

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

**Tuesday, September 6, 2016**  
at 6:00 p.m.

- Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2016-45"**
- CO Reads Opening Statement and Introduction of Bylaw
- "Zoning Amendment Bylaw No. 2016-45" (273 Scott Avenue)
- Purpose: To amend Zoning Bylaw No. 2011-23 as follows:
- Rezone Lot 1, District Lots 202 and 250, Similkameen Division Yale District and of District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 8161 located at 273 Scott Avenue, from RD1 (Duplex Housing) to RM3 (Medium Density Residential).
- The applicant is proposing to construct a four storey, 16 unit apartment building.
- Notice: The Public Hearing was advertised in the Penticton Western News on Friday, August 26, 2016 and Wednesday, August 31, 2016 (pursuant to the *Local Government Act*).
- CO Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, August 31, 2016)
- Mayor Requests the Acting 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. 2016-45" is terminated and no new information can be received on this matter.

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

**Monday, August 15, 2016**  
**Following the Special Council Meeting at 6:00 p.m.**

## **Resolutions**

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9.3 Zoning Amendment Bylaw No. 2016-45 and DVP PL2016-7699  
Re: 273 Scott Avenue

367/2016

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw 2016-45" a bylaw to rezone Lot1, District Lots 202 and 250, Similkameen Division Yale District, and of District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 8161, located at 273 Scott Avenue, from RD1 (Duplex Housing) to RM3 (Medium Density Residential), be given first reading and be forwarded to the September 6, 2016 Public Hearing;

THAT delegations and submissions are heard at the September 6, 2016, Public Hearing for "Development Variance Permit PL2016-7699" for Lot1, District Lots 202 and 250, Similkameen Division Yale District, and of District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 8161, located at 273 Scott Avenue, a permit to vary the following development requirements of Zoning Bylaw 2011-23:

Section 10.9.2.3: Increase the maximum permitted lot coverage from 50% to 56%

Section 10.9.2.7 (ii): Decrease the interior side yard (west) from 4.5m to 1.5m

Section 10.9.4.1: Increase the amount of permitted impervious surface from 60% to 62%

AND THAT" Development Variance Permit PL2016-7699" be considered only after adoption of "Zoning Amendment Bylaw No. 2016-45".

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** August 15, 2016  
**To:** Eric Sorensen, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Address:** 273 Scott Avenue

**File No:** PRJ16-100

**Subject: Zoning Amendment Bylaw 2016-45  
Development Variance Permit PL2016-7699**

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## Staff Recommendation

### *Rezone*

THAT "Zoning Amendment Bylaw 2016-45 a bylaw to rezone Lot1, District Lots 202 and 250, Similkameen Division Yale District, and of District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 8161, located at 273 Scott Avenue, from RD1 (Duplex Housing) to RM3 (Medium Density Residential), be given first reading and be forwarded to the September 6, 2016 Public Hearing.

### *Development Variance Permit*

THAT delegations and submissions are heard at the September 6, 2016, Public Hearing for "Development Variance Permit PL2016-7699" for Lot1, District Lots 202 and 250, Similkameen Division Yale District, and of District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 8161, located at 273 Scott Avenue, a permit to vary the following development requirements of Zoning Bylaw 2011-23:

- Section 10.9.2.3: Increase the maximum permitted lot coverage from 50% to 56%
- Section 10.9.2.7 (ii): Decrease the interior side yard (west) from 4.5m to 1.5m
- Section 10.9.4.1: Increase the amount of permitted impervious surface from 60% to 62%

AND THAT Development Variance Permit PL2016-7699 be considered only after adoption of Zoning Amendment Bylaw No. 2016-45.

## Strategic priority objective

Housing affordability is part of Council's strategic priority. This project will create 16 rental units assisting in housing affordability city wide.

**Financial implication** N/A

## **Background**

City Council, in August 2012, gave first reading to a bylaw to rezone the subject property (Attachment 'A') to RM3 (Medium Density Residential) and conditional support for a development permit and development variance permit to construct a 17-unit three storey apartment building on the subject property. During the Public Hearing for the rezoning bylaw, several members of the public attended to petition against the project, citing a number of concerns. The main concerns were identified as: the building being too close to the neighbouring properties, being 'over built' for the lot, not fitting in with the duplex next door; parking issues and Scott Avenue already being a busy street.

Plans were subsequently re-submitted to Council in April of 2014 and a second public hearing was held. Again several members of the public, including residents of Scott Avenue and neighbouring areas, attended the meeting and voiced opposition to the revised plans. Further revisions were made and a third public hearing was held in October of 2014.

Ultimately, after hearing from the public, Council voted 4-3 to not support the project. When a project is defeated, it cannot come back to Council for a 6 month period.

The land owner and developer still feels that the project has merit and is once again submitting plans for Council's consideration. The revised plans are similar to the second presentation made to Council. The developers feel that this design is the most sensitive to the existing neighbourhood and ultimately the best way to develop the lands..

The proposed building features 16 units on four storeys. The elevation at Scott Avenue is only three storeys tall with the fourth storey stepped back to break up the massing at the front. The design has been altered to create more visual interest on all sides. The building has been pulled away from the duplex on the east in response to previous concerns about crowding on that side of the structure. Fencing and landscaping is provided on the plans in accordance with the development permit area guidelines.

## **Proposal**

To support the application the following approvals are required:

- Rezone the subject property from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing)
- Development Variance Permit approval to decrease the required side yard (west) from 4.5m to 1.5m; increase the amount of impervious surface from 60% to 62%; and to increase the amount of permitted lot coverage from 50% to 56%
- Development Permit approval for a 16 unit building (this will be issued by staff if Council supports the zoning amendment and the variances).

## **Technical Planning Committee (TPC) review**

Engineering and Public Works staff have reviewed the revised drawings and have indicated that the comments provided to Council and the applicant during the previous three review processes still apply. Engineering and Public Works staff do not recommend any conditions for rezoning or development permit approval at this time. The majority of the Engineering concerns and upgrade requirements are triggered

during the building permit application process. The developer is aware of the conditions that will apply at that time.

**Project specifications**

The following table outlines the development specifications for the proposed project and how the project adheres to the requested RM3 zone:

	<b>Permitted / Required (Under RM3 zoning)</b>	<b>Proposed / Provided</b>
<b>Site Area:</b>	1400 m <sup>2</sup>	1448 m <sup>2</sup>
<b>Density:</b>	1.6 FAR	1.18 FAR
<b>Unit Count:</b>	n/a	16 units
<b>Height:</b>	18 m	16.5 m (3 storeys and 4 storeys)
<b>Parking:</b>	16 + 4 visitor minus one because additional bicycle parking provided = 19 required	19 spaces
<b>Required Yards</b>		
<b>Front yard:</b>	3.0 m	4.5m
<b>Side yard (west):</b>	4.5 m	1.5 m (variance required)
<b>Side yard (east)</b>	4.5 m	4.5m
<b>Rear yard:</b>	6.0 m	6.0 m
<b>Amenity Space Requirement</b>	20 m <sup>2</sup> per unit (320 m <sup>2</sup> )	320m <sup>2</sup> +
<b>Lot Coverage</b>	50 %	56 % (variance required)
<b>Impervious Surface Coverage</b>	60%	62% (variance required)

**Analysis**

*Rezone*

Support

The subject property is designated as MR (Medium Density Residential) by the City’s Official Community Plan (OCP) (Attachment ‘B’). The proposed RM3 (Medium Density Residential) zone fits within the scope of the MR designation. The project meets several policies listed in the OCP with respect to residential development, including:

- Accommodating residential development through infill development
- Encouraging an intensification of residential land uses and density in and around the downtown core and in areas where services can support higher densities
- Encouraging a diversified range of housing types and tenures

Furthermore, the subject property meets the required minimum lot area for the RM3 zone.

Given that the proposed zone is in-line with the OCP and that most of the development surrounding the subject property is multiple family, staff recommend that Council support the application and forward it to the September 6, 2016, Public Hearing for further input from the surrounding neighbourhood and public.

## Deny

The proposed RM3 zone permits apartment buildings like the one being proposed by the applicant. The lot, however, does not have sufficient width to accommodate most apartment designs without variances to the required side yards. Council may feel that the lot is not appropriate for the zoning because of this fact. If that is the case, Council should deny the application to rezone the property because it is unlikely that an apartment could be constructed on the property without a variance to a side yard. With infill development, however, variances are usually required to achieve the increase in density envisioned by the OCP.

## *Development Variance Permit*

## Support

The applicant is seeking 4 separate variances. All of the variances that the applicant is proposing are a result of the lot being slightly undersized to the building that is proposed on it. Staff's comments on the variances are as follows:

*Reduction in side yards (west):* When the original plans were created for this development, the building was proposed at 3 storeys and with variances requested on both the east and west side. Concerns from the neighbouring property owners and residents about such a large building being constructed too close to their property and without the ability to install landscaping, were taken into account by the architect. The current design pulls the building back fully from the duplex on the east side. No variance is requested on that side of the property and a full landscape buffer will be installed. On the west side, the building mostly meets the required setback. At the ground floor, however, the building does encroach a full 3.0m into the required 4.5m setback to accommodate parking. The architect has created a unique design feature to help minimize this encroachment. The parking structure along that elevation is treated with an aluminum fence that will be planted with ivy creating a living wall effect. Upper storeys are set further back.

*Increase in building site coverage and impervious surface coverage:* The original design for this building showed a much larger lot coverage variance than what is being requested at this time (75% vs 56%). The architect has again responded to criticisms that the building was over-built for the lot by making the building's footprint smaller. Nevertheless, a variance to the maximum site coverage of 50% and to the amount of impervious surface is still required. The revised design also now shows plant material on the patios and roofs that will assist in on-site stormwater management to make up for the lack of impermeable surface at the ground level.

Given the above, staff consider that the variances are reasonable and conclude that support of the variance permit will not cause a significant negative impact on neighbouring properties. Staff recommend that if Council is in support of the zoning amendment that Council also support the variance application. Staff also recommend that the application be referred to the September 6<sup>th</sup>, 2016, Public Hearing for delegations and submissions to get further comment from the public on the revised variance requests.

## Deny/ Refer

If Council finds that the variances are not reasonable, Council may deny one or all of the requests. If Council chooses that course of action, the developer will have to choose whether to redesign the building in-line with the bylaw requirements, or not proceed with the project.

### *Development Permit*

The subject property is in the General Multiple Family Development Permit Area (DPA). The OCP outlines guidelines for Council and staff to consider when reviewing an application for development permit approval. The guidelines for the General Multiple Family DPA and staff's comments on each are as follows:

*Buildings:* The DPA guidelines call for buildings that provide harmony and lend continuity to the already existing build environment of the neighbourhood the building is located. Building shape, roof lines and architectural features are to be sufficiently varied to create interest and avoid a monotonous appearance. Apartments must contain an entrance feature that provides a positive street image and aesthetically pleasing street appeal. The revised building plans submitted by the applicant feature a four storey building with strong street appeal. The upper storey is set back so only three storey are visible at the street level. This design feature helps the building fit in with the neighbouring two storey building. Staff consider that the building is designed with a high architectural quality and meets the objectives of the DPA guidelines.

*Parking and Access:* The DPA guidelines discourage parking areas located between the building and the street and encourage safe and efficient vehicular entrances and exits. The plans submitted by the applicant show all of the provided parking within the building. No surface parking is proposed. Bicycle parking is also provided. A turning radius diagram has been provided showing adequate room within the building for the parking.

*Landscaping and Screening:* The applicant has provided a landscape plan which shows species of a highly decorative and drought tolerant nature. The DPA guidelines call for screening to be installed along property lines and for garbage and recycling collection areas. The applicant is proposing screening around the property by way of screen fencing and is proposing to construct a garbage and recycling collection room within the parking structure of the building. The applicant has provided an estimate for the installation and materials for the landscaping of \$25,000.00. As a condition of approval of the development permit, Staff are recommending that 100% of the estimate be submitted to the City at the time of building permit approval and returned to the applicant at the time that the landscaping has been sufficiently installed.

Given the above, staff consider that the project meets the general intent of the DPA guidelines. There are a few minor changes that are required prior to issuance of the development permit. Those include, screening details on the garbage collection area and the orientation of the internal parking area among some other minor items. If the zoning amendment and variances are supported by Council, staff will work with the developer to make the minor changes required.

**Alternate recommendations**

1. THAT first reading of "Zoning Amendment Bylaw 2016-45" be denied and that the development variance permit be denied.
2. THAT "Zoning Amendment Bylaw 2016-45" and the associated permits are referred back to staff with instructions that Council feels are appropriate.

**Attachments**

- Attachment A: Subject property location map
- Attachment B: OCP generalized future land use map
- Attachment C: Images of neighbourhood that the proposed development is located
- Attachment D: Architects rendering of proposed buildings
- Attachment E: Letter from architect outlining design rationale
- Attachment F: Draft DVP Permit
- Attachment G: Plans submitted with DP application
- Attachment H: Zoning Amendment Bylaw 2016-45

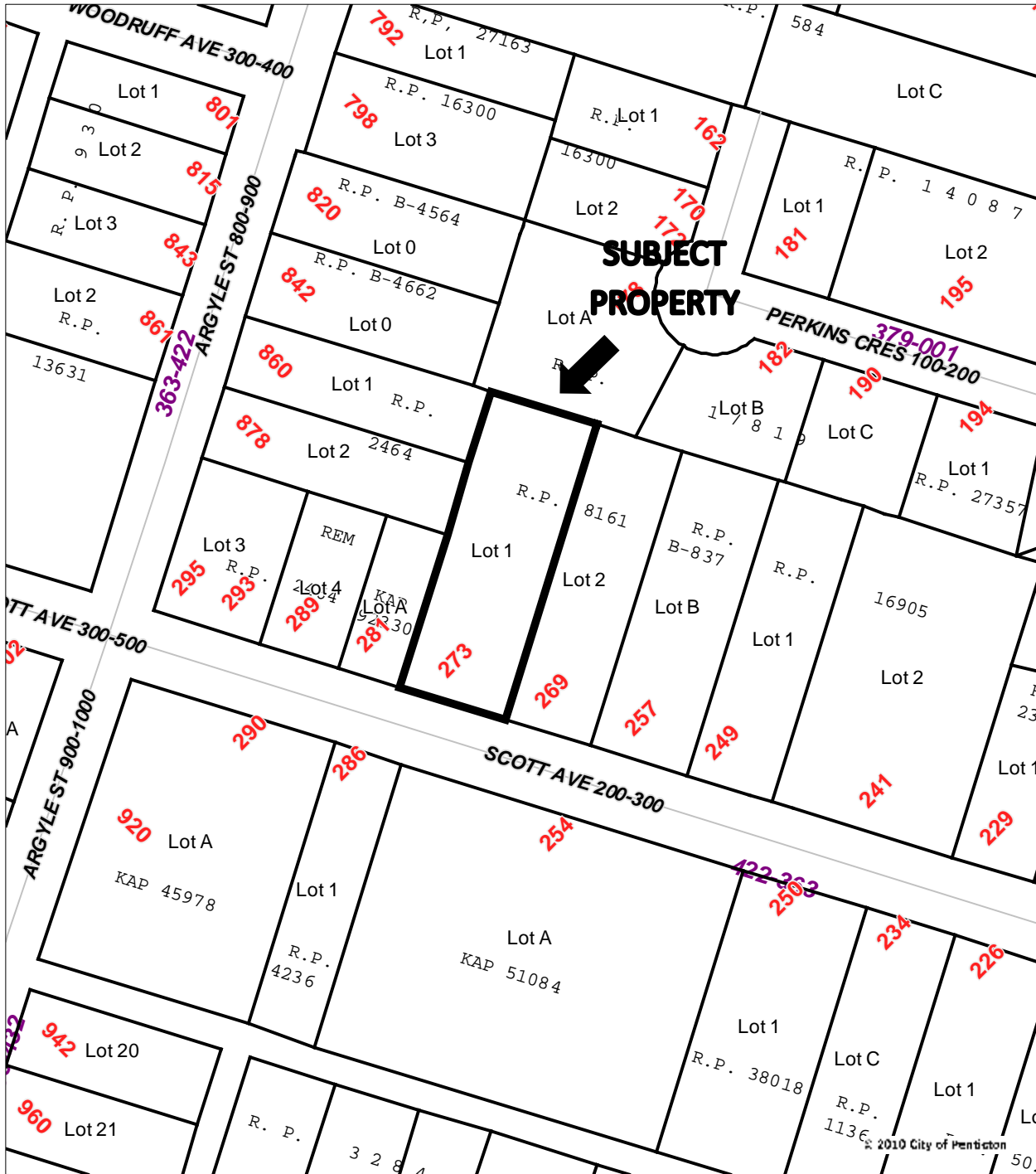
Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manager

Approvals

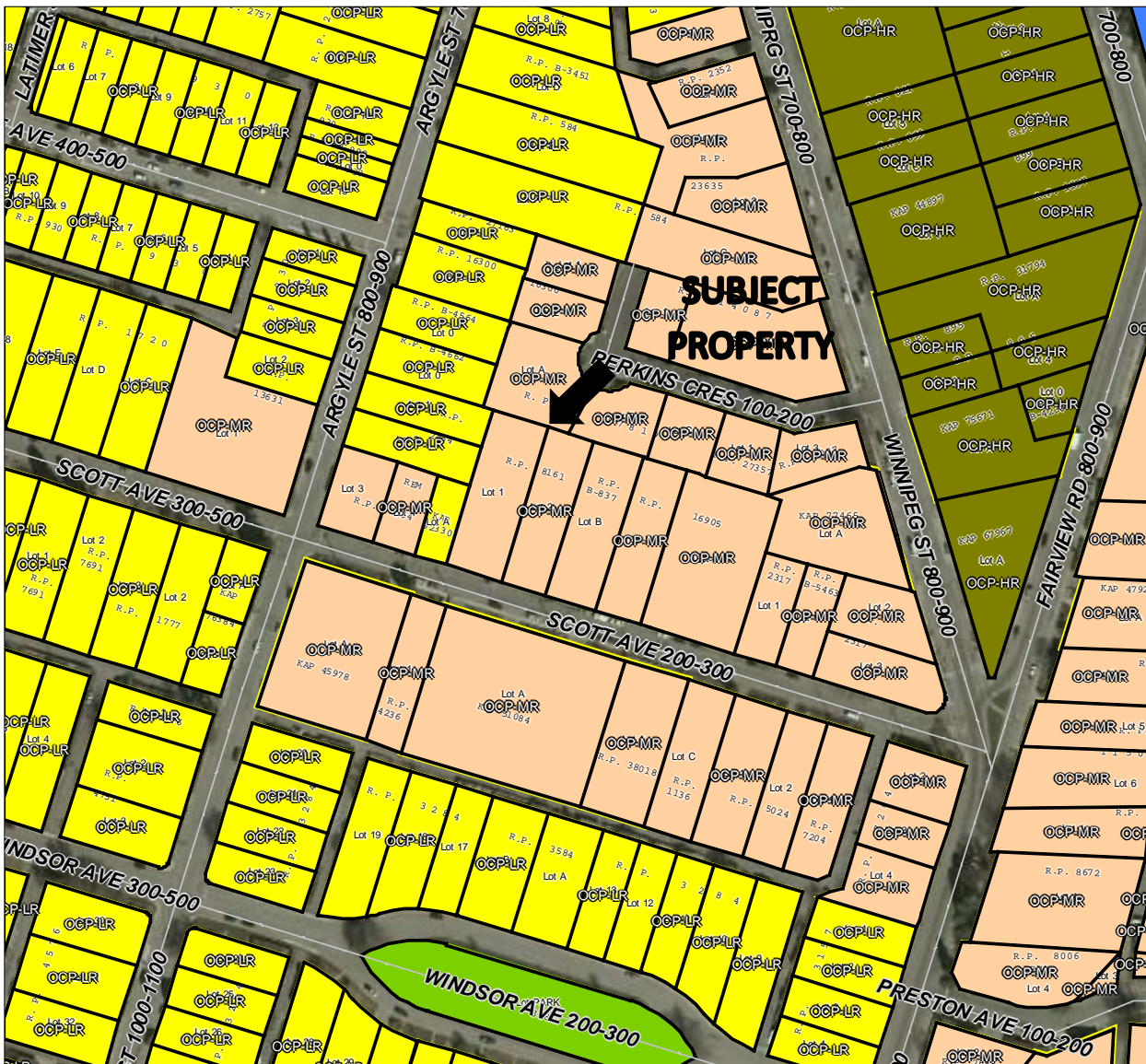
City Manager <i>ES</i>
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Attachment A  
Subject Property Location Map



Attachment B

Official Community Plan – Future Land Use Map  
Medium Density Residential



MEDIUM DENSITY RESIDENTIAL

Land uses within the Medium Density Residential designation on the Future Land Use map may include, cluster housing, townhouses, apartments, condominiums, group housing developments and special needs housing, mobile home parks, neighbourhood commercial, institutional uses, and parks. Bareland Strata developments are permitted within areas designated Medium Density Residential.

Figure 1: Excerpt from OCP describing general description of MR designation

Attachment C

Images of neighbourhood where proposed development is located

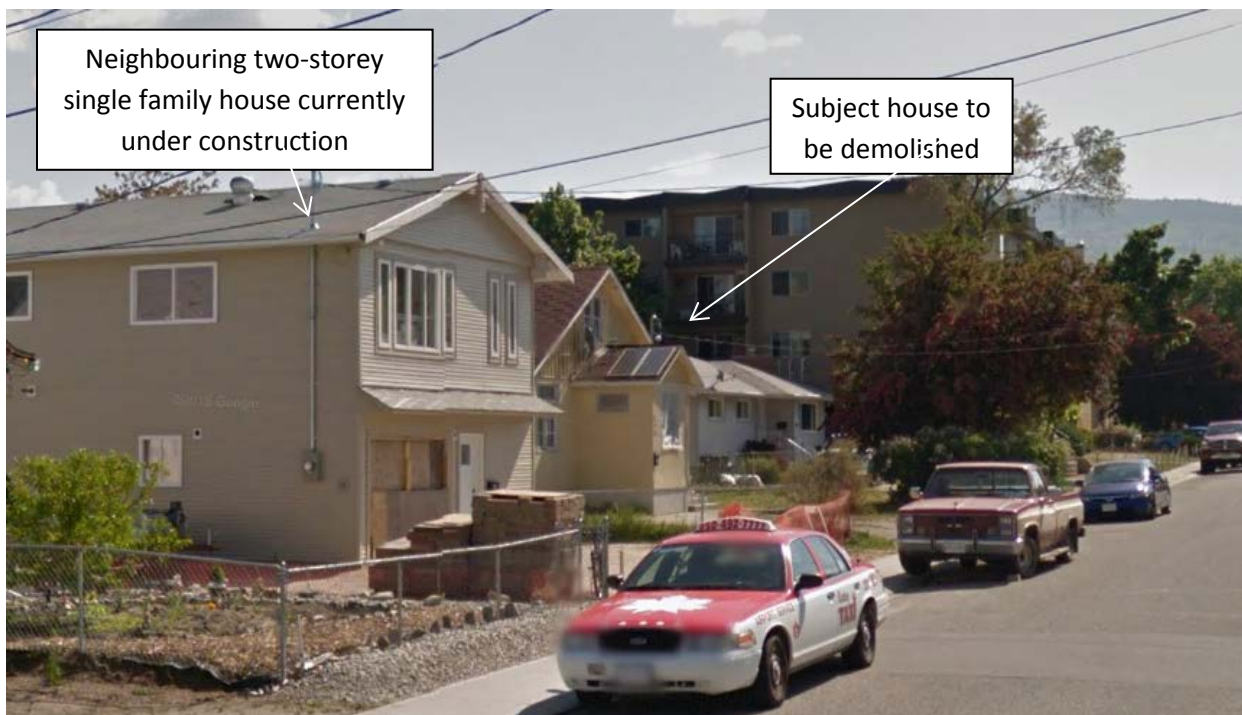


Figure 2: Image of SFD on subject property to be demolished



Figure 3: Image of neighbouring property (263 Scott Avenue)



*Figure 4: Image of apartment buildings on Scott Avenue, two properties east of subject property*



*Figure 5: Image of apartment buildings and a SFD across Scott Avenue from the subject property*

Attachment D  
Rendering of proposed building (previous and revised)

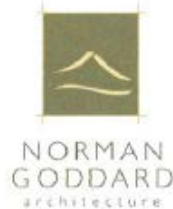


Figure 6: Previous illustration of proposed apartment building (17 unit buildings)



Figure 7: New building design

Attachment E  
Architect's letter outlining revisions



July 5, 2016  
Mr. Blake Laven  
Senior Planner  
City of Penticton  
171 Main St  
Penticton BC

Dear Mr. Laven,

RE: 16 unit apartment building, 273 Scott Ave

On behalf of the owners of the above listed property, we are respectfully submitting a rezoning and development variance permit application for a 16 unit apartment building with the support data as enclosed. At previous council meetings where this project was discussed, Scott Ave. residents expressed concern regarding children being permanent residents of the proposed development. The property owners have indicated an interest in restricting residents of the proposed development to the '55+' demographic. However, it is not legal or desirable for the owners to preclude children from visiting or residing in the development. As well, local residents expressed concern regarding the massing of the building. We have further articulated the articulated the massing of the building on all four sides to develop visual interest and reduce the apparent scale of the building. For example, the volume that faces Scott Ave is three storeys with the fourth floor recessed from the building line. The same massing treatment occurs on a portion of the rear of the building. The fourth level West side plan is stepped to 'break up' the massing of the building.

We are respectfully requesting the following variances for this project:

**Parking**– all 16 required resident parking stalls are provided on site. We are applying for a variance to reduce the required total (resident plus visitor) number of parking stalls from 20 to 19. We have monitored the parking situation on Scott Ave and have found that typically there has been between 2 and six parking spaces available in the vicinity of the proposed development.

**Side yard setback** –we are requesting West side setback relaxations on the ground level from 4.5m to 1.5m to permit construction of a green wall enclosing the parkade and on the upper levels from 4.5m to 4.0m to accommodate deck railings. Please note that the massing of the building has been modified from an earlier scheme to provide ground level and upper deck setbacks of 4.0 m at the West sideyard and 4.5m at the East sideyard. The majority of the building face at the three upper level sideyard setbacks are a minimum of 6.1m at the West sideyard and 6.2m at the East sideyard.

#18 – 219 Main Street Penticton, BC V2A 5B1 [norman@goddardarchitecture.com](mailto:norman@goddardarchitecture.com) 250-770-1104 C: 250-488-0580 F: 250-770-8291

Lot coverage– the large decks and articulated building massing have created a lot coverage of 55.9%. 5.9% over the RM3 zone 50% allowable.

Hard surface coverage– the proposed hard surface coverage of 62% exceeds the permitted maximum 60% due to the non-traditional parking arrangement and the interest of the owners to provide a ‘green’ feature wall.

Landscape estimate:

\$35,000 (including irrigation, plant materials and labour)

Bylaw compliance:

Current zoning: Duplex housing

Proposed zoning: RM3

Lot Area: 1449 sq.m.

Maximum permitted lot coverage: 50%/724.5 sq.m.

Proposed lot coverage: 55.9%/810 sq.m.

Maximum permitted density: 1.2 FAR/ 1739 sq.m.

Proposed density: 1.18 FAR/ 1707 sq.m.

Maximum height: 18m

Proposed height: 16.5m

Setbacks:

Front - permitted 3.0m

proposed 4.5m

Rear - permitted 6.0m

proposed 6.0m

West Side - permitted 4.5m

proposed 1.5m/ 4.0m

East Side - permitted 4.5m

proposed 4.5m

Amenity Space: exceeds 20 sq.m. per unit

Hard surface coverage permitted: 870 sq.m.

Hard surface coverage proposed: 895 sq.m.

If you require additional information or have any questions, please do not hesitate to contact our office.

Yours truly,



Norman Goddard  
Architect AIBC

#18 – 219 Main Street Penticton, BC V2A 5B1 norman@goddardarchitecture.com 250-770-1104 C: 250-488-0580 F: 250-770-8291

## Attachment F Draft Development Variance Permit



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

### Development Variance Permit

**Permit Number:** DVP PL2016-7699

0886017 B.C. LTD., INC NO. BC0886017  
C/O Stocks Crescent  
Pentiction BC V2A 8P6

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
Legal: Lot 1, District Lots 202 and 250, Similkameen Division Yale District, and of District Lots 1 and 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8161  
Civic: 273 Scott Avenue  
PID: 003-928-772
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2011-23, to support the development of a 16 unit apartment building:
  - a. Section 10.9.2.3: Increase the maximum permitted lot coverage from 50% to 56%
  - b. Section 10.9.2.7.(ii): Decrease the interior side yard (west) from 4.5m to 1.5m
  - c. Section 10.9.4.1: Increase the amount of permitted impervious surface from 60% to 62%

#### General Conditions

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

servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer



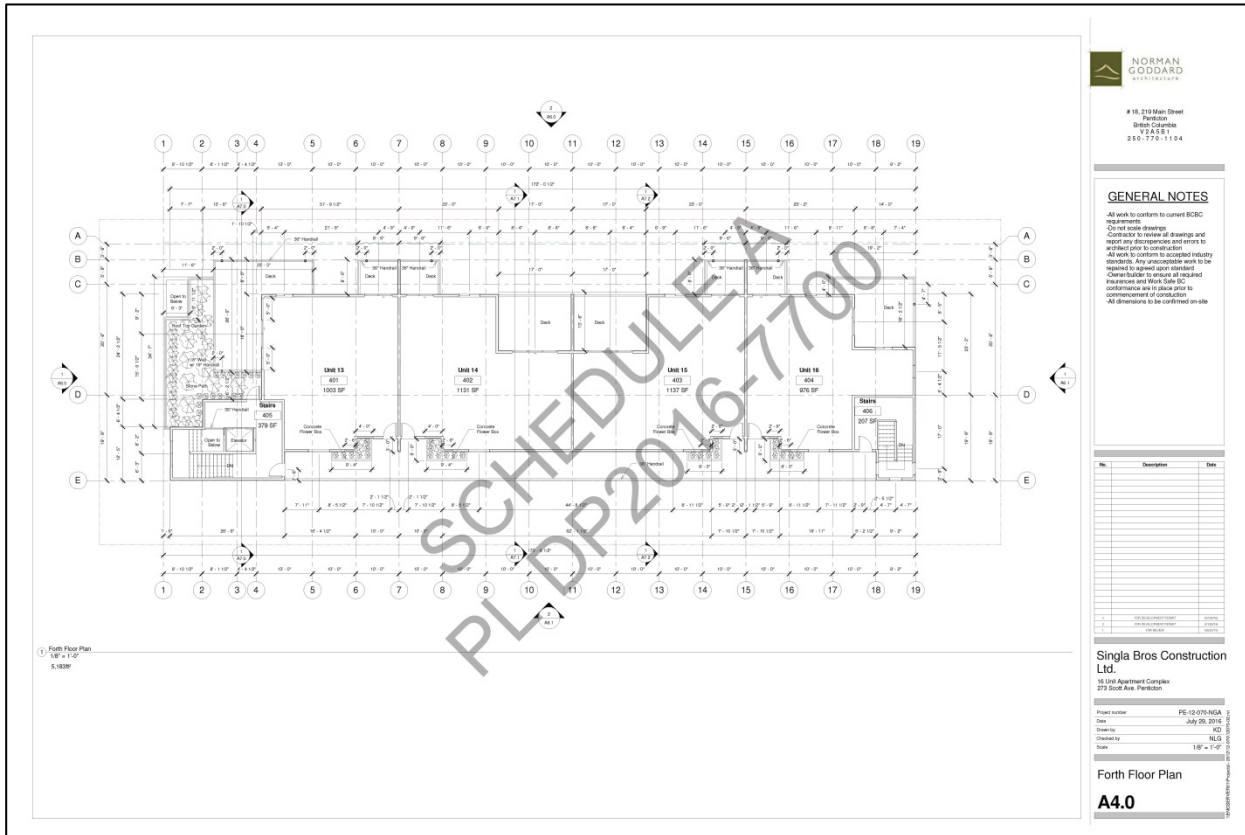
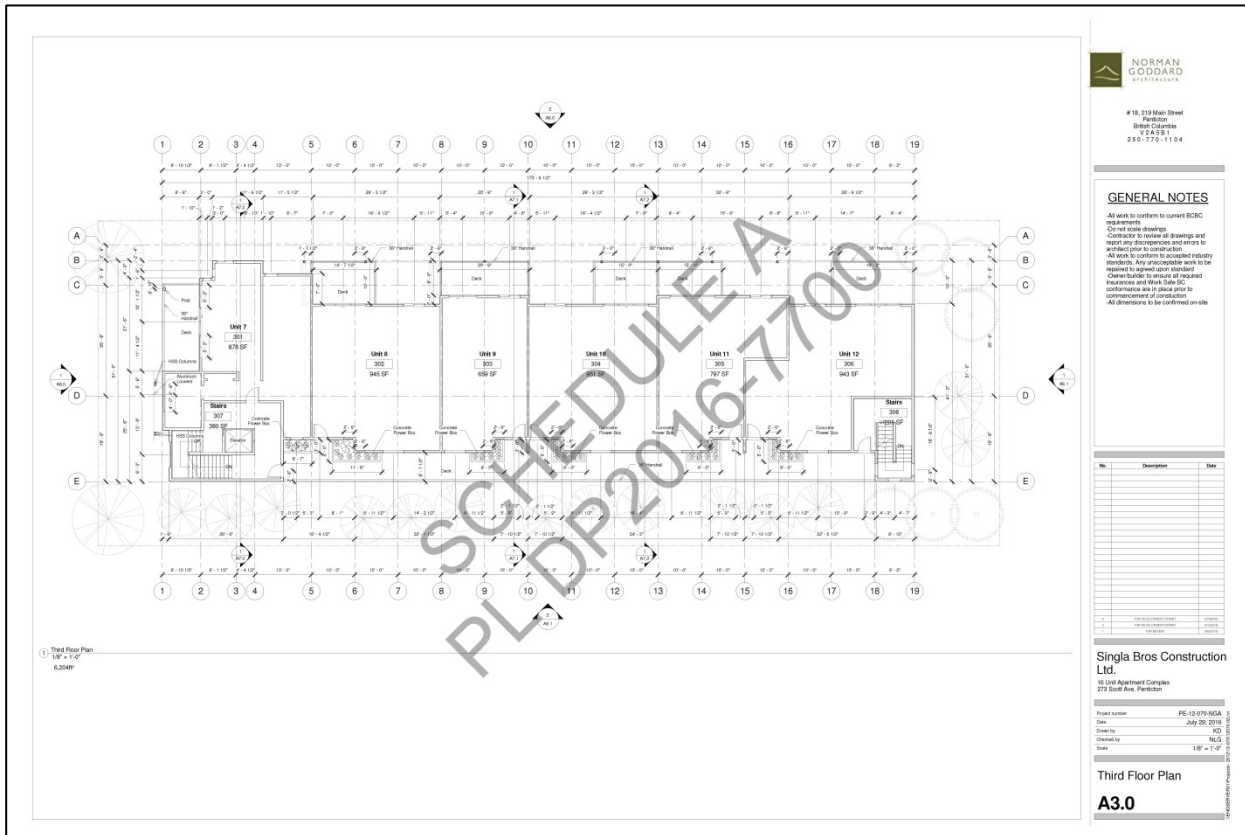


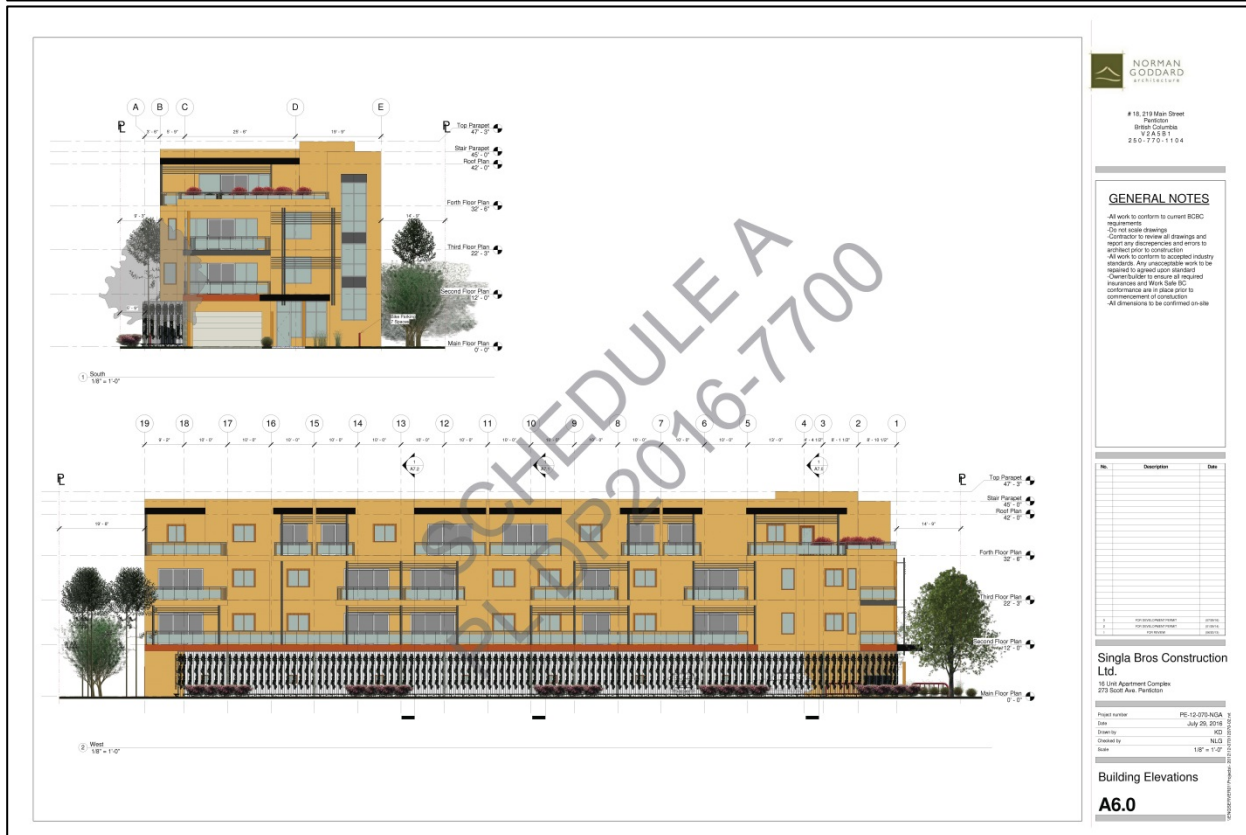
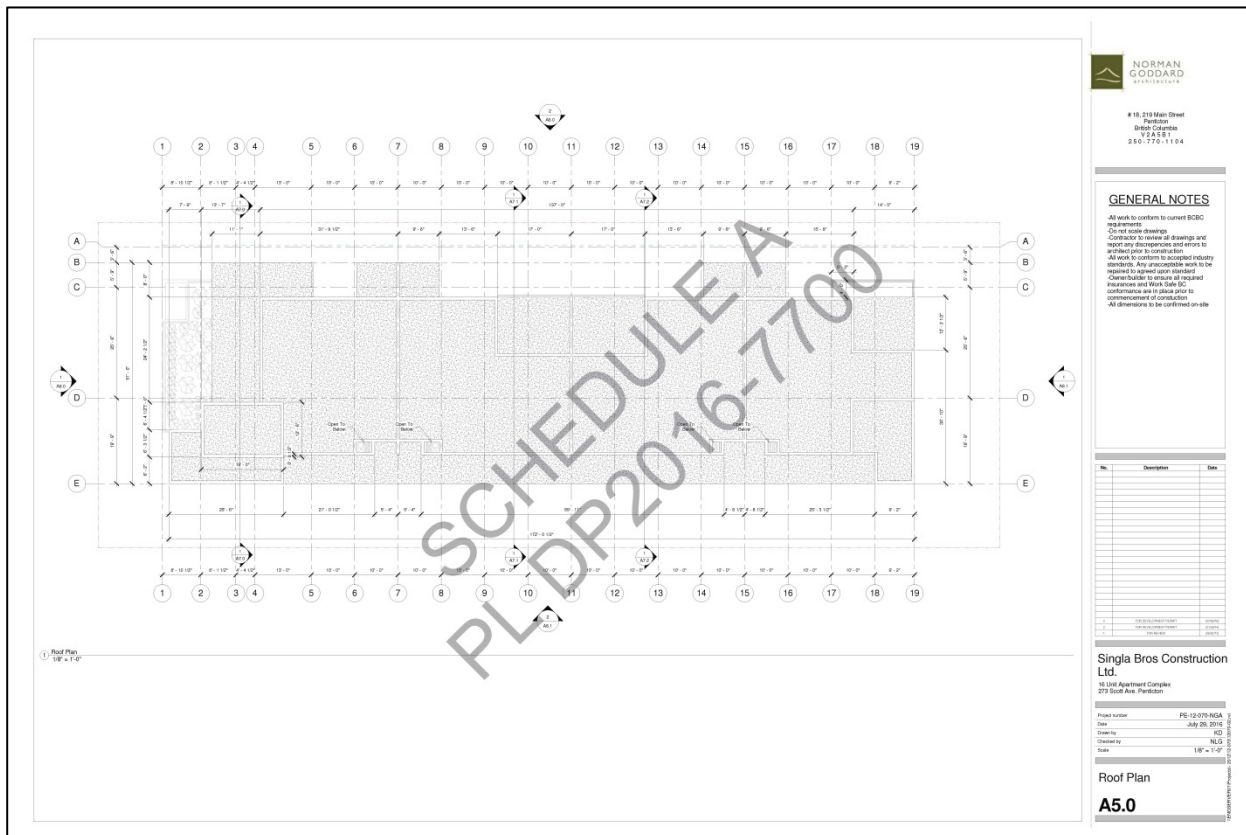










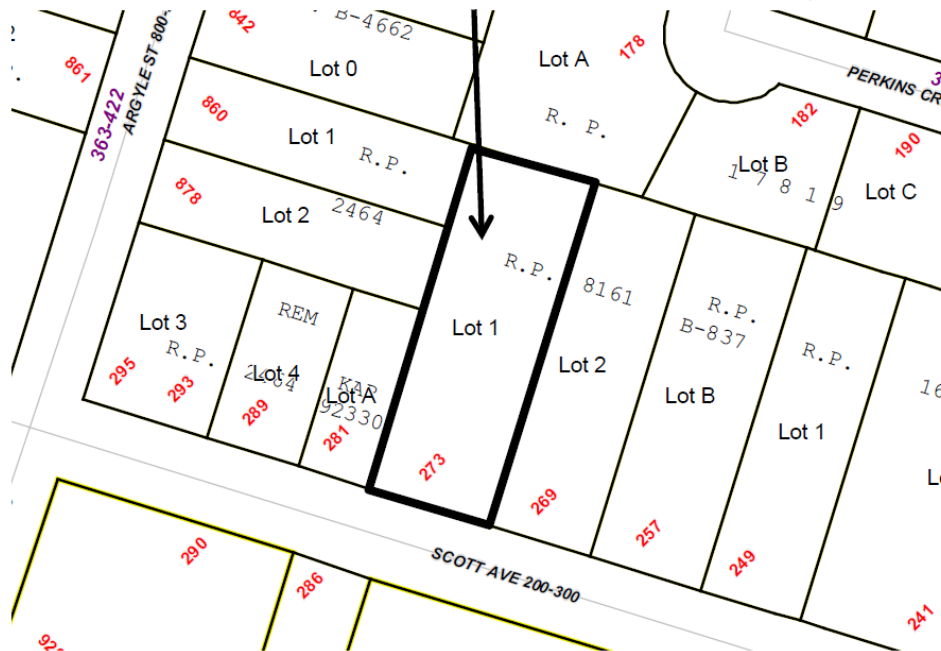








### Rezone 273 Scott Avenue From RD1 (Duplex Housing) To RM3 (Medium Density Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2016-45

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

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

#203-254 Scott Ave.  
Penticton, B.C. V2A 2J5


August 24, 2016

City of Penticton  
171 Main St.  
Penticton, B.C.

Application for Rezoning 273 Scott Ave.

I live across the street from the above residence. I have protested the plans of Singla Construction for the past three applications, largely because of a concern for population density. Singla's decision to apply to have the property rezoned to medium density residential does not lessen the proposed number of units to any great degree from the previous proposals, thus the concern for access to parking and to emergency vehicles has not changed. The people already residing in this block of Scott Avenue has argued in the past that the amount of traffic and the increased number of people seeking street parking, plus the lack of access for emergency vehicles has not been addressed in the new proposed residence.

Please give my concerns your thoughtful consideration before the vote is conducted. Thank you.



Mary Murkin

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**From:** Louise Murdock  
**Sent:** August-28-16 9:03 AM  
**To:** Public Hearings

Peter and Louise Murdock,  
878 Argyle Street,  
Penticton,  
V2A 5N7  
August 26, 2016

Dear Council Members,

We write to inform you of our feelings about the Rezoning Proposal for 273, Scott Avenue that is due for discussion at the Council Meeting of September 6.

The four storey building would back onto our garden and would seriously compromise our privacy and that of our neighbours within close range of the development. We bought the property two years ago shortly after the previous City Council voted against the last development proposal made for 273, Scott Avenue. We were informed by the estate agents and previous owners that the **council recommended the proposal should be adapted to a low density development consistent with its zoning and concerns of the neighbours over the small size of the land and the lack of required variance.** Clearly, we would not have bought the property had we known a four-storey apartment block would be built at the end of the garden particularly within such close range.

It seems evident that the developer stands to make a considerable profit on one lot with little or no concern for the residents within the neighbourhood. **Surely a development of sixteen apartments requires a greater area to create the space needed to service it and to fit into its environment.**

In just the last two or three years, many homes in the old town area have been taken out to make way for new homes to be built - often creating two to four residences where one used to stand. Many of these developments seem to have been fitted into the streets **with thought for the neighbourhood and environment without compromising the quality of the suburb.**

Argyle Street is an old city street. It is not as quiet as it was and the traffic is surprisingly busy at times due, in part, to several large apartments within a very small radius. Our home dates back to 1937 and sits in a row of old modest houses with some history and character. We understand that change occurs and that many homes are affected by new developments, but we sincerely hope and request that **our representatives in the City Council will consider modesty, harmony and environmental issues within the neighbourhood** as opposed to simply the number of units in this development.

Yours truly,  
Peter and Louise Murdock

Sent from Mail for Windows 10

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**From:** Richard  
**Sent:** August-29-16 3:06 PM  
**To:** publichearing@penticton.ca  
**Subject:** Subject property - 273 Scott Avenue - Rezone PL2016-7698 and Variance Permit PL2016-7699

To Whom It May Concern

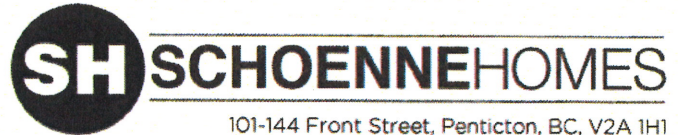
We are residents at 254 Scott Avenue, Unit 303 and wish to express our extreme displeasure for the rezoning and variance requests for the above property. This property has requested rezoning and variances before and it was defeated, At the time , it was suggested that it was suitable for a duplex or triplex. The same concerns expressed then are still vlid this time around.

- a four storey 16 unit unit is far too large for this lot
- another 16 vehicles using Scott Avenue on a daily basis is definitely to many for the size of our Street - too crowded as it is now
- there is only one entrance/exit to the property in question
- fire and/or emergency vehicles would be unable to serve this property in a safe and timely manner
- garbage pickup will be a problem

We respectfully request that City Council deny the above rezoning and variance changes.

Yours truly,

Richard A. Munro  
M. Margaret Munro



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

August 31, 2016

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

Dear Mayor and Council

Re: Proposed development at 273 Scott Avenue

I have been watching with interest Mr. Singla's applications to have the property at 273 Scott Avenue redeveloped into a multi-family development. In the past it appears that the major concerns of the immediate neighbourhood have been a lack of privacy, the size of the proposed development as it relates to adjacent properties and parking.

Prior to offering my support for this application it was important that I was satisfied that the applicant had made an attempt to address the concerns of the immediate neighbourhood. Part of my own due diligence was a review of the applicant's past proposal as well as the current proposal. It also involved discussions with the City's Planning Department to ensure the same.

Based on this research I am satisfied that Mr. Singla has made a reasonable attempt to address the concerns of the immediate neighbourhood and has reflected these changes in his new proposal. I am therefore offering my support for this application.

Respectfully Submitted

A handwritten signature in blue ink, appearing to read 'Bruce Schoenne', with a long horizontal line extending to the right.

Bruce Schoenne, AACI (retired)  
President  
Schoenne Homes Inc.

August 31, 2016

860 Argyle Street  
Penticton, BC V2A 5N7

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

Dear Mayor & Council:

Please accept this letter as our formal opposition to the proposed rezoning and development variance permit application for 273 Scott Avenue.

As the owners of 860 Argyle Street, our property borders 273 Scott Avenue directly. Our yards physically touch as there is no laneway on this portion of Argyle Street.

The City has variances for a reason presumably. The current allowable set backs for that zoning is a 4.5 metre sideyard. As stated by Councillor Sentes at the April 2014 meeting, a variance is meant to be a very small change. Going from 4.5 to 1.5 metres is 60% and NOT reasonable.

As we have stated in the past, we are not opposed to a multi-family dwelling being constructed, but only one that is appropriate for the lot size and that can be built within the current bylaws and set back requirements. The lot would accommodate more than one duplex or triplex, or perhaps a row of townhomes. Very recently an application for a row of four double duplexes was approved just a few lots to the north of us on Argyle Street with ***no opposition*** from anyone in the neighbourhood.

My family has personally chosen to live in the downtown area because we like a vibrant community with lots of people and amenities. We lived in Vancouver's West End which has tremendous density, but there it works. In Penticton, every couple owns not one but two vehicles. Sixteen units will likely mean 32 cars, and the developer is only installing 15 resident parking stalls. That is going to mean another 15 cars that will have to park on the already jammed 200 block of Scott Avenue. The 200 block of Scott Avenue has done its job for multi-family dwellings – it is full. Please take a moment to drive east on that block and see how congested and unsafe it is. When you reach the intersection at Fairview, and turn either left or right, you will see lots of apartment blocks, but Fairview is a wide street, there are no parking issues, and it doesn't have the congestion that Scott Avenue does.

The current OCP allows for 115 residential units within a hectare for an area that is zoned RM3. The 200 block of Scott, with its many apartment buildings and duplexes and triplexes is already there. We cannot hold another 16 units.

As we write our fourth letter and take time out to attend our fourth public hearing, we are appealing to Mayor and Council to consider that **three times now** the developer has been asked to go away and make significant reductions to his building plans. Mayors past clearly indicated he must reduce his plans by half or more.

**The last proposal in October 2014 was for 3 stories and 13 units. He is now back with 4 stories and 16 units. He is going in the wrong direction! The April 2014 proposal was also 4 stories and 16 units and it was soundly defeated, including by all of the members who are still sitting on council today.**

Please don't be worn down by any further attempts – I can assure you the neighbourhood will not be backing down. Further applications without taking into account any of the feedback from the many previous meetings is wasting the time of City staff, council and our community.

We appreciate that council has a very difficult job of balancing the needs of our community with preserving what makes it special. While Penticton is faced with a shortage of rentals, new buildings need to be of the right size in the right space. We implore you to consider the consequence to what is a very special neighbourhood with some of Penticton's oldest homes, and whether this is really an appropriate building for the size and location of the property.

Sincerely,

Don Mulhall & Launa Maundrell

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**From:** Andrea Martin  
**Sent:** August-31-16 12:32 PM  
**To:** Public Hearings  
**Subject:** re: rezoning application for 273 Scott Ave Penticton

Hello,

I'm a resident of the 800 block of Argyle St. and am very concerned about the application for rezoning of the above mentioned property on Scott Ave from RD1 to RM3. I'm certainly not opposed to development, and fully realize that Penticton needs more housing units and high-density is the way to go....but this particular proposal seems excessive and poorly planned based on the existing structures on that block of Scott Ave, the overall feel of the neighbourhood, traffic and parking considerations etc. Parking and traffic is already a problem on that block of Scott Ave. and with the new housing development planned for 784 Argyle St. (around the corner from the Scott Ave lot), the traffic problems will be increased and exacerbated.

I'm opposed to the request for rezoning of the property from RD1 to RM3.

I'm opposed to the following requested variances:

- the request for decreased side yard (west) from 4.5 to 1.5m
- the requests for maximum permitted lot coverage from 50% to 56%

Provided the developer proposed a structure that wasn't four stories high and 16 units (what about a 4-plex or 8-plex?), the variances requested might be ok.

Please register my objections to these proposals.

Regards,  
Andrea Martin  
820 Argyle St.  
Penticton, BC  
V2A 5N7

City of Penticton  
171 Main Street  
Penticton BC V2A 5A9

August 25, 2016

Greetings Ladies and Gentlemen,

I would like to express my support for the upcoming development at 273 Scott Avenue in Penticton.

I am a resident of the area and strongly believe that the additional rental units are Penticton is a change for the better. The new plans show more than enough parking to support the needs of the new residents and this new apartment building will be a welcome addition to the neighborhood.

This is a great location and I hope that by supporting these developments, it shows that we support new residents moving to the city and contributing to our economy.

Sincerely,

  
Satpal Sambi

# I-281 SCOTT AVE

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**From:** Sylvia Sasyniuk  
**Sent:** August-31-16 5:38 PM  
**To:** Public Hearings  
**Cc:** Blake Laven  
**Subject:** PUBLIC HEARING SEPT/6/16 re 273 Scott Avenue  
**Attachments:** ltr Oct 19, 2014\_20160831172756.pdf; ltr March 20, 2013\_20160831172859.pdf

**Importance:** High

Kindly acknowledge receipt of this email.

August 31, 2016

Dear Corporate Officer, City of Penticton

RE: Public Notice  
August 25, 2016  
273 Scott Avenue

We can NOT believe we are here once again, for the 4<sup>th</sup> TIME, pleading to stop a developer that has been already **DENIED THREE TIMES** by council, on the same reasonable basis, that this development proposed is just **TOO BIG FOR THIS SITE!**

This developer clearly has NO RESPECT for this neighbourhood's wishes nor City Council's time and previously expressed directions, to come back with a development that fits the currently zoned property configuration of RD1 (DUPLEX HOUSING).

At the last council meeting in 2014, regarding this topic, I personally attended along with many others from the neighbourhood and read the attached letter. It was made clear at that time to the developer that the answer is **NO, IT IS TOO BIG FOR THE SITE** and to for him to **COME BACK NOW WITH AN EVEN LARGER PROPOSED NUMBER OF UNITS (16 from 13) and ADDING EVEN MORE FLOORS (4 from 3)** to further increase the building's overall height, is nothing but a slap in the face to us all!

This developer does NOT understand the meaning of NO and continues to waste our time by trying to fit a square peg into a round hole for no doubt financial gain over the greater good of this neighbourhood.

The proposed development will clearly **destroy the existing character and heritage of the surrounding area** (Windsor Avenue and Argyle Street) and will only **further increase traffic and public safety concerns on this already narrow and congested avenue**, Scott Avenue. Can you image a 16 units housing development next to you that could potential add at least two more car per unit (resident and guests) equaling **32** vehicles coming and going from this already high traffic area.

While we very much support new development and change, there is more than enough multi-family dwellings zoned RM3 /RM4, rentals and owner occupied, in this quiet neighbourhood.

Please do NOT allow this developer to attempt to wear us down by coming back again and again with same thing. **Please keep the zoning non-negotiable, as is, at RD1 (Duplex Housing) now and in the future** and have all variance by laws currently in place be respected.

We request that the City **DENY this application**, dated August 25, 2016, based on the previously expressed concerns from council and the public.

- 1) **TOO BIG FOR THE SITE – KEEP RD1 (Duplex Housing)**
- 2) **STREET SAFETY CONCERNS FOR PEDESTRIANS and TRAFFIC**
- 3) **RESPECT FOR THE SURROUNDING AREA and NEIGHBOURS**
- 4) **FIRE SAFETY ISSUES**
- 5) **GARBAGE PICK UP ACCESS**

We thank you for your favorable consideration.

Sincerely,

*Sylvia & Donald Sasyniuk, Olga Sasyniuk*

301-920 Argyle Street, Penticton BC

October 19, 2014

Dear Corporate Officer, City of Penticton

We once again are writing to express our concerns and opposition to the rezoning proposal for the property located at 273 Scott Avenue. (See attached opposition emailed on March 20/13)

At the last city council meeting on April 22, 2014, it was made clear to the developer to come back with **"a plan that fits the property appropriately"**. Coming back with a request to rezone from a RD1 (Duplex Housing) to RM3 (Medium Density Residential) to a 13 unit multi family development does NOT meet this criteria. The property and street just does NOT support housing more residents in this already condensed area.

There are many **safety concerns** starting with **the street itself** being too narrow as it is and the potential for further traffic. 13 units means more than likely 13 more cars plus in most cases, two car families making the potential for 26 more vehicles coming and going on this already busy street. The street can not handle two-way traffic and each car must pull over to let the car oncoming from an opposite direction to pass. If there are parked cars aligning the street, it makes it even further hazardous. As well as the having the potential of a huge garbage truck having to maneuver back in and out of this lot on a weekly basis, will further interrupt traffic and safety.

There is only one sidewalk for pedestrian foot traffic which is located on the side of this proposed development. Many children and pedestrians use the current sidewalk regularly and having more cars coming in and out of the proposed development increases risk to the safety to the public. There is no alternate sidewalk on the opposite side of the street to use.

Our next, but not necessarily second concern is **FIRE SAFETY**. The proposed development leaves no area for fire lane access to the sides or back of the building should a fire ever develop. Without a back lane or side access I really question whether or not ladders and water could be applied quickly enough to prevent loss of life and limit structural damage.

In regards to the height of the proposed development, it clearly does not fit within the current two side by side neighboring property developments that are already located at 269 & 281 Scott Avenue and even further west with lots 289, 293 & 295 Scott Avenue. The are two duplex homes currently located on the east and west of the proposed development that are no taller than 10.5 meters and with the proposed development to be 13 meters (42.7 feet) is approximately 10 feet higher than the neighboring buildings. This development would be an eye sore and hindrance to the character of neighborhood and the surrounding buildings on and around the location.

We also would like to voice our full support for the family located at 269 Scott Avenue. A family of 9, I believe (4 adults and 5 children) who were promised at the time they developed that the City would not consider rezoning this lot to anything but RD1 (duplex housing).

The area in question has more than enough multi family rental development to meet the needs of the neighborhood and does not need anymore.

We respectfully request that in light of the above concerns that City Council deny the application and make it clear to the developer that no further proposal comes forward to rezone to RM3 (Medium Density Residential) and any future proposals that are submitted be for a RD1 (Duplex Housing Development) that completely fits the current bylaws in place when it comes to lot coverage (no more that 50%), side yards (no more than 4.5 meters) and height size (no more than 10.5 meters).

To Mayor Litke and Council, this is the third time since March 17, 2014, that the developer is coming back with varying proposals even though it has been clearly expressed that the surrounding families and residences of this neighborhood area are opposed to any rezoning of this lot. Please give us peace of mind by denying the rezoning application and give closure to this matter tonight.



Sylvia & Donald Sasyniuk  
Olga Sasyniuk  
301-920 Argyle Street  
Penticton BC



171 MAIN STREET  
PENTICTON, B.C.  
CANADA  
V2A 5A9

**BLAKE LAVEN, RPP, MCIP**  
PLANNER

DEVELOPMENT SERVICES  
E-mail: [blake.laven@pentiction.ca](mailto:blake.laven@pentiction.ca)

Phone: 250-490-2528  
Fax: 250-490-2502  
Text: 250-309-4778

**Subject:** RE: Public Hearing 3/19/2013 273 Scott Avenue Proposed Development

Thank you for the email Sylvia – It will be forwarded to the developer and placed in the project file. And thank you for attending last night.  
All the best,

*Blake Laven, RPP, MCIP*  
CORPORATION OF THE CITY OF PENTICTON  
Planning Technologist II  
Direct Line: (250) 490-2528  
Cell or Text: (250) 309-4778  
Email: [blake.laven@pentiction.ca](mailto:blake.laven@pentiction.ca)

**From:** Sylvia Sasyniuk [<mailto:sasyniuk@wishkwok.ca>]

**Sent:** March-20-13 1:58 PM

**To:** Blake Laven

**Subject:** Public Hearing 3/19/2013 273 Scott Avenue Proposed Development

I wish to take this opportunity to voice our concerns with the above proposed development as a nearby residential owner/occupant.

After attending the developer forum on March 19<sup>th</sup> at the Penticton Library auditorium and viewing the plans and listening to the comments for those in attendance including the developer, I have many concerns to the proposal as follows:

- 1) The proposed building is just too big and tall for the narrow lot and I do not support changing variances for this project. By doing so, you will open the door for other monstrous developments towing over quaint character historical homes in this quiet beautiful area.
- 2) The Scott Avenue street itself currently represents an ongoing hazard and with increased traffic and no guest parking available with this proposed 16 unit building will just make things worse. The street is narrower than most in the City and when you get vehicles parked on both sides it leaves only room for one vehicle at a time to pass through the lane. This means having to take turns, by stopping in the middle of the street and letting oncoming traffic pass by before you can proceed. There has been many cars sideswiped because of this and with the one way turn at the top of the street onto Fairview will only further congest the intersection and increase the risk of more accidents.
- 3) This leads to the concern of also having a massive garbage truck trying to pick up the unsightly garbage bins at curbside as there is no proper access for a garbage area and trucks turning to pick up. Having the garbage truck maneuver through parked cars, pedestrians, including children in the streets present further risks.
- 4) Fire is also a concern. If the building should catch fire, especially on the back of the premises, there is no fire lane access around the sides or the back of the building. This is unacceptable with so many potential people occupying an inaccessible space. While fire trucks do have long hoses, the thought of fireman having to struggle through obstacle of the surrounding homes and yards, make me shutter to think that if the furthest North top floor unit were to catch fire, knowing a few feet closer access could have meant life or death is non-negotiable in my opinion.
- 5) As you are aware, this particular developer still has not completed the building on Winnipeg Street and has decided to move on to yet another new project before completing that one. Even though they have taken out a permit to start building again, they still have two years to drag it out and what if the building is not completed in 2 years, what then? Does any one have the right to stop and start as they choose? The City should not allow any further new building permits until that project is completed. We already have so many empty condos, apartments and houses for sale and rent in Penticton that it is lowering our market values of our properties and allowing a further multi unit development just does not make sense at this time.
- 6) Making this building an all rental space also leads to a lot of other concerns as well. NOTE: There are

already many, many other all rental buildings on this Street and in immediate surrounding area and any further rental units in this location is not a necessity. However, an all rental building, in lower rental area of the City, would be a good idea.

While I fully support growth, development and jobs in our City, the idea project for this lot, the empty lot for sale directly next door to the West and the future of all zoning with this lot and all lots West to Argyle Street are better left to smaller more quaint owner occupied housing developments such as duplexes & fourplexes but before any further development be granted, Scott Avenue traffic flow and parking must be address.

Respectfully yours,  
Sylvia & Don Sasyniuk  
Mrs. Olga Sasyniuk

3/28/2013