

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, October 3, 2023
at 6:00 p.m.

- | | | |
|-------|--|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2023-33” | 1-21 |
| CO | <p>Reads Opening Statement and Introduction of Bylaw</p> <p>“Zoning Amendment Bylaw No. 2023-33” (126 Deer Place)</p> <p>Purpose: To amend Zoning Bylaw No. 2023-08 as follows:</p> <p>Add site-specific provision within the RD2 (Duplex Housing: Lane) zone, as follows:</p> <ul style="list-style-type: none"> • Section 10.5.4.10, In the case of Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, two single detached dwellings shall be permitted. <p>The applicant is proposing to build one residential unit fronting Deer Place and one residential unit fronting the lane behind Deer Place on the subject property.</p> <p>Notice: Pursuant to the <i>Local Government Act</i> the Public Hearing was advertised on Friday, September 22, 2023 and Wednesday, September 27, 2023 in an online news source and the newspaper.</p> | |
| CO | No letters have been received regarding the Zoning Amendment Bylaw (as of noon Wednesday, September 27, 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. 2023-33” 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, September 12, 2023
at 1:00 p.m.

Resolutions

- 6.15 Zoning Amendment Bylaw No. 2023-33
Development Variance Permit PL2023-9638
Development Permit PL2023-9603
Re: 126 Deer Place

331/2023

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-33", for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a bylaw to add the site-specific provision, within the RD2 (Duplex Housing: Lane) zone, as follows: "Section 10.5.4.10, In the case of Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, two single detached dwellings shall be permitted.";

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-33" to the October 3, 2023 Public Hearing;

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-33", consider "Development Variance Permit PL2023-9638" for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a permit to vary Section 10.5.2.9.a of Zoning Bylaw 2023-08 to reduce the rear yard from 6.0 m to 4.5 m:

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-33", approve "Development Permit PL2023-9603", for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a permit to approve the form and character of the proposed 2-unit residential development on the subject property.

CARRIED UNANIMOUSLY

Council Report

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Date: September 12, 2023
To: Kristen Dixon, Interim Chief Administrative Officer
From: Jordan Hallam, Planner II
Address: 126 Deer Place

File No: RMS/126 Deer Pl

**Subject: Zoning Amendment Bylaw No. 2023-33
Development Variance Permit PL2023-9638
Development Permit PL2023-9603**

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-33", for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a bylaw to add the site-specific provision, within the RD2 (Duplex Housing: Lane) zone, as follows: "Section 10.5.4.10, In the case of Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, two single detached dwellings shall be permitted.";

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-33" to the October 3, 2023 Public Hearing;

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-33", consider "Development Variance Permit PL2023-9638" for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a permit to vary Section 10.5.2.9.a of Zoning Bylaw 2023-08 to reduce the rear yard from 6.0 m to 4.5 m:

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-33", approve "Development Permit PL2023-9603", for Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, a permit to approve the form and character of the proposed 2-unit residential development on the subject property.

Strategic Priority Objective

Vibrant and Connected: Support vibrant and diverse activities creating opportunities for connection in community.

Proposal

The applicant is proposing to build one residential unit fronting Deer Place and one residential unit fronting the lane behind Deer Place on the subject property (Figure 1). The applicant intends to stratify each home

under separate ownership but with common interest in the shared property. In order to proceed with the proposed development, the applicant has requested a site-specific zoning on the subject property to allow two single family dwelling units on the property. The proposed development is considered within the Intensive Residential Development Permit Area outlined within the Official Community Plan (OCP). As such, the applicant has applied for site specific zoning, a Development Permit to approve the form and character of the development, and for a Development Variance Permit to reduce the rear yard setback from 6.0 m to 4.5 m.



Figure 1 – Renderings of proposed buildings: Deer Pl and lane frontage (top), and the rear of the buildings (bottom).

Background

The subject property is located at the end of Deer Place, a newly constructed road in Phase 2 of The Ridge subdivision (Figure 2). The property is 900m² in size. Surrounding land uses are single detached residential to the east and south, with a protected ravine and public walking trail located to the west and north.

The property is zoned ‘RD2 (Duplex Housing: Lane)’ by the Zoning Bylaw 2023-08 and is designated ‘Detached Residential’ by the Official Community Plan.

Financial Implication

The applicant is responsible for all development costs, including any service upgrades. Development Cost Charges (DCC’s) were taken at the time of subdivision to help offset the added demand on City services from proposed development.

Climate Impact

The proposed development proposes two units, increasing density in a predominantly single family neighborhood. Each dwelling unit is required to provide 1 (2 total) Level 2 Electric Vehicle ready space.

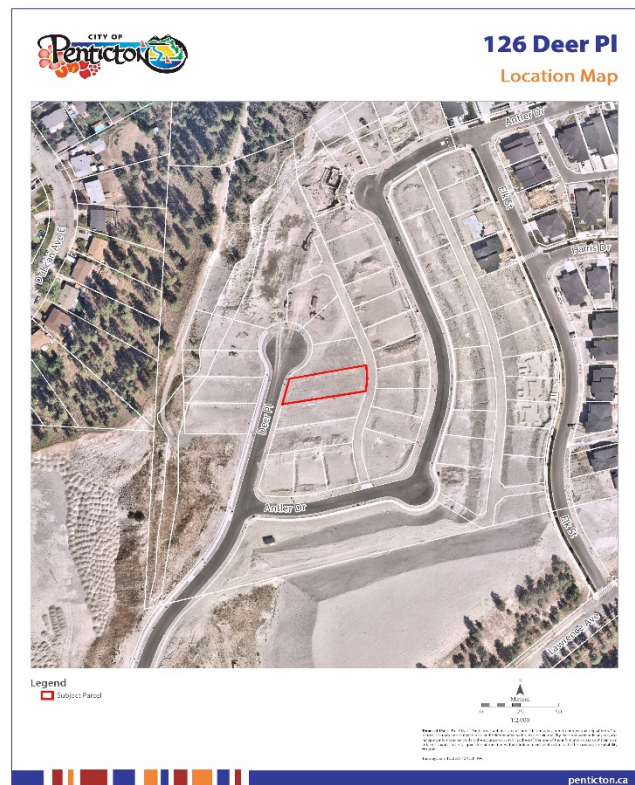


Figure 2 – Property Location Map

The buildings will be required to meet Step 3 of the BC Energy Step Code. Step 3 requires new builds to be at minimum 20% more efficient, with a goal of being Net Zero Ready for new construction by 2032.

Technical Review

This proposed development was reviewed by the Technical Planning Committee, a group of City staff from various departments who review planning applications. Additional items were addressed after the Committee reviewed the development proposal. Future comments related to the building permit requirements have been forwarded to the applicant in order to help expedite that future approvals process, should this proposed development ultimately be approved by Council.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the development application:

	RD2 Zone Requirement	Provided on Plans
Minimum Lot Width*:	9.1 m	18 m
Minimum Lot Area*:	275 m ²	900 m ²
Maximum Lot Coverage:	40%	34.0%
Maximum Density:	0.95 Floor Area Ratio (FAR)	0.43 FAR
Vehicle Parking:	Total Required: 2 per dwelling unit	Total Per Dwelling: 2 spaces
	Total Required: 4 spaces	Total Provided: 4 spaces
Level 2 Electric Vehicle (EV) Ready Chargers:	Total Required: 1 per dwelling unit	Total EV Ready Chargers Provided: 2 chargers
	Total Required: 2 chargers	
Required Setbacks		
Front Yard (Deer Pl):	4.5 m	5.11 m
Side Yard (north):	1.5 m	2.25 m
Side Yard (south):	1.5 m	1.97 m
Rear Yard (lane):	6.0 m	4.5 m – variance requested
Maximum Building Height	10.5 m	7.49 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.	

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is ‘Detached Residential’, which supports lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas (Figure 3). Single detached houses or duplexes are some of the building types envisioned in this designation. The applicant is proposing to construct two single detached dwelling units as separate buildings. The development and density proposed on the property are aligned with the vision of properties designated within the ‘Detached Residential’ designation.


Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Detached Residential 	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas	<ul style="list-style-type: none"> • Single detached houses with secondary suites or carriage houses • Duplexes • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop) • Manufactured homes 	<ul style="list-style-type: none"> • Residential • Limited retail/service 	<ul style="list-style-type: none"> • 1 or 2 units per lot • Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw 	<ul style="list-style-type: none"> • R1 • R2 • R3 • RD1 • RSM • C2
<p>Site-Specific Detached Residential Policy Statement: 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.</p>					

Figure 3 – Excerpt from Land Use Designation Table (OCP)

In addition to alignment with the future land use designation, staff consider that the proposed zoning amendment will also allow for a development that is supported through the following OCP Goals and Policies:

OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
OCP Policy 4.1.3.1	Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
OCP Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
OCP Policy 4.1.4.1	Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
OCP Policy 4.1.5.1	Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
OCP Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Staff consider that the application proposes an appropriately scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed site-specific zoning to allow two detached dwelling units to allow a total of 2 dwelling units on the property is consistent with the increased density and building forms envisioned by the ‘Detached Residential’ designation.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first reading to "Zoning Amendment Bylaw No. 2023-33", and forward the bylaw to the October 3, 2023 Public Hearing to gather comments and feedback from the public.

Support Development Permit

The proposed development is considered within the Intensive Residential Development Permit Area of the OCP, which envisions lower-density areas of single detached house and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas. The proposed development has been designed with the OCP design guidelines in mind.

Staff have completed a development permit analysis (Attachment 'D') that shows how the development conforms to the applicable design guidelines. The applicant has also provided an analysis within their letter of intent (Attachment 'E'), which outlines the project and its conformance to the OCP design guidelines.

As such, staff recommend that Council consider approving the Development Permit after adoption of the Zoning Amendment Bylaw.

Development Permit Variance

When considering a variance to a City bylaw, staff encourage Council to consider whether approval of the variance would cause a negative impact on neighbouring properties, and if the variance request is reasonable. Staff have reviewed the requested variance to reduce the rear yard setback from 6.0 m to 4.5 m for the building closest to the lane and are recommending support for the following reasons:

1. Minimal reduction

The requested variance from 6.0 m to 4.5 m is minimal in nature. The building closest to the lane has an entrance and garage accessed from the lane. This helps create a buffer from the neighbouring properties across the lane helping to reduce privacy. Additionally, if the applicant were to build a carriage house on the subject property, the Zoning Bylaw allows a 1.5 m setback from the lane with no variances required.

2. Two single detached dwellings

The variance to reduce the rear yard setback from 6.0 m to 4.5 m increases the separation between the two dwellings. This allows the rear yards, separated by a fence, between the dwellings to increase in size, while allowing more amenity space for the residents of each dwelling unit to enjoy. By reducing the rear yard setback and increasing space between each unit, this creates separation and helps address privacy concerns between residents of each dwelling unit.

As such, staff recommend that Council consider approving the Development Variance Permit after adoption of the Zoning Amendment Bylaw.

Alternate Recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Staff are not recommending this option, as the proposal is well aligned with the OCP policies by gently increasing density in a high-amenity area of the City with a site-specific

provision to allow two single detached dwellings, which is a development form consistent with the Detached Residential OCP designation.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2023-33".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)

Attachment E - Letter of Intent and Development Permit Analysis (applicant)

Attachment F – Draft Development Permit PL2023-9603

Attachment G – Draft Development Variance Permit PL2023-9638

Attachment H – Zoning Amendment Bylaw No. 2023-33

Respectfully submitted,

Jordan Hallam
Planner II

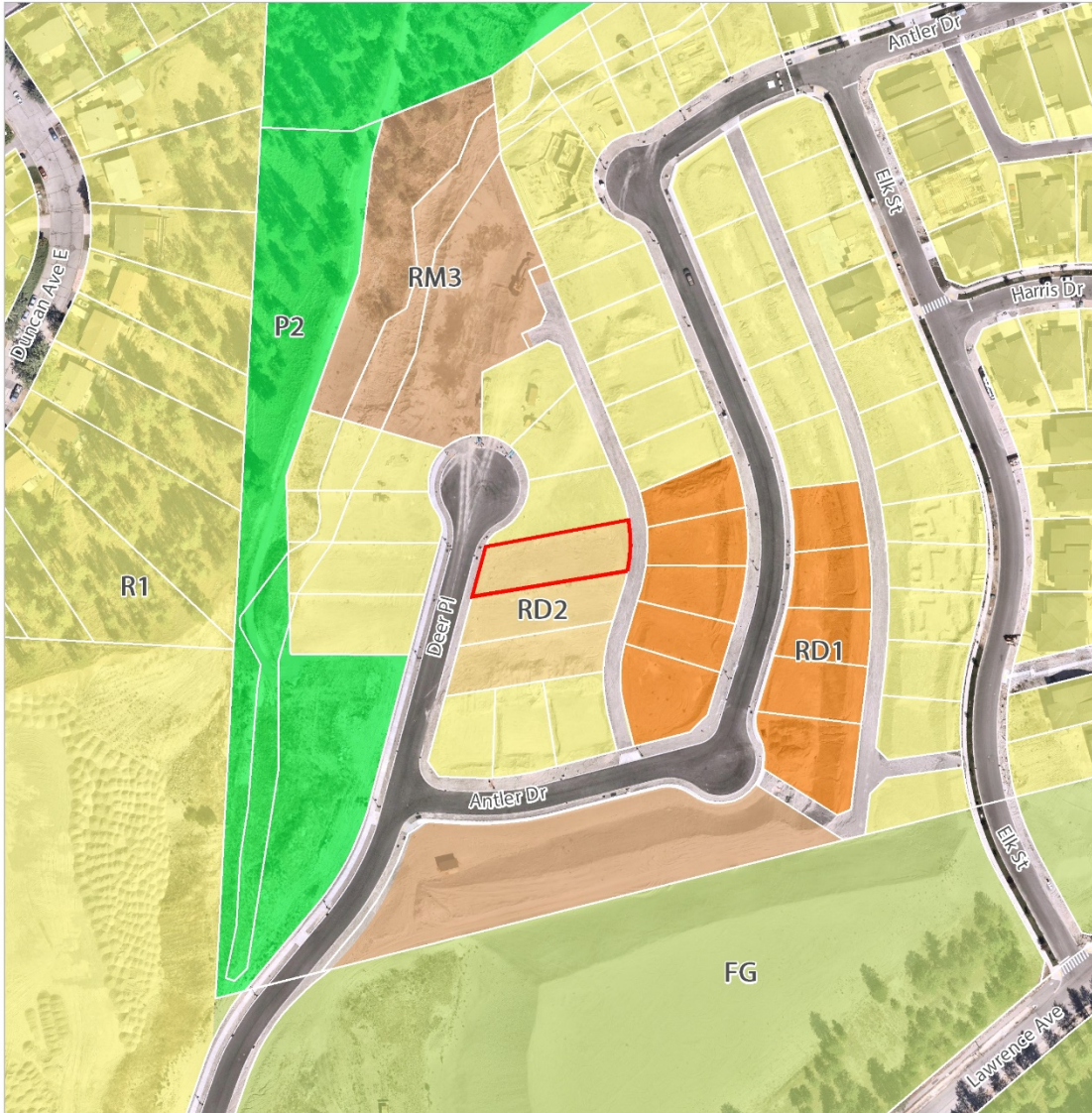
Concurrence

Director of Development Services <i>BL</i>	Interim Chief Administrative Officer/GM of infrastructure <i>KD</i>
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Attachment A – Zoning Map

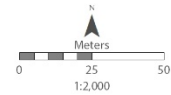


126 Deer Pl Zoning Map



Legend

- Subject Parcel
- FG - Forestry and Grazing
- R1 - Large Lot Residential
- RD1 - Duplex Housing
- P2 - Parks and Recreation
- RD2 - Duplex Housing: Lane
- RM3 - Medium Density Multiple Housing



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Attachment B – Official Community Plan Map



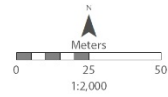
126 Deer Pl

OCP Map



Legend

- Subject Parcel
- Detached Residential
- Natural and Conservation Areas
- Ground Oriented Residential
- Urban Residential
- Parks



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Attachment C – Photos of Property



Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The two buildings are set close to Deer Pl and the lane. This design provides strong street definition while providing enough room between the garage door and the sidewalk and lane for vehicles to park. The front setback (5.1 m) is close to the setbacks of new construction in the surrounding neighbourhood.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- A barrier-free pedestrian walkway is provided along the north side of the property to connect each building to the street, and to provide level access to the rear yard.
- Guideline G13 Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*
- Entrances to each building are approximately at ground level from both Deer Pl and the lane for the rear building.
- Guideline G16 Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...*
- A path is proposed along the north property line to provide pedestrian access to the rear building. In addition, the front building fronts onto a public street with the main entrance located close to the public sidewalk on Deer Pl.
- 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 proposed building designs include covered entries that face the street as well as roof projections. These features provide architectural interest and help break up the mass of the 2-storey building faces.
- Guideline G24 Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.*
- As shown on the development plans, the entries to the units are about 1-2 steps above grade, leading to a covered porch over the entrances. The roof overhanging this area breaks up the building face and provides architectural interest.
- Guideline G26 Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*

- The buildings designs show smaller windows on the sides facing the neighbouring properties. No decks are proposed on either building, with ground level patios at the rear of each building.

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

- Large windows, main unit entries and covered entries on each building face towards the street and lane to provide visual overlook onto the public realm.

Guideline G35 *Tree planting...*

- The landscaping plan shows a total of four new trees on the subject property. Each stratified building will have two trees within their yards. In addition, one new boulevard tree is proposed on the Deer Place frontage. The landscape plan shows other plantings in the front yard and rear yard of the property.

Attachment E - Letter of Intent and Development Permit Analysis (applicant)

City of Penticton

June 8, 2023

Development Application

Letter of Intent

Property – 126 Deer Place, Penticton, BC V2A 2X5

Good afternoon,

Our intent in submitting this development application is to take the current property listed above and build a Duplex within the property lines. According to the Future Land Use map / Official Community Plan, this area is slated as detached residential and the property itself has been zoned for a two unit duplex.

Stone Cliffe Developments would like to build two 3 bedroom and 3 bathroom homes with two car garages. Each unit would be approximately 2300 square feet. The current lot size is 180' deep x 59' wide. The development would be built and placed on the property similar to a duplex except they would remain detached and we would divide the two units with a fence down the middle.

There would be no foreseeable negative impacts to the neighboring properties including no increase to street parking, due to the units having 2 car garages. The updated duplex would actually bring a stylish and updated look and provide a new housing option to the existing neighborhood. The units would likely add long term value to the neighborhood.

Please don't hesitate to contact us with any questions or additional information required. We appreciate your time and look forward to working with the City in this endeavour.

Kind Regards,



Raj Dhillon
Stonecliffe Developments

City of Penticton

June 8, 2023

Development Application

Development Permit Analysis

Property – 126 Deer Place, Penticton, BC V2A 2X5

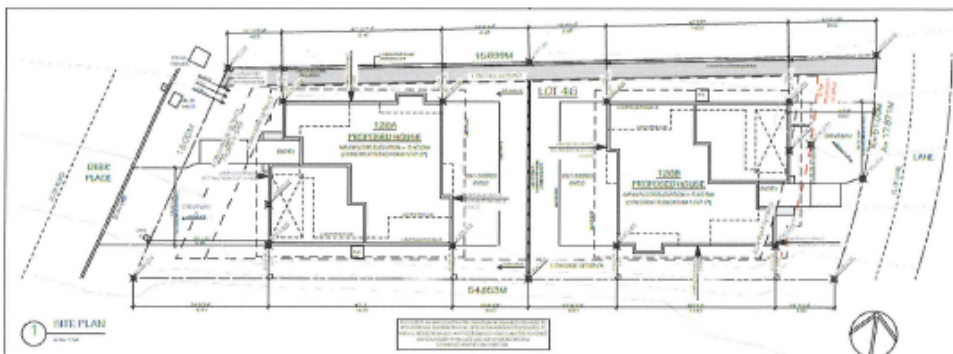
General

This new housing duplex concept would definitely fit and relate to the current surroundings including the scale and fit in relation to the property size. The structure would be sure to provide proper sun exposure and privacy to the eventually built surrounding homes. One unit would utilize the street to access a driveway and garage, while the secondary unit would utilize an already planned laneway to access the driveway and garage.

The main reason behind this proposal is to provide another affordable housing option within a high end already established single family detached housing neighborhood. These structures would maintain a luxurious look and feel to fit in well with the current planned surroundings.

G2. Applications shall include a comprehensive site plan

The site plans as well as mock up drawings to show architectural design and neighborhood feel have been included in this Analysis for quick reference. A full package of the construction documents will be included as well.



G8. Secondary buildings should create comfortable and social, semi-public and semi-private spaces within interior courtyards and/or side-yards.

Mock up drawings to show the intent of providing private spaces/yards.



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

Each unit has an architecturally integrated 2 car garage to provide a seamless and attractive parking option

IR1. Building siting • Front and rear yard setbacks should relate to those of existing neighbouring buildings

Residential frontages and secondary edges would be maintained to adhere to the current zone siting regulations including proper setbacks, fitting within the desire to maintain neighbourliness.

Please don't hesitate to contact us with any questions or additional information required. We appreciate your time and look forward to working with the City in this endeavour.

Kind Regards,

Raj Dhillon
Stonecliffe Developments

Development Variance Permit

Permit Number: DVP PL2023-9627

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 19975 Similkameen Division Yale District Plan 27761 Except Plan KAP71946
 - Civic: 196 Rosetown Avenue
 - PID: 004-700-945
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2023-08 to allow for the construction of two accessory buildings, as shown in the plans attached in Schedule 'A':
 - a. Section 12.1.2.6: to reduce the exterior side yard setback (west) from 4.5 m to 1.5 m;
 - b. Section 12.1.2.6: to reduce the exterior side yard setback (east) from 4.5 m to 2.0 m.

General Conditions

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

Authorized by City Council, the 12th day of September, 2023.

Issued this ____ day of September, 2023.

Angela Collison
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2023-33

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. 2023-33".

2. **Amendment:**

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

Add Section 10.5.4.10: "In the case of Lot 46 District Lot 2710 Similkameen Division Yale District Plan EPP111154, located at 126 Deer Place, two single detached dwellings shall be permitted."

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

READ A FIRST time this	12	day of	September, 2023
A PUBLIC HEARING was held this	3	day of	October, 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 22nd day of September, 2023 and the 27th day of September, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

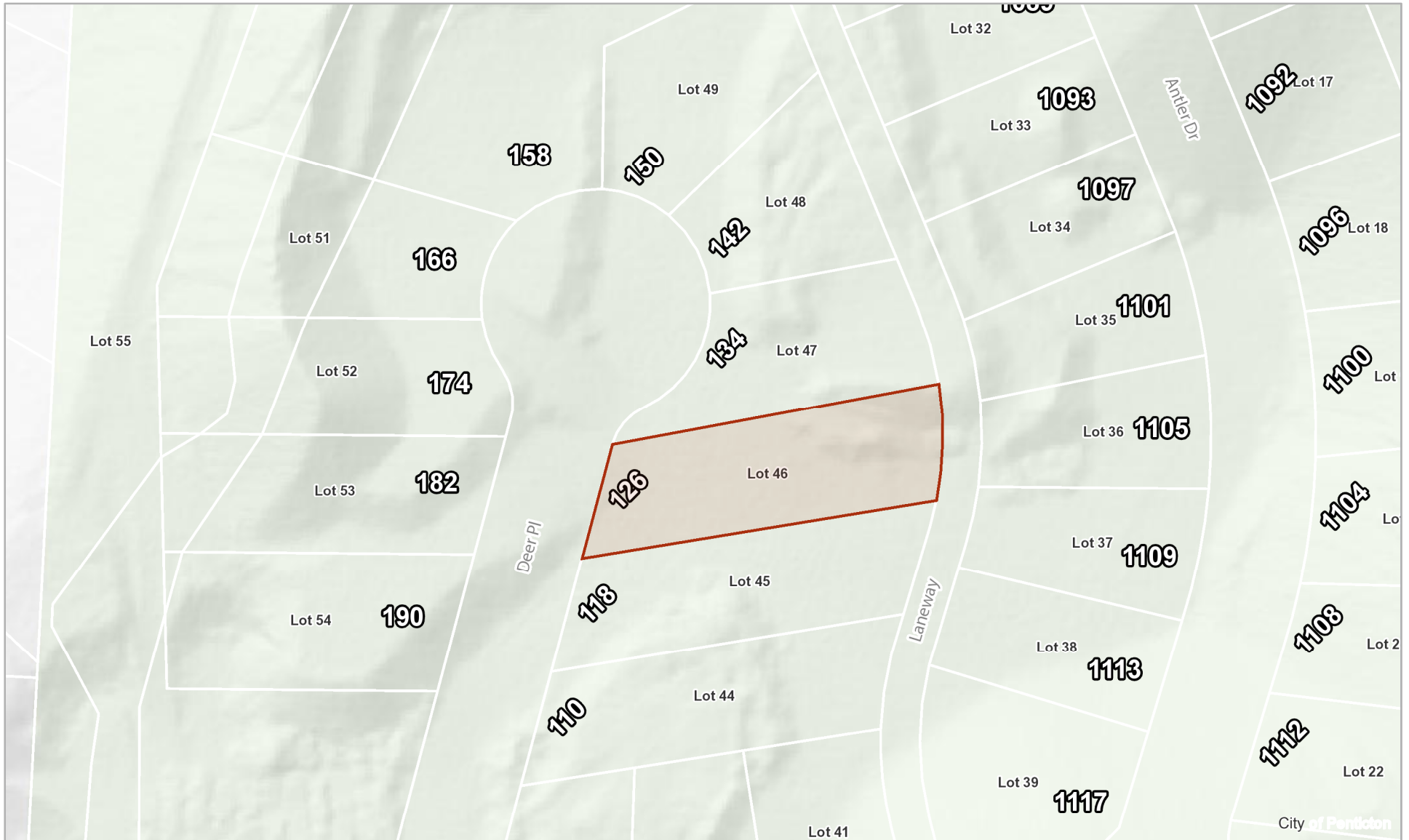
Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-33

Date:

Corporate Officer:

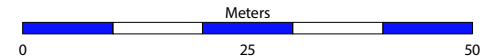


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August 29, 2023 9:56:29 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N