

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

Tuesday, October 2, 2018
at 6:00 p.m.

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

Absent: Councillor Sayeed

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Blake Laven, Planning Manager
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 Bylaws No. 2018-69, No. 2018-70, No. 2018-71 and No. 2018-72. 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 development variance permits an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

2. "Zoning Amendment Bylaw No. 2018-69" (1087 Dynes Avenue)

The purpose of "Zoning Amendment Bylaw No. 2018-69" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 14, District Lot 3, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1017, located at 1087 Dynes Avenue from CT1 (Tourist Commercial) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct two duplexes.

The Corporate Officer advised that no letters have been received since 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.

- Daryl Richards, Paris Street, partner that owns 1087 Dynes Avenue. Their first development in Penticton, thanked City staff for the positive process, excited about project.

The public hearing for "Zoning Amendment Bylaw No. 2018-69" was terminated at 6:07 p.m. and no new information can be received on this matter.

3. "Zoning Amendment Bylaw No. 2018-70" (481 Wade Avenue East)

The purpose of "Zoning Amendment Bylaw No. 2018-70" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 16, District Lot 202 Similkameen Division Yale District Plan 933, located at 481 Wade Avenue East, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct a four-unit townhouse development.

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

DELEGATIONS

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

- Tammy Scott, Wade Avenue East, new resident to Penticton, selling feature was single family development, view of mountain will be blocked by this development. Less lane for boulevard on Townley Street side will impact our parking situation. Our view is four garage spaces.
- Brendan Burgart, applicant, not making taller than has to be, driveways need to be off of

Townley Street and garage, six stalls on sight for four units. Don't anticipate our project adding to the parking issues in neighbourhood. We have paid attention to details, high quality project. Meets the requirements of OCP for density in that area of town.

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

- John Main, own property adjacent to Wade Avenue, concerned with parking. Intimidating building will block view, three story building, dramatic difference. Appreciate change, city is growing. Uncomfortable with the height but if that makes parking on street ok than fine with it.
- Tammy Scott, Wade Avenue, Townley Street has no back lane, completely different parking garage view, garage on Abbott Street faces laneway opposed to the project on Townley Street.

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

- Jim Rhymer, Wade Avenue, moved in a month ago, bought because thought it was a single family neighbourhood. Moved from high density to a place thought going to be quiet, spread out lawns, small houses and good neighbours. People who pay a bunch of money to live in a condo not neighbours we are going to like.
- Doug Maxwell, Norton Street, area duplex zone, has that been downgraded in proposed OCP?
- Brendan Burgart, there is another proposal for Wade Avenue, not over building for property.

The public hearing for "Zoning Amendment Bylaw No. 2018-70" was terminated at 6:22 p.m. and no new information can be received on this matter.

4. "Zoning Amendment Bylaw No. 2018-71" (Carriage House Regulations)

The purpose of "Zoning Amendment Bylaw No. 2018-71" is to amend Zoning Bylaw No. 2017-08 as follows:

Amend section 3.2 Definitions and add the following:

FLOOR AREA, CARRIAGE HOUSE (CHFA) means the total floor area in a carriage house, measured from the outside face of the exterior wall. CHFA does not include decks, balconies and covered patios or garages and other enclosed or open parking areas.

Amend section 8.2.3.2 by changing the words 'lot coverage' to 'lot area'.

Delete and replace section 8.2.3.3 with the following:

.3 Height: In FG, A and RC zones maximum height is 7.0m, In R1, R2, R3, RD1 and RD2 zones where a carriage house is accessed from a lane maximum height is 7.0m and two floors and where no lane exists maximum height is 5.0m and one floor.

Add section 8.2.3 Development Regulations

.9 Carriage House Floor Area (CHFA): Maximum CHFA in FG, A, RC zones is 150m², Maximum CHFA in R1, R2, R3, RD1 and RD2 zone is 135m².

Add section 8.2.3 Development Regulations

.10 Privacy: In the case of a carriage house having windows on a side yard within 1.5m of another property, all windows must be opaque.

The Corporate Officer advised that no letters have been received since 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.

- Don Hector, Kendall Crescent, footprint and parking of carriage houses, square feet, large house, humongous building in back yard, parking per carriage house one stall plus one extra stall, regulation not clearly defined, what people planning on doing with them? Commercial operation with a carriage house?

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

- Peter Dewdney, Kendall Crescent, concerned with height, over shadowing and sight lines into peoples bedrooms, setback so don't get monstrous building next to house.
- Gary Denton, Kendall Crescent, believe carriage houses have a place in the city, need to densify, densifying into residential areas where it doesn't have same need and priority. Changes are in response of oversized carriage house. Originally called lane homes, now in front yards. No restrictions on owner occupancy, you can build a carriage house and not live in either. Commercial enterprises should not be in residential areas. No restrictions on minimum rental periods. Shouldn't have two dwellings on a residential lot. 1000 or 1100 square feet is adequate size.
- Ian Hyslop, Kendall Crescent, Carriage houses are not affordable housing, see it as a commercial business, used as vacation rentals. Live in single family residential, that's what I want, assurance used as single family, need careful rethink.
- Doug Watsik, Kendall Crescent, air b n b in Penticton, how do you monitor if it stays as one or two bedrooms? vacation rental require licence.
- Lynn Kelsey, Oakville Street, expectations, if not clear how can they be met?

The public hearing for "Zoning Amendment Bylaw No. 2018-71" was terminated at 6:51 p.m. and no new information can be received on this matter.

5. "Zoning Amendment Bylaw No. 2018-72" (Kendall Crescent/Ridgedale Avenue)

The purpose of "Zoning Amendment Bylaw No. 2018-72" is to amend Zoning Bylaw No. 2017-08 as follows:

Add to 10.1.3 Site Specific Provisions:

.8 "In the case of all properties addressed from Kendall Crescent and 1299, 1309, 1331, 1337, 1343, 1353, 1365 and 1375 Ridgedale Avenue, as identified on Schedule 'A' of Zoning Amendment Bylaw No. 2018-72, carriage houses are not a permitted use".

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

Councillor Sentes declared a conflict of interest and left the meeting at 6:54 p.m.

DELEGATIONS

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

- Ian Hyslop, Kendall Crescent, vacation rentals are a commercial venture, contrary to spirit of carriage houses as single family house. We have a unique neighbourhood, large lots, large trees, like to preserve that. Have changed the boundaries of our petition. Have to take the neighbourhood into consideration.
- Norman Filipenko, Ridgedale Avenue, originally signed petition, surprised carriage house was happening, feel that if my property is included in no carriage house area will have negative impact on saleability and value of property. Walk out on Ridgedale Ave and my neighbour will be allowed a carriage house and I will not. At a disadvantage, five other properties in a row that felt the same as I. Signed petition to put a halt to that carriage house.
- Gary Denton, Kendall Crescent, true that meetings focus was to petition to stop construction of 3000 square foot carriage house. Understand that when saw carriage house going ahead we can't prevent it and that is the point of now. Our petition was amended to exclude and compromise, removing some from petition. 21 in boundary, 18 signed.

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

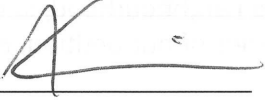
- Nathan McDermott, legal counsel speaking on behalf of Betty Jean Walls, received approval to build carriage house on property. Lots are large and well suited for carriage houses, not out of character to that neighbourhood to have higher density. Bylaw includes mandatory parking stalls. Take issue with setting boundaries and now changing due to popular vote in the neighbourhood. At risk if carriage house is damaged more than 75%, can't build back if zoning changes. Insurance costs will increase significantly. This amendment clearly does not have the full support of the neighbourhood, maintain the current bylaw.

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

- Mike Wiltse, Ridgedale Avenue, opposed to zoning amendment, no plans for a carriage house but want right to have a carriage house like other R1 residents. They can change their zoning not mine.
- Peter Dewdney, Kendall Crescent, support the amendment, sympathized with those who changed their minds after signing petition, clear what we were doing, if want to solve low cost housing use neighbourhoods better suited. Harm is permanent, degradation of our neighbourhood.
- Ian Hyslop, Kendall Crescent, revised plan of neighbourhood submitted, look at group of properties, near majority of all owners asking for this.
- Peter Dewdney, Kendall Crescent, submitted point by point rebuttal to correspondence.
- Gary Denton, Kendall Crescent, lawyer made aspersions, nimby, resent that because many have put in hours that affect the entire city, natural separation between zones. Why would you not approve this will of the people?

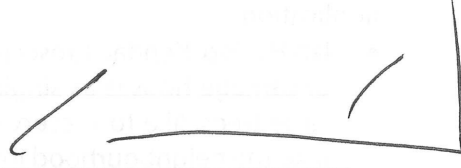
The public hearing for "Zoning Amendment Bylaw No. 2018-72" was terminated at 7:29 p.m. and no new information can be received on this matter.

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor