

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

Monday, April 18, 2016
at 6:00 p.m.

- | | | |
|-------|--|------|
| Mayor | Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2016-06” | 1-94 |
| CO | <p>Reads Opening Statement and Introduction of Bylaw</p> <p>“Zoning Amendment Bylaw No. 2016-06” (166 & 172 Cambie Place)</p> <p>Purpose: To amend Zoning Bylaw No. 2011-23 as follows:</p> <p style="padding-left: 40px;">Rezone Lot 3 and 4, Block 5, District Lot 202, Similkameen Division (Formerly Osoyoos) Division Yale District Plan 479 located at 166 and 172 Cambie Place, from R1 (Large Lot Residential) to RD1 (Duplex Housing).</p> <p style="padding-left: 40px;">The applicant is proposing to construct a side-by-side duplex on each lot.</p> <p>Notice: The Public Hearing was advertised in the Penticton Western News on Friday, April 8, 2016 and Wednesday, April 13, 2016 (pursuant to the <i>Local Government Act</i>).</p> | |
| CO | Correspondence received regarding the Zoning Amendment is attached (as of noon Wednesday, April 13, 2016) | |
| Mayor | Requests the Director of Development Services describe the proposed amendments | |
| Mayor | Invitation to applicant for comment or elaboration on the application | |
| Mayor | Invites those in attendance to present their views | |
| Mayor | Invites Council members to ask questions | |
| Mayor | Invites applicants to respond to questions and those in attendance may provide new additional information | |

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2016-06” is terminated and no new information can be received on this matter.

- 1 -

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

Monday, February 1, 2016
Following the Public Hearing at 6:00 p.m.

Resolutions

- 9.6 Zoning Amendment Bylaw No. 2016-06
 Re: 166 & 172 Cambie Place

60/2016

It was MOVED and SECONDED

THAT Zoning Amendment Bylaw No. 2016-06, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3 and Lot 4, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479, located at 166 and 172 Cambie Place, from R1 (Large Lot Residential) to RD1 (Duplex Housing), be given first reading and be forwarded to the February 15, 2016 Public Hearing;

AND THAT delegations and submissions be heard for Development Variance Permit PL2015-0769 for Lot 3, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479, located at 166 Cambie Place, a permit to reduce the minimum rear yard setback from 6m to 4.8m during the February 15, 2016 Public Hearing.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: February 1, 2016 File Nos: RZ PL7567 & DVP PL7569
To: Mitch Moroziuk, Acting Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 166 & 172 Cambie Place
Subject: **Zoning Amendment Bylaw No. 2016-06; and
Development Variance Permit PL7569**

Staff Recommendation

THAT Zoning Amendment Bylaw No. 2016-06, a bylaw to amend Zoning Bylaw 2011-23 to rezone Lot 3 and Lot 4, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479, located at 166 and 172 Cambie Place, from R1 (Large Lot Residential) to RD1 (Duplex Housing), be given first reading and be forwarded to the February 15, 2016 Public Hearing;

AND THAT delegations and submissions be heard for Development Variance Permit PL2015-047 for Lot 3, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479, located at 166 Cambie Place, a permit to reduce the minimum rear yard setback from 6m to 4.8m during the February 15, 2016 Public Hearing.

Strategic priority objective

N/A

Background

The subject properties (Attachment 'A') are designated by the Official Community Plan (OCP) as LR (Low Density Residential) and is currently zoned R1 (Large Lot Residential) under Zoning bylaw 2011-23. The Official Community Plan (OCP) encourages intensification of residential land use and supports infill development within existing services areas.

The development site, which features two properties, extends to 1,133 m² (0.28 acre). A detached dwelling of older stock is located on the two lots and will be removed prior to development. Photos of the site are included as Attachment 'E'. The applicant has recently purchased the land with the intention of demolishing the existing single detached dwelling and constructing one side by side duplex on each lot. Each unit has an approximate floor area of 207 m² (2232 sq. ft.) and each have an enclosed garage, accessed from the front of the property.

Proposal

The applicant is requesting that the subject property be rezoned from R1 (Large Lot Residential) to RD1 (Duplex Housing) and is also requesting a Development Variance Permit to vary the following section of Zoning Bylaw 2011-23:

- Section 10.5.2.7 reducing the minimum rear yard setback from 6m to 4.8m

Project Specifications

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

Item	Requirement RD1 Zone	Provided on Plans
Maximum Lot Coverage:	50 %	45%
Vehicle Parking:	1 space per unit (4 spaces)	4 spaces
Required Setbacks		
Principal Building		
Front yard	6m	6.6m
Rear yard	6m	4.8m(variance requested)
Interior Side yard	1.5m	1.5m
Maximum Building Height:	10.5m	10m
Other Information:	<ul style="list-style-type: none"> • This property is not located in a Development Permit Area 	

Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No conditions prior to rezoning or variance permit approval were identified through this referral process. As per Attachment “D”, the City of Penticton owns the land directly in front of the proposed development. The City’s Engineering Department recommends that the land is formalised as road so that a Right of Way for the driveways to the new development would not be necessary. This information was communicated to the applicant. The developer has agreed to pay for the cost of the survey while the City will cover the cost of registration of the road dedication.

Financial implication

The City will incur some legal costs with the road dedication.

Analysis

Support zoning amendment

The subject property is designated for Low Density Residential Development by the City’s OCP. The designation supports duplex development. The OCP provides guidance for staff and Council to consider

when reviewing applications for duplex development in the LR designation. The development meets the following objectives of the OCP:

- Encourage a diversified range of housing types, tenure and densities;
- Consider overall neighborhood character in close proximity to multiple family;
- Necessitate high aesthetic value design and landscaping;
- Encourage densification in predominately single family neighbourhoods undergoing redevelopment.

The plans submitted in support of the rezoning application to RD1 demonstrate that the proposed development meets the guidelines for the low density designation in the OCP. The design is visually appealing and will enhance the aesthetic value of the neighborhood while generating densification. The proposed development represents good planning principles and is compatible with recent development trends in the area. RD1, in the Zoning Bylaw, does not conflict with the OCP Low Density Residential allocation. For these reasons staff are recommending that Council support the land use designation change, as set out above and refer the application to the February 15th Public Hearing.

Deny / refer zoning amendment

Council may consider that the proposed amendment is not suitable for this site, in which case it should deny the bylaw amendment. If the zoning amendment does not go forward, the property will be restricted to single family uses. Alternatively, Council may refer the application back to staff with further instructions.

Support Variance

When considering a variance to a City bylaw, staff encourages Council to determine whether there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance is as follows:

Section 10.5.2.7. Reducing the minimum rear yard setback from 6m to 4.8m

The variance being requested is to allow the building to be set back to provide a parking area in front of the garage for a second vehicle and provide parking at grade. In this case, the slope of the lot can be seen as a minor hardship. The provision of additional parking on site would discourage future owner to locate their vehicle on the street. In considering this request for a variance, staff has concluded that the reduction of the rear yard balances the rezoning of the property and will facilitate the development of a high quality duplex development.

Deny/Refer

Council may consider that the variance requested will negatively affect the existing character of the neighborhood. If this is the case, Council has the ability to deny the proposed variance. Alternatively, Council may refer the application back to staff for further work with the applicant.

Alternate Recommendations

1. THAT Council support Zoning Amendment Bylaw No.2016-06 with any additional conditions that it considers appropriate.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: City Land

- Attachment E: Images of Subject Property

- Attachment F: Letter of Intent
- Attachment G: Site Plan
- Attachment H: Elevations
- Attachment I: DVP
- Attachment J: Zoning Amendment Bylaw No. 2016-06

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director JGH	Acting CAO MM
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Attachment A - Subject Property

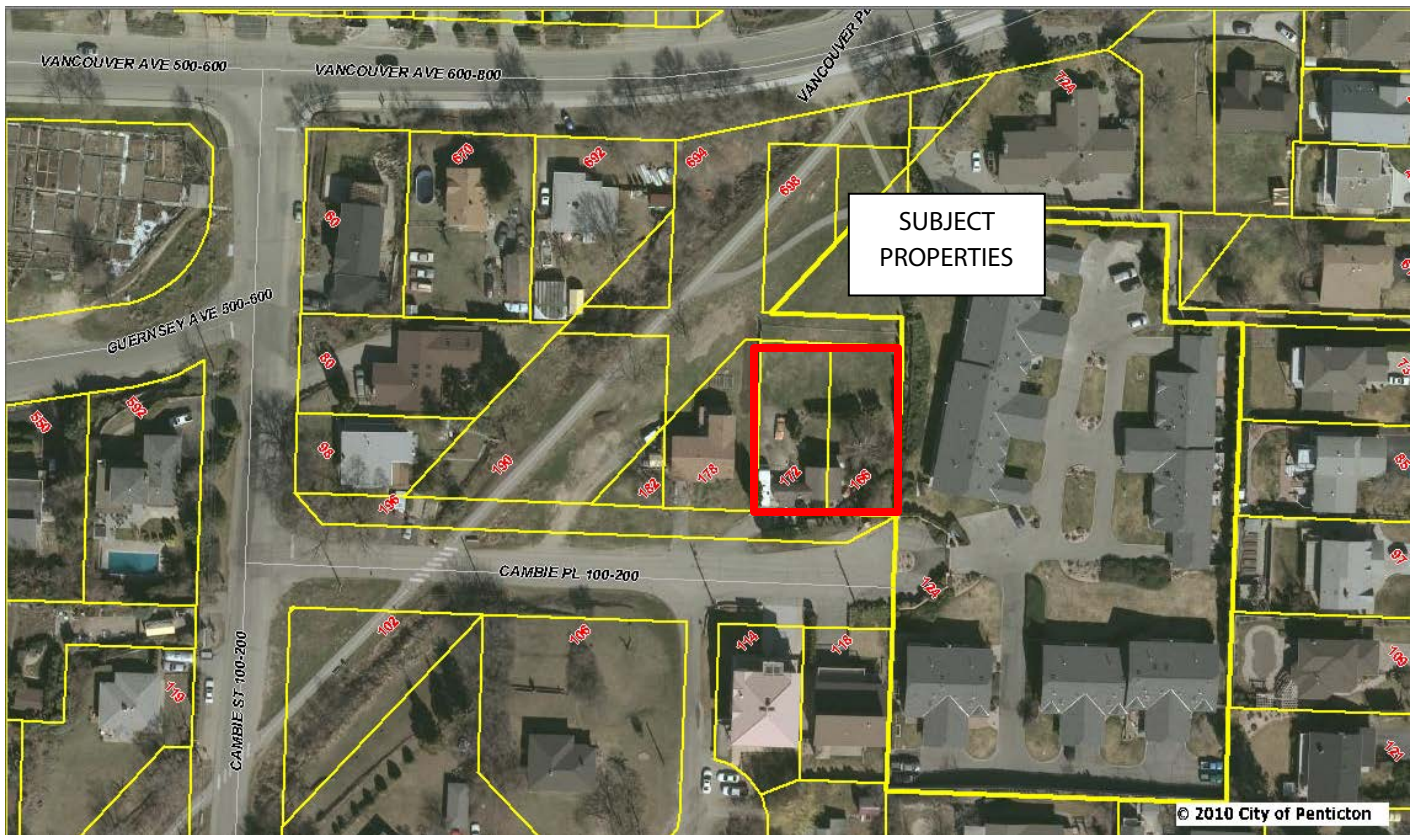


Figure 1: Location Map

Attachment B - OCP Map

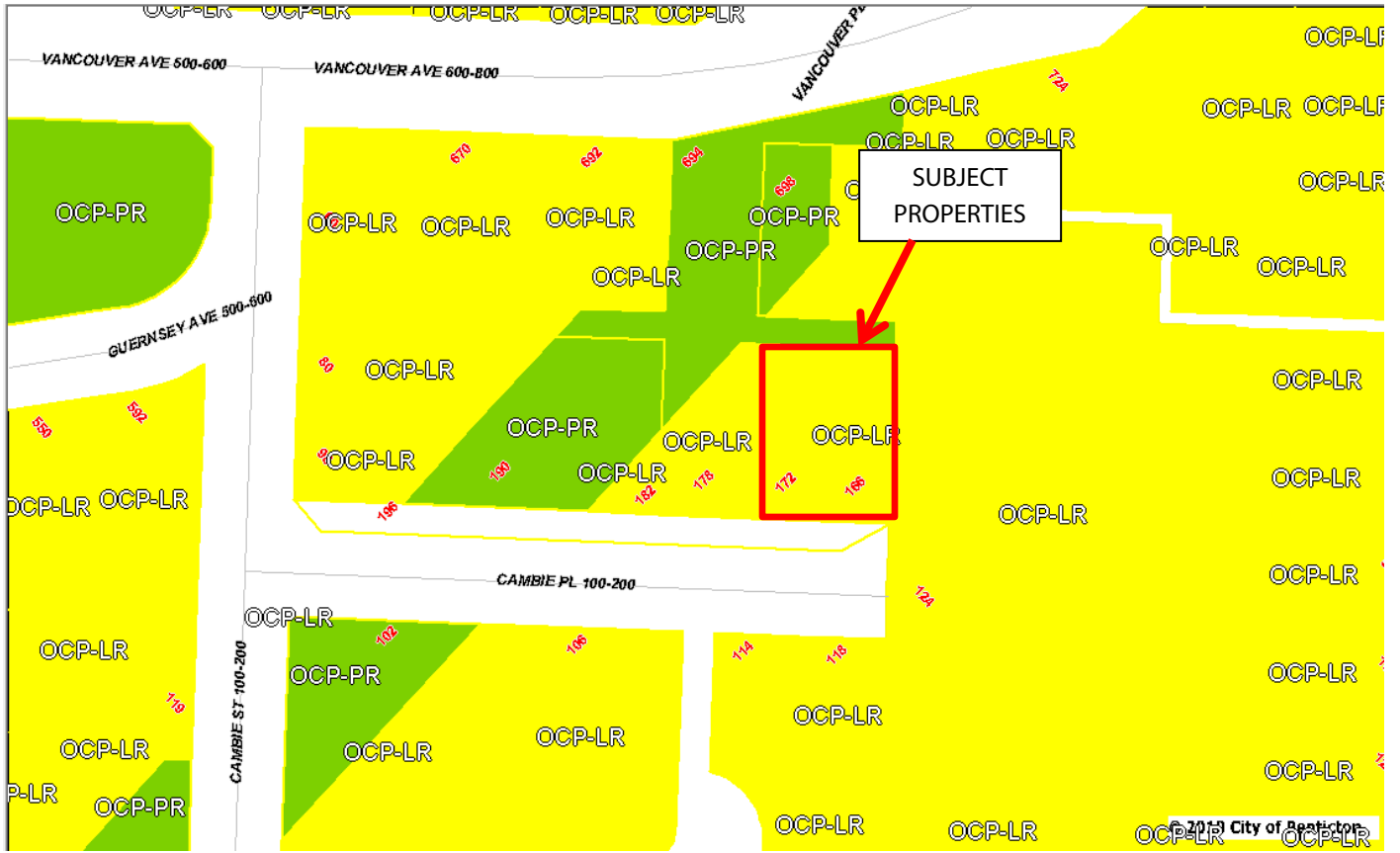


Figure 2: OCP Map

Attachment C - Zoning Map

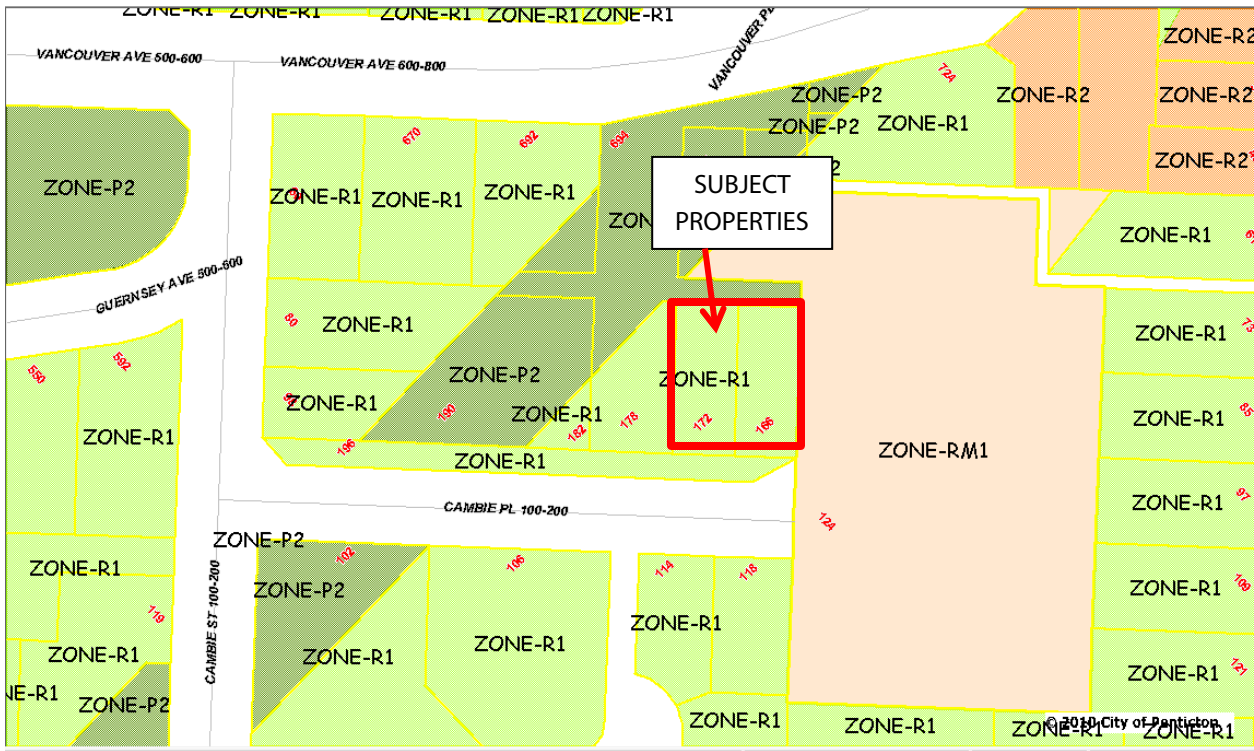


Figure 3: Zoning Map

Attachment D - COP LAND

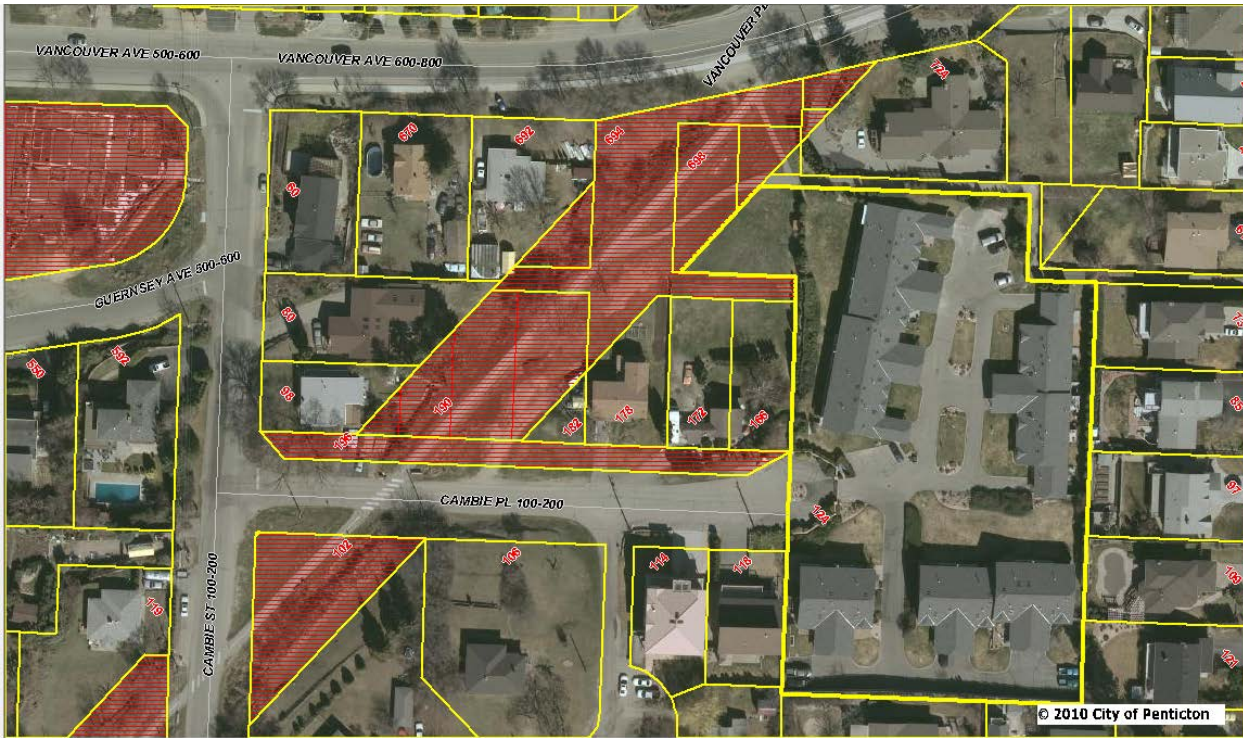


Figure 4: COP Land

Attachment E - Images of the Subject Property



Figure 5: View from Cambie Place



Figure 6: View from Cambie Place looking West



Figure 7: View from the Rear

Attachment F –Letter of Rationale



101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

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

Attn: Blake Laven, Planning Manager

Dear Sir:

Re: Rezoning and Development Variance Permit
166 and 172 Cambie Place

With respects to the above noted properties we are requesting a rezoning of the properties from the current LR - Large Lot Residential to RD1 - Duplex Housing. The OCP designation is LR - Low Density Residential. The purpose of the rezoning is to allow for the construction of a side by side duplex on each of the two lots. Reference is made to the attached duplex plans.

As part of this development application we are also requesting a relaxation of the rear yard setback from 6 meters to 4.8 meters. This request is being made to address a desire to reduce the elevation variances between the road and the on-site parking area. This would allow us to move the building further back on the lot and remove some of the steepness of the driveway.

Respectfully submitted

A handwritten signature in blue ink, appearing to be 'B. Schoenne', with a horizontal line extending to the right.

Bruce Schoenne, RI, AACI,
President,
Schoenne Homes Inc.

A red rectangular stamp with the word 'RECEIVED' in a bold, sans-serif font, tilted slightly upwards to the right. Below the word, there is some faint, illegible text.

Attachment "G" – Building Rendering



Figure 8: Artist Rendering



Figure 9: Front View



Figure 10: South East View



Figure 11: South West view



① NORTHWEST REAR VIEW

Figure 13: Rear Elevation

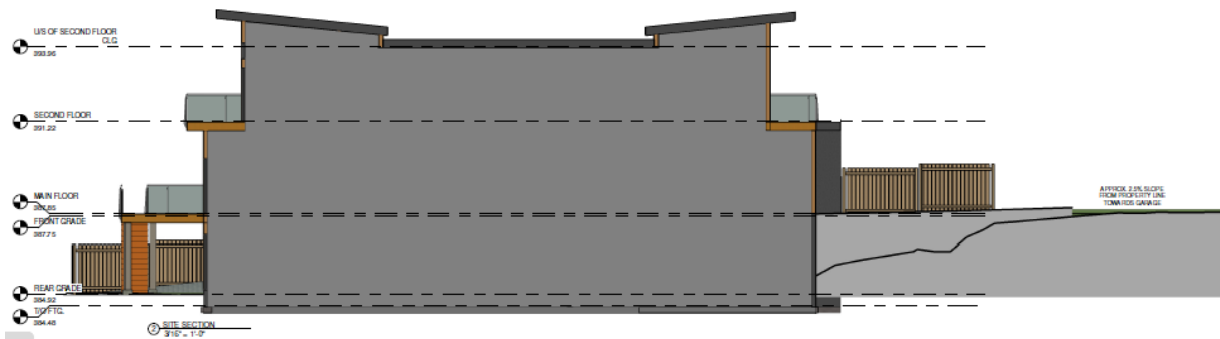


Figure 14: Side Elevation with proposed fill

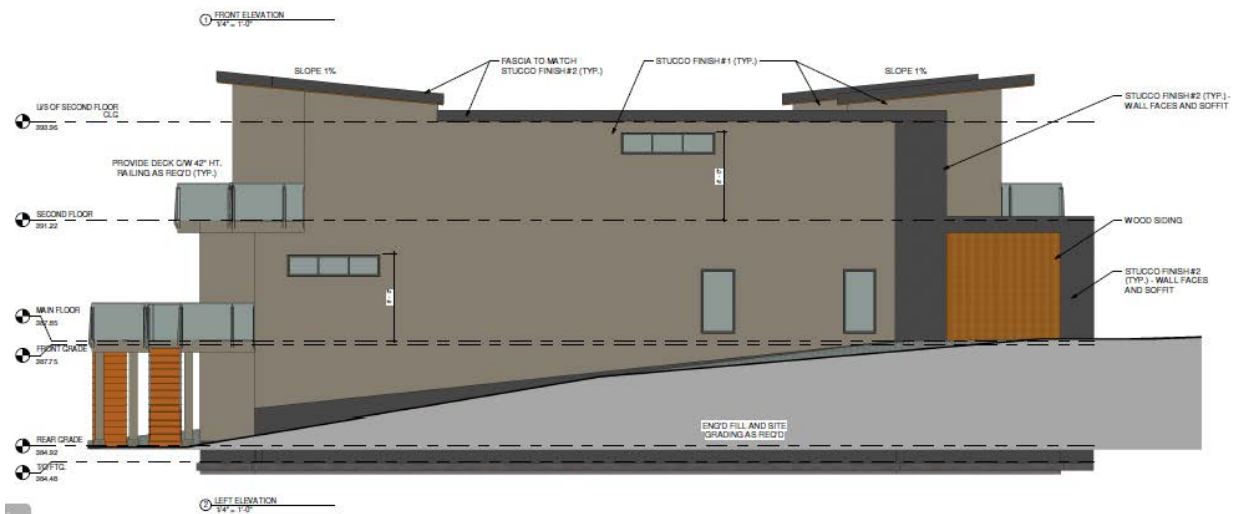


Figure 15: Side Elevation with proposed fill

Attachment H: Site Plan

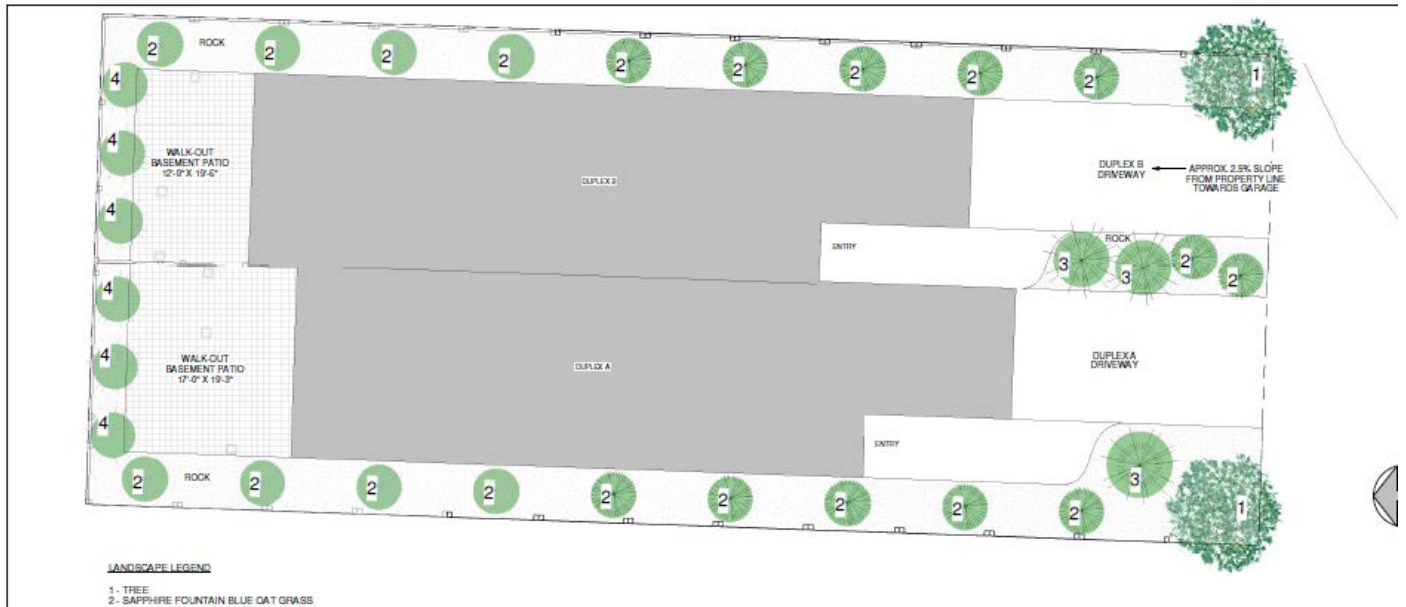


Figure 16: Site Plan/Landscaping

Attachment I: DVP



City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
www.penticton.ca | ask@penticton.ca

Development Variance Permit

Permit Number: DVP PL2015-0769

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 3 and Lot 4, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479
Civic: 166 and 172 Cambie Place
PID: 006-846-980, 006-847-021
3. This permit has been issued in accordance with Section 922 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2011-23 to allow for the construction of two duplexes with secondary suites, as shown in the plans attached in Schedule A:
 - Section 10.5.2.7: reduce the minimum rear yard setback from 6.0m to 4.8m

General Conditions

4. In accordance with Section 928(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.
5. In accordance with Section 926 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 _____ day of _____, 2016

Issued this _____ day of _____, 2016

Dana Schmidt,
Corporate Officer

Bylaw No. 2016-06

A Bylaw to Amend Zoning Bylaw 2011-23

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 2011-23;

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. 2016-06".

2. **Amendment:**

2.1 Zoning Bylaw 2011-23 Schedule 'A' is hereby amended as follows:

Rezone Lot 3 and Lot 4, Block 5, District Lot 202, Similkameen (Formerly Osoyoos) Division Yale District Plan 479, located at 166 and 172 Cambie Place, from R1 (Large Lot Residential) to RD1 (Duplex Housing).

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

READ A FIRST time this	1	day of	February, 2016
A PUBLIC HEARING was held this	18	day of	April, 2016
READ A SECOND time this		day of	, 2016
READ A THIRD time this		day of	, 2016
ADOPTED this		day of	, 2016

Notice of intention to proceed with this bylaw was published on the 8 day of April, 2016 and the 13 day of April, 2016 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Corporate Officer, City of Penticton
171 Main St. Penticton, BC, V2A 5A9

Febr. 8- 2016 page 1

Re: Rezone PL 2015 – 7567, and
Development Variance Permit
PL2015 – 7569 Application
City of Penticton, BC

Dear Sir/Madam

With respect to the above noted matter, I wish to bring the following concerns to your attention:

1. Cambie Place is a “no exit” street, ending at the private entrance to “Cambie Meadows” (# 124 Cambie Place), a 55 + gated community, of 16 townhouses, with a car density of approx. 25 vehicles. Immediately to the south of this entrance are 2 large residences, adding 5 – 6 vehicles, while the proposed duplexes directly to the north of said entrance will add 4 to 8 vehicles, amounting to well over 35 vehicles using the same “3 way” entry/exit point. . Visitor parking in this area is minimal, resulting in a tendency to “misuse”.

Emergency Services (Fire Dept., Ambulance) access will be compromised as well as the safety of many seniors living “behind” one exit!

I trust Council will, in making their decision, seriously consider the increased risk for accidents to happen at this busy “3 way junction”, should the proposed development be permitted.

2. ...continued on page 2...

2...My second concern relates to the size, more specifically the height of the page2
Proposed duplexes. Although the parameters appear to be within the guidelines of the current
bylaws, Property owners (in Cambie Meadows) will still be, in varying degrees negatively affected.

It is a well established principle in the Home building and Real Estate industries, that.....
“having a view” , increases the value of a property. A “view” of Okanagan Lake or Skaha Lake,
must rate as one of the more desirable assets of a home in Penticton. A number of properties in
Cambie Meadows qualify for this designation! By allowing the proposed duplex construction to
proceed, the builder will be aware, or ought to be aware, that the owners of the aforesaid
properties stand to lose this asset, hence will experience a decrease in property value, i.e. a
financial loss. In addition there is the concept of “loss of enjoyment” in this context, to be
considered. Subjective, but very real in legal terms, and to an owner.

The legality of these issues noted above, currently are receiving significantly more attention, then
In the past, and are being discussed in various circles. Hopefully this will lead to more equitable
Laws in the near future. In the meantime the Council of the City of Penticton has a duty to protect
all citizens of this city, and consider these concerns seriously in their deliberations.

Respectfully submitted, Yours Sincerely,



Martin P. Vande Guchte MD

103 -124 Cambie Place, Penticton BC V2A 1C5



Current "public" parking

private driveway

Cambie Meadows"



Attachment E - Images of the Subject Property



Figure 5: View from Cambie Place

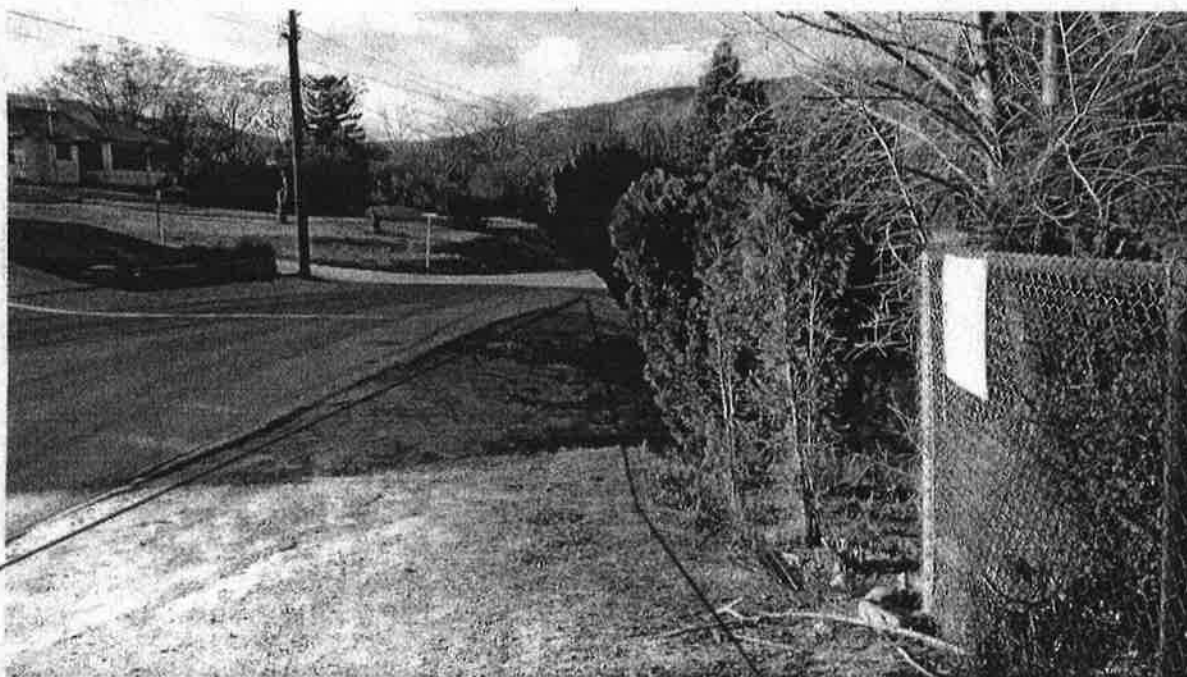


Figure 6: View from Cambie Place looking West

“public” parking as shown on photo,
Application allows for 4 driveways entering from R.
.....on this SPACE.....??

February 8, 2016

Corporate Officer,
City of Penticton
171 Main St. Penticton BC V2A 5A9
Email: publichearings@penticton.ca

Re: Zoning Amendment Bylaw 2016-06 Re 166 & 172 Cambie Place

The proposal is to re-zone these lots from R1 large lot residential to RD1 Duplex Housing. We have concerns regarding this proposed amendment for the following reasons:

1. These are relatively small lots, in fact the total frontage of the two lots is just over 30 meters which is smaller than the frontage of most of the single dwelling lots in the immediate vicinity. Presumably size was one of the reasons this area was originally zoned R1. To now propose to construct 4 dwellings is unrealistic and will result in significant crowding and congestion.
2. At this time parking on Cambie Place is very limited. The magnitude of this proposed development will result in further congestion in an otherwise single dwelling residential neighborhood. For example, Cambie Meadows, which is adjacent to this lot and a gated community has two designated parking spots per unit plus designated visitor parking whereas this proposal indicates one parking spot for each of the four units with no allowance for visitor parking.
3. This proposal, combined with the proposed 10 meter height will have significant impact on the viewscape. (Significantly beyond what one would expect from a single residential home). This was certainly not anticipated when we purchased our home.

Our concerns are consistent with those expressed by Curtin Eaton, Professor of Economics, University of Calgary (Penticton Herald – Feb 6/16) that *“The values of homes in a community and the ability of owners to enjoy them is affected by the features of neighboring homes”*.

We understand development will take place on these lots. However, the existing by-laws **which were in place when we purchased our home and when the developer purchased this land**, clearly identify the type of development that one could expect. Any assumption that the change of zoning request would be a matter of course would certainly be preemptive to a fair and transparent process. These rules and expectations were established as parameters under which proponents and neighbors could reasonably expect development to occur. To change them now to accommodate a business interest at the expense of existing residents is a betrayal of these expectations. We urge council and the developer to reconsider.

We believe these lots should remain R1 or at worst, be re zoned to allow two rather than four dwellings.

Thank you.



William & Lillian Therriault

102-124 Cambie Place, Penticton V2A 1C5

From: Dave and Bev
Sent: February-08-16 1:53 PM
To: Public Hearings
Subject: zoning amenoment bylaw for lots 166 and 172

Corporate Officer City of Penticton,

As a concerned resident residing at Cambie Meadows I am against the rezoning of lots 166 and 172. The reason for this is that it is going to take away a portion of our lovely view for which we get great pleasure from and also will affect the value of our home in a negative way.

Dave and Bev de Gruchy
Strata KAS-632 Unit #105

Untitled
#106 124 Cambie Place
Penticton , B.C.
February 8 , 2016

Rezone PL 2015-7567

Dear Councillors ,

Thank you for the opportunity to comment on the subject rezoning proposal .

My comments are in two areas - already limited parking and questionable soil stability .

Street parking is already a problem at the east end of Cambie Pl. because Cambie Meadows has virtually no frontage to facilitate extra visitors or commercial vehicles . The two properties opposite the proposed development are much the same , most of their frontage taken up with wide driveways needed for access to double car garages .

At the west end , south side , of Cambie Pl. there is a limited portion available for parking but this is often used by large commercial trucks or recreational vehicles too big to park elsewhere on the street . It is also used by hikers accessing the KVR trail .

The proposed development provide parking space for two vehicles per unit but only if one blocks the other . There is no provision for visitors or tradesmen . The probable reality will be the second vehicle and those of visitors and tradesmen will end up on the street .

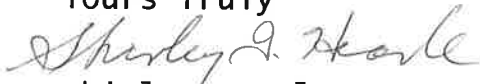
All the current property owners entailed the expense of land and construction cost of providing at least two parking spaces per residence and visitor parking . The developer should be held to the same standard and not allowed to impose an inconvenience on existing residents for a plan that doesn't have adequate on site parking .

Untitled

Soil stability has to be considered for any building plan for this property as the City could be liable should a foundation shift cause structural damage .

This arises because the north end of these properties was a gulley that was filled improperly , the fill containing a proportion of concrete slabs from a demolition site , thus precluding proper compacting .

Yours Truly



Shirley G. Hearle

Shirley Hearle

30
RECEIVED

FEB 09 2016

To:

Attention: Corporate Officer, City of Penticton
171 Main Street,
Penticton, BC V2A 5A9
Email: publichearings@penticton.ca

From:

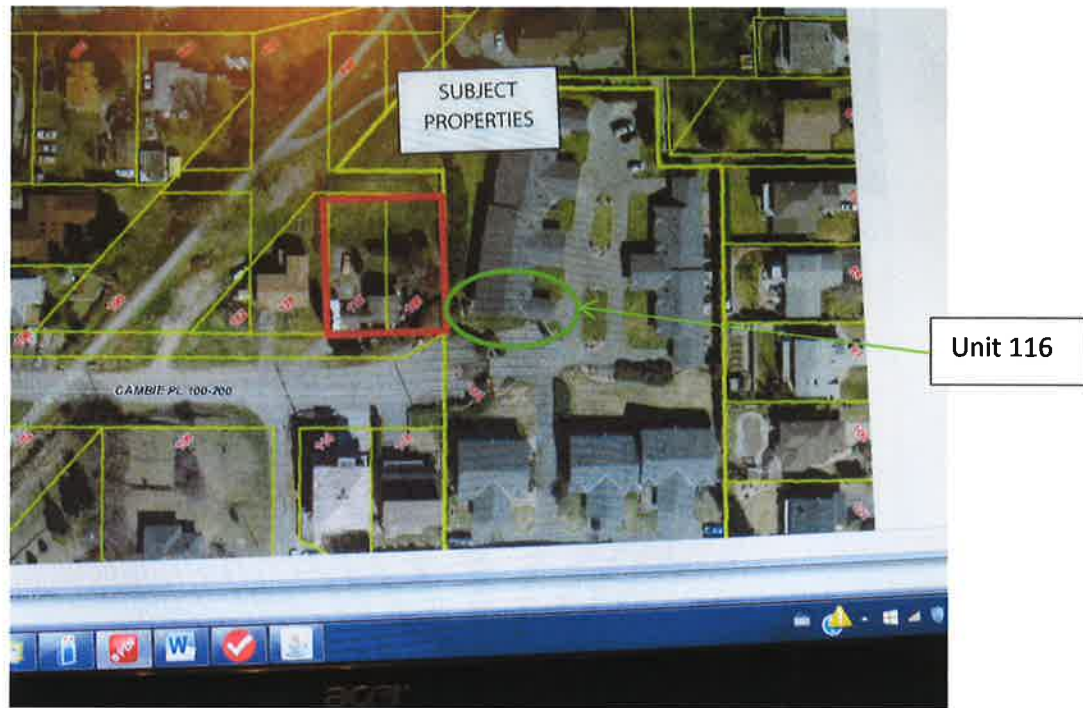
Ronald and Diana Johnson
116 – 124 Cambie Place
Penticton, BC V2A 1C5
Email:

Re: Zoning Amendment Bylaw No. 2016 – 06

We petition Council to deny the requested rezoning.

We are Diana and Ronald Johnson, living at Unit 116 – 124 Cambie Place, Penticton. We moved here in 2012, retiring from the Lower Mainland and found a place we enjoyed living. The City of Penticton has many attractions, and our new home is comfortable and conveniently located.

This is where we live. (Attachment A Figure 1: Location Map)



Our complex is multi-family, and yet it doesn't impinge on our neighbours. It sits on the side of the hill with a profile that matches the houses near us, appearing like a bungalow.

Personal Photographs 1, 2 – Cambie Meadows fitting with neighbouring residences.



One of our important enjoyments is sitting on our balcony in the morning and evening, especially watching the sun set over the mountains to the west.

Existing views from balcony, facing the proposed development (Personal photographs 3, 4)

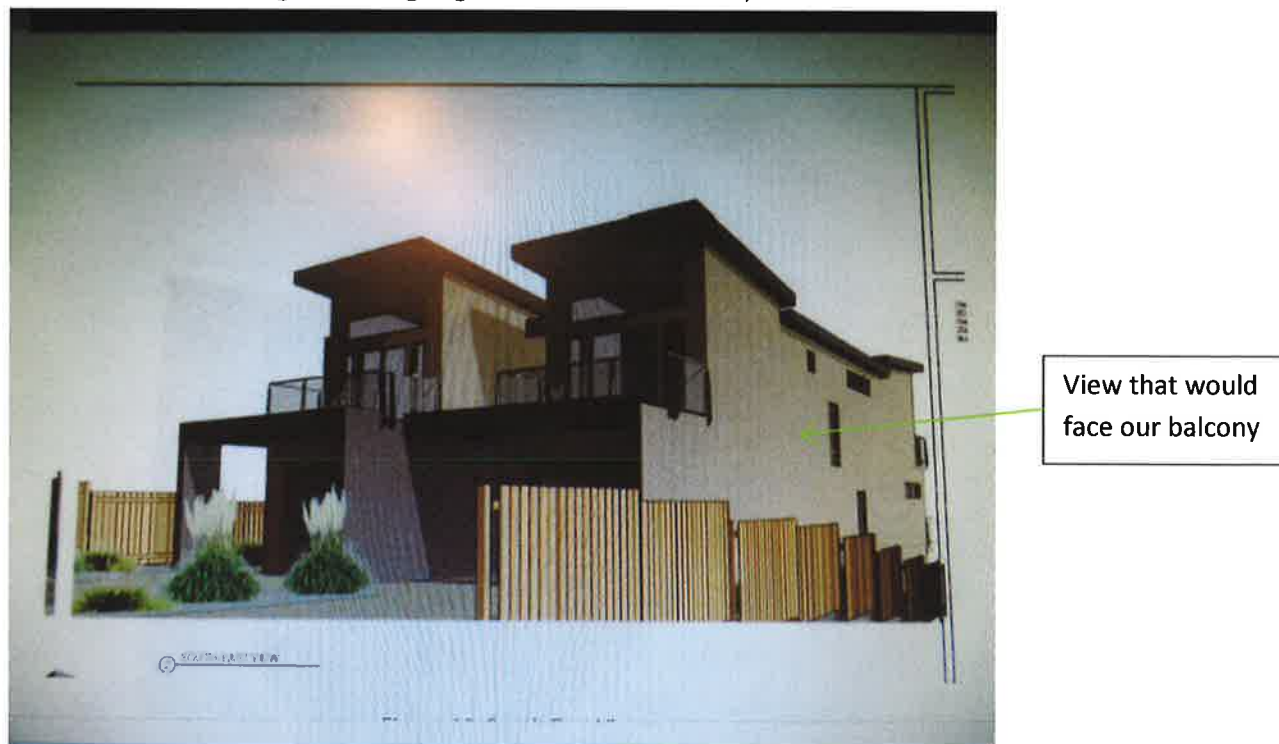


With this proposed development, our home will be overwhelmed by the looming stucco wall and the view blocked, causing a major decrease in property value. In this picture (from developer website) you can see how dominating the development will be. (Attachment G Building Rendering, Figure 8 Artist Rendering)



The feeling would be the same as facing a prison wall.

(Attachment G Building Rendering, Figure 10 South East View)



Our home would be staring at the wall with the balcony at approximately the middle of the middle floor. The rear balcony of the development would face directly down on ours. The proposed reduced set-back at the rear of the property will only add to the prison-like feeling.

(Attachment G Building Rendering, Figure 14 Side Elevation)

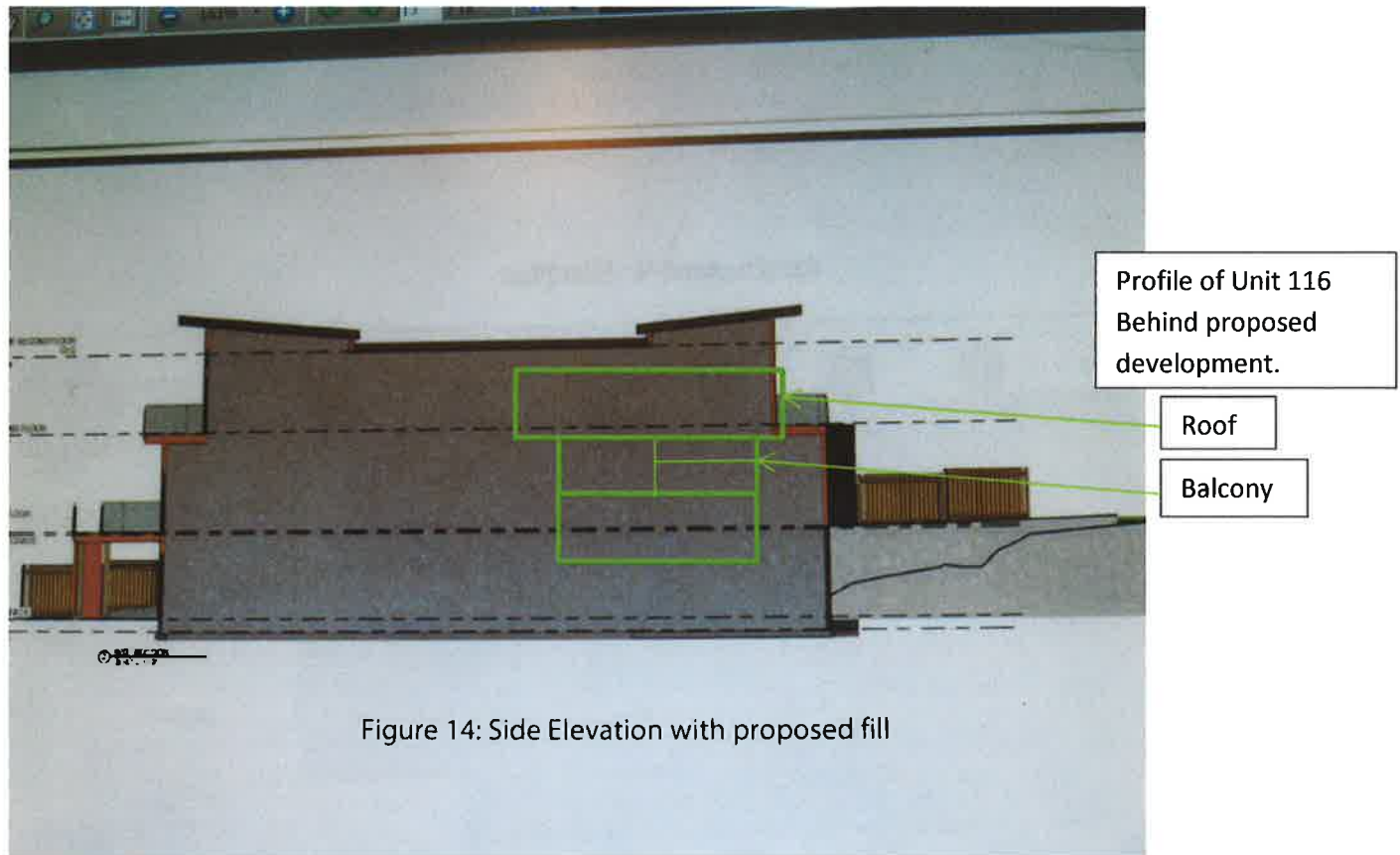


Figure 14: Side Elevation with proposed fill

The change in environment by this development will cause a major decrease in the value of our home, our major asset in retirement, as well as the rest of the complex (see attached article from Penticton Herald). **Which view would you choose to purchase and live with?**

The proposed development does not fit the overall neighbourhood character, despite our multi-family development which is low profile (units appear like bungalows). It is not of high aesthetic design value from our location (high and wide blank wall) and includes minimal landscaping. The requested rear setback modification only increases the 'blank wall' view and leaves only a tiny back yard, not suitable for family residence.

Photo 5: Location of side setback for blank wall.



We feel it is immoral and cruel to change the zoning to permit this massive development. We are also concerned that the developer will later move to provide 'legal' secondary suites, as they did for a similar project at 511 Forestbrook Dr, which would add a total eight (8) potential households to our immediate vicinity. We are concerned that this will cause excessive traffic, parking problems and abuse of the turning area on our complex property.

Photo 6:



Cambie Meadows
property line,
(turning area will
be unavailable
for public use)

We respectfully petition that Council deny the requested zoning change.

Signed: _____

Is the character of your community secure?

Council recently resolved a dispute between owners in the Highpointe community by granting a variance for a home that would violate height restrictions in the community, over the objections of several other Highpointe owners and without the support of the directors of the Highpointe strata council.

In my view, council has no legitimate interest in this dispute, and its decision sets a terrible precedent that undermines the legitimate expectations of homeowners in similar communities throughout our city.

Let me explain.

The value of homes in a community and the ability of owners to enjoy them is affected by the features of neighbouring homes and the behaviour of their owners.

That is an inescapable feature of life in the city. Consequently, there is a potential for a race to the bottom in the real estate market as home owners design and use their own property for their own purposes, ignoring any adverse effects their behaviour may have on their neighbours. Building codes and certain municipal bylaws are put in place to control this destructive race. A noise control bylaw prohibits my family from playing really loud music in a backyard.

The B.C. Building Code requires buildings must be set back from property lines by specified amounts and must not exceed certain height restrictions.

A noxious weed and grass control bylaw prohibits us from allowing burdock and Russian thistle and a number of other weeds to grow on our properties. These are just some of the many restrictions that constrain the ways in which my family can use our property. Each of these restrictions potentially reduces our ability to enjoy our property, but, because all of our neighbours



CURTIS
EATON

Guest column

are constrained in exactly the same way, the net effect of these restrictions is to increase both everyone's ability to enjoy their properties and the value of everyone's property. It works like this: On occasion, it would be a lot of fun to have a noisy, boisterous party in our backyard, but that would be outweighed by the sleepless nights that would result when all of our neighbours did the same.

Kelowna's noise bylaw saves us from that particular race to the bottom.

I would argue that much value is created by the restrictions governments impose on the way in which owners are permitted to use their property.

But building codes and municipal bylaws are blunt instruments that cannot easily facilitate the development of a city like Kelowna that is composed of many small communities each with its own distinct identity, communities like Trafalgar Square, Iron Horse Estates and Highpointe.

Communities like these arise through the efforts of developers who recognize there is variation from family to family in the characteristics of their ideal community, and hence money to be made by creating a variety of distinct communities that serve these diverse interests. Accordingly, developers impose restrictions above and

beyond those in the B.C. Building Code and bylaws of Kelowna, and in so doing they create a market for real estate in which buyers can effectively choose their ideal community, or something close to is.

The owners' protection that the ideal community will in fact emerge and be maintained is, of course, embodied in the covenants and strata bylaws imposed by the developer.

That protection, of course, vanishes when council chooses to override community restrictions as it did in the Highpointe case, granting a variance to an owner in the community to build a house 2.7 metres higher than the specified maximum height.

Given that owners, including the one to whom the variance was granted, bought property in Highpointe knowing all the restrictions that served to define the character the community, it seems clear they all have a perfectly legitimate expectation that the restrictions will be enforced.

In this circumstance, what possible legitimate justification is there for council to grant a variance to do something that was clearly prohibited?

None that I can see.

Council should not be choosing sides in a private dispute among neighbours when the dispute concerns restrictions that all the neighbours agreed to when they bought property in the community.

Council has no legitimate interest in such disputes.

Citizens who live in similar communities ought to be outraged by this decision, for it undermines the land-use restrictions that define the character of those communities.

Curtis Eaton is a professor of economics at the University of Calgary and a part-time Kelowna resident.

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Penticton Herald Feb. 6, 2016

TO: Penticton City Council

FROM: Lynda West, Chair, Strata KAS 632, Cambie Meadows, 124 Cambie Place

RE: Redevelopment proposal at 166 and 172 Cambie Place, Penticton, B. C.

DATE: February 10, 2016

The Strata Council of Cambie Meadows makes this submission concerning the redevelopment proposal at 166 and 172 Cambie Place, Penticton, B. C.

We wish to make the following points:

1. GEOLOGICAL STABILITY: Phase 2 of Cambie Meadows is immediately adjacent to the proposed development. Concerns with slippage of the ground under several of our units has been ongoing resulting in the need for major re-engineering at considerable expense. We have had a structural engineer, geotechnical engineer and engineering firm assess the problem and continue to deal with these issues. It is our understanding that underground water flow affects the stability of the ground. It is also our understanding that, some time ago, the previous owner of the properties in question was denied permission to build on the north facing portion of these lots due to the same concern. We believe this proposal is not only potentially risky for the proponent but could also have negative structural/corrosion implications for our existing homes.

2. PROXIMITY TO EXISTING CAMBIE MEADOWS ENTRANCE: Immediately east of the above mentioned properties on Cambie Place (and at a dead end) is our 16 unit, single storey townhouse complex, Cambie Meadows. The entrance to this complex consists of a curbed, planted ornamental garden area with a paved roundabout which allows simultaneous egress and access of vehicles from our complex. The roundabout is owned and completely maintained by the Strata Corporation.

According to the development plans, there will be 4 driveways, each with only one parking area, within a 30.5 metre wide property located immediately outside our property.

We are very concerned about congestion, increased traffic, wear and tear and possible encroachment of vehicles into this private paved area as vehicles may be tempted to use the roundabout to park facing west in front of the new development. We feel the level of congestion is unacceptable and could pose a hazard to residents of Cambie Meadows.

As this is a dead end street, access of emergency vehicles could be impeded.

3. IMPACT ON THE EXISTING CHARACTER OF THE NEIGHBOURHOOD: Existing area residents have always understood that this lot would eventually be developed as R1 (Large Lot Residential). Similar high density duplexes have been built in areas where others exist or where apartment buildings are located i.e. the downtown area which is a mix of commercial, private homes, duplexes, apartment condos, townhouses and several large multi-storey apartments. We are not aware of any duplexes or apartment buildings in the Uplands area. This proposal will set a precedent in this well-established area of middle class homes and could have a negative impact on existing property values.

Penticton City Council submission - page 2

The property in question has always been zoned R1 (Large Lot Residential). This would have been known to the proponent prior to purchase. Presumably the proponent would not have been led to believe that rezoning to RD1 and the construction of **four units** would simply matter of a request to the City of Penticton Planning Department and a routine approval by City Council?

4. IMPACT DURING CONSTRUCTION: When and if any type of development is approved in the future, our concerns extend to the period of construction. We would require assurances from the contractor that the private property designation would be respected and that no vehicles, heavy equipment, large construction vehicles etc. would use this area. We would also require assurances from the contractor that any damage caused during the construction period would be repaired by them in a timely fashion.

RECOMMENDATIONS:

1. We strongly urge City Council to deny this rezoning request and development proposal.
2. We urge members of our elected City Council to personally visit this area to gain a better understanding of the concerns we have addressed. We would welcome the opportunity to provide Council or staff with a first-hand perspective. Contact phone # is 250-493-4422.

Respectfully submitted,

Lynda West, Chair, KAS-632, Cambie Meadows
Council Members: Bill Therriault, Martin VandeGuchte, Dave Guiney, Ron Johnson

c.c. to all Cambie Meadows owners

Attention : Penticton City Council and Corporate Officer, City of Penticton 171
Main Street, Penticton, B.C. V2A 5A9

Mesdames and Sirs:

February 10, 2019

The following submission refers to the Proposal application of Schoenne Homes Inc. for a Rezoning and Development Variance Permit for 166 and 172 Cambie Place in reference to the construction of a side-by side duplex on each lot and requiring Rezoning from R1 to RD1

As longtime original owners of a home unit in Strata Corporation KAS-632 at 124 Cambie Place, Penticton B.C. V2A 1C5; we object to and are opposed to any Council Decision to allow this Variant Permit to be issued here in an area of construction that is entirely zoned R1, and should remain that way.

It is our opinion, that the changes being sought will result in similar future requests for RD1 or other zoning changes with the subsequent result of reducing property values for all owners in the area. The 16 present Resident home owners in Cambie Meadows Strata KAS-632 are paying their fair share of high resident taxes, and should be protected from this rezoning structure. In addition to the foregoing, there are other issues that should be examined by the Council that reflect badly on any decision to grant a Rezoning and Development Variance Permit in this case.

Cambie Place is a short Dead-end road running off Cambie Road. The road is not wide, about a block long and ends at our Strata's Property line, after which there is a code opening gate which encloses the Strata Property. In front of the gate is an Enterphone which allows visitors, construction people or unit help/garden people etc. to contact the phone of listed residents to gain entry into the complex from contacted automated resident phones. This area where the Enterphone resides is between a circular roadway in front of the gate allowing exit or entry on either side from or to the Strata grounds. This entire area is part of and within the **owned** Strata property.

Given the plans and photos of the proposed Duplex structures, it would appear that at least the most Eastern unit is going to have it's garage and front road access area coming out relatively close to our front entry property line which is probably going to result in some problems for all concerned.

1. In order to protect our circular IN/OUT roadway and Enterphone on the West side of our entry gate, from trespassing vehicular traffic on the road or from the proposed Duplexes, Strata may be forced to close off the outgoing road side leaving a singular IN/OUT lane for Strata use only.

2. The closure of one of our IN/OUT lanes is going to create a severe problem for our Garbage, Recycle and garden waste collection take a-way. Our garbage bins are within the property gate and the weekly collection requires the very large collection trucks to back in to our curved entry area to retrieve the bins from the other side of the gate. This collection in itself may restrict access both in and out of our Complex.

3. Given that the protests of Strata owners and other Cambie Place home owners are ignored by this Council and the Construction of the Duplexes goes ahead; In all probability there will be youngsters with bikes or toys playing on or beside the narrow road in numbers we never have seen before. This is going to create an ongoing dangerous road pedestrian, traffic/parking situation worsened by the additional presence of perhaps 4 {or more} automobile or trucks from the new Duplex inhabitants or renters. This, together with Cambie Place's present poor to non-existing road parking ability. The present general road structure is going to create an ongoing source of danger to both vehicles and pedestrians using the road.

We are sure that there will be other specific associated problems brought up by other residents here and others living in homes along Cambie Place road.

Thank you for your attention.

Josephine and JG Walker Cambie Meadows -- Strata KAS-632 -- Penticton residents

From: terrysilverthorne
Sent: February-11-16 7:11 PM
To: Public Hearings
Cc: Lynda West
Subject: Re: Petition to Public Notice

To Whom it May Concern:

Petition to building of 2 duplexes at 166 & 172 Cambie Place.

We are new homeowners at 124 Cambie Place KAS 632 Unit #115 Phase 2.

We will be directly affected by the building of these two proposed duplexes. Our view will be completely obliterated to the west which will directly affect our property value. If it was zoned single family then it should remain single family zoning. There are no other high density duplexes in our area at the present time. Would this not be precedence setting in this area of middle to upper class area homes? There are many of these types of buildings in high density areas around the City of Penticton on the flat but none that we know of on the higher elevations.

There is very little parking outside our gates already for people needing to gain access to Cambie Meadows who operates and maintains and owns the land at the roundabout which is where the driveways to these duplexes are deemed to be built.

We also understand that there is an underground spring directly under about three units in Phase 2, ours being one of them which is directly behind where the building is planned for.

We strongly oppose this development.

Terry & Peter Silverthorne

From:
Sent: February-12-16 9:53 AM
To: Public Hearings
Subject: RE: Proposal of Rezoning 166 & 172 Cambie Place and its redevelopment

We: Wayne & Sandra Klassen, Owners of 108-124 Cambie Place.

We give our full support to the Cambie Meadows Strata Council for Opposing this development for the clear reasons given

We strongly oppose the proposed redevelopment because it does not fit into the Uplands character.

We are recent purchasers of our present location. We were drawn to the Uplands area because of the unobstructed view. This development would destroy that, by blocking the highly regarded views from the properties within Cambie Meadows.

The proposed development would increase our assessed value but decrease our market value of our property due to the loss of a excellent View.

The lack of street parking in front of the new development, could cause congestion that would obstruct emergency vehicles responding to Cambie Meadows. We have to realize this is a 55 plus community.

We strongly request that you the Council of Penticton turn down this rezoning and this development project.

Respectfully submitted;

Wayne & Sandra Klassen

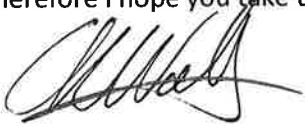
8:51am
RECEIVED
FEB 15 2016

To Penticton City Council

Re. 166 & 172 Cambie Place Zoning change and Variance Application.

I'm Opposed to the zoning change from R1 to RD1, the application does not blend well into an area of the city that historical is and has been zoned for large single lots. There are plenty of other areas in the city that is better suited for RD1 development. The acceptance of this zoning change will change the form and character of an established area in the city that currently is 99.9 percent zoned R1; it is an established neighbourhood that we have invested financial and lot of time, pride into an area of the city. The RD1 Zoning allows for more density and increased lot coverage 50% of lot. It also increases parking by allowing two residences and the added increase of secondary suites potential, therefore 12 vehicle's spots would to have to place on the property. The parking availability is not very defined on the plans for number vehicles, the street is a cul-de-sac and does not have much street parking available. The request for the rear setback variance from 6.0m to 4.8m to create more parking does not take into account, the point that the rear elevation has a large percentage of exposed openings which most likely may exceed the fire limiting distance requirements to the property line. It does not indicate in the staff report if the Building Department has reviewed the potential development and have any safety concerns.

Therefore I hope you take these comments into consideration and not allow this rezoning to proceed.



Anton Wolf RBO & Carmel Wolf
595 Westminster Ave E
Penticton BC
V2A1J1

March 7, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

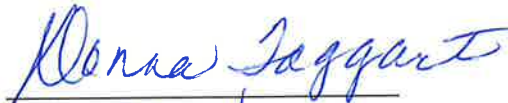
Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

I do not support the above rezoning application for the development of two (2) duplexes on the above mentioned lots. The development does not fit within the City's RD1 zoning bylaws. According to the City Zoning Bylaws the lots do not meet the minimum lot width and the minimum lot area required for this development.

I strongly feel this DOES NOT fit into the character of the neighborhood and I worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.



Signature RICK TAGGART



1034 Westminister Ave E

Address

V2A-8G3

11:22am 9
RECEIVED
MAR 07 2016

March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@pentiction.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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John Lowless
Signature

131 Wilman Cres
Penticton BC
Address
V2A 1R3

11:22am
MAR 07 2016
RECEIVED

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Garyth Savin
Signature

131 WARDEN CRES
PENTICTON BC
Address
V2A1R3

10:21 a.m.
MAR 07 2016

March 5 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Florence McDougall
Signature

750 Westminster Ave E
Penticton B.C. V2A 1J3
Address

Phone

*this area should be single family only
No exceptions!!!*

March 8, 2016

* Andrew Jakubec -- Mayo ✓

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Signature

109 Uplands

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Address

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MAR 08 2016
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March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Shah M. Kicisaidi

Signature

166 & 172 Donald Pl.

Penticton

Address

March 6, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

RECEIVED

MAR 08 2016

3:20 PM
MAY

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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G. Montreuil
Signature

840 Uplands Ave
Penticton BC V2A 7Y1
Address

11:24am
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MAR 08 2016
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March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@pentiction.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Marilyn D. Campbell
Signature

85 Grandview St.
Penticton, BC V2A4E5
Address

11:18 am - 53 -
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MAR 08 2016

March 7, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Elsie J. Sanderson
Signature

901 Barrington Ave.
Penticton V2A 1S2
Address

MAR 09 2016

March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca


Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Signature

902 BARRINGTON AVE
PENTICTON B.C.
Address

RECEIVED

MAR 09 2016

March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Signature

156 McCONNACHIE PL.
PENTICTON, B.C. V2A 8H4
Address

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MAR 09 2016

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J

March _, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

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Dorothea Gin

Signature

Dorothea Gin

155 Walden Crescent

Address

*Penticton, BC
V2A 1R6*

RECEIVED
MAR 10 2016

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Marie Houston,

Dr. W. B. Houston

Signature

124 Barrington Place

Penticton, B.C. V2A 1S4

Address

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

RECEIVED
MAR 10 2016

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Signature



191 Uplands Road, Penticton BC V2A 7Y1

Address

March 9, 2016

RECEIVED
MAR 10 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Signature

1002 WESTMINSTER AVE EAST
PENTICTON, B.C. V2A 8E3

Address

RECEIVED

- 60 -

MAR 1 1 2016

March 05 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Susan Agostino, Rick Agata

Signature

831 Westminster
Ave East, Penticton, BC V2A 1J5

Address

RECEIVED
MAR 14 2016

March 10, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

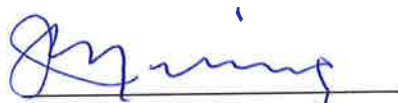
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Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

I do not support the above rezoning application for the development of two (2) duplexes on the above mentioned lots. The development does not fit within the City's RD1 zoning bylaws. According to the City Zoning Bylaws the lots do not meet the minimum lot width and the minimum lot area required for this development.

I strongly feel this DOES NOT fit into the character of the neighborhood and I worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.



Signature

160 GRANDVIEW ST.
Pent.

Address

March 11, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

RECEIVED
MAR 14 2016

Email: publichearing@penticton.ca

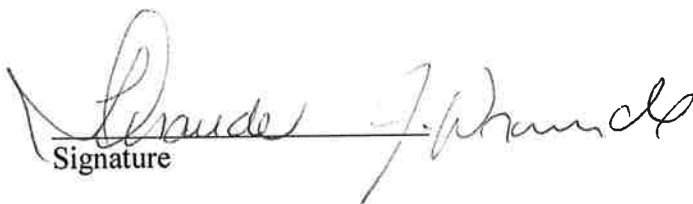
Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Signature

73 Grandview St.
Penticton, BC
Address V2A 4E5

11:37am
RECEIVED
MAR 15 2016 9

March 14, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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^{We}
~~X~~strongly feel this DOES NOT fit into the character of the neighborhood and ^{we}~~X~~worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.

Robert A. Brucker Carolyn Lucie Brucker
Signatures

873 Westminster
Ave. East, Penticton, B.C.
Address

V2A 1J6

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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DAVE + BEV DE GRUCHY
Signature

#105-124 CAMBIE PLACE
PENTICTON, B.C
Address
V2A 1C5

MAR 15 2016

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Signature

1018 WESTMINSTER AVE E
Address PENTICTON
B, C

1:09 pm 97
RECEIVED
MAR 15 2016

March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@pentiction.ca

Attention: Corporate Officer, City of Penticton

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Signature

102 McDONALD PL

URR-148
Address PENTICTON BC

March 5, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

RECEIVED
MAR 16 2016

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Signature

903 JOHNSON RD
PENTICTON
Address

March ~~15~~, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

RECEIVED
MAR 16 2016

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

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Betty Leavelle
Signature

903 JOHNSON RD.
PENTICTON
Address

RECEIVED

MAR 16 2016

March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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J. E. Browner
Signature

969 Westminster Ave. E.
Penticton, B.C. V2A7P1
Address

RECEIVED

MAR 17 2016

March 12, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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- I strongly feel this DOES NOT fit into the character of the neighborhood and I worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.


 Signature HEINER RICHTER  GILLIAN HOLLAND

171 WALDEN CRESC.
PENTICTON, BC,
 Address

March _ , 2016

9:34am J
RECEIVED
MAR 17 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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I strongly feel this DOES NOT fit into the character of the neighborhood and I worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.


Signature

Leo Fennema
845 Uplands Ave.
Address

March 17, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Signature

1017 WESTMINSTER AVE
PENTICTON

Address

RECEIVED 9:42am 9
MAR 21 2016

March 21 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca


Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

I do not support the above rezoning application for the development of two (2) duplexes on the above mentioned lots. The development does not fit within the City's RD1 zoning bylaws. According the City Zoning Bylaws the lots do not meet the minimum lot width and the minimum lot area required for this development.

I strongly feel this DOES NOT fit into the character of the neighborhood and I worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.


Signature TERRY COUTTS

171 UPLANDS CRT.
Address

From: Jade Line Moving
Sent: March-20-16 6:28 PM
To: Public Hearings
Subject: Fw: rezoning of 166 & 172 Cambie Place.

Attention: Mayor Jakubeit, Councillors, and Corporate Officer of the City of Penticton.

Dear Sir or Madam,

Re: 166 & 172 Cambie Place Rezoning application from R1 (Residential) to RD! (Duplex)

The above zoning application has been brought to our attention and I find it very disturbing to see that this may be the start of the new densification trend that is happening in more appropriate downtown areas. It is absolutely not appropriate in the single family Uplands or Redlands areas!

I do not support the above rezoning application for the development of two duplexes on the above mentioned lots. The development also does not fit within the City's RD1 zoning bylaws. According to the City Zoning Bylaws, the lots do not meet the minimum lot width and the minimum lot area required for this development. A variance for this would also need to be requested, and as far as I know, this has not been done. I strongly object to the fact that the developer, and goodness knows how many other developers, have not needed to ask for a variance to build a "duplex" on a lot that is clearly much narrower—in this case 15.4m vs the bylaw's 20m! "Duplex" is also very misleading these days as they are often allowed legal suites, thus really making them into a **4-plex** !

I strongly feel this **does not** fit into the character of the neighbourhood and I worry this will set a precedent for this neighbourhood in which there are no other duplexes. It is currently zoned **low** density residential.

Your Uplands Neighbourhood residents,

Jack and Veronika Johnson,
298 MacDonald Street,
Penticton, B.C.

This email has been sent from a virus-free computer protected by Avast.
www.avast.com

RECEIVED
MAR 24 2016

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Signature

126 Grandview St.
Penticton, BC. V2A 4E4
Address

RECEIVED
MAR 24 2016

March 24, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

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Heidi Wiikler

Signature

331 Mac Donald St.

Penticton

Address

4:02 pm

RECEIVED

APR - 4 2016

March 31, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Ali Ghaed / 
Signature

199 Grandview St.
Penticton V2A 4E6
Address

RECEIVED

- 78 -

APR - 6 2016

March 28, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

I do not support the above rezoning application for the development of two (2) duplexes on the above mentioned lots. The development does not fit within the City's RD1 zoning bylaws. According to the City Zoning Bylaws the lots do not meet the minimum lot width and the minimum lot area required for this development.

I strongly feel this DOES NOT fit into the character of the neighborhood and I worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.

I have to wonder why public time and resources are even being spent on this issue. The lots are zoned Residential, are in a low density residential area, and the City should not even be considering rezoning them.


Signature

268 Cambie St.
Penticton B.C.

Monday, April 18, 2016

Presentation to Penticton City Council

Re: Public Hearing Rezoning 166&172 Cambie Place

Your Worship Mr. Mayor and City Councillors:

We are Bob and Joan Mills and we live at 101-124 Cambie Place

We moved to Penticton from Regina in January 2015. We chose to purchase our home in the Cambie Meadows Strata based on a number of factors including: the location of Penticton and its amenities, the mature development and quiet ambiance of the Cambie Place neighborhood, and the vista of Okanagan Lake and the valley.

Before our purchase we did our research. At the time the property in question was not occupied but we assumed the lot would be redeveloped. We were cognisant of the fact that 116/172 Cambie Place and the Uplands neighbourhood was Zoned R1 - Large Lot Residential. At that time, we placed our confidence in the City of Penticton that the Zoning Bylaw was a document that could be relied upon in making our long term decision to purchase our home.

To our surprise, it has come to our attention that a "For Profit Developer" who is also appointed by Council as a member of The City of Penticton "Development Board" and "Variance Committee", has purchased the property. Although he must have known prior to purchasing that it was Zoned R1- Large lot Residential, he is now requesting a major exception to the established neighbourhood Zoning Bylaw.

Ultimately, we are concerned with the increased density of the quiet street we now call home. When we invested in our new home, we expected improvements to the property in question. We clearly understood the spirit and letter of the City's Zoning Bylaw would not permit a duplex development as it would create significant changes to the character of the street and neighbourhood with the potential for reduced property values.

The proposed plan to change this property zoning from R1- Large Lot Residential to RD1 – Duplex Development will quadruple the density on these lots. This is all within 30.48 metres at the end of a dead end street. With a frontage of 15.24 metres each, these are not large lots. The density problem would be further magnified if the duplexes opt to have a secondary suite, doubling the density again. While not shown in the developer's current proposal (plan- rev. 2016-01-08), the developer or future owners would have the opportunity to modify the proposed development to include secondary suites.

The Zoning Bylaw 2011-23 was created to standardise and provide long range development/planning criteria and is the "LAW".

Allowing the rezoning of these lots to RD1- Duplex Development, with a lot width of only 15.24 metres would set a dangerous precedent. Future requests for RD 1 zoning throughout the city may not have to abide by the minimum 20m lot size as stated in the Bylaw.

We do not see any benefit to the streetscape of Cambie Place to build duplexes on this property. A properly designed single family home would improve the property and enhance the neighbourhood thus satisfying the objective of the OCP.

We also have concerns that the increased number of residents would significantly increase vehicle traffic and road congestion. There will be no street parking available in front of 114, 118, 166 and 172 Cambie Place. This problem is exasperated as the roadway from Cambie Street to the end of 124 Cambie Place has undefined shoulders and does not allow for safe walking or on street parking.

We appreciate your consideration of our concerns and remain confident that as our City Council you will honor the intention and spirit of the established Zoning R1- Large Lot Residential Bylaw and not allow the Rezoning amendment that is requested.

Thank you for your consideration in this matter.

Bob and Joan Mills
101-124 Cambie Place
Penticton, BC

From: Doug Peters <
Sent: March-05-16 11:54 AM
To: Public Hearings
Subject: Fwd: Proposed rezoning of 166 & 172 Cambie Place from R1 to RD1

Sent from my iPad

Begin forwarded message:

From: Doug Peters <
Date: March 5, 2016 at 10:19:14 AM MST
To: publichearing@penticton.ca
Subject: Proposed rezoning of 166 & 172 Cambie Place from R1 to RD1

To Whom It May Concern;

I am writing to you to voice my opposition to the above proposed notification. My wife and I have recently moved to Penticton to be closer to our daughter, a nurse at the local hospital. We chose to purchase a residence in the Uplands area because of the many positives associated with the Uplands. These include a quite, consistent population in well maintained single family residences where owners respect and take great pride in their homes. We moved from an area where there was a mix of single family homes and duplex housing. The population was transient with many of the duplexes being treated more as temporary housing with no obvious pride being demonstrated in the upkeep of the residences. Needless to say house values were reduced accordingly.

This proposal before the city will become the "thin edge of the wedge" for future development applications; it is a dangerous precedent to establish. I believe history has shown that attempts to "generalize" subdivisions by allowing multiple land uses serves no one well and leads to reduced land values.

Finally, given the many negatives associated with the proposed water slide/Trio application where, initially, public input was not sought I would hope that the city would give serious consideration to the concerns addressed by people speaking out against this proposal.

Regards,
Doug Peters,
902 Barrington Ave,
Penticton

Sent from my iPad

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

I do not support the above rezoning application for the development of two (2) duplexes on the above mentioned lots. The development does not fit within the City's RD1 zoning bylaws. According the City Zoning Bylaws the lots do not meet the minimum lot width and the minimum lot area required for this development.

I strongly feel this DOES NOT fit into the character of the neighborhood and I worry this will set a precedent for this neighborhood as there are no other duplexes in this area and as it is currently zoned LOW density residential.


Signature

60 Grandview St.
Penticton BC V2A 4E4
Address

March 9, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1(Residential) to RD1(Duplex)

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Noreen Peterson
Signature

175 WALDEN CRES
PENTICTON V2A 1R6
Address

March _ , 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

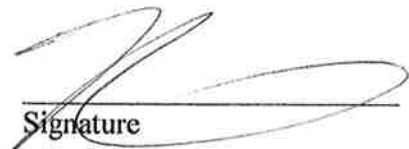
Attention: Corporate Officer, City of Penticton

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Signature

410 Farrer St.

V2A 4B4

Address

Penticton

March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

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Signature

MARCH 13/2016

114 VANCOUVER PL
PENTICTON BC
Address

March __, 2016

City of Penticton
171 Main Street
Penticton BC
V2A 5A9

Email: publichearing@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

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Signature

138 Heather Pl.
Penticton
Address

From: Sean & Gretchen Ratke <
Sent: April-04-16 10:23 AM
To: Public Hearings
Subject: Subject Property 166 &172 Cambie Place

Hello,

I am writing to express my deep concern over the proposed zoning changes to the lot near our property. We live at 106 Cambie Place, and enjoy the peace and safety that the low-density neighbourhood affords our family. Our 2 young children bike and rollerblade on our road and the KVR path on a daily basis, and as a mother, the changes in traffic levels that are inherent in a construction zone and then 4 new possible resident vehicles are an immediate concern. But as resident of the neighbourhood we would be devastated to see a housing development so dissimilar to others around it – we are blessed to reside in such a bucolic nook in Penticton – low traffic, large lots and single-family dwellings. It makes no sense whatsoever to cram this housing project into this particular lot town – I can understand building a larger family home, but not 2 sardine cans with no room for parking. This project needs to move somewhere more appropriate; there is a reason this lot is not zoned for duplex housing. This is not the kind of development that would be welcomed here.

Thank you,

Gretchen Ratke

March 10, 2016

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

Email: publichearings@penticton.ca
audrey.tanguay@penticton.ca

Attention: Corporate Officer, City of Penticton

Dear Sir or Madam:

Re: 166 & 172 Cambie Place Rezoning application from R1 to RD1

This letter is in response to the notice I have received regarding the rezoning of 166 & 172 Cambie Place from R1 (low density residential) to RD1 (duplex), which I strongly oppose as it contradicts several Zoning By-Laws and Official Community Plan (OCP) statements. In addition, this development is not consistent with the current neighborhood form and would not fit into the neighborhood character.

After reviewing the zoning bylaws, there appears to be a significant oversight in the Administrations report with respect to required variances to permit the proposed two (2) duplex developments- specifically the RD1 requirements. Administration, nor the applicant, did not point out the following deficiencies:

1. There is a 24% deficiency for the minimum lot width for RD1.
2. There is a 25% deficiency for the minimum lot area for RD1

Furthermore, Administration did not consider various elements of the OCP, particularly in the Low Density Residential Policy Section, as this development only meets 1 of the 4 duplex requirements within that section and exceeds the density ratio for this low density residential area.

This letter will conclude by reviewing the neighbourhood hardships this development will cause.

City of Penticton Zoning By Law:

	R1- Current Zoning	RD1- Proposed	Development
Min lot width	16 m	20 m	15.24 m (variance)
Minimum lot area	560 m2	720 m2	557.4 m2 (variance)
Maximum lot coverage	40%	50 %	45%
Minimum front yard	6.0 m	6.0 m	6.6 m
Minimum rear yard	6.0 m	6.0 m	4.8 m (variance)
Minimum interior side yard	1.5 m	1.5 m	1.5 m
Maximum building height	10.5 m	10.5 m	10 m

The table above demonstrates that Administration, nor the developer, disclosed that the development does not fit within the RD1 zoning by the minimum lot width and the minimum lot area and in addition, to their zoning amendment and rear yard set back variance. It is my understanding that this suggests additional variances are required. However, this further demonstrates my primary point, which I have articulated to several city councilors, that the development is too big for the lot, which is a density issue and is grounded in policy through the current zoning by law and OCP.

The RD1 requires that duplexes must have a 20 meter minimum lot width, but each of the proposed lot is only 15.24 m, which suggests there is a 24% deficiency for the minimum lot **width** for RD1. In addition, there is a 25% deficiency for the minimum lot **area** for RD1, as the RD1 zone requires a minimum lot

area of 720 m² (each lot) and the proposed duplex lots each only have 557.4 m². As previously mentioned, this was not pointed out in the development proposal I received.

Ironically, the lots are even too small for a single detached home with the current R1 zoning, however, this would only require a very small variance and would not impact the character of the neighbourhood. Another interesting point is the only way you could put a duplex here is if you combined the lots. In my personal opinion, this demonstrates how out of character this development is with the current built form. This development will drastically reduce the neighbourhood character. In order to demonstrate this, I have attached a map with all the lot dimensions in the neighbourhood, which indicates that all the lots in this neighbourhood are significantly larger in comparison and they all have single detached homes on them (no duplexes).

The current zoning amendment from R1 to RD1 would be the only RD1 for several streets surrounding Cambie Street (see attachment for visual map). This one-off development dilutes the character of the homogenous area (spot zoning), which would also set a precedent for this neighbourhood.

However, I understand Cambie Meadows has RM1 zoning, but Cambie Meadows has used strong design principles, as well as having the advantage of being at the end of a dead end road. Cambie Meadows has used strong design principles through the cul-de-sac with a formal entrance, which allows for a smooth transition from the larger single family homes. This allows for the neighbourhood to feel like a low density street with the formal division of Cambie Meadows, and still it maintains a close knit community. Although the neighborhood already has a mix of densities (single detached homes, and Cambie Meadows gated community), the proposed duplexes do not fit within the character of the neighbourhood and would be the only duplex in the area, which goes against the Low Density Residential Policy in the Official Community Plan.

The Official Community Plan:

Based on the information provided in the development package, and my reading of the Official Community Plan, I feel that Administration did not include several major points in regards to the construction of duplexes in low density residential (p, 49-51). Furthermore, Uplands is not mentioned as an intensification area (p. 46-47).

The Official Community Plan states the duplexes should be developed in low density residential IF the follow criteria can be met. This criteria includes:

Maintain the character of existing single family neighbourhoods in Penticton.	No
Areas with existing duplexes	No
Predominately single family areas undergoing redevelopment.	No
Duplexes shall have a high aesthetic value and be consistent with the character of the recipient neighbourhood.	No
Areas in close proximity to multiple family, commercial or institutional uses;	Yes
Existing services can support this type of development.	?

Furthermore, the Official Community Plan states that low density residential establishes a maximum residential density of 30 dwelling units per hectare. At a micro neighbourhood level, on the two lots, they exceed this ratio (especially with the option allowed for secondary suites), which further suggests it does not support the density for this neighbourhood.

The points outlined by Administration in their report, which suggest that the development meets the objectives of the OCP, are generic and do not consider the character of the street or neighbourhood; and as previously mentioned, they do not touch on the most important policy implications for this development in my opinion. I believe that Administration only looked at larger picture themes within the OCP to demonstrate their support for this development. I think they missed several key points within the OCP, such as low density residential policy as well as location of duplexes.

They argue that they support this development because it encourages a diversified range of housing types, tenure, and density. However, as you can see in the duplex checklist, it also requires there be existing duplexes in the area. In addition, we are not in an area experiencing redevelopment and this development does not consider the overall character of the neighbourhood.

Furthermore, the design does not fit into the character of the neighbourhood and will not enhance the aesthetic value of the neighbourhood. The duplexes are too big for the lots, but are also very garage heavy and do not have a front yard. The drawings have 4 garage doors all at the front. Furthermore, this will eliminate any street parking available there. It is too dense for these small lots and the lack of yard does not fit within our street.

Also, the proposal specifically states that the "RD1, in the Zoning Bylaw, does not conflict with the OCP Low Density Residential allocation" which seems to be a large statement and false.

I am also concerned about the site coverage and high amount of pavement on the street in regards to storm water management. It seems like the narrow lot and high coverage would limit the places for water to go and will cause flooding or drainage issues on the adjacent lots.

Neighbourhood Impact:

I have lived in my house (118 Cambie Place) for 25 years, and one of my favorite things about this street is the low density, and relatively low traffic area, the dead end street at the Cambie Meadows complex and the quiet neighbourhood.

I feel that adding 4 duplex units on two very small lots is not suitable for the street or neighbourhood. . Furthermore, the current zoning bylaw allows for a secondary suite within each of these units, which could total 8 additional units, as well allows the possibility of 4 vacation home rentals (potentially more if they add a secondary suite) throughout the summer months, especially being so close to Okanagan lake. This amount of density would result in a lot of additional parking and traffic on the street, which a concern is being so close to the KVR Trail and on the Cambie Meadows cult de sac, which is owned by them. Furthermore, this design does not fit into the neighbourhood because it is not visually appealing being garage heavy and not visually appealing with no front yard green space with landscaping.

As I mentioned before, it is a quiet and peaceful street. Honestly, I feel that the best option for this street, and this property, should indeed be restricted to single family use on each lot. Still, some of us stand to lose some lake views but this would at least enhance the character of our neighbourhood and help hold the value of our own properties.

I am surprised the City supports this development. I have been communication with all of Cambie Meadow and almost all neighbours in the neighbourhood and no one supports this. **Personally, I feel like only the developer gains from this development.**

I believe the best option for this neighbourhood is to keep the current zoning bylaws now allowed for single family use, maintaining the character of the neighbourhood and enhancing our neighbourhood.

Thank you for your time and consideration,

Denise Kurtz

118 Cambie Place
Penticton, BC

