

**Public Hearing**  
**City of Penticton, Council Chambers**  
**171 Main Street, Penticton, B.C.**

**Tuesday, April 4, 2017**  
**at 6:00 p.m.**

**Present:** Mayor Jakubeit  
Councillor Sentes  
Councillor Watt  
Councillor Picton  
Councillor Martin  
Councillor Sayeed  
Councillor Konanz

**Staff:** Peter Weeber, Chief Administrative Officer  
Dana Schmidt, Corporate Officer  
Mitch Moroziuk, General Manager of Infrastructure  
Jim Bauer, Chief Financial Officer  
Anthony Haddad, Director of Development Services  
Angie Collison, Deputy Corporate Officer

**1. Call to order**

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for "Zoning Amendment Bylaw No. 2017-14", "Zoning Amendment Bylaw No. 2017-19", "Zoning Amendment Bylaw No. 2017-20", "Zoning Amendment Bylaw No. 2017-21", "Zoning Amendment Bylaw No. 2017-22", "Zoning Amendment Bylaw No. 2017-23" and "OCP Amendment Bylaw No. 2017-24". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws and related DVPs an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

**"Zoning Amendment Bylaw No. 2017-14"**

The purpose of "Zoning Amendment Bylaw No. 2017-14" is to amend Zoning Bylaw No. 2017-08 as follows:

- 1) Amend the definition of Vacation Rental,
- 2) Amend section 7.6.1 Vacation Rentals Ownership and
- 3) Amend section 7.6.3 Operation of Vacation Rental.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

## **DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- Al Martens, hope all of Council read the email he sent. Have lived next to a vacation rental for a year, like the direction this process is taking.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- Bob Vincent, safety rules, will that be in the application package?
- Lynn Kelsey, Oakville Street, measurement on how this process is going, matrix of complaints and compliance, are there tools in place to look at in a year?

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- Megan Steel, Westminster Avenue, licenced operator, concerns with multi-tier occupancy base, use square footage instead of multi-tier for occupancy, make it easy for people to licence property and follow regulations in place. Licensed hosts pay tourism fee and service fees to platform providers. We advertise Penticton on global platform.
- Thom Tischik, Travel Penticton, would be helpful if application mentioned that four rooms or more are subject to tax of 2%, province driven regulation.

The public hearing for "Zoning Amendment Bylaw No. 2017-14" was terminated at 6:40 p.m. and no new information can be received on this matter.

## **2. "Zoning Amendment Bylaw No. 2017-19" (769/777 Ontario Street)**

The purpose of "Zoning Amendment Bylaw No. 2017-19" is to amend Zoning Bylaw No. 2011-23 as follows:

- 1) Rezone Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street; and Rezone Lot 2, District Lot 249 Similkameen Division Yale District, Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).
- 2) Add Section 10.6.4.5: "In the case of Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street and Lot 2, District Lot 249, Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street."

The applicant has applied for the above zoning amendments to facilitate the subdivision of each lot into two lots (for a total of four lots) with the intent of constructing two dwelling units on each lot.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

## **DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-19" was terminated at 6:42 p.m. and no new information can be received on this matter.

### **3. "Zoning Amendment Bylaw No. 2017-20" (865 Railway Street & 708 Revelstoke Ave)**

The purpose of "Zoning Amendment Bylaw No. 2017-20" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 57, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, and Rezone Lot 56, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, Except Plan 36620, located at 865 Railway Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

The applicant is proposing to construct a front-to-back duplex on each lot.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

## **DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-20" was terminated at 6:45 p.m. and no new information can be received on this matter.

4. **"Zoning Amendment Bylaw No. 2017-21" (634 Westminster Avenue W & 201 Maple Street)**

The purpose of "Zoning Amendment Bylaw No. 2017-21" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, Except Plan B5606 located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

The developer is proposing to construct a three (3) storey apartment building with surface parking.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

**DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- Julius Bloomfield, Naramata, representing developer, thank you to staff, level entry building with elevator for access, canvassed area, feedback was positive from residents in the area.
- Lynn Kelsey, Oakville Street, is this for purchase or rental?
- Jennifer Flynn, Maple Street, home will be affected by this development, will have four people staring down on us, young families can't find homes where you can live without homes looking down on you, stick to size of house already there, one or two storeys, ask for height restrictions in area.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- Megan Steel, Westminster Avenue, across the street from development, concerned doesn't fit with street, not the same style.
- Julius Bloomfield, representing developer, will be rental building, height is 33 ft which falls in line with buildings in the area and zone, units are two bedrooms.

The public hearing for "Zoning Amendment Bylaw No. 2017-21" was terminated at 6:55 p.m. and no new information can be received on this matter.

**5. "Zoning Amendment Bylaw No. 2017-22" (230 Brunswick Street)**

The purpose of "Zoning Amendment Bylaw No. 2017-22" is to amend Zoning Bylaw No. 2017-08 as follows:

Add Section 11.6.4.2: "In the case of Lot 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 871, located at 230 Brunswick Street, indoor millwork shall be permitted."

The applicant is proposing to operate a custom woodworking shop.

The Corporate Officer advised that no letters have been received after the printing of the agenda.

**DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- No one spoke.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-22" was terminated at 6:56 p.m. and no new information can be received on this matter.

**6. "Zoning Amendment Bylaw No. 2017-23" (453 Winnipeg Street & 232 Wade Avenue W)**

The purpose of "Zoning Amendment Bylaw No. 2017-23" is to amend Zoning Bylaw No. 2017-08 as follows:

Add 10.9.5 Site Specific Provisions: .1 In the case of Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan KAP77551, located at 453 Winnipeg Street, the use 'office' shall be permitted and .2 In the case of Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, the use 'parking' shall be permitted.

BC Housing is proposing to renovate the Leisure Centre (453 Winnipeg St) and move their regional office to this location. They are also proposing to relocate the community garden at 232 Wade Ave W to another location on the campus and convert the lot to parking for their staff and residents of the Tower Apartments.

The Corporate Officer advised that four letters have been received after the printing of the agenda and distributed to Council.

## **DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- Ann Howard, Regional Director for BC Housing, offices relocating, staff and business growing in Penticton, relocating offices to property that we own. Garden has been a concern for past years, very supportive of community gardens. Met with tenants in January, concerns were parking closer to their doors, this will enable that. Building raised garden beds, better approach for elderly. Will be narrow with hoses nearby for watering plants.
- Scott Moutree, Winnipeg Street, garden plot member, shared pictures with Council. Garden is 85% vegetables, feed people that live there. Has an autoimmune disorder, diet controlled, everything in garden is organic. Started not feeling well. Was told would have five days to get stuff out of the garden because they are bringing in a backhoe to do soil sample. Aware a house burnt down in that location in 1977, backhoe didn't show up. Soil samples taken. Put four years into garden thinking eating fresh vegetables, could be an oil drum buried in ground, there has been no full investigation into that site. Told eviction if talked about garden, would like more tests done on the soil.
- Arlene Harman, Wade Avenue, submitted letter, concern with proposed rezoning, not confident that due diligence has been adhered to in this rezoning, see empty parking spaces, don't know how many spaces for whom or why, no clarity on soil, seems like everything is moving fast, proposed adjourn sixty to ninety days, what is the parking need? Don't see those answers before you, don't make a decision.
- Shar Mart, Van Horne Street, Scott Moutree is my son, his health is going downhill. I help him garden, vegetables are shared. Shocking to be told that soil is contaminated, what is it contaminated with and what is it doing to our bodies? Testing has to be done.
- Tony Lang, Executive Director for PDSCL, there is a need for parking, have a wait list for parking at towers, residents request parking for their care givers. Number of gardeners is dropping every year, tried to speak to tenants and what their needs are, we asked them to move equipment, we don't know what was going to be brought in to do soil testing, could be back hoe to do depth digging, gave as much notice as we had. Not many users of leisure centre, high overhead costs, office space better use. New parking lot is for residents and BC Housing staff will walk across the street. BC Housing will improve heat and ventilation system.
- Josee Balfour, Wade Avenue West, purchased condo three years ago, garden is beautiful, disappointed to hear creating parking lot, always one or two empty spots, taking trees down, this is a birds sanctuary, told always be a community garden, sad area is going to change to a parking lot.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

- Amanda Lewis, Lakeshore Drive, regarding community gardens, only the ten current spots being used will move, concerned that doesn't encourage future use of garden if no new spots are added.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- Scott Moutree, delivery truck and garbage, water runs off and goes into garden, splashes into plot, anything melting is going into garden. Want soil looked at for my health.
- Tony Lang, Executive Director PDSCL, removing three small trees, not large firs on property, no residents facing these trees, not removing shade or someone's view, adding 5 new trees to area. Had residents speak in favour of the garden but do get complaints

from residents too.

- Scott Moutree, as to the partying comments, requested meeting with PDSCL, no garden meeting, this is the first time we've talked about the garden in a year and a half.
- Arlene Herman, Wade Avenue W, only 10 gardeners now, going to be in flux of people, look to future, if you decide, hope you don't tonight, feel imperative to have privacy screening in development of new parking lot.
- Ann Howard, BC Housing, had qualified professional opinion on land, is ok. Walked the site with 10 of the gardeners, new site chosen is best for now, add more if demand for it. 20 new parking stalls added, 15 staff in office all of the time, car pool vehicles we share to drive around region, BC housing will park across road, residents have new parking. Taking out 3 trees and replacing with more.
- Scott Moutree, read findings from Chase Environmental, top soil not for agriculture use.
- Lynn Kelsey, Oakville Street, this application has a lot of information, would like to say this is one that should not be decided tonight, should exercise caution and take some time to get answers and full understanding.

The public hearing for "Zoning Amendment Bylaw No. 2017-23" was terminated at 8:20 p.m. and no new information can be received on this matter.

#### **7. "Official Community Plan Amendment Bylaw No. 2017-24" (135 Front Street)**

The purpose of "Official Community Plan Amendment Bylaw No. 2017-24" is to amend Official Community Plan Bylaw No. 2002-20 as follows:

Amend Section 2.1.2 The Downtown and Urban Villages to include "A five storey high density format would be an option in the Downtown Commercial (DC) designated area of 135 Front Street."

The developer is proposing to construct a five (5) storey mixed-use building consisting of commercial and residential units.

The Corporate Officer advised that two letters have been received after the printing of the agenda and distributed to Council.

#### **DELEGATIONS**

Mayor Jakubeit asked the public for the first time if anyone wished to speak to the application.

- Bruce Schoenne, Lakeshore Drive, applicant, available to answer questions. Transportation Committee recommended Council support the OGO car share program.

Mayor Jakubeit asked the public for the second time if anyone wished to speak to the application.

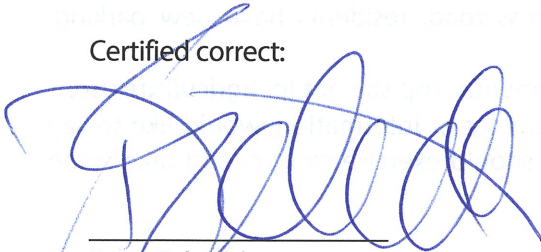
- Frank Regehr, Lakeshore Drive, submitted letter, plan is for five storey building, review is only of one lot, doesn't meet the criteria referred to in staff report. Parking puts pressure on down town, .4m balcony extension and financial concerns.
- Carl Peters, Front Street, business owner, parking challenges, concerned with lost parking on Front Street.
- Brijit Kemp, Warren Avenue W, interested in car share, supported by public transit.

Mayor Jakubeit asked the public for the third and final time if anyone wished to speak to the application.

- James Miller, Nanaimo Street, how does car share work?
- Bruce Schoenne, Lakeshore Drive, this project will be rental units.

The public hearing for "Official Community Plan Amendment Bylaw No. 2017-24" was terminated at 8:47 p.m. and no new information can be received on this matter.

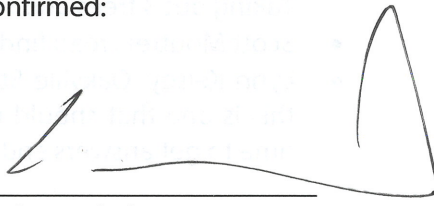
Certified correct:



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Dana Schmidt  
Corporate Officer

Confirmed:



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Andrew Jakubeit  
Mayor