

Date: November 5, 2024 File No: RMS/68g Winnipeg St
To: Anthony Haddad, City Manager
From: Gabe Tamminga, Planner I
Address: 68g Winnipeg Street

Subject: Zoning Amendment Bylaw No. 2024-38 and Development Permit PL2024-9878

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-38", for Lot A District Lots 4 and 202 Group 7 Similkameen Division Yale District (Formerly Yale-Lytton) Plan EPP138406, located at 68g Winnipeg Street, a bylaw to add the following site specific provisions to the C1-Commercial Transition Zone

Site Specific Provisions for 68g Winnipeg Street:

- Allow bakery as a permitted use
- Restaurant shall not exceed a maximum gross floor area of 650m²
- Minimum 4 vehicle parking stalls to be provided
- The rear yard setback for an accessory structure shall be 0.0m

AND THAT Council forward "Zoning Amendment Bylaw No. 2024-38" to the December 3, 2024 Public Hearing.

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2024-38", approve "Development Permit PL2024-9878", a permit to approve the form and character of the proposed conversion of the existing buildings to a restaurant and bakery.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

The applicant is proposing to convert the existing building into a restaurant with three additions and to also convert the existing detached accessory building with an addition into a bakery located at 68g Winnipeg Street (Figure 1). The applicant has submitted a letter of intent that goes over the proposal in more detail (Attachment C).



Figure 1 - Rendering of Development

Required Applications

The proposal is to convert the existing buildings on the subject property from a single-detached dwelling and a detached accessory building in the rear, into a restaurant and a bakery. This requires the applicant to apply for the following applications: Zoning Amendment and Development Permit. The following table outlines the planning applications that are required for the proposed development to proceed (prior to any building permits being issued):

Application Required	Description	Approval Authority
Zoning Amendment Bylaw	To allow the following site specific provisions: <ul style="list-style-type: none"> • Allow bakery as a permitted use • Restaurant shall not exceed a maximum gross floor area of 650m² • Minimum 4 vehicle parking stalls to be provided • The rear yard setback shall be 0.0m 	Council Public Hearing required
Development Permit	To approve the form and character of the proposed commercial development	Council/Staff delegated

The applicant has submitted a Development Permit application for the form and character of the proposed development, which has been included for Council’s consideration.

Background

Property Description

The subject property is located along the west side of Winnipeg Street and is just north of Eckhardt Avenue West (Figure 2). The property currently contains a single-detached dwelling and a small accessory building in the rear yard. The house, constructed in the Arts and Crafts style was built in 1921. The property has been identified as having heritage significance to the community and is listed in the Penticton Heritage Registry. The Penticton Heritage Register recognizes the value of preserving the heritage and enhancing the charming qualities that characterize the community.

The Riordan House, as this property is known, was included on the register for its representation of a prosperous period in Penticton’s history. According to the statement of significance within the registry, “the house is notable for its association with David Riordan, a prominent hotel owner and reputed bootlegger. It is rumoured that liquor was hidden in the basement of the Riordan house during Prohibition. The richly detailed interior, which is virtually in original condition, is a reflection of the social prominence and personality of its original owner.

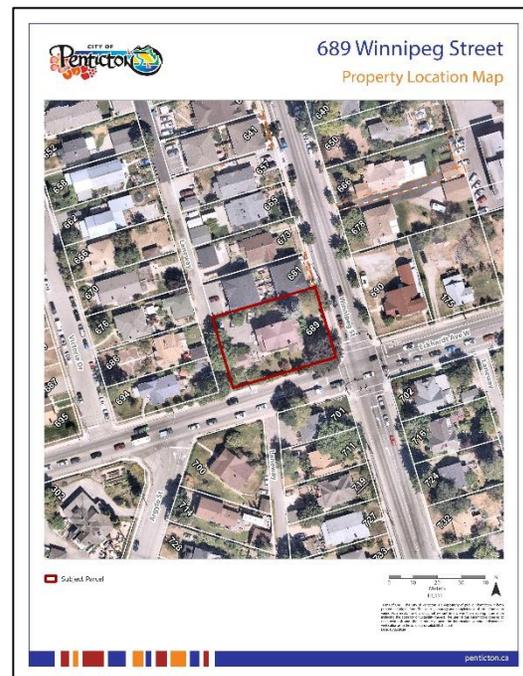


Figure 2 - Property Location Map

for

Its association with Penticton's hospitality industry continued with its use during the 1980s alternating between a teahouse and restaurant, and since 1991 as a Bed and Breakfast." The current proposal to convert the house to a restaurant and bakery is aligned with the historic use of the house.

The property is currently zoned C1 – Commercial Transition, which permits limited, small scale, commercial development in mostly residential areas. The property has been designated by the Official Community Plan (OCP) as 'High Density Residential' which permits "small-scale neighbourhood commercial buildings" in higher amenity areas.

Financial implication

The applicant will be responsible for all development costs, including any service upgrades and the payment of Development Cost Charges (DCC's) to help offset the added demand on City services from the proposed development.

Climate Impact

The proposed development will be to convert two existing buildings into commercial businesses on the subject property. This will require the buildings to be brought up to the requirements of the current BC Building Code including energy efficiency requirements.

The proposed development also provides Class 1 and Class 2 bicycle parking in an area that has existing and proposed separated bicycle lanes that will provide potential customers and staff alternatives to driving in single-occupancy vehicles to and from this property. Additionally, the property is located along the BC Transit Bus Route 4 (West Side/Duncan East) and is a short walk from the Route 5, which will be a frequent transit network in the next couple of years. Thus, providing public transportation options near this development with connections to major areas of interest in the city such as the hospital, Cherry lane Mall and the Community Centre.

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC), a group of internal staff who review planning applications. This includes careful consideration pertaining to the heritage value of the building and the requirements needed to operate the proposed use. Typical frontage and lane upgrades, along with servicing requirements have been identified for the building permit process. These items have been communicated to the applicant.

Development Statistics

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

	Zone Requirement (C1 – Commercial Transition)	Provided on Plans
Minimum Lot Width*:	13.0 m	30.48 m
Minimum Lot Area*:	550.0 m ²	1359.74 m ²
Maximum Lot Coverage:	40%	28.8%

Vehicle Parking:	1 per 50 m ² NFA (Restaurant) = 6 stalls + 1 loading stall 1 per 50 m ² NFA (Any commercial use - Bakery) = 1 stall	*Site Specific Amendment* 4 stalls (1 accessible stall included) 1 loading stall
Bicycle Parking:	Class 1: 1 per 400 m ² NFA (Restaurant) = 0 Class 1: 1 per 300 m ² NFA (Bakery) = 1 stall Class 2: 1 per 100 m ² NFA (Restaurant) = 3 stalls Class 2: 1 per 300 m ² NFA (Bakery) = 1 stall	Class 1: 2 stalls Class 2: 6 stalls
Required Setbacks:		
Front Yard:	3.0 m	3.0 m
Interior Side Yard:	1.5 m	1.5 m
Exterior Side Yard:	4.5 m	6.34 m
Rear Yard:	0.0 m	0.0 m *Site Specific Amendment*
Landscape Buffer:	1.5m (4 trees and 43 shrubs)	1.5m (5 trees and 44 shrubs)
Maximum Building Height:	10.5 m	8.8 m
Other Information*:	*Lot Width and Lot Area are only relevant at time of subdivision.	

Analysis

The Official Community Plan land use designation for the subject property is 'High Density Residential', which supports small-scale commercial businesses in residential and higher-amenity areas. While a commercial business is not typically envisioned in the high density residential designated areas, staff in this case consider the proposal aligned with the OCP as it is a small-scale commercial development that is proposing to preserve the existing heritage building in a residential area. Therefore, the site specific zoning amendment is supported for the visions set out in the City of Penticton Heritage Registry and the Official Community Plan.

Site Specific Zoning Amendment Bylaw

Staff consider the proposed site specific zoning amendment to the C₁ – Commercial Transition zone to allow this development, is supported through the following OCP Goals and Policies:

- OCP Policy 4.2.3.8 Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
- OCP Policy 4.3.2.1 Encourage high quality commercial development by applying Development Permit Area Guidelines, updating and enforcing regulatory bylaws, and fostering initiatives that improve the quality and infrastructure of commercial areas.
- OCP Policy 4.3.2.3 Encourage intensification of vacant or underused service commercial parcels before designating additional service commercial areas.
- OCP Policy 4.6.6.2 Explore the designation of identified character neighbourhoods as Heritage Conservation Areas, pursuant to Section 614(1) of the Local Government Act, to guide the form and

character of new development and major renovations to ensure they are respectful of the historic character. Apply this designation in areas of strong support for the initiative from residents and landowners.

This commercial development is supported through the conservation of an important heritage site and the adherence of the Development Permit Area Guidelines and Zoning Bylaw. The applicant intends to keep the historic character of the building through this development process. The site specific amendment to the Zoning Bylaw would allow the use and development to proceed as intended. Currently, the C1- Commercial Transition zone does not offer the flexibility required to maintain this heritage building and allow for larger restaurant use. This property is unique in nature and by allowing a site specific zoning amendment, the applicant can repurpose this building for something new and bring some of the existing buildings and site into conformance. For the reasons stated above, staff are supportive of the site specific zoning amendment to allow more flexibility within the C1 zone.

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading of "Zoning Amendment Bylaw No. 2024-38" and forward the application to the Public Hearing on December 3, 2024.

Development Permit

The applicant has also applied for a Development Permit to approve the form and character of the restaurant and bakery. The proposed development is considered within the Commercial & Mixed Use Development Permit Area as per the OCP. Which is established to manage the form and character that strengthens livability, neighbourliness and visual interest.

The proposed development has been designed with the OCP design guidelines in mind. The development proposes a small-scale neighbourhood commercial business and provides a design that meets all of the Zoning Bylaw regulations of the C1 – Commercial Transition zone.

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 a letter of intent and development permit analysis (Attachment C), which outlines the project and its conformance to the OCP design guidelines.

While not a specific consideration of the Development Permit Area Guidelines, given the fact the building is listed on the heritage registry, some consideration should be given to how the proposal will impact the heritage character of the building and particularly the elements that make the building significant from a heritage perspective. In this case, the statement of significance included in the heritage register lists the large eaves and rafters as well as the port cochere and the overall Arts and Crafts style of the building as being part of its significance, along with its prominent location on the corner of Winnipeg and Eckhardt Avenue. In a review of the plans, while several additions are being proposed (Figure 4), the main elements that make the building significant are not being altered, with the exception of the removal of the port cochere, which is being added to the function internal area of the building. The building from the street however will still maintain the overall look and feel of the building with a refreshed appearance. Not listed in the heritage register is the mature landscaping, which is, for the most part, being maintained.

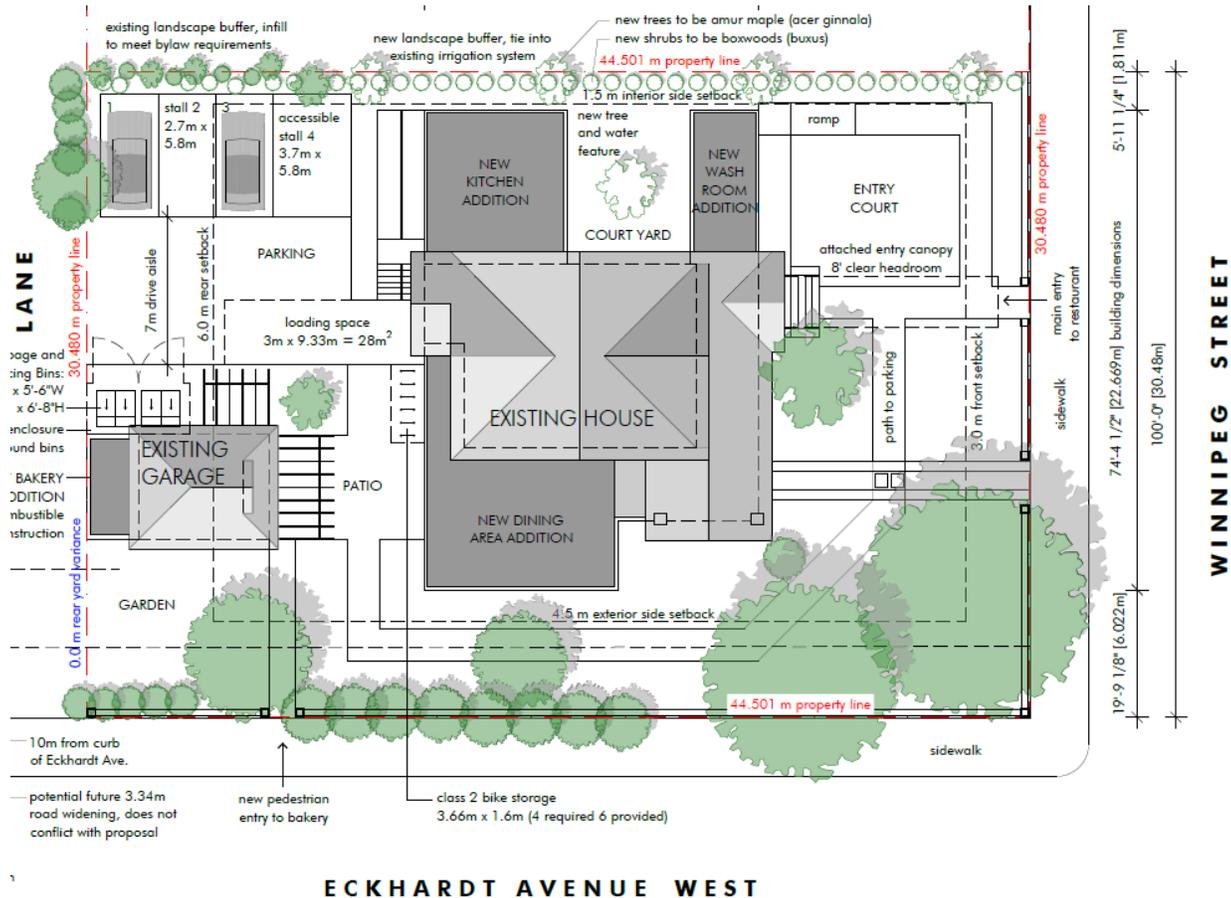


Figure 3: Site plan showing proposed building additions

Summary

With support from these goals and policies, staff believe that this application proposes an appropriately scaled development for the area. The applicant is proposing to maintain the heritage look of the building while changing its use from a residential building to a commercial building. Of note, is the fact that the building was used previously as a commercial building, first as a restaurant then as a bed and breakfast. In addition to the heritage significance of the property, the applicant has provided a landscape buffer between this property and the adjacent residential property to the north. This has incorporated the retention of some of the existing trees and including the planting of additional trees and shrubs to minimize the impacts on the neighbouring property.

As such, staff are recommending that Council consider approving the Development Permit after considering the adoption of the Zoning Amendment Bylaw, following the Public Hearing on December 3, 2024.

Alternate recommendations

Council may consider the proposed site specific zoning amendment 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 goals and policies of the OCP and will be maintaining its status on the Penticton Heritage Registry.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2024-38".

Attachments

Attachment A – Zoning Bylaw Map

Attachment B – Official Community Plan Map

Attachment C – Photos of the Property

Attachment D - Letter of Intent & Development Permit Analysis (applicant)

Attachment E – Development Permit Analysis (staff)

Attachment F – Penticton Heritage Registry 2009 (Riordan House -1921, page 15)

Attachment G – Draft Development Permit PL2024-9878

Attachment H – Zoning Amendment Bylaw No. 2024-38

Respectfully submitted,

Gabe Tamminga

Planner I

Concurrence

Director of Development Services BL	General Manager of Infrastructure KD	City Manager AH
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