

August 8, 2019

**Subject Property:**

595 Vancouver Avenue

Lot A, District Lot 202, Similkameen Division Yale District, Plan 37662

**Application:**

**Rezone PL2019-8526**

To facilitate a 3 lot subdivision (Figure 1), the applicant has applied to rezone 595 Vancouver Avenue as follows:

- Proposed Lot 1: From R1 (Large Lot Residential) to R3 (Small Lot Residential: Lane)
- Proposed Lots 2 and 3: From R1 (Large Lot Residential) to R2 (Small Lot Residential)

**Information:**

The staff report to Council and Zoning Amendment Bylaw 2019-29 will be available for public inspection from **Friday, August 9, 2019 to Tuesday, August 20, 2019** at the following locations during hours of operation:

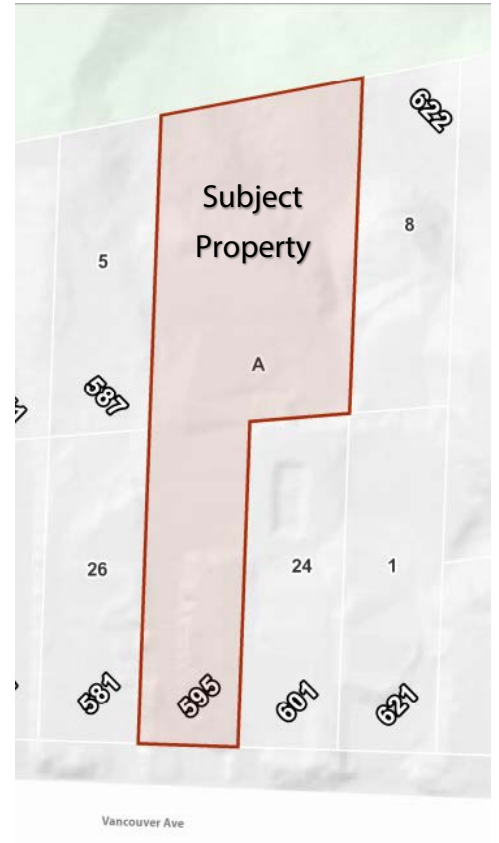
- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at [www.penticton.ca/publicnotice](http://www.penticton.ca/publicnotice).

Please contact the Planning Department at (250) 490-2501 with any questions.

**Council Consideration:**

A Public Hearing has been scheduled for **6:00 pm, Tuesday, August 20, 2019** in Council Chambers at Penticton City Hall, 171 Main Street.



**Public Comments:**

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, August 20, 2019** to:

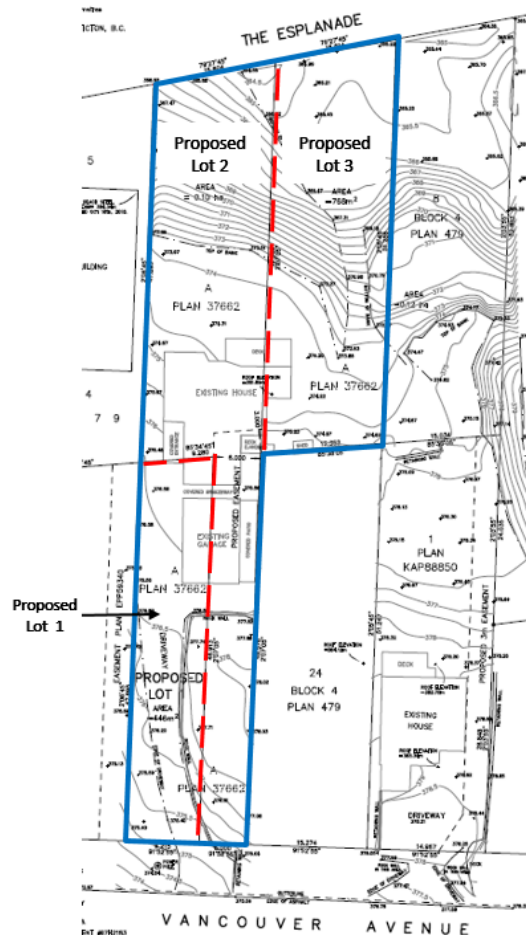
Attention: Corporate Officer, City of Penticton  
171 Main Street, Penticton, B.C. V2A 5A9  
Email: [publichearings@penticton.ca](mailto:publichearings@penticton.ca).

No letter, report or representation from the public will be received by Council after the conclusion of the August 20, 2019 Public Hearing.

**Please note** that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven, RPP, MCIP  
Manager of Planning

Figure 1: Proposed 3 Lot Subdivision



**Date:** August 6, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 595 Vancouver Avenue  
**Subject:** Zoning Amendment Bylaw No. 2019-29

File No: RZ PL2019-8526

## Staff Recommendation

THAT “Zoning Amendment Bylaw No. 2019-29”, a bylaw that rezones “Proposed Lot 1” to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 to R2 (Small Lot Residential) of the subdivision of “Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662” (595 Vancouver Avenue), as shown on Schedule ‘A’ of the bylaw, be given first reading and be forwarded to the August 20, 2019 Public Hearing;

AND THAT prior to adoption of “Zoning Amendment Bylaw No. 2019-29”, the following condition be completed:

- Registration of a Covenant to restrict direct vehicular access to Proposed Lot 3 (access will need to come through an easement on the Proposed Lot 2 panhandle)
- Demolition of the current single family dwelling

## Background

The subject property (Attachment “A”) is currently zoned R1 (Large Lot) and is designated in the City’s Official Community Plan (OCP) as LR (Low Density Residential). The site is 0.556 acres in area and is located adjacent to the “Esplanade”, a dedicated city park. The property currently has one large single family dwelling and is located in close proximity to the downtown, in an established traditional single-family neighborhood undergoing infill style re-development.

The applicant is requesting to rezone 595 Vancouver Avenue from R1 (Large Lot Residential) to R2 (Small Lot Residential)

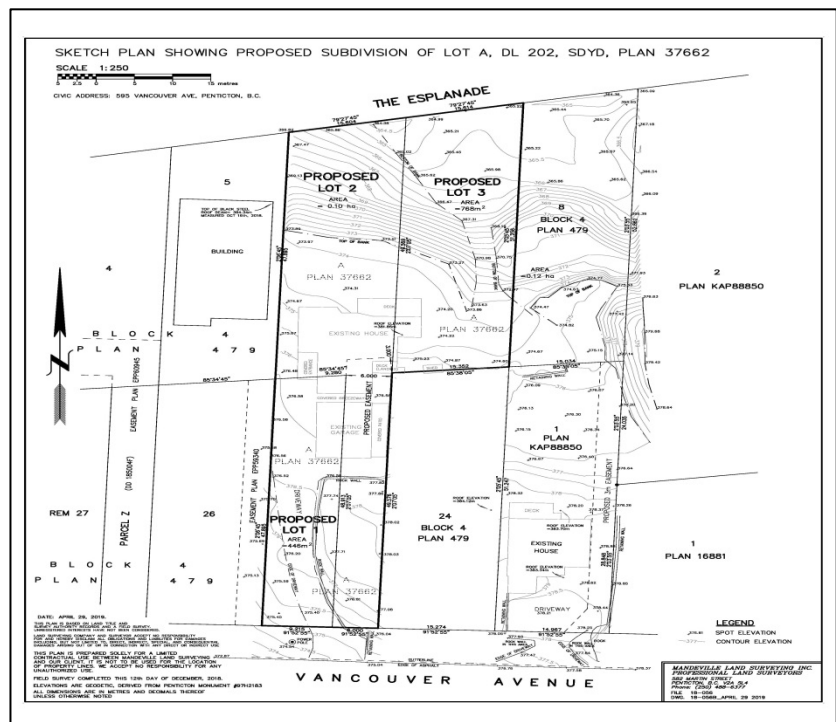


Figure 1 - Proposed Subdivision

and R3 (Small Lot Residential: Lane). This rezoning will facilitate the subdivision of the property into three parcels, which will permit the construction of three single family dwellings (Figure 1 – Proposed Subdivision).

The Zoning Map of the neighbourhood (Attachment 'B') indicates that this area is mainly zoned R1 (Large Lot Residential) but also includes R2 (Small Lot Residential) and RD1 (Duplex Housing) designations. As indicated in the Future Land Use Map (Attachment 'C'), much of this neighbourhood is identified for low density development.

There is a prevailing pattern of subdivision that has occurred in this area where a number of lots were created years ago fronting the "Esplanade". At the time, there were discussions about a road being placed close by. Through time, the "Esplanade" was deemed part of an important sensitive ecosystem and considered noteworthy to protect. A number of existing properties along Vancouver Avenue have access through easement and panhandle. The subject property was originally three lots that were consolidated to build the existing large single family dwelling. The property owner wishes to re-establish the historic lot layout with the three lots (one fronting Vancouver Avenue and two fronting the Esplanade).

### **Proposal**

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the property as follows: "Proposed Lot 1" from R1 (Large Lot) to R3 (Small Lot Residential: Lane) and Proposed Lot 2 and 3 from R1 (Large Lot) to R2 (Small Lot Residential) of the subdivision of "Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662" (595 Vancouver Avenue). The zoning amendment is intended to facilitate a 3 lot subdivision.

### **Financial implications**

If approved, the development anticipated by this application will create in total 2 new development sites for the construction of single family housing, hence contributing to an increase in the City's tax base. All costs of the development are the responsibility of the property owner.

### **New Official Community Plan (2019) – Future Land Use Designation**

The draft Official Community Plan (OCP) (2019) identifies this area for 'Detached Residential'. This designation envisions single family detached houses with secondary suites or carriages houses, duplexes or small scale neighborhood commercial building. The proposed rezoning is reflective of the current development trends in the area, providing for a wider variety of housing and is in line with the proposed designation.

### **Environmental Development Permit Area**

The subject property is located in an Environmental Development Permit Area as per the OCP. The Environmental Development Permit area is designated to protect important sensitive ecosystems and biological diversity. The property is located near an area known as the "esplanade" which refers to the benches and steep slopes above the Okanagan Lake shoreline. The Esplanade is characterized by riparian and coniferous woodland communities with grassland and disturbed areas used for recreational purposes.

The OCP references the “Esplanade” as an area where the natural environmental qualities should be maintained and enhanced. The applicant has submitted an Environmental Assessment prepared by a Qualified Environmental Professional (QEP) in support of the rezoning application. An approved development permit will be required prior to final approval of the subdivision. If successful with rezoning and subdivision, as part of the building permit process, an Environmental Development permit will need to be obtained and will include provisions for restoration and replanting with natives trees. A qualified Environmental Professional will provide ongoing monitoring to confirm that conditions of the permit are met.

### **Technical Review**

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Subdivision and Building Permit stage of the project, if rezoning is supported by Council. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. The owner (developer) must provide a detailed site grading plan of the proposed lots showing existing and final site elevations as well as a detailed geotechnical report as part of the subdivision process. The development is required to conform to the BC Building Code. These items have been communicated to the applicant.

### **Access**

Access to all three proposed lots is intended to be from a 6m panhandle. The proposed R3 zoning does not allow vehicular access from the collector road and specifies that access shall be from a rear lane. Because lane access is required the R3 zone, allows for lots with less widths than a typical lot where a driveway is required from the fronting street. In this case, no lane is present. Additional driveways on Vancouver Avenue is not recommended therefore staff recommend to secure the vehicular access of the proposed panhandle of “Proposed Lot 2” by way of a restrictive covenant to be placed on the property and easement over the proposed panhandle. Similar access arrangements have been created in the past for other parcels of land in this area, given the historical parcelization and access constraints of Vancouver Avenue.

### **Demolition of the single family dwelling**

If Council adopt Zoning Bylaw 2019-29 as presented, the proposed zoning would not be in –line with the current house on the property. The zoning bylaw stipulates that where a lot is divided into more than one zone, each zoned portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions. In this case the current house on the property if retained would be in contravention of this provision; hence, demolition of the house is necessary prior to final adoption of the proposed zoning bylaw amendment.

### **Development Statistics**

The following table outlines the proposed development statistics on the plans submitted with the development application. It is worth noted that no building is proposed at this time:

Item	Requirement R2 zone	Proposed	Requirement R3 zone	Proposed
Minimum Lot Width:	13m	15.3m	9.1m	9.2m
Minimum Lot Area:	390m <sup>2</sup>	1,903.34m <sup>2</sup>	277m <sup>2</sup>	446m <sup>2</sup>

## Analysis

### *Support "Zoning Amendment Bylaw No. 2019-29"*

When considering a zoning amendment application, staff and Council look toward the Official Community Plan's future land use map and designation for guidance, including all relevant planning policy. As indicated by the Future Land Use Map (Attachment 'C'), this property is identified for low density residential (LR) development and future development is envisioned to support single family and duplex development as well as limited commercial and institutional use.

The City's draft Official Community Plan 2019 also identifies the future land use of this property as Detached Residential. There may be some concerns over the assessment of view impacts on the existing homes in the vicinity. Regarding single family dwellings, the current and proposed OCP does not provides guidelines or policies to protect views. New housing development is to be sensitive in scale and character to the neighbourhood around it. Where development permit is required, views through the mountain and lakes should be carefully considered and incorporated into the design, however a development permit for the eventual single family homes is not required. The Zoning Bylaw regulates the height and development regulations regarding the build form on the lots.

The proposal for the site provides single detached housing, at an acceptable scale for the current area and follows the development pattern of the neighbouring lands with lots of a similar size. Staff consider that the zoning amendment to allow for the proposed development represents an appropriate use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- Recognizing that traditional single family neighborhood will see intensification as the City grows, the draft OCP (2019) envisions new forms of residential developments along collector roads, services and amenity which is the case here.
- The proximity to the downtown, Okanagan beach, and other nearby services encourages more walking and active forms of transportation.
- The current proposal will convert a large lot into 3 smaller lots in a desirable location.

In addition, staff consider the proposed additional lots to be a good fit for the property and the neighbourhood. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for the proposal. Given the above, staff recommends that Council support "Zoning Amendment

Bylaw No. 2019-29" and forward the application to the August 20, 2019 Public Hearing for comments from the public.

*Deny/Refer Zoning Amendment*

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain R1 (Large Lot residential). If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

**Alternate recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-29".
2. THAT Council refer the application back to staff for further discussions with the applicants.

**Attachments**

- Attachment A – Location Map
- Attachment B – Official Community Plan Map
- Attachment C – Zoning Map
- Attachment D – Images of Subject Property
- Attachment E – Site and Subdivision Plan
- Attachment F – Letter of Intent
- Attachment G – Zoning Amendment Bylaw No. 2019-29

Respectfully submitted

Audrey Tanguay  
Senior Planner

Director Development Services  <i>AT</i>	Chief Administrative Officer  <b>DyD</b>
--	---

Attachment A – Location Map



Figure 1: Location Map

Attachment B – Official Community Plan Map

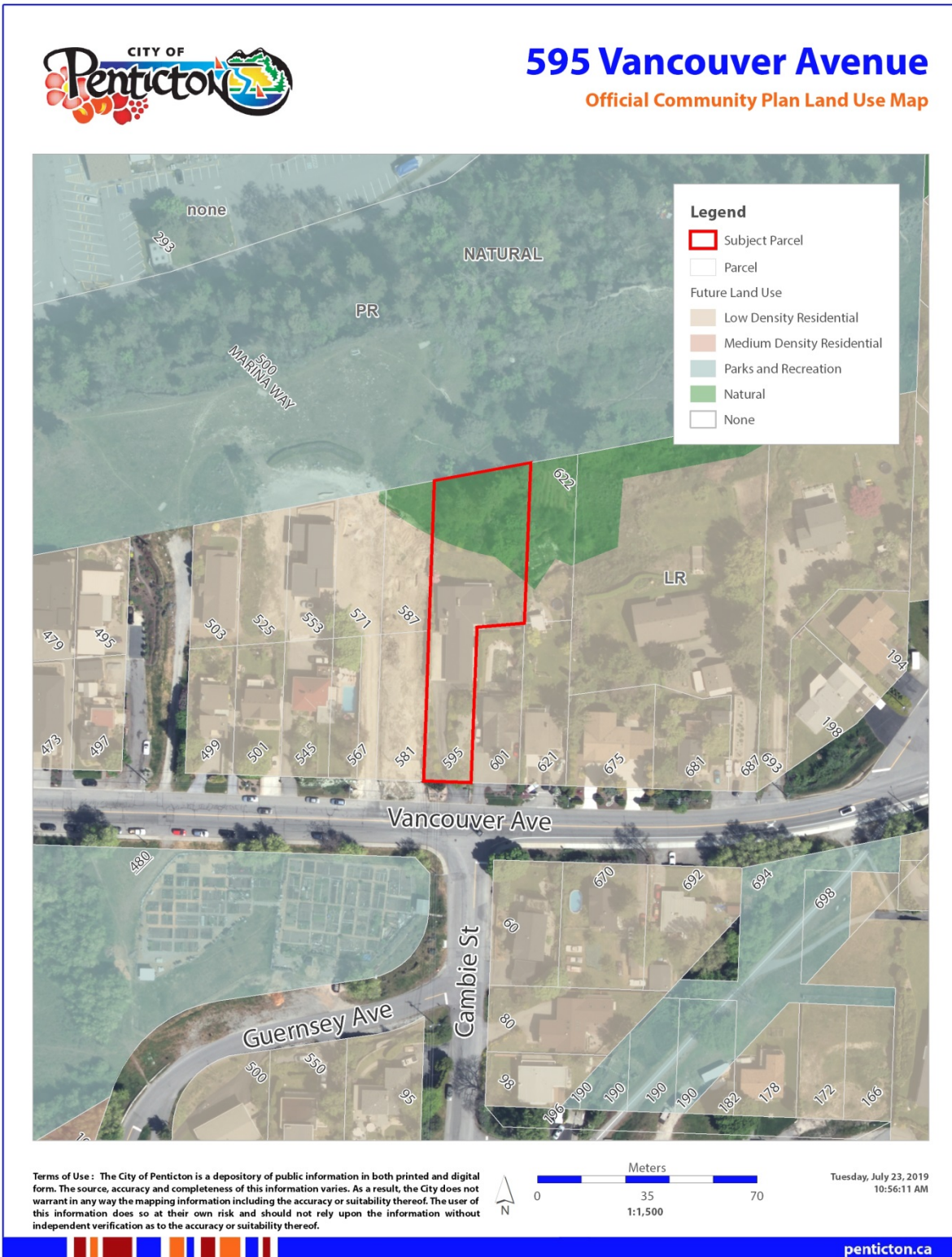


Figure 2: OCP Map

Attachment C – Zoning Map

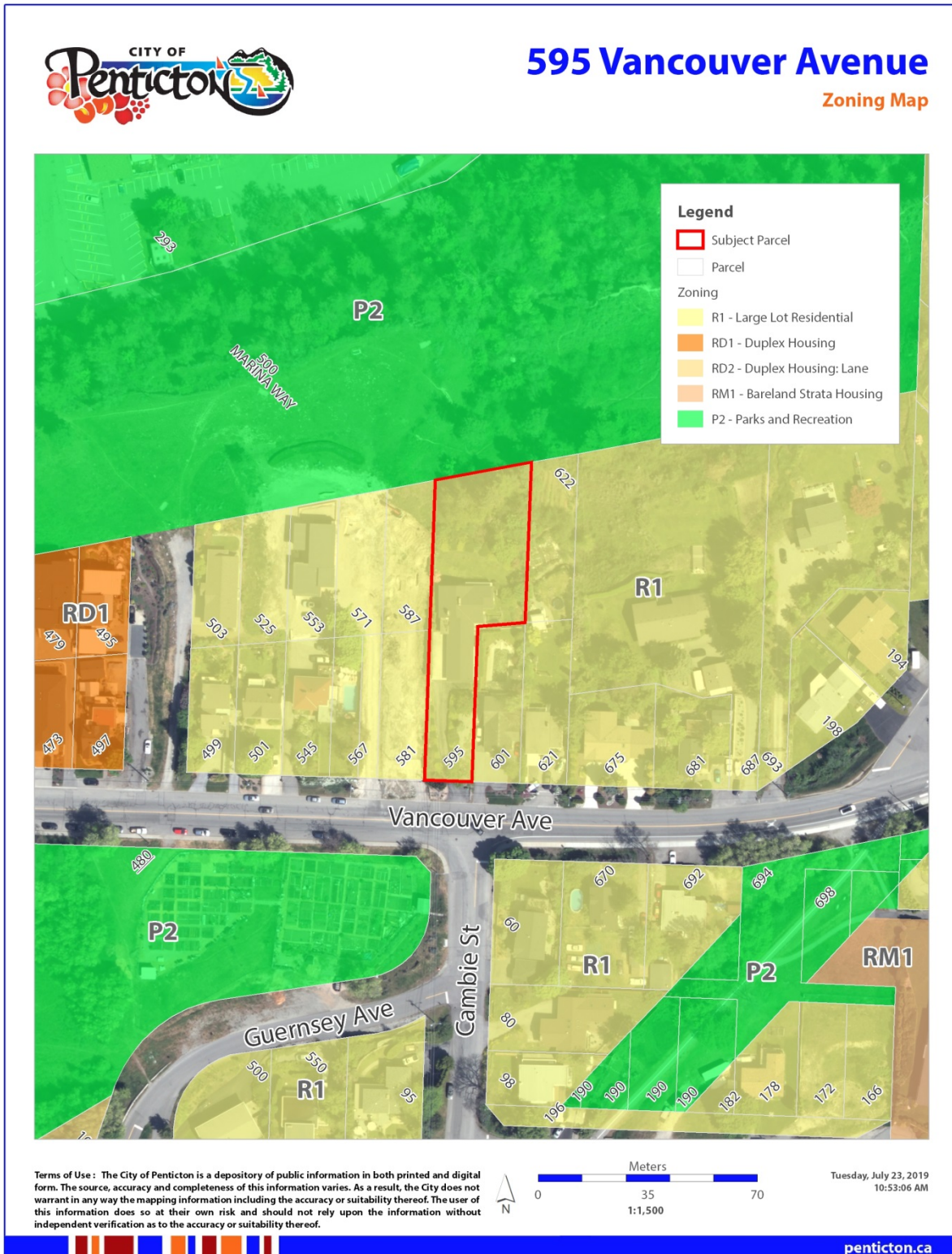


Figure 3: Zoning Map

Attachment D - Images of Subject Property



Figure 4: Image of subject property with current driveway shown



Attachment F - Letter of Intent



May 05, 2019  
City of Penticton Planning Department  
Blake Laven, RPP, MCIP – Planning Manager  
171 Main Street  
Penticton BC, V2A 5A9

**RE: 595 Vancouver Avenue**

Dear Mr. Laven,

The registered owner of the property has commissioned our firm, HDR Architecture, Inc., to provide architectural design services for 595 Vancouver Avenue in Penticton. The site is currently zoned R1; which accommodates a single family home. We feel this is a lost opportunity and an underutilization of site potential, as this desirable location is close to many public amenities such as Okanagan Lake and the Esplanade. Thus we are proposing the following subdivision (from 1 lot to 3 lots) and rezoning strategy (maintain R1 zoning except Lot 1 to R3) which is in keeping with the scale and form of the neighborhood:

Lot 1: Rezoned to R3; access via 6 meter easement over panhandle Lot 2.  
Lot 2: Panhandle Lot; maintain current R1 zoning  
Lot 3: Maintain current R1 zoning; access via easement over panhandle Lot 2

This proposal will be a positive contribution to our community by allowing more housing opportunities and allowing densification in an area which is close to downtown and its associated amenities. This project is a viable alternative to urban sprawl and hope for a reduction in vehicular reliance.

Sincerely,  
HDR Architecture, Inc.

A handwritten signature in blue ink, appearing to read 'R. Cesnik'.

Robert Cesnik ARCHITECT AIBC, MRAIC, LEED AP BD+C  
Associate

[hdrinc.com/ca](http://hdrinc.com/ca)

500 – 1500 West Georgia Street, Vancouver, BC, CA V6G 2Z6  
T (604) 687-1898

Registered Architects: Jim Aalders, Arch. AIBC, MRAIC, LEED AP, NCARB Mark Hentze, Arch. AIBC, NLAA, MRAIC, NCARB, IAKS Troy Ransdell, Arch. AIBC, MBA  
John Scott, Arch. AIBC, AAA, MRAIC, NCARB, AIA Rod Windjack, Arch. AIBC, MRAIC, LEED AP

The Corporation of the City of Penticton

Bylaw No. 2019-29

*A Bylaw to Amend Zoning Bylaw 2017-08*

---

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-29".

2. **Amendment:**

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

Rezone "Proposed Lot 1" of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R3 (Small Lot Residential: Lane) and rezone "Proposed Lot 2 and 3" of Lot A, District Lot 202 Similkameen Division Yale District, Plan 37662, 595 Vancouver Avenue from R1 (Large Lot Residential) to R2 (Small Lot Residential) as identified on Schedule 'A' of this bylaw.

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

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
ADOPTED this	day of	, 2019

Notice of intention to proceed with this bylaw was published on the \_\_ day of \_\_\_\_, 2019 and the \_\_ day of \_\_\_\_, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

---

John Vassilaki, Mayor

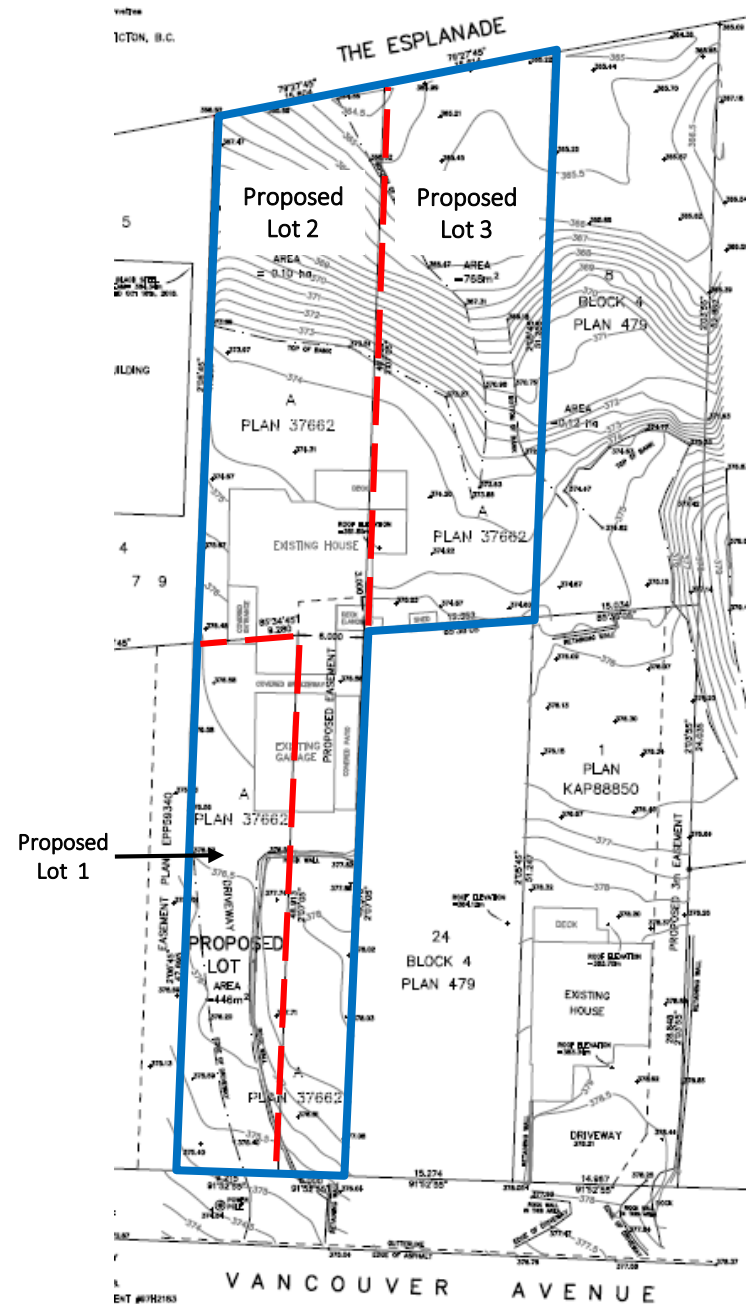
---

Angie Collison, Corporate Officer

# 595 Vancouver Ave – Rezoning

Proposed Lot 1:  
From R1 (Large Lot Residential) to R3  
(Small Lot Residential: Lane)

Proposed Lots 2 and 3:  
From R1 (Large Lot Residential) to R2  
(Small Lot Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-29

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

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