

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

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

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-14”** 1-11
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2017-14”
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- 1) Amend the definition of Vacation Rental, 2) Amend section 7.6.1 Vacation Rentals Ownership and 3) Amend section 7.6.3 Operation of Vacation Rental.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 24, 2017 and Wednesday, March 29, 2017 (pursuant to the *Local Government Act*).
- CO Correspondence received regarding the Zoning Bylaw attached (as of noon Wednesday, March 29, 2017)
- Mayor Requests the Director of Development Services describe the proposed bylaw
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2017-14” is terminated and no new information can be received on this matter.

2. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-19”** 12-28
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2017-19” (769/777 Ontario Street)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- 1) Rezone Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street; and Rezone Lot 2, District Lot 249 Similkameen Division Yale District, Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane). 2) Add Section 10.6.4.5: “In the case of Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street and Lot 2, District Lot 249, Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street.”
- The applicant has applied for the above zoning amendments to facilitate the subdivision of each lot into two lots (for a total of four lots) with the intent of constructing two dwelling units on each lot.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 24, 2017 and Wednesday, March 29, 2017 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, March 29, 2017)
- Mayor Requests the Director of Development Services describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information
- PUBLIC HEARING for “Zoning Amendment Bylaw No. 2017-19” is terminated and no new information can be received on this matter.

3. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-20”** 29-53

CO Reads Opening Statement and Introduction of Bylaws

“Zoning Amendment Bylaw No. 2017-20” (865 Railway Street & 708 Revelstoke Ave)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

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

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

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 24, 2017 and Wednesday, March 29, 2017 (pursuant to the *Local Government Act*).

CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, March 29, 2017)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2017-20” is terminated and no new information can be received on this matter.

4. Mayor Calls Public Hearing to Order for **"Zoning Amendment Bylaw No. 2017-21"** 54-74

CO Reads Opening Statement and Introduction of Bylaws

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

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

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

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

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 24, 2017 and Wednesday, March 29, 2017 (pursuant to the *Local Government Act*).

CO Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, March 29, 2017)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for "Zoning Amendment Bylaw No. 2017-21" is terminated and no new information can be received on this matter.

5. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-22”** 75-84
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2017-22” (230 Brunswick Street)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- Add Section 11.6.4.2: “In the case of Lot 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 871, located at 230 Brunswick Street, indoor millwork shall be permitted.”
- The applicant is proposing to operate a custom woodworking shop.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 24, 2017 and Wednesday, March 29, 2017 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, March 29, 2017)
- Mayor Requests the Director of Development Services describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information
- PUBLIC HEARING for “Zoning Amendment Bylaw No. 2017-22” is terminated and no new information can be received on this matter.

6. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2017-23”** 85-94
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2017-23” (453 Winnipeg Street & 232 Wade Avenue W)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- Add 10.9.5 Site Specific Provisions: .1 In the case of Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan KAP77551, located at 453 Winnipeg Street, the use ‘office’ shall be permitted and .2 In the case of Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, the use ‘parking’ shall be permitted.
- BC Housing is proposing to renovate the Leisure Centre (453 Winnipeg St) and move their regional office to this location. They are also proposing to relocate the community garden at 232 Wade Ave W to another location on the campus and convert the lot to parking for their staff and residents of the Tower Apartments.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 24, 2017 and Wednesday, March 29, 2017 (pursuant to the *Local Government Act*).
- CO No Correspondence received regarding the Zoning Amendment (as of noon Wednesday, March 29, 2017)
- Mayor Requests the Director of Development Services describe the proposed amendments
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information
- PUBLIC HEARING for “Zoning Amendment Bylaw No. 2017-23” is terminated and no new information can be received on this matter.

7. Mayor Calls Public Hearing to Order for **“Official Community Plan Amendment Bylaw No. 2017-24”** 95-118

CO Reads Opening Statement and Introduction of Bylaws

“Official Community Plan Amendment Bylaw No. 2017-24” (135 Front Street)

Purpose: To amend OCP Bylaw 2002-20 as follows:

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

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

Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, March 24, 2017 and Wednesday, March 29, 2017 (pursuant to the *Local Government Act*).

CO Correspondence received regarding the Zoning Amendment attached (as of noon Wednesday, March 29, 2017)

Mayor Requests the Director of Development Services describe the proposed amendments

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invites those in attendance to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and those in attendance may provide new additional information

PUBLIC HEARING for “Official Community Plan Amendment Bylaw No. 2017-24” is terminated and no new information can be received on this matter.

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

**Tuesday, March 21, 2017**  
**at 1:00 p.m.**

## **Resolutions**

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7.8     Short Term Rental Program

197/2017

**It was MOVED and SECONDED**

That Council change the definition of Home Stay Rental to less than 30 days.

**DEFEATED**

**Mayor Jakubeit, Councillors Sayeed, Watt, Sentes, Martin, Opposed**

198/2017

**It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-14" and forward to the April 4, 2017 Public Hearing;

THAT Council give first, second as amended and third reading to "Business Licence Amendment Bylaw No. 2017-15" and provide an opportunity for persons who consider they are affected by the bylaw to make representation to Council at the April 4, 2017 meeting;

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-16";

THAT Council give first, second and third reading to "Bylaw Enforcement Amendment Bylaw No. 2017-17";

AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-18".

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** March 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Anthony Haddad, Director, Development Services

File No: 4300-01

**Subject: Short Term Rental Program**

## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-14" and forward to the April 4, 2017 Public Hearing;

THAT Council give first, second and third reading to "Business Licence Amendment Bylaw No. 2017-15" and provide an opportunity for persons who consider they are affected by the bylaw to make representation to Council at the April 4, 2017 meeting;

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-16";

THAT Council give first, second and third reading to "Bylaw Enforcement Amendment Bylaw No. 2017-17";

AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-18".

## Strategic priority objective

Effective management of vacation rental businesses ensures that Penticton is a livable, thriving, safe and sustainable city.

Vacation rentals contribute to the local economy in a variety of ways, allowing local residents and homeowners the ability to increase their yearly income and to provide accommodation to the visiting public.

## Background

On February 7, 2017, Council endorsed a staff report proposing amendments to various municipal bylaws in an effort to better regulate the short term rental industry in Penticton.

Council supported the proposed amendments as outlined below (Resolution 40/2017):

### **It was MOVED and SECONDED**

THAT Council support the proposed amendments to the Zoning, Business Licence, Fees and Charges, and Enforcement Bylaws in regard to the regulations and licensing of vacation rentals in Penticton as outlined in the Short Term Rental Program report dated February 7, 2017;

AND THAT Council direct staff to bring back bylaw amendments in support of the proposed regulatory changes for the March 7, 2017 regular meeting of Council;

AND THAT Council direct staff to begin efforts to bring greater compliance to the vacation rental industry.

### **CARRIED UNANIMOUSLY**

Council were supportive of the proposed amendments with one change being requested around increasing the maximum occupancy of a vacation rental from 5 to a total of 6, to better reflect the requirement around having a maximum of 2 persons per bedroom. Staff have included this request in the proposed amendments.

### **Proposal**

The proposed amendments to support the direction of Council, from February 7, 2017, are provided in Attachments A-E. As part of the implementation of the Short Term Rental changes, staff proposes to engage in an education campaign via newspaper, website and social media to promote the revamped Vacation Rental Program including a neighbour complaint program.

Discussion at Council also involved ensuring that staff were prepared to implement that changes and ensure that the process to gain compliance in the community was simple for those wishing to comply. Staff will be preparing the appropriate information for the community and will present to Council as part of the April 4<sup>th</sup> Council meeting.

### **Analysis**

Staff believe that the proposed recommendations will help meet the needs of visitors to Penticton and provide opportunities for hosts in the following ways:

- by diversifying the accommodation offerings in the community;
- ensuring the safety and improving the visitor experience of those options;
- allowing Penticton residents to run small businesses;
- creating a more level playing field for traditional Bed & Breakfast and Hotel operators.

The proposed changes were reviewed in conjunction with the Economic Development, Planning, and Bylaw Services departments, and through support of resourcing to assist with administration of the proposed changes, staff are confident that this proposal will move towards successful implementation.

Staff are also investigating other technologies and services provides such as 'Host Compliance' that can provide additional services and resources for dealing with this issue and if deemed appropriate will bring back for Council review and consideration as we move forward.

### **Alternate recommendations**

1. THAT Council direct staff to make no amendments to the current bylaws, fees or charges.

2. That Council direct staff to make recommendations with different regulations for vacation rentals that Council feels are appropriate.

**Attachments**

Attachment A – Zoning Bylaw Amendments

Attachment B – Business Licence Bylaw Amendments

Attachment C – Fees & Charges Bylaw Amendments

Attachment D – Enforcement Bylaw Amendments

- Attachment E -
- Zoning Amendment Bylaw No. 2017-14
  - Business Licence Amendment Bylaw No. 2017-15
  - Fees and Charges Amendment Bylaw No. 2017-16
  - Bylaw Notice Enforcement Amendment Bylaw No. 2017-17
  - Municipal Ticket Information Amendment Bylaw No. 2017-18

Respectfully submitted,

Anthony Haddad  
Director, Development Services

Approvals

Director  <i>AH</i>	CAO  PW
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Attachment A  
Zoning Bylaw Amendments

Changes to Zoning Bylaw 2017-08:

- a. Amend Section 3.2, amending the definition of 'vacation rental':

**From:**

Vacation Rental means the rental of a dwelling unit to tourists or the vacationing public for a period of one month or less

**To:**

Vacation Rental means the rental of a dwelling unit to the vacationing public for a period of one month or less. Rentals of a dwelling unit for less than 14 days in a calendar year are not considered vacation rentals.

- b. Amend Section 7.6.1 ownership

**From:**

.2 A residential dwelling unit subject to this section of the Bylaw shall only be rented out by an owner of the property in question. A tenant may not sublet a property under this section.

.3 If the registered owner of the subject dwelling ceases to be the owner, the use may not be continued by a subsequent owner without a reapplication for a new license under the Business License Bylaw

**To:**

.2 A residential dwelling unit subject to this section of the Bylaw shall only be rented out by the owner of the property in question, or by a tenant with the owner's permission

.3 Remove

- c. Amend Section 7.6.3.2:

**From:**

A maximum of two (2) persons per bedroom, or a group of not more than five (5) persons is permitted per vacation rental property, whichever is less

**To:**

A maximum of two 2 persons per bedroom is permitted per vacation rental dwelling unit.

## Attachment B

### Business Licence Bylaw Amendments

Changes to Business Licence Bylaw 2012-5020:

- a. To reclassify short term rental licensing classifications based on possible impact to adjacent neighbours and the community at large:

#### **Section 1.0 Definitions**

Add the following definition terms;

**Home Stay Rental** – meaning a short term rental of less than 14 days within a year or where there is no financial transaction such as a home exchange. No licensing registration would be required; however the maximum number of rental guests would be restricted to 6 overnight occupants.

**Vacation Rental (Minor)**– meaning a vacation rental operation of less than 30 rental days within a year and the owner is a principal resident during guest use. Maximum rental accommodation would be 2 persons per bedroom with a maximum of 6 guests. This would involve the rental of room(s), legal secondary suite or carriage home.

**Vacation Rental (Major)** – meaning a vacation rental operation of more than 30 rental days within a year or with a non-resident owner during guest use. Maximum rental accommodation would be 2 persons per bedroom with a maximum of 6 guests. This would involve the rental of any dwelling unit or single family dwelling.

**Vacation Rental (Major High Occupant)** – meaning a major vacation rental use with more than 5 guests for a minor or major vacation rental. This would require additional staff review time and public consultation with the adjacent neighbouring properties.

#### **14.0 Regulations**

Create new sub-section for Vacation Rental requirements:

##### 14.2 Vacation Rentals

14.2.1 Except for multi-family buildings, only one Vacation Rental operation is permissible per Real property.

14.2.2 Minor and Major vacation rentals require the following:

- a. Posting of contact numbers and maximum overnight occupant load in a visible location inside the rental;
- b. Contact numbers for responsible party to be listed on the City of Penticton Business Directory;
- c. Require all advertising to include the City of Penticton Business Licence number;
- d. Require notification to all adjacent residents of the vacation rental business for high occupant vacation rental (City to do neighbourhood notification); and,
- e. Require a “responsible host” review to consider renewals based on repeated Bylaw infractions or nuisance enforcement files.

Attachment C  
Fees & Charges Bylaw Amendments

2. Fees and Charges Bylaw No. 2014-07 – Appendix 5

a. Reclassify the Annual Business Licensing fee.

Category	Fee	Comments
Vacation Rental & Bed and Breakfast	Base Fee plus Tourism Fee	
Bed and Breakfast	\$175	Annual Fee (renewal – could include audit safety inspection).
Vacation Rental Application Fee (*waived until May 31, 2017)	\$75	First year fee for set up administration and site safety inspections per unit. (Home Stay exempt)
Vacation Rental (Home Stay)	NA	
Vacation Rental (Minor)	\$100	Annual Fee (renewal – could include audit safety inspection) per unit
Vacation Rental (Major)	\$150	Annual Fee (renewal – could include audit safety inspection) per unit
Vacation Rental (Major with high occupant)	\$250 + \$250	Annual Fee (renewal – could include audit safety inspection) per unit plus First year public notification fee.

b. Adjust the existing Tourism Fee to ensure the vacation rental owners contribute to the marketing of the area. The tourism fee would be variable:

Category	Fee	
Bed and Breakfast	\$200	Annual tourism fee
Vacation Rental (Home Stay)	NA	
Vacation Rental (Minor)	\$100	Annual tourism fee per unit
Vacation Rental (Major)	\$200	Annual tourism fee per unit
Vacation Rental (Major with high occupant)	\$300	Annual tourism fee per unit

Attachment D  
Bylaw Notice of Enforcement Bylaw & MTI Bylaw Amendments

Bylaw Notice Enforcement Bylaw No.2012-5037

Add new fine to Appendix 4

<b>Description of Offence</b>	<b>Bylaw Section</b>	<b>Column A1 Fine</b>	<b>Column A2 Early Payment Penalty</b>	<b>Column A3 Late Payment Penalty</b>	<b>Column A4 Compliance Agreement Available</b>
operating or advertising a vacation rental without a license	5.2	\$250.00	\$225.00	\$275.00	Yes

Municipal Ticketing Information Bylaw No. 2012-5021:

Schedule A for Bylaw 5021

Delete and Replace item 4 from:

Business Licence Bylaw No. 2010-90

To

Business Licence Bylaw No. 2012-5020

Schedule B4 to Bylaw 5021

Delete and replace Bylaw reference from:

BUSINESS LICENCE BYLAW NO. 2010-90

TO

BUSINESS LICENCE BYLAW NO. 2012-5020

Schedule B7 to Bylaw 5021

Increase fine from \$100.00 to \$500.00

ZONING BYLAW 2011-23	SECTION	FINE
10. Operating a Vacation Rental on Residential Property contrary to the Zoning Bylaw.	8.9	\$500.00

Bylaw No. 2017-14

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-14".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

2.1 Amend section 3.2 Definitions and replace with the following:

**VACATION RENTAL** means the rental of a dwelling unit to the vacationing public for a period of one month or less. Rentals of a dwelling unit for less than 14 days in a calendar year are not considered vacation rentals.

2.2 Amend section 7.6.1 Vacation Rentals Ownership and replace with the following:

.2 A residential dwelling unit subject to this section of the Bylaw shall only be rented out by the owner of the property in question, or by a tenant with the owner's permission.

.3 Delete in its entirety.

2.3 Amend section 7.6.3 Operation of Vacation Rental and replace with the following:

.2 A maximum of two (2) persons per bedroom is permitted per vacation rental dwelling unit.

READ A FIRST time this	21	day of	March, 2017
A PUBLIC HEARING was held this	4	day of	April, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the \_\_ day of \_\_\_\_, 2017 and the \_\_ day of \_\_\_\_, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
for Minister of Transportation & Infrastructure

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

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**From:** Albert Martens [  
**Sent:** March 20, 2017 9:29 AM  
**To:** Andrew Jakubeit <[andrew.jakubeit@penticton.ca](mailto:andrew.jakubeit@penticton.ca)>; Judy Sentes <[judy.sentes@penticton.ca](mailto:judy.sentes@penticton.ca)>; Tarik Sayeed <[Tarik.Sayeed@penticton.ca](mailto:Tarik.Sayeed@penticton.ca)>; Max Picton <[Max.Picton@penticton.ca](mailto:Max.Picton@penticton.ca)>; Campbell Watt <[Campbell.Watt@penticton.ca](mailto:Campbell.Watt@penticton.ca)>; Andre Martin <[Andre.Martin@penticton.ca](mailto:Andre.Martin@penticton.ca)>; Helena Konanz <[Helena.Konanz@penticton.ca](mailto:Helena.Konanz@penticton.ca)>  
**Subject:** Vacation Rental Changes

Mayor Jakubeit and Member of Council,

I would like to applaud a number of your rule changes relating to vacation rentals.

However, I have a number of concerns:

1) I feel raising the maximum number of renters per unit to six will only increase the chances of noise violations. The key to controlling the amount of nighttime noise is to tightly control the number of adults in a rental unit.

I would like each of you to consider how you would feel if you had regular groups of 6 vacationing adults next door to your own home whether it be 6 males, 6 females, 3 couples or a combination of singles and couples. That sounds like a recipe for a party. I feel that the maximum number of adults permitted should be reduced to 4 at the most. However, flexibility in the total number of people in a rental unit to accommodate larger families seems appropriate.

2) A second concern I have is not controlling the hours during which outdoor facilities such as hot tubs, fireplaces, swimming pools and overhead heaters can be used.

My wife and I have rented through VRBO, Homeaway and Airbnb dozens of times over the last decade and every place has had tight restrictions on the hours such facilities can be used. No place we have rented has allowed the use of these amenities after 10 PM.

3) In my previous submission to you, I mentioned the need for evening enforcement of rules because that's when the most problems occur. I haven't seen any reference to this in the new rules. I suggested in my previous letter that a condition of receiving a license should be agreeing to allow inspections for unit safety and numbers.

Please consider these suggestions before tomorrow's meeting.

Al Martens

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

**Tuesday, March 21, 2017**  
**at 1:00 p.m.**

## **Resolutions**

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12.5    Zoning Amendment Bylaw No. 2017-19  
Re: 769/777 Ontario Street

211/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-19," a bylaw to Rezone Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and to Rezone Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), and to add Section 10.6.4.5: "In the case of Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street," be given first reading and forwarded to the April 4, 2017 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** March 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner 1  
**Address:** 769/777 Ontario Street  
**Subject:** **Zoning Amendment Bylaw No. 2017-19**

File No: RZ PL2017-7848

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## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-19," a bylaw to Rezone Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and to Rezone Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), and to add Section 10.6.4.5: "In the case of Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street," be given first reading and forwarded to the April 4, 2017 Public Hearing.

### **Strategic priority objective**

Livable: by creating a great place to live with appropriate housing for all.

### **Background**

The subject properties (Attachment 'A') are zoned R2 (Small Lot Residential) and are designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. Each of the subject properties are approximately 900m<sup>2</sup> (9700ft<sup>2</sup>) in area. A Single Family Dwelling occupies each lot, which will be demolished. The surrounding properties are primarily zoned RD1 (Duplex Housing), RM2 (Multiple Family Low Density), R2 (Small Lot Residential) and P2 (Parks and Recreation). Surrounding properties are designated by the OCP as MR (Medium Density Residential) and PR (Parks and Recreation).

The property is located within the General Multiple Family Development Permit area. A development permit application will follow the rezoning application.

### **Proposal**

The applicant is requesting that the subject properties (769 & 777 Ontario Street) be rezoned from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

The rezoning will facilitate the subdivision of each lot into two lots for a total of four. More specifically, the applicant is proposing to construct two single family dwellings on each of the two lots that will be created from the subdivision of 769 Ontario Street. Each unit will have a garage and living area on the main floor and three bedrooms on the second floor. Since two single family dwellings are not a permitted use in the current R2 zone, a rezoning to RD2 (Duplex Housing: Lane) with a site specific provision allowing for two dwelling units with vehicular access from the street is required. At this time, the applicant is unsure of the exact design for 777 Ontario Street, but still wishes to proceed with the rezoning to RD2 (Duplex Housing: Lane) and subdivision into two lots.

Additionally, the proposed amendment will add: Section 10.6.4.5: "In the case of Lot 23 District Lot 249 Similkameen Division Yale District Plan 3578, located at 769 Ontario Street and Lot 2 District Lot 249 Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street."

### **Financial implication**

NA

### **Technical Review**

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Electrical requirements, water and sewer connections, building requirements and street frontage improvements were discussed and will be addressed at the building permit stage. If the request for the zoning amendment permit is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Previous applications in this area raised concerns over the increased traffic in the lane. This particular development will have vehicles access from both the street and the lane. The proposed single family homes with vehicle access from the lane will have single car garages with driveway space for 2 additional vehicles. Although this development may increase traffic on the lane, staff suggest that speed limit and no parking signs be placed in the lane to help to decrease the problems.

Ontario Street is currently classified as an Urban Local Residential road, detail S-R2 in the Subdivision and Development Bylaw 2004-81. The standard detail indicates a 16m right of way with dedicated sidewalk on one side of the roadway. Contributions have been collected from three previous developments along Ontario Street as part an initiative to add sidewalk to one side of the road so that in the future Ontario Street will conform to its intended road classification. Prior to issuance of a building permit, the applicant is required to submit a bond for frontage improvements for both 769 and 777 Ontario Street.

### **Development Statistics**

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

Item	Requirement of RD2 Zone	769 Ontario St. LOT B	769 Ontario St. LOT A
<b>Maximum Lot Coverage:</b>	40%	39%	39%
<b>Maximum Density:</b>	0.95 FAR	0.69 FAR	0.69 FAR
<b>Vehicle Parking:</b>	1 per unit	1 per unit	1 per unit
<b>Required Setbacks</b>			
Front yard (East):	4.5m	4.5m	4.5m
Rear yard (West):	6.0m	6.0m	6.0m
Interior yard (North):	1.5m	1.52m	1.54m
Interior yard (South):	1.5m	1.54m	1.52m
<b>Maximum Building Height:</b>	10.5m	6.78m	6.78m
<b>Other Information:</b>	Subject property is located within the General Multiple Family Development Permit Area.		

## Analysis

### Zoning Amendment

#### Support "Zoning Amendment Bylaw No. 2017-19"

The site is situated in an area experiencing significant densification. The OCP designation for this site is Medium Density Residential (MR), which supports the proposed development. Staff consider that the zoning amendment to allow for two dwelling units represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the lake, downtown and nearby services encourages more walking and active forms of transportation.
- Constructing two separate single family homes instead of a duplex on each property creates additional private yard space in between the buildings, sheltered from the street and lane.

Staff consider that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-19" and forward the application to the April 4<sup>th</sup>, 2017 Public Hearing for comments from the public.

#### Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

**Alternate Recommendations**

- 1. THAT Council denies first reading to "Zoning Amendment Bylaw No. 2017-19"
- 2. THAT Council refers the application "RZ PL2017-7848" back to staff with instructions that Council feels are warranted.

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan (769 Ontario Street)
- Attachment F: Elevations
- Attachment G: Landscape Plan
- Attachment H: Letter of Intent
- Attachment I: "Zoning Amendment Bylaw No. 2017-19"

Respectfully submitted,

Randy Houle  
Planner 1

Approvals

DDS  <i>AH</i>	CAO  PW
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Attachment 'A' – Subject Property Location Map

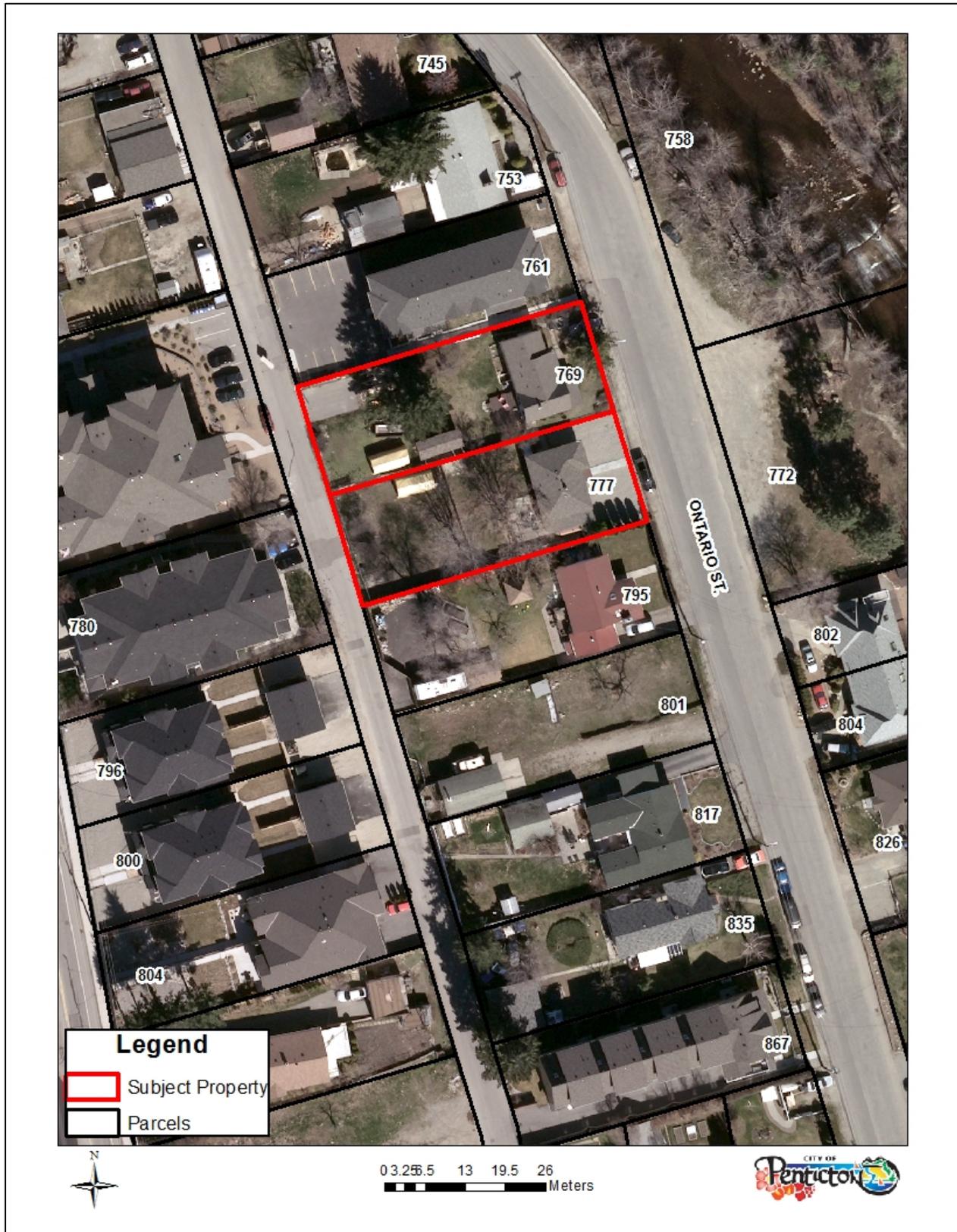


Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map



Figure 2: Zoning Map

Attachment 'C' - OCP Map

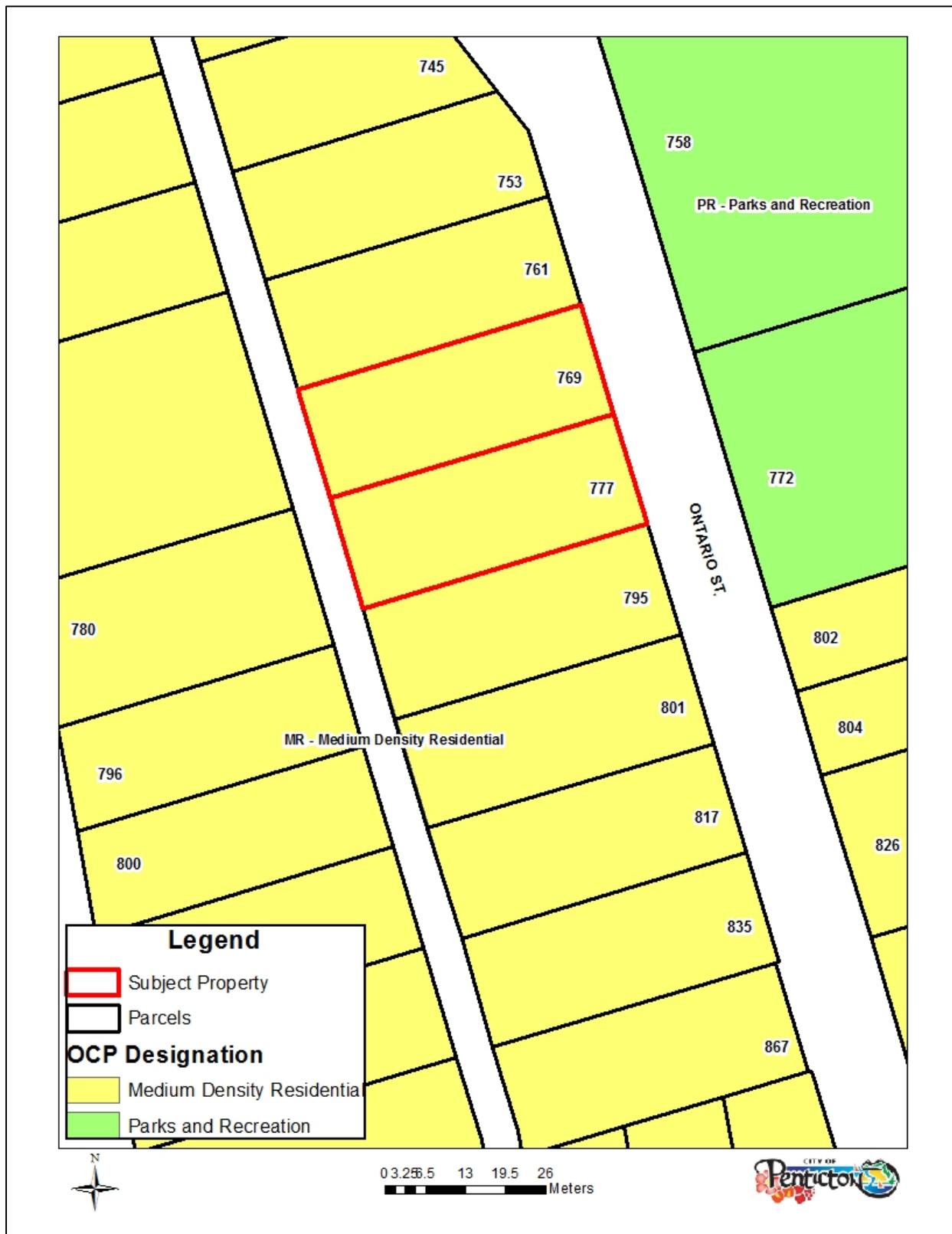


Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: East View of 769 Ontario Street



Figure 5: West View of 769 Ontario Street (from Lane)



Figure 6: East View of 777 Ontario Street



Figure 7: West View of 777 Ontario Street (from Lane)

Attachment 'E' - Site Plan (769 Ontario Street)

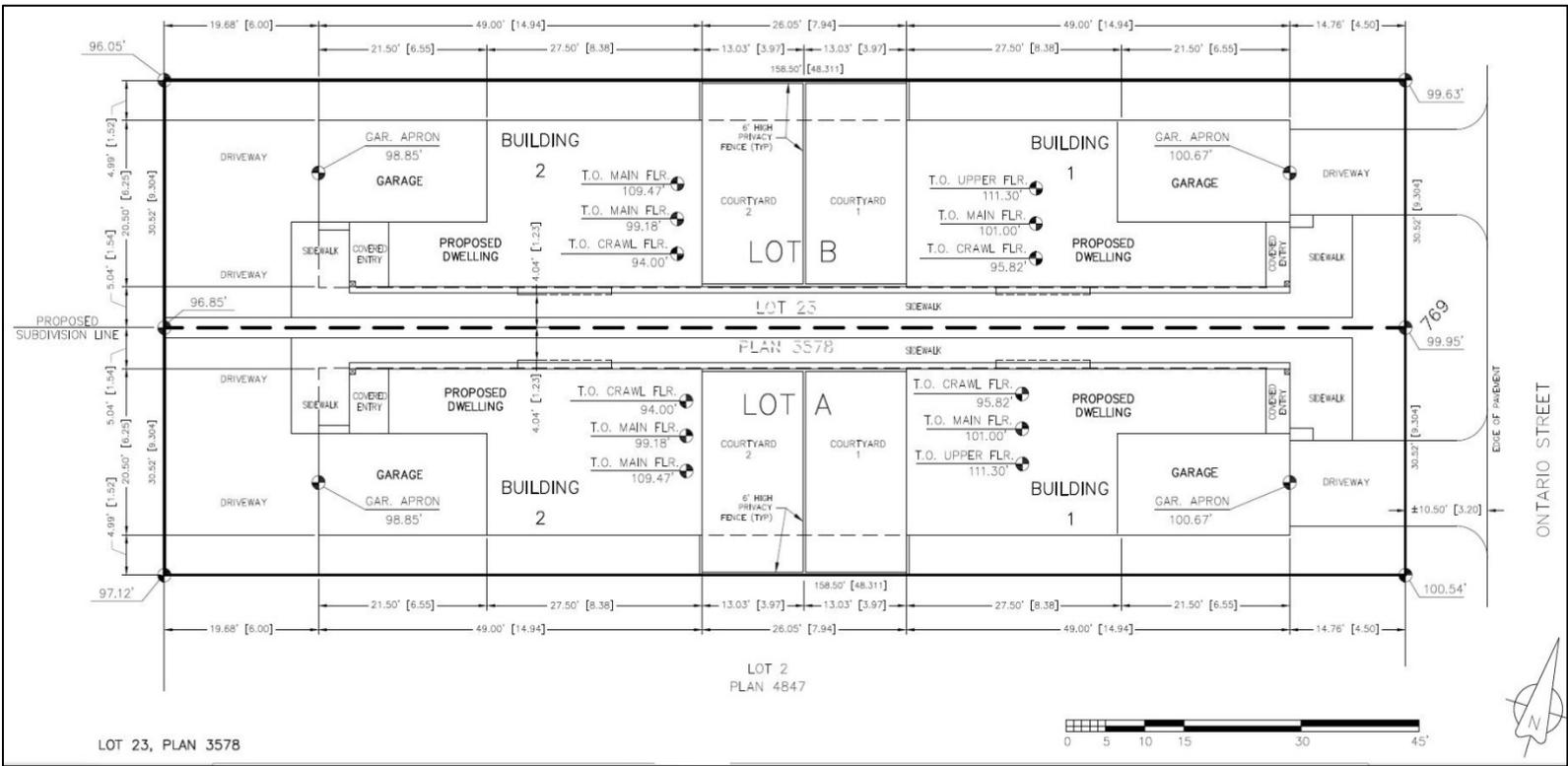


Figure 8: Site Plan

Attachment 'F' - Elevations

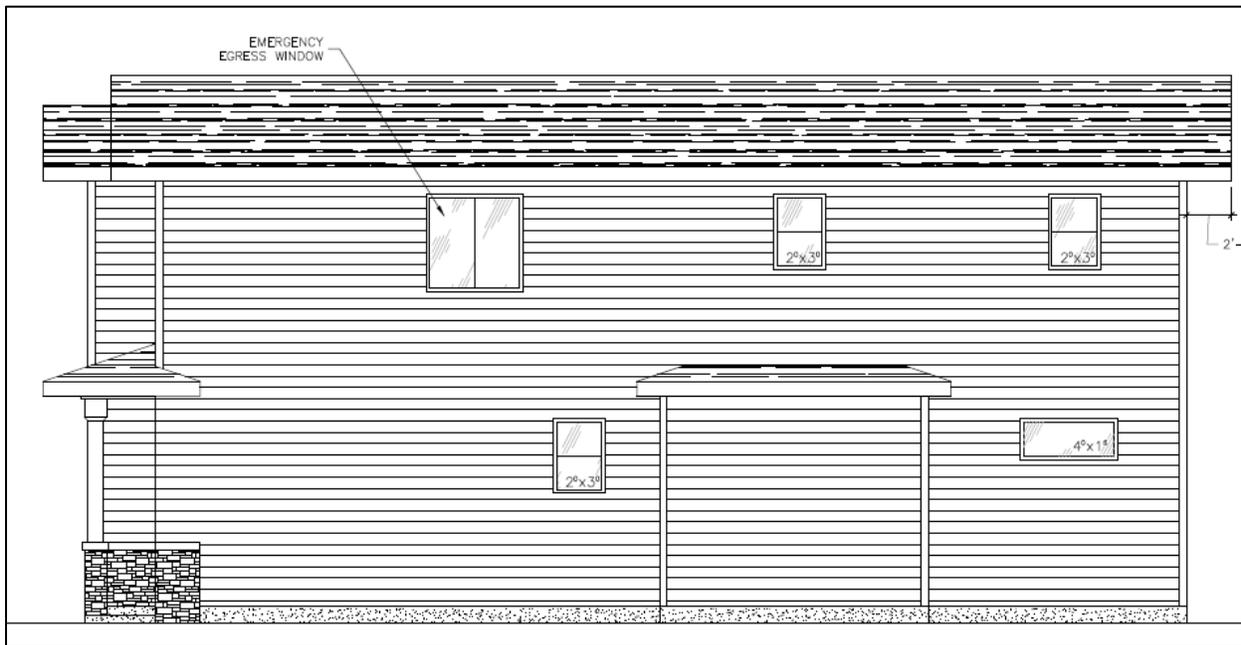


Figure 9: Side Elevation

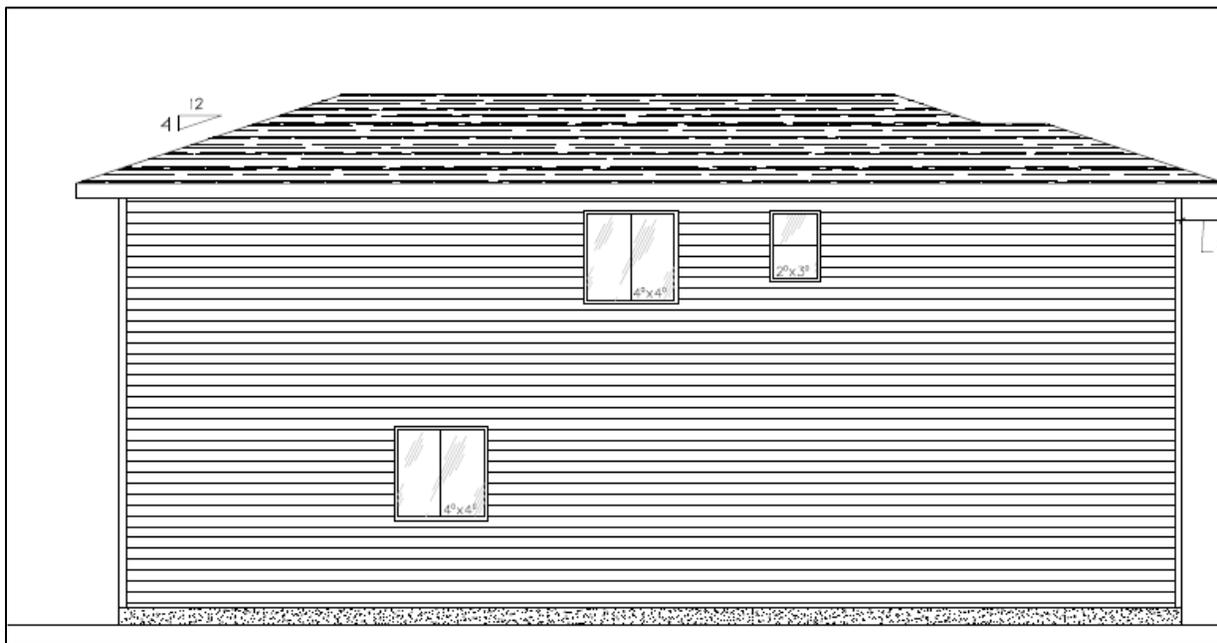


Figure 10: Side Elevation

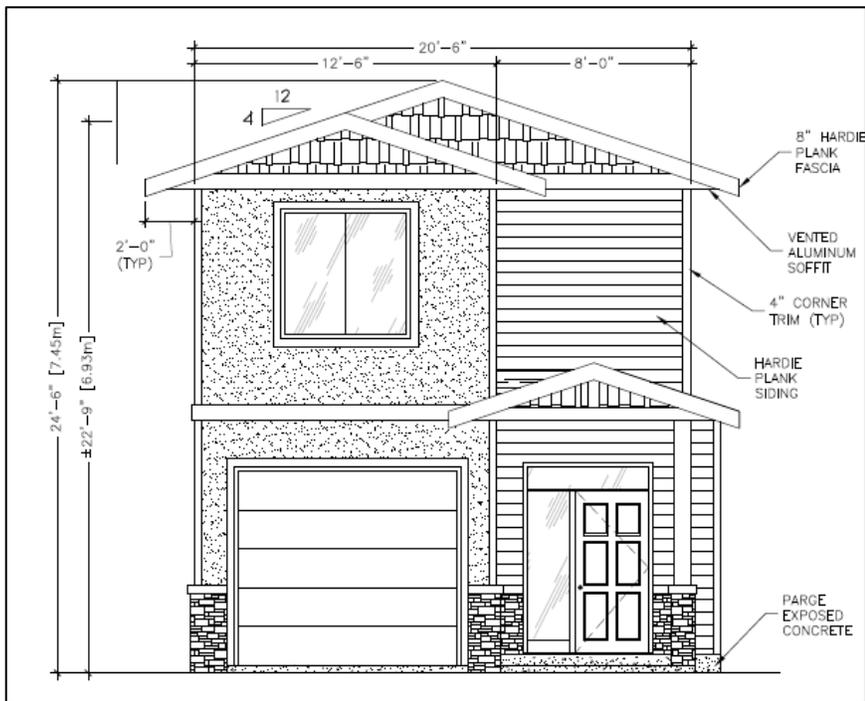


Figure 11: End Elevation

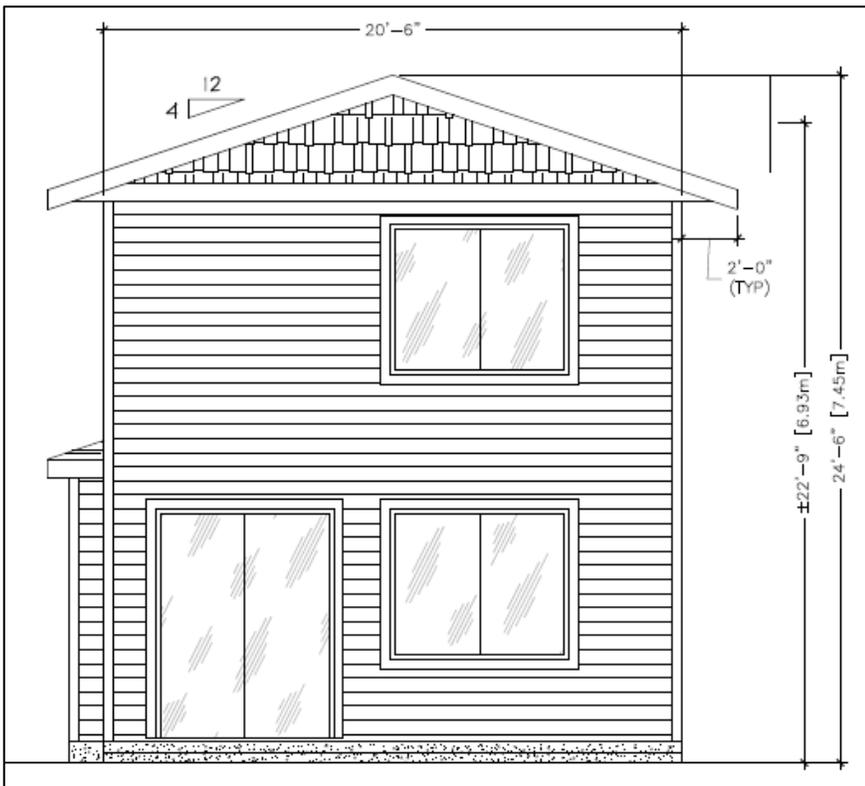


Figure 12: End Elevation

### Attachment 'G' – Landscape Plan

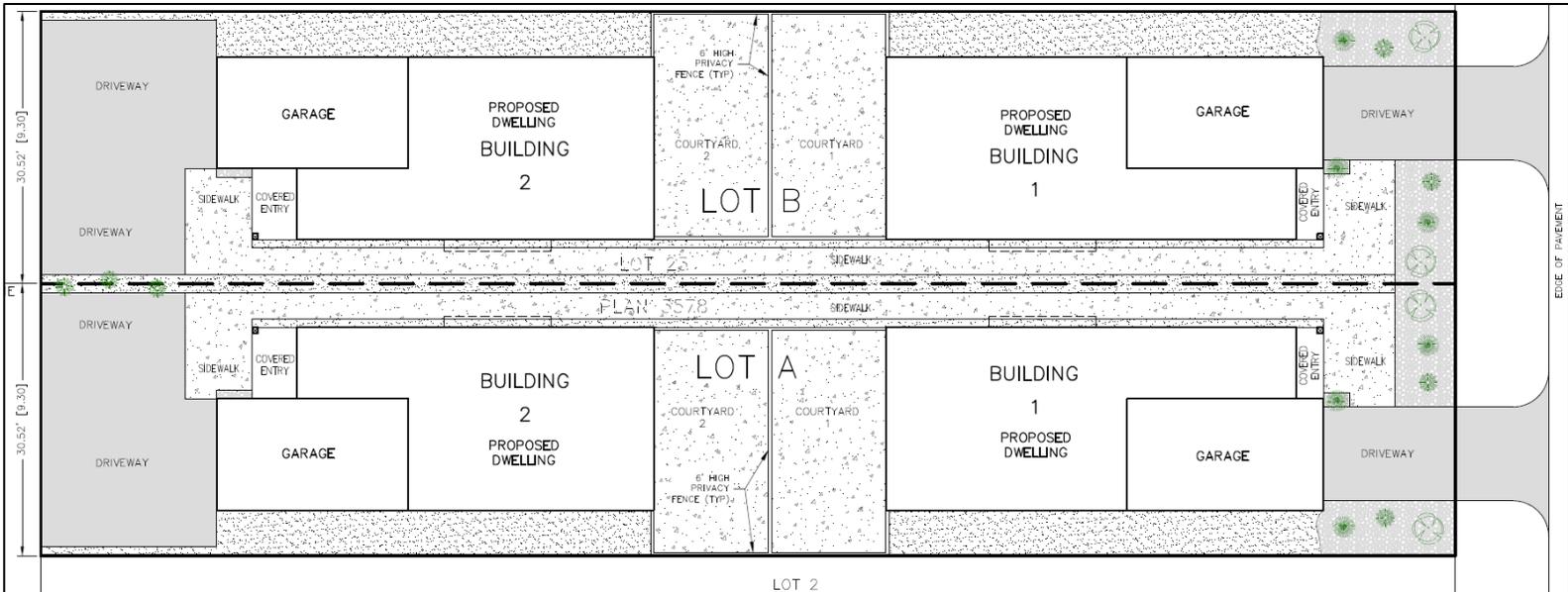


Figure 13: Landscape Plan

Attachment 'H'- Letter of Intent



**Brentview Estates Ltd.  
Brentview Developments Ltd.  
Suite 232, 113-437 Martin Street  
Penticton, BC V2A 5L1  
Email: rod@brentview.ca  
Website: www.brentview.ca  
Phone (250) 490-1119**

Feb 15, 2017

City of Penticton

RE: 777 & 769 Ontario Street.

We are asking for your support and approval to allow us to rezone and subdivide our lots at 777 & 769 Ontario Street. We are proposing to subdivide the 18.288m lots into two 9.144m lots. These lots would be zoned RD2 allowing for either a Duplex or Single family dwelling.

We would like you to support the creation of the 9.144m lots. We are asking for 9.144m lots as that is one of the typical lot sizes in Penticton vs the minimum as defined in the zoning bylaw. We also understand that the planning department is putting forward a proposed change to the zoning bylaw such that in the future we will not require this variance, as the new minimum lot width will be 9.144m

We would also like to create site specific zoning for both 777 & 769 Ontario. We would like you to allow parking at both the front and rear of the lot under the RD2 Zoning. It is our intention to create a higher density zone that we can build a unique product that currently does not exist in our market. We want to create front rear duplexes that have private courtyards between the front and rear units. We also want each unit to have its own private garage. We want this to eliminate that appearance of your typical multi family parking lot. We understand that there have been some concerns over the amount of traffic on the rear lane and by allowing this we will be reducing it by 50%. What we are proposing will be along the same concept as what we build at 801 Ontario street but under the RD2 Zoning and this allowing only two units per lot vs RM2 and 4 units per lot. This is important because now we eliminate a larger strata development and create the appearance of single family homes but with the added density.

We are proposing to add density in an area that according to OCP, the City wants density. We are in compliance with the current OCP.

Thank You

Sincerely Yours  
**Rod Ferguson**

Figure 14: Letter of Intent

**Bylaw No. 2017-19**

*A Bylaw to Amend Zoning Bylaw 2017-08*

---

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 2017-08;

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. 2017-19".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street; and  
Rezone Lot 2, District Lot 249 Similkameen Division Yale District, Plan 4847, located at 777 Ontario Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane)

2.2 Add Section 10.6.4.5: "In the case of Lot 23, District Lot 249 Similkameen Division Yale District, Plan 3578, located at 769 Ontario Street and Lot 2, District Lot 249, Similkameen Division Yale District Plan 4847, located at 777 Ontario Street, two dwelling units are permitted with vehicular access from the street."

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

READ A FIRST time this	21	day of	March, 2017
A PUBLIC HEARING was held this	4	day of	April, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 24 day of March, 2017 and the 29 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer



- 29 -

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

**Tuesday, March 21, 2017**  
**at 1:00 p.m.**

## Resolutions

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12.6 Zoning Amendment Bylaw No. 2017-20  
DVP PL2017-7845, DP PL2017-7846, DP PL2017-7847  
Re: 708 Revelstoke Avenue/865 Railway Street

212/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-20," a bylaw to Rezone Lot 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, and to Rezone Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the April 4, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," a road dedication in accordance with Attachment 'H' is registered with the Land Title Office;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," the developers pay the cost of frontage upgrades which includes curb, gutter and sidewalk.

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7845" for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, a permit to decrease the minimum west interior side yard from 1.5m to 1.2m and to decrease the minimum exterior side yard from 3.0m to 1.6m.

AND THAT "DVP PL2017-7845" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-20".

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-20," approve Development Permit PL2017-7846 for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, and Development Permit PL2017-7847 for Lot 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, a permit that allows for the construction of two front to back duplexes.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** March 21, 2017 File No: RZ PL2017-7844  
**To:** Peter Weeber, Chief Administrative Officer DVP PL2017-7845  
**From:** Randy Houle, Planner 1 DP PL2017-7846  
**Address:** 708 Revelstoke Avenue/865 Railway Street DP PL2017-7847

**Subject:** **Zoning Amendment Bylaw No. 2017-20**  
**Development Variance Permit PL2017-7845**  
**Development Permit PL2017-7846**  
**Development Permit PL2017-7847**

---

## Staff Recommendation

### *Zoning Amendment*

THAT "Zoning Amendment Bylaw No. 2017-20," a bylaw to Rezone Lot 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, and to Rezone Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and forwarded to the April 4, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," a road dedication in accordance with Attachment 'H' is registered with the Land Title Office;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-20," the developers pay the cost of frontage upgrades which includes curb, gutter and sidewalk.

### *Development Variance Permit*

THAT delegations and submissions be heard for "Development Variance Permit PL2017-7845" for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, a permit to decrease the minimum west interior side yard from 1.5m to 1.2m and to decrease the minimum exterior side yard from 3.0m to 1.6m.

AND THAT "DVP PL2017-7845" be considered only after adoption of "Zoning Amendment Bylaw No. 2017-20".

### *Development Permit*

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-20," approve Development Permit PL2017-7846 for Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 Except Plan 36620, located at 865 Railway Street, and Development Permit PL2017-7847 for Lot 57

District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 708 Revelstoke Avenue, a permit that allows for the construction of two front to back duplexes.

### **Strategic priority objective**

N/A

### **Background**

The subject properties (Attachment 'A') are zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the site are included as Attachment 'D'. Each lot is approximately 290m<sup>2</sup> (3120 ft<sup>2</sup>). The site currently features a Single Family Dwelling that straddles each lot which will be relocated. The surrounding properties are primarily zoned RD2 (Duplex Housing: Lane) and RM2 (Low Density Multiple Housing). Surrounding properties are designated by the OCP as MR (Medium Density Residential). Revelstoke Avenue is not accessible from Railway Street and the lane is only one way (west to east).

The property is located within the Downtown Multiple Family Development Permit area, thus a development permit is required prior to construction. Additionally, approval of the rezoning must be granted by the Ministry of Transportation prior to adoption.

### **Proposal**

The applicant is proposing to construct a front to back duplex on both 708 Revelstoke Avenue & 865 Railway Street. Since a duplex is not a permitted use in the R2 zone, a rezoning to RD2 (Duplex Housing: Lane) is required.

Secondly, the applicant is requesting a Development Variance Permit for 865 Railway Street to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 10.6.2.7.i: To decrease the minimum west interior yard from 1.5m to 1.2m.
- Section 10.6.2.7.i: To decrease the minimum exterior side yard from 3.0m to 1.6m.

Thirdly, the applicant requires Development Permit approval for the form and character of the duplexes and to address landscaping requirements.

### **Financial implication**

Staff are recommending that Council require the applicant to pay the costs of the street frontage upgrades. If Council does not support this recommendation, then the approximate cost of \$10,845 will be burdened on the tax payers.

### **Technical Review**

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Through this process, it was determined that a condition be placed on the rezoning that a hammerhead widening be taken on the south side of the property. Another condition would be that the applicant would be required to pay for street frontage upgrades at an approximate cost of \$10,845. This work is to include rollover curbing, 3.0m width sidewalk along frontage, asphalt and road

works, relocation of existing catch basin to gutter line and relocation of existing “no parking” sign. If the requests for the zoning amendment, variances and development permits are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

**Development Statistics**

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

Item	Requirement RD2 Zone	865 Railway Street	708 Revelstoke Avenue
<b>Maximum Lot Coverage:</b>	40%	35.2%	34.6%
<b>Maximum Density:</b>	0.95 FAR	0.71 FAR	0.70 FAR
<b>Vehicle Parking:</b>	1 per unit	1 per unit (2 total)	1 per unit (2 total)
<b>Required Setbacks</b>			
Front yard (North):	4.5m	4.5m	4.5m
Rear yard (South):	6.0m	6.0m	6.0m
Interior yard:	1.5m	1.2m (variance required)	1.5m
Exterior yard:	3.0m	1.6m (variance required)	NA
<b>Maximum Building Height:</b>	10.5m	6.9m	6.9m
<b>Other Information:</b>	Subject properties are located within the Downtown Multiple Family Development Permit Area.		

**Analysis**

**Zoning Amendment**

Support “Zoning Amendment Bylaw No. 2017-20”

The site is situated in an area experiencing some densification. The OCP designation for this site is Medium Density Residential (MR), which supports duplex development. Staff consider that the zoning amendment to allow for two front to back duplexes represents best use of the land for the following reasons:

- The proposal is consistent with the OCP’s view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.
- The proximity to the college and nearby services encourages more walking and active forms of transportation.
- Converting an older single family dwelling into four dwelling units with adequate living space will help to address the housing shortages in Penticton.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-20" and forward the application to the April 4, 2017 Public Hearing for comments from the public.

#### Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

#### **Development Variance Permit**

##### Support Variances for 865 Railway Street

When considering a variance to a City bylaw, staff encourages Council to be mindful of any hardship on the property that makes following the bylaw difficult or impossible; whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

*Section 10.6.2.7.i: To decrease the minimum west interior yard from 1.5m to 1.2m.*

- The proposed development will result in a 1.2m setback from the west property line. The lot width of 865 Railway Street is slightly narrower than 708 Revelstoke Avenue, thus a variance is required to construct the same size of duplex on 865 Railway. It is not anticipated that the proposed variance will have an impact on surrounding neighbours.

*Section 10.6.2.7.i: To decrease the minimum exterior yard from 3.0m to 1.6m.*

- New Zoning Bylaw No. 2017-08 requires a 3.0m minimum exterior yard. The proposed development will result in a 1.6m setback from the east property line. The east face of the building (along Railway Street) will have a street frontage appearance. The 1.6m will allow adequate space for a walkway and river rock which will provide separation between the building and Railway Street. As there is no vehicular access from Railway Street, staff feels that it is reasonable to reduce the exterior yard to 1.6m. In 2011, a variance to the exterior yard along Railway Street from 6.0m to 3.0m was approved for the multi-family development to the north (707 Revelstoke Avenue). Staff feel that since the height of the proposed building (6.9m) is much less than the 10.5m allowable, the visual impact from Railway Street won't be affected negatively.

Supporting the variances would help to maximize the living space of the duplexes, with little impact on the surrounding neighbourhood. Given the above, staff considers that the variances requested are reasonable and recommend that Council, after hearing from any affected neighbours, support the application.

#### Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the neighborhood and the visual impact on Railway Street. If this is the case, Council should deny the variances.

## **Development Permit**

### Support Development Permit PL2017-7846 & PL2017-7847

The subject properties are located within the Downtown Multiple Family Development Permit Area. As a consequence, a Development Permit is required. Although these Development Permits can be staff-issued, they have been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings. The objective of these guidelines, according to the OCP, is to "ensure that the citing, form, character and landscaping of new multi-family development and exterior renovations and additions to existing buildings in the downtown area are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods."

- The building shape, roof line and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The entrances have a street orientation with picture windows, creating an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants, flowers and trees.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. As such, staff recommend that Council approve the Development Permit applications.

### Deny/Refer Development Permit PL2017-7846 & PL2017-7847

Council may consider that the proposals do not reflect the current built form of the neighbourhood, or that the development should soften the impact on neighbouring properties. If this is the case, Council should deny the permit.

## **Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-20" and deny support for DVP PL2017-7845, DP PL2017-7846 & DP PL2017-7847.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-20" but deny support for DVP PL2017-7845, DP PL2017-7846 & DP PL2017-7847.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-20" and support DVP PL2017-7845, DP PL2017-7846 & DP PL2017-7847 with conditions that Council feels are appropriate.

## **Attachments**

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Images of Subject Property
Attachment E:	Site Plan
Attachment F:	Elevations
Attachment G:	Landscape Plan
Attachment H:	Proposed Road Widening
Attachment I:	Letter of Intent

Attachment J: "Development Variance Permit PL2017-7845" (865 Railway Street)  
Attachment K: "Development Permit PL2017-7846" (865 Railway Street)  
Attachment L: "Development Permit PL2017-7847" (708 Revelstoke Avenue)  
Attachment M: "Zoning Amendment Bylaw No. 2017-20"

Respectfully submitted,

Randy Houle  
Planner 1

Approvals

DDS <i>AH</i>	CAO PW
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Attachment 'A' – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment 'B' – Zoning Map

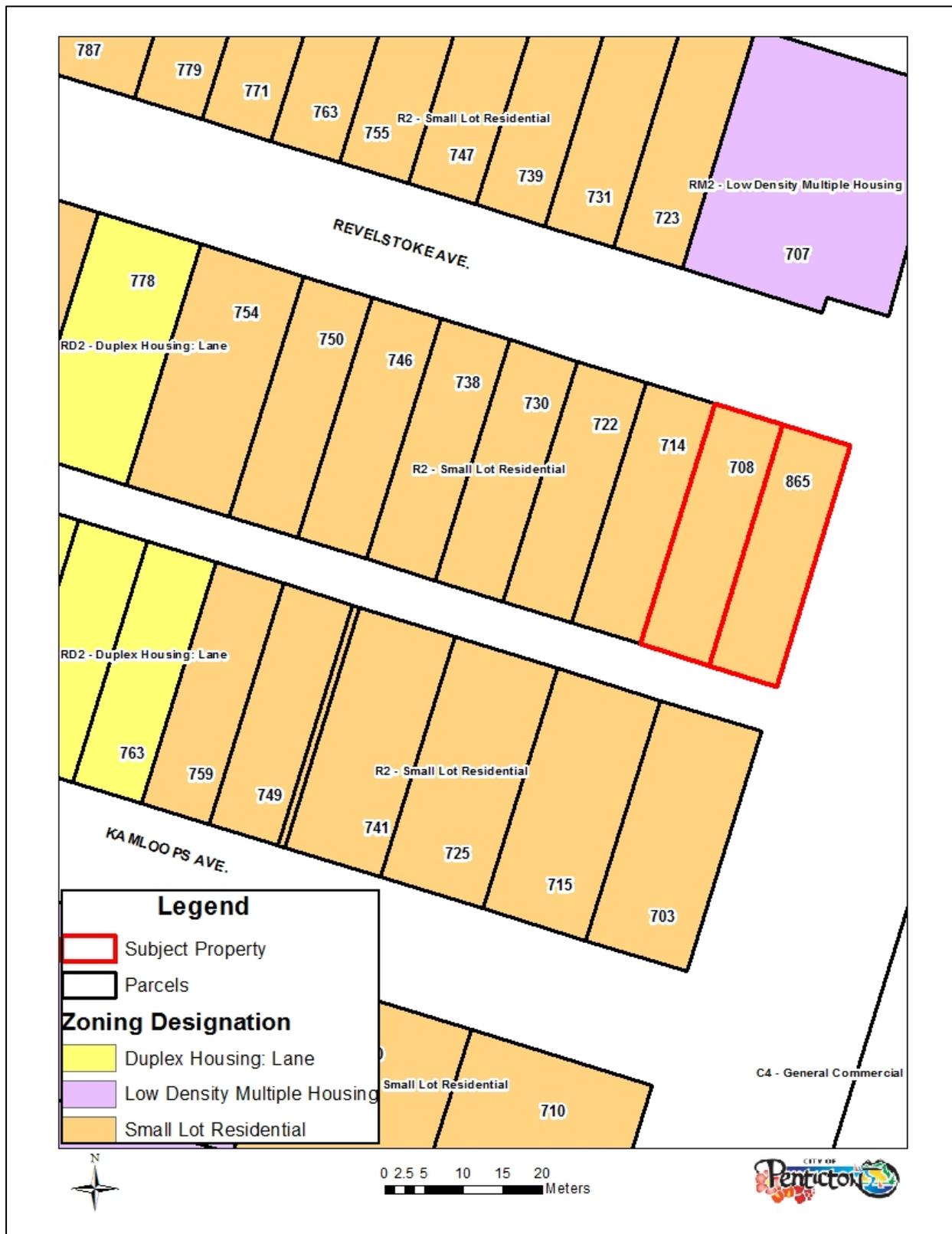


Figure 2: Zoning Map

Attachment 'C' - OCP Map



Figure 3: OCP Map

Attachment 'D' – Images of Subject Property



Figure 4: North View (from Revelstoke Avenue)



Figure 5: South View (from Lane)



Figure 6: East View (from Railway Street)

Attachment 'E' - Site Plan

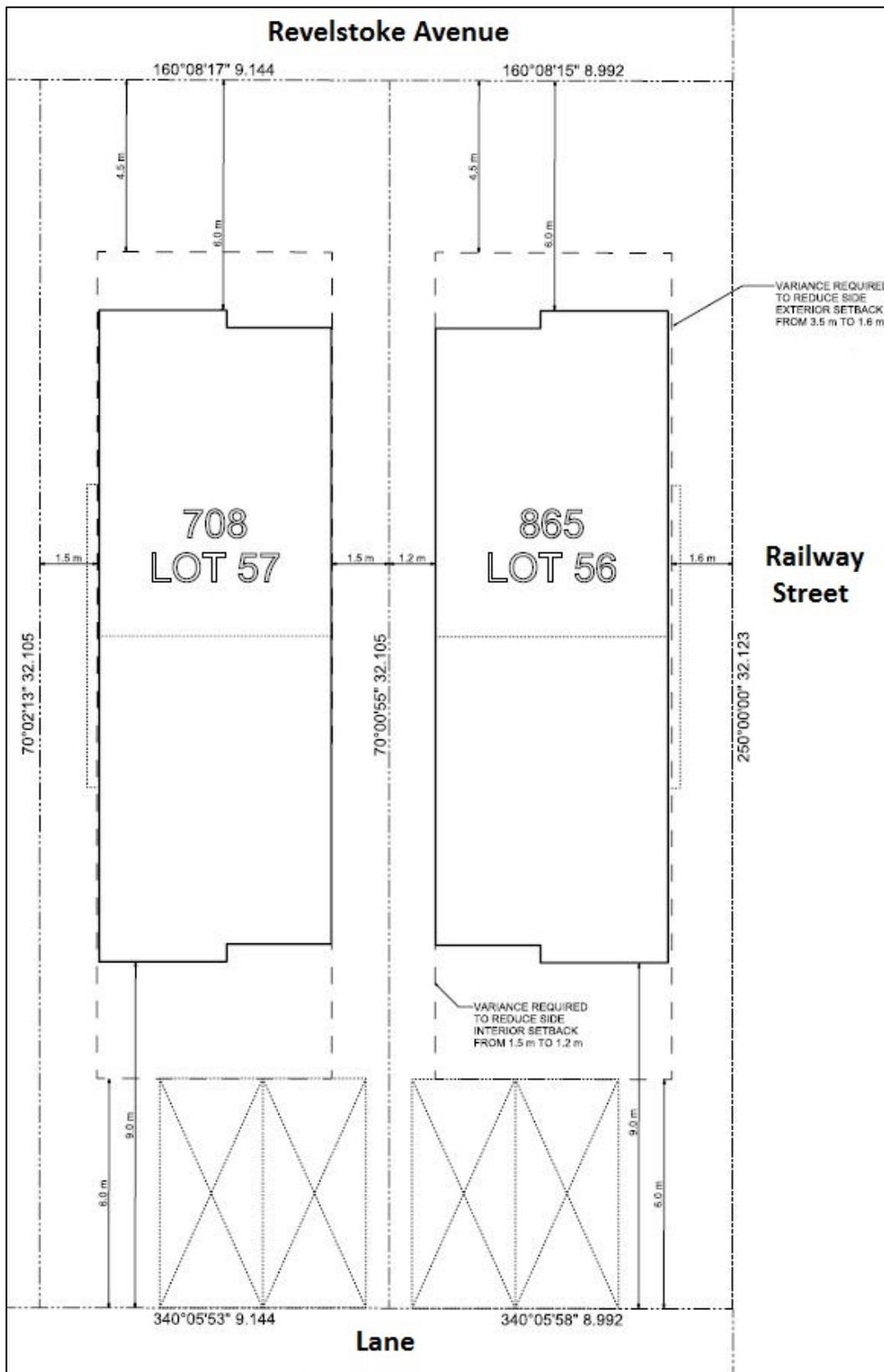


Figure 7: Site Plan

Attachment 'F' - Elevations



Attachment 'G' – Landscape Plan

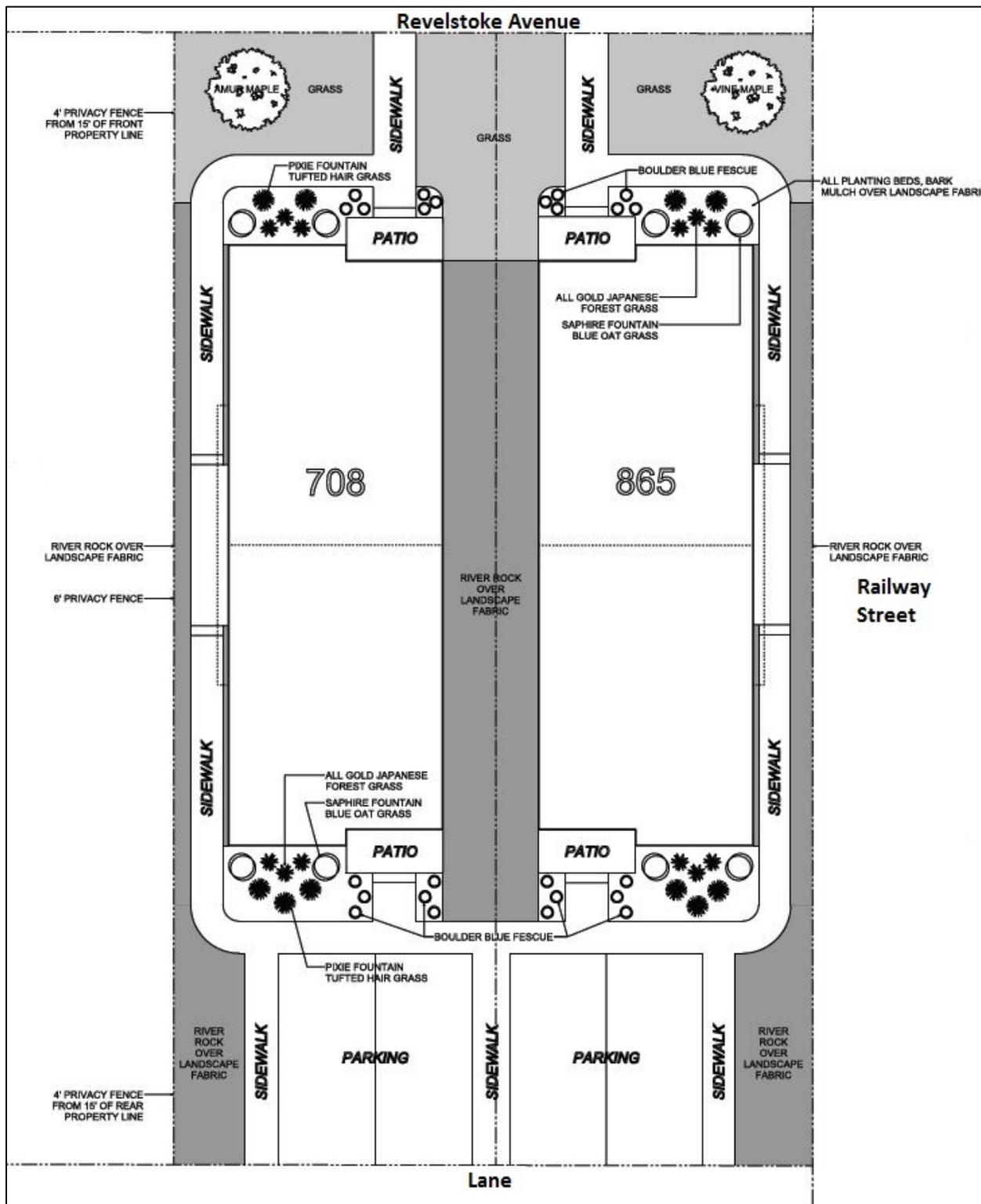


Figure 7: Landscape Plan

Attachment 'H' – Proposed Road Widening

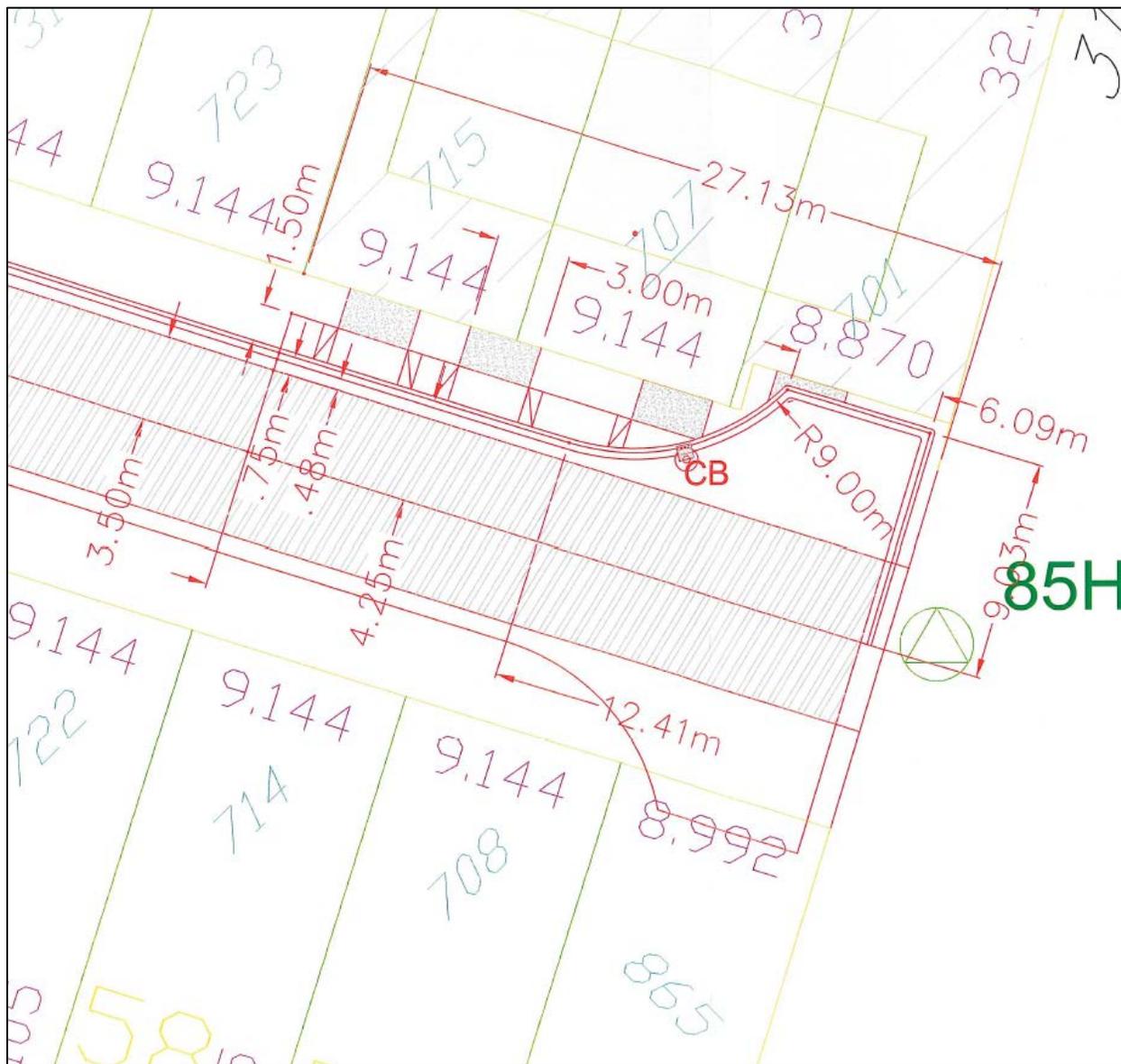


Figure 8: Hammerhead Widening

Attachment 'I'- Letter of Intent



January 18, 2017

Giroux Design Group  
1405-160 Lakeshore Drive W.  
Penticton, BC V2A 9C2

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

Re: 708 Revelstoke Ave. & 865 Railway St. Development Variance Permit Application

To City Planning Department,

This letter is in regards to two development variance and rezoning applications for two neighbouring properties located at 708 Revelstoke Avenue and 865 Railway Street. The properties are currently zoned R2 and the proposed rezoning is to RD2, this is in harmony with a number of other rezoning's that the City has approved. The property located at 708 Revelstoke Ave. requires only a rezone with no variances to the bylaw. The property at 865 Railway Street requires a rezone as well as a variance to the side setbacks as follows: 1) side exterior setback reduced to 1.6 m from 3.5 m; 2) side interior setback reduced from 1.5 m to 1.2 m. We feel the reduction in setbacks will not have any negative effect on any of the neighbors, it will also have no negative effect on Railway street as the building and landscaping is placed in such a way as not to reduce vehicle visibility while exiting the lane. These variances will allow for the construction of a duplex building suitable for small families, college students, or others needing affordable housing. There is no question that the addition of these two new duplexes will continue to enhance the neighborhood, as well as continue to provide much needed affordable housing either for first time owners or renters. We believe that this application is good for both the developer and the City, and the reduction of the exterior setback has precedence as other duplex lots in the city have also received similar reductions. Room has been provided at the front of the lot for a future hammer-head turn around planned by the city. Please feel free to contact us with any questions or concerns.

Best regards,

Tony Giroux **BD.ASTTBC**  
Owner/Registered Building Designer  
Giroux Design Group

Figure 9: Letter of Intent

Attachment 'J'- "Development Variance Permit PL2017-7845" (865 Railway Street)



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

## Development Variance Permit

**Permit Number: DVP PL2017-7845**

Name:  
Address:

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
Legal: Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District  
Plan 1049 Except Plan 36620  
Civic: 865 Railway Street  
PID: 011-796-839
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a duplex.
  - Section 10.6.2.7.i To decrease the minimum west interior yard from 1.5m to 1.2m.
  - Section 10.6.2.7.i To decrease the minimum exterior yard from 3.0m to 1.6m.

### General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the \_\_\_\_ day of \_\_\_\_\_, 2017

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2017

-----  
Dana Schmidt,  
Corporate Officer

Attachment 'K' - "Development Permit PL2017-7846" (865 Railway Street)



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

## Development Permit

**Permit Number: DP PL2017-7846**

Name:  
Address:

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

**Legal:** Lot 56 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1049 Except Plan 36620

**Civic:** 865 Railway Street

**PID:** 011-796-839

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a front to back duplex as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$3,800 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
  - a. the permit has lapsed as described under Condition 8, or
  - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met.

Inspection fees may be withheld from the security as follows:

1 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> Inspection or additional inspections	\$200

**General Conditions**

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the \_\_\_ day of \_\_\_\_\_, 2017

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
 Dana Schmidt,  
 Corporate Officer

Attachment 'L' - "Development Permit PL2017-7847" (708 Revelstoke Avenue)



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

## Development Permit

**Permit Number: DP PL2017-7847**

Name:  
Address:

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:

**Legal:** Lot 57 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1049

**Civic:** 708 Revelstoke Avenue

**PID:** 011-796-847

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a front to back duplex as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$3,800 must be deposited prior to, or in conjunction with, an application for a building permit for each phase for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
  - a. the permit has lapsed as described under Condition 8, or
  - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met.

Inspection fees may be withheld from the security as follows:

1 <sup>st</sup> Inspection	No fee
2 <sup>nd</sup> Inspection	\$50
3 <sup>rd</sup> Inspection	\$100
4 <sup>th</sup> Inspection or additional inspections	\$200

**General Conditions**

7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
9. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
10. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
11. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the \_\_\_ day of \_\_\_\_\_, 2017

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
 Dana Schmidt,  
 Corporate Officer

Bylaw No. 2017-20

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-20".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

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

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

READ A FIRST time this 21 day of March, 2017
A PUBLIC HEARING was held this 4 day of April, 2017
READ A SECOND time this day of , 2017
READ A THIRD time this day of , 2017
RECEIVED the approval of the day of , 2017
Ministry of Transportation on the
ADOPTED this day of , 2017

Notice of intention to proceed with this bylaw was published on the 24 day of March, 2017 and the 29 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this \_\_\_\_\_ day of \_\_\_\_\_, 2017
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer



- 54 -

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

**Tuesday, March 21, 2017**  
**at 1:00 p.m.**

## Resolutions

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- 12.7 Zoning Amendment Bylaw No. 2017-21  
DVP PL2016-7826, DP PL2016-7825  
Re: 634 Westminster Avenue W & 201 Maple Street

213/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-21", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, from R2 (Small Lot Residential ) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the April 4, 2017 Public Hearing; AND THAT prior to zoning approval the two lots be consolidated;

THAT delegations and submissions for "Development Variance Permit PL2016-7826" on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (FORMERLY YALE LYTTON) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, a permit to reduce the required parking from 16 stalls to 12 stalls and decrease the rear yard setback from 6m to 4.5m, be heard at the April 4, 2017 Public Hearing; AND THAT Council consider "DVP PL2016-7826" following the adoption of "Zoning Amendment Bylaw No. 2017-21".

THAT Council receive DP PL2016-7825, a permit to develop a three (3) storey apartment building on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7 Similkameen (FORMERLY YALE LYTTON) Division Yale District Plan 1175 located at 634 Westminster Avenue West; AND THAT Council consider "DP PL2016-7825" following the adoption of "Zoning Amendment Bylaw No. 2017-21".

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** March 21, 2017 File Nos: RZ PL 7824 & DVP PL7826 & DP PL7825  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 634 Westminster Avenue W & 201 Maple Street  
**Subject:** **Zoning Amendment Bylaw No. 2017-21**  
**Development Permit PL7825 and Development Variance Permit PL7826**

## Staff Recommendation

### *Zoning Bylaw Amendment*

THAT "Zoning Amendment Bylaw No. 2017-21", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, from R2 (Small Lot Residential ) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the April 4 , 2017 Public Hearing;

### *Development Variance Permit*

THAT delegations and submissions for "Development Variance Permit PL2016-7826" on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (FORMERLY YALE LYTTON) Division Yale District, Plan 1175 located at 634 Westminster Avenue West, a permit to reduce the required parking from 16 stalls to 12 stalls and decrease the rear yard setback from 6m to 4.5m, be heard at the April 4 , 2017 Public Hearing;

AND THAT Council consider "DVP PL2016-7826" following the adoption of "Zoning Amendment Bylaw No. 2017-21".

### *Development Permit*

THAT Council receive DP PL2016-7825, a permit to develop a three (3) storey apartment building on Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 201 Maple Street and That part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7 Similkameen (FORMERLY YALE LYTTON) Division Yale District Plan 1175 located at 634 Westminster Avenue West;

AND THAT Council consider “DP PL2016-7825” following the adoption of “Zoning Amendment Bylaw No. 2017-21”.

**Strategic priority objective**

The subject application meets the strategic pillars of creating a sustainable city and a livable city, through increasing residential density in areas where existing services already exist and in areas close to transit, commercial and employment centers.

**Background**

The subject property (Attachment ‘A’) is currently designated in the Official Community Plan 2002-20 (OCP) as MFMD (Multi Family Medium Density) and is also zoned R2 (Small Lot Residential) in the City’s Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment ‘D’. The site extends to 1,008m<sup>2</sup> (0.249acre) and currently features a single detached dwelling and accessory structure on each lot. These will be removed from the property. Housing in this area is slowly being replaced with more dense forms of construction. Other redevelopment in the immediate area feature townhouses and duplexes.

The developer intends to develop a three (3) storey apartment building with surface parking. A total of 12 units are proposed in the building with all 2 bedroom residential units. The development is intended to be a rental property. The access to this development is from Maple Street and the lane. The building is fronting Westminster Avenue W.

**Proposal**

The applicant is requesting an amendment to the zoning of the property from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), as identified in Zoning Bylaw 2011-23.

Additionally, the applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw 2017-08:

- **Section 7.6.** To reduce the parking requirement for an apartment from 16 stalls to 12 stalls
- **Section 10.9.2.8** To reduce the rear yard setback from 6m to 4.5m

**Project Specifications**

The following table outlines the proposed development statistics as indicated on the submitted plans:

Item	Requirement RM3 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	50%	38.2%
<b>Maximum Density:</b>	1.6 FAR	1.11 FAR
<b>Vehicle Parking:</b>	1 space per unit (12) 0.25 per unit visitor(4) <b>Total: 16 stalls</b>	12( 1 for each unit) 0 visitor (variance required) <b>Total: 12 stalls</b>
<b>Bicycle Parking</b>	Class 1 0.5 per unit ( <b>6stalls</b> ) Class 2 0.1 per unit( <b>2 stalls</b> )	6stalls in lockers 2 bicycle rack

<b>Required Setbacks</b>		
<b>Principal Building</b>		
Front yard	3.0m	3.0m
Rear yard	6.0m	4.5m(Variance required)
Interior Side yard	4.5m	4.5m
<b>Exterior side yard</b>	6m	6m
<b>Maximum Building Height:</b>	24m	10.1m (3 storey)
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>Property is the Downtown Multiple Family Development Permit Area (DPA)</li> </ul>	

**Development Engineering Review**

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Usual frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant.

**Financial implication**

N/A

**Analysis**

*Support zoning amendment*

The subject property is currently designated Multi Family Medium Density (MFMD) by the City’s Official Community Plan (OCP). The OCP encourages intensification of residential land use and density. The zoning that currently exists on the site is R2 (Small Lot Residential) and only permits one single-family dwelling on each lot unless it is subdivided for additional single family dwellings. A number of zones conform to the Multi Family Medium Density Residential OCP designation including RM3 which provides for housing up to 6 storeys. Staff considers that rezoning the lot from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), to enable this development is an appropriate use of the land for the following reasons:

- According to the City’s OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, duplexes, townhouses and apartments, this application encourages a mixed range of housing, types, tenures and densities;
- Supports residential intensification near commercial activities, institutional facilities (including the Community Centre) and in proximity to the downtown.
- Supports densification in areas where existing services can accommodate higher densities;
- Facilitating the development of affordable housing and rental accommodations in Penticton.
- The proposed apartment will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community.

Staff considers that the design is fitting and consistent with the latest medium density development in the area. The plans, submitted in support of the rezoning application to RM3, demonstrate that the development meets the intent of the OCP. For these reasons staff is recommending that Council supports the land use designation change, as provided in this report and refers the application to the April 4 , 2017 Public Hearing.

*Deny/Refer*

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

*Support Variance*

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances are as follows:

**Section 7.6 Parking Requirements Table 7.5 to reduce the number of required parking stalls from 16 to 12 stalls**

As with other infill projects throughout the City, it is often challenging to build within the zoning requirements. This development variance application will maximize the development potential of the site in a manner which is sensitive to surrounding land uses, while providing 1 parking stall for each unit. The OCP has guidelines that support the reduced parking standard to accommodate density changes, providing that the development is within 400m of a transit stop. Staff does not consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties.

**Section 10.9.2.8 of Zoning Bylaw 2011-23 to vary the minimum rear yard setback from 6m to 4.6m**

The applicant is requesting a reduction of the rear yard setback from 6.0m to 4.5m. The proposed development maximizes the use on the site. To accommodate the surface parking, the building needed to be setback from the lane and Maple Street. By reducing the rear yard setback, a practical layout, design and use of the site results. A 1.8m (6 feet) privacy fence will be erected along the south property line as a buffer. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on nearby properties.

In considering this submission, staff recognized the limitations of this site to accommodate the development and determined that the variances being requested are in keeping with the objectives of the OCP. The developers have indicated that they plan on making all of the units available for rental. There is a strong need for additional, purpose built rental in Penticton. Staff considers that the development will make an overall positive contribution to the community. Given the above, staff considers that the request is reasonable and recommends that Council supports the variance and direct the permit to be issued.

### *Approve Development Permit*

The subject property is in the Downtown Multiple Development Permit Area. When evaluating an application, staff review the proposed plans against the DPA guidelines contained in the Official Community Plan. Staff feel that the plans conform to the DPA guidelines and the zoning regulations of the RM3 zone.

The objective of the development permit area is to produce a streetscape defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. The development meets the following objectives of the OCP under the development permit guidelines:

- The proposed design is livable with sun exposure and design of the landscaping that incorporates open spaces with a variety of plantings to enhance the livable environment.
- The building design incorporates architectural detailing and a variety of building finishes that provide visual interest.
- The proposed building provides strong linkage with the rest of the neighborhood and is compatible with the surrounding land use.
- Landscaping is extensive and includes a number of trees, several shrubs and bushes that provide a decent view from the street level.

This application blends into the established neighbourhood and meets the objectives of the downtown multiple development permit area. The overall design and finish of the buildings is of high quality and will add positively to Penticton as a whole. Staff considers that the project represents good urban planning principles and is in-line with the vision and intent of the OCP. For these reasons staff are recommending that Council approve the development permit.

### *Deny or refer*

Council may consider that the proposed development does not meet the guidelines of the Downtown Multiple Development Permit Area and the intent of the Official Community Plan. If this is the case, Council can deny the amendments, development variance permit and the development permit. Alternatively, Council may want to refer the application back to staff for further work with the applicant.

### **Alternate Recommendations**

1. THAT Council give first reading to "Zoning Amendment Bylaw No.2017-21" but deny support to "Development Variance Permit PL2016-7826" and Development Permit PL2016-7825.

### **Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property

Attachment E: Letter of Intent  
Attachment F: Elevations  
Attachment G: Renderings  
Attachment H: Site Plan  
Attachment I : DVP  
Attachment J: Zoning Bylaw No. 2017-21

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

Director AH	CAO PW
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Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map

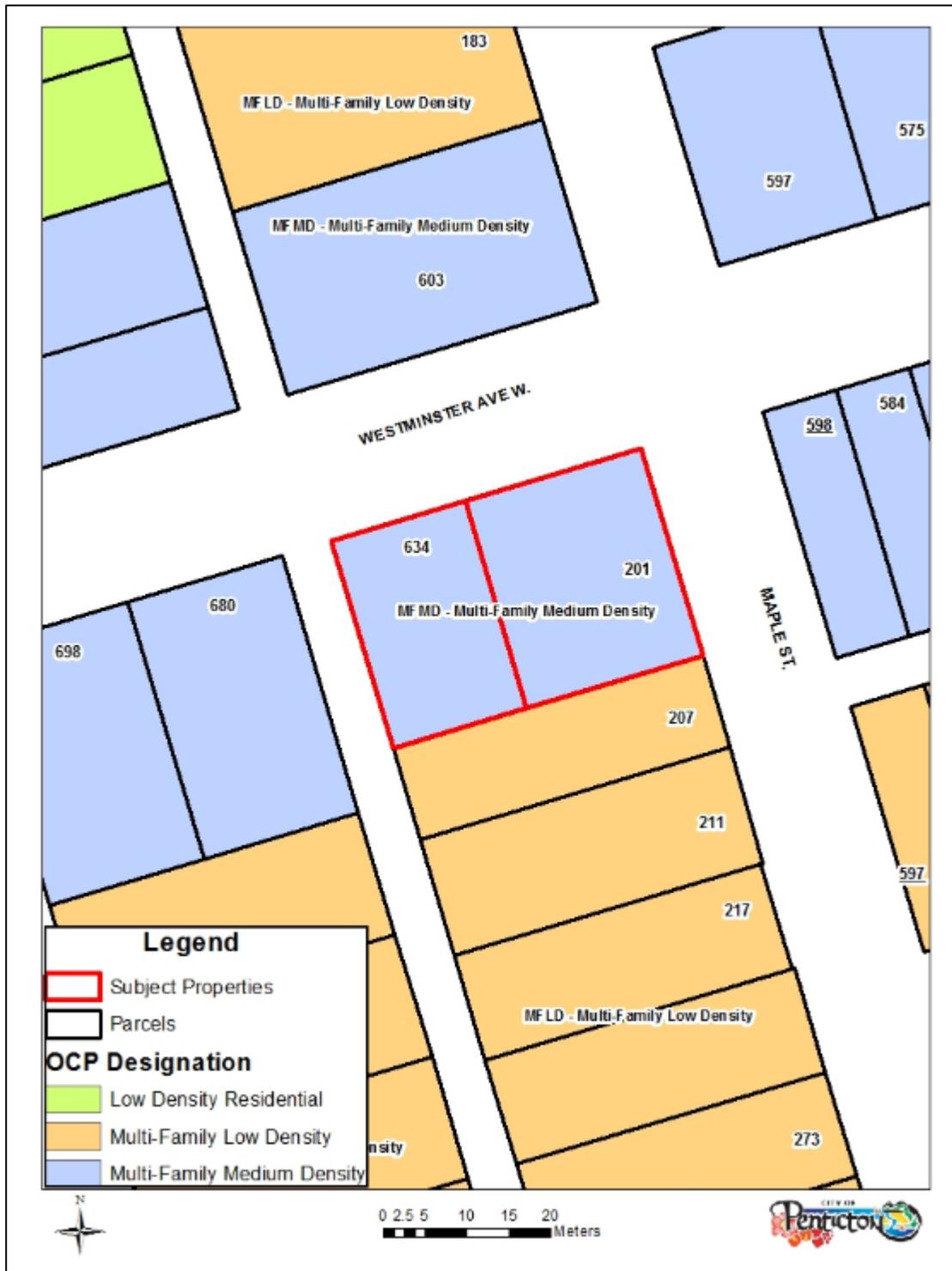


Figure 2: OCP Map

Attachment C - Zoning Map

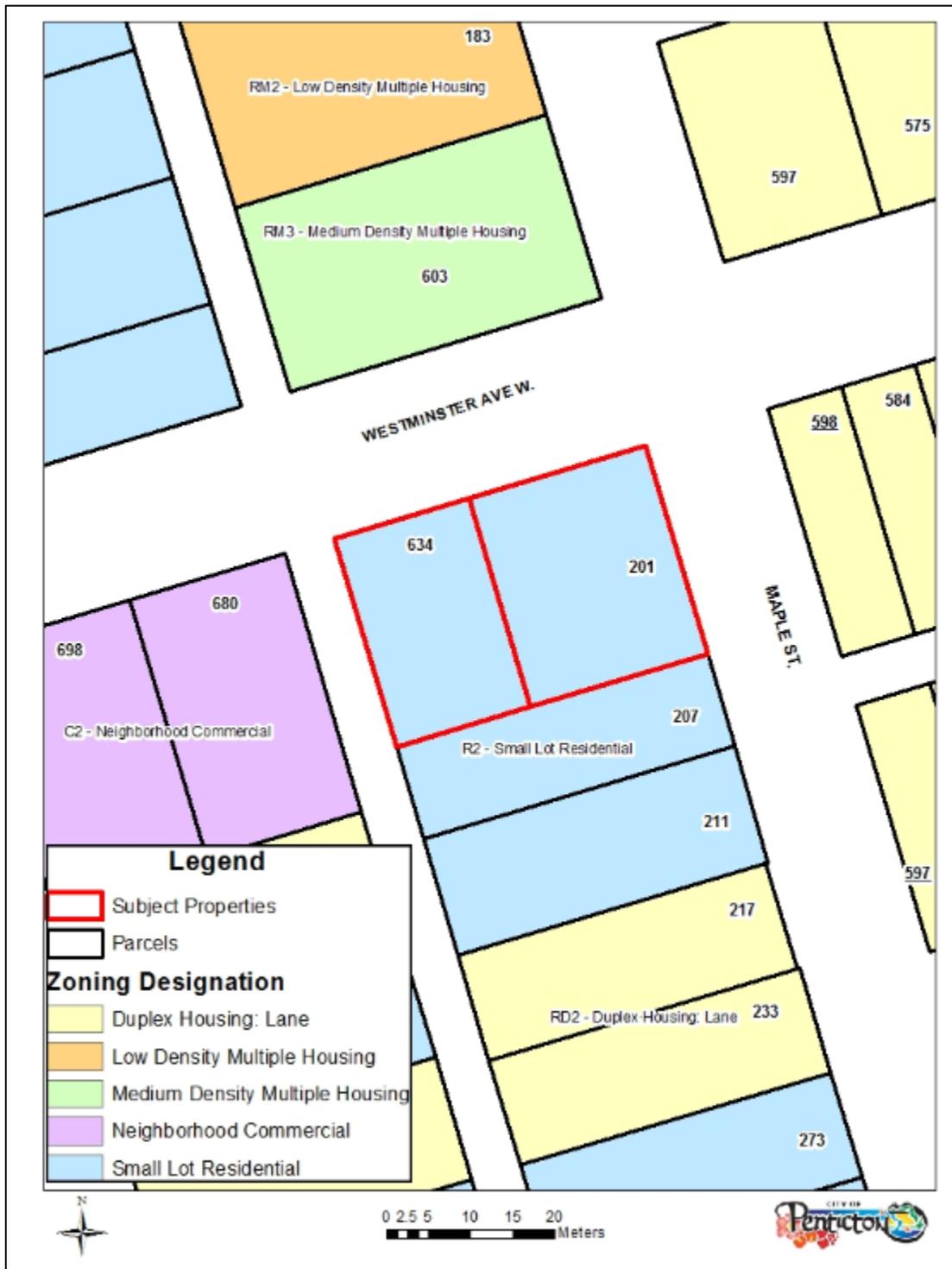


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Westminster Avenue



Figure 5: View at the corner of Westminster Avenue and the lane

Attachment E –Letter of Intent

March 1, 2017

Mayor and Council  
Development services  
City Of Penticton  
101 Main St  
Penticton, BC

**Re: Proposed development of 634 Westminster Ave W & 201 Maple St**

The subject properties are currently 2 very old houses that have come to the end of their economic life. Our proposed development will provide a much needed addition to the rental housing market in the downtown area.

The development will consist of 12 units, in a building with enhanced mobility access including an elevator. In our research we feel that there is a market for quality accommodation for mobility challenged residents in the downtown area.

This development is challenging in some aspects. The site is fronted on Westminster Ave. and Maple St. It also has frontage on a back lane. This has led to the application of 2 variances for the council's consideration. One is for visitor parking, the other is for landscaping area. Both of these variances are due to the layout of the parking on the site. With the extra cost of installing an elevator the prospect of underground parking is too much of a financial burden and renders the project unviable. Keeping the parking on site for all 12 units is an important feature of the project, and will require the variance for reducing the area of landscaping. To make up for this there is an intensified planting plan for the remaining areas.

We trust that this development will meet the approval of all departments and we look forward to adding this project as part of the ongoing revitalization on the city.

Sincerely,



Per Cougar Holdings Corp.

### Attachment F – Elevations

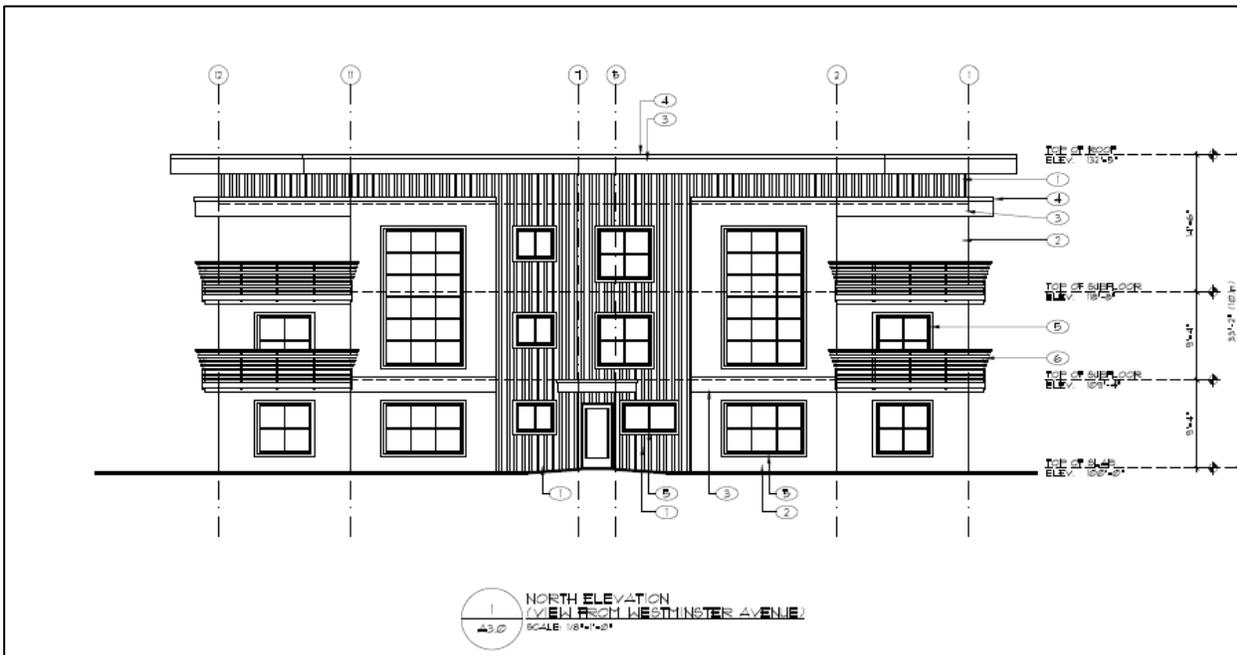


Figure 6: North Elevation (Westminster Avenue)

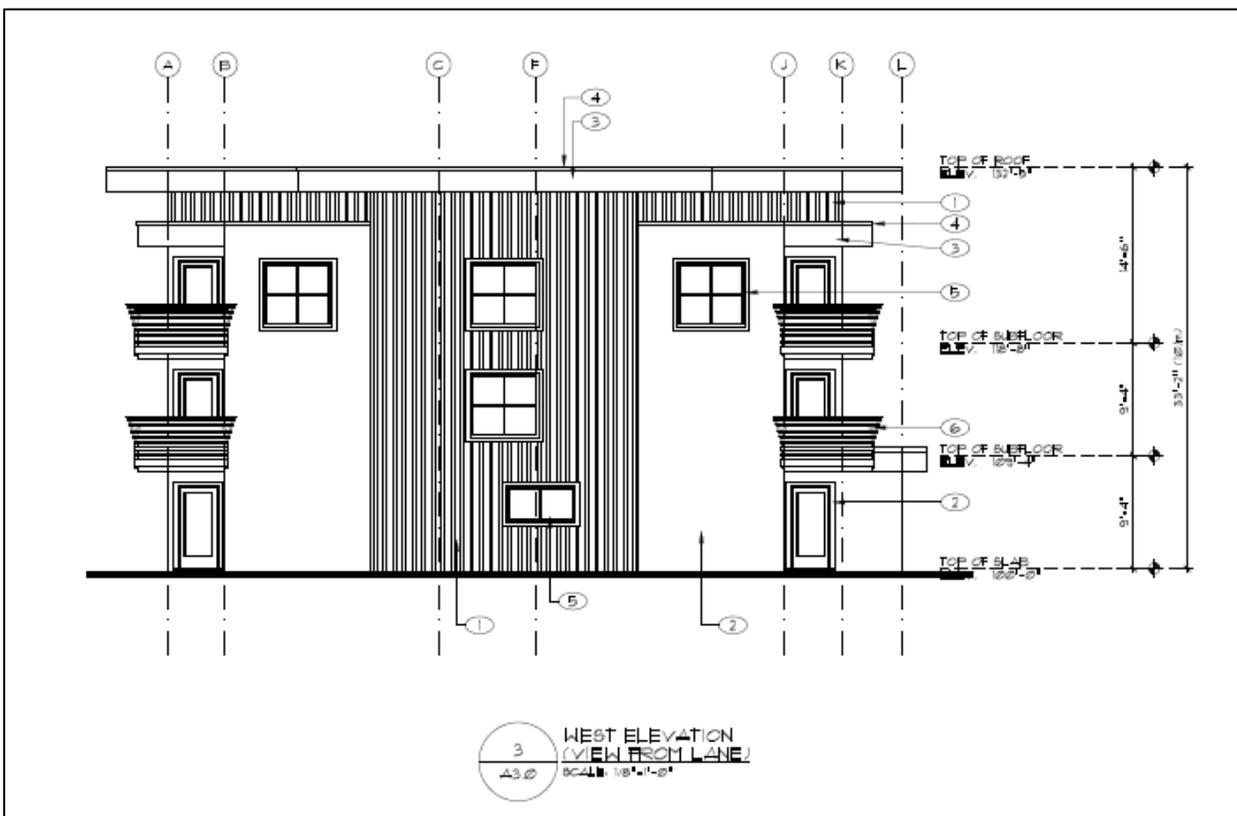


Figure 7: West Elevation (View from lane)

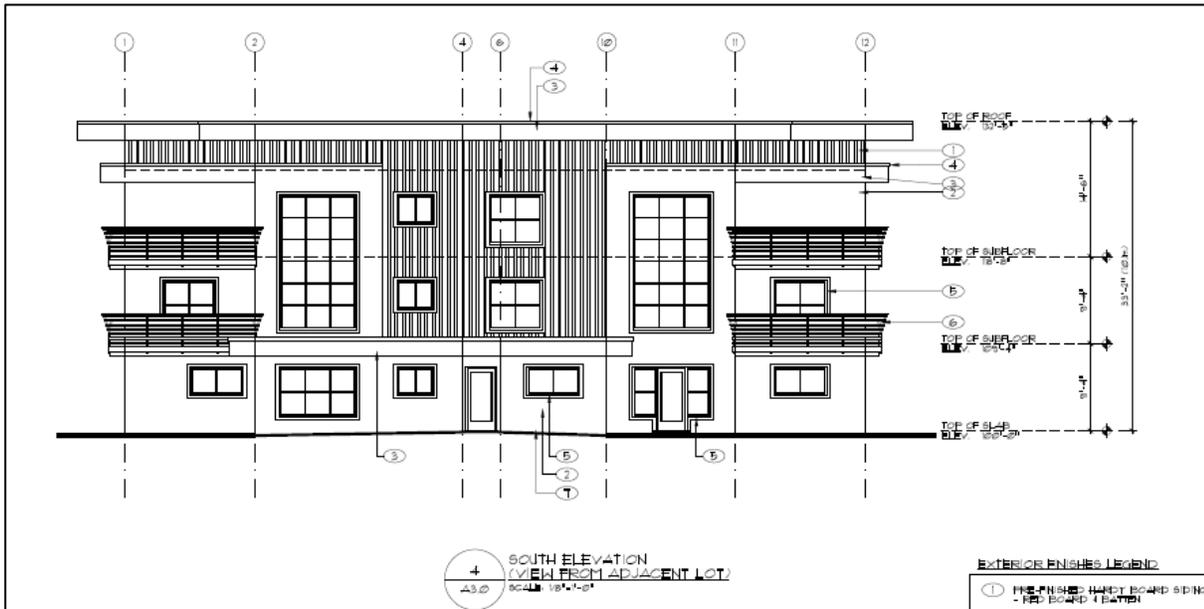


Figure 8: South Elevation

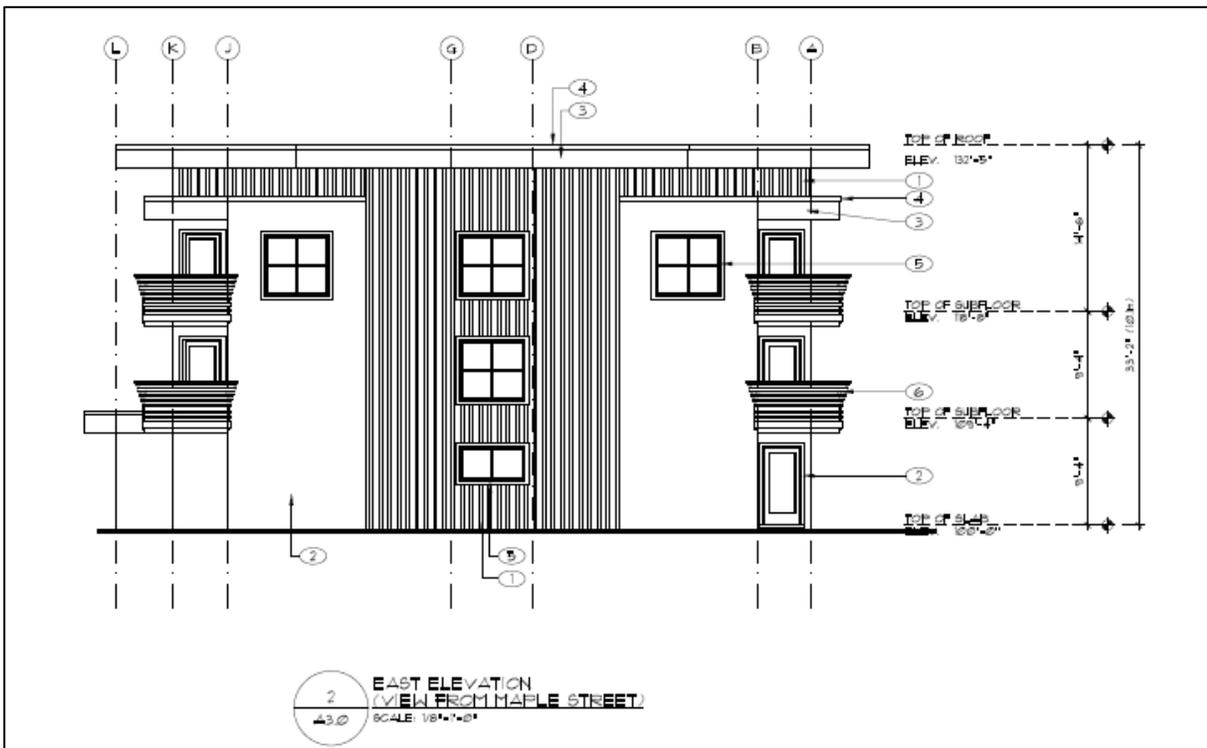


Figure 9: East Elevation

Attachment G – Building Rendering



Figure 10: North Eastview

### Attachment H: Site Plan

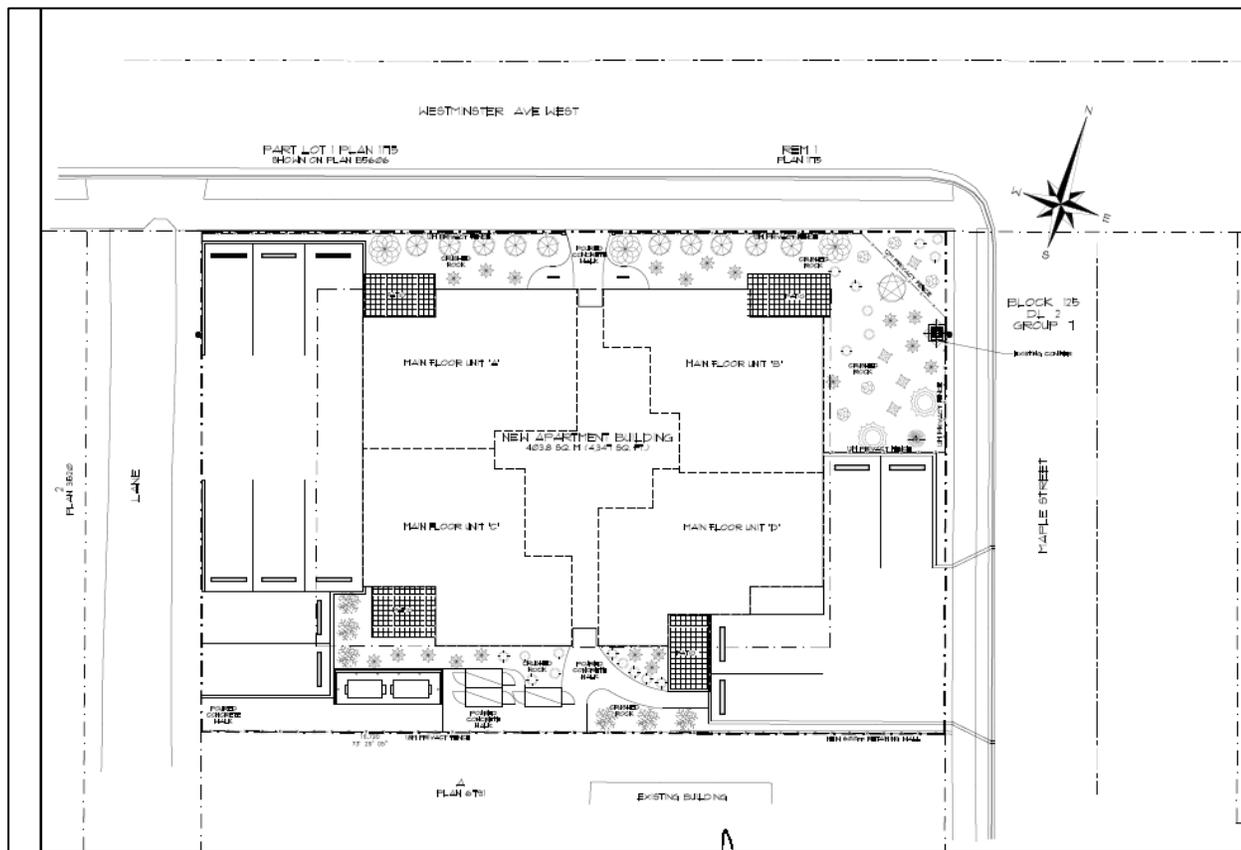


Figure 11: Site Plan

Attachment I: DVP



City of Penticton  
171 Main St. | Penticton B.C. | V2A 5A9  
www.penticton.ca | ask@penticton.ca

### Development Variance Permit

Permit Number: DVP PL2016-7826

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
**Legal:** Lot 1, Block 125, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, and That Part of Lot 1, Block 125 shown on Plan B5606, District Lot 2, Group 7, Similkameen (FORMERLY YALE LYTTON) Division Yale District, Plan 1175 located at 634 Westminster Avenue West Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269  
**Civic:** 201 Maple Street and 634 Westminister Avenue  
**PID:** 011-792-698 & 001-729-527
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary:
  - **Section 7.6.** To reduce the parking requirement for an apartment from 16 stalls to 12 stalls
  - **Section 10.9.2.8** To reduce the rear yard setback from 6m to 4.5m

#### General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the

building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Dana Schmidt,  
Corporate Officer

Bylaw No. 2017-21

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-21".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

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

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

READ A FIRST time this	21	day of	March, 2017
A PUBLIC HEARING was held this	4	day of	April, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

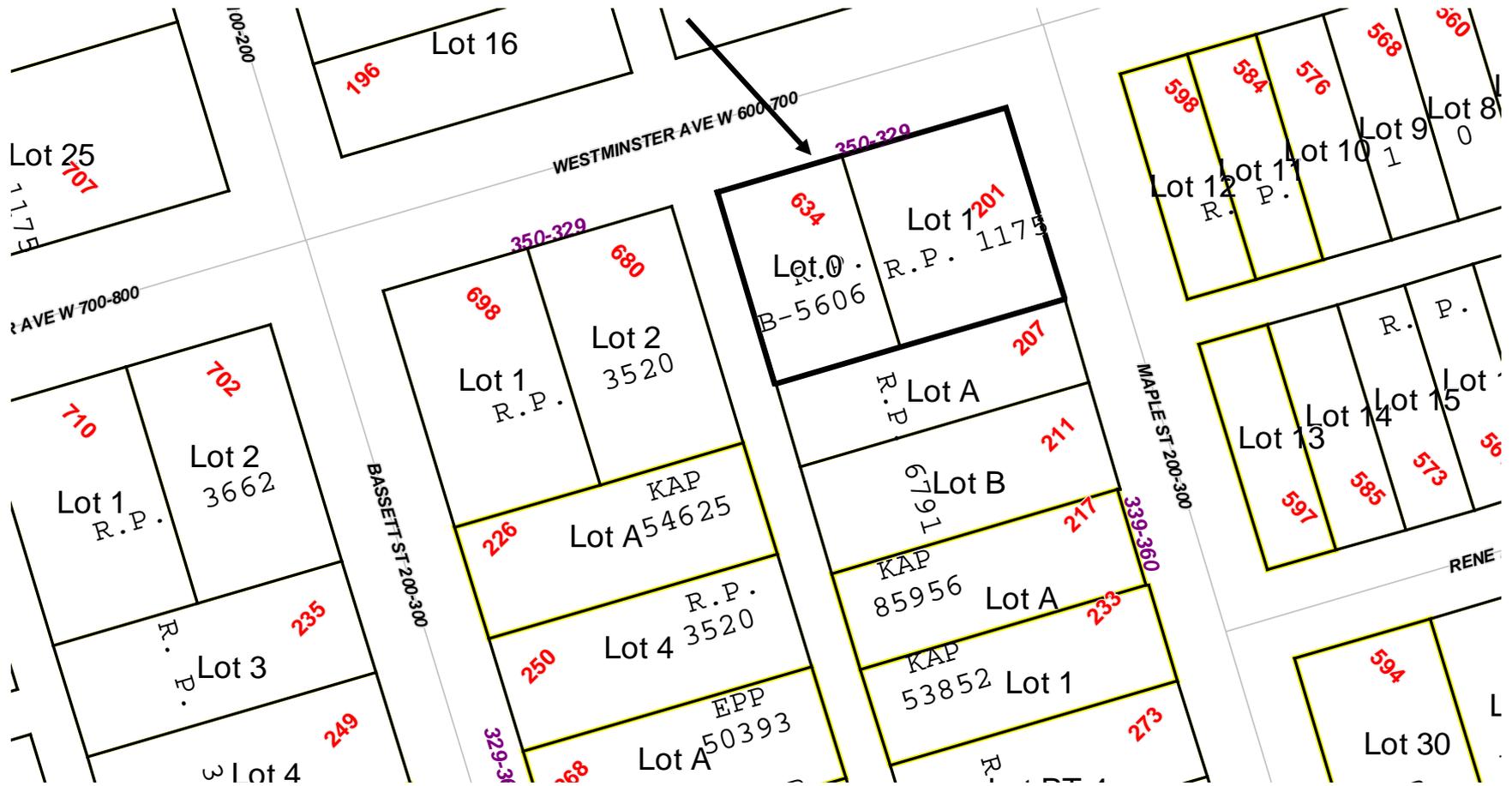
Notice of intention to proceed with this bylaw was published on the 24 day of March, 2017 and the 29 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
--

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

# Rezone 634 Westminster Ave W & 201 Maple Street From R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-21

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

---

**From:** james readman <  
**Sent:** March-27-17 3:00 PM  
**To:** Public Hearings  
**Subject:** attention:Corporate officer

Just got your notice about rezoning. Myself am concerned on two matters. sure they going to put suits in. My first question are rents going to be affordable for low income and seniors plus disabled.If rents are going to be over 900 dollars a month and that is high so would have to include hydro. like to see rents at low income say 400 a month.If rents are going to be sky high that means only for the well off.When do we start to say no more.they build and sell,or the rents are way to high so a person on fixed income is left with nothing or they have to just move out of town.Know some have already left because no low cost housing plus the wait list is so long.If rents are going to be high I would have to go against it.The city has to look after all people rich and poor. Second thing is the crosswalk in front of food land. Be nice to see a stop light for crossing,just something before someone gets killed,have came close a few times they think it is a speed way. Fix both things then ok with it other wise this city will end up just for the rich and the poor will have to leave,is that fair? James Readman 104-603 Westminster ave west penticton

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

**Tuesday, March 21, 2017**  
**at 1:00 p.m.**

## **Resolutions**

---

12.8 Zoning Amendment Bylaw No. 2017-22  
Re: 230 Brunswick Street

214/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2017-22", a bylaw adding section 11.6.4.2: " In the case of Lot 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), District Plan 871, located at 230 Brunswick Street, indoor millwork shall be permitted", be introduced, read a first time and be forwarded to the April 4, 2017 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** March 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 230 Brunswick Street  
**Subject:** **Zoning Amendment Bylaw No. 2017-22**

File No: RZ PL 7827

## Staff Recommendation

### *Zoning Bylaw Amendment*

THAT "Zoning Amendment Bylaw No. 2017-22", a bylaw adding section 11.6.4.2: " In the case of Lot 14, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton), District Plan 871, located at 230 Brunswick Street, indoor millwork shall be permitted", be introduced, read a first time and be forwarded to the April 4, 2017 Public Hearing.

## Strategic priority objective

N/A

## Background

The subject property (Attachment 'A') is currently designated in the Official Community Plan 2002-20 (OCP) as DC (Downtown Commercial) and is also zoned C6 (Mixed Use Commercial) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. The site extends to 623m<sup>2</sup> (0.154acre) and currently features an existing building and a metal storage container. This site is situated in an area with a mix of commercial, residential and office buildings.

## Proposal

The applicant has applied for a site specific zoning on the property to add the use 'millwork' into the C6 zone for this property only.

## Development Engineering Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No concerns were identified.

## Financial implication

N/A

**Analysis**

*Support zoning amendment*

The subject property is designated for Downtown Commercial (DC) by OCP Bylaw 2002-20. This designation encourages a wide range of pedestrian oriented retail, office, institutional use, entertainment and also includes multi-family residential above the ground floor. Peripheral areas in the downtown commercial land use designation may include service commercial uses that are contained within a building. Under the C6 zoning, custom indoor manufacturing is a permitted use but is limited to small scale on-site indoor production with hand tools. In this case, the applicant is proposing to have on-site indoor production of cabinets using larger tools.

This is an area of the downtown that was once zoned for heavy commercial activities and included indoor service industries. Staff feels that the size, scale and scope of the proposed use are compatible with the character of the area. The service commercial use meets the intent of the Downtown Commercial policies. Staff do not feel that any negative externalities will impact any neighbouring business and residences, given that the proposed use of the property is indoor. As such, staff recommend that Council support the application to rezone the property and refer the application to the April 4<sup>th</sup> 2017 Public Hearing.

Deny/Refer

Council may feel that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Alternatively, Council may refer the application back to staff with further instructions.

**Alternate Recommendations**

- 1. THAT Council deny first reading to "Zoning Amendment Bylaw No.2017-22" .

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Zoning Amendment Bylaw 2017-22

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

Director  AH	CAO  PW
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Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map

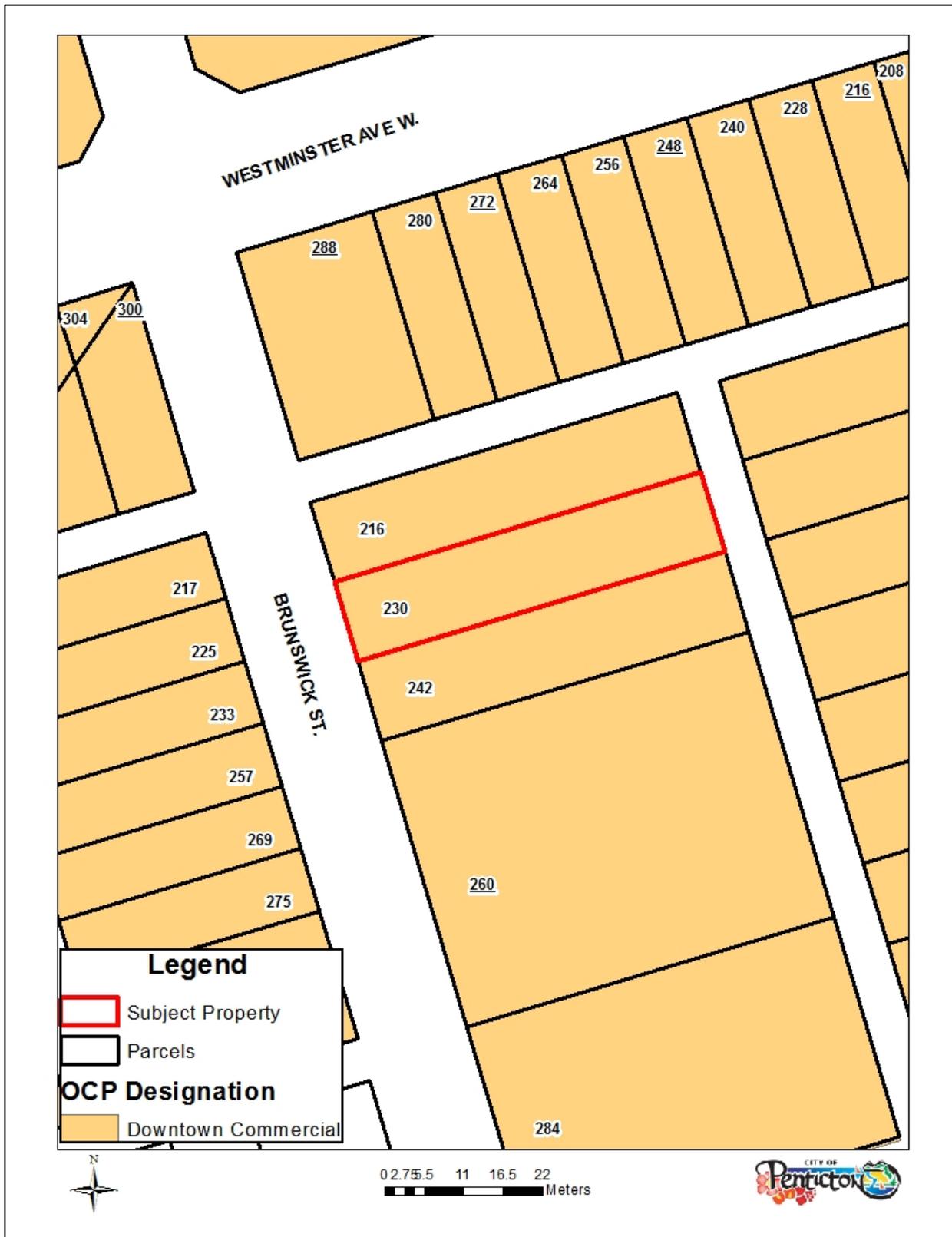


Figure 2: OCP Map

Attachment C - Zoning Map

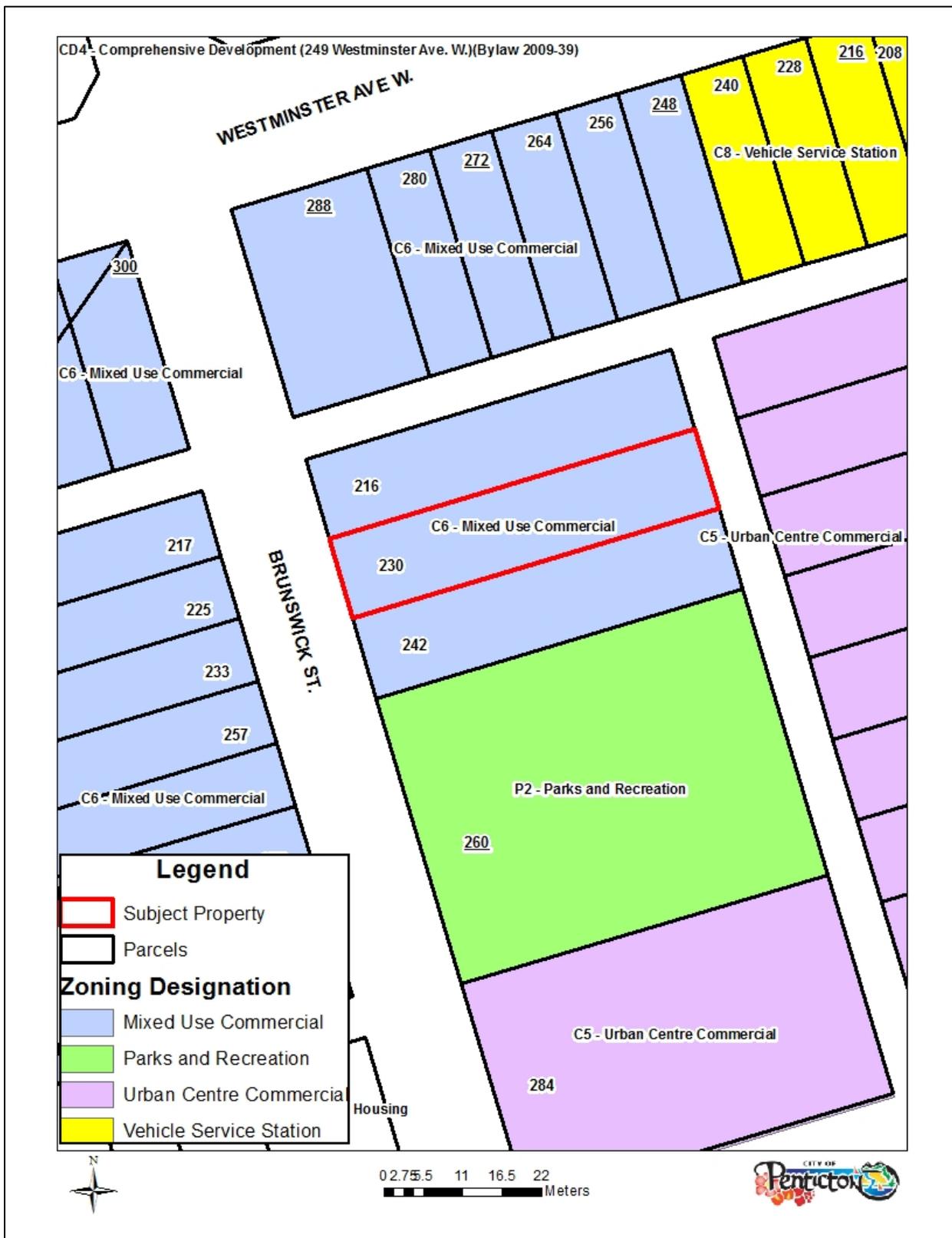


Figure 3: Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Brunswick Street



Figure 5: View from the Lane

Attachment E –Letter of Rationale

# RITCHIE CUSTOM HOMES

December 21, 2016

Blake Laven  
City of Penticton Planning Manager  
171 Main St  
Penticton, BC  
V2A 5A9

Dear Blake Laven,

**Re:** Letter of Intent supporting the request for 230 Brunswick Street - Site Specific Zoning

**Primary Function**

Supply custom made woodworking products to Ritchie Custom Homes to enhance the experience and service in their projects. The vision is to be efficient and innovative with vertical integration of work, employment, control and influence of design and quality of the custom millwork that is used in the custom home projects and wineries in the South Okanagan. Ritchie Custom homes currently manages 7- 9 projects per year employing 20+ employees.

**Operations**

This is to be a custom woodworking shop supporting the various construction projects of Ritchie Custom Homes. Intent is to out-source major material processing work with the final product being assembled on site. Some custom fabricating will be required at the site and all work will be conducted within the building.

**Site Information:**

The property is 10,000 sq. ft. with a building on the property that is 1500 sq ft. Prior to the zoning change in 2011 this site was zoned Heavy Commercial with the Permitted Uses including wood working.

**Employment**

Current Employment is two journeyman cabinet makers with the aim to hire an apprentice in early 2017. Potential exists to hire 1-2 additional employees in the next 2-3 years. These are Red Seal Journeyman employees earning above average wages.

**Summary**

The operation of a smaller scale custom woodworking shop, employing skilled tradesmen and supplying product to a very successful custom home builder- Ritchie Custom Homes. Presents a unique opportunity to support the craft of cabinet construction, custom built components, furniture, doors and other wood related products as utilized in the custom homes built by Ritchie Custom Homes. These jobs are all well paid trades type jobs.

Sincerely,

Nicholas Hill



Ritchie Contracting & Design Ltd. 1393 Hillside Ave, Penticton, BC, CA V2A 8T1 Phone: 250-493-9341 RitchieCustomHomes.com

Bylaw No. 2017-22

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-22".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

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

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

READ A FIRST time this	21	day of	March, 2017
A PUBLIC HEARING was held this	4	day of	April, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

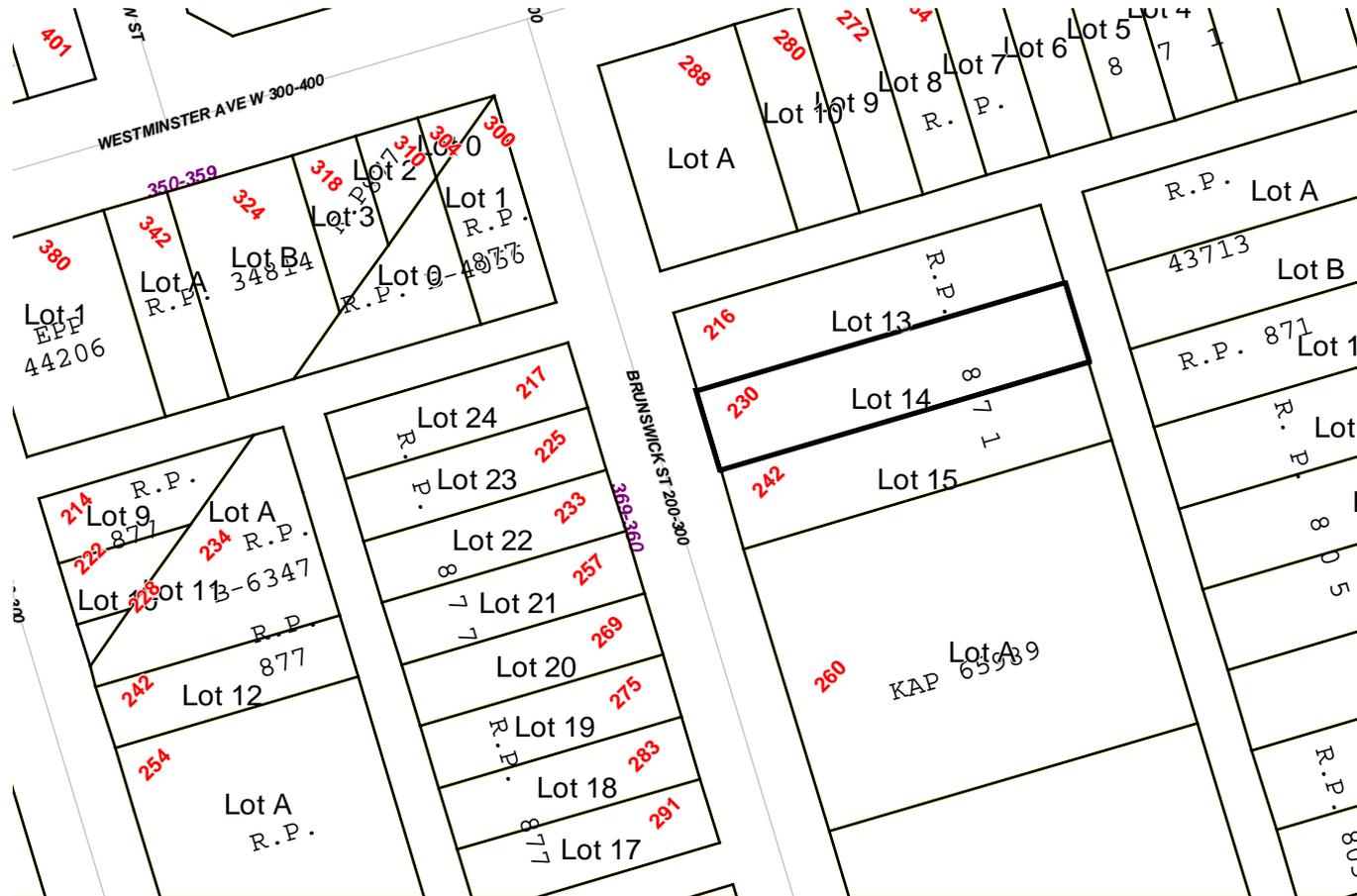
Notice of intention to proceed with this bylaw was published on the 24 day of March, 2017 and the 29 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2017</p> <p>_____  for Minister of Transportation &amp; Infrastructure</p>
--

# Site Specific Zoning Amendment To Permit Indoor Millwork at 230 Brunswick Street (C6-Mixed Use Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-22

Date: \_\_\_\_\_

Corporate Officer: \_\_\_\_\_

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

**Tuesday, March 21, 2017**  
**at 1:00 p.m.**

## **Resolutions**

---

- 12.9 Zoning Amendment Bylaw No. 2017-23  
Re: 453 Winnipeg Street and 232 Wade Avenue

215/2017

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw 2017-23", being a bylaw to amend "Zoning Bylaw No. 2017-08" by adding the use 'office' as a site specific use to Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan KAP77551 located at 453 Winnipeg Street and the use 'parking' on Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, be given first reading and be forwarded to the April 4, 2017 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** March 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Address:** 453 Winnipeg Street and 232 Wade Avenue  
**Subject:** **Zoning Amendment Bylaw No. 2017-23**

File No: PRJ2017-0

## Staff Recommendation

THAT "Zoning Amendment Bylaw 2017-23", being a bylaw to amend "Zoning Bylaw No. 2017-08" by adding the use 'office' as a site specific use to Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan KAP77551 located at 453 Winnipeg Street and the use 'parking' on Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, be given first reading and be forwarded to the April 4, 2017 Public Hearing.

## Strategic priority objective

Support for the proposal will keep an important regional employer in Penticton.

## Background

This application involves zoning amendments on two separate lots, which form part of a large 'social housing campus' on the corner of Wade Avenue and Winnipeg Street.

The campus currently features: The Tower Apartments, 120 units of subsidized housing in a 6 storey building; Chestnut Place, a two storey, 32 unit assisted living senior's residence; and a recreational drop-in centre called the Leisure Centre. The campus also features a 'community garden' for those residents living in the Tower. The campus is operated by the not-for profit group: Penticton and District Society for Community Living (PDSCL) and was at one time partly owned by BC Housing (Tower) and partly owned by Interior Health (Community Garden, Leisure Centre and Chestnut Place). BC Housing has recently been transferred ownership of the entire campus. The subject application involves the community garden and the Leisure Centre, but will not affect the Tower Apartments or Chestnut Place.

Over the past decade, the Leisure Centre, has seen a decline in usage and became a financial liability for PDSCL. This has created an opportunity for the repurposing of the space. BC Housing has announced their intention to renovate the Leisure Centre and relocate their regional office from 280 Nanaimo Avenue to that location. As part of the renovation, they are also proposing to relocate the community garden from its

current location elsewhere on the campus, and create additional parking for their staff and residents of the Tower Apartments where the gardens currently are.

Both properties, 453 Winnipeg Street (Leisure Centre) and 232 Wade Avenue (Community garden) are zoned RM3 (Medium Density Residential). The RM3 zone does not permit the use 'office' as a permitted use or allow the use parking. To proceed with the project, an amendment to the zoning bylaw is required.

## **Proposal**

The applicants working on behalf of BC Housing are proposing amendments to Zoning Bylaw No. 2017-08 to add the following sections to the zoning bylaw:

### 10.9.5 Site Specific Provisions

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

## **Technical Review**

This application was forwarded to the City's Technical Planning Committee. No concerns were raised with regard to the proposed change of use. All works to convert the recreational facility from an assembly use to an office use will be done through building permit approval and with professional architect oversight.

## **Environmental Review**

As part of the application an environmental *Preliminary Site Investigation* and *Stage II Site Investigation* was submitted for 232 Wade Avenue. The report tested the soils of the property and found elevated levels of certain hydrocarbons. The levels are not concerning for residential development, however, the report does not recommend agricultural uses of the property. The report makes the assumption that a house fire which occurred on the property some decades ago was the cause of the minor contamination. Nevertheless, the land is not considered suitable to be continued as a community garden in its current state. If the zoning amendment is not successful and the community garden use were to continue on the site, the residents should use raised beds as opposed to planting directly into the earth as has been the practice to date.

## **Consultation**

Staff have met with several of the residents of the Tower Apartments in regard to the relocation of the garden plots. The residents expressed their desire to see the garden improved, specifically with free irrigation, proper security in place and storage for gardening implements. These comments have been forwarded to BC Housing. BC Housing has made a commitment to work with the community garden group

in creating a suitable replacement. It should be noted, that the preference of the garden user group would be to keep the garden in its current location. The garden user group consists of 13 members.

### **Financial implications**

N/A

### **Analysis**

The Tower Apartments have been an important contributor to Penticton's social housing inventory since its construction in the early 1970s. The recreational component of the housing has been in decline for the past decade as the tenant mix of the Tower has moved from a senior focused tenant population to a more mixed population. Staff consider the re-use of the recreational space for the BC housing offices a positive outcome.

Staff were initially concerned about the removal of a community garden, but are satisfied with a commitment from BC Housing to relocate the garden.

As for the use of 232 Wade Avenue for parking, 1/3 of the property is already used for parking. Under the application the parking will be expanded and all of the parking will be developed to the bylaw standards with hard surface paving, drainage, lighting and landscaping integrated into the design.

The subject property is designated as HR (High Density Residential) by the City's Official Community Plan (OCP). The policies of the HR designation permit office uses through a zoning amendment, and provides some guidance to staff and Council to determine suitability. The guidelines are as follows:

1. The size scale and scope of the proposed use is compatible with the character of the area; and,
2. The proposed use will not have a negative impact, including noise, unacceptable traffic generation or invasion of privacy on adjacent residential uses.

Staff consider the proposal to be in line with these guidelines. As no new building is being proposed, the change in neighbourhood character will be minimal. The function of the building will change in ways that *may* have an impact on neighbouring properties, but staff do not consider the impact to be negative. The BC Housing offices will be open during regular business hours and parking is being expanded to accommodate the expected staff and clients.

With regard to the expansion of the parking on 232 Wade Avenue, care will need to be taken to ensure proper landscaping to soften the impact of the increase in asphalt and to make sure that any lighting is designed to not impact the neighbouring residential building.

Given the above, staff are recommending that Council give first reading to the bylaw and forward it to the April 4<sup>th</sup>, 2017 Public Hearing to hear comments from the community.

**Alternate recommendations**

THAT Council deny giving first reading to "Zoning Amendment Bylaw No. 2017-23"

THAT Council refer Zoning Amendment Bylaw No. 2017-23 back to staff to conduct further public consultation on the land use change.

**Attachments**

Attachment A – Subject property location map

Attachment B – Current site map

Attachment C – Photos of the subject property

Attachment D – Site plan

Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manager

Approvals

Director 	Chief Administrative Officer  PW
---	--

Attachment A  
Subject Property Location Map



Attachment B  
Current Site Map



Attachment C  
Photos of subject lands



### Attachment D Proposed Site Plan



**PRELIMINARY  
FOR SITE  
SPECIFIC ZONING**

EXISTING PARKING: 48  
 NEW PARKING: 35  
 TOTAL PARKING: 83  
 EXISTING COMMUNITY GARDEN: 680m<sup>2</sup>  
 NEW COMMUNITY GARDEN: 888m<sup>2</sup>

**m+m a**  
MEIKLEJOHN ARCHITECTS INC.

301 - 75 FRONT STREET  
 VANCOUVER, B.C. V6B 1K6  
 TEL: 604.681.3143  
 FAX: 604.681.3144  
 WWW.MEIKLEJOHN.COM  
 2005 BRITISH COLUMBIA  
 REG. NO. 12000  
 EMAIL: KEVIN@M+MA.COM

PROJECT TITLE  
**BC HOUSING -  
 CHESTNUT  
 OFFICES**

DRAWING NUMBER  
**A201**

DATE  
**NOV 11 2011**

PROPOSED SITE  
 PLAN

DATE: NOV 11 2011  
 DRAWN BY: T. KIM  
 CHECKED BY: K. KIM

Bylaw No. 2017-23

A Bylaw to Amend Zoning Bylaw 2017-08

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 2017-08;

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. 2017-23".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Add 10.9.5 Site Specific Provisions

.1 In the case of Lot A, District Lot 4, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan KAP77551, located at 453 Winnipeg Street, the use 'office' shall be permitted.

.2 In the case of Lot E, District Lot 4, Group 7, Similkameen (Formerly Yale Lytton) Division Yale District, Plan 502, Except Plan B4474, located at 232 Wade Avenue, the use 'parking' shall be permitted.

READ A FIRST time this	21	day of	March, 2017
A PUBLIC HEARING was held this	4	day of	April, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
RECEIVED the approval of the		day of	, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 24 day of March, 2017 and the 29 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2017</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
---

\_\_\_\_\_  
Andrew Jakubeit, Mayor

\_\_\_\_\_  
Dana Schmidt, Corporate Officer

- 95 -

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

**Tuesday, March 21, 2017**  
**at 1:00 p.m.**

## **Resolutions**

---

12.10 OCP Amendment Bylaw No. 2017-24  
DVP PL2016-7813  
Re: 135 Front Street

216/2017

**It was MOVED and SECONDED**

THAT prior to consideration of OCP Amendment Bylaw No. 2017-24 and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going 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; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2017-24", being a bylaw to amend "OCP Bylaw No. 2002-20" shown as Attachment 'J' of this report to allow a 5 storey building at 135 Front Street; be introduced, given first reading and be forwarded to the April 4, 2017 Public Hearing.

**CARRIED UNANIMOUSLY**

# Council Report

penticton.ca

**Date:** March 21, 2017  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Audrey Tanguay, Senior Planner  
**Address:** 135 Front Street

File No: OCP PL 7812 & DVP PL7813 & DP PL7814

**Subject: OCP Amendment Bylaw No. 2017-24  
Development Permit PL7814 and  
Development Variance Permit PL7813**

---

## Staff Recommendation

### OCP

THAT prior to consideration of OCP Amendment Bylaw No. 2017-24 and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going 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; and
5. The provincial or federal government and their agencies;

AND THAT it is determined that the Public Hearing is sufficient consultation;

AND THAT "OCP Amendment Bylaw No. 2017-24", being a bylaw to amend "OCP Bylaw No. 2002-20" shown as Attachment 'J' of this report to allow a 5 storey building at 135 Front Street; be introduced, given first reading and be forwarded to the April 4<sup>th</sup>, 2017 Public Hearing.

### Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2016-7813" on Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269, located at 135 Front Street, a permit to increase the maximum height of a building from 15m to 20.5m, increase the allowable 0.4m projection for architectural features to 1.2m and waive the requirement for Class II bicycle parking stalls be heard at the April 4<sup>th</sup>, 2017 Public Hearing;

AND THAT Council consider "DVP PL2016-7813" following the adoption of "OCP Amendment Bylaw No. 2017-24".

## **Development Permit**

THAT Council approve DP PL2016-7814, a permit to allow the construction of a 5 storey building on Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269, located at 135 Front Street;

AND THAT Council consider "DP PL2016-7814" following the adoption of "OCP Amendment Bylaw No. 2017-24".

**Strategic priority objective** N/A

## **Background**

Council adopted the Downtown Plan into the City's Official Community Plan (OCP) in 2013, as the first step in Council Strategic Priority of Downtown Revitalization. The Downtown Plan generated wide support from the community and local businesses with significant public engagement and community input that created the vision and direction for the future of Downtown Penticton.

The Downtown Plan formalized the vision and set planning principles, objectives, policies and actions to guide the development and revitalization of downtown. The Downtown Plan main goals include:

- Build a vibrant, healthy and safe place for more people to live, work and play.
- Create strong identity and character.
- Create partnerships to make it easier for businesses to invest.

The subject property (Attachment 'A') is currently designated in the Official Community Plan 2002-20 (OCP) as DC (Downtown Commercial) and is also zoned C5 (Urban Centre Commercial) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. This lot is part of the 6 parcels of land that once formed part of the historic Slack Alice building. The site has been vacant since 2012. The subject site is 279m<sup>2</sup> (0.068 acre) in size. All the properties along Front Street are designated Downtown Commercial (DC) by the City's Official Community Plan. The downtown plan specifically addresses opportunities for redevelopment and re-invention with a strong connection with creativity and history. A focus has been established to retain the integrity of the downtown heritage sites and buildings.

The developer is proposing to develop a strata, multi-family project comprising one storey commercial and 4 storey residential with a total of 14 residential units. Only 2 parking stalls are provided on site. The developer has secured an agreement to bring a carshare program to the downtown area, which is considered to be a positive contribution towards alternative transportation downtown and in the community. Under the zoning bylaw, the required number of parking spaces may be reduced by a maximum a three (3) spaces if the building provides one co-operative vehicle and one co-operative vehicle parking space. Additionally, six (6) additional required parking spaces will be located on the site directly to the north-east. The developer will enter into an agreement with the City to secure the stalls. In the future, if the developer wishes to redevelop the vacant lot and eliminate the parking, cash in-lieu of these parking spaces will be triggered at \$6,000 per parking space.

In addition to an OCP amendment and development permit, the applicant is requesting a variance to the maximum allowable projection for balconies and walls and an increase in the height of the building to allow one extra storey.

**Proposal**

The applicant is proposing the following amendments to the Official Community Plan Bylaw 2002-20:

- To amend Section 2.1.2 :The Downtown and Urban Villages to increase the maximum height in the Downtown Commercial (DC) designated area on Front Street from a 4 storey building to a 5 storey building at 135 Front Street.

The applicant is seeking a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 11.5.3.2: To increase the maximum architectural projection from 0.4m to 1.2m
- Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 20.5m
- Section 6.4.3: To waive the requirement for Class II bicycle parking stalls.

Furthermore, the applicant is also seeking a development permit to construct a 5 storey building at 135 Front Street.

**Project Specifications**

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

**Development Statistics**

Item	Requirement C5 Zone	Provided on Plans
<b>Maximum Lot Coverage:</b>	100%	100%
<b>Maximum Density:</b>	6.0 FAR	3.9 FAR
<b>Vehicle Parking:</b>	10 stalls	2 stalls on site Car share( substitute for 3 stalls) 6 stalls provided on adjacent lot
<b>Bicycle Parking</b> <i>Class I</i> <i>Class II</i>	0.5 per unit (5)and minimum 2 for commercial uses 0.1 per unit	15stalls 0 (variance)
<b>Required Setbacks:</b> All yards	0.0 m	0.0 m
<b>Maximum Building Height:</b>	15m (Front Street)	20.5 m(variance)
<b>Other Information:</b>	<ul style="list-style-type: none"> <li>• The DP area that the property is situated in is the “Downtown Enterprise Development Permit” area.</li> </ul>	

## **Development Engineering Review**

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Usual frontage upgrades and servicing requirements have been identified and will be included in the Building Permit application. These items have been communicated to the applicant.

## **Financial implication**

N/A

## **Analysis**

### Support OCP amendment

The opportunities for larger scale development downtown are restricted. The Downtown plan limits the height of buildings on Main Street and Front Street to three storeys with the option where large redevelopment property exists, an increased density and height may be suitable subject to a complete design review. The developer has worked with a local architect to submit plans that compliment the diversity and heritage character of Front Street. Staff feels that the increase in height will have minimal impact on the street considering the design proposed. The impact that will occur resulting from the higher storey compared to the potential 10 storeys on adjacent streets including Ellis Street and Martin Street is minor. The proposal adds to the already diverse range of densities of this area and fills a gap in the streetscape that is sorely needed.

In summary, the development meets the following objectives of the OCP:

- Encourage residential intensification and allow for a visually interesting building design
- Promote infill development with priority on mixed use development with ground floor commercial
- Retains the Downtown Commercial areas as a compact well defined and pedestrian oriented area.
- Encourage densification in areas where existing services can accommodate higher densities; and
- Encourage Front street commercial areas with infill commercial development on vacant parcels.

Overall, staff believe that the proposed building will generate positive impacts for the downtown with the increase in commercial area and the 14 new residential units. Staff considers that the design is suitable and consistent with the redevelopment in the downtown. The location of the site and characteristics of the surrounding make it ideally suited for densification. For these reasons staff are recommending that Council support the OCP amendment as provided in this report and refer the application to the April 4 , 2017 Public Hearing.

### Deny/Refer

Council may consider that the proposed amendment is not suitable for this site. If this is the case, Council should deny the bylaw amendment. If the OCP amendment does not go forward, the property will be

restricted to a 4 storey building. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

### Support Variance

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause an undesirable impact on neighbouring properties and if the variance request is reasonable. The proposed variances are as follows:

#### *Section 11.5.3.2: To increase the maximum projection for decorative building features from 0.4m to 1.2m*

The zoning bylaw states that projections up to 0.4m are allowed to accommodate desirable architectural features; the applicant is requesting that maximum increased to 1.2 m to allow balconies to cantilever. Given that this variance will add positively to the architectural interest of this building and will maximize the development potential of the site in a manner which is sensitive to surrounding land uses and the integrity of the street, it is supported by staff.

#### *Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 20.5m*

It is the developer's intention to add an additional storey to the building consequently increasing the number of residential units from 12 to 14 units. Each unit on the 5<sup>th</sup> floor is approximately 1,050 ft<sup>2</sup>. The mixed use development will provide for an efficient use of the land and active uses on the ground floor. As with other infill projects in the downtown, this proposal promotes a form of growth focusing on infill with a priority on mixed use development. Staff does not consider that the variance will have a negative impact on any interests of acknowledged importance, including neighbouring properties, as the form and scale of this development is consistent with the form and character of the downtown and adds a visually interesting building design.

#### *Section 7.4.3: To waive the requirement for Class II parking stalls.*

Under the C5 zoning, the zoning bylaw allows for 100% site coverage. The intent of this zone is to allow high density commercial and residential uses. Bicycle parking requirements for this type of development include: lockers, compounds or rooms (Class I) as well as bicycle racks located outside (Class II) the building. In this case, the developer proposes to increase the number of bicycle lockers inside the building to lessen the requirement for outdoor racks. Staff does not consider that the variance will have a negative impact on the neighboring properties and overall meets the intent of the bylaw.

### Support Development Permit

The Downtown Enterprise Development Permit Area (DPA) encompasses a three block area, which is considered to be the "heart" of Penticton's downtown. The City recognizes that the attractiveness of this area is vital in attracting tourists, pedestrians, and new development to the area. As such, development is expected to largely comply with what the OCP recommends with respect to siting, design, and community impact.

In terms of design, the development meets many of the criteria laid out in the OCP. For example, it is felt that the building has a high degree of architectural value, providing interest through a variety of building finishes, varied roof lines, and outdoor spaces attached to each unit. Additionally, the building is adding

dimensional interest to the street and promoting a unique character to the building. For these reasons staff is recommending that Council support the Development Permit.

**Alternate Recommendations**

1. THAT Council give first reading to "OCP Amendment Bylaw No.2017-24" but deny support to "Development Variance Permit PL2016-7813" and Development Permit PL2016-7814.

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Letter from Car share program
- Attachment G: Building Rendering
- Attachment H: Site Plan
- Attachment I: DVP
- Attachment J: OCP Amendment Bylaw No. 2017-24

Respectfully submitted,

Audrey Tanguay, MCIP  
Senior Planner

Approvals

Director	CAO
AH	PW

Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Map



Figure 2: OCP Map



Attachment D - Images of the Subject Property



Figure 4: View from Front Street



Figure 5: View from the rear lane

Attachment E –Letter of Rationale



December 2, 2016

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

**Attn: Audrey Tanguay, Long Range Planner**

Dear Audrey:

Re: OCP and Zoning Amendment, Development Variance Permit  
135 Front Street, Penticton, BC  
Lot 13, Plan 269, DL 202, Blk 1, PID 012-442-011

Schoenne Homes Inc. is excited to bring forward for your review a development proposal for our property located at 135 Front Street. Our intention is to construct a five storey mixed use building including a commercial unit on the main floor and fourteen, one and two bedroom residential units, on the four upper floors.

The project has been designed specifically to cater to the downtown residential rental market, by offering an urban feel, and micro/efficient living. To that end we have created a development that offers tenants a sense of a community within a community which is why the project will include a common roof top deck for social gatherings and building functions.

As part of our development proposal we are requesting a relaxation to the maximum height allowance from 15m to 20.42m. The additional height request is being made to allow for an additional residential storey and the roof top deck.

We are also requesting that the allowable "decorative building feature" projection be increased from 0.4 to 1.22m. This request is being made to enhance the exterior architectural appeal of the Front Street elevation and to facilitate the construction of decks while still maintaining functional living space for the residential units.

On-site parking has been limited to 2 stalls which is short of the 14 required stalls. In accordance with Zoning Bylaw No. 2011-23, 7.5 and table 7.4 a developer is permitted to pay Cash-in-lieu to off

set the lack of on-site parking. In exchange for Cash-in-Lieu payment for 5 of the required automotive parking stalls Schoenne Homes Inc. is prepared to introduce/fund Penticton's first community car share program through a one time prepaid agreement with OGO Car Share Co-Op of Kelowna. The vehicle, owned and operated by OGO Car Share Co-Op, is guaranteed to be available for 2 years. Subsequent years' will be at the discretion of the company principals and we are told is subject only to the positive acceptance of the program by the community. Schoenne Homes Inc. will take no responsibility for success of the program and has no financial liability for the program beyond the initial program introduction fee. We are also requesting that council approves a designated Car Share street parking stall in front of the project.

Finally, our development proposal has a site coverage ratio of 100%, and as such, is unable to provide for the required Class II bicycle parking spaces along the exterior of the building. We are requesting a variance to this requirement. As a note, the development proposal will offer 12 secure Class I bicycle parking spaces within the building, 5 spaces more than that required under the zoning.

Respectfully submitted



Bruce Schoenne, President  
Schoenne Homes Inc.



Attachment F –Letter for the carshare program



304-1353 ELLIS STREET  
KELOWNA, BC V1Y 1Z9  
(250) 469-6617  
INFO@OGOCARSHARE.CA  
WWW.OGOCARSHARE.CA

termLetter of intend

Kelowna, British Columbia – December 21st, 2016

This document outlines the commitment between the Okanagan Car Share Co-op (OGO) and Schoenne Homes Inc to integrate carsharing into 135 Front Street

**BETWEEN:**

**Okanagan Car Share Co-op  
doing business as OGO  
304 – 1353 Ellis Street,  
Kelowna, B.C.  
V1Y 1Z9  
("OGO")**

**AND**

**Schoenne Homes Inc  
205-166 Main Street  
Penticton, BC V2A 5A6**

**("Developer")**

**WHEREAS:**

- A. Developer has undertaken the residential development of the lands located at 135 Front Street in the City of Penticton, British Columbia;
- B. OGO is a not-for-profit co-operative that fosters carsharing and raises awareness about the benefits of sharing cars over individual ownership;
- C. The City of Penticton will designate 1 on-street parking space in front of 135 Front Street (the "Co-op Space(s)") for the exclusive use of the Vehicle(s);
- D. OGO will, at its cost, operate, maintain, repair and insure the Vehicle(s) and administer the carsharing program (the "Carsharing Program"); and
- E. Developer and OGO intend that the Vehicle(s) will be available for use by all OGO members, including the residents of 135 Front Street who become members of OGO, collectively, the "Permitted Users").

NOW THEREFORE in consideration of the sum of Ten (\$10.00) Dollars now paid by each party to the other (the receipt and sufficiency whereof is by each hereby acknowledged) and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:



304-1353 ELLIS STREET  
KELOWNA, BC V1Y 1Z9  
(250) 469-6617  
INFO@OGOCARSHARE.CA  
WWW.OGOCARSHARE.CA

Project Fee

1. Prior to completion of construction of Development, Developer will pay to OGO a sum mutually agreed between OGO and Shoenne Homes (the "Project Fee"), which sum is inclusive of taxes, shipping and all other fees and charges, but excluding insurance, for the purchase and carsharing set up of the Vehicle(s) equipped for carsharing purposes upon the execution of this Agreement by the parties.
2. OGO will use the Project Fee forthwith upon receipt to purchase one vehicle (the "Vehicle(s)") for use as the Vehicle(s), and will provide Developer with a copy of the vehicle registration evidencing that the Vehicle is registered in the name of OGO together with proof of insurance.
3. Upon issuance of a building permit the Developer will also pay to OGO a sum mutually agreed between OGO and Shoenne Homes (the "Operating Fund"), as a fund to be applied towards the cost of maintaining, operating, insuring and administering the Vehicle(s) during the Term (as defined hereafter). OGO agrees to use and apply the Operating Fund only towards the maintenance, operations, and administration of the Vehicle(s) for the Term.
4. Upon receipt of the Project Fee and Operating Fund, OGO will issue a receipt to Developer confirming payment of the Project Fee and Operating Fund to OGO.
5. Developer agrees that OGO will be the sole provider of the Carsharing Program in respect of the Vehicle(s) during the Term.
6. Developer and OGO agree that the Vehicle(s) will be accessible to and useable by all members of OGO, including any residents of strata lots in the Development who become OGO members, and OGO will take all commercially reasonable steps to ensure the Vehicle is used only by the Permitted Users.
7. OGO agrees to provide usage of the Vehicle(s) for OGO members and to cause the Vehicle(s) to be parked in the nearby Co-op Space(s) at all times when not in use by an OGO member. For greater certainty, OGO will not be responsible for any costs in respect of the Co-op Space(s) during the Term, including, without limitation, 24 hour per day, 7 day per week OGO member access to the Co-op Space(s) and the maintenance of the Co-op Space(s).
8. OGO will be solely responsible for providing and paying for the Carsharing Program, including but not limited to the operating, administration, maintenance, repair and insurance costs.  
  
OGO agrees to maintain, repair, and operate the Vehicle(s) and, if a Vehicle is damaged beyond repair during the Term, to replace such a Vehicle with a vehicle which is at least equivalent in value to the Vehicle such that the Vehicle is always available for use by the Permitted Users during the Term.
9. OGO acknowledges and agrees that Developer will not be responsible for any costs associated with the Vehicle(s) or the Carsharing Program, including without limitation, any applicable taxes or delivery fees in respect of the purchase of the Vehicle(s), beyond the payment of the Project Fee and Operating Fund.

OGOCARSHARE.CA



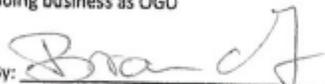
304-1353 ELLIS STREET  
KELOWNA, BC V1Y 1Z9  
(250) 469-6617  
INFO@OGOCARSHARE.CA  
WWW.OGOCARSHARE.CA

- 10. Developer acknowledges and agrees that residents of Development (the "Residents") will not automatically become members of OGO and must meet OGO's registration requirements and join OGO in order to be eligible to use the Vehicle(s) and the Carsharing Program.
- 11. Developer acknowledges and agrees that Residents who are OGO members will be responsible for applicable member fees in respect of the use of the Vehicle(s), such member fees as noted on the OGO website.
- 12. OGO will provide the Carsharing Program for a term of two (2) years (the "Term") commencing from the date of issuance of the first occupancy permit for any new buildings, improvements or structures, which includes dwelling units, constructed at 135 Front Street (and any renewal term, if applicable), following which this Agreement may be terminated by either party upon obtaining the prior written consent of the other party to this Agreement, provided that this Agreement may not be terminated by either party unless such party obtains the prior written consent of the City of Penticton to vary the requirements set out in the Development Permit to provide for the Vehicle, the Co-op space and the Carsharing program at 135 Front Street.

IN WITNESS WHEREOF

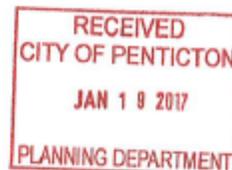
The parties have agreed to this letter of intend on the 21 day of December, 2016.

Okanagan Car Share Co-op  
doing business as OGO

By:   
Authorized Signatory

Schoenne Homes Inc

By:   
Authorized Signatory



OGOCARSHARE.CA

### Attachment G – Building Rendering



Figure 6: East Elevation (Front Street)



Figure 7: East Elevation (Front Street)



Figure 8: East Elevation (Front Street Level)

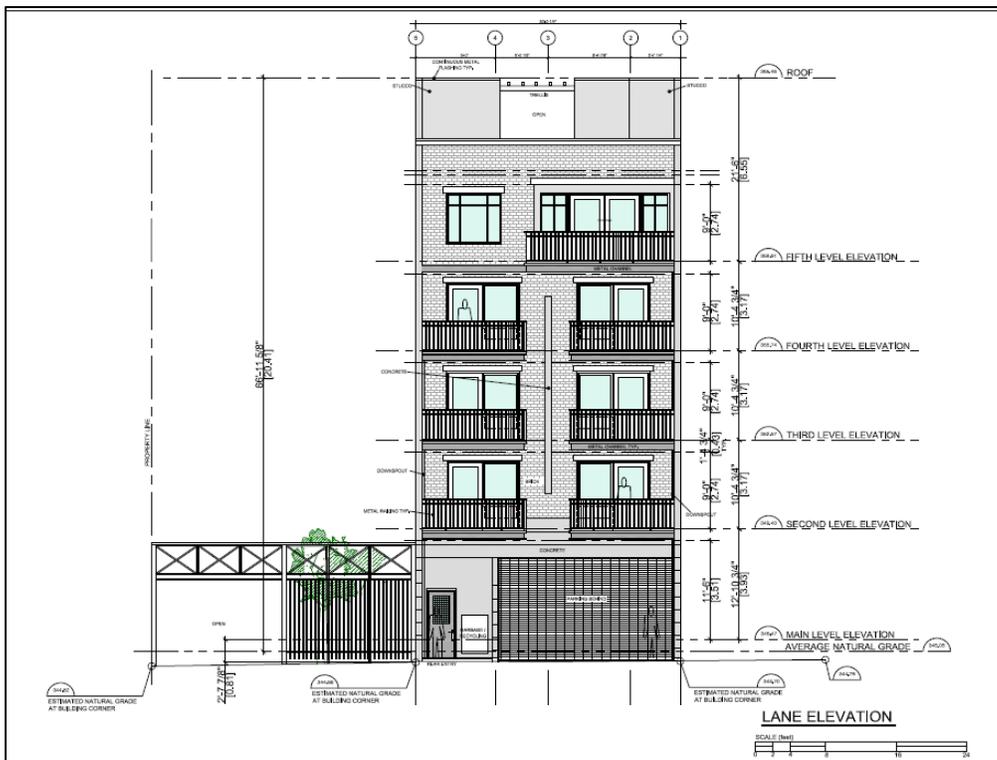


Figure 8: West Elevation (View from lane)

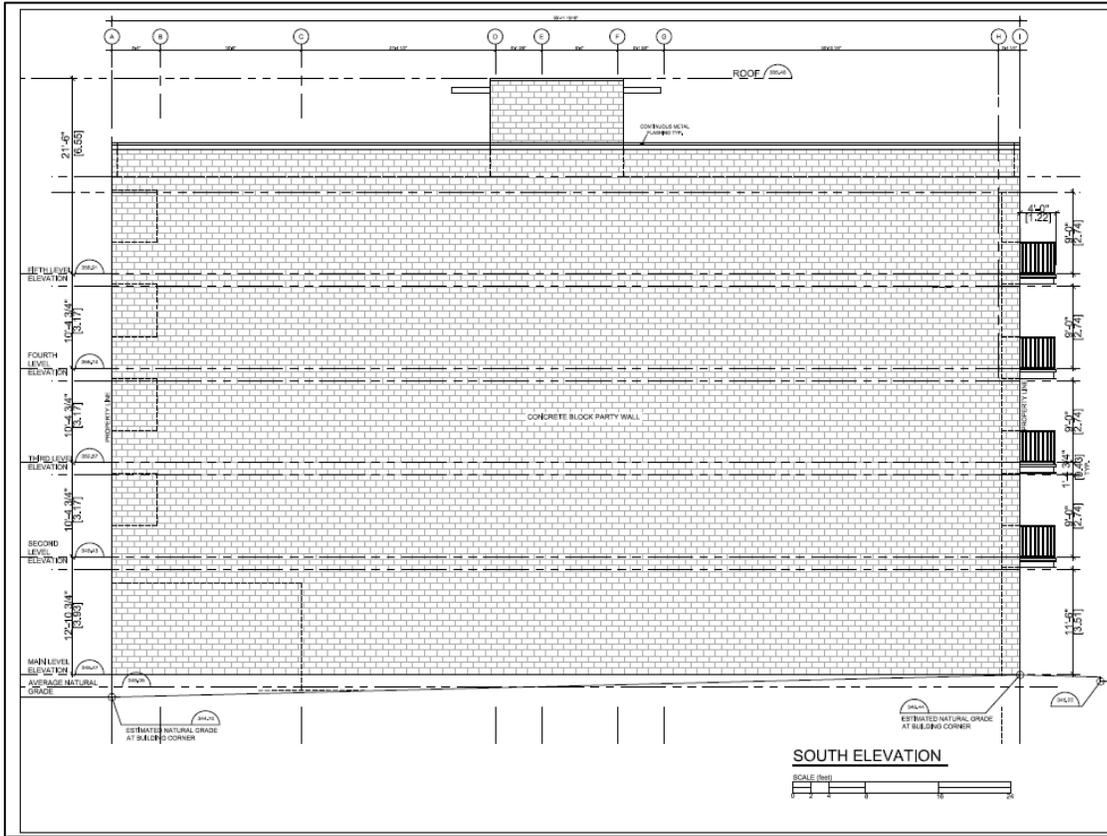


Figure 9: South Elevation

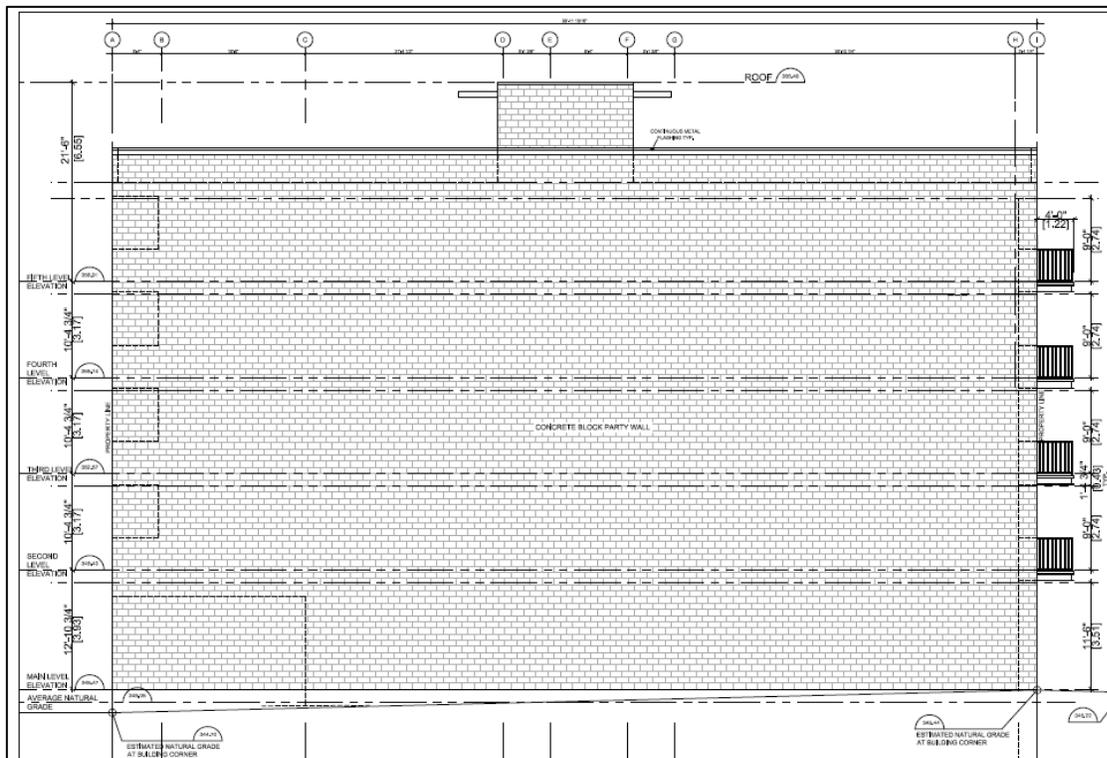


Figure 10: North Elevation

Attachment H: Site Plan

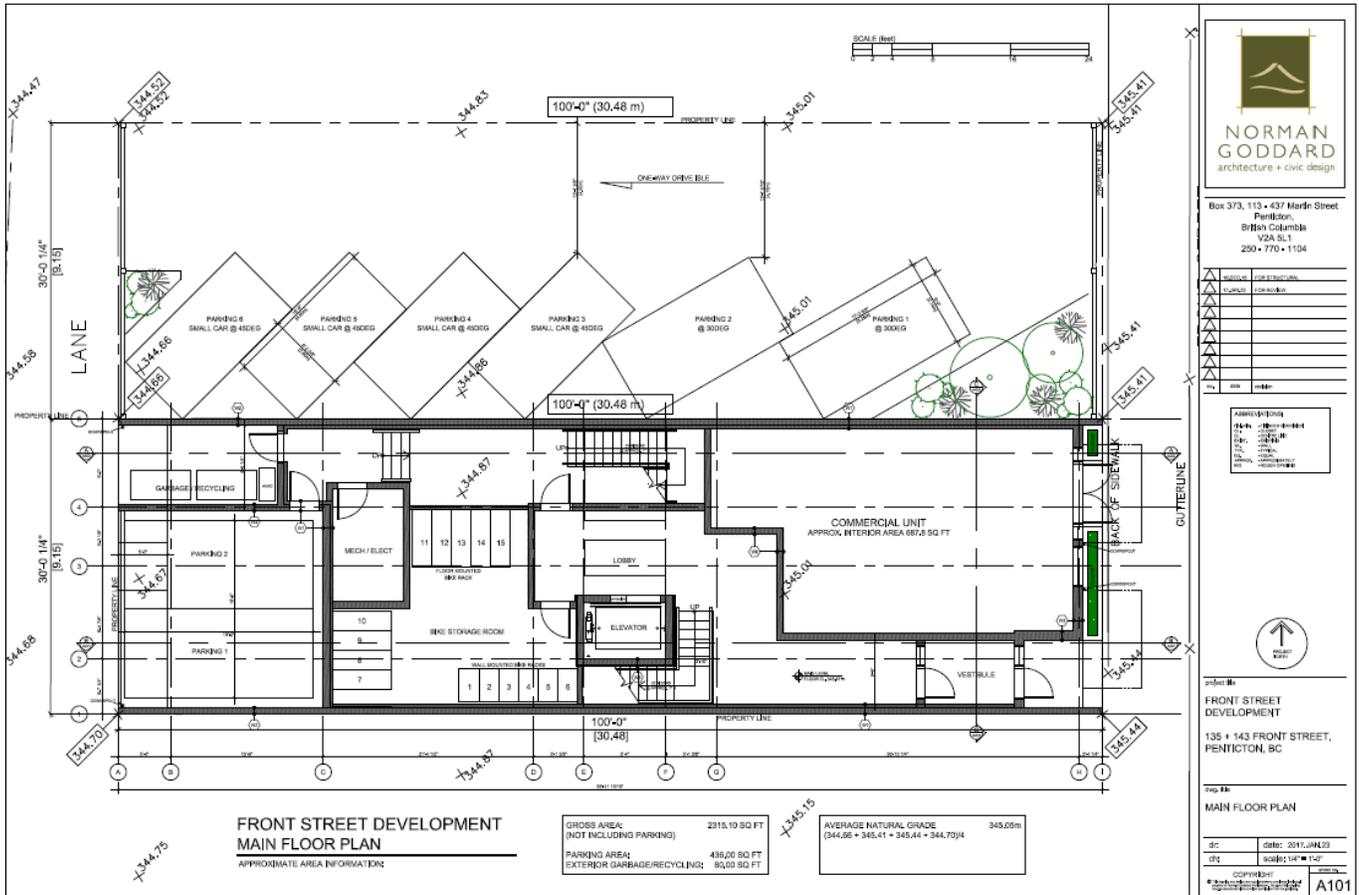


Figure 11: Site Plan

Attachment I: DVP



City of Pentiction  
171 Main St. | Pentiction B.C. | V2A 5A9  
www.pentiction.ca | ask@pentiction.ca

### Development Variance Permit

Permit Number: DVP PL2016-7813

#### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:  
  
**Legal:** on Lot 13, Block 1, District 202, Group 7, Similkameen Division Yale District, Plan 269  
**Civic:** 135 Front Street  
**PID:** 012-442-011
3. This permit has been issued in accordance with Section 498 of the *Local Government Act* to vary the following sections of Zoning bylaw 2017-08:

Section 11.5.3.2: To increase the maximum architectural projection from 0.4m to 1.2m  
Section 11.5.2.5 ii: To increase the maximum height on Front Street from 15m to 20.5m  
Section 6.4.3: To waive the requirement for Class II bicycle parking stalls.

#### General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule A.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.
6. This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.
7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure

requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the

Issued this \_\_\_\_ day of \_\_\_\_\_, 2017

---

Dana Schmidt,  
Corporate Officer

**Bylaw No. 2017-24**

*A Bylaw to Amend Official Community Plan Bylaw 2002-20*

---

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Official Community Bylaw 2002-20;

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 "Official Community Plan Amendment Bylaw No. 2017-24."

2. **Amendment:**

"Official Community Plan Bylaw No. 2002-20" is hereby amended as follows:

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

READ A FIRST time this	21	day of	March, 2017
A PUBLIC HEARING was held this	4	day of	April, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 24 of March, 2017 and the 29 of March, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

---

Andrew Jakubeit, Mayor

---

Dana Schmidt, Corporate Officer

---

*"a catalyst in the community"*

March 20, 2017

Mayor and Council  
City of Penticton

**Re: Schoenne Homes development at 135 Front Street and the introduction of Car Share**

The Penticton & Wine Country Chamber of Commerce supports Schoenne Homes' application for development at 135 Front Street, as well as the introduction of the first Car Share program coming to Penticton – "Ogo-share."

We believe that the idea that Bruce is putting forward is creative and innovative, and this project will support a robust and vibrant downtown.

Yours very truly,



Neil Wyper, President  
Penticton & Wine Country Chamber of Commerce