

Public Hearing

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

To view the live broadcast, visit www.penticton.ca

Tuesday, October 17, 2023
at 6:00 p.m.

- | | | |
|-------|---|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2023-35” | 1-12 |
| CO | Reads Opening Statement and Introduction of Bylaw

“Zoning Amendment Bylaw No. 2023-35” (461 Martin Street) | |
| | <p>Purpose: To amend Zoning Bylaw No. 2023-08 as follows:</p> <p>Add site-specific provision within the C5 (Urban Centre Commercial) zone, as follows:</p> <ul style="list-style-type: none"> • Section 11.5.4.11, In the case of Lot B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 574, located at 461 Martin Street, a maximum of two dwelling units on the first storey shall be permitted. <p>The one-storey building on the subject property was converted from a medical office into dwelling units without the required City of Penticton permitting. The ‘C5 – Urban Centre Commercial’ restricts dwelling units to the second storey or higher. As the dwelling units are on the first storey, the applicant has applied for a site-specific amendment to the C5 zone to allow a maximum of two dwelling units on the first storey of the subject property.</p> | |
| | <p>Notice: Pursuant to the <i>Local Government Act</i> the Public Hearing was advertised on Friday, October 6, 2023 and Wednesday, October 11, 2023 in an online news source and the newspaper.</p> | |
| CO | One letter has been received regarding the Zoning Amendment Bylaw (as of noon Wednesday, October 11, 2023). | |
| Mayor | Requests Development Services staff describe the proposed bylaw | |
| Mayor | Invitation to applicant for comment or elaboration on the application | |
| Mayor | Invitation to electronic and in person participants to present their views | |
| Mayor | Invites Council members to ask questions | |
| Mayor | Invites applicants to respond to questions | |

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2023-35” is terminated and no new information can be received on this matter.

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

Tuesday, October 3, 2023
at 1:00 p.m.

Resolutions

- 8.8 Zoning Amendment Bylaw No. 2023-35
Re: 461 Martin Street

352/2023

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-35", for Lot B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 574, located at 461 Martin Street, a bylaw to add the site-specific provision, within the C5 (Urban Centre Commercial) zone, as follows:

"Section 11.5.4.11, In the case of Lot B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 574, located at 461 Martin Street, a maximum of two dwelling units on the first storey shall be permitted."

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-35" to the October 17, 2023 Public Hearing.

CARRIED UNANIMOUSLY



Council Report

penticton.ca

Date: October 3, 2023
To: Kristen Dixon, Interim Chief Administrative Officer
From: Jordan Hallam, Planner II
Address: 461 Martin Street

File No: RMS/461 Martin St

Subject: Zoning Amendment Bylaw No. 2023-35

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2023-35”, for Lot B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 574, located at 461 Martin Street, a bylaw to add the site-specific provision, within the C5 (Urban Centre Commercial) zone, as follows:

“Section 11.5.4.11, In the case of Lot B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 574, located at 461 Martin Street, a maximum of two dwelling units on the first storey shall be permitted.”

AND THAT Council forward “Zoning Amendment Bylaw No. 2023-35” to the October 17, 2023 Public Hearing.

Strategic Priority Objective

Vibrant and Connected: Support vibrant and diverse activities creating opportunities for connection in community.

Proposal

The one-storey building on the subject property was converted from a medical office into dwelling units without the required City of Penticton permitting. The ‘C5 – Urban Centre Commercial’ restricts dwelling units to the second storey or higher. As the dwelling units are on the first storey, the applicant has applied for site-specific zoning to allow the dwelling units as such on the subject property.



Figure 1 – Property Location Map

Background

The subject property is located on the west side of Martin St, in a primarily mixed-use area of Penticton (Figure 1). The property is 1011 m² in size. Surrounding land uses include commercial, residential and public assembly. The property is zoned 'C5 – Urban Centre Commercial' by Zoning Bylaw 2023-08 and is designated 'Downtown Mixed Use' by the Official Community Plan. The building on the subject property was built in 1925. The original building was built as a house until it was converted into a medical office in the 1990's. The medical office business license was closed in 2022.

A complaint was filed with the City of Penticton on December 19, 2022, regarding an illegal suite on the property. As part of the investigation, two dwellings units were discovered within the dwelling. The City of Penticton has no record of permits applied for or obtained converting the medical office into residential units.

Technical Review

The existing dwelling units were reviewed by the Technical Planning Committee, a group of City staff from various departments who review planning applications. Future comments related to the building permit requirements have been forwarded to the applicant in order to help expedite that future approvals process, should this proposed development ultimately be approved by Council.

Development Statistics

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

	C5 Zone Requirement	Provided on Plans
Minimum Lot Width*:	9.0 m	18.2 m
Minimum Lot Area*:	275 m ²	1011.7 m ²
Maximum Lot Coverage:	100%	18.3%
Maximum Density:	6.0 Floor Area Ratio (FAR)	0.18 FAR
Vehicle Parking:	1 per dwelling unit (2 total)	4 parking stalls
Required Setbacks		
Front Yard (Martin St):	0 m	11.5 m
Side Yard (north):	0 m	5 m
Side Yard (south):	0 m	1.57 m
Rear Yard):	0 m	22.8 m
Maximum Building Height	36.6 m	<10.5 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.	

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Downtown Mixed Use', which supports downtown developments with active retail, service or civic and cultural uses at ground level and

multi-family residential and/or office uses (Figure 2). Higher-density mixed use buildings are some of the building types envisioned in this designation. The applicant is proposing to have two dwelling units on the first storey in the existing building.

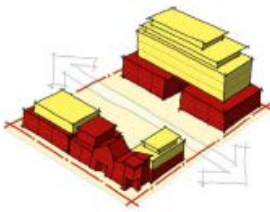
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Downtown Mixed Use</p>	<p>Downtown developments with active retail, service or civic and cultural uses at ground level and multi-family residential and/or office uses.</p> <p>Site-Specific Downtown Mixed Use Policy Statement: 603 Main Street: Allow up to a maximum height of 5 storeys. (Bylaw No. 2020-49)</p>	<ul style="list-style-type: none"> Higher-density mixed-use buildings 	<ul style="list-style-type: none"> Commercial (retail, service, office) Residential Civic and cultural 	<ul style="list-style-type: none"> Up to 10 storeys. 3 storey maximum on Main St and Front St (Up to 5 storeys in 100 blk Front St subject to contextual design and adherence to DP guidelines) 	<ul style="list-style-type: none"> C5 C6 C9

Figure 2 – Excerpt from Land Use Designation Table (OCP)

In addition to alignment with the future land use designation, staff consider that the proposed zoning amendment will also allow for a development that is supported through the following OCP Goals and Policies:

OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
OCP Policy 4.1.3.1	Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
OCP Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
OCP Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Staff consider that the application proposes an appropriately scaled development in an area of the City that has been identified for increased residential density by the OCP. There are other dwelling units on this block of Martin St that have been converted to businesses or old stock housing that remains as single detached dwellings. Recognizing that within the downtown core there is a wider range of uses and density. Martin St has its own unique character as a “transitional area” within the downtown, as the outside areas of downtown contain more residential than commercial. In this block of Martin St, there are multiple dwelling units next to, or in close proximity of commercial businesses.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2023-35”, and forward the bylaw to the October 17, 2023 Public Hearing to gather comments and feedback from the public.

Alternate Recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Staff are not recommending this option, as the proposal is well aligned with the OCP policies by gently increasing density in a high-amenity area of the City with a site-specific provision to allow two dwelling units in separate buildings, which is a development form consistent with the Detached Residential OCP designation.

- 1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2023-35".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Zoning Amendment Bylaw No. 2023-35

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

<p>Director of Development Services</p> <p><i>BL</i></p>	<p>GM of Infrastructure</p> <p><i>KD</i></p>	<p>Interim Chief Administrative Officer</p> <p><i>KD</i></p>
--	--	--

Attachment A – Zoning Map

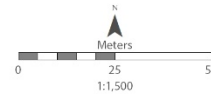


461 Martin St Zoning Map



Legend

- Subject Parcel
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing
- RM4 - High Density Multiple Housing
- C1 - Commercial Transition
- C3 - Mixed Use Commercial
- C5 - Urban Centre Commercial
- P1 - Public Assembly



Terms of Use: The City of Penticton is a repository of public information. In both printed and digital form, this means accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information included in the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.

Wednesday, July 13, 2023 12:49:19 PM

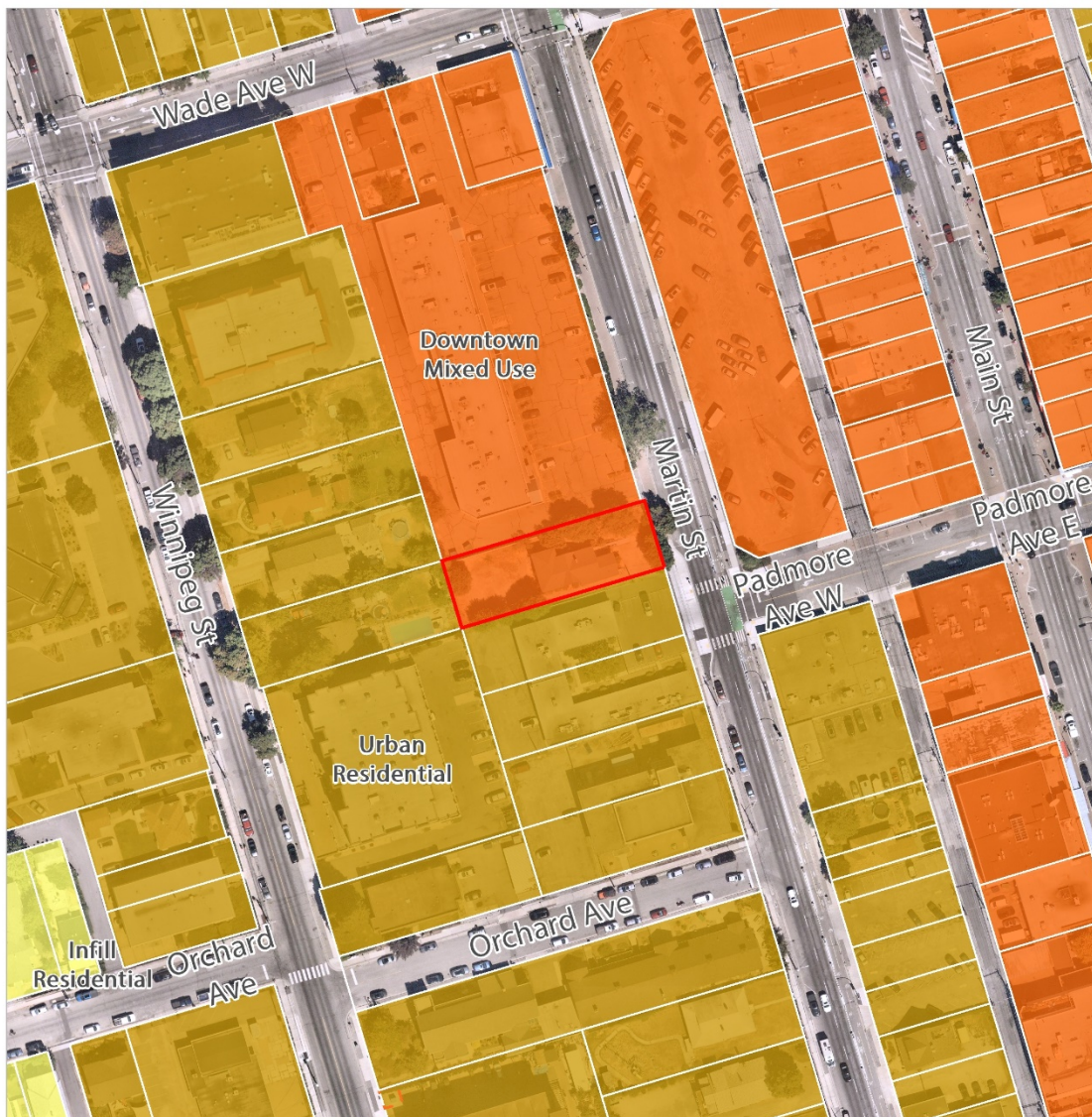
penticton.ca

Attachment B – Official Community Plan Map



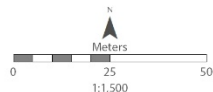
461 Martin St

OCP Map



Legend

- Subject Parcel
- Future Land Use
- Urban Residential
- Downtown Mixed Use
- Infill Residential



Terms of Use: The City of Penticton is a repository of public information in both printed and digital form. This means accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information included in the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.

Wednesday, July 13, 2023 12:49:46 PM

penticton.ca

Attachment C – Photos of Property



Attachment D – Letter of Intent

Letter of Intent

Date: June 30, 2023

Planning and Licensing Department
City of Penticton.

RE: Proposal for Legal suite at 461 Martin St. Penticton, V2A 5L1

Dear Planning and Licensing Department,

Our Company, Secure Deal Renovation and Construction Ltd. On behalf of the property owner Yadwinder Singh Sohi is proposing a project located at 461 Martin St. Penticton (PID: 003-254-216). This project includes .25 acres and is currently zoned C5 Urban Centre Commercial.

Describe other relevant aspects of project.

This project has .25 acres lot and total built up area is around 1,625 square feet. This property has about four parking lot space at the back with side drive thru entrance. The built up area has five bedroom, 2.5 full bathrooms, two kitchens and two living area and laundry. This house has already two separate entrance so it easy to conversion for legal suite.

There is no need to do any structural changes on this property. There are both side of the property side has commercial buildings so it won't have any bad impact on neighbors because this property already covered with his own fence. There is almost everything done by previous owner so we just need to follow the BC building codes to make legal suite on this property.

There is benefit for our local community because it will generate space for living.

Proposal:

The owner of the property asking permission to make a legal suite (under the BC building code) so he want to add some extra income for future development on this lot.

Kind Regards,
Pardeep Johal

The Corporation of the City of Penticton

Bylaw No. 2023-35

A Bylaw to Amend Zoning Bylaw 2023-08

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 No. 2023-08;

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. 2023-35".

2. Amendment:

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Add Section 11.5.4.11: "In the case of Lot B District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 574, located at 461 Martin Street, a maximum of two dwelling units on the first storey shall be permitted."

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

READ A FIRST time this 3 day of October, 2023
A PUBLIC HEARING was held this 17 day of October, 2023
READ A SECOND time this day of , 2023
READ A THIRD time this day of , 2023
RECEIVED the approval of the day of , 2023
Ministry of Transportation on the
ADOPTED this day of , 2023

Notice of intention to proceed with this bylaw was published on the 6th day of October, 2023 and the 11th day of October, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this ____ day of _____, 2023
for Minister of Transportation & Infrastructure

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-35

Date:

Corporate Officer:

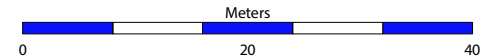


Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



1:672

September 26, 2023 1:31:39 PM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

From: [Deborah Webb](#)
To: [Public Hearings](#)
Subject: 461 Martin Street Zoning Amendment Bylaw 2023-35
Date: Wednesday, October 11, 2023 1:54:46 PM

Caution! This message was sent from outside your organization.

We are in support of adding a site specific zoning amendment to the C5 zone to permit a maximum of two dwelling units on the first storey at 461 Martin Street.

This former medical clinic was long before that a private house. Both of us have been inside when it was a medical clinic.

There is an extreme housing shortage in Penticton, the location is downtown where there is already housing density, and is in a walkable rental location.

Please authorize the requested zoning change.

Mark and Deborah Webb
1124 Park Place
plus owners of three other properties within Penticton city limits