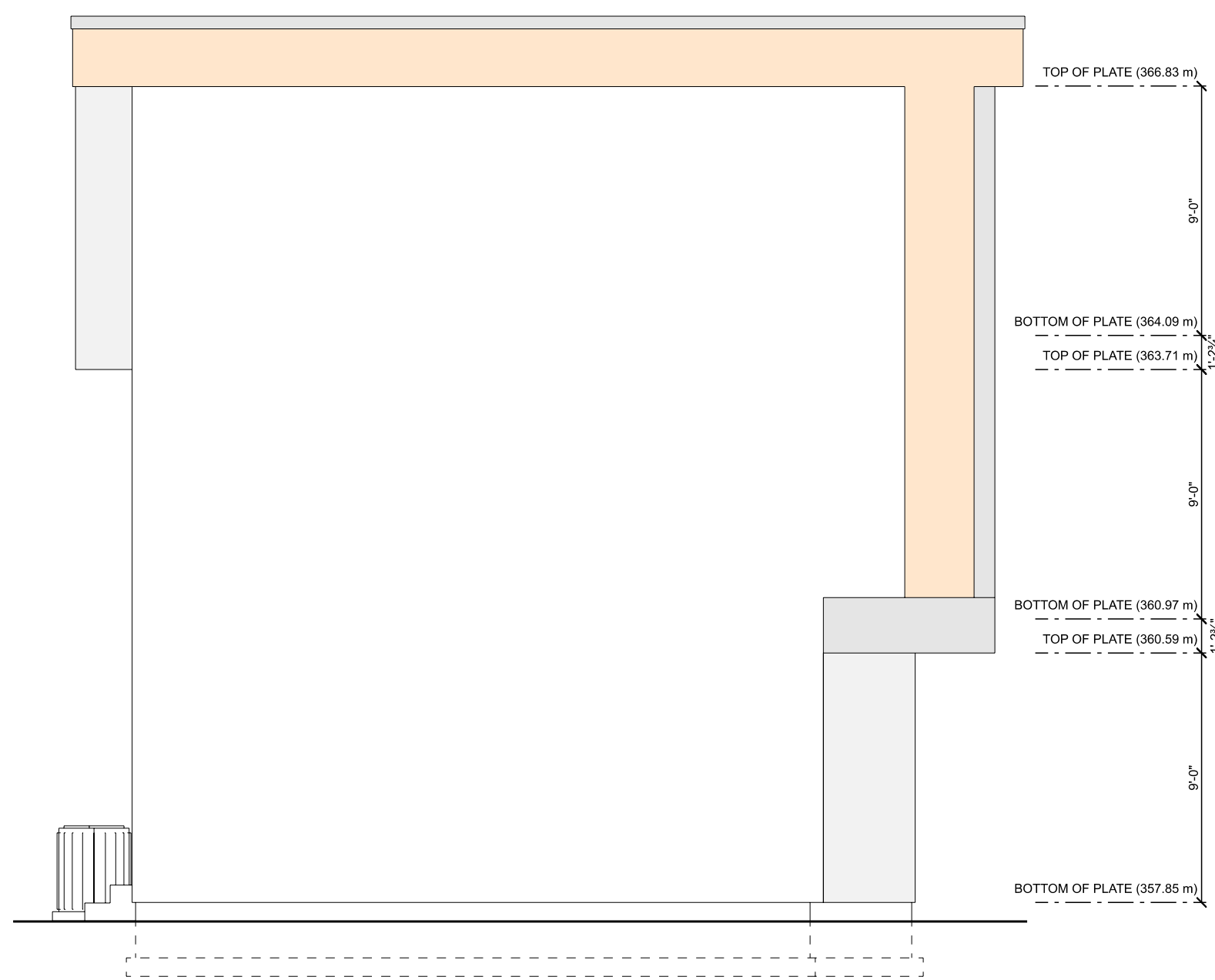


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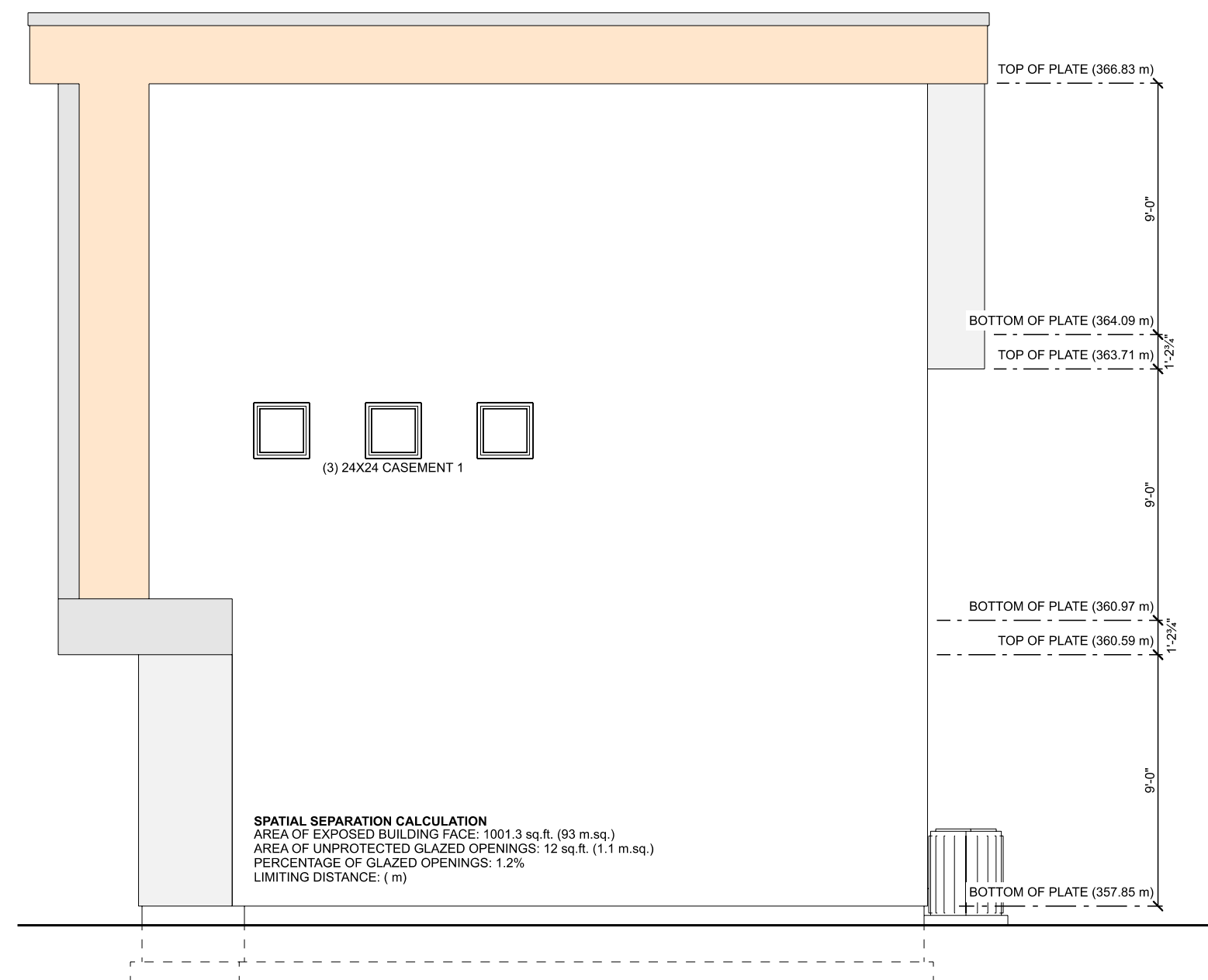
PLAN NO.	WP-5676
SHEET NO.	A9

BASRAN PROPERTIES RAYMOND BASRAN 924 FAIRVIEW RD. PENTICTON, BC.	DESIGN BY: AJG DRAWN BY: AJG	DATE: 2023-02-23 REVISED:
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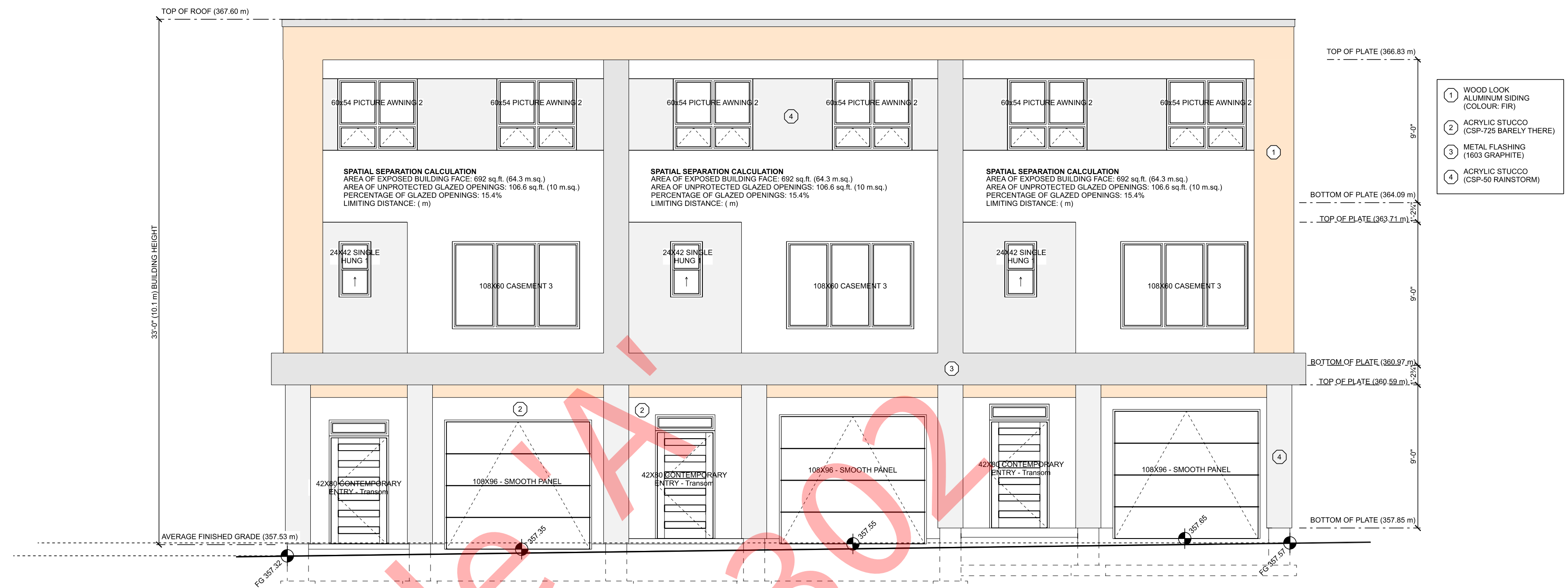
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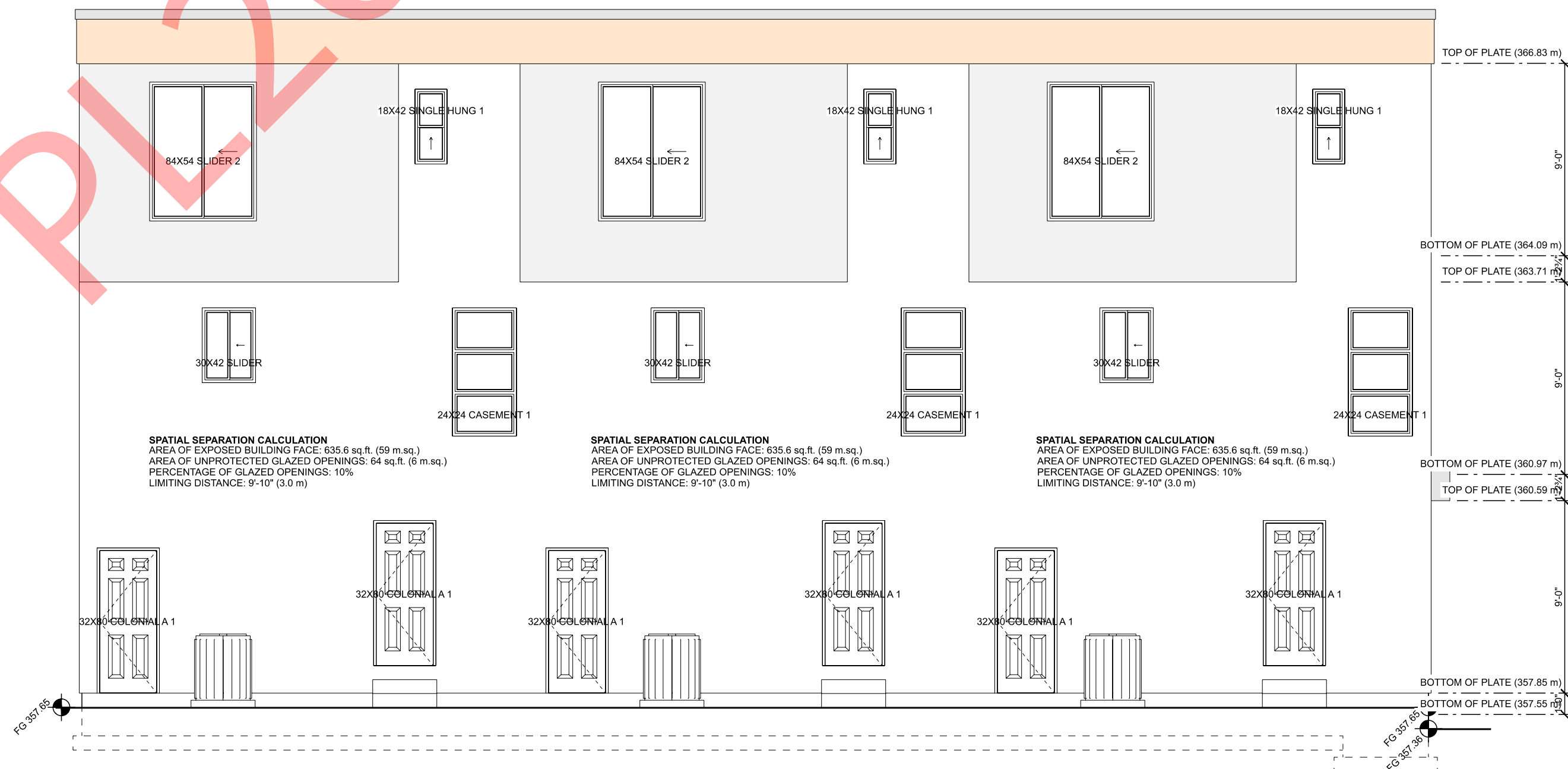
BUILDING B-WEST ELEVATION (FACING BUILDING A)
SCALE: 3/16" = 1'-0"



BUILDING B-EAST ELEVATION
SCALE: 3/16" = 1'-0"



BUILDING B-SOUTH ELEVATION (FACING DRIVE AISLE)
SCALE: 3/16" = 1'-0"



BUILDING B-NORTH ELEVATION
SCALE: 3/16" = 1'-0"

- 1 WOOD LOOK ALUMINUM SIDING (COLOUR: FIR)
- 2 ACRYLIC STUCCO (CSP-725 BARELY THERE)
- 3 METAL FLASHING (1603 GRAPHITE)
- 4 ACRYLIC STUCCO (CSP-56 RAINSTORM)

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Building B-Exterior Elevations



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PLAN NO.
WP-5676

SHEET NO.
A11

BASRAN PROPERTIES RAYMOND BASRAN 924 FAIRVIEW RD. PENTICTON, BC.	
DESIGN BY: AIG	DATE: 2023-02-23
DRAWN BY: AIG	REVISED:

Colour Renderings

The Corporation of the City of Penticton

Bylaw No. 2023-14

A Bylaw to Amend Zoning Bylaw 2023-08

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

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2023-08;

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. 2023-14".

2. **Amendment:**

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 37914, located at 924 Fairview Road, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this	18	day of	April, 2023
A PUBLIC HEARING was held this	2	day of	May, 2023
READ A SECOND time this		day of	, 2023
READ A THIRD time this		day of	, 2023
ADOPTED this		day of	, 2023

Notice of intention to proceed with this bylaw was published on the 21st day of April, 2023 and the 26th day of April, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



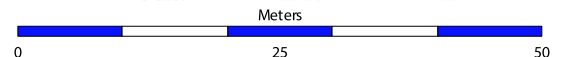
Schedule A: Zoning Amendment Bylaw 2023-14



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1:720
April 12, 2023 9:04:34 AM



Coordinate System: NAD 1983 CSRSUTM Zone 11N

From: [Deja Schechtel](#)
To: [Public Hearings](#)
Subject: 924 Fairview Road
Date: Monday, April 24, 2023 5:08:33 PM

Attention: Corporate Officer, City of Penticton,

I am writing to express my deep concern and objection to the modified proposal for 924 Fairview Rd. Putting any development on this property will always have issues with parking and traffic being so close to the curve/intersection of the 3 roads there. The bike lane has eliminated any reasonable access for a development there, period. Asking the public to decide this seems to be a way for council to use it as an excuse to download responsibility. How many citizens are familiar with OCP? Building and bylaw codes? Variances? Very few. And so having ppl weigh in without knowing all the information, facts and laws is not only unreasonable but irresponsible. Without back lane access any development cannot be considered. Already the bike lane has caused even more traffic and parking on Preston Ave bc they cannot park on Fairview and there are several apt buildings right there. Preston is used for a cut through and the RCMP, fire trucks and everyone else uses it as such. It doesn't even have sidewalks all the way along. Reducing a single family rental opportunity to build expensive townhomes hardly addresses the low income housing our city is desperate for but yet this is what happens every time an older home goes up for sale. I am urging the Council to not pass these kinds of issues to the public unless all the information has gone to them. Nor should the Council be constantly varying the OCP. It's there for a reason and should stop being continually altered for developers to make a buck. This proposal should be turned down and the developer told not to come back with multi dwelling proposals. The traffic concerns are just too great in this area, regardless of onsite parking.

If the Council does allow this to go forward then they better be looking at putting in sidewalks on BOTH sides of Preston and parking allowed on only one side. Esp with emergency vehicles using them almost daily. But again I urge the Council to say no to this or any development at this address, period.

Ron & Deja Schechtel
108 142 Preston Ave.
Penticton, BC

From: [Barb Burke](#)
To: [Public Hearings](#)
Subject: 924 Fairview Rd
Date: Tuesday, April 25, 2023 9:43:38 AM

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I am writing to express my deep concern and objection to the modified proposal for 924 Fairview Rd. Putting any development on this property will always have issues with parking and traffic being so close to the curve/intersection of the 3 roads there (Fairview, Scott & Winnipeg St). The bike lane has eliminated any reasonable access for a development there, period. Holding the public hearing when there are clearly so many issues with this, seems to be a way for council to use it as an excuse to download responsibility. How many citizens are familiar with OCP? Building and bylaw codes? Variances? Very few. Why is this not being turned down out of the gate? No change to the OCP bc of the issues above would seem pretty simple to me. It's very concerning when so few ppl engage these days. I do not understand how without back lane access any development can even be considered. Already the bike lane has caused even more traffic and parking on Preston Ave bc residents cannot park on Fairview and there are several apt buildings right there. Preston is used for a cut through and the RCMP, fire trucks and everyone else uses it as such. It doesn't even have sidewalks all the way along. Reducing a single family rental opportunity to build expensive townhomes hardly addresses the low income housing our city is desperate for but yet this is what happens every time an older home goes up for sale. I am urging the City & Council to not pass this change to the OPC. The Council should not be constantly varying the OCP. It's there for a reason and should stop being continually altered for developers to make a buck. This proposal should be turned down and the developer told not to come back with multi dwelling proposals. The traffic concerns are just too great in this area, regardless of onsite parking.

If the Council does allow this to go forward then they better be looking at extending back lane access to the development, putting in sidewalks on BOTH sides of Preston Ave (for safety reasons with a curve in the street) and parking allowed on only one side. Esp with emergency vehicles using them almost daily. But again I urge the Council to say no to this or any development at this address, period.


Respectfully submitted,
Barb Burke, Penticton BC

Late Submission - Public Hearing - Zoning Amendment
Bylaw No. 2023-14 - 924 Fairview Road

From: [Karen Wilson](#)
To: [Public Hearings](#)
Subject: attn: Corporate Officer, City of Penticton
Date: Saturday, April 29, 2023 9:53:17 AM

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 Re: 924 Fairview Road

I am a tenant of the apartment at 948 Fairview Road and I strongly oppose the proposed development of 924 Fairview Road. Like the mayor has stated, it is already a really busy road at any time of the day and especially at rush hour. Also, the proximity to the firehall is a major noise factor as well. To populate it with more parking and people would be a great detriment. My balcony overlooks 924 and at least the tenant of the house looks after the place and it is the only part of the building that has at least some greenery and a partial view of the mountains. I do not want to spend my time on the balcony looking into someone else's kitchen or window and also the constant noise of the parking. Please allow us to have what little green space there is remaining so we are not like chickens in a coop looking into each other's spaces. I moved from Edmonton two years ago and it is always like that with no space at all. Sincerely,
Karen Wilson 308-948 Fairview Rd Penticton V2A5Y8