

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

**Tuesday, July 2, 2019**  
at 6:00 p.m.

- |       |  |      |
|-------|--|------|
| 1.    | Mayor Calls Public Hearing to Order for <b>“Zoning Amendment Bylaw No. 2019-25”</b>  | 1-16 |
| CO    | Reads Opening Statement and Introduction of Bylaw  |      |
|       | “Zoning Amendment Bylaw No. 2019-25” (1050 Churchill Avenue)   |      |
|       | Purpose: To amend Zoning Bylaw No. 2017-08 as follows:   |      |
|       | Add Section 10.1.3.8: “In the case of Lot A, District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue, a Bed and Breakfast Home shall be permitted.” |      |
|       | The applicants are intending to operate a bed and breakfast, offering 4 rooms for rent on a nightly basis.   |      |
|       | Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, June 21, 2019 and Wednesday, June 26, 2019 (pursuant to the <i>Local Government Act</i> ).   |      |
| CO    | No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, June 26, 2019).   |      |
| Mayor | Requests the Director of Development Services describe the proposed bylaw  |      |
| 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. 2019-25” 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.**

**Tuesday, June 18, 2019**  
**at 1:00 p.m.**

## **Resolutions**

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- 15.5     Zoning Amendment Bylaw No. 2019-25  
          Re: 1050 Churchill Avenue

319/2019

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2019-25", a bylaw to add the following section to the R1 (Large Lot Residential) zone: 10.1.3.8 – "In the case of Lot A, District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue, a Bed and Breakfast Home shall be permitted", be given first reading and be forwarded to the July 2, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-25", frontage works including curbing and stormwater management are secured;

AND THAT Council direct funds in the 2020 Capital Budget to extend the curb and gutter being installed by the developer to connect to the infrastructure on Riverside Drive at approximately \$11,000.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** June 18, 2019  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Nicole Capewell, Planner 1  
**Address:** 1050 Churchill Avenue  
**Subject:** **Zoning Amendment Bylaw No. 2019-25**

File No: PRJ2018-256

## Staff Recommendation

### *Zoning amendment*

THAT "Zoning Amendment Bylaw No. 2019-25", a bylaw to add the following section to the R1 (Large Lot Residential) zone: 10.1.3.8 – "In the case of Lot A, District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue, a Bed and Breakfast Home shall be permitted", be given first reading and be forwarded to the July 2, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-25", frontage works including curbing and stormwater management are secured.

### *Sidewalk construction*

THAT Council direct funds in the 2020 Capital Budget to extend the curb and gutter being installed by the developer to connect to the infrastructure on Riverside Drive (approximately \$11,000).

## Background

The subject property currently contains a single family dwelling, which was constructed in approximately 1945. The property was previously used to operate an emergency shelter by a non-profit organization, but has since been sold to a private home owner. The new owners of the property are intending to operate a bed and breakfast, offering 4 rooms for rent on a nightly basis. The owners are intending to live on site as their primary residence, and to also operate the business. The property is currently zoned R1 (Large Lot Residential). A Bed and Breakfast Home is not a permitted use in the R1 zone, so the property owners are requesting a site specific zoning amendment to permit the use.

The property had previously been zoned to allow for a bed and breakfast operation, however during the ownership by the non-profit organization a rezoning was completed to allow for an Emergency Shelter at the property.

The property is approximately 920m<sup>2</sup> (9,925 sq. ft.), which is a larger lot than the single family lots in the neighbourhood. The subject property borders onto a hotel to the west, and residential uses to the east and south. The subject property is within an established tourist accommodation area, which is primarily along Lakeshore Drive and extends up Riverside Drive. The City's current Official Community Plan (2002) designates the property as MFMD (Multi-Family Medium Density), and the surrounding neighbourhood is also designated MFMD and TC (Tourist Commercial) as indicated in Schedule 'C'.

## **Draft Official Community Plan (2019)**

The Official Community Plan review currently underway includes the subject property within the Future Land Use category called 'urban residential'. The draft Official Community Plan describes the urban residential designation as "higher density 4-6 storey apartment neighbourhoods in high-amenity areas where construction is primarily wood frame". Compatible types of development include townhouses and stacked townhouses; low-rise and mid-rise apartment/condo buildings.

The draft Official Community Plan also includes the following policies which support the proposed application:

1. Policy 4.1.2.10: monitor vacation rentals to ensure they are not having a negative impact on the long-term rental stock or negative social impacts on existing neighbourhoods. Refine vacation rental policy and regulations if necessary.
2. Policy 4.1.5.1: recognize that traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design and are appropriately location.

## **Proposal**

The applicant is requesting the following amendment to Zoning Bylaw 2017-08:

Add Section:

"10.1.3.8 - In the case of Lot A District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue, a Bed and Breakfast Home shall be permitted."

## **Technical Review**

This application was reviewed by the City's Technical Planning Committee. As part of the review, the property was identified as having a non-conforming driveway width, which had been previously identified by the Engineering Department (2004) and was never adjusted to conform. The driveway of the subject property is currently paved across the entire frontage (Attachment 'D'). The City's records of the non-conforming driveway width date back to 2004, when the City identified to the owner that the driveway well exceeded the maximum allowable width identified through the Subdivision and Development Bylaw. The Engineering Department at the time had identified storm water concerns as the subject property was not maintaining their storm water on site.

This section of Churchill Avenue currently does not contain any stormwater collection infrastructure, only stand-alone dry wells. The dry wells do not connect to any infrastructure, rather they collect stormwater and distribute back to the ground. The lack of stormwater collection on this section of Churchill Avenue makes it even more important for private properties to maintain all of their stormwater on site, as there is very limited city infrastructure to maintain the water. Approximately 5 years ago, a dry well was installed directly in front of 1050 Churchill Avenue due to the large amount of storm water runoff from the property.

The driveway was paved during a Building Permit that was approved for the property. The Building Permit that was approved, had two driveways with conforming widths. The driveway that was constructed was not to the approved Permit, and the property owners at the time paved the entire 24.4m frontage.

Staff had identified this concern to the applicant at the time of the site specific rezoning application, noting that this will likely become a condition of the zoning recommendation, to bring the driveway in conformance with the Bylaw standards, as much as possible.

Although the non-conforming driveway was completed well before the current property owners, the rezoning process is an opportunity for the City to work with the property owners to improve the situation. As such, Staff have included with the rezoning, a recommendation that Council include a provision to require the street frontage to receive curb and gutter improvements, at the cost of the applicant. This will include reducing the width of the driveway that currently exists to allow for two driveway access to the property, each measuring not more than 4.0m in width. The applicant has received a cost estimate of approximately \$4,300.00 for the works directly along their street frontage (curb and gutter).

Further, staff are recommending that Council allocate funds to allow the City to connect the proposed works in front of 1050 Churchill Avenue to the infrastructure existing along Riverside Drive. This will create a more complete streetscape from Riverside Drive to 1050 Churchill Avenue. Without these works, the curb and gutter in front of 1050 Churchill Avenue will appear as an 'island' of curb and gutter in the middle of Churchill Avenue. Engineering staff have quoted this work to be approximately \$11,000.00, and would be included in the 2020 Capital Budget. Figure 1 indicates the areas that the City would fund, and the applicant would fund for street improvements.

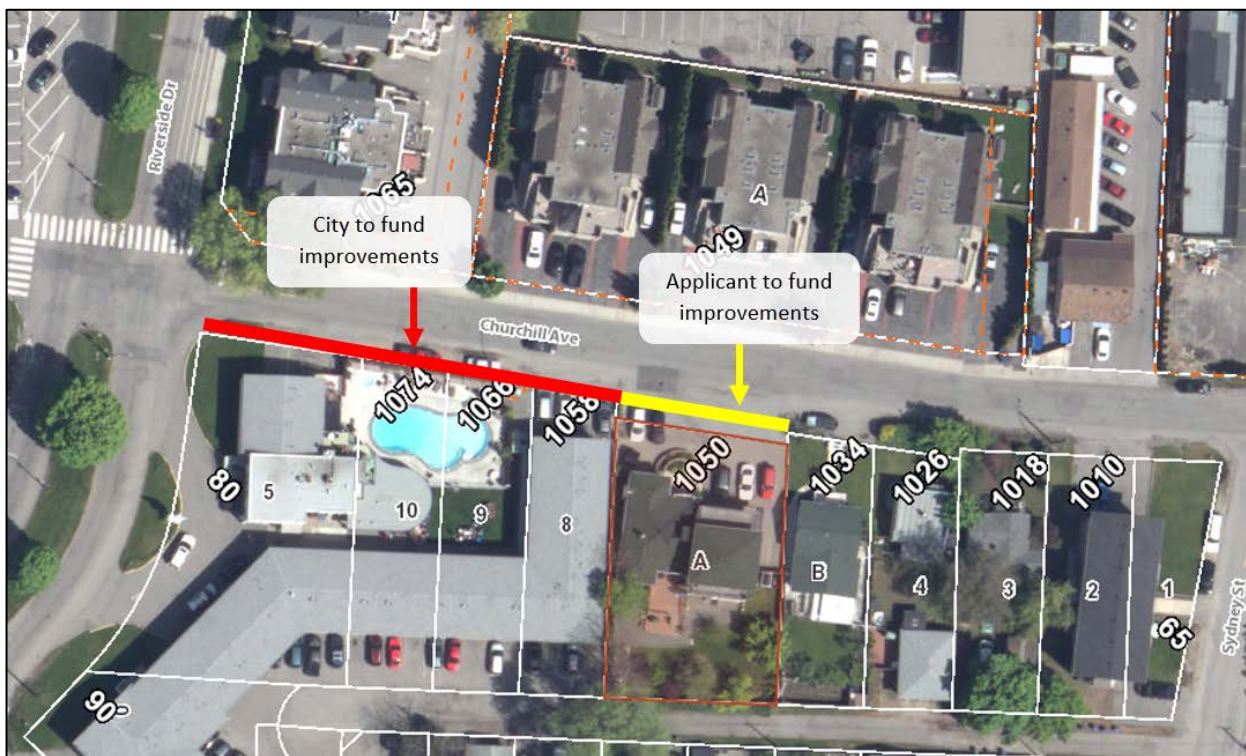


Figure 1 – Image of improvements proposed to be completed along Churchill Ave

While sidewalks on both sides of the street are ultimately the goal for this section of Churchill Avenue as identified by the Subdivision and Development Bylaw, the costs to install the sidewalks are out of scale to the scope of work for this approval. The curbing is required as there are stormwater management concerns. The sidewalks can / will be installed at a later date either through development (developer / property owner funded) or through a public works project. Any building permit in excess of \$150,000 would trigger the requirement for sidewalks to be installed by a developer / property owner.

## **Financial Implication**

The estimated cost for the installation of curb and gutter as identified in Figure 1 is estimated at \$11,000. Staff are recommending that Council support this improvement by directing the project to be included in the 2020 capital budget. Staff see this as an opportunity to begin improving the streetscape along Churchill Avenue. The section of Churchill Avenue between Riverside Drive and Power Street has the feeling of a back lane to the tourist accommodations that front onto Lakeshore Drive to the north. The opportunity to add curb and gutter at this time, would slowly assist in transitioning the street to include a sense of pedestrian scale.

## **Analysis**

### *Support Zoning Amendment Bylaw*

The subject property is designated Multi-Family Medium Residential (MFMD) by the City's Official Community Plan Bylaw No. 2002-20. This designation encourages a mix of low density uses including single family dwellings, duplexes, and small scale neighbourhood commercial uses. Policies for the low density residential designation, which are supported through this application include:

1. Encourage a wide range of Medium Density Residential housing forms,
2. Encourage a wide range of housing tenures and organizational frameworks,
3. Institutional and commercial uses may be permitted in areas designated for Medium Density Residential, subject to approval of a rezoning application, with consideration of the following guidelines:
  - a. The size, scale and scope of the proposed institutional/commercial use is compatible with the character of the area;
  - b. The proposed institutional/commercial use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on adjacent uses.

The proposal to allow for a Bed and Breakfast Home at this location does not conflict with the policies set out in the OCP for the MFMD (Multi-Family Medium Density Residential) designation and, as no exterior alterations of the home will be made, the proposal will expand the use of the property without affecting the current character of the neighbourhood.

The subject property is located just off of Riverside Drive and one block south of Lakeshore Drive, which encompasses a large area of tourist commercial zones. These areas primarily contain hotels, motels and other tourist accommodations and commercial businesses. The subject property is located directly adjacent to a hotel on the west, and single family residential on the east. As such, the subject property provides as a transition from the tourist accommodation to residential areas. The proposal to operate a Bed and Breakfast Home at 1050 Churchill Avenue provides an alternate type of tourist accommodation than the hotels/motels, within a mixed density area, while still maintaining the character of the single family home.

The use of a Bed and Breakfast in this area is supported as it is in a desirable tourist area, being near Lakeshore Drive, Okanagan Lake, the Trade and Convention Center, the Community Center, the downtown core, and other amenities and attractions in these areas. The location of the subject property encourages active methods of transportation including walking and biking.

The current R1 (Large Lot Residential) zoning of the subject property does not allow for a Bed and Breakfast Home, however it does allow the use vacation rental. With the operation of a vacation rental, the property owners are not required to be living on the property, and there can be a maximum of two persons per bedroom. Although the proposal to have a Bed and Breakfast Home requires a rezoning to allow for the use,

it is arguable that a Bed and Breakfast would have a lesser impact on the neighbourhood than a vacation rental would. As the owners will be living on the property, they are always onsite to regulate the activities and levels of noise occurring on the property.

The Zoning Bylaw (2017-08) allows for Bed and Breakfast Homes subject to the following regulations:

1. A Bed and Breakfast Home shall be operated as an accessory use within a single detached dwelling, with a maximum 4 sleeping units with accommodation for a maximum of two guests per sleeping unit.
2. The Bed and Breakfast Home should not change the residential character or external appearance of the dwelling.
3. The licensed operator of a Bed and Breakfast Home must reside in the dwelling in which the Bed and Breakfast operation is located.

The proposal at 1050 Churchill Avenue will meet all of the Bed and Breakfast Home regulations contained in the Zoning Bylaw. The applicants intend to provide 4 sleeping units for their Bed and Breakfast guests. The applicants are not making any changes to the outside of the home, which would change the residential character of the property.

Given the above, there is adequate policy through the OCP to support the proposal to rezone the subject property to allow for a Bed and Breakfast Home, and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2019-XX".

#### *Deny Zoning Amendment Bylaw*

Council may consider that the proposed development is not appropriate for the subject property. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2019-25".

#### **Alternate Recommendations**

Council may consider that the curbing extension in front of 80 Riverside Drive should also be funded by the property owner. This would result in the property owner paying approximately \$15,300.00 to install curb and sidewalk from the eastern property line of 1050 Churchill Avenue, to connect with Riverside Drive. If this is the case, Council may choose to support Alternative Recommendation #1.

1. THAT Council approve the bylaw but require the curbing extension (from western property line of 1050 Churchill Avenue to Riverside Drive) to be the responsibility of the property owner rather than the City.

Council may consider that sidewalks on both sides of Churchill Avenue should be installed as part of the proposed infrastructure improvements for this application. If this is the case, Council may choose to increase the funds allocated from the 2020 Capital Budget to ~\$28,200. This would include the cost of sidewalks from Riverside Drive to the eastern property line of 1050 Churchill Avenue. This alternative recommendation maintains the property owner paying ~\$4,300 for the curb and gutter directly in front of their property and the City paying ~\$11,000 for the curb and gutter to connect to Riverside Drive, plus the cost of sidewalk for the entire section of frontage improvements. If this is the case, Council may choose to support Alternative Recommendation #2.

2. THAT Council approve the bylaw and direct additional funds in the 2020 budget to install sidewalks from Riverside Drive to the eastern property line of 1050 Churchill Ave and the curb and gutter from Riverside Drive to the western property line of 1050 Churchill Avenue (~\$28,200).

Council may choose to support the proposed development with other conditions that staff have not noted. If this is the case, Council may choose to support Alternative Recommendation #3 with conditions that Council feels are appropriate.

- 3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-25", with conditions that Council feels are appropriate.

Council may consider that the proposed development is not appropriate for the subject property. If this is the case, Council may choose to support Alternative Recommendation #4.

- 4. THAT Council deny 'Zoning Amendment Bylaw No. 2019-25'.

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map of Subject Property
- Attachment C: Official Community Plan Map of Subject Property
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Proposed Site Plan
- Attachment G: Zoning Amendment Bylaw No. 2019-25

Respectfully submitted

Nicole Capewell  
Planner 1

Approvals

<p>Director Development Services</p> <p><i>AH</i></p>	<p>Chief Administrative Officer</p> <p><b>DvD</b></p>
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Attachment A – Subject Property Location Map



Figure 2 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

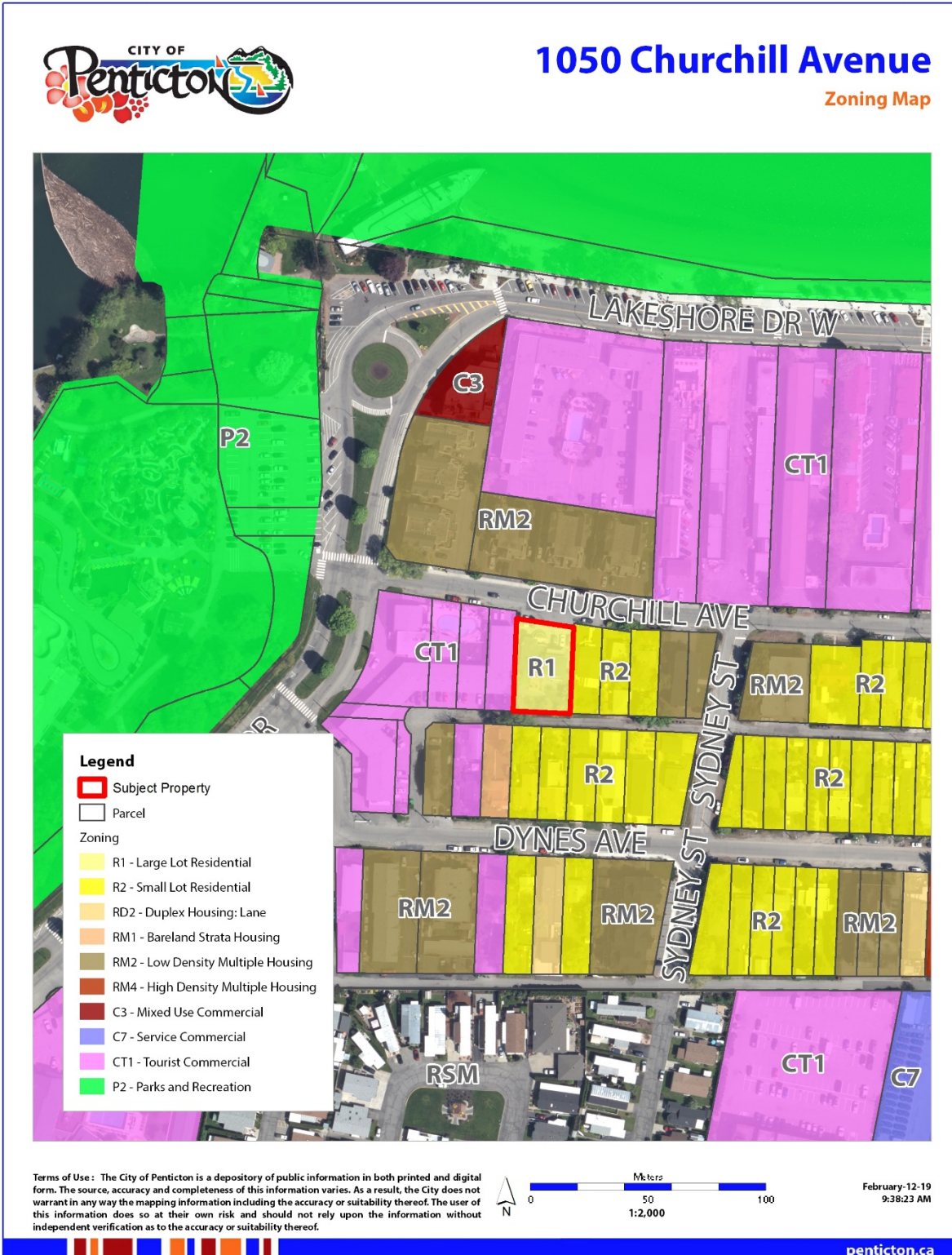


Figure 3 – Subject Property Currently Zoned R1 (Large Lot Residential)

Attachment C – Official Community Plan Map of Subject Property

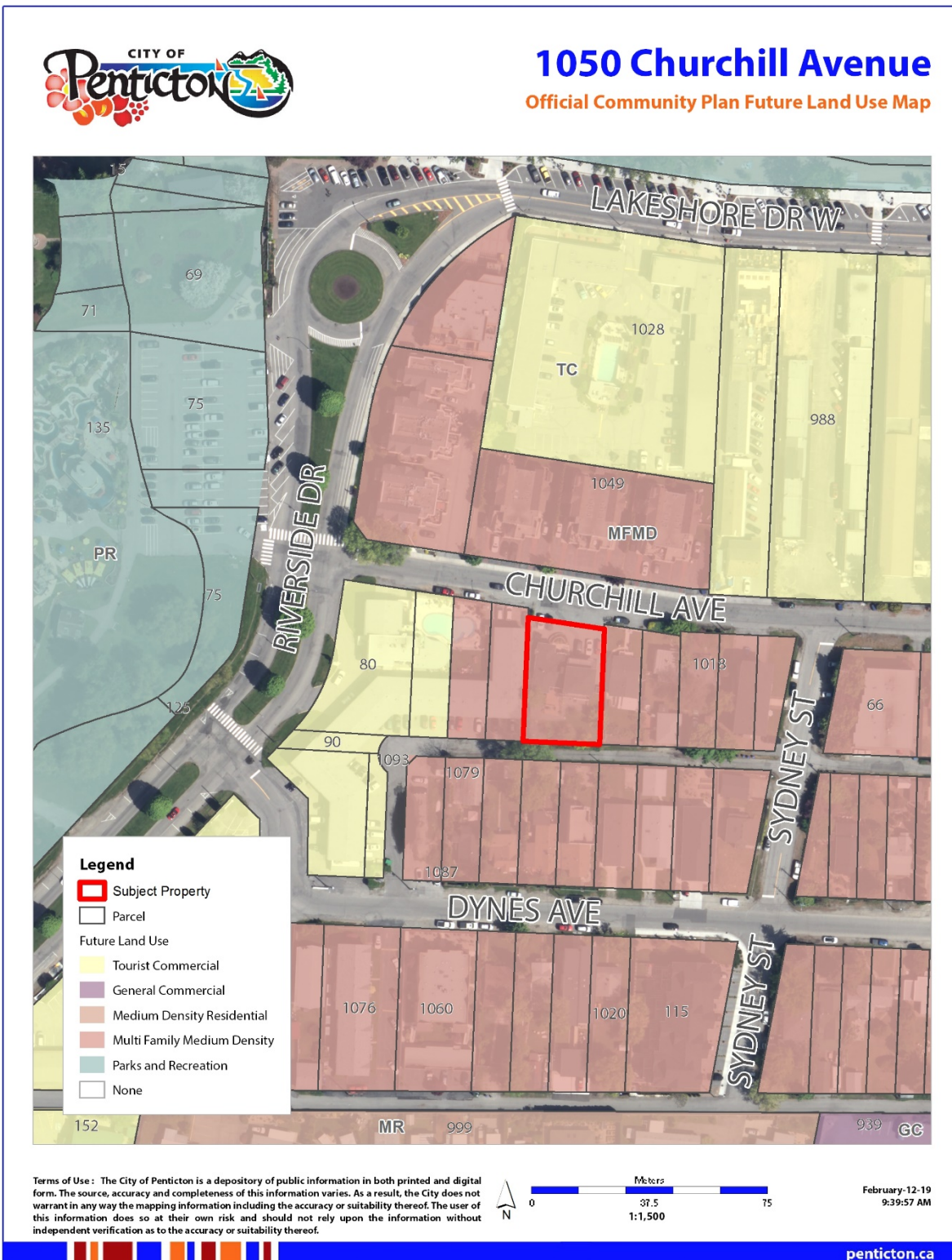


Figure 4 – Subject Property Currently Designated as MFMD (Multi-Family Medium Density Residential) within Official Community Plan

Attachment D – Images of Subject Property

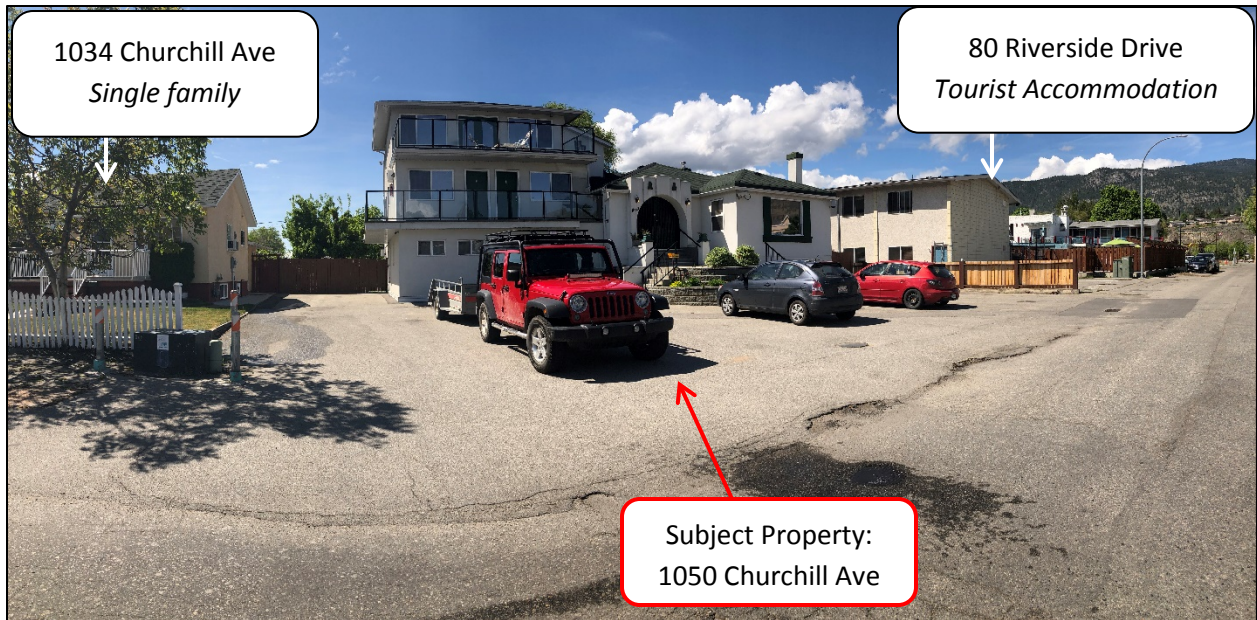


Figure 5 – Looking at front of 1050 Churchill Ave from street

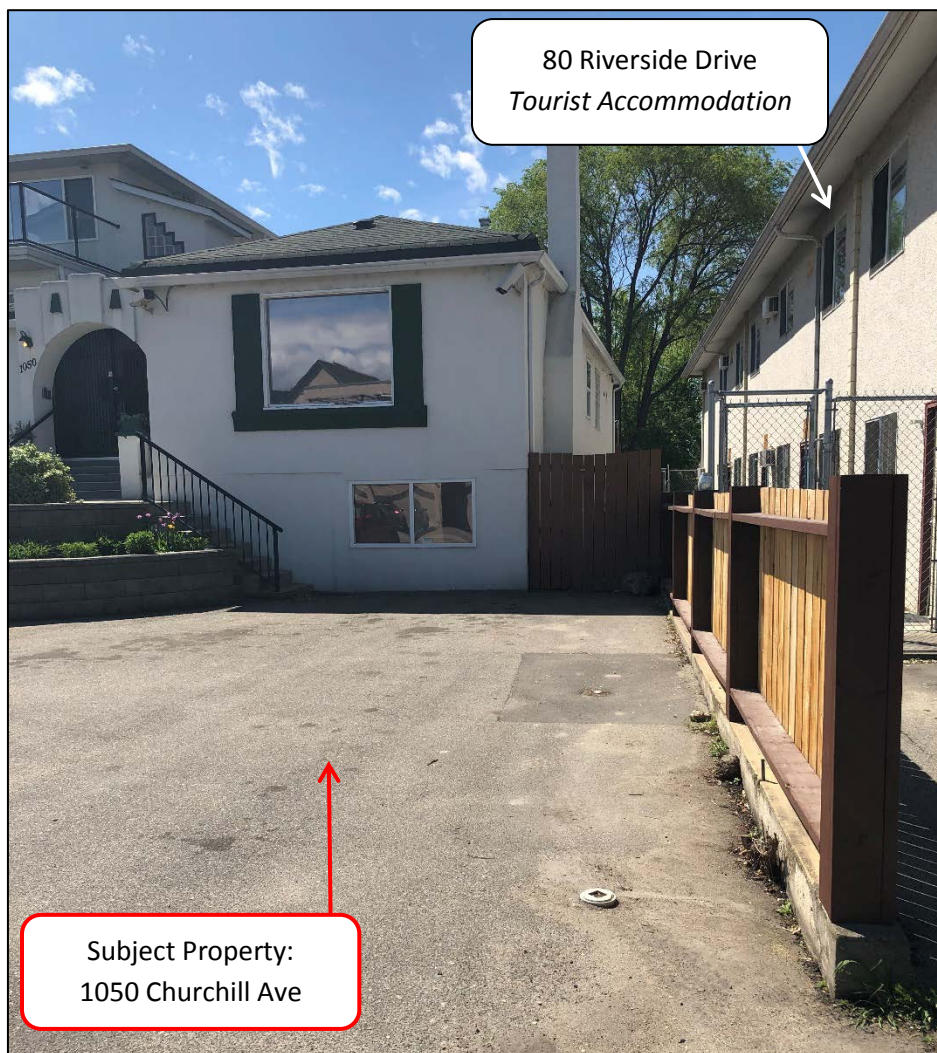


Figure 6 – Looking down western property line shared with 80 Riverside Drive

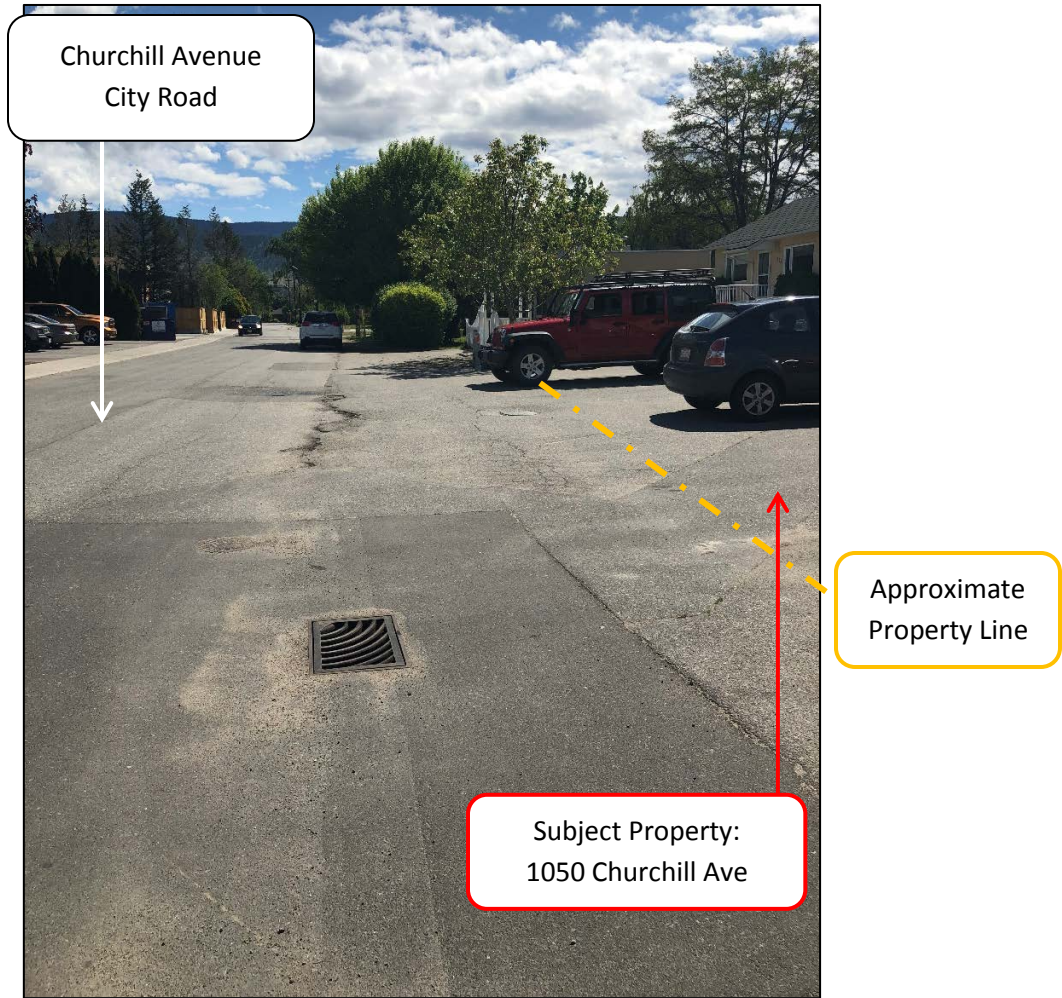


Figure 7 – Looking along front property line of 1050 Churchill Avenue



Figure 8 – Looking down eastern property line of 1050 Churchill Avenue

Attachment E – Letter of Intent

14th of December 2018.

To whom it may concern.

RE: 1050 Churchill Avenue, Penticton.

My family and I recently purchased 1050 Churchill from Sowins, who operated a refuge for women at the property. Prior to Sowins the property was operated as a 4 unit bed and breakfast. My daughter and I would like to revert the property back to a three bedroomed bed and breakfast business. We have discussed our proposal with the majority of our neighbour's and they have no objections to our proposal as it will improve the vibrancy, cleanliness and security of the area.

Our very close proximity to Okanagan Lake with its tourist activity lends it's self to this use. To the west of us we have the Bowmont Motel, to the north we have Golden Sands Resort, Salty's Beach House, Black Sea Motel, Rochester Resort, Crown Motel and numerous other tourist related businesses.

Building work.

Our proposal does not involve any construction work or alteration to the building except cleaning and tidying up outside.

We have a fully functioning fire system in all areas of the property, up to city requirements and I enclose documentation of system checks and fire department inspections for 2018.

Parking lot.

The property has an 80ft frontage to Churchill Avenue, the parking lot is paved and is 2,900 sq ft.

We require one stall per room plus one for the owner, total of four at 171sq ft per spot = 684sq ft. At these calculations we have more than enough parking stalls without encroaching on city property.

I attach plan showing designated parking spots.

Figure 9 – Letter of Intent

Attachment F – Conceptual Site Plan



Figure 10 – Conceptual Site Plan  
(exact location of driveways to be determined with staff and property owner)

Bylaw No. 2019-25

A Bylaw to Amend Zoning Bylaw 2017-08

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

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

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

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-25".

2. Amendment:

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

Add Section 10.1.3.8: "In the case of Lot A, District Lot 3 Group 7 SDY (Formerly Yale-Lytton) District Plan KAP74500, except Plan KAP89094, located at 1050 Churchill Avenue, a Bed and Breakfast Home shall be permitted."

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

READ A FIRST time this	18	day of	June, 2019
A PUBLIC HEARING was held this	2	day of	July, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
RECEIVED the approval of the		day of	, 2019
Ministry of Transportation on the			
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 21 day of June, 2019 and the 26 day of June, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2019</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
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Angie Collison, Corporate Officer

# Site Specific Zoning Amendment (R1-Large Lot Residential Zone) to permit 'Bed and Breakfast Home' at 1050 Churchill Ave.



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-25

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

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