

June 3, 2021

Subject:

"Road Closure (western half of Alberni Street between Vernon Avenue and Westminster Avenue West) Bylaw 2021-20"

To close a portion of Alberni Street reducing traffic to one north bound lane between Vernon Avenue and Westminster Avenue (refer to Figure 1).

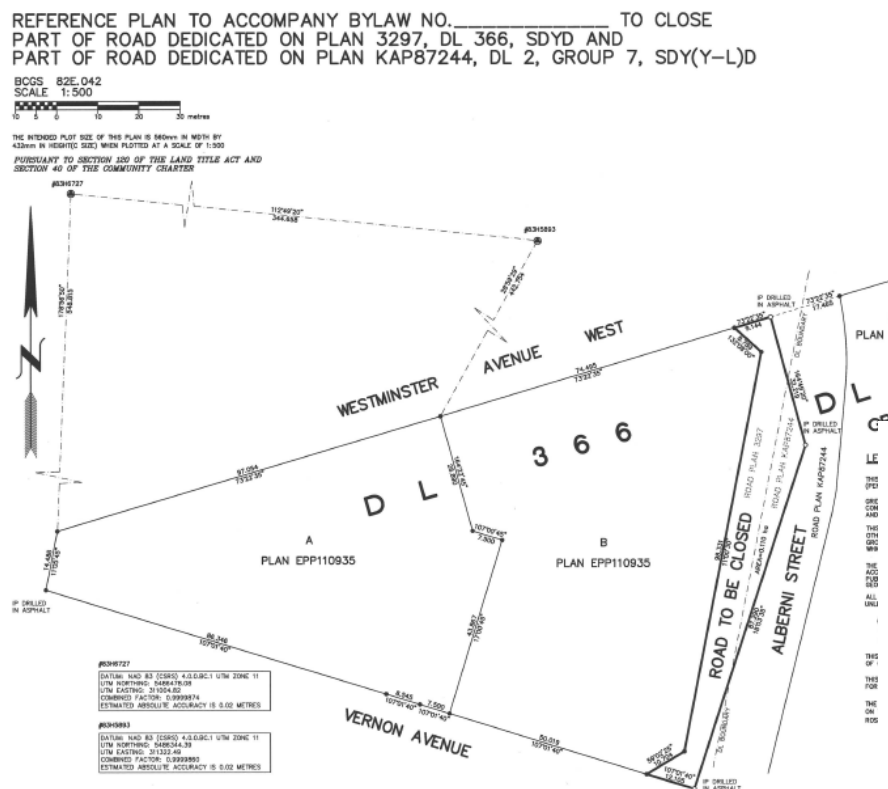


Figure 1

Information:

You can find the staff report to Council and Bylaw on the City's website at www.penticton.ca/publicnotice.

Council Consideration:

Council will consider "Road Closure (western half of Alberni Street between Vernon Avenue and Westminster Avenue West) Bylaw 2021-20" at its Regular Council Meeting scheduled for **1:00 pm, Tuesday, June 15, 2021** at Penticton City Hall, 171 Main St.

In response to COVID-19, Regular Council meetings will remain closed to the public. All meetings will be live streamed via the City's website at: www.penticton.ca/city-hall/city-council/council-meetings. Select the 'Watch Live' button.

Public Comments:

Any person whose interest may be affected by the proposed Road Closure Bylaw may participate at the June 15, 2021 Council Meeting by:

- 1) Zoom or telephone. Please go to www.penticton.ca for details,
- 2) Submitting written comments by mail or email no later than **9:30 am, Tuesday, June 15, 2021** to

Attention: Corporate Officer
City of Penticton
171 Main Street
Penticton, BC V2A 5A9;
Email: corpadmin@penticton.ca.

No letter, report or representation from the public will be received by Council after the conclusion of the June 15, 2021 Council meeting.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven
Director of Development Services



Council Report

penticton.ca

Date: June 1, 2021
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Director of Development Services
Address: 903 Vernon Avenue and 950 Westminster Avenue

File No: RMS / Address

Subject: Road Closure Bylaw No. 2021-20 and land disposition notifications

Staff Recommendation

THAT Council give first, second and third reading to "Road Closure Bylaw (western half of Alberni Street between Vernon Avenue and Westminster Avenue) No. 2021-20, a bylaw that closes a portion of Alberni Street, reducing traffic to one north bound lane between Vernon Avenue and Westminster Avenue;

AND THAT Council proceed with notification, as per the *Community Charter*, for Road Closure Bylaw 2021-20, allowing representations from those that are impacted by the proposed road closure to be made to Council at the June 15, 2021 Regular Meeting;

AND THAT Council proceed with notification, as per the section 26 of the *Community Charter* for the disposition of the following properties:

- That closed portion of Alberni Street, as shown on Road Closure Plan EPP110936, to the Mundi Hotel Group, in compensation for lands being transferred to 950 Westminster Avenue and associated road works.
- That portion of 903 Vernon Avenue, as shown on Subdivision Plan EPP110937, to be transferred to 657414 BC Ltd, and consolidated with 950 Westminster Avenue in compensation for \$265,000.

AND THAT Council authorize the Mayor and Corporate Officer to execute all required documents and or agreements related to the road closure, subdivision, consolidations and disposition of lands.

Strategic priority objective

Vision: A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Background

In 2020, the City went through a public 'expression of interest' process to find a developer to build and operate a hotel on City owned property at 903 Vernon Avenue. The intent was to support the Penticton Trade and Convention Centre (PTCC) in attracting more conventions and events by having an 'associated'

hotel, something it has not had historically and a reason why the facility is less utilized than it could be if there was an associated hotel.

Through that process, the City in December 2020, entered into an agreement to sell 903 Vernon Avenue to the Mundi Hotel Group, who agreed to construct a 105 room hotel on the lands as well as a minimum 75 seat restaurant and other amenities such as a fitness room and pool.

Since the sale agreement was signed, staff have been working with the Mundi Group on siting the new hotel on the property and looking at ways of strengthening the connection between the new hotel and the PTCC. As part of that process, discussions with the neighbouring property to the west, the Hotel Penticton (formerly the Coast Hotel) at 950 Westminister Avenue West, led to an opportunity where a portion of lands from 903 Vernon Avenue could be sold to the Hotel Penticton property to facilitate a hotel room expansion on that property as well, increasing the total new room count to support the Trade and Convention Centre.

In order to facilitate the expansion at the Hotel Penticton and to further strengthen the connection of the future Mundi hotel to the PTCC an option was explored to close a portion of Alberni Street between Vernon Avenue and Westminister Avenue and to add the closed road to 903 Vernon Avenue. In the investigation of this idea, a traffic analysis was conducted on the road network to analyze the ability to close a portion of the road, and it was determined that this was a feasible scenario.

Both hotel groups have agreed in principle to this arrangement and to financial compensation satisfactory to the City for the deal. The figure below shows the area of road that would be closed (in green) resulting in one north bound travel lane of Alberni Street remaining open and the proposed lot line adjustments that would result.

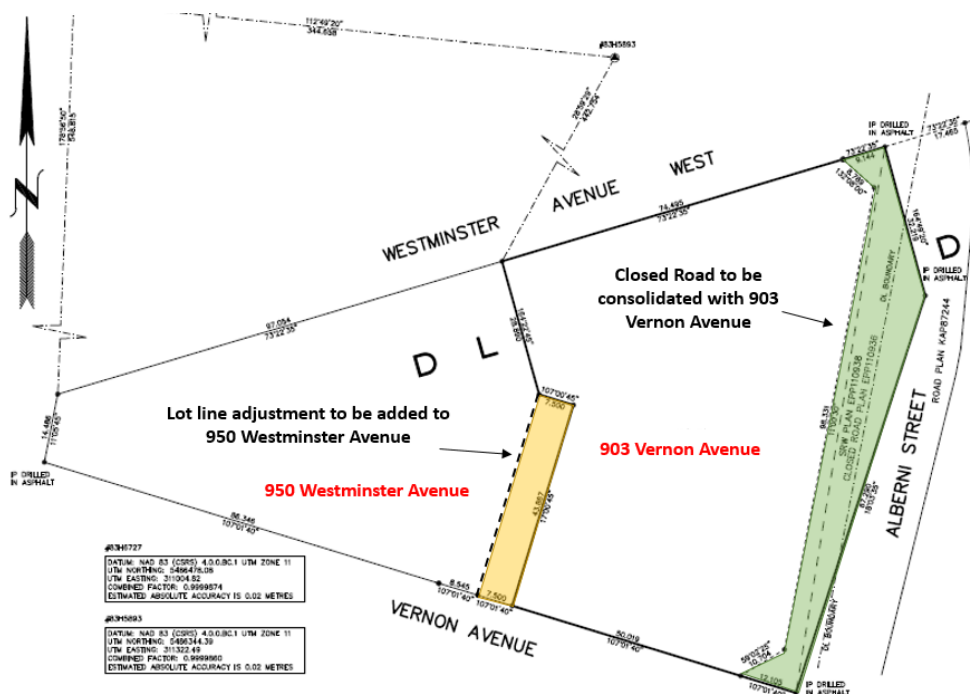


Figure 1: Showing the proposed closed road, lot re-configuration and lot line adjustments

Road Closure Analysis

A transportation analysis was undertaken to determine the feasibility of closing all or a portion of Alberni Street from Vernon Avenue to Westminster Avenue in an effort to determine what impacts would arise if a complete closure of this section of road were to occur.

Recognizing that Alberni Street plays an important role in the use and programming of the PTCC & SOEC complex, particularly in the exiting of the site when larger events occur at the complex, special attention was placed on that site and usage during events. Spectra Management, the group that operates the PTCC & SOEC, was also consulted.

The analysis also looked at the potential density increases envisioned by the OCP in the North Gateway area and resulting traffic increase.

Figure 2 shows the study area and intersections reviewed as part of the process. The analysis determined that specific to the Comox / Vernon / Westminster intersection to the west and specific to a full closure of Alberni Street from Vernon to Westminster, it would likely require redesign in the form of a roundabout or 4 leg traffic signal to ensure safe and fluid movement of vehicles entering and exiting the intersection. The remaining study intersections are not anticipated to have any significant impacts resulting from the closure.

The results of the study have led staff to recommend the reduction of Alberni Street to one lane for the time being and for a further decision on a full closure and timing on intersection improvements to occur as part of the North Gateway planning process currently underway.

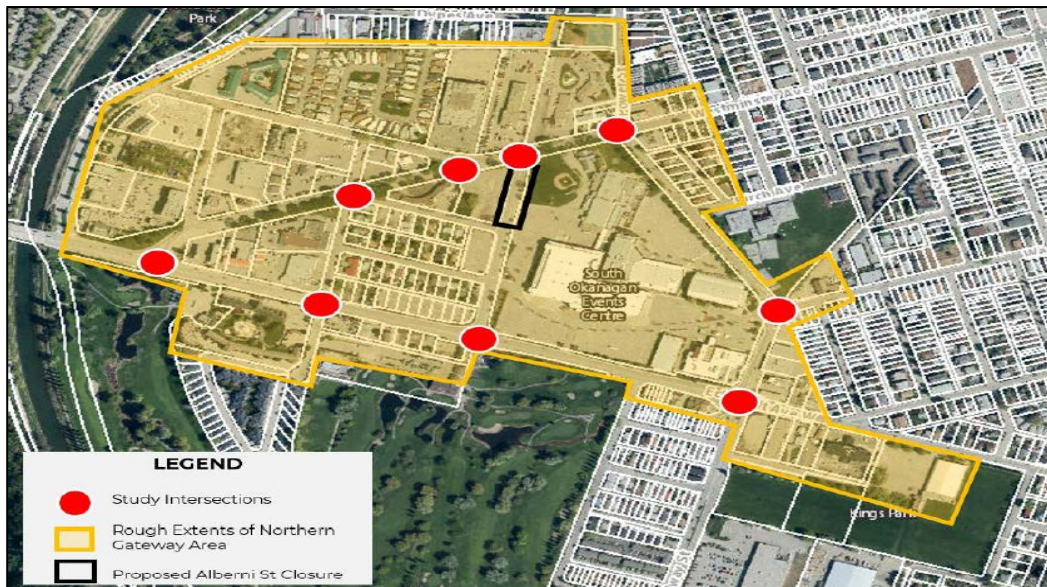


Figure 2: Scope of transportation analysis

A City sewer and water line also runs through the centre of the Alberni Street right of way and although the property where the lines run is to be disposed of to the Mundi Hotel Group, a statutory right of way (SRW) will be registered over the closed portion of road to assist in accessing the underground works when required. A covenant will be placed on the SRW outlining that no buildings can be constructed in the area identified.

Figure 3 shows the site plan, with the proposed hotel building located along the Westminster Avenue frontage, with parking located to the south.



Figure 3: Site plan showing building footprint and proposed use of closed road

Process

To facilitate the road closure and land parcel amendments the following steps are required to be followed:

- The identified portion of Alberni Street needs to be closed via a Road Closure Bylaw. Closure of the road will allow for the closed road to then be consolidated with 903 Vernon Avenue.
- Notifications in accordance with the *Community Charter*, are required for the road closure and for the land disposition, including to all those that may be impacted and utilities. As this property is within 800m of a controlled access highway, notification to and approval of the bylaw is required of Ministry of Transportation and Infrastructure (MOTI).
- Opportunities for affected persons to make representations to Council must be provided. Notifications for the road closure and dispositions will occur after 1, 2 3rd reading of the associated bylaw, with opportunities for representations being made at the June 15th Regular meeting of Council.
- The road closure and lot consolidation plans will then be registered with the Land Title Act along with the subdivision plan adding the portion of land to 950 Westminster Avenue.

Once the above steps are complete, both hotel groups will be in a position to apply for development approvals, which, in the case of the Mundi project, will be before Council to approve the development permit, establishing the form and character of the new hotel and restaurant buildings, hopefully this summer.

Financial implication

Both hotel groups have agreed to the proposal and financial aspects as negotiated. Staff consider that the compensation the City is receiving for the lands being disposed of as representing fair market value.

Compensation for 1099m² of closed road being transferred to 903 Vernon Avenue and ultimately being sold to Mundi Hotel Group:

The closed portion of road, approximately 1099m², that is being added to the lands that the Mundi Group is purchasing from the City (903 Vernon Avenue) is being transferred without additional monetary compensation above what was included in the original Mundi Agreement. The compensation that the City is receiving is the transfer of lands to be added to 950 Westminster Avenue. The Mundi Hotel group is also taking on additional works to facilitate the road closure and redesign of the road. Staff consider that between the works and the land transfer, that the City is receiving fair compensation for the disposition of the closed road to the Mundi Group.

Compensation for 335m² being consolidated from 903 Vernon Avenue to 950 Westminster Avenue:

With regard to the 335m² being consolidated with 950 Westminster Avenue, the City is being compensated by a cash payment of \$265,000. This amount is based on an evaluation of the land value, including a premium, to cover legal, survey and other costs associated and represents fair market value for the land.

Costs for the traffic study, survey works, decommissioning of the parking lot and other work is being covered by the over-all project budget and is not expected to exceed \$50,000.

Analysis

Staff believe that the proposed road closure and associated land reconfiguration will provide for a better design for the future Mundi Hotel, strengthen the connection between the new hotel and the PTCC and by selling additional lands to Hotel Penticton, will allow for the intensity of hotel rooms directly adjacent to the PTCC to increase.

Both hotel ownership groups see the opportunity in front of the community with the upcoming convention business recovery that is likely to be significant for our community. Both hotel owner groups are extremely motivated and willing to collaborate to move ahead with their developments and with the conditions being proposed staff believe that these hotel projects can be achieved efficiently.

For these reasons staff are recommending Council give first, second and third reading to the road closure bylaw and give direction to proceed with notifications for the road closure and land disposition.

Attachments

Attachment A: Subdivision Plan EPP110935

Attachment B: Lot consolidation Plan EPP110937

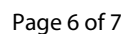
Attachment C: Road Closure Bylaw No. 2021-20

Respectfully submitted,

Blake Laven, Director of Development Services

General Manager Finance and Administration and CFO 	General Manager Community Services 	Acting General Manager of Infrastructure 	Chief Administrative Officer 
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THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY 432mm IN HEIGHT (SIZE) WHEN PLOTTED AT A SCALE OF 1:500



Page 1 of 2

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2021

for Minister of Transportation & Infrastructure

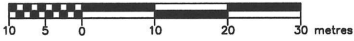
John Vassilaki, Mayor

Angie Collison, Corporate Officer

REFERENCE PLAN TO ACCOMPANY BYLAW NO. _____ TO CLOSE
PART OF ROAD DEDICATED ON PLAN 3297, DL 366, SDYD AND
PART OF ROAD DEDICATED ON PLAN KAP87244, DL 2, GROUP 7, SDY(Y-L)D

PLAN EPP110936

BCGS 82E.042
SCALE 1:500



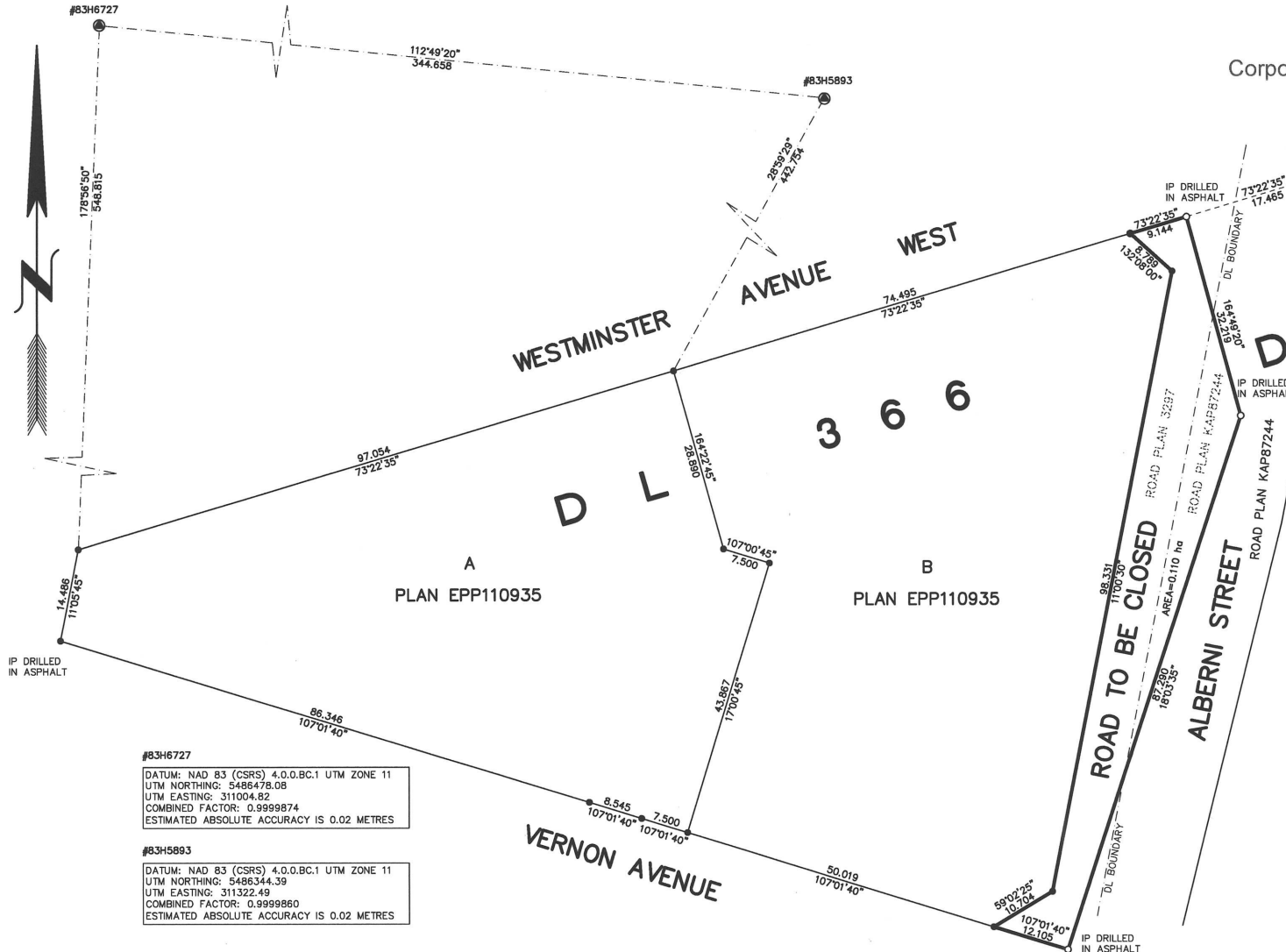
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH BY
432mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:500

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND
SECTION 40 OF THE COMMUNITY CHARTER

Road Closure Bylaw 2021-20

Date: _____

Corporate Officer: _____



REM 1
PLAN KAP58604

DL 2
GROUP 7

LEGEND

THIS PLAN LIES WITHIN INTEGRATED SURVEY AREA NO. 12
(PENTICTON) NAD 83 (CSRS) 4.0.0.BC.1

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN
CONTROL MONUMENTS #83H6727 and #83H5893 INTEGRATED
AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 11

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS
OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY
GROUND-LEVEL DISTANCES BY AVERAGE COMBINED FACTOR 0.9999860
WHICH HAS BEEN DERIVED FROM MONUMENT #83H5893

THE UTM COORDINATES AND ESTIMATED ABSOLUTE
ACCURACY ACHIEVED ARE DERIVED FROM THE MASCOT
PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR
GEODETIC CONTROL MONUMENTS #83H6727 and #83H5893

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF
UNLESS OTHERWISE NOTED

- CONTROL MONUMENT
- STANDARD IRON POST FOUND
- STANDARD IRON POST PLACED

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT
OF OKANAGAN-SIMILKAMEEN

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER
FOR THE CITY OF PENTICTON

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED
ON THE 15th DAY OF APRIL, 2021.
ROSS MANDEVILLE, BCLS 918

MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
582 MARTIN STREET, PENTICTON, B.C.
PH: 250-488-6377 WEB: MSURVEYING.COM

FILE: 21-078 DWG: 21-078A