



Council Report

penticton.ca

Date: October 15, 2024
To: Kristen Dixon, Acting City Manager
From: Gabe Tamminga, Planner I
Address: 955 Timmins Street

File No: RMS/955 Timmins St

Subject: Official Community Plan Amendment Bylaw 2024-36 and Zoning Amendment Bylaw No. 2024-37

Staff Recommendation

1. Official Community Plan Amendment

THAT Council, prior to consideration of "Official Community Plan Amendment Bylaw No. 2024-36" and in accordance with Section 475 of the *Local Government Act*, consider whether early and ongoing consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67;
5. The provincial or federal government and their agencies;

AND THAT Council determines that the Public Engagement Period carried out from September 16, 2024, to October 2, 2024, is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2024-36", for Lot A, District Lots 1, 2 and 4, Group 7, Similkameen Division Yale (Yale-Lytton), District, Plan EPP124254, located at 955 Timmins Street, a bylaw that changes the Official Community Plan designation for the property from High Density Residential to Mixed Use and add the following site specific policy statement:

- Site Specific Mixed Use Policy Statement: 955 Timmins Street: Allow tourist commercial as a permitted use.

2. Zoning Amendment Bylaw

THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-37", a bylaw that rezones 955 Timmins Street to Comprehensive Development Zone (CD10), a custom-made zone that adding includes permitted uses and development regulations for a mix of uses including indoor and outdoor recreation and associated uses as well as apartment housing;

AND THAT Council forward “Official Community Plan Amendment No. 2024-36” and “Zoning Amendment Bylaw No. 2024-37”, to the November 5, 2024, Public Hearing.

Strategic priority objective

Livable & Accessible: The City of Penticton will proactively plan for deliberate growth, focusing on creating an inclusive, healthy, and vibrant community.

Proposal

The City has received a proposal for a mixed-use development consisting of a 9,500m² recreation facility featuring a number of indoor recreational amenities, including indoor ice rinks, indoor baseball training facilities, and indoor and outdoor pickleball courts as well as a number of small commercial and office units (Figure 1). The site plan submitted with the application also shows 72 residential apartment units. The applicants are also requesting the ability to operate short-term rentals within the residential units to support the various recreational uses on site.



Figure 1 - Rendering of Proposed Development

The applicant has submitted a Letter of Intent, which outlines their proposal in more detail (Attachment D).

Required Applications

The proposal is to allow for a mixed-use development on the subject property. The applicants have applied for the following applications: Official Community Plan (OCP) Amendment, Zoning Amendment and Development Permit. The following table outlines the planning applications that are required for the proposed development to proceed (prior to any building permits being issued):

Application Required	Description	Approval Authority
Official Community Plan Amendment	To amend the future land use designation from ‘High Density Residential’ to ‘Mixed Use’ And add a Site Specific Policy Statement to allow Tourist Commercial	Council with community engagement Public Hearing is Required
Zoning Amendment Bylaw	To amend the zoning at 955 Timmins Street from RM3 – Medium Density Multiple Housing to CD10 – Comprehensive Development Zone	Council Public Hearing is Required
Development Permit	To approve the form and character of the mixed-use development.	Council

In order to facilitate the proposed development, the applicant is requesting the following:

1. To amend the Official Community (OCP) future land use designation on the property from 'High Density Residential' to 'Mixed use'. A Site Specific provision is also required to permit 'Tourist Commercial'.
2. To amend the zoning on the property of 955 Timmins Street from RM3 – Medium Density Multiple Housing to CD10 – Comprehensive Development Zone (955 Timmins Street).
3. A Development Permit to approve the form and character of the proposed mixed-use development.

This report also presents the engagement summary from the public engagement period that occurred between September 16, 2024, to October 2, 2024.

The Development Permit will be presented to Council for consideration at a later date, should the zoning for the mixed-use proposal be approved.

Background

Official Community Plan

Official Community Plan Bylaw 2019-08 was adopted in August 2019, establishing a vision for Penticton's growth over the next 30 years and beyond. It provides strategic policies and direction for meeting that vision. The plan, however, is not meant to be a static document; it includes a process, through meaningful community consultation, where amendments to the plan may be considered as long as the vision and intent of the OCP remains intact. In June of 2024, the OCP was amended to comply with the regulations set out by the Province regarding the Small-Scale Multi-Unit Housing changes and to incorporate recommendations from the OCP Housing Task Force to facilitate more residential construction in the community to try to address housing affordability.

In 2021, Council adopted the Community Engagement for OCP Amendments Procedure, which outlines how public engagement for Official Community Plan amendments should occur. At the September 10th, 2024 Council meeting, Council directed staff to begin engagement following this procedure for the proposed development of a mixed-use recreational facility with 72 residential units (Council resolution 266/2024). The purpose of the engagement period was to share information and gather public feedback on the proposal, to help inform the OCP amendment decision making process. Following Council's direction, the engagement period was carried out September 16th to October 2nd. A summary of this engagement is included in this report (Attachment 'E').

Property Description

The subject property is located on the west side of Timmins Street in an area with a mix of uses (Figure 2). Surrounding the site, there is commercial, residential, institutional and park zoned properties, making this a unique area of the City. The property was recently created through subdivision where a 2-acre lot was subdivided from the parent parcel leaving a 4.64 acre remainder that makes up the current development site. To the east of the subject property is Timmins

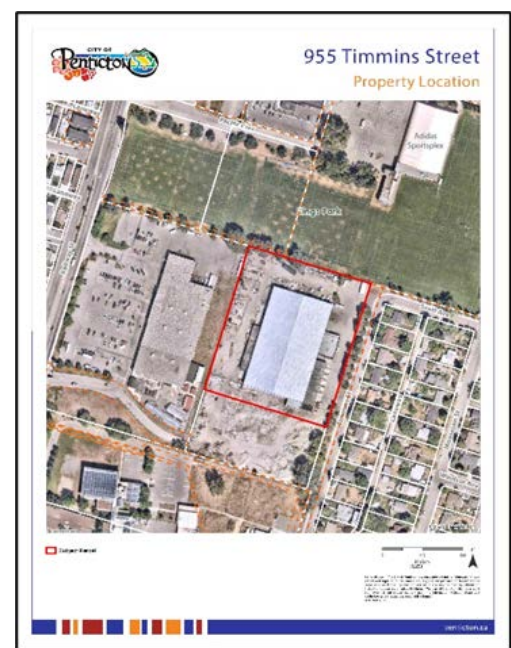


Figure 2 - Property Location Map

Street and the low density 'Cherryland' neighbourhood, King's Park is located to the north and Canadian Tire and Highway 97 are located to the west.

Currently, the property contains a warehouse building that has most recently been used for the manufacture of pre-fabricated housing and building components, as well as a company supporting the wine industry and general storage uses.

In 2021, this property underwent the process of an OCP Amendment and Zoning Amendment Bylaw. The application resulted in an OCP land use designation amendment from 'Industrial' to 'Urban Residential' and the property was rezoned from M1 (General Industrial) to RM3 (Medium Density Multiple Housing). Both of these applications were approved by Council in 2021. This eventually led to the 2-acre property being subdivided off. An application will be coming forward at an upcoming Council meeting for development permit approval for a 6-storey, multi-unit rental apartment building on that currently vacant lot.

Financial implication

City staff lead the public engagement period with the applicant paying the required application fees, which account for the required staff time to conduct the engagement for the proposed development. Future development costs have also been communicated to the applicant. All costs of the development are the responsibility of the developer.

Climate Impact

Council adopted the Community Climate Action Plan (CCAP) in 2021. The proposed development is consistent with the following aspects of the CCAP:

- **Shift Beyond the Car:** Encourage active & accessible transportation and transit
 - o 60 Class 1 (secure bicycle parking) stalls for both the residential and the commercial/recreational buildings.
 - o 37 Class 2 (short-term bicycle parking) stalls for both the residential and the commercial/recreational buildings.
 - o Transit stops are in close proximity along Moosejaw St. and Conklin Ave. Service for this area is expected to increase in frequency over the next few years, providing residents with greater access to public transportation.
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
- **Electrify Passenger Transport:** The applicant is proposing to have all residential parking provided to have Level 2 EV Ready and there is the requirement for EV Ready Stalls to also be provided for commercial parking as well.

Staff also note that the adaptive re-use of the existing superstructure of the building will mean that the building will not end up located in the landfill and the embedded carbon will have an extended life span.

Technical Review

The OCP amendment and rezoning application was reviewed by the City's Technical Planning Committee, a group of internal city staff who review development applications from a technical perspective, reviewing code and servicing impacts of any proposed development. From that process,

staff have provided the applicant with high-level comments regarding servicing upgrades and future building requirements. A full technical review will be commented once more detailed plans are submitted, if the zoning is approved.

Development Statistics

The following table outlines the proposed development regulations outlined in the CD10 zone compared with the statistics on the plans submitted with the development application. The zone was custom created to facilitate the development as shown on the application plans. The regulations also create the opportunity to subdivide the property separating the residential component from the recreational and commercial component. Also accommodated is the flexibility to cover the seasonal pickleball courts, if that is desired in the future. The parking approach assumes some shared parking between the various uses on site and includes the flexibility for some parking to be converted to seasonal pickleball courts.

	CD10 Zone Requirement	Provided on Plans
Minimum Lot Width*:	22 m ²	148 m ²
Minimum Lot Area*:	2700 m ²	18 764 m ²
Maximum Lot Coverage:	65%	50.8%
Maximum Density:	0.7 FAR	0.68 FAR
Landscape Buffer (South):	3.0 m	3.0 m
Vehicle Parking:	Residential 0.5 stalls per dwelling unit (36 stalls total) 0.06 visitor stalls per dwelling unit (5 stalls total) Commercial 1 stall per 60m ² of NFA (157 stalls total)	Residential 37 stalls 5 visitor stalls Commercial 175 stalls
Bicycle Parking:	Residential Class 1: 0.5 per dwelling unit (36 total) Class 2: 0.1 per dwelling unit (7 total) Commercial Class 1: 1 per 300m ² NFA, to a maximum of 25 Class 2: 1 per 300m ² NFA, to a maximum of 25	Residential Class 1: 36 total Class 2: 7 total Commercial Class 1: 25 total Class 2: 30 total
Required Setbacks:		
Front Yard	4.5 m	4.5 m
Side Yard (north)	4.0 m	4.2 m
Side Yard (south)	4.0 m	4.9 m
Rear Yard	10.0 m	10.23 m
Maximum Building Height:	18 m	9.1 m
Other Information:	*Lot Width and Lot Area are only relevant at time of subdivision	

Community Engagement Summary

Staff notified and involved the community in accordance with the *Community Engagement Procedure for OCP Amendments*. The engagement program was intended to gather feedback on the proposed land use change. The engagement program launched September 16th, 2024 and ran through to October 2nd, 2024, with a high level of community engagement on the topic with a total of 423 feedback forms received by the deadline.

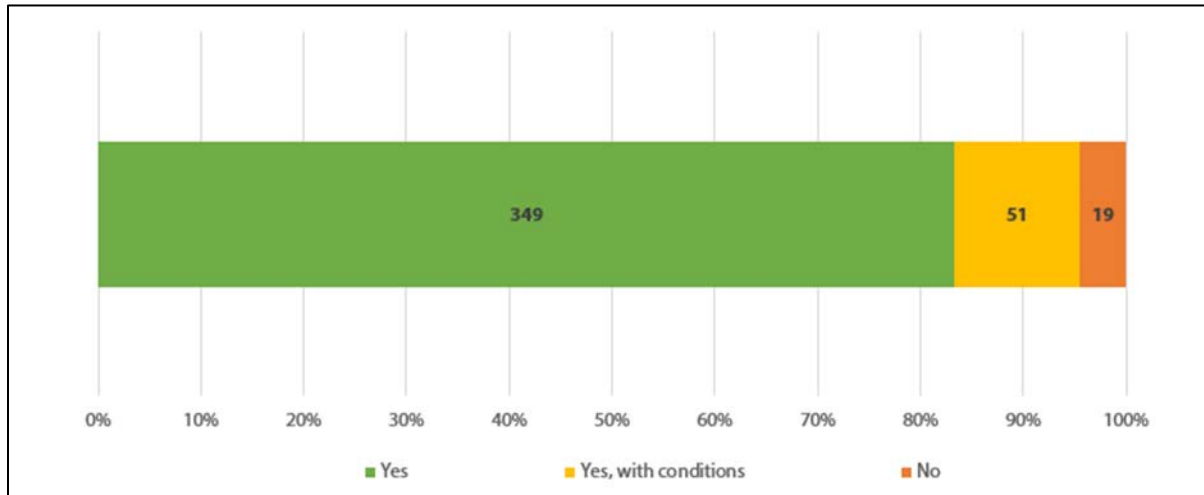
To notify the community and allow the opportunity to share feedback, staff completed the following:

Date	Activity
Sept. 16 – Oct. 2	Project information and feedback form on www.shapeyourcitypenticton.ca
Sept. 16	Press Release
Sept. 16	Letter sent to surrounding owners/occupants
Sept. 17	Shapeyourcitypenticton.ca Eblast
Sept. 17	Engagement kiosk and Penticton Library
Sept. 19	Social Media post
Sept. 20	Penticton Herald and Penticton Western newspaper advertisements
Sept. 23	Social Media post
Sept. 25	Open House – Okanagan College
Sept. 27	Penticton Herald and Penticton Western newspaper advertisements
Oct. 2	Deadline for feedback forms

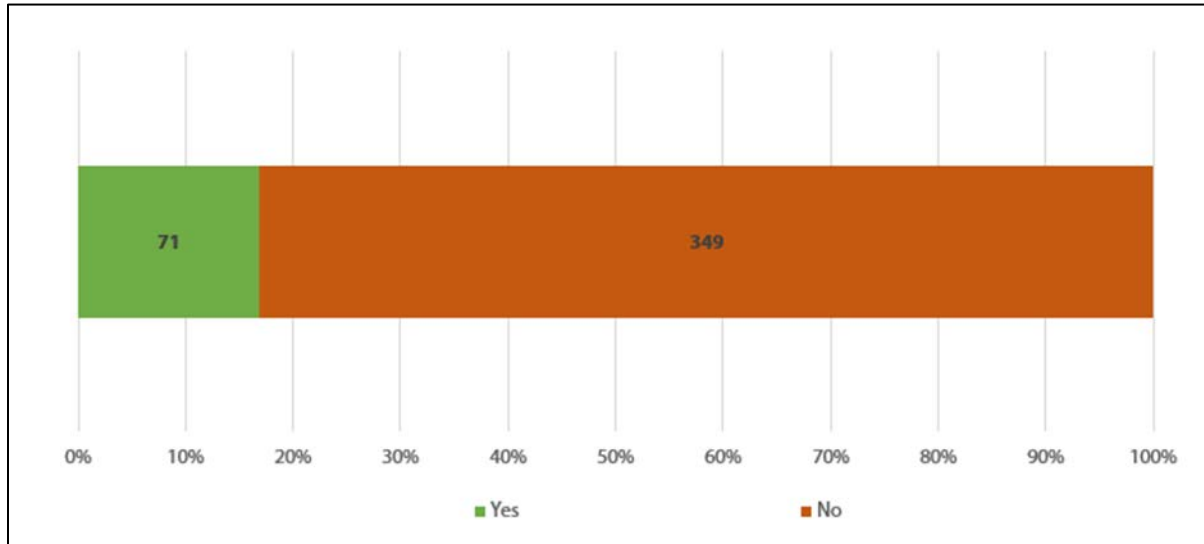
The intent of the information session was to inform community members about the application, share accurate information on the proposal and the process, and indicate how and where community members could share their comments, concerns and feedback on the proposal. The in-person information session saw a total of 26 attendees. The engagement report, which includes the results from the community engagement period has been included as Attachment 'E'.

The key findings from the feedback forms collected during the engagement period found that 82.5% of respondents support the land use change from 'High Density Residential' to 'Mixed Use'. Another 12.0% support the land use change with concerns largely related to noise from outdoor pickleball courts and increased traffic. A portion of the respondents (4.5%) are not in favour of changing the land use.

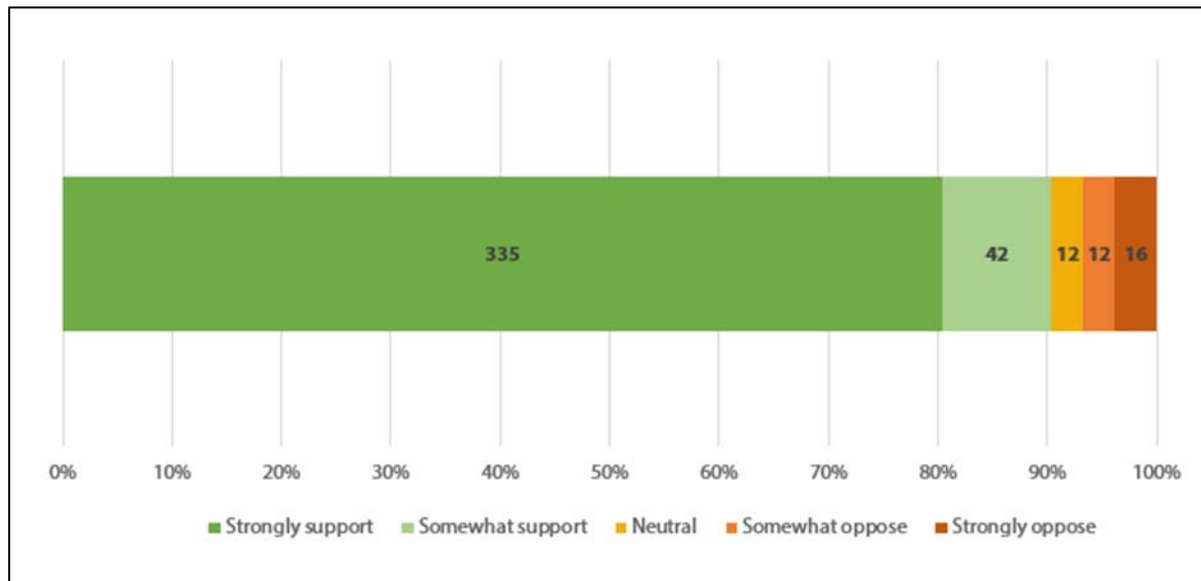
The following chart shows the feedback forms results to the questions: "Do you agree with changing the land use on this site from High Density Residential to Mixed-Use?".



Additionally, the following chart demonstrates that more than half of the respondents have no concerns with the changing of the future land use designation on the site, when asked: “Based on the information provided, would you have any concerns about what is being considered for this site?”.



Participants were asked “**Rate your level of support for the development that is being proposed for this site**”. The following chart shows that majority of the respondents either strongly support or somewhat support the mixed-use development while 6.6% somewhat oppose or strongly oppose the proposal.



Throughout the engagement period, the Planning Department and Communications and Engagement Department heard the following main concerns about the proposed land use change to allow a mixed-use development:

- The outdoor pickleball courts will disrupt the neighbourhood.
- Traffic will be increased along Timmins Street and throughout the surrounding neighbourhood.
- Concerns around driveway access and safety.
- More landscaping should be provided in the parking areas.
- Questions regarding the size of the residential units and whether or not they would be used for short-term rentals.

The applicant has taken note of the concerns. Specifically with regard to perceived nuisances from the outdoor pickleball courts, the applicants have been working with registered professionals to find ways to mitigate the impact. Items such as relocating the courts, requiring quieter equipment, limiting the hours and number of events and installation of sound attenuation walls are all being considered as mitigation measures (Attachment 'F').

A letter was also provided from Interior Health regarding this application, and it has been included as Attachment 'H'. Interior Health was one of the identified key stakeholders of this development proposal and their feedback was included for Council's consideration. The letter from Interior Health stated they are not opposed to the property being redesignated as 'Mixed Use' but have provided some important considerations for the development. Further, the letter identifies key considerations regarding housing needs, healthy communities, recreational facilities and active transportation in the City of Penticton that should be included in this development.

The bylaws being considered by Council herein also require a public hearing prior to adoption. The Public Hearing will provide the opportunity for the public and those who feel directly impacted by the development to address Council directly and outline any concerns they may have.

Analysis

Official Community Plan

Recognizing that the Official Community Plan (OCP) is a “living document”, amendments to the OCP are to be expected from time to time. While the OCP guides land use decisions up to 2045, it is likely that over that timeframe, changing trends or unexpected events will require the City and community to consider amendments to the plan. Proposals to amend the OCP that respect the overall vision and values of the OCP, but also allow for innovation and adaptation as new opportunities arise, are considered by City Council, with the following considerations:

1. Alignment with the broad OCP visions and goals.
2. Provisions of demonstrable social, economic and environmental benefits to the community.
3. Assessment of cost and other implication for infrastructure – parks, roads, utilities, water, sanitary and storm sewer, public facilities.
4. Sustainability to context – form, character and design.
5. All proposed amendments will be accompanied by meaningful public engagement, in addition to the required notification, and a formal Public Hearing.

High Density Residential Land Use Designation

The OCP future land use designation for the property is currently ‘High Density Residential’ (Attachment ‘B’). The ‘High Density Residential’ land use designation is described in the OCP as higher-density multifamily residential neighbourhoods consisting of townhouses and apartments in higher amenity areas. This includes building types such as cluster housing, townhouses, low- and mid-rise apartment buildings and small-scale neighborhood commercial buildings (Figure 3).

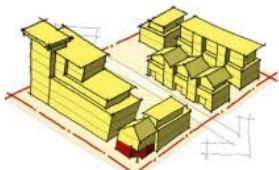
Land Use	Description	Building Type(s)	Uses	Height / Density
 High Density Residential	Higher-density multifamily residential neighbourhoods consisting of townhouses and apartments in higher-amenity areas	• Cluster housing • Townhouses • Low-rise and mid-rise apartment buildings • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop, childcare)	• Residential • Limited retail/service	• Up to 6 storeys

Figure 3 - High Density Residential OCP Land Use

Mixed Use Land Use Designation

The designation that is being requested is the ‘Mixed Use’ designation to allow for a mixed-use recreational, commercial and residential development. This land use designation is described as higher density mixed-use areas allowing for intensive development with residential and/or commercial uses. The building types include higher density apartments, mixed-use buildings and commercial buildings (Figure 4).

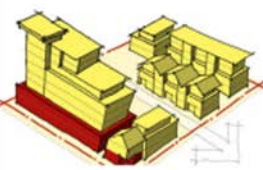
Land Use	Description	Building Type(s)	Uses	Height / Density
Mixed Use 	Higher-density mixed-use areas allowing for intensive development with residential and/or commercial uses	- Higher-density apartments - Mixed-use buildings - Commercial buildings	- Commercial (retail, service, office) - Residential	Generally greater than 3 storeys

Figure 4 - Mixed Use OCP Land Use

Staff's Analysis

Staff are supportive of the land use change to support the mixed use development. In addition to the proposal showing consistency with many goals and objectives of the OCP, staff consider that the adaptive re-use of the building as a recreational facility meets good planning practice and will bring vibrancy and activity to a growing area of the community. The recreational facility will complement many of the other developments planned and recently built in the area, including the new housing being constructed on Eckhardt Avenue, the new student housing recently approved on the college campus, the housing being proposed for the neighbouring lot and the new hotel on Eckhardt Avenue. While not directly located within the North gateway, the proximity to this area, which is being promoted as a desirable tourism, entertainment and recreational destination, will mean that the recreational uses on the site will benefit from the activities within the North Gateway and vice-versa.

The site-specific provision that staff are recommending, which will allow the residential uses to be used for short-term rental uses, is being included to support the vision for the facility. Which will be set up to host tournaments, training camps and other programs that attract individuals and families for shorter durations. Of the 72 units there will be some long-term tenancies, but the provision for short-term residency gives the flexibility desired by the applicants.

Staff consider that there is sufficient policy in the Official Community Plan to support the requested land use change from 'High Density Residential' to 'Mixed Use'. The following summary identifies specific OCP Policy intended to guide sustainable planning practices:

OCP Reference	Policy
<i>OCP Policy 4.1.3.5</i>	<i>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.</i>
Staff Comments	The proposed development offers a mix of uses in a high-amenity area that is in close proximity to shopping, schools and public transportation. This offers future residents the opportunity to live in an intensive residential development and meet the needs beyond just housing.
<i>OCP Policy 4.1.3.6</i>	<i>Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.</i>

Staff Comments	The applicant has provided amenity areas for the residential units in addition to the mixed-use commercial and recreational facility that is also proposed on the property.
<i>OCP Policy 4.1.4</i>	<i>Housing Quality Ensure that new housing is attractive and sensitively designed, is water and energy efficient and that all housing is properly maintained.</i>
Staff Comments	The proposed development would allow for 72 new residential units in this area of the City. The units have been designed with the context of the surrounding area in mind and will face King's Park to minimize the overlook onto residential properties in the area. The buildings will be required to follow the current requirements of the BC Building Code to ensure efficiency standards are met.
<i>OCP Policy 4.1.5.1</i>	<i>Recognize that some 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 located (e.g., greater density closer to collector roads, services and amenities).</i>
Staff Comments	The proposed development is in an existing area of the city that is currently seeing demands for redevelopment. The development will be compatible with the existing neighbourhood as the area transitions into higher density and has a mix of uses.
<i>OCP Policy 4.2.1.7</i>	<i>Promote walking, cycling and transit use through strategic land use planning that facilitates denser, attractive, mixed-use communities that are rich in amenities.</i>
Staff Comments	This development proposes a mixed-use community that promotes a denser community with high amenities. The applicant has provided bicycle parking at the entrances of all buildings to ensure that there are alternative forms of transportation being offered.
<i>OCP Policy 4.2.3.8</i>	<i>Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.</i>
Staff Comments	The proposal provides secure bicycle parking for both the residential units and the recreational facility. The applicant has shown that there is adequate bicycle parking onsite.
<i>OCP Policy 4.3.2.1</i>	<i>Encourage high quality commercial development by applying Development Permit Area Guidelines, updating and enforcing regulatory bylaws, and fostering initiatives that improve the quality and infrastructure of commercial areas.</i>
Staff Comments	The applicant is required to show conformance to the Development Permit Area Design Guidelines as a part of the Development Permit application. They have submitted a Development Permit analysis to demonstrate and reflect on the proposed design. The Mixed-Use and Commercial designations have a variety of guidelines that assist in informing the applicant and staff how they meet the intent set out by the Official Community Plan.

Given the support from a variety of OCP Goals and Policies and the context that the development is being proposed (located next to the college and in close proximity to the North Gateway and other recently high density residential developments), staff recommend that Council support the OCP land use designation change from 'High Density Residential' to 'Mixed Use' with a Site Specific Tourist Commercial Policy Statement at 955 Timmins Street in the OCP.

Zoning Bylaw Amendment

In addition to an OCP Amendment, the applicant has also applied for a Zoning Bylaw amendment for 955 Timmins Street from RM3 (Medium Density Multiple Housing) to a CD10 (Comprehensive Development Zone). This change in zoning to a CD zone will allow the proposed development to proceed in alignment with their desired vision. A CD zone was requested as there is not currently a zone that addresses the uniqueness of the proposal and therefore the applicant has been working with staff to come up with a zone to fit the regulations.

Should Council consider that amending the OCP designation on the property is appropriate as recommended by staff for the reasons listed above, they may also consider that the proposed CD10 zone is appropriate given the requested OCP designation of 'Mixed Use'.

Below is a list of permitted uses in the Comprehensive Development Zone at 955 Timmins Street. In addition to the recreational and residential uses discussed in this report, the zone also allows a number of complimentary uses that would typically be seen in a mixed-use zone. The plans submitted with the application show several commercial rental units within the large recreational building that could allow for other uses such as food and beverage offerings, physio or other athletic related health services, day cares and other uses. As spoken to above, there is a desire for some short-term rental uses and potentially tourist accommodation uses to support tournaments.

The applicant has proposed outdoor amusement, entertainment and recreation as a permitted use in the CD10 zone. To mitigate the impacts of outdoor recreation, which the applicant has shown as pickleball courts, there are mitigation requirements that have been included in the zoning to prevent negative impacts on nearby properties. These measures include large setbacks between the outdoor pickleball courts and neighbouring residentially zoned properties, requirements for sound reducing landscaping, screening and sound attenuation walls to prevent the noise from travelling to neighbouring areas. Staff consider that these measures will assist in reducing the negative impact of this use on neighbouring residential uses – both existing and future. The applicants have also expressed a desire to potentially cover the courts, which will further reduce the noise. The zoning regulations allow for adequate site coverage and density provisions to facilitate the covering of the courts in the future.

The subject property is considered an appropriate location for the proposed uses due to its proximity to amenities, parks, and services. This includes Okanagan College, Kings Park, and various other commercial amenities. There is pedestrian and future cycling connections that connect to Duncan Avenue and to the lake-to-lake bike lane. Further, the OCP Policies that are referenced to support the OCP land use change, also support the proposal to rezone the subject property to the custom made CD10 zone.

Given the above information, staff recommend that Council support the zoning amendment from RM3 (Medium Density Multiple Housing) to CD10 (Comprehensive Development Zone), by giving first reading to

the bylaw and sending the bylaw to the November 5th, 2024 Public Hearing to receive comments from the public.

Alternate recommendations

Council may consider the proposed development to be undesirable at this location, or not in keeping with the goals and policies of the Official Community Plan. If this is the case, Council should deny first reading of the Official Community Plan Amendment and Zoning Bylaw Amendment. Staff are not recommending this option, as staff consider the proposal to be supported by the general direction of the Official Community Plan, including the many goals and policies referenced within the Analysis section of this report.

- 1. THAT Council deny first reading of “Official Community Plan Amendment Bylaw No. 2024-36” and “Zoning Amendment Bylaw No. 2024-37”.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of the Property
- Attachment D – Letter of Intent (applicant)
- Attachment E – 955 Timmins Street Engagement Report
- Attachment F - Site Plan
- Attachment G – Comprehensive Development Zone
- Attachment H – Interior Health Stakeholder Letter
- Attachment I – Official Community Plan Amendment Bylaw No. 2024-36
- Attachment J – Zoning Amendment Bylaw No. 2024-37

Respectfully submitted,

Gabe Tamminga
Planner I

Concurrence

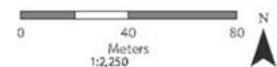
Director of Development Services	General Manager of Infrastructure	Director of Finance and Administration	Acting City Manager
<i>BL</i>	<i>KD</i>	<i>AMC</i>	<i>KD</i>



955 Timmins Street Zoning Bylaw



- | | |
|--|--|
| Subject Parcel | C4 - General Commercial |
| Site Specific Zoning | C7 - Service Commercial |
| Zoning Bylaw No. 2024-22 | |
| R4-S - Small-Scale Multi-Unit Residential - Small Lot | CT1 - Tourist Commercial |
| R4-L - Small-Scale Multi-Unit Residential - Large Lot | M1 - General Industrial |
| RM2 - Low Density Multiple Housing | P1 - Public Assembly |
| RM3 - Medium Density Multiple Housing | P2 - Parks and Recreation |
| C3 - Mixed Use Commercial | |



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Date: 9/21/2024

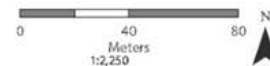


955 Timmins Street Official Community Plan



 Subject Parcel Official Community Plan - Future Land Use

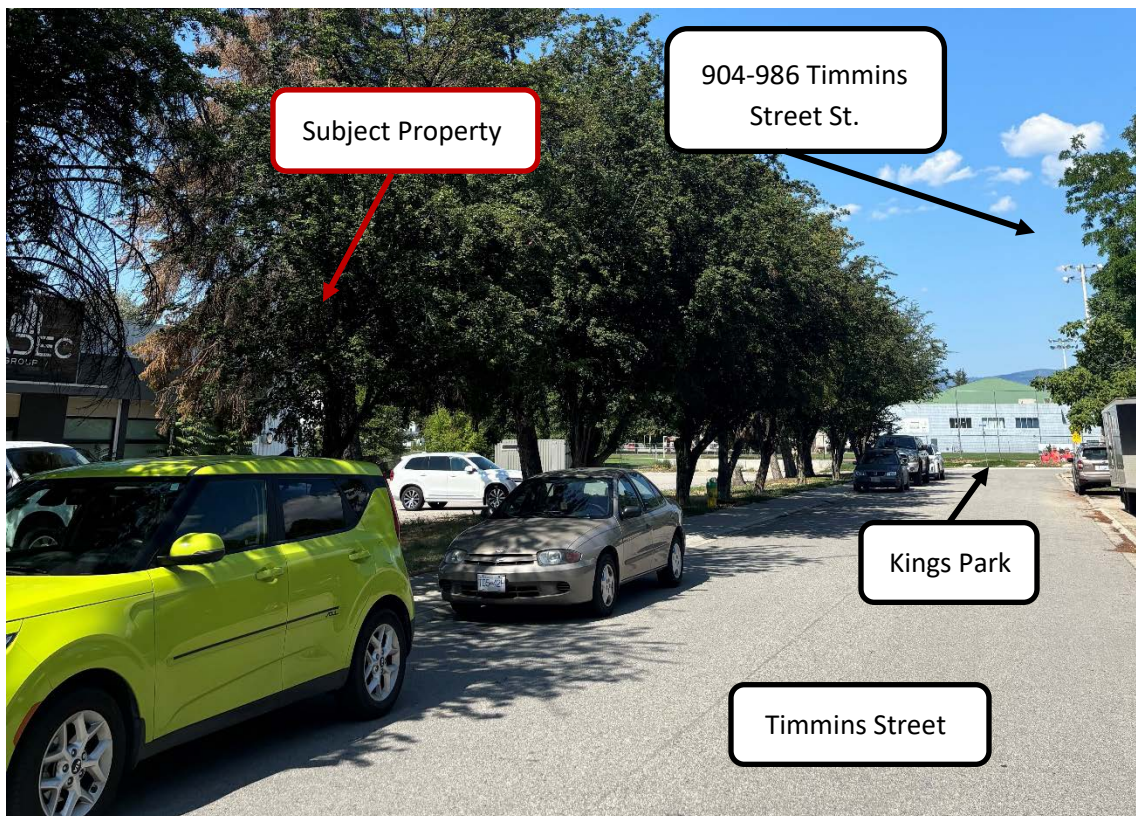
- Commercial
- High Density Residential
- Industrial
- Institutional and Civic
- Low Density Residential
- Mixed Use
- Parks
- Tourist Commercial

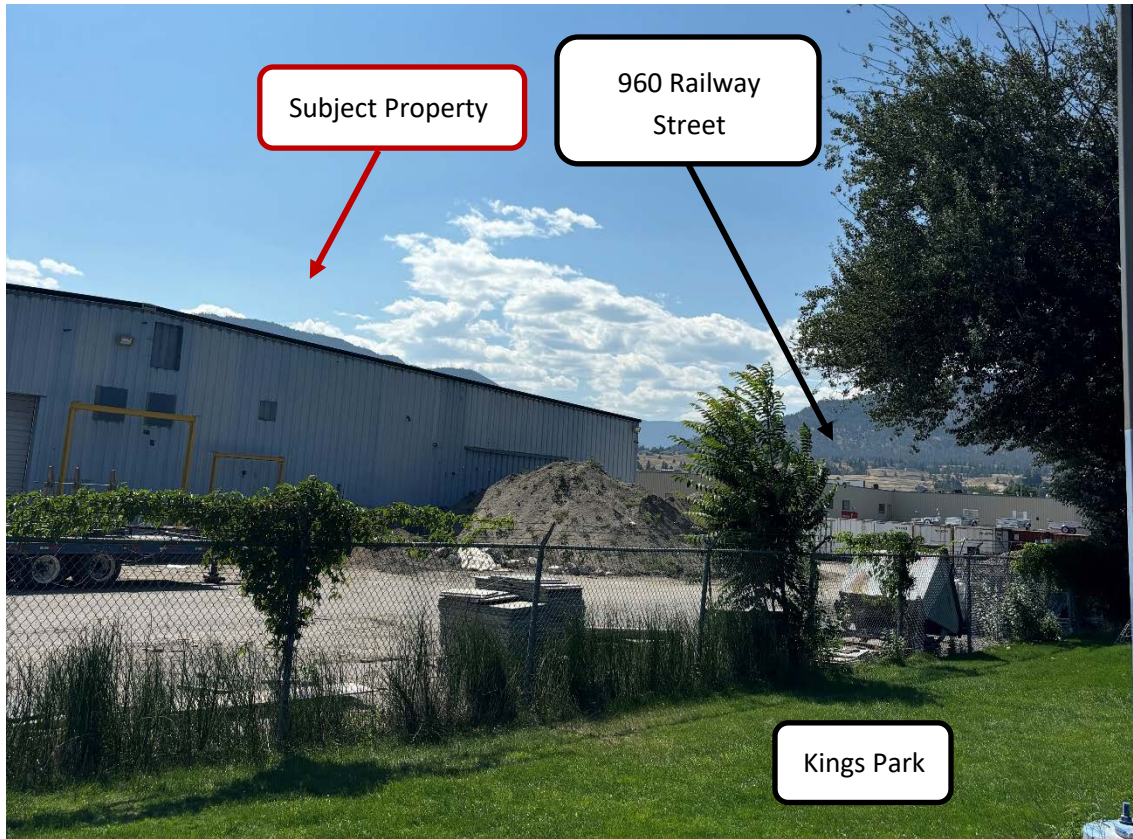


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Date: 9/21/2024

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Attachment C – Photos of the Property







Ryzak Properties
955 Timmins St.
Penticton, BC V2A 5V3
P: 250.492.0069
E: info@ryzakproperties.ca

June 28, 2024

City of Penticton
Development Services
171 Main Street
Penticton, BC
V2A 5A9

RE: Letter of Intent – 955 Timmins Street; Proposed OCP Amendment and Rezoning

Project Description

Ryzak Properties on behalf of Ryzak Holdings (Timmins) Inc., is submitting this application for an OCP Amendment and Rezoning of 955 Timmins Street. This would allow for the development of the existing manufacturing warehouse to be transformed into a mixed use recreation facility as well as a row of purpose-built rental apartments near the heart of Penticton. Our application proposes to amend the OCP designation from Urban Residential to Mixed Use, and to rezone from RM3 (Medium Density Multiple Housing) to a comprehensive development zone.

955 Timmins is a 4.6 acre parcel with an old industrial building on the outskirts of downtown Penticton with proximity to transit, a major transit corridor, schools and commercial/shopping areas. The site's location sandwiched between Okanagan College and Kings Park, and within minutes from the Community Centre, offer an ideal location for a mixed use development, offering a mixture of rental housing options and recreation facilities for the community. The proposed development includes a total of 72 apartments and 106,000 sq.ft of commercial space.

Green space surrounding the site and landscape design will augment what is currently a blank industrial site, creating a welcome edge to the south side of Kings Park.



Ryzak Properties
955 Timmins St.
Penticton, BC V2A 5V3
P: 250.492.0069
E: info@ryzakproperties.ca

The design will be built with sustainability and energy efficiency in mind. Each housing unit is designed with maximum access to light and air, and each unit also benefits from a yard/deck for a variety of outdoor living situations. The proposed development will provide simple yet durable housing construction that is low in energy consumption and decreases the overall impact of housing development on our environment. Water retention strategies and solar energy collection for each building are proposed to reduce the overall environmental impact of the project.

OCP Amendment

This proposal supports sustainable growth within the City of Penticton boundaries, where residents live, work, shop and play nearby, and have easy access to daily needs and activities.

The current OCP designation at 955 Timmins is Urban Residential. An amendment to the OCP would change the designation to Mixed Use to facilitate the redevelopment of the largely unused industrial building to allow for workforce and short-term rental housing and recreation facilities. This designation is justifiable due to the parcel's geographical location near a major corridor and with easy access by transit or active transportation options, being centrally located.

This amendment would address community needs by providing rental housing options located close to transit, major corridors, schools and amenities including parks and shopping, falling in line with the following Official Community Plan policies.

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."

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."

This proposal also falls in line with the 2017 *Housing Needs Assessment Report* findings, which recommended enhancing the market rate housing supply of rental and for sale units, especially for affordable and higher-density housing units.



Ryzak Properties
955 Timmins St.
Penticton, BC V2A 5V3
P: 250.492.0069
E: info@ryzakproperties.ca

Rezoning Application

In conjunction with the OCP amendment, Ryzak Properties is proposing to rezone the property from RM3 (Medium Density Multiple Housing) to a comprehensive development zoning to allow for the existing building to be turned into a recreation facility alongside separate residential housing units that can be used for workforce and short-term rental housing.

We at Ryzak Properties would like to thank you for the opportunity to outline the information for our proposed plan. Please contact us if you require any further information regarding this application.

Best regards,

A handwritten signature in black ink, appearing to read "Joe Walters", is written over a horizontal line.

Joe Walters
CEO, Ryzak Properties



955 Timmins Street Engagement Report

October 4, 2024

[1.0 Overview](#)

[2.0 Community Participation](#)

[3.0 Feedback Form Results](#)

[4.0 Open House](#)

[5.0 Conclusions](#)

[Appendix A– Engagement Timeline](#)

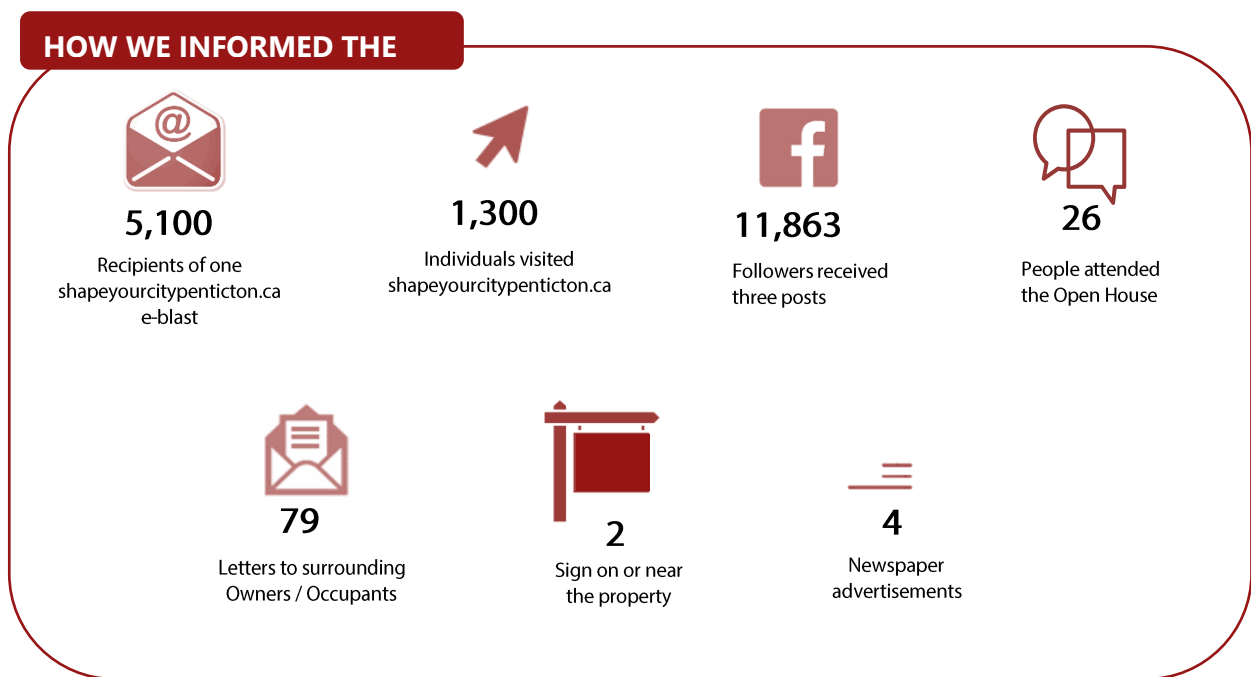
1.0 Overview

The City received an application for 955 Timmins Street consisting of repurposing the existing building on the property to a mixed-use recreation and commercial facility, as well as add three 24-studio unit apartment buildings (72 dwelling units total). The application states the buildings would be comprised of studio units. This proposal would require an amendment to the City's Official Community Plan to change the future land use designation on the property from 'High Density Residential' to 'Mixed-Use'.

Before considering the amendments, Council directed staff to gather feedback from the community about changing the 'future land use' of this property. The following document summarizes the activities completed and the findings from the process.

2.0 Community Participation

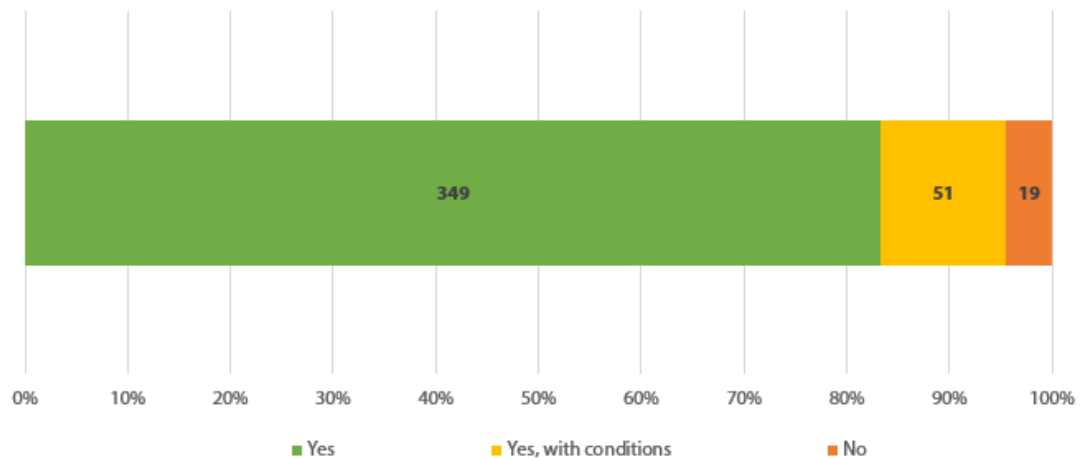
Staff followed the *Community Engagement Procedure for OCP Amendments* to ensure adequate and meaningful consultation with the community. The engagement program was conducted between September 16 to October 2. The following diagram summarizes participation. A detailed timeline of engagement activities is provided in Appendix A.



3.0 Feedback Form Results

One of the primary ways the City gathers formal feedback is through the use of feedback forms. The focus of the feedback form was to gather feedback on the proposed change to the future land use. Residents were invited to review the information about the proposal and complete a feedback form before Wednesday, Oct. 2. In total, **423 feedback forms** were received. Please note that the key findings from the feedback forms are presented in this report. Complete results including full comments, are available at shapeyourcitypenttoston.ca.

1. Do you agree with changing the land use on this site from High Density Residential to Mixed-Use?



Participants who answered 'Yes, with conditions' were invited to explain their response. A summary of the themes/comments is provided below:

Traffic and parking

- Concern that traffic will be too congested
- Prefer access be repositioned to traffic signals installed at Canadian Tire
- Needs adequate parking for facility users, residents and their guests
- Concerned for traffic flow along Moosejaw at both Eckhardt and Duncan
- Traffic calming measures be provided including speed bumps and reduced speed zones

Housing

- Desire for more than studio apartments (1 and 2 bedroom options)
- Preference for more housing in design
- Units need to be affordable
- Desire for units to be available to purchase
- Desire for 10% of residence be allocated to BC Housing

Noise

- Desire to have pickleball courts need to be monitored for noise levels
- Concern that nine pickleball courts will create significant noise, preference to either move indoors or be removed from plan
- Preference for no pickleball courts
- Concern that pickleball courts are between hard buildings and will amplify sound

Other

- Desire for walking access to Okanagan College
- Concern that 2 ice rinks and 8 pickleball courts is excessive when other sports also deserve space to practice and play including hardcourts
- Need more information about how facility will be operated

- Concern that development will not be built, preference for penalties or reverting back to High Density designation if not completed

Participants who answered 'No' were invited to explain their response. A summary of the themes/comments is provided below:

Desire to keep property as High Density

- Concern about why the designation is changing when High Density better suits City's priority for housing
- Preference to keep residential to avoid recreation traffic issues
- Statements that the housing crunch is a more important issue

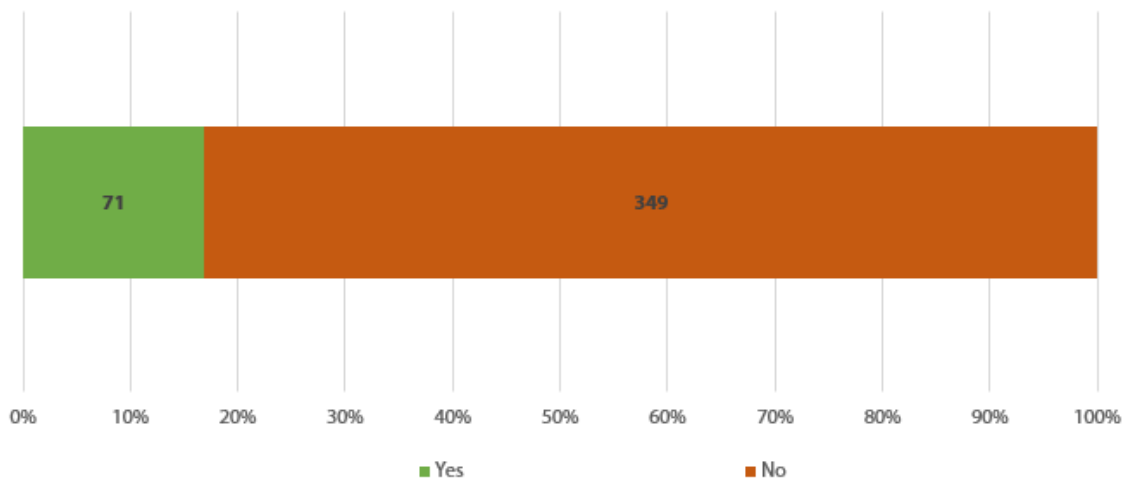
Traffic

- Concern that with no main thoroughfare, this will push heavy traffic into residential areas

Other

- There are proposed high density projects in the neighbourhood that haven't started to be developed yet and this will add to all the issues that come with densification

2. Based on the information provided, would you have any concerns about what is being considered for this site?

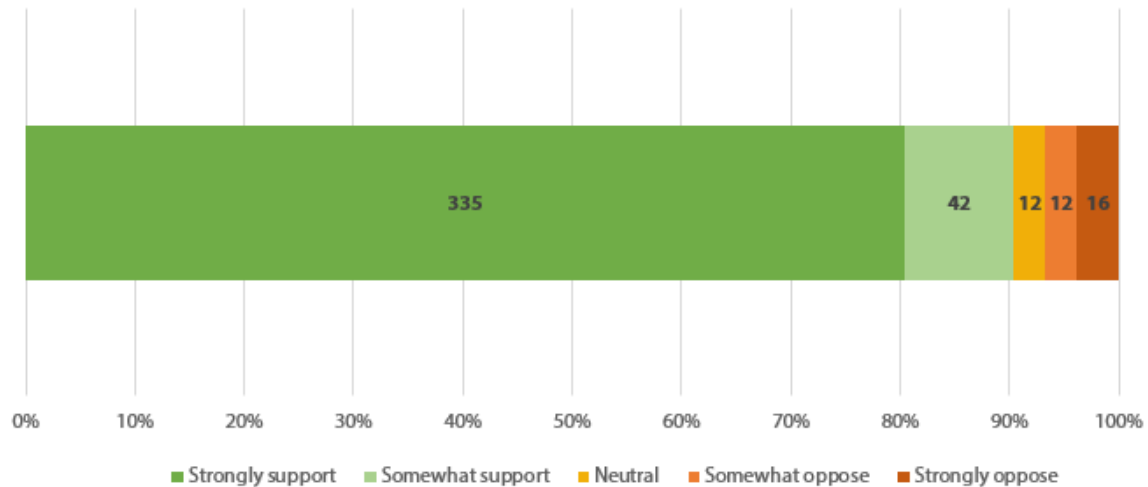


Participants who said 'yes' were invited to explain their response. A summary of the themes/comments is provided below:

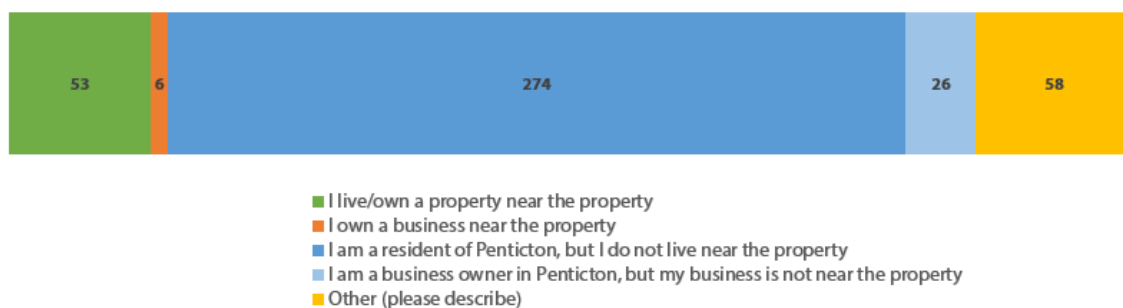
- Concern that the units won't be available to purchase or will be used for short term rentals
- Unclear on commercial aspects and if they are a good fit for the area
- There are a lot of pickleball courts that could provide for other multi-sport options
- Proposal doesn't offer great housing options for the community if they are intended as long-term housing
- Need 1 and 2 bedroom options
- Impossible strain on residential streets
- Pickleball courts will be too loud
- Needs more housing units

- Do not want to see sports at this site
- Concern for how development will be funded, operational costs and maintenance of facilities
- Not enough parking is provided
- Concern for vandalization and other trouble with outdoor courts

3. Rate your level of support for the development that is being proposed for this site.



4. Which best describes your interest in providing feedback?



Some comments from 'Other (please describe)' are provided here, full responses are available at shapeyourcitypenticton.ca

- Residents of Summerland travelling to use Penticton facilities
- Residents of Okanagan Falls travelling to use Penticton facilities
- Regular visitor and user of the sports and recreation facilities
- Resident of Naramata travelling to use Penticton facilities
- Grandchildren live in Penticton and participate in sports and recreation options

4.0 Open Houses

An in-person event was held in the Community Hall at Okanagan College on Wednesday, Sept. 25, 2024 between 4:00 pm and 6:00 pm. Twenty-six members of the public attended and a summary of their discussions are provided here:

- Multiple comments supportive of proposal excluding outdoor pickleball courts
- Concerns that the pickleball will be echoing off of the buildings of Canadian Tire and the recreation facility.
- Supportive with conditions such as traffic calming measures
- Comment that the idea for housing directed to students/younger people is good for that area
- Concern that the corner of Timmins/Conklin by the daycare is not sufficient for larger vehicles, poses danger to families/children being dropped off or walking down the street.
- Comments regarding connections for people to walk through 1001 Timmins St to allow people to access the college from this property.
- Comment that more landscaping would make the property look better and break up some of the parking. Seems as though there is more space to be providing trees and shrubs than what has been shown.
- Questions regarding the units being stratified or rental or Tourist accommodation, staff explained it is unknown at this time.
- Questions regarding the proposed commercial uses, staff explained unknown at this time.
- Comments regarding parking and not enough parking for residential units
- Concerns over the intersection of Conklin Av and Timmins street and not being able to accommodate the traffic
- Comments supportive of the mixed-use designation
- Concerns regarding the outdoor pickleball courts taking over the parking area
- Concern that the proposal would be changed again as this is the second OCP Amendment on this property in the last few years

5.0 Conclusions

The main goal of this process was to gather feedback on the proposed amendment to the future land use designation for this property in the Official Community Plan and to understand if the proposed development aligns with the community's vision for the area.

Through this process, staff learned the majority of respondents (83.3%) support the land use change from High Density Residential to Mixed-Use. Another 12.2% support the change with conditions largely related to pickleball noise levels, parking and traffic concerns, and additional housing options.

Respondents indicated 90.4% strongly support or support the development proposed for the site, with 6.7% strongly opposed or opposed to it. Remaining responses are 2.9% as neutral.

Next Steps

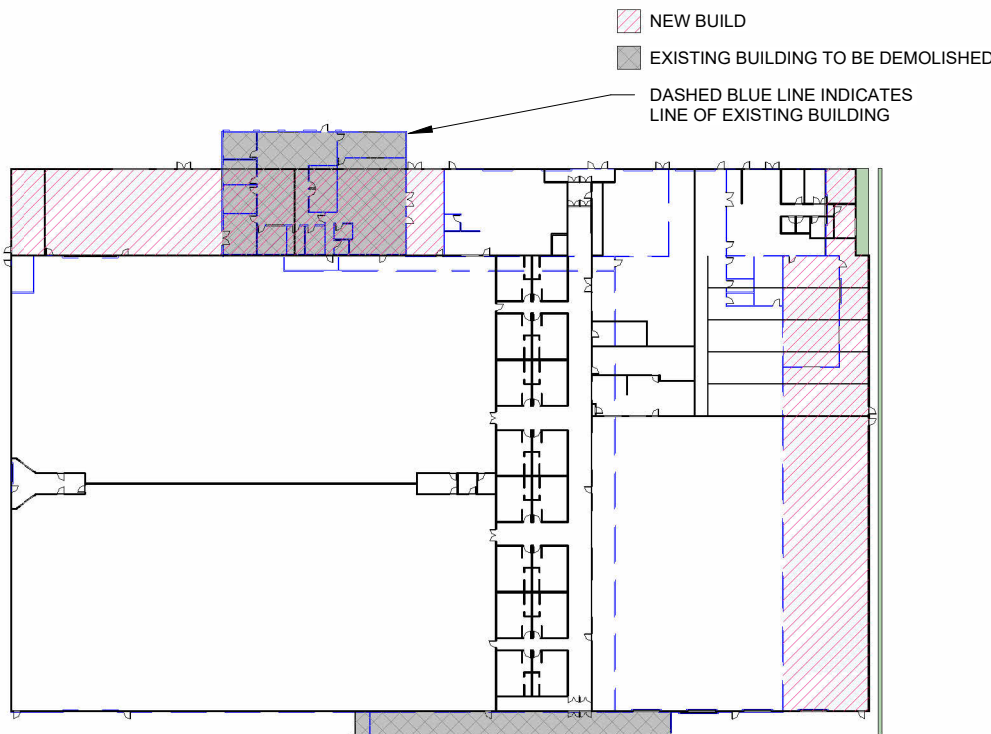
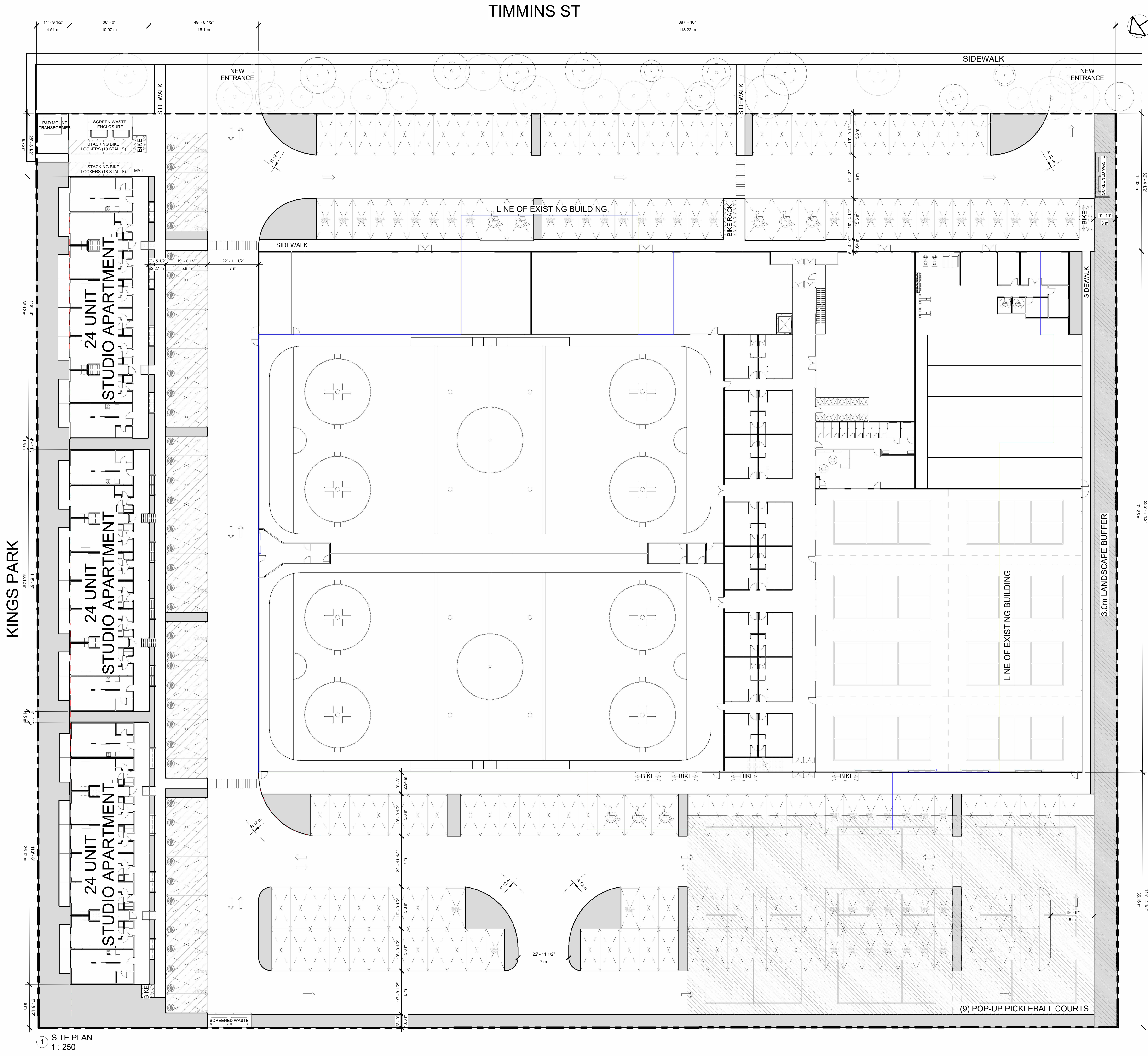
October 4, 2024

The feedback gathered through the engagement program is to be provided to the applicant to consider and determine how they would like to proceed. It will also be shared with Council and the community-at-large.

Appendix A - Engagement Timeline

In accordance with the *Community Engagement for OCP Amendments Procedure* and *Community Engagement Policy and Framework* the following list summarizes the main methods that were used to raise awareness about the application and the opportunities for residents to provide feedback through the community engagement period that took place between September 16 and October 2, 2024.

Date	Activity
Sept. 16	Project information and feedback form on www.shapeyourcitypenticton.ca
Sept. 16	News release
Sept. 16	Letters to surrounding owners/occupants
Sept. 17	Engagement kiosk at Penticton Library
Sept. 17	Eblast
Sept. 19	Social media
Sept. 20	Print ads (Penticton Herald & Penticton Western)
Sept. 23	Social Media
Sept. 25	Open House
Sept. 27	Print ads (Penticton Herald & Penticton Western)
Oct. 2	Deadline for feedback forms



BUILDING FOOTPRINT PLAN



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ALL DIMENSIONS IN FEET AND INCHES UNLESS OTHERWISE NOTED.
DO NOT SCALE.

GENERAL CONTRACTOR AND/OR SUBTRADES TO VERIFY ALL DIMENSIONS AND CONDITIONS AS SHOWN ON DRAWINGS WITH ACTUAL EXISTING CONDITIONS. ANY DISCREPANCIES TO BE REPORTED PRIOR TO COMMENCEMENT OF CONSTRUCTION AND/OR INSTALLATION.

IF IN DOUBT, ASK.

RYZAK PROPERTIES
955 TIMMINS ST
PENTICTON, BC V2A 5V3

250.492.0069

Revisions

2024-06-28 Issued for OCP Amendment / Rezoning
2024-08-21 Issued for OCP Amendment / Rezoning-rev1

955 TIMMINS ST
PENTICTON, BC

OCP AMENDMENT & REZONING
APPLICATION

SITE PLAN

DRAWN BY LM
SHEET No.

a10-10

Parking Schedule By Type			
COMMERCIAL			
Bike - Class 1		24	
Bike - Class 2		30	
Accessible Stall		8	
Small Car Stall		58	
Standard Stall		109	
RESIDENTIAL			
Bike - Class 1		36	
Bike - Class 2		7	
Standard Stall		42	

Parking Schedule By Use			
TYPE	USE	COUNT	% OF TOTAL PARKING
Bike	COMMERCIAL	54	56%
Bike	RESIDENTIAL	43	44%
Vehicle	COMMERCIAL	175	81%
Vehicle	RESIDENTIAL	42	19%
		217	100%

TIMMINS ST

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ALL DIMENSIONS IN FEET AND INCHES UNLESS OTHERWISE NOTED.
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IF IN DOUBT, ASK.

RYZAK PROPERTIES
955 TIMMINS ST
PENTICTON, BC V2A 5V3

250.492.0069



COLUMNAR NORWAY MAPLE



ESPRESSO KENTUCKY COFFEE TREE



SILVER CLOUD MAPLE



ENDLESS SUMMER HYDRANGEA



DWARF BURNING BUSH



HICKS YEW



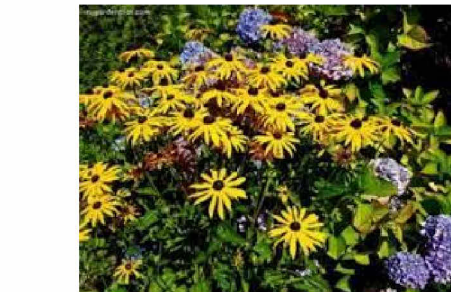
SIBERIAN VAREGATED DOGWOOD



SUNSATATION JAPANESE BARBERRY



AUTUMN JOY STONECROP



GOLDSTREAM CONEFLOWER



WALKER'S LOW CATMINT



GRACILLIMUS MAIDEN GRASS



RUSSIAN SAGE



RUBY STELLA DAYLILY



KARL FOERSTER FEATHER REED GRASS



PEACH BLOSSOM ASTILBE



MOONSHINE YARROW

LANDSCAPING AS PER CITY OF PENTICTON REQUIREMENTS

5.2 Landscape Buffers Separating Uses

5.2.1 All landscape buffers shall be provided in accordance with the regulations outlined in Table 5.1 and shall consist of:

.1 One (1) tree for every 10.0 linear meters of required buffer area, including walkways and driveways. Deciduous trees shall be a minimum caliper of 60 mm and a minimum clear stem height of 1.5 m. Coniferous trees shall be a minimum 2.5 m in height, and

.2 One (1) shrub for every linear meter of required buffer area, including walkways and driveways. The shrubs shall be a minimum No. 2 pot shrub.

5.2.2 Required landscape buffers shall be continuous along the affected property boundaries, interrupted only by walkways and driveways providing access to the property.

5.2.3 All required landscape buffer areas shall be watered by a fully automatic, underground, irrigation system.

TABLE 5.1 - REQUIRED LANDSCAPE BUFFERS

MIN. WIDTH	3.0m
MIN. HEIGHT	1.2m

KINGS PARK

3.0m LANDSCAPE BUFFER

Revisions

2024-06-28	Issued for OCP Amendment / Rezoning
2024-08-21	Issued for OCP Amendment / Rezoning-rev1

**955 TIMMINS ST
PENTICTON, BC**

OCP AMENDMENT & REZONING
APPLICATION

LANDSCAPE PLAN

DRAWN BY LM
SHEET No.

14.10 CD10 – Comprehensive Development (955 Timmins Street)

14.10.1 PURPOSE

This **zone** provides for the comprehensive development of a mixed-use development site with commercial, recreational and residential uses for *Lot A District Lots 1, 2 and 4 Group 7 Similkameen Division Yale (Yale-Lytton) District Plan EPP124254*, located at 955 Timmins Street.

14.10.2 PERMITTED USES

The *permitted uses* in this **zone** are:

- .1 *accessory use, building or structure*
- .2 *apartment*
- .3 *artisan crafts*
- .4 *bakery*
- .5 *business support service*
- .6 *commercial school*
- .7 *day care centre, major*
- .8 *dwelling unit*
- .9 *health and fitness facilities*
- .10 *health service*
- .11 *indoor amusement, entertainment and recreation*
- .12 *liquor primary licensed premise*
- .13 *minor home occupation* (subject to specific use regulation 7.3)
- .14 *mobile vending unit*
- .15 *office*
- .16 *outdoor market*
- .17 *outdoor amusement, entertainment and recreation* (subject to Section 14.10.6.2)
- .18 *personal service establishment*
- .19 *recreation equipment sale, service and rentals*
- .20 *resort residential*
- .21 *restaurant*
- .22 *retail store*
- .23 *short term rental* (subject to the specific use regulations in 7.6)
- .24 *tourist accommodation*

14.10.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum *lot width*: 22 m²
- .2 Minimum *lot area*: 2700 m²
- .3 Maximum *lot coverage*: 65%
- .4 Maximum *density*: 0.7 FAR
- .5 Maximum *height*: 18 m
- .6 Minimum *front yard*: 4.5 m
- .7 Minimum *interior side yard*: 4.0 m
- .8 Minimum *rear yard*: 10 m

14.10.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 5.0 m² for each *dwelling unit*.
- .2 All *amenity space* may be provided above *approved grade*.

14.10.5 OTHER REGULATIONS**.1 LANDSCAPE BUFFER**

.1 Notwithstanding Chapter 5, the landscaping and buffering shall be as follows:

- .a 200 m² of landscaping must be provided in the parking areas
- .b 3.0 m in height landscape buffer and fencing must be provided for **outdoor amusement, entertainment and recreation** uses abutting residential, recreational, institutional or commercial zones.

.2 PERMITTED USES

- .1 **outdoor amusement, entertainment and recreation** hours of operation are restricted to 8:00am – 8:00pm.
- .2 **outdoor amusement, entertainment and recreation** must be located 40 m from a residential zoned property, except in cases where adequate sound mitigation is provided to minimize the negative impacts on nearby properties in which case the standard building setbacks shall apply.

14.10.6 PARKING REGULATIONS

- .1 Notwithstanding Table 6.6, the minimum number of **parking spaces** for **uses** shall be as follows:

Table 14.7 - Parking Requirements	
Use/Type	Parking Space Requirement
Residential	0.5 stalls per dwelling unit 0.06 visitor stalls per dwelling unit
Commercial	1 stall per 60 m ² of NFA
Accessible (subject to Table 6.2)	3 + 2% of total spaces over 100 spaces
Small Car (subject to Table 6.3)	35% of off-street parking spaces may be designed as small car parking spaces .

- .2 Notwithstanding Table 14.7, where a use is permitted in a zone, the use may, on a temporary basis, be carried on out-doors and may occupy required parking spaces between May to October.



October 4, 2024

Gabe Tamminga, Planner I
City of Penticton
171 Main Street
Penticton, BC
V2A 5A9

Sent via email: planning@penticton.ca

Dear Gabe Tamminga,

Re: Official Community Plan Amendment Application for 955 Timmins Street

We have reviewed, with a healthy community development perspective, the referral for 955 Timmins Street to amend the OCP designation from 'High-density Residential' to 'Mixed Use'. We understand there is also an application to rezone the property from RM3 (Medium-density Multiple Housing) to a Comprehensive Development zone that would permit a specific mix of 72-unit purpose-built rental studio-sized apartment units and unspecified commercial space, two ice rinks, and baseball and indoor and outdoor pickleball facilities. We note the property is on an underused industrial lot within city boundaries, serviced by community water and sewer infrastructure, and near several amenities, including the Penticton Community Centre, schools, parks, beaches and shopping. It is also close to the newly approved student housing development at Okanagan College and next to another proposed 200-unit housing development directly to the south. We have no objections to changing the property's land use designation to 'Mixed Use'.

However, redesignating the subject property from High-density to Mixed Use would reduce the amount of space available for significantly more needed residential housing. In exchange, the community would gain a relatively smaller amount of diverse micro-housing, more commercial space and recreation amenities. With this in mind, we think it is important that what is included in this re-development meets the identified needs of the community.

Healthy Housing:

Every community needs Healthy Housing, which is accomplished through prioritizing affordable housing through diverse housing forms and tenure types, ensuring adequate housing quality with minimal exposure to environmental hazards, and providing for specialized needs. We suggest the development could better support the housing needs of the City and residents of the development in the following ways:

Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tšilhqot'in Nations where we live, learn, collaborate and work together.

- Ensure the proposed housing form and rental tenure aligns with the needs identified in the [City of Penticton Housing Needs Assessment 2023](#);
- Maximize lower-cost rental units;
- Include accessible units and build with [Universal Design](#) principles to support people to live in their homes throughout their life (i.e., aging-in-place);
- Use the Happy Cities [Building Social Connections Toolkit](#) best practice design to build the built environment in a way that fosters social connections and strengthens sense of community;
- Ensure homes have cooling and ventilation systems that are able to maintain indoor temperatures of 25°C and less during peak heat and that keep impacts from wildfire smoke to a minimum.

Recreational Amenities:

According to the [City of Penticton Housing Needs Assessment 2023](#), older adults are a significant proportion of Penticton's population and will continue to be through 2045 when it is estimated that 38% of the population will be older than 65 years of age. It is very important for everyone, including older adults, to remain physically active throughout their lifespan. Another important community amenity are spaces that foster social interaction. The extreme heat and smoky skies of recent years often prevent routine physical activity outdoors for extended periods of time. To adapt to climate change and the anticipated older age demographic we suggest:

- Any recreational and community facilities included in the development align with the future findings of the [Sports and Recreation Needs Assessment](#). Ideally, facilities that are accessible and multi-purpose can be used by people of many different ages and abilities, and in all seasons;
- Including amenity spaces that include art and culture which foster social connection and sense of community belonging;
- Communal space(s) could be made available for use as a clean air and cooling space for the community during extreme heat, wildfire smoke, and other emergency events.

Outdoor Space:

Green spaces and tree canopy can mitigate impacts of the urban heat island effect through evaporative cooling and shading. We therefore encourage the design and layout of the development to include numerous shade trees and other greenery strategically placed to provide maximal shade to the residential units and the overall site.

A more intensive mixed-use development may result in increased noise annoyance for residents within and near the development. Pickleball has been found to create noise annoyances. We therefore suggest considering other recreational facilities for the outdoor space or reducing the number of outdoor pickleball courts and using mitigating strategies outlined in the [Pickleball Noise Assessment](#) by BC Recreation and

Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tšilhqot'in Nations where we live, learn, collaborate and work together.

Parks Association and Pickleball BC. Mitigation strategies, such as maximizing the setback distance between outdoor pickleball courts and nearby residents, installing noise barriers around pickleball courts, and installing earth-berms may, in part, reduce noise annoyance.

Enhancing Transportation Choices

While the site is located within a 15-minute walk to other amenities and services, we note that public and active transportation routes are somewhat limited in the area. With increasing density, we strongly encourage continued investment into readily accessible and safe active transportation infrastructure, including sidewalks, pathways and bicycle routes, along with enhanced (faster and more frequent) public transportation services, to reduce vehicle usage and provide people with healthier and more sustainable transportation choices.

Thank you for the opportunity to provide comments on this proposed OCP amendment and re-zoning application. Overall, we have no objections to the proposal. However, above, we have provided suggestions for how this development could best support the health and wellbeing in Penticton. We are committed to working collaboratively with the City of Penticton and community partners to create policies and environments that support good health. Please contact us if you have any questions at 250-462-3915 or hbe@interiorhealth.ca.

Sincerely,

	
Bobbi Klettke Community Health Facilitator Healthy Communities, Healthy Families	Anita Ely Specialist Environmental Health Officer Healthy Communities, Healthy Families

Resources:

BC Centre for Disease Control - Healthy Built Environment Linkages Toolkit webpage

<http://www.bccdc.ca/health-professionals/professional-resources/healthy-built-environment-linkages-toolkit>

City of Penticton Housing Needs Assessment 2023

[Housing Needs Assessment FINAL July 2023.pdf \(penticton.ca\)](#)

City of Penticton News Release website

[Engagement launches for Sports and Recreation Needs Assessment Survey | City of Penticton](#)

Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tšilhqot'in Nations where we live, learn, collaborate and work together.

Universal Design Network of Canada website

[Built Environment - Universal Design Network of Canada](#)

Happy Cities and Hey Neighbour Collective. Building Social Connections Toolbox of design actions to nurture wellbeing in multi-unit housing. 2024. [Building+social+connections+toolkit-pages-073124-compressed.pdf \(squarespace.com\)](#)

BC Recreation and Parks Association and Pickleball BC. Pickleball Noise Assessment. 2023. [bap-acoustics-pickleball-bc-noise-guidelines-final.pdf \(bcrpa.bc.ca\)](#)

Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Dākelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tšilhqot'in Nations where we live, learn, collaborate and work together.

Bylaw No. 2024-36



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2024-36

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2024-37

A Bylaw to Amend Zoning Bylaw 2024-22

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. 2024-22;

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. 2024-37”.

2. **Amendment:**

Zoning Bylaw No. 2024-22 is hereby amended as follows:

- 2.1 Update the Table of Contents and add the following to Chapter 14 – Comprehensive Development:

.10 CD10 – Comprehensive Development (955 Timmins Street)

14.10.1 PURPOSE

This **zone** provides for the comprehensive development of a mixed-use development site with commercial, recreational and residential uses for *Lot A District Lots 1, 2 and 4 Group 7 Similkameen Division Yale (Yale-Lytton) District Plan EPP124254*, located at 955 Timmins Street.

14.10.2 PERMITTED USES

The *permitted uses* in this **zone** are:

- .1 *accessory use, building or structure*
- .2 *apartment*
- .3 *artisan crafts*
- .4 *bakery*
- .5 *business support service*
- .6 *commercial school*
- .7 *day care centre, major*
- .8 *dwelling unit*
- .9 *health and fitness facilities*
- .10 *health service*
- .11 *indoor amusement, entertainment and recreation*
- .12 *liquor primary licensed premise*
- .13 *minor home occupation* (subject to specific use regulation 7.3)
- .14 *mobile vending unit*

- .15 *office*
- .16 *outdoor market*
- .17 *outdoor amusement, entertainment and recreation* (subject to Section 14.10.6.2)
- .18 *personal service establishment*
- .19 *recreation equipment sale, service and rentals*
- .20 *resort residential*
- .21 *restaurant*
- .22 *retail store*
- .23 *short term rental* (subject to the specific use regulations in 7.6)
- .24 *tourist accommodation*

14.10.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum *lot width*: 22 m²
- .2 Minimum *lot area*: 2700 m²
- .3 Maximum *lot coverage*: 65%
- .4 Maximum *density*: 0.7 FAR
- .5 Maximum *height*: 18 m
- .6 Minimum *front yard*: 4.5 m
- .7 Minimum *interior side yard*: 4.0 m
- .8 Minimum *rear yard*: 10 m

14.10.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 5.0 m² for each *dwelling unit*.
- .2 All *amenity space* may be provided above *approved grade*.

14.10.5 OTHER REGULATIONS

.1 LANDSCAPE BUFFER

.1 Notwithstanding Chapter 5, the landscaping and buffering shall be as follows:

- .a 200 m² of landscaping must be provided in the parking areas
- .b 3.0 m in height landscape buffer and fencing must be provided for *outdoor amusement, entertainment and recreation* uses abutting residential, recreational, institutional or commercial zones.

.2 PERMITTED USES

- .1 *outdoor amusement, entertainment and recreation* hours of operation are restricted to 8:00am – 8:00pm.
- .2 *outdoor amusement, entertainment and recreation* must be located 40 m from a residential zoned property, except in cases where adequate sound mitigation is provided to minimize the negative impacts on nearby properties in which case the standard building setbacks shall apply.

14.10.6 PARKING REGULATIONS

- .1 Notwithstanding Table 6.6, the minimum number of *parking spaces* for *uses* shall be as follows:

Table 14.7 - Parking Requirements	
Use/Type	Parking Space Requirement
Residential	0.5 stalls per <i>dwelling unit</i> 0.06 visitor stalls per <i>dwelling unit</i>
Commercial	1 stall per 60 m ² of <i>NFA</i>
Accessible (subject to Table 6.2)	3 + 2% of total spaces over 100 spaces
Small Car (subject to Table 6.3)	35% of <i>off-street parking spaces</i> may be designed as small car <i>parking spaces</i> .

- .2 Notwithstanding Table 14.7, where a use is permitted in a zone, the use may, on a temporary basis, be carried on out-doors and may occupy required parking spaces between May to October.

- 2.2 Rezone Lot A, District Lots 1, 2 and 4, Group 7, Similkameen Division Yale (Yale-Lytton), District, Plan EPP124254, located at 955 Timmins Street, from RM3 (Medium Density Multiple Housing) to CD10 (Comprehensive Development Zone 10).

- 2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2024
A PUBLIC HEARING was held this	day of	, 2024
READ A SECOND time this	day of	, 2024
READ A THIRD time this	day of	, 2024
RECEIVED the approval of the	day of	, 2024
Ministry of Transportation on the		
ADOPTED this	day of	, 2024

Notice of intention to proceed with this bylaw was published on the ___ day of ___, 2024 and the ___ day of ___, 2024 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 _____, 2024

for Minister of Transportation & Infrastructure

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-37

Date: _____

Corporate Officer: _____