



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

Tuesday, April 18, 2017
 at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Proclamation:**
 - 4.1 "Red Hat Day" – April 25, 2017 1
5. **Adoption of Minutes:**

5.1	Minutes of the April 4, 2017 Committee of the Whole	2-3	Receive
5.2	Minutes of the April 4, 2017 Public Hearing	4-11	Recieve
5.3	Minutes of the April 4, 2017 Regular Council Meeting	12-19	Adopt
5.4	Minutes of the April 11, 2017 Parcel Tax Roll Review Panel	20	Receive
6. **Committee and Board Reports:**

6.1	Penticton Creek Restoration Committee Minutes of March 10, 2017	21-24	
	<i>Recommendation: THAT Council receive the minutes of the Penticton Creek Restoration Committee meeting of March 10, 2017.</i>		
6.2	Affordable Community Task Force Minutes of March 31, 2017	25-27	
	<i>Recommendation: THAT Council receive the draft minutes of the Affordable Community Task Force meeting of March 31, 2017.</i>		
6.3	Agriculture Advisory Committee Minutes of March 31, 2017	28-29	
	<i>Recommendation: THAT Council receive the draft minutes of the Agriculture Advisory Committee meeting of March 31, 2017.</i>		
7. **Correspondence**

7.1	Peach City Beach Cruise	30	
	Re: Request free parking for registrants, June 23 – 25, 2017		

8. Staff Reports:

- RS 8.1 Tax Rates Bylaw No. 2017-25 31-40
Staff Recommendation: THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2017-25", a bylaw that establishes property taxation rates for the 2017 tax year.
- CL 8.2 Service Agreement between Penticton Public Library and Penticton Indian Band 41-45
Staff Recommendation: THAT Council approves the service agreement between Penticton Public Library and the Penticton Indian Band and authorize the Library Board and Chief Librarian to execute the agreement.
- CFO 8.3 Proposed Asset Disposal 46-49
Penmar Community Arts Society (PCAS) Theatre Seats
*Staff Recommendation: THAT Council direct Staff work cooperatively with the Penmar Community Arts Society to disposal of the assets held as security without formally seizing the assets;
AND THAT Council waive the Purchasing Policy allowing for negotiations with local parties that express interest in the projectors and theatre seats;
AND FURTHER THAT staff be directed to maximize the recovery of the loan proceeds through disposition of the assets through the various options permitted under the section 25 of the Community Charter.*
- GMI 8.4 2017 / 2018 Annual Operating Agreement Conventional and Custom Transit 50-64
Staff Recommendation: THAT Council authorize the Mayor and Corporate Officer to execute the 2017 / 2018 Annual Operating Agreement for the Conventional and Custom Transit System as contained in Attachment "A".
- GMI 8.5 Transit Service Agreement 65-82
Staff Recommendation: THAT Council authorize the Mayor and Corporate Officer to execute the Transit Service Agreement as contained in Attachment "A".
- MF 8.6 City Yards Roof Replacement 83-126
Re: Budget Amendment
*Staff Recommendation: THAT Council direct staff to implement the replacement of the roof at the City Yards mechanics garage;
AND THAT Council approves a budget amendment of \$140,000 from the City's Asset Emergency Reserve to fund the capital improvements.*
- BPM 8.7 Winery Lounge Endorsement 127-140
Re: Perseus Winery
*Staff Recommendation: THAT Council direct staff to commence public notification of the proposed Winery Lounge endorsement for Perseus Winery (Penticton), located at 134 Lower Bench Road;
AND THAT staff report back to Council at their meeting on May 23, 2017 with the results of the public consultation for Council's consideration.*
- CO 8.8 Downtown Business Improvement Area Bylaw No. 2017-12 141-148
Staff Recommendation: THAT Council approve the Certificate of Sufficiency for the Downtown Business Improvement Area Bylaw No. 2017-12; AND THAT Council adopt "Downtown Business Improvement Area Bylaw No. 2017-12.
- BSS 8.9 Bylaw Notice Enforcement Amendment Bylaw No. 2017-28 149-155
& Municipal Ticketing Information Amendment Bylaw No. 2017-29
Re: for new Zoning Bylaw and Solid Waste Collection Bylaw
*Staff Recommendation: THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2017-28";
AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-29".*

9. Public Question Period

10. **Recess meeting until 6:00 p.m.**
11. **Reconvene the Regular Council Meeting at 6:00 p.m.**
12. **Reconsideration of Bylaws and Permits:**
- | | | | | |
|--|------|---|---------|--|
| | 12.1 | Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03 | 156-157 | Rescind 3 rd /3 rd Amend |
| | 12.2 | Zoning Amendment Bylaw No. 2017-14
Re: Vacation Rentals | 158-159 | Adopt |
| | 12.3 | Zoning Amendment Bylaw No. 2017-22
Re: 230 Brunswick Street | 160-161 | Adopt |
| | 12.4 | Zoning Amendment Bylaw No. 2017-23
Re: 453 Winnipeg Street and 232 Wade Avenue | 162 | Adopt |
13. **Land Matters:**
- | | | | | |
|-----|------|---|---------|---------|
| BPM | 13.1 | Winery Lounge and Special Event Area (SEA) Endorsement
Re: Time Winery, 361 Martin Street
<i>Staff Recommendation: THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications from Time Winery (Encore Vineyards Ltd) for the proposed Winery Lounge and Special Event Area (SEA) Endorsements.</i> | 163-171 | Del/Sub |
| BPM | 13.2 | Winery Lounge Endorsement
Re: Little Engine Wines, 851 Naramata Road
<i>Staff Recommendation: THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the application from Little Engine Wines (Little Engine Wines Ltd.) for the proposed Winery Lounge Endorsement.</i> | 172-176 | Del/Sub |
| DDS | 13.3 | Development Variance Permit PL2017-7876
Re: 426 Churchill Avenue
<i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2017-7884" for Lot 19 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849, located at 426 Churchill Avenue, a permit to increase the maximum projection of eaves into the north front yard from 1.5m to 1.9m and to decrease the minimum south front yard from 4.5m to 3.0m; AND THAT staff be directed to issue "Development Variance Permit PL2017-7884."</i> | 177-190 | Del/Sub |
| DDS | 13.4 | Development Variance Permit PL2017-7890
Re: 3598 South Main Street
<i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2017-7890" for Lot 5 District Lot 197 Similkameen Division Yale District Plan 20373, located at 3598 South Main Street, a permit to increase the maximum floor area of all accessory buildings from 75m² to 89m²; AND THAT staff be directed to issue "Development Variance Permit PL2017-7890."</i> | 191-203 | Del/Sub |
| DDS | 13.5 | OCP Amendment Bylaw No. 2017-26 &
Zoning Amendment Bylaw No. 2017-27 & DVP PL2017-7878
Re: 180 Industrial Avenue W
<i>Staff Recommendation: THAT prior to consideration of OCP Amendment Bylaw No. 2017-26 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:</i> | 204-228 | |
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 in addition to the Public Hearing proposed for May 2, 2017, the Public Consultation completed to date is sufficient;

AND THAT "OCP Bylaw No. 2002-20" be amended by changing the OCP designation on a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, as shown in Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20" be amended by including a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20;

AND THAT "OCP Amendment Bylaw No. 2017-26" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-27", a bylaw to amend Zoning Bylaw 2017-08 to rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 2, 2017 Public Hearing;

THAT delegations and submissions for "Development Variance Permit PL2017-7878" on portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, a permit to reduce the required parking from 16 stalls to 11 stalls be heard at the May 2, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7878" following the adoption of "Zoning Amendment Bylaw No. 2017-27".

DDS 13.6 OCP Amendment Bylaw No. 2017-30 229-256

Zoning Amendment Bylaw No. 2017-31 & DVPPL2017-7914
Re: 352, 398 Eckhardt Avenue E

Staff Recommendation: THAT prior to consideration of "OCP Amendment Bylaw No. 2017-30" 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 consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, from I (Institutional) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20", be amended by including 352 Eckhardt Avenue E in Schedule 'H' General Multiple Development Permit Area;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-30" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

THAT "Zoning Amendment Bylaw No. 2017-31", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1(Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the May 2 , 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-31," the following conditions are fulfilled:

- A 1.75m road widening along Eckhardt Avenue East is registered with the Land Title Office.
- Lot A, District Lot 202, Similkameen Division Yale District Plan 26857 (352 Eckhardt Avenue E) and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 (398 Eckhardt Avenue E), are consolidated.

AND THAT, in accordance with section 507 of the Local Government Act, Council require the developer to construct the full width of Gahan Avenue to a local residential street standard including the provisions for storm water management but excluding curbing and sidewalk on the east side of Gahan Avenue;

THAT delegations and submissions for "Development Variance Permit PL2017-7914" include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., a permit varying the following provisions of Zoning Bylaw 2017-08:

- reduce the required visitor parking from 6 stalls to 3 stalls,
- decrease the rear yard setback from 6m to 2.69m and
- increase the projections for balconies from 0.6m to 1.5m,

be heard at the May 2 , 2017 Public Hearing; AND THAT Council consider "DVP PL2017-7914" following the adoption of "Zoning Amendment Bylaw No. 2017-31".

14. **Notice of Motion**
15. **Business Arising**
16. **Council Round Table**
17. **Public Question Period**
18. **Adjournment**

Proclamation

penticton.ca

Red Hat Day April 25, 2017

WHEREAS women over the age of fifty are the largest segment of the population at this time; and

WHEREAS physicians are actually encouraging women in middle age to become "Red Hat" ladies as the benefits of social interaction, companionship and engaging life with fun and vigor contribute so much to quality of life, proving that laughter has always been the best medicine; and

WHEREAS women strive with endless desire to fulfill their duty to be there for others; husband, children, home, work, church, business organizations, associations, and often struggle to find time for themselves; and

WHEREAS the Red Hat Society is reshaping the way women are viewed in today's culture by promoting, not only fun and friendships, but freedom from stereotypes and fulfillment of goals and dreams; and

WHEREAS the Red Hat Society whole-heartedly promote periods of "recess" from the cares and duties of everyday life in which Hatters gather for no other purpose than to play.

Now, Therefore I, Andrew Jakubeit, Mayor of the City of Penticton, DO HEREBY PROCLAIM April 25, 2017 as **Red Hat Day**.

A handwritten signature in black ink, appearing to read "Andrew Jakubeit", written over a horizontal line.

Mayor Andrew Jakubeit

Committee of the Whole
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, April 4, 2017

Recessed from the Regular Council Meeting at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Mitch Moroziuk, General Manager of Infrastructure
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Dana Schmidt, Corporate Officer
Angie Collison, Deputy Corporate Officer

1. Call to order

The Mayor called the Committee of the Whole meeting to order at 1:01 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on April 4, 2017 be adopted as circulated.

CARRIED UNANIMOUSLY

3. Delegations:

3.1 RDOS Business Education Program
GreenStep Solutions Inc.

Angela Nagy, CEO and Andrea Mackintosh, Project Manager, GreenStep Solutions Inc. on behalf of the Regional District Okanagan Similkameen, provided Council with an overview of their plans to reach out to businesses and multi-family units to discuss the barriers to recycling and waste collection.

Mayor Jakubeit declared a conflict of interest and left the meeting at 1:07 p.m. Deputy Mayor Picton chaired the meeting.

3.2 Penticton Jazz Festival

Beth Campbell, Jazz Festival Society, provided Council with a summary of the Pentastic Jazz Festival. The City is a necessary and valued share holder. The Festival has no paid employees and uses volunteer labour, local suppliers and is soft on city infrastructure and policing resources. Asked that Council reinstate the 2016 grant funding levels and to create a line item in the City's budget for the festival.

Mayor Jakubeit returned to the meeting at 1:17 p.m.

3.3 Grant Awards Update

Community Foundations of South Okanagan Similkameen

Aaron McRann and Kim English, Community Foundation of South Okanagan Similkameen, provided Council with an update on the neighbourhood small grants program. Program provides a neighbourhood up to \$500 to make the community a better place to live. Apply online until April 28, 2017.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole at 1:29 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

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

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

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Mitch Moroziuk, General Manager of Infrastructure
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:00 p.m. for "Zoning Amendment Bylaw No. 2017-14", "Zoning Amendment Bylaw No. 2017-19", "Zoning Amendment Bylaw No. 2017-20", "Zoning Amendment Bylaw No. 2017-21", "Zoning Amendment Bylaw No. 2017-22", "Zoning Amendment Bylaw No. 2017-23" and "OCP Amendment Bylaw No. 2017-24". He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws and related DVPs an opportunity to be heard before Council. She further indicated that the public hearing was advertised pursuant to the *Local Government Act*.

"Zoning Amendment Bylaw No. 2017-14"

The purpose of "Zoning Amendment Bylaw No. 2017-14" is 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.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

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

- Al Martens, hope all of Council read the email he sent. Have lived next to a vacation rental for a year, like the direction this process is taking.

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

- Bob Vincent, safety rules, will that be in the application package?
- Lynn Kelsey, Oakville Street, measurement on how this process is going, matrix of complaints and compliance, are there tools in place to look at in a year?

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

- Megan Steel, Westminster Avenue, licenced operator, concerns with multi-tier occupancy base, use square footage instead of multi-tier for occupancy, make it easy for people to licence property and follow regulations in place. Licensed hosts pay tourism fee and service fees to platform providers. We advertise Penticton on global platform.
- Thom Tischik, Travel Penticton, would be helpful if application mentioned that four rooms or more are subject to tax of 2%, province driven regulation.

The public hearing for "Zoning Amendment Bylaw No. 2017-14" was terminated at 6:40 p.m. and no new information can be received on this matter.

2. "Zoning Amendment Bylaw No. 2017-19" (769/777 Ontario Street)

The purpose of "Zoning Amendment Bylaw No. 2017-19" is to amend Zoning Bylaw No. 2011-23 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.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

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

- No one spoke.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-19" was terminated at 6:42 p.m. and no new information can be received on this matter.

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

The purpose of "Zoning Amendment Bylaw No. 2017-20" is 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.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

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

- No one spoke.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-20" was terminated at 6:45 p.m. and no new information can be received on this matter.

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

The purpose of "Zoning Amendment Bylaw No. 2017-21" is 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 Westminster 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.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

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

- Julius Bloomfield, Naramata, representing developer, thank you to staff, level entry building with elevator for access, canvassed area, feedback was positive from residents in the area.
- Lynn Kelsey, Oakville Street, is this for purchase or rental?
- Jennifer Flynn, Maple Street, home will be affected by this development, will have four people staring down on us, young families can't find homes where you can live without homes looking down on you, stick to size of house already there, one or two storeys, ask for height restrictions in area.

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

- No one spoke.

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

- Megan Steel, Westminster Avenue, across the street from development, concerned doesn't fit with street, not the same style.
- Julius Bloomfield, representing developer, will be rental building, height is 33 ft which falls in line with buildings in the area and zone, units are two bedrooms.

The public hearing for "Zoning Amendment Bylaw No. 2017-21" was terminated at 6:55 p.m. and no new information can be received on this matter.

5. "Zoning Amendment Bylaw No. 2017-22" (230 Brunswick Street)

The purpose of "Zoning Amendment Bylaw No. 2017-22" is 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.

The Corporate Officer advised that no letters has been received after the printing of the agenda.

DELEGATIONS

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

- No one spoke.

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

- No one spoke.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2017-22" was terminated at 6:56 p.m. and no new information can be received on this matter.

6. "Zoning Amendment Bylaw No. 2017-23" (453 Winnipeg Street & 232 Wade Avenue W)

The purpose of "Zoning Amendment Bylaw No. 2017-23" is 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.

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

DELEGATIONS

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

- Ann Howard, Regional Director for BC Housing, offices relocating, staff and business growing in Penticton, relocating offices to property that we own. Garden has been a concern for past years, very supportive of community gardens. Met with tenants in January, concerns were parking closer to their doors, this will enable that. Building raised garden beds, better approach for elderly. Will be narrow with hoses nearby for watering plants.
- Scott Moutree, Winnipeg Street, garden plot member, shared pictures with Council. Garden is 85% vegetables, feed people that live there. Has an autoimmune disorder, diet controlled, everything in garden is organic. Started not feeling well. Was told would have five days to get stuff out of the garden because they are bringing in a backhoe to do soil sample. Aware a house burnt down in that location in 1977, backhoe didn't show up. Soil samples taken. Put four years into garden thinking eating fresh vegetables, could be an oil drum buried in ground, there has been no full investigation into that site. Told eviction if talked about garden, would like more tests done on the soil.
- Arlene Harman, Wade Avenue, submitted letter, concern with proposed rezoning, not confident that due diligence has been adhered to in this rezoning, see empty parking spaces, don't know how many spaces for whom or why, no clarity on soil, seems like everything is moving fast, proposed adjourn sixty to ninety days, what is the parking need? Don't see those answers before you, don't make a decision.
- Shar Mart, Van Horne Street, Scott Moutree is my son, his health is going downhill. I help him garden, vegetables are shared. Shocking to be told that soil is contaminated, what is it contaminated with and what is it doing to our bodies? Testing has to be done.
- Tony Lang, Executive Director for PDSCL, there is a need for parking, have a wait list for parking at towers, residents request parking for their care givers. Number of gardeners is dropping every year, tried to speak to tenants and what their needs are, we asked them to move equipment, we don't know what was going to be brought in to do soil testing, could be back hoe to do depth digging, gave as much notice as we had. Not many users of leisure centre, high overhead costs, office space better use. New parking lot is for residents and BC Housing staff will walk across the street. BC Housing will improve heat and ventilation system.
- Josee Balfour, Wade Avenue West, purchased condo three years ago, garden is beautiful, disappointed to hear creating parking lot, always one or two empty spots, taking trees down, this is a birds sanctuary, told always be a community garden, sad area is going to change to a parking lot.

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

- Amanda Lewis, Lakeshore Drive, regarding community gardens, only the ten current spots being used will move, concerned that doesn't encourage future use of garden if no new spots are added.

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

- Scott Moutree, delivery truck and garbage, water runs off and goes into garden, splashes into plot, anything melting is going into garden. Want soil looked at for my health.
- Tony Lang, Executive Director PDSCL, removing three small trees, not large firs on property, no residents facing these trees, not removing shade or someone's view, adding 5 new trees to area. Had residents speak in favour of the garden but do get complaints

from residents too.

- Scott Moutree, as to the partying comments, requested meeting with PDSCL, no garden meeting, this is the first time we've talked about the garden in a year and a half.
- Arlene Herman, Wade Avenue W, only 10 gardeners now, going to be in flux of people, look to future, if you decide, hope you don't tonight, feel imperative to have privacy screening in development of new parking lot.
- Ann Howard, BC Housing, had qualified professional opinion on land, is ok. Walked the site with 10 of the gardeners, new site chosen is best for now, add more if demand for it. 20 new parking stalls added, 15 staff in office all of the time, car pool vehicles we share to drive around region, BC housing will park across road, residents have new parking. Taking out 3 trees and replacing with more.
- Scott Moutree, read findings from Chase Environmental, top soil not for agriculture use.
- Lynn Kelsey, Oakville Street, this application has a lot of information, would like to say this is one that should not be decided tonight, should exercise caution and take some time to get answers and full understanding.

The public hearing for "Zoning Amendment Bylaw No. 2017-23" was terminated at 8:20 p.m. and no new information can be received on this matter.

7. "Official Community Plan Amendment Bylaw No. 2017-24" (135 Front Street)

The purpose of "Official Community Plan Amendment Bylaw No. 2017-24" is to amend Official Community Plan Bylaw No. 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.

The Corporate Officer advised that two letters has been received after the printing of the agenda and distributed to Council.

DELEGATIONS

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

- Bruce Schoenne, Lakeshore Drive, applicant, available to answer questions. Transportation Committee recommended Council support the OGO car share program.

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

- Frank Regehr, Lakeshore Drive, submitted letter, plan is for five storey building, review is only of one lot, doesn't meet the criteria referred to in staff report. Parking puts pressure on down town, .4m balcony extension and financial concerns.
- Carl Peters, Front Street, business owner, parking challenges, concerned with lost parking on Front Street.
- Brijit Kemp, Warren Avenue W, interested in car share, supported by public transit.

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

- James Miller, Nanaimo Street, how does car share work?
- Bruce Schoenne, Lakeshore Drive, this project will be rental units.

The public hearing for "Official Community Plan Amendment Bylaw No. 2017-24" was terminated at 8:47 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, April 4, 2017
at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Mitch Moroziuk, General Manager of Infrastructure
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 1:00 p.m.

2. Introduction of Late Items

Correspondence 8.2 - Many Hats Theatre request for chairs
Staff Report 9.8 - Interim Funding Agreement - Travel Penticton Society

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on April 4, 2017 as amended.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:01 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:30 p.m.

6. Adoption of Minutes:

6.1 Minutes of the March 21, 2017 Regular Council Meeting

219/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the March 21, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Heritage & Museum Committee Minutes of March 9, 2017

220/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Heritage & Museum Committee meeting of March 9, 2017.

CARRIED UNANIMOUSLY

7.2 Transportation Advisory Committee Minutes of March 14, 2017

221/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of March 14, 2017.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Ogopogo Valley Tours Inc.
Re: Letter of Support

222/2017

It was MOVED and SECONDED

THAT Council provide Ogopogo Valley Tours Inc with a letter of support to accompany their application to the Passenger Transportation Board.

CARRIED UNANIMOUSLY

8.2 Late Item – Many Hats Theatre Co-op
Re: Requesting chairs

223/2017

It was MOVED and SECONDED

THAT Council refer the request for 110 chairs from the Many Hats Theatre Co-op to staff for more information.

CARRIED UNANIMOUSLY

9. Staff Reports:

9.1 Loan and grant to SS Sicamous Marine Heritage Society
Re: Construction of a pier like deck

224/2017

It was MOVED and SECONDED

THAT Council approve the attached loan agreement with the S.S. Sicamous Marine Heritage Society for an interest free loan to a maximum amount of \$50,000 with 75% of the amount borrowed to be repaid by March 30, 2019, and the remaining 25% be provided to the Society as a cash grant toward the construction of a pier like deck along the south side of the S.S. Sicamous; AND THAT the Mayor and Corporate Officer be authorized to sign the Document.

CARRIED UNANIMOUSLY

9.2 Energy Retrofit Loan Program Update

225/2017

It was MOVED and SECONDED

THAT Council receive the Energy Retrofit Loan Program Update report dated April 4, 2017 as a status update on the Energy Retrofit Loan Program;
AND THAT Council direct staff to extend the Energy Retrofit Loan Program to the end of 2019.

CARRIED UNANIMOUSLY

9.3 2017 Property Tax Multipliers

226/2017

It was MOVED and SECONDED

THAT Council approve the following tax ratios for 2017:

Class 1 Residential	1.00
Class 2 Utilities	5.93
Class 3 Supportive Housing	1.00
Class 4 Major Industry	1.58
Class 5 Light Industry	1.58
Class 6 Business & Other	1.58
Class 7 Managed Forest Land	1.58
Class 8 Recreation/Non Profit	1.39
Class 9 Farm	2.06

AND THAT Council direct staff to commission a review on the business competitiveness of the City of Penticton.

**CARRIED
Councillors Picton, Martin and Konanz, Opposed**

9.4 Arena Task Force Update

227/2017

It was MOVED and SECONDED

THAT Council endorses the following in order for the Arena Task Force to continue to work on a recommendation for the future arena needs of Penticton;

- The Arena Task Force findings that Penticton needs four arenas in order to provide the current services and programs to the community;
- The Arena Task Force vision for future arenas that are fully functional, multi-purpose facilities which allow for flexible, efficient and optimized year-round use;
- The Arena Task Force description of a multi-purpose facility including:
 - Regulation size playing surface and ceiling heights to accommodate all user groups;
 - Adequate spectator seating capacity (200-400);
 - Adequate dressing room numbers, sizes and configuration;
 - Dryland/warm up areas (could be multi-functional space, does not need to be a dedicated area);
 - Desired location to be consolidated at SOEC site for sports tourism opportunities including tournaments, championships, etc.; and
 - Multi-purpose facility with capability of offering ice and dry floor surfaces and ability to accommodate all user groups.

- Fully functional facilities should allow for flexible, efficient and optimized year-round use.

AND THAT Council authorizes the Arena Task Force and staff to proceed to complete the Memorial and McLaren Arena Assessment and the Arena Feasibility Study as described in the report.

CARRIED UNANIMOUSLY

9.5 Official Community Plan Task Force Appointment and Program Update

228/2017

It was MOVED and SECONDED

THAT Council amend the 2017 – 2018 Terms of Reference for the Official Community Plan Task Force to increase the number of voting members appointed by Council from seventeen (17) to nineteen (19);

AND THAT Council appoint two members of City Council to the OCP Task Force;

AND THAT Council receive, for information, an update on the OCP engagement process to date and an indication of next steps.

CARRIED UNANIMOUSLY

9.6 Winery Lounge and Special Event Area (SEA) Endorsement Application

Re: Township 7 Vineyards and Winery, 1450 McMillan Avenue

229/2017

It was MOVED and SECONDED

THAT Council direct staff to commence public notification of the proposed Winery Lounge and Special Event Area (SEA) endorsement for Township 7 Vineyards & Winery (Penticton), located at 1450 McMillan Ave. Penticton;

AND THAT staff report back to Council at their meeting on May 2, 2017 with the results of the public consultation for Council’s consideration.

CARRIED UNANIMOUSLY

9.7 Remedial Action Order

Re: 175 Cossar Avenue

230/2017

It was MOVED and SECONDED

THAT Council pursuant to Section 74 of the Community Charter, declare that general unkempt condition of the property located at 175 Cossar Avenue, (legally described as LT 5 PL KAP3223 DL 1 SDYD) is offensive to the community and, as a result, is a “declared nuisance” that requires remedial action to clear the debris/garbage at the exterior of the property and the rat infestation inside and around the exterior of the property;

AND THAT typically the owner has 14 days to appeal per. S. 78(2) and at least 30 days to comply per s. 76(2). Under S. 79 Council may set a shorter time limit if “there is a significant risk to health or safety if action is not taken earlier” which applies in this case and as such Council set shorter time limit of three days to appeal and seven days to comply;

AND THAT after the period of appeal has passed, on March 31, 2017, the Bylaw Services Department pursuant to Section 74 of the Community Charter be authorized to enter the property for cleaning the exterior and remedy the rat infestation inside and around the exterior of the property;

AND THAT Council authorize staff to take all appropriate actions in accordance with Section 17 [Municipal Action at Defaulter’s Expense] of the Community Charter to ensure the property is brought into compliance with the Remedial Action specified above subject to the following:

- a) that all costs incurred by the City to bring the property into compliance shall be at the expense of the property owner and, as per Section 17 of the Community Charter, these costs shall be treated as a debt owed to the City of Penticton.

CARRIED UNANIMOUSLY

Mayor Jakubeit declared a conflict of interest and left the meeting at 3:31 p.m. Deputy Picton chaired the meeting. Councillor Sayeed declared a conflict of interest and left the meeting at 3:33 p.m.

9.8 Late Item – Interim Funding Agreement – Travel Penticton Society

231/2017

It was MOVED and SECONDED

That Council approve the Travel Penticton Society Interim Funding Agreement, dated April 4, 2017 between the City and Travel Penticton Society for the provision of visitor information and tourism services for the period of January 1 – June 30, 2017; AND THAT the Mayor and Corporate Officer be authorized to sign the attached funding agreement.

CARRIED UNANIMOUSLY

Mayor Jakubeit and Councillor Sayeed returned to the meeting at 3:33 p.m.

10. Public Question Period

11. Recess to In-Camera Meeting

232/2017

It was MOVED and SECONDED

THAT Council recess at 4:04 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;*

CARRIED UNANIMOUSLY

12. Public Hearing at 6:00 p.m.

13. Reconvene the Regular Council Meeting following the Public Hearing

Council reconvened the Regular Council Meeting at 8:48 p.m.

14. Reconsideration of Bylaws and Permits

14.1 Business Licence Amendment Bylaw No. 2017-15

Delegations/Submissions: nil

- 233/2017 **It was MOVED and SECONDED**
THAT Council adopt "Business Licence Amendment Bylaw No. 2017-15".
CARRIED UNANIMOUSLY
- 14.2 Zoning Amendment Bylaw No. 2017-14
- 234/2017 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-14".
CARRIED UNANIMOUSLY
- 14.3 Fees and Charges Amendment Bylaw No. 2017-16
Re: Vacation Rentals
- 235/2017 **It was MOVED and SECONDED**
THAT Council adopt "Fees and Charges Amendment Bylaw No. 2017-16".
CARRIED UNANIMOUSLY
- 14.4 Bylaw Enforcement Amendment Bylaw No. 2017-17
Re: Vacation Rentals
- 236/2017 **It was MOVED and SECONDED**
THAT Council adopt "Bylaw Enforcement Amendment Bylaw No. 2017-17".
CARRIED UNANIMOUSLY
- 14.5 Municipal Ticketing Information Amendment Bylaw No. 2017-18
Re: Vacation Rentals
- 237/2017 **It was MOVED and SECONDED**
THAT Council adopt "Municipal Ticketing Information Amendment Bylaw No. 2017-18".
CARRIED UNANIMOUSLY
- 14.6 Zoning Amendment Bylaw No. 2017-19
Re: 769/777 Ontario Street
- 238/2017 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-19";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2017-19".
CARRIED UNANIMOUSLY
- 14.7 Zoning Amendment Bylaw No. 2017-20
Re: 708 Revelstoke Avenue/865 Railway Street
- 239/2017 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-20".
CARRIED UNANIMOUSLY
- 14.8 Zoning Amendment Bylaw No. 2017-21
Re: 634 Westminster Avenue W & 201 Maple Street
- 240/2017 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-21".
CARRIED UNANIMOUSLY

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

241/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-22".

CARRIED UNANIMOUSLY

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

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-23".

242/2017

It was MOVED and SECONDED

THAT Council postpone 30 days second and third reading of "Zoning Amendment Bylaw No. 2017-23" .

DEFEATED

Councillors Konanz, Picton, Sentes, Martin, Opposed

243/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-23".

CARRIED

Mayor Jakubeit, Councillors Watt and Sayeed, Opposed

14.11 Official Community Plan Amendment Bylaw No. 2017-24
Re: 135 Front Street

244/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-24";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-24";

CARRIED UNANIMOUSLY

245/2017

It was MOVED and SECONDED

THAT Council approve DVP PL2016-7813 a permit to vary 135 Front Street.

CARRIED UNANIMOUSLY

15. Land Matters:

15.1 Brewery Lounge and Special Event Area Endorsement
Re: Highway 97 Brewing Company Ltd., 954 Eckhardt Avenue W

Delegations/Submissions: nil

246/2017

It was MOVED and SECONDED

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications for Brewery Lounge & Special Event Area (SEA) Endorsement for Highway 97 Brewing Company Ltd.

CARRIED UNANIMOUSLY

- 16. **Notice of Motion**
- 17. **Business Arising**
- 18. **Council Round Table**
- 19. **Public Question Period**
- 20. **Adjournment**

247/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, April 4, 2017 at 9:37 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Parcel Tax Roll Review Panel
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, April 11, 2017
at 1:00 p.m.

Present: Councillor Konanz
Councillor Sentes

Absent: Councillor Watt

Staff: Amber Coates, Revenue Supervisor (Collector)
Angie Collison, Deputy Corporate Officer

1. Call to order

The Parcel Tax Roll Review Panel meeting was called to order at 1:00 p.m.

2. Appointment of Chair

It was MOVED and SECONDED

THAT the panel appoint Councillor Konanz as chair of the Parcel Tax Roll Review Panel meeting.

CARRIED UNANIMOUSLY

3. Parcel Tax Roll for "Phase 1 – Main Street Local Area Service Bylaw"

It was MOVED and SECONDED

THAT the Parcel Tax Roll Review Panel confirm and authenticate the Parcel Tax Roll for the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42" by signing the Certificate attached to the this report.

CARRIED UNANIMOUSLY

4. Adjournment

The Parcel Tax Roll Review Panel meeting adjourned at 1:05 p.m.

Certified correct:

Confirmed:

Angie Collison
Deputy Corporate Officer

Helena Konanz
Chair

Penticton Creek Restoration Committee Meeting

Held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Friday, March 10, 2017
at 9:00 a.m.

Present: Bryn White, Chair & South Okanagan Conservation Representative
Paul Askey, Freshwater Fisheries Society of BC Representative
Joe Enns, Okanagan Nation Alliance Representative
Bill Wickett, Penticton Fly Fishers Association Representative
Lynn Allin, Downtown Penticton Association Representative
Jason Marzinzik, Ministry of Forest, Land and Natural Resources
Doug Maxwell, Member at Large

Staff: Mitch Moroziuk
Ian Chapman, City Engineer
Lorraine Williston, Committee Secretary

Guest: Dwight Shanner, Aarde Environmental Ltd.
Jody Goode, Mould Engineering (Via conference call)

1. Call to Order

The Penticton Creek Restoration Committee was called to order by the Chair at 9:04 a.m.

2. Adoption of Agenda

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

THAT the Penticton Creek Restoration Committee adopt the agenda for the meeting held on March 10, 2017 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

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

THAT the Penticton Creek Restoration Committee adopt the minutes of the November 18, 2016 meeting as circulated.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Master Plan Update

Dwight Shanner presented Year 1 Effective Monitoring Results for the Penticton Creek Showcase Project noting the following objectives:

1. Report Habitat Suitability Index model (HSI) (depth/velocity/substrate) assessments using weighted usable width (WUW) monitoring;
2. Report results of single pass electroshocking within the full range of habitat type and comparison with 2015 pre-construction assessment;
3. Kokanee spawning counts and usage;
4. Monitor vegetation plantings.

Photos and date references were provided to illustrate the methods used to collect the Habitat Suitability Index data. Mr. Shanner reviewed the Habitat Suitability Index graph results for Spawning Kokanee, Rainbow Trout Fry, Rainbow Trout Parr and Rainbow Trout Spawners.

Electrofishing results were reviewed and summarized as follows:

- Electrofishing in 2015 prior to the restoration project produced 33 fish within 720 M² Rainbow Trout in broken concrete area only; 2016 produced a total of 60 fish within 331.5 m²
- 2016 restoration habitat = 5.25 M²/fish
- Four fold (4x) increase in fish density within the restored area
- Tenfold (10X) increase in salmonids
- 160 Kokanee Spawners within the restoration area (Sept. 15, 2016 – includes live and dead)

Vegetation Monitoring results were reviewed noting there was a 100% survivability in both the spring and fall survey.

Conclusions and recommendations were highlighted as follows:

- There has been a significant increase in fish habitat from the Showcase Project Restoration.
- Monitoring and fish sampling should be undertaken in post construction years 3, 5 and 10.
- Additional habitat suitability transects are recommended to increase the confidence level and provide better understanding to enable better future designs.
- Boulder clustering and large woody debris should be considered in future designs
- Add an additional upstream control site in a natural section to predict maximum potential habitat.
- A comparative analysis of the restoration area to a natural section of Penticton creek should be undertaken for the year 3 monitoring program.

Discussion and questions followed.

The Mould Engineering representative presented the Showcase Project Monitoring Summary for surface water levels, flow measurements, groundwater levels, sediment deposition locations and winter monitoring. For 2017 monitoring, Mould Engineering will be completing the 2016 monitoring report and incorporating a fisheries aspect. Discussion and questions followed.

The Mould Engineering representative presented an update on the master plan and the next phase that will include a funding strategy, public consultation, finalization of the master plan, presentation to Council and implementations of recommendations.

Discussion and questions followed regarding potential funding sources and priorities. The General Manager of Infrastructure suggested that this committee recommend to Council that they set aside a certain amount of money every year towards the master plan. The Chair also suggested this committee look at establishing a fundraising strategy. The Chair and staff agreed to work with Mould Engineering regarding the funding section of the master plan. The draft master plan to be reviewed by the committee before it is presented to Council, followed by the Penticton Indian Band and the public. Discussion followed on ways to present the information to the public.

The Mould Engineering representative presented a project overview of the Reach 3A Lower Project including photos, diagrams of the existing profile, proposed profile options and upstream end of project. Discussion and questions followed.

Ian Chapmen and Lynn Allin left the meeting at 10:54 a.m.

The General Manager of Infrastructure stated it may be beneficial to educate the public on the benefit of fish habitat and the information broadcasted as a 'good news' story.

Mitch Moroziuk left the meeting at 10:58 a.m.

The Mould Engineering representative noted the next steps in the process will be public consultation and notification, scheduling and construction preparation (source & stockpile rock/purchase diversion pipe/vegetation removal). Discussion followed on timelines for approvals, surveys, design work, consultations and final submissions for approvals and on construction preparation and what can be purchased now.

4.2 2017 Project Update

The Chair stated that there is legislation protecting nest trees and some advice about nest surveys, timing and vegetation removal will be needed. Questions arose regarding whether Parks staff can remove trees and if pipe and rocks could be purchased now. Staff confirmed Council will be approving the budget on March 31, 2017. Discussion followed on fish windows and on the need to add gravel to the showcase ponds. The Chair stated that it would be beneficial to add gravel to the Showcase Project while the 2017 project is being built.

4.3 Communications, Consultation and Approvals in support of 2017 Project

The Chair asked that the City of Penticton help with public awareness and consultation. We need to make sure we have the required funding in place, and consultation conducted.

5. **New Business**

6. **Next Meeting**

The next regularly scheduled meeting of the Penticton Creek Restoration will be April 5, 2017 at 9:00 a.m.

7. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adjourn the meeting held on Friday, March 10, 2017 at 11:10 a.m.

CARRIED UNANIMOUSLY

Certified Correct:



Lorraine Williston
Corporate Committee Secretary



Affordable Community Task Force Meeting

held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Friday, March 31, 2017
at 10:00 a.m.

Present: Andrew Jakubeit, Mayor
Judy Sentes, Councillor
Ann Howard, BC Housing Representative
Maggie Chinnery, BC Housing Representative
Carol Sudchak, Canadian Home Builders Association South Okanagan Representative
Garry Gratton, South Okanagan Real Estate Board Representative
Milton Orris, Member at Large
Marjorie King, Member at Large
Heather Shedden, Member at Large

Staff: Anthony Haddad, Director of Development Services
Blake Laven, Planning Manager
Audrey Tanguay, Long Range Planner
Ben Johnson, Special Projects Manager
Lorraine Williston, Corporate Committee Secretary

Guest: Ian Gerbrandt, United Way, CSO Representative

1. **Call to Order**

The Affordable Community Task Force was called to order by Councillor Sentes at 9:06 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Affordable Community Task Force adopt the agenda for the meeting held on March 31, 2017.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Affordable Community Task Force adopt the minutes of the May 30, 2016 meeting as circulated.

CARRIED UNANIMOUSLY

4. New Business

4.1 100 Homes Penticton

The United Way, CSO representative, Ian Gerbrant, provided an overview of 100 Homes Penticton.

100 Homes Penticton is a collection of community leaders who are working together to provide housing and supports to 100 vulnerable people in Penticton by July 2018. Our initiative is part of a larger, national campaign called 20,000 Homes Canada and is organized by the Canadian Alliance to End Homelessness. The major goals of the campaign are to:

- Systematically survey people in shelters or on the street to create a by-name registry
- Prioritize services based on a vulnerability assessment that considers severe health risks and length of homelessness
- Re-align existing supportive housing and service resources to match to these prioritized individuals and families.

The United Way, CSO representative stated 128 people have been identified as homeless in Penticton. For this campaign to be successful collaboration and sharing of resources between BC Housing, City of Penticton and Interior Health is needed. To date, 47 units have been provided, representing being almost half way to the goal of 100 homes. The next project/steps will be to work with landlords and the private sector to create more units. Discussion and questions followed.

Anthony Haddad left the meeting at 9:46 a.m.

4.2 Housing Needs Assessment Update

The Planning Manager presented a summary of the Housing Needs Assessment Final Report findings as follows:

1. Anticipated growth in population aged 65 and older
 - Enhance services aimed at seniors
 - Ensure adequate accessibility in housing for seniors
2. Address housing needs for market gaps
 - Create more affordable units and more housing in general
 - Housing reserve fund
 - Enhance supply of movable units
3. Enhance housing supply for households in core need
 - Work with federal and provincial agencies to increase supply
 - Work with developers to enhance the quality and supply of units of both owner/occupied and renter
4. Address non-market housing needs
 - Work with federal and provincial agencies to increase supply and provide greater assistance to those in housing crisis and those with substance abuse, mental health issues
5. Enhance the supply of rental housing
 - Use municipal incentives

- Enhance workforce seasonal housing
 - Enhance rental supply in neighbourhoods with low home/ownership rates
 - Enhance supply of multi-family product in neighbourhoods with low median incomes
6. Facilitate development on underutilized vacant land
 7. Address declining housing affordability
 - Enhance rental supply
 - Enhance seniors housing supply
 - Increase non-market supply

The Planning Manager reviewed the municipal tools available to achieve recommendations. Discussion and questions followed.

4.3 Committee Review Process

Mayor Jakubeit stated it's important to continue the momentum of this Task Force and regular meetings will be scheduled. Councillor Sentes noted meetings will be scheduled when information becomes available and input is needed.

5. Business Arising from Prior Meetings

5.1 Brunswick Street Property Update

The Planning Manager provided a project update. Construction will start mid-July and December 2018 is the scheduled completion date. The building will have 52 units consisting of 9 studio, 22 -1 bedroom, 14 – 2 bedroom, 7 – 3 bedroom apartments, 43 parking stalls and an amenity space.

5.2 Overview of Residential Developments in Process

The Planning Manager provided an overview of current developments noting 250+ units will be coming onto the market. Discussion and questions followed.

6. Next Meeting

The next scheduled meeting for the Affordable Community Task Force will be at the call of the Chair.

7. Adjournment

It was MOVED and SECONDED

THAT the Affordable Community Task Force adjourn the meeting held on Friday, March 31, 2017 at 11:05 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

Agriculture Advisory Committee Meeting

held at City of Penticton Committee Room A
171 Main Street, Penticton, B.C.

Friday, March 31, 2017
at 3:00 p.m.

Present: Andre Martin, Councillor
Rod King, Chair
Fritz Hollenbach, Vice-Chair & Wine/Grapes Representative
Charlie Utz, Greenhouse & Nursery Commodity Group Representative
Darshan Jassar, Tree Fruits Representative
Rod Hollett, Member at Large
Chris Harp, Member at Large
Heather Shedden, Member at Large
Paul Gardner, Member at Large

Staff: Blake Laven, Planning Manager
Audrey Tanguay, Long Range Planner
Ben Johnson, Special Projects Manager
Lorraine Williston, Committee Secretary

Guests: David Prystay
Marko Cucnik
Peter Klimuk

1. Call to Order

The Agriculture Advisory Committee was called to order by the Chair at 3:02 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee adopt the agenda for the meeting held on March 31, 2017 as circulated.

CARRIED UNANIMOUSLY

3. Delegation

3.1 Official Community Plan Review

The Special Projects Manager provided an overview of the process they will be undertaking to review the OCP which will include community and stakeholder engagement to help identify some key policy ideas. Discussion and questions followed.

4. **New Business**

4.1 3445 Valleyview Road (Subdivision)

The Planning Manager provided an introduction/overview regarding the property owner's enquiry into the process of subdividing their property. No application has been made to date. The agent for the owners noted they wanted feedback first from City staff and the committee before deciding on whether to proceed or not. Discussion and questions followed. The Chair stated he would like to see an agriculture capability assessment before providing any comments or recommendations. The agent noted the goal is to keep the most agriculture land in one parcel and will be obtaining an assessment before coming back to the committee.

4.2 1150 Corbishley Avenue

The Planning Manager reviewed the application for a lot line adjustment to create two independent parcels that includes a drive way to access the second lot. Photos were provided outlining the existing lot lines and proposed lot lines. Discussion and questions followed. The committee requested information on where the owner intends to build a house on the second lot. Staff to contact the owner to request the additional information to bring back to the committee for review.

4.3 ALR Outcomes

The Planning Manager provided an update of outcomes on previous ALR applications that had been vetted by the committee. The Planning Manager noted that recently the Agriculture Land Commission amended their rules to allow for carriage houses with the condition that they must be added onto an existing structure.

4.4 Zoning to limit the size and location of houses within the Agriculture Area

The Chair brought information forward on house size restrictions the Lower Mainland has in place and questioned staff if the City of Penticton has something similar. The Planning Manager noted for the City of Penticton, the maximum house size is 10% lot coverage for agriculture and 40% for residential. Discussion followed.

5. **Next Meeting**

The next regularly scheduled meeting of the Agriculture Advisory Committee to be determined.

6. **Adjournment**

It was MOVED and SECONDED

THAT the Agriculture Advisory Committee adjourn the meeting held on Friday, March 31, 2017 at 4:10 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Lorraine Williston
Corporate Committee Secretary

MAR 30 2017



Penticton Historic Automobile Society
Peach City Beach Cruise
3 – 618 Main Street, Penticton, BC, V2A 5C8
Phone: 250-487-2303

www.peachcitybeachcruise.com

Mayor and Council
City of Penticton

March 28, 2017

Dear Mayor and Council.

The initiative below is intended to ensure registrants of the Peach City Beach Cruise visiting our city leave with a positive impression.

On behalf of the directors of the **Peach City Beach Cruise** car show I would like to request that you grant free parking in city controlled lots to show registrants during the show **June 23, 24, 25 2017**. Registrant vehicles will be easily identified by their show registration card in the windshield. I've included a sample registration card below for your reference.

Thanking you for your consideration on this matter.

Wayne Wood
Peach City Beach Cruise – President

Sample registrant windshield card from 2015.

VIP Parking - Area [D]



PCBC 2015

Car #

1000

Class **[J]** 2000 & Newer

Year **2002**

Make **Chevrolet**

Model **Corvette**

Club **Apple Valley Cruisers**

Name **Wayne & Valerie Wood**

City **Penticton, BC**

Council Report



Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Amber Coates, Revenue Supervisor
Subject: Tax Rates Bylaw No. 2017-25

File No: 1970-02

Staff Recommendation

THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2017-25", a bylaw that establishes property taxation rates for the 2017 tax year.

Background

Pursuant to Section 197 of the *Community Charter*, annual property tax rates must be adopted by Bylaw prior to May 15. The property tax rates are prepared after the adoption of the City's Financial Plan.

During 2017 Budget deliberations, Council settled on a 4.36% General Municipal levy increase with Resolution 130/2017. This increase can be broken down to:

- 2.10% Asset Management;
- 1.50% Inflation; and
- 0.76% General Increase.

Schedule B of the 2017 Five Year Financial Plan bylaw adopted March 21, 2017, indicates \$30,370,426 to be collected in 2017 through property taxation.

2017 Total General Municipal Levy	
Bylaw 2017-13 Schedule B Taxation Revenue	\$30,370,426
Less: Budgeted 2017 Local Improvements & BIA Levy	-\$361,850
2017 General Municipal Taxes	\$30,008,576

At the April 4, 2017 Regular Council Meeting, Council passed Resolution 226/2017 determining rates would be calculated with the following tax ratios for 2017:

- Class 1 Residential 1.00;
- Class 2 Utilities 5.93;
- Class 3 Supportive Housing 1.00;
- Class 4 Major Industry 1.58;
- Class 5 Light Industry 1.58;
- Class 6 Business & Other 1.58;

- Class 7 Managed Forest Land 1.58;
- Class 8 Recreation/Non Profit 1.39; and
- Class 9 Farm 2.06.

Rates for the Regional District Okanagan-Similkameen (RDOS) and the Okanagan-Similkameen Regional Hospital District are set with the City of Penticton Tax Rate Bylaw as well. An annual levy requisition is remitted to the City and rates are calculated using provincial ratios and the hospital purposes taxable assessment base. Programs funded through the RDOS levy include:

- General Government
- Noxious Weeds
- Illegal Dumping, Solid Waste Management Plan
- Regional Growth Strategy – Sub Regional
- Regional Trails
- Okanagan Basin Water Board
- Destruction of Pests Penticton
- Nuisance Control – Regional Service
- Emergency Planning
- Sterile Insect Release Program
- 911 Emergency Call System and Mosquito Control Program.

The City also collects on behalf of BC Assessment, the Municipal Finance Authority, and School District 67. These do not require rates set by City bylaw as these taxing authorities set their rates through their own Bylaws, Resolutions, and Orders in Council.

Monies collected on behalf of these agencies are in turn remitted back to the taxing authorities annually.

Analysis

The 2017 Revised Assessment Roll has been received from BC Assessment which contains decisions made by the Property Assessment Review Panel (PARP) as a result of assessment notice appeals, and any other corrections to the roll deemed necessary by BC Assessment. The Revised Roll captures both market and non-market changes.

The table below summarizes the taxable assessments and changes from the 2016 Revised Assessment Roll:

Property Class	2016 Taxable Assessments	2017 Taxable Assessments	Change in Taxable Assessment (\$)	Change in Taxable Assessment (%)
1 Residential	\$4,755,766,704	\$5,148,942,041	\$393,175,337	8.27%
2 Utilities	\$17,379,130	\$17,345,930	-\$33,200	-0.19%
3 Supportive Housing	\$8	\$8	\$0	0.00%
5 Light Industry	\$85,634,300	\$89,503,800	\$3,869,500	4.52%
6 Business & Other	\$913,569,380	\$955,665,314	\$42,095,934	4.61%
8 Recreation/Non Profit	\$9,966,600	\$10,576,300	\$609,700	6.12%
9 Farm	\$4,432,559	\$4,304,122	-\$128,437	-2.90%
Total:	\$5,786,748,681	\$6,226,337,515	\$439,588,834	7.60%

An updated Non Market Change Roll Comparison provided by BC Assessment with delivery of the 2017 Revised Roll indicates an estimated 1.62% or \$93,883,959 of the change in taxable assessment to be the result of non-market change.

Applying the 2017 General Municipal Levy budgeted amount, 2017 tax ratios, and the 2017 Revised Assessment Roll, 2017 property taxes collected for General Municipal purposes is broken down by class as follows:

Property Class	2017 Taxable Assessment Values	Percentage of Total Assessment	2017 Municipal Ratio Resolution 226/2017	2017 General Municipal Levies	Percentage of Total Levies
1 Residential	\$5,148,942,041	82.70%	1.00	\$22,306,664	74.33%
2 Utilities	\$17,345,930	0.28%	5.93	\$445,624	1.48%
3 Supportive Housing	\$8	0.00%	1.00	\$0	0.00%
5 Light Industry	\$89,503,800	1.44%	1.58	\$612,654	2.04%
6 Business & Other	\$955,665,314	15.35%	1.58	\$6,541,533	21.80%
8 Recreation/Non-Profit	\$10,576,300	0.17%	1.39	\$63,689	0.21%
9 Farm	\$4,304,122	0.07%	2.06	\$38,412	0.13%
Total:	\$6,226,337,515	100.00%		\$30,008,576	100.00%

The following summary shows the level of property taxation based on an average residential property impacted by the rates set by this bylaw. The 1.10% difference between the 5.46% and the general municipal increase of 4.36% is a result of the residential net taxable average property assessed values growing at a faster rate than the average net taxable business assessed values.

Average Residential Levies	2016 (\$343,625)	2017 (\$368,202)	Percentage Increase/Decrease 2016 to 2017
Average municipal residential levy	\$1,513	\$1,595	5.46%
Average municipal sewer levy	\$65	\$0	-100.00%
<i>Taxes for Other Governments</i>			
RDOS - General	\$53	\$58	9.64%
RDOS - SIR	\$17	\$16	-6.98%
RDOS - 911 & Mosquito	\$22	\$24	10.80%
Regional Hospital	\$109	\$107	-2.20%
Overall Gen. Mun. & RDOS Change:	\$1,779	\$1,800	1.18%

The following summary shows the level of property taxation based on an average residential property impacted by the rates set by this bylaw. The -1.52% difference between the 2.84% and the general municipal increase of 4.36% is a result of the residential net taxable average property assessed values growing at a faster rate than the average net taxable business assessed values.

Average Business Levies	2016 (\$1,035,793)	2017 (\$1,082,294)	Percentage Increase/Decrease 2016 to 2017
Average municipal business levy	\$7,204	\$7,408	2.84%
Average municipal sewer levy	\$308	\$0	-100.00%
<i>Taxes for Other Governments</i>			
RDOS - General	\$392	\$429	9.47%
RDOS - SIR	\$123	\$117	-5.05%
RDOS - 911 & Mosquito	\$162	\$180	11.12%
Regional Hospital	\$807	\$787	-2.45%
Overall Gen. Mun. & RDOS Change:	\$8,996	\$8,921	-0.83%

Attachments

Attachment A – 2017 Revised Roll Net Taxable Values

Attachment B – Property Tax Rate, Growth, Multiplier Change Impacts Year over Year

Attachment C – Tax Rates Bylaw No. 2017-25

Respectfully submitted,

Amber Coates
Revenue Supervisor

Approvals

Chief Financial Officer <i>JWB</i>	Chief Administrative Officer PW
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Attachment A – 2017 Revised Roll Net Taxable Values



2017 NET TAXABLE AND CONVERTED VALUES FOR MUNICIPALITIES
 - Per Sec 383(1)(a) & (b) Local Government Act
 Revised Roll

Processed Date: 18/Mar/2017
 Printed Date: 23/Mar/2017

Regional District: 21 - Okanagan-Similkameen
 Municipality: 222 - City of Penticton

(AA17)

GENERAL PURPOSE NET TAXABLE VALUES

Prop	Class	Occurrences	Land	Converted Land	Improvements	Converted Impr	Total	Converted Total	Conv %
01	Residential	13,984	2,453,678,902	245,367,890	2,695,263,139	269,526,313	5,148,942,041	514,894,204	10.00
02	Utilities	30	5,561,634	1,946,571	11,784,296	4,124,503	17,345,930	6,071,075	35.00
03	Supportive Housing	4	4		4		8		10.00
05	Light Industry	84	43,668,800	14,847,392	45,835,000	15,583,900	89,503,800	30,431,292	34.00
06	Business And Other	883	450,005,668	110,251,388	505,659,646	123,886,613	955,665,314	234,138,001	24.50
08	Rec/Non Profit	18	10,450,600	1,045,060	125,700	12,570	10,576,300	1,057,630	10.00
09	Farm	267	4,304,122	430,412			4,304,122	430,412	10.00
Total		15,270	2,967,669,730	373,888,713	3,258,667,785	413,133,899	6,226,337,515	787,022,614	

HOSPITAL PURPOSE NET TAXABLE VALUES

Prop	Class	Occurrences	Land	Converted Land	Improvements	Converted Impr	Total	Converted Total	Conv %
01	Residential	13,984	2,432,942,002	243,294,200	2,717,278,139	271,727,813	5,150,220,141	515,022,014	10.00
02	Utilities	36	5,561,634	1,946,571	37,050,496	12,967,673	42,612,130	14,914,245	35.00
03	Supportive Housing	4	4		4		8		10.00
05	Light Industry	84	43,668,800	14,847,392	54,737,000	18,610,580	98,405,800	33,457,972	34.00
06	Business And Other	883	450,005,668	110,251,388	514,477,646	126,047,023	964,483,314	236,298,411	24.50
08	Rec/Non Profit	18	10,228,600	1,022,860	125,700	12,570	10,354,300	1,035,430	10.00
09	Farm	267	2,152,015	215,201			2,152,015	215,201	10.00
Total		15,276	2,944,558,723	371,577,612	3,323,668,985	429,365,659	6,268,227,708	800,943,273	
Total (Less S.644LGA/398VC)				371,577,612		429,365,659		792,100,103	

Attachment B – Property Tax Rate, Growth, Multiplier Change Impacts Year over Year

Class 1 - Residential	2017			2016			2015		
	2016	2017	Increase/(Decrease)	2015	2016	Increase/(Decrease)	2014	2015	Increase/(Decrease)
Revised Roll Assessment Class Totals	\$4,755,766,704	\$5,148,942,041		\$4,476,919,390	\$4,755,766,704		\$4,322,042,504	\$4,476,919,390	
Occurrences	13,840	13,984	144	13,799	13,840	41	13,724	13,799	75
Average House	\$343,625	\$368,202	\$24,577.62	\$324,438	\$343,625	\$19,186.80	\$314,927	\$324,438	\$9,510.96
General Tax Rate	4.4017	4.3323	-0.0694	4.2899	4.4017	0.1118	4.2962	4.2899	-0.0063
Municipal Taxes	\$1,512.53	\$1,595.16	\$82.63	\$1,391.81	\$1,512.53	\$120.73	\$1,352.99	\$1,391.81	\$38.82
Increase in Taxes		5.46%	\$82.63		8.67%	\$120.73		2.87%	\$38.82
Less:									
General Tax Increase	\$912,698.22	4.36%	\$65.95	\$1,056,304.51	5.50%	\$76.55	\$241,388.67	1.30%	\$17.59
Difference:		1.10%	\$16.68		3.17%	\$44.18		1.57%	\$21.23
Average House Assessment Increase:		7.15%			5.91%			3.02%	
Average House Market Change		6.43%			3.33%			2.41%	
Average House Growth (NMC)		0.72%	\$10.93		2.58%	\$35.96		0.61%	\$8.25
Estimated Class Total of Growth:			\$152,808.80			\$497,718.43			\$113,896.06
Tax Increase Difference less Growth (Multiplier Shift Effect):		0.38%	\$5.76		0.59%	\$8.21		0.96%	\$12.97
Estimated Class Total of Multiplier Shift Effect:			\$80,508.30			\$113,683.35			\$179,031.30

Class 2 - Utilities	2017			2016			2015		
	2016	2017	Increase/(Decrease)	2015	2016	Increase/(Decrease)	2014	2015	Increase/(Decrease)
Revised Roll Assessment Class Totals	\$17,379,130	\$17,345,930		\$17,845,247	\$17,379,130		\$16,071,946	\$17,845,247	
Occurrences	30	30	0	31	30	-1	31	31	0
Average Utility	\$579,304	\$578,198	-\$1,106.67	\$575,653	\$579,304	\$3,651.20	\$518,450	\$575,653	\$57,203.26
General Tax Rate	22.0085	25.6904	3.6819	17.2799	22.0085	4.7286	19.1945	17.2799	-1.9146
Municipal Taxes	\$12,749.62	\$14,854.13	\$2,104.51	\$9,947.23	\$12,749.62	\$2,802.39	\$9,951.39	\$9,947.23	-\$4.16
Increase in Taxes		16.51%	\$2,104.51		28.17%	\$2,802.39		-0.04%	-\$4.16
Less:									
General Tax Increase	\$16,676.50	4.36%	\$555.88	\$16,960.02	5.50%	\$547.10	\$4,010.41	1.30%	\$129.37
Difference:		12.15%	\$1,548.63		22.67%	\$2,255.29		-1.34%	-\$133.53
Average Utility Assessment Increase:		-0.19%			0.63%			11.03%	
Average Utility Market Change		2.81%			0.64%			-0.98%	
Average Utility Growth (NMC)		-3.00%	-\$382.62		-0.01%	-\$0.57		12.01%	\$1,195.51
Estimated Class Total of Growth:			-\$11,478.61			-\$17.09			\$37,060.86
Tax Increase Difference less Growth (Multiplier Shift Effect):		15.15%	\$1,931.25		22.68%	\$2,255.86		-13.36%	-\$1,329.04
Estimated Class Total of Multiplier Shift Effect:			\$57,937.41			\$67,675.89			-\$41,200.15

Class 5 - Light Industry	2017			2016			2015		
	2016	2017	Increase/(Decrease)	2015	2016	Increase/(Decrease)	2014	2015	Increase/(Decrease)
Revised Roll Assessment Class Totals	\$85,634,300	\$89,503,800		\$77,786,500	\$85,634,300		\$80,995,100	\$77,786,500	
Occurrences	80	84	4	80	80	0	82	80	-2
Average Light Industry	\$1,070,429	\$1,065,521	-\$4,907.32	\$972,331	\$1,070,429	\$98,097.50	\$987,745	\$972,331	-\$15,413.87
General Tax Rate	6.9547	6.8450	-0.1097	6.5389	6.9547	0.4158	6.1253	6.5389	0.4136
Municipal Taxes	\$7,444.51	\$7,293.49	-\$151.02	\$6,357.98	\$7,444.51	\$1,086.53	\$6,050.24	\$6,357.98	\$307.74
Increase in Taxes		-2.03%	-\$151.02		17.09%	\$1,086.53		5.09%	\$307.74
Less:									
General Tax Increase	\$25,966.45	4.36%	\$324.58	\$27,975.10	5.50%	\$349.69	\$6,449.55	1.30%	\$78.65
Difference:		-6.39%	-\$475.60		11.59%	\$736.85		3.79%	\$229.09
Average Light Industry Assessment Increase:		-0.46%			10.09%			-1.56%	
Average Light Industry Market Change		5.69%			3.80%			-1.94%	
Average Light Industry Growth (NMC)		-6.15%	-\$457.72		6.29%	\$399.85		0.38%	\$22.96
Estimated Class Total of Growth:			-\$38,448.62			\$31,987.73			\$1,836.80
Tax Increase Difference less Growth (Multiplier Shift Effect):		-0.24%	-\$17.88		5.30%	\$337.00		3.41%	\$206.13
Estimated Class Total of Multiplier Shift Effect:			-\$1,501.56			\$26,959.89			\$16,490.29

Class 6 - Business & Other	2017			2016			2015		
	2016	2017	Increase/(Decrease)	2015	2016	Increase/(Decrease)	2014	2015	Increase/(Decrease)
Revised Roll Assessment Class Totals	\$913,569,380	\$955,665,314		\$892,367,505	\$913,569,380		\$874,390,932	\$892,367,505	
Occurrences	882	883	1	891	882	-9	874	891	17
Average Business	\$1,035,793	\$1,082,294	\$46,500.73	\$1,001,535	\$1,035,793	\$34,258.15	\$999,304	\$1,001,535	\$2,230.80
General Tax Rate	6.9547	6.8450	-0.1097	6.9700	6.9547	-0.0153	7.1177	6.9700	-0.1477
Municipal Taxes	\$7,203.61	\$7,408.30	\$204.69	\$6,980.70	\$7,203.61	\$222.91	\$7,112.75	\$6,980.70	-\$132.05
Increase in Taxes		2.84%	\$204.69		3.19%	\$222.91		-1.86%	-\$132.05
Less:									
General Tax Increase	\$277,016.27	4.36%	\$314.08	\$342,089.08	5.50%	\$383.94	\$80,907.48	1.30%	\$92.47
Difference:		-1.52%	-\$109.39		-2.31%	-\$161.03		-3.16%	-\$224.51
Average Business Assessment Increase:		4.49%			3.42%			0.22%	
Average Business Market Change		4.28%			2.70%			0.86%	
Average Business Growth (NMC)		0.21%	\$15.08		0.72%	\$50.30		-0.64%	-\$45.29
Estimated Class Total of Growth:			\$13,318.49			\$44,365.02			-\$40,354.70
Tax Increase Difference less Growth (Multiplier Shift Effect):		-1.73%	-\$124.47		-3.03%	-\$211.33		-2.52%	-\$179.22
Estimated Class Total of Multiplier Shift Effect:			-\$109,907.63			-\$186,389.63			-\$159,687.49

Class 8 - Recreation/Non Profit	2017			2016			2015		
	2016	2017	Increase/(Decrease)	2015	2016	Increase/(Decrease)	2014	2015	Increase/(Decrease)
Revised Roll Assessment Class Totals	\$9,966,600	\$10,576,300		\$10,465,600	\$9,966,600		\$10,305,800	\$10,465,600	
Occurrences	17	18	1	15	17	2	14	15	1
Average Recreation/Non Profit	\$586,271	\$587,572	\$1,301.63	\$697,707	\$586,271	-\$111,436.08	\$736,129	\$697,707	-\$38,421.90
General Tax Rate	5.9423	6.0219	0.0796	5.7922	5.9423	0.1501	5.7373	5.7922	0.0549
Municipal Taxes	\$3,483.80	\$3,538.30	\$54.51	\$4,041.26	\$3,483.80	-\$557.46	\$4,223.39	\$4,041.26	-\$182.13
Increase in Taxes		1.56%	\$54.51		-13.79%	-\$557.46		-4.31%	-\$182.13
Less:									
General Tax Increase	\$2,582.19	4.36%	\$151.89	\$3,334.04	5.50%	\$222.27	\$768.66	1.30%	\$54.90
Difference:		-2.80%	-\$97.39		-19.29%	-\$779.73		-5.61%	-\$237.04
Average Recreation/Non Profit Assessment Increase:		0.22%			-15.97%			-5.22%	
Average Recreation/Non Profit Market Change		1.66%			2.01%			-0.27%	
Average Recreation/Non Profit Growth (NMC)		-1.44%	-\$50.10		-17.98%	-\$726.69		-4.95%	-\$209.03
Estimated Class Total of Growth:			-\$901.73			-\$12,353.72			-\$3,135.52
Tax Increase Difference less Growth (Multiplier Shift Effect):		-1.36%	-\$47.29		-1.31%	-\$53.04		-0.66%	-\$28.00
Estimated Class Total of Multiplier Shift Effect:			-\$851.25			-\$901.69			-\$420.05

Class 9 - Farm	2017			2016			2015		
	2016	2017	Increase/(Decrease)	2015	2016	Increase/(Decrease)	2014	2015	Increase/(Decrease)
Revised Roll Assessment Class Totals	\$4,432,559	\$4,304,122		\$4,452,552	\$4,432,559		\$4,446,139	\$4,452,552	
Occurrences	270	267	-3	275	270	-5	273	275	2
Average Farm	\$16,417	\$16,120	-\$296.58	\$16,191	\$16,417	\$225.79	\$16,286	\$16,191	-\$95.13
General Tax Rate	9.9038	8.9245	-0.9793	11.8389	9.9038	-1.9351	11.5642	11.8389	0.2747
Municipal Taxes	\$162.59	\$143.87	-\$18.72	\$191.68	\$162.59	-\$29.10	\$188.34	\$191.68	\$3.35
Increase in Taxes		-11.52%	-\$18.72		-15.18%	-\$29.10		1.78%	\$3.35
Less:									
General Tax Increase	\$1,914.00	4.36%	\$7.09	\$2,899.23	5.50%	\$10.54	\$668.41	1.30%	\$2.45
Difference:		-15.88%	-\$25.81		-20.68%	-\$39.64		0.48%	\$0.90
Average Farm Assessment Increase:		-1.81%			1.39%			-0.58%	
Average Farm Market Change		0.08%			0.00%			0.11%	
Average Farm Growth (NMC)		-1.89%	-\$3.07		1.39%	\$2.67		-0.69%	-\$1.31
Estimated Class Total of Growth:			-\$818.97			\$721.73			-\$359.49
Tax Increase Difference less Growth (Multiplier Shift Effect):		-13.99%	-\$22.75		-22.07%	-\$42.31		1.17%	\$2.21
Estimated Class Total of Multiplier Shift Effect:			-\$6,073.03			-\$11,423.96			\$606.78

The Corporation of the City of Penticton

Bylaw No. 2017-25

A Bylaw for the levying of property tax rates for the year 2017

WHEREAS pursuant to the *Community Charter*, Council is empowered to impose property value taxes by establishing tax rates within the City of Penticton;

AND WHEREAS it is deemed expedient to establish tax rates for the municipal revenue proposed to be raised from property value taxes and the amounts to be collected by means of rates established to meet the City's taxing obligation in relation to another local government or other public body;

NOW THEREFORE the Council of The Corporation of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Tax Rates Bylaw No. 2017-25".
2. The following rates are hereby imposed and levied for the year 2017.
 - 2.1 For lawful general purposes of the municipality on the value of land and improvements taxable for general Municipal purposes, rates appearing on Column "A" of the Schedule 'A' attached hereto and forming part hereof;
 - 2.2 For hospital purposes on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "B" of the Schedule 'A' attached hereto and forming a part hereof;
 - 2.3 For purposes of the Regional District of Okanagan-Similkameen on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "C" of the Schedule 'A' attached hereto and forming a part hereof;
 - 2.4 For purposes of the Regional District of Okanagan-Similkameen 9-1-1 Emergency Telephone Service and Mosquito Control, on the assessed value of improvements taxable for Regional Hospital District purposes, rates appearing in Column "D" of the Schedule 'A' attached and forming a part thereof;
 - 2.5 For purposes of Regional District of Okanagan-Similkameen Sterile Insect Release Program, on the assessed value of land taxable for Regional Hospital District purposes, rates appearing in Column "E" of the Schedule 'A' attached and forming a part hereof.

3. There shall be added to the current year's taxes unpaid on each parcel of land and improvements upon the Collector's Roll the 1st day of August, 2017, ten percent (10%) of the amount thereof, which shall from the 1st day of August, 2017, be deemed to be the amount of the current year's taxes unpaid upon such lands and improvements and the date upon which such percentage shall be added as provided by the said *Community Charter* shall be and the same is hereby set accordingly.

READ A FIRST time this	day of	April, 2017
READ A SECOND time this	day of	April, 2017
READ A THIRD time this	day of	April, 2017
ADOPTED this	day of	May, 2017

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

The Corporation of The City of Penticton

Schedule 'A'

Tax Rates (dollars of tax per \$1,000 taxable assessment)

2017	A	B	C	D	E
Property Class	General Municipal	Regional Hospital District	RDOS	RDOS 911 Emergency Telephone Service & Mosquito Control	RDOS Sterile Insect Release Program
1 Residential	4.3323	0.3102	0.1691	0.0709	0.0460
2 Utilities	25.6904	1.0858	0.5919	0.2483	0.1611
3 Supportive Housing	4.3323	0.3102	0.1691	0.0709	0.0460
4 Major Industry	6.8450	1.0548	0.5750	0.2412	0.1565
5 Light Industry	6.8450	1.0548	0.5750	0.2412	0.1565
6 Business & Other	6.8450	0.7600	0.4143	0.1738	0.1127
7 Managed Forest Land	6.8450	0.9307	0.5073	0.2128	0.1381
8 Recreation/Non-Profit	6.0219	0.3102	0.1691	0.0709	0.0460
9 Farm	8.9245	0.3102	0.1691	0.0709	0.0460

Council Report

penticton.ca

Date: April 18, 2017 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Heather Buzzell, Chief Librarian, Penticton Public Library
Subject: **Service Agreement between Penticton Public Library and Penticton Indian Band**

Staff Recommendation

THAT Council approves the service agreement between Penticton Public Library and the Penticton Indian Band and authorize the Library Board and Chief Librarian to execute the agreement.

Background

In 2016, the Penticton Indian Band ended their service relationship with the Okanagan Regional Library, which in turn has an ongoing service agreement with the Penticton Public Library. The Penticton Indian Band and the Penticton Public Library have come to an agreement regarding the terms and requirements of providing library service to residents and institutions, for example, schools within the Penticton Indian Band area.

Per the LIBRARY ACT. [RSBC 1996] CHAPTER 264. Section 48, the Library Board requests approval of the service agreement from City Council.

Financial implication

This agreement will re-establish approximately \$23,000 to \$26,000 in the Library's operating revenue, compensating for the revenue lost from the Library's Service agreement with the Okanagan Regional Library.

Attachments

Attachment A – Draft Service Agreement between Penticton Indian Band and Penticton Public Library

Respectfully submitted,

Heather Buzzell
Chief Librarian, Penticton Public Library

Chief Administrative
Officer

PW

THIS AGREEMENT is made effective the _____ day of _____, 2017

BETWEEN:

PENTICTON PUBLIC LIBRARY, as represented by
the Penticton Public Library Board
785 Main Street
Penticton, B.C. V2A 5E3
Facsimile No.: _____
(hereinafter call the "PPL")

OF THE FIRST PART

AND:

PENTICTON INDIAN BAND, as represented by its
Chief and Council
841 Westhills Dr,
Penticton, BC V2A 6J7
Facsimile No. 250 493-2882
(hereinafter call the "PIB")

OF THE SECOND PART

WHEREAS:

- A. The PIB has requested that the PPL provide library service to the residents of PIB reserves and institutions located on PIB reserves;
- B. The PPL has agreed to provide such library service on the terms and conditions hereinafter set forth; and
- C. As required under section 48(2) of the *Library Act* (BC), the PPL has obtained the approval of the Council of the City of Penticton to enter into this Agreement, as evidenced by the resolution of the Council of the City of Penticton attached to this Agreement as Schedule "A".

NOW THEREFORE THIS AGREEMENT WITNESSETH that for and in consideration of the premises and the mutual covenants and agreements hereinafter set forth, the parties hereto agree as follows:

- 1. The PPL covenants and agrees to provide library service to all residents of PIB reserves, in the same manner, and to the same extent, as such service is provided by the PPL to the residents of the City of Penticton, except that any home delivery service required by residents of PIB reserves will be subject to availability of volunteers to provide such service on behalf of PPL.
- 2. Subject to section 1, the PPL shall not be held responsible or be liable for any action or lack of action in providing such service.
- 3. This Agreement shall come into effect once signed and witnessed and shall, subject to section 6, continue in force and effect on a year-to-year basis, on the same terms and conditions, except this Agreement may be terminated by either

party delivering to the other party a written notice of termination before July 1 in any year and, in the event of delivery of a written notice of termination, this agreement shall cease and be of no further effect as of December 31 in the then-current year.

4. A notice required to be given to any of the parties to this Agreement may be given by prepaid registered post or personally delivered to the address of such party above-stated and any notice shall be deemed to have been given or received by the party to whom it was addressed on delivery, if delivered personally and, if mailed, on the fourth day following the mailing thereof.
5. In consideration of the library service provided by the PPL pursuant to section 1, the PIB shall pay an annual fee (the "Service Fee") to the PPL calculated as follows:
 - a. an amount equal to the number of residents of PIB reserves who are 19 or over ("Adult PIB Residents") who held a library card from the PPL the previous calendar year, multiplied by \$75.00, plus 10%, except that in the calculation of the number of Adult PIB Residents for the purpose of this subsection a, no person who held a library card as an employee of, or who is otherwise associated with, an institution on PIB reserves shall be counted; plus
 - b. \$9,000 to cover library service provided to institutions on PIB reserves, including but not limited to Little Paws Children's Centre and Outma Sqilx'w Cultural School;up to a maximum amount determined pursuant to the Per Capita Formula. For the purposes of this Agreement, "Per Capital Formula" for any given year means:

(A divided by B) multiplied by C where:

A = The funding stipend received by the PPL from the City of Penticton for that year;
B = The population of the City of Penticton for that year; and
C = The population of PIB reserves for that year.
6. Any change in the Service Fee can only be made if the parties reach agreement, in writing, on the new amount on or before July 1 of the calendar year prior to the calendar year in which the new Service Fee will take effect.
7. The PPL will invoice the PIB for the Service Fee each year, on March 31. The PIB shall pay the Service Fee within 45 days of receipt of the invoice. If PIB fails to pay an invoice when due, then the PPL shall be entitled to provide a default notice to the PIB. If PIB does not rectify the default by paying in full the outstanding Service Fee within 30 days of receipt of the default notice, the PPL may, on notice to the PIB, immediately terminate this Agreement, after which PIB acknowledges that PPL will be at liberty to charge residents of PIB reserves individually for library service.

- 8. Any notice required to be given under this Agreement by either party will be deemed to have been given if faxed or delivered at the address of the other party indicated on the first page of this Agreement or at such other address as any party to this Agreement may from time to time direct in writing by giving notice to all other party under this section, and any such notice is deemed to have been received, if faxed, twenty-four (24) hours after the time of faxing and, if delivered, upon the date of delivery, provided that such day is a business day and such notice or other communication is so delivered or faxed before 5:00pm (local time at the place of receipt) on such day. Otherwise, such notice or communication shall be deemed to have been given and received on the next following business day. If normal fax service is interrupted by any cause, the party sending the notice will utilize such other service as is not interrupted or will deliver the notice.
- 9. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed these presents by the proper officers duly authorized as of the day and year first written above.

SIGNED, SEALED AND DELIVERED BY PENTICTON PUBLIC LIBRARY in the presence of:

PENTICTON PUBLIC LIBRARY by an authorized signatory of the Penticton Public Library Board:

Witness

Linda King, Chairperson
Date: _____

Heather Buzzell
Chief Librarian
Penticton Public Library
785 Main Street
Penticton, B.C. V2A 5E3

SIGNED, SEALED AND DELIVERED BY PENTICTON INDIAN BAND in the presence of:

PENTICTON INDIAN BAND
per its authorized signatory:

Witness

Print Name: _____
Date: _____

SCHEDULE "A"

Attach Resolution of Council of the City of Penticton

DRAFT

Council Report

penticton.ca

Date: April 18, 2017 File No: 2380-20
To: Peter Weeber, Chief Administrative Officer
From: Peter Wallace, Land Administrator & Cathy Ingram, Procurement Manager

Subject: Proposed Asset Disposal
Penmar Community Arts Society (PCAS) Theatre Seats

Staff Recommendation

THAT Council direct Staff work cooperatively with the Penmar Community Arts Society to disposal of the assets held as security without formally seizing the assets;

AND THAT Council waive the Purchasing Policy allowing for negotiations with local parties that express interest in the projectors and theatre seats;

AND FURTHER THAT staff be directed to maximize the recovery of the loan proceeds through disposition of the assets through the various options permitted under the section 25 of the *Community Charter*.

Strategic priority objective

n/a

Background

At the December 16, 2013 open Council Meeting, Council authorized staff to negotiate the allocation of \$125,000 from the Amenity Contribution Capital Reserve Fund for use by the Pen Mar Community Arts Society for the development of a Performing Arts Centre at 361 Martin Street.

On May 20, 2014 the City entered into a Contribution Agreement with the Penmar Community Arts Society (PCAS) specifically for the "purchase of theatre equipment, to be installed in the Facility and used in the operation of a performing arts centre."

The agreement allowed for advances up to \$125,000, however only **\$62,606** was advanced for the purchase of 310 theatre seats at \$96.31/seat , two projectors at \$21,400 and \$11,315 in electrical upgrades to the building. The agreement required repayment within 7 years; interest free for the first 5 years. No payments have been made to date.

PCAS was unable to raise sufficient funds to acquire the Penmar site or to proceed with the renovation. The Penmar property was sold to an unrelated party in April 2016 and shortly thereafter the City removed and took possession of the assets held as security to protect our interest.



Image no. 1 - Two of 310 theatre seats and projectors that are held as security

Last month PCAS was consulted regarding the potential sale of 112 seats to Many Hats, and PCAS agreed that the City could negotiate the sale of the seats with the proceeds applied to the loan.

Last week PCAS indicated that as they had not heard from Many Hats and they had listed the seats for sale individually to maximise return. Details of the listing have been requested. They also indicated that they still own the assets and were promptly advised that, "the Society's ownership of the assets is debatable, as the Society is in default of the loan agreement. Among other clauses, clause 1.4 of the Contribution Agreement states, "The Society shall use the Equipment solely for the purpose of operating a performing arts centre within the Facility and for no other purpose." The agreement clearly defines the Facility as being established "on the Lands and premises with civic address 347, 353 and 361 Martin Street, Penticton, BC, legally described as". The Society no longer has access to the defined Facility so this default cannot be corrected. However, we believe it is in the best interest of everyone to work co-operatively to liquidate the remaining assets and maximize the pay down on the loan, rather than incurring additional cost to exercise the default provisions of the General Security Agreement.

PCAS is not currently in in good standing with BC Registry Services, due to failure to file annual reporting. They have been advised of this oversight and staff have requested feedback as to the Society's intent going

forward. They need to restore their good standing status before they can enter into any legally binding agreement.

Prior to the City disposing of any of the assets an agreement with PCAS must be obtained. Either a written agreement allowing joint disposal of the assets or a quit claim, in which PCAS would voluntarily release their interest in the security held. Failing those two options, obtain legal assistance to perfect our sole interest in the security.

Options for Disposition

Pursuant to the City's Purchasing Policy, the following are options for disposition of City assets:

1. Sale to the public by bids or auction – posting the theatre seats on BC Auction with 310 in a lot, or in lots of 50 seats, with a minimum upset price would provide the best return for the City. If the seats do not sell at or above the set upset price, they could be re-listed at a lower price or other options considered at that time.
2. Credit from Supplier – the original supplier could be contacted to request a return of the seats at a discounted price.
3. Sale by consignment – the seats could be listed with a consigner with a minimum upset price.
4. Donate to non-profit organization – the Purchasing Policy allows for donation to non-profit organizations. The intent of the donation option is for recovered items that have minimal value and would be beneficial to a local organization.
5. Since the Purchasing Policy was endorsed by Council resolution, Council has the option of passing a resolution to waive section 23 of the Purchasing Policy and direct PCAS and staff to sell the security with the intent of maximizing proceeds.

It should be noted that Council cannot sell or donate City assets for less than market value pursuant to section 25 of the *Community Charter* prohibiting assistance to businesses.

Financial implication

All recovery from the sale proceeds will be returned to the Amenity Contribution Capital Reserve Fund. The City holds assets which were purchased at a cost of \$50,690, realistically only partial recovery can be expected. The remaining \$11,916 is non-recoverable.

Analysis

The level of potential recovery will be subject to the market and marketing options chosen. Sale of the units a few at a time may maximize profits but would consume staff resources in the process.

If an agreement can be negotiated with Many Hats Production Company at market value that would dispose of 1/3 of the seat inventory and should be the first option pursued as they are a local motivated buyer. Unless the disposal is to a non-profit the transfer price must be at a supportable market value, otherwise it would be providing assistance to a business. That is one of the benefits of auction/BC bid process, as the process itself simulates market forces and assumes market value. However, with specialty items, such as the

theatre seats and projectors, which have a very limited market, these auction processes will rarely achieve market value, but instead sell at a liquidation value.

Alternate recommendations

THAT Council direct staff to take the necessary action to secure an uncontested interest in the secured assets purchased for Penmar Community Arts Society.

AND THAT Council waive section 23 of the Purchasing Policy regarding the sale of the projectors and seats;

AND THAT the staff be directed to maximize the recovery of the loan proceeds through disposition of the assets through the various options permitted under the *Community Charter*.

Attachments

Respectfully submitted,



Peter Wallace
Land Administrator



Cathy Ingram
Procurement and Inventory Services Manager

Approvals

CFO	CAO
<i>JWB</i>	PW

Council Report

penticton.ca

Date: April 18, 2017 File No:
To: Peter Weeber, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure
Subject: **2017 / 2018 Annual Operating Agreement Conventional and Custom Transit**

THAT Council authorize the Mayor and Corporate Officer to execute the 2017 / 2018 Annual Operating Agreement for the Conventional and Custom Transit System as contained in Attachment "A".

Strategic Priority Objective

N/A

Background

On March 30, 2017 BC Transit sent an email with the 2017 / 2018 Annual Operating Agreement for the Conventional and Custom Transit System. This is a new form of agreement and it differs from the previous Annual Operating Agreements as follows:

1. Combines both Conventional and Custom Transit into one agreement;
2. Eliminates the need for the Operator to sign the agreement (dealt with in a separate BC Transit Operator agreement);
3. Removes reference to Master Operating Agreement (replaces it with Transit Service Agreement);
4. Eliminates a Service Area Schedule (now addressed in the Transit Service Agreement);
5. Eliminates a Payment Schedule (incorporated in the text of the new agreement);
6. Changes the format of the Budget so that it is suitable for public presentation;
7. Adds a section on Freedom of Information and Protection of Privacy;
8. Adds a section on Settlement of Disputes (mediation then arbitration);
9. Adds a Governing Laws Section; and
10. Adds a Counterparts Section.

The agreement and financial impacts were reviewed by the General Manager of Infrastructure. With the exception of the above noted changes the agreement is the standard Annual Operating Agreement with an updated Schedule "B" Service Specifications and an updated Schedule "C" Budget.

A comparison of the Annual Operating Agreement financials and the 2017 Budget are as illustrated below.

Item		2017 Budget	2017 / 2018 AOA	Variance
Conventional Municipal Share	Net	\$976,171	\$911,199	\$64,972
Custom Municipal Share	Transit Net	\$125,217	\$120,674	\$ 4,543

Financial implication

See above

Analysis

Entering into the agreement with BC Transit will ensure that the public is provided with the same level of service they currently enjoy.

Should Council wish they could instruct staff to explore cost or service level reductions with BC Transit.

Alternate recommendations

THAT Council instruct staff to explore cost or service level reductions with BC Transit.

Attachments

Attachment "A" 2017 2018 Annual Operating Agreement Conventional and Custom Transit

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
 General Manager of Infrastructure
 City of Penticton

Approvals

CFO <i>JWB</i>	CAO PW
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Attachment "A" 2017 2018 Annual Operating Agreement Conventional and Custom Transit

<..\..\Public Works\Transit\Agreements\2017 2018 Annual Operating Agreement Conventional and Custom Transit.pdf>

PENTICTON

ANNUAL OPERATING AGREEMENT

between

CITY OF PENTICTON

and

BRITISH COLUMBIA TRANSIT

Effective

April 1, 2017

INFORMATION CONTAINED IN THIS AGREEMENT IS SUBJECT TO THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT. CONSULT WITH THE AUTHORITY PRIOR TO RELEASING INFORMATION TO INDIVIDUALS OR COMPANIES OTHER THAN THOSE WHO ARE PARTY TO THIS AGREEMENT.

ANNUAL OPERATING AGREEMENT

BETWEEN:

CITY OF PENTICTON

(the "Municipality")

AND:

BRITISH COLUMBIA TRANSIT

(the "Authority")

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area;

WHEREAS the parties hereto have entered into a Transit Service Agreement which sets out the general rights and responsibilities of the parties hereto;

WHEREAS the Municipality and the Authority are authorized to share in the costs for the provision of a Public Passenger Transportation System pursuant to the *British Columbia Transit Act*;

AND WHEREAS the parties hereto wish to enter into an Annual Operating Agreement which sets out, together with the Transit Service Agreement, the specific terms and conditions for the Public Passenger Transportation System for the upcoming term.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

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SECTION 1: DEFINITIONS

Unless agreed otherwise in the Annual Operating Agreement, the definitions set out in the Transit Service Agreement shall apply to this Annual Operating Agreement including:

- a) "Annual Operating Agreement" shall mean this Annual Operating Agreement and any Annual Operating Agreement Amendments negotiated and entered into by the parties subsequent hereto;
- b) "Transit Service Agreement" shall mean the Transit Service Agreement between the parties to this Annual Operating Agreement, including any amendments made thereto;

SECTION 2: INCORPORATION OF SCHEDULES

All schedules to this agreement are incorporated into the agreement, and form part of the agreement.

SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT

Upon execution, this Annual Operating Agreement shall be deemed integrated into the Transit Service Agreement and thereafter the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the *British Columbia Transit Act*, as amended from time to time.

SECTION 4: TERM AND RENEWAL

- a) The parties agree that the effective date of this agreement is to be April 1, 2017, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Transit Service Agreement are duly executed, this agreement will replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.
- b) Upon commencement in accordance with Section 4(a) of this agreement, the term of this agreement shall be to March 31, 2018 except as otherwise provided herein. It is acknowledged by the parties that in the event of termination or non-renewal of the Annual Operating Agreement, the Transit Service Agreement shall likewise be so terminated or not renewed, as the case may be.
- c) Either party may terminate this agreement as follows:
 - a. Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least ninety (180) days prior written notice. Such notice to be provided in accordance with Section 10.
 - b. Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 10.

SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the *Freedom Of Information And Protection Of Privacy Act* ("FOIPPA"). Any information developed in the performance of this Agreement, or any personal information obtained, collected, stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to

the provisions of the FOIPPA including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of the FOIPPA.

SECTION 6: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 7: MISCELLANEOUS PROVISIONS

- a) Amendment: This agreement may only be amended in writing signed by the Municipality and the Authority and specifying the effective date of the amendment.
- b) Assignment: This Agreement shall not be assignable without prior written consent of the parties.
- c) Enurement: This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.
- d) Operating Reserve Fund: In accordance with OIC 594, in fiscal year 2015/16, BC Transit established a Reserve Fund to record, for each local government, the contributions that BC Transit has received but has not yet earned.
 - a. BC Transit will invoice and collect on monthly Municipal invoices based on budgeted Eligible Expenses.
 - b. Any expenditure of monies from the Reserve Fund will only be credited towards Eligible Expenses for the location for which it was collected.
 - c. Eligible Expenses are comprised of the following costs of providing Public Passenger Transportation Systems:
 - i. *For Conventional Transit Service:*
 1. the operating costs incurred in providing Conventional Transit Service excluding interest and amortization;
 2. the amount of any operating lease costs incurred by BC Transit for Conventional Transit Services;
 3. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement;
 4. an amount of the annual operating costs of BC Transit not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement;
 - ii. *For Custom Transit Service:*
 1. the operating costs incurred in providing Custom Transit Service excluding interest and amortization, but including the amount paid by BC Transit to redeem taxi saver coupons issued under the Taxi Saver Program after deducting from that amount the amount realized from the sale of those coupons;
 2. the amount of any operating lease costs incurred by BC Transit for Custom Transit Service;

3. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement; and,
 4. an amount of the annual operating costs of BC Transit not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement;
- d. Eligible Expenses exclude the costs of providing third-party 100%-funded services; and,
 - e. BC Transit will provide an annual statement of account of the reserves received and utilized, including any interest earned for each local government.
- e) The parties agree that this agreement is in substantial compliance with all relevant legislative requirements to establish the rights and obligations of the parties as set out in the *British Columbia Transit Act*.

SECTION 8: GOVERNING LAW

This Agreement is governed by and shall be construed in accordance with the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the government of Canada.

SECTION 9: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or pdf copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 10: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed or if mailed by prepaid registered mail to the Authority at:

BRITISH COLUMBIA TRANSIT
c/o President & CEO
P.O. Box 610
520 Gorge Road East
Victoria, British Columbia V8W 2P3

and to the Municipality at:

CITY OF PENTICTON
c/o Director of Operations
171 Main Street
Penticton, BC V2A 5A9

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this ____ day of _____,
20____.

CITY OF PENTICTON

BRITISH COLUMBIA TRANSIT

CHIEF OPERATING OFFICER

CHIEF FINANCIAL OFFICER

SCHEDULE "A": TARIFF AND FARES**Fare Zones:**

The boundaries of fare zones for this Tariff are described as the corporate boundaries of the City of Penticton.

Fares:**a) Single Cash Fares:**

i) Adult/College Student	\$2.00
ii) Senior	\$1.75
iii) Student to Grade 12	\$1.75
iv) Child 6 years and under	Free when accompanied by an adult.
v) Accessible Transit Attendant	Free

b) Tickets: (sheet of 10)

i) Adult/College Student	\$15.00
ii) Senior/Concession	\$12.50
iii) Student to Grade 12	\$12.50

c) One-Day Pass:

i) Adult/College Student	\$4.00
ii) Senior	\$3.50
iii) Student to Grade 12	\$3.50

d) Monthly Pass:

i) Adult	\$45.00
ii) Senior	\$32.00
iii) Student	\$27.00
iv) College Student	\$38.00
v) College Semester Pass (4 months)	\$120.00

e) BC Bus Pass valid for the current calendar year and available through the Government of British Columbia BC Bus Pass Program.

f) CNIB Identification Card available from the local office of the CNIB.

g) BC Transit Employee Bus Pass

SCHEDULE "B": SERVICE SPECIFICATIONS

Penticton Base Budget Official AOA

2017/2018

Penticton Base Budget Official AOA 2017/2018

Schedule 'B'

Effective Apr 01, 2017

Scheduled Revenue Service

April to June (Apr 01, 2017 to Jun 25, 2017)												
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Apr 14, 2017	Apr 17, 2017	May 22, 2017		
Hrs/Day	75.54	75.54	75.54	75.54	75.54	64.67	9.00	9.00	75.54	9.00		
Kms/Day	1,604.70	1,604.70	1,604.70	1,604.70	1,604.70	1,361.39	180.87	180.87	1,604.70	180.87		

June to Sep (Jun 26, 2017 to Sep 04, 2017)												
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Jul 01, 2017	Aug 07, 2017	Sep 04, 2017		
Hrs/Day	74.84	74.84	74.84	74.84	74.84	64.67	10.00	10.00	10.00	10.00		
Kms/Day	1,589.83	1,589.83	1,589.83	1,589.83	1,589.83	1,361.39	200.13	200.13	200.13	200.13		

Sep to March (Sep 05, 2017 to Mar 31, 2018)													
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Oct 09, 2017	Nov 11, 2017	Dec 26, 2017	Jan 01, 2018	Feb 12, 2018	Mar 30, 2018
Hrs/Day	75.54	75.54	75.54	75.54	75.54	64.67	9.00	9.00	9.00	9.00	9.00	9.00	9.00
Kms/Day	1,604.70	1,604.70	1,604.70	1,604.70	1,604.70	1,361.39	180.87	180.87	180.87	180.87	180.87	180.87	180.87

Extra Revenue Service

	Apr. 2017	May, 2017	Jun, 2017	Jul, 2017	Aug, 2017	Sep, 2017	Oct, 2017	Nov, 2017	Dec, 2017	Jan, 2018	Feb, 2018	Mar, 2018
Extra Special Events Hours		30.00	10.00	10.00	15.00	15.00	30.00	30.00	60.00		30.00	
Extra Special Events Kilometres		600.00	200.00	200.00	300.00	300.00	600.00	600.00	1,200.00		600.00	

Adjusted Revenue Service

	Apr. 2017	May, 2017	Jun, 2017	Jul, 2017	Aug, 2017	Sep, 2017	Oct, 2017	Nov, 2017	Dec, 2017	Jan, 2018	Feb, 2018	Mar, 2018

2017/2018 Calendar Specification

Period	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Exceptions	Total	Exception Days
Apr 01, 2017 to Apr 30, 2017	3	4	4	4	3	5	5	2	30	Apr 14, 2017 Good Friday 2017 (Fri)
May 01, 2017 to May 31, 2017	4	5	5	4	4	4	4	1	31	Apr 17, 2017 Easter Monday 2017 (Mon)
Jun 01, 2017 to Jun 25, 2017	3	3	3	4	4	4	4	0	25	May 22, 2017 Victoria Day 2017 (Mon)
Jun 26, 2017 to Jun 30, 2017	1	1	1	1	1	0	0	0	5	Jul 01, 2017 Canada Day 2017 (Sat)
Jul 01, 2017 to Jul 31, 2017	5	4	4	4	4	4	5	1	31	Aug 07, 2017 BC Day 2017 (Mon)
Aug 01, 2017 to Aug 31, 2017	3	5	5	5	4	4	4	1	31	Sep 04, 2017 Labour Day 2017 (Mon)
Sep 01, 2017 to Sep 04, 2017	0	0	0	0	1	1	1	1	4	Oct 09, 2017 Thanksgiving Day 2017 (Mon)
Sep 05, 2017 to Sep 30, 2017	3	4	4	4	4	4	3	0	26	Nov 11, 2017 Remembrance Day 2017 (Sat)
Oct 01, 2017 to Oct 31, 2017	4	5	4	4	4	4	5	1	31	Dec 25, 2017 Christmas Day 2017 (Mon)
Nov 01, 2017 to Nov 30, 2017	4	4	5	5	4	3	4	1	30	Dec 26, 2017 Boxing Day 2017 (Tue)
Dec 01, 2017 to Dec 31, 2017	3	3	4	4	5	5	5	2	31	Jan 01, 2018 New Years Day 2018 (Mon)
Jan 01, 2018 to Jan 31, 2018	4	5	5	4	4	4	4	1	31	Feb 12, 2018 Family Day 2018 (Mon)
Feb 01, 2018 to Feb 28, 2018	3	4	4	4	4	4	4	1	28	Mar 30, 2018 Good Friday (2018) (Fri)
Mar 01, 2018 to Mar 31, 2018	4	4	4	4	5	4	4	1	31	
Total	44	51	52	52	50	51	52	13	365	13 Exceptions

Monthly Summary

Month	Conventional Transit							
	Revenue Hours				Revenue Kilometers			
	Scheduled	Extra	Adjusted	Total	Scheduled	Extra	Adjusted	Total
April, 2017	1,812.61	0.00		1,812.61	38,381.47	0.00		38,381.47
May, 2017	1,965.56	30.00		1,995.56	41,653.31	600.00		42,253.31
June, 2017	1,953.06	10.00		1,963.06	41,398.09	200.00		41,598.09
July, 2017	1,890.32	10.00		1,900.32	40,032.77	200.00		40,232.77
August, 2017	1,955.16	15.00		1,970.16	41,422.47	300.00		41,722.47
September, 2017	1,880.45	15.00		1,895.45	39,828.95	300.00		40,128.95
October, 2017	1,899.02	30.00		1,929.02	40,229.48	600.00		40,829.48
November, 2017	1,900.89	30.00		1,930.89	40,291.92	600.00		40,891.92
December, 2017	1,812.61	60.00		1,872.61	38,381.47	1,200.00		39,581.47
January, 2018	1,965.56	0.00		1,965.56	41,653.31	0.00		41,653.31
February, 2018	1,738.94	30.00		1,768.94	36,839.21	600.00		37,439.21
March, 2018	1,954.69	0.00		1,954.69	41,410.00	0.00		41,410.00
Total	22,728.87	230.00	0.00	22,958.87	481,522.45	4,600.00	0.00	486,122.45

Penticton Custom Base Budget Official AOA

2017/2018

Penticton Custom Base Budget Official AOA 2017/2018

Schedule 'B'

Effective Apr 01, 2017

Scheduled Revenue Service

17/18 Full Year (Apr 01, 2017 to Mar 31, 2018)								
	Mon	Tue	Wed	Thu	Fri	Sat	Sun	
Hrs/Day	16.00	16.00	16.00	16.00	16.00			
Kms/Day	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Extra Revenue Service

	Apr, 2017	May, 2017	Jun, 2017	Jul, 2017	Aug, 2017	Sep, 2017	Oct, 2017	Nov, 2017	Dec, 2017	Jan, 2018	Feb, 2018	Mar, 2018

Adjusted Revenue Service

	Apr, 2017	May, 2017	Jun, 2017	Jul, 2017	Aug, 2017	Sep, 2017	Oct, 2017	Nov, 2017	Dec, 2017	Jan, 2018	Feb, 2018	Mar, 2018

2017/2018 Calendar Specification

Period	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Exceptions	Total	Exception Days
Apr 01, 2017 to Apr 30, 2017	3	4	4	4	3	5	5	2	30	Apr 14, 2017 Good Friday 2017 (Fri)
May 01, 2017 to May 31, 2017	4	5	5	4	4	4	4	1	31	Apr 17, 2017 Easter Monday 2017 (Mon)
Jun 01, 2017 to Jun 30, 2017	4	4	4	5	5	4	4	0	30	May 22, 2017 Victoria Day 2017 (Mon)
Jul 01, 2017 to Jul 31, 2017	5	4	4	4	4	4	5	1	31	Jul 01, 2017 Canada Day 2017 (Sat)
Aug 01, 2017 to Aug 31, 2017	3	5	5	5	4	4	4	1	31	Aug 07, 2017 BC Day 2017 (Mon)
Sep 01, 2017 to Sep 30, 2017	3	4	4	4	5	5	4	1	30	Sep 04, 2017 Labour Day 2017 (Mon)
Oct 01, 2017 to Oct 31, 2017	4	5	4	4	4	4	5	1	31	Oct 09, 2017 Thanksgiving Day 2017 (Mon)
Nov 01, 2017 to Nov 30, 2017	4	4	5	5	4	3	4	1	30	Nov 11, 2017 Remembrance Day 2017 (Sat)
Dec 01, 2017 to Dec 31, 2017	3	3	4	4	5	5	5	2	31	Dec 25, 2017 Christmas Day 2017 (Mon)
Jan 01, 2018 to Jan 31, 2018	4	5	5	4	4	4	4	1	31	Dec 26, 2017 Boxing Day 2017 (Tue)
Feb 01, 2018 to Feb 28, 2018	3	4	4	4	4	4	4	1	28	Jan 01, 2018 New Years Day 2018 (Mon)
Mar 01, 2018 to Mar 31, 2018	4	4	4	5	4	5	4	1	31	Feb 12, 2018 Family Day 2018 (Mon) Mar 30, 2018 Good Friday (2018) (Fri)
Total	44	51	52	52	50	51	52	13	365	13 Exceptions

Monthly Summary

Month	Custom Transit							
	Revenue Hours				Revenue Kilometers			
	Scheduled	Extra	Adjusted	Total	Scheduled	Extra	Adjusted	Total
April, 2017	288.00			288.00	0.00			
May, 2017	352.00			352.00	0.00			
June, 2017	352.00			352.00	0.00			
July, 2017	336.00			336.00	0.00			
August, 2017	352.00			352.00	0.00			
September, 2017	320.00			320.00	0.00			
October, 2017	336.00			336.00	0.00			
November, 2017	352.00			352.00	0.00			
December, 2017	304.00			304.00	0.00			
January, 2018	352.00			352.00	0.00			
February, 2018	304.00			304.00	0.00			
March, 2018	336.00			336.00	0.00			
Total	3,984.00	0.00	0.00	3,984.00	0.00	0.00	0.00	

SCHEDULE "C": BUDGET**Penticton Conventional Transit**

	Base Budget 2017/2018
Total Revenue	\$538,250
Total Direct Operating Costs	\$2,100,082
Total Operating Costs	\$2,323,145
Total Costs (including Local Government Share of Lease Fees)	\$2,603,607
Net Local Government Share of Costs	\$911,199

Penticton Custom Transit

	Base Budget 2017/2018
Total Revenue	\$19,449
Total Direct Operating Costs	\$311,159
Total Operating Costs	\$330,830
Total Costs (including Local Government Share of Lease Fees)	\$365,226
Net Local Government Share of Costs	\$120,674

Council Report

penticton.ca

Date: April 18, 2017 File No:
To: Peter Weeber, Chief Administrative Officer
From: Mitch Morozuk, General Manager of Infrastructure
Subject: **Transit Service Agreement**

THAT Council authorize the Mayor and Corporate Officer to execute the Transit Service Agreement as contained in Attachment "A".

Strategic Priority Objective

N/A

Background

On March 30, 2017 BC Transit sent an email with a Transit Service Agreement. This is a new agreement that replaces the existing Master Operating Agreement. This agreement sets how BC Transit and the City of Penticton will work together to provide Conventional and Custom Transit services to the citizens of Penticton.

The Main points of the agreement are:

1. Transit Service Area: These are defined as the boundaries of the City of Penticton;
2. Term: The Term of the Agreement is from April 1, 2017 until terminated;
3. Termination: Either party to the agreement can terminate it with 180 days' notice;
4. Municipal Responsibilities:
 - a. Participating in the development of Service Goals and Service Standards;
 - b. Approving Bus Routes, Service specifications (subject to budget approval) and Special Transit Services with consultation with BC Transit;
 - c. Improving, installing and maintaining bus stops and transit shelters including signage;
 - d. Notification of Street Closures;
 - e. Establishing tariffs to charge for transit;
 - f. Approving Annual Budgets and paying monies owed to BC Transit;
 - g. Passing on citizen concerns re transit; and
 - h. Supporting sustainable public passenger transportation.

- 5. BC Transit Responsibilities:
 - a. Set Annual Operating and Capital Budgets;
 - b. Provide staff to develop and implement service plans, fare tariffs and marketing plans;
 - c. Administer and manage the Operating Company;
 - d. Institute marketing programs;
 - e. Develop and implement policies and procedures for transit service;
 - f. Plan, prepare and implement transit service;
 - g. Provide statistical reports and performance summaries; and
 - h. Determining and providing vehicles.
- 6. Funding Agreement: The City and BC Transit shall contribute their respective portions of annual cost as outlined in the Annual Operating Agreement
 - a. Conventional Transit: Fares 21% BC Transit 44% City 35%;
 - b. Custom Transit Fares 5% BC Transit 62% City 33%)

The agreement was reviewed by the General Manager of Infrastructure and is basically an updated version of the Master Transit Agreement from 2000 and is now ready for the consideration of Council.

Financial implication

N/A

Analysis

Entering into the Transit Service Agreement will ensure that BC Transit and the City can continue to provide Custom and Conventional Transit to the citizens of Penticton.

Should Council wish they could provide specific direction to staff regarding amendments they would like to see.

Alternate recommendations

THAT Council provide specific direction to staff regarding amendments they would like to see.

Attachments

Attachment "A" Transit Service Agreement

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
 General Manager of Infrastructure
 City of Penticton
 Approvals

CFO <i>JWB</i>	CAO PW
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Attachment "A" Transit Service Agreement

<..\..\Public Works\Transit\Agreements\2017 2018 Transit Service Agreement.pdf>

**PENTICTON
TRANSIT SERVICE AGREEMENT**

between

CITY OF PENTICTON

and

BRITISH COLUMBIA TRANSIT

Effective

April 1, 2017

INFORMATION CONTAINED IN THIS AGREEMENT IS SUBJECT TO THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT. CONSULT WITH THE AUTHORITY PRIOR TO RELEASING INFORMATION TO INDIVIDUALS OR COMPANIES OTHER THAN THOSE WHO ARE PARTY TO THIS AGREEMENT.

TRANSIT SERVICE AGREEMENT

BETWEEN:

CITY OF PENTICTON

(the "Municipality")

AND:

BRITISH COLUMBIA TRANSIT

(the "Authority")

WHEREAS the Authority has, at the request of the Municipality, established the Transit Service Area described in this agreement pursuant to the *British Columbia Transit Act*,

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area; and

WHEREAS the Municipality and the Authority wish to define their respective rights and responsibilities with respect to the provision of transit services in the Transit Service Area.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

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SECTION 1: DEFINITIONS

The Definitions that shall apply to this Agreement as approved pursuant to the *BC Transit Act* and Regulations are defined in Schedule "A" and, unless the context clearly indicates to the contrary, any words defined in the singular shall include the plural and vice versa.

SECTION 2: INCORPORATION OF SCHEDULES

The parties agree that the attached schedules form part of this agreement and are binding on the parties.

SECTION 3: ANNUAL OPERATING AGREEMENT

The Municipality and the Authority shall enter into an Annual Operating Agreement prescribed by regulation made pursuant to the British Columbia Transit Act.

SECTION 4: INCORPORATION OF ANNUAL OPERATING AGREEMENT

Upon execution, this Transit Service Agreement shall be deemed integrated into the Annual Operating Agreement and thereafter the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the British Columbia Transit Act, as amended from time to time.

SECTION 5: TRANSIT SERVICE AREA

For the purposes of this agreement, the "Transit Service Area" is defined as the area comprised within the boundaries shown in Schedule "B" to be known as the Penticton Transit Service Area.

SECTION 6: TERM AND TERMINATION

The parties agree that the effective date of this agreement is to be April 1, 2017, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Annual Operating Agreement are duly executed, this agreement will replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.

Upon commencement of this agreement it shall remain in full force and effect unless and until terminated in accordance with the provisions of this Agreement. Either party may terminate this agreement as follows:

- a) Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 18.
- b) Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 18.

SECTION 7: MUNICIPAL RESPONSIBILITIES

In accordance with the terms and provisions of this Agreement, and the *British Columbia Transit Act*, and regulations made pursuant to the Act, the Municipality shall be responsible for:

- a) Participating in the development of, and where in agreement approving, plans and amendments to the Public Passenger Transportation System including:
 - i. Determining service goals, levels and objectives for the Public Passenger Transportation System;
 - ii. Establishing service performance standards and guidelines for the System;
 - iii. Approving transit service plans and, where feasible, incorporating these plans into Official Community Plans and transportation plans for the Municipality;
 - iv. Approving bus routes;
 - v. Approving the Service Specifications prepared by the Authority consistent with operating and capital budgets set by the Authority; and
 - vi. Approving, after prior consultation with the Authority, requests for Special Transit Services in accordance with the policies and procedures developed by the Authority and the contingency budget provisions or as otherwise agreed to by parties for the payment of the Special Transit Services.
- b) Bus stops, shelters and related amenities including:
 - i. Approving, installing and maintaining bus stops, shelters and related amenities. The purchasing of materials, installation and maintenance of stops and shelters and related costs are the responsibility of the Municipality except in instances where the Authority has, by a separate written agreement entered into with the Municipality, agreed to share the costs according to the terms of that agreement;
 - ii. Identifying bus stops or shelters with signs and decals provided by the Authority and consistent with the Authority's brand standards; and
- c) Notifying the Operating Company and the Authority at least 48 hours in advance of any scheduled or anticipated street closures or traffic disruptions affecting transit service; develop alternate routings in consultation with the Operating Company; and ensure that adequate signage is posted along affected portions of routes.
- d) Establishing necessary traffic control by-laws and transit priority measures on their streets;
- e) With respect to System Revenues:
 - i. In consultation with the Authority, establishing a tariff and Fares and prescribing the terms and conditions applicable to each Fare category and amending this Fare structure in whole or in part from time to time;
 - ii. Depositing system revenues received from the Operating Company.
 - iii. Submitting a completed "Report of Revenue" form, supplied by the Authority, within 10 working days of the end of each month showing all system revenues collected on a monthly basis.
- f) With respect to budgets and payment:
 - i. Approving annual budgets consistent with the Service Specification and the Authority's budgets;
 - ii. Paying the amounts owing to the Authority on a monthly basis as invoiced by BC Transit in accordance with the budget provided in the Annual Operating Agreement;
 - iii. Where requested by BC Transit, the Municipality shall determine its administration costs relative to its responsibilities. Payment for these costs shall not exceed 2% of the Direct Operating Costs provided in the budget provided in the Annual Operating Agreement;
- g) Supporting the sustainability of the Public Passenger Transportation System by:

- i. Taking into consideration the impacts on transit service effectiveness when making local land use decisions;
 - ii. Promoting the use of the Public Passenger Transportation System.
- h) Notifying the Operating Company and the Authority of any customer complaints or concerns received by the Municipality; and,
- i) The Municipality may negotiate and enter into Community Transit Partnership Agreements only with prior written approval from the Authority;
- j) The Municipality agrees that the Authority will be the primary spokesperson for transit operational issues relating to the Public Passenger Transportation System and will cooperate when necessary to ensure accurate and effective public communications.

SECTION 8: AUTHORITY RESPONSIBILITIES

The Authority shall:

- a) Set the annual operating and capital budgets for all transit services in the Transit Service Area;
- b) Provide the personnel required to develop and implement transit service plans, fare tariffs and marketing programs for the Transit Service Area;
- c) Administer and manage the activities of the operating company with respect to the services provided under this agreement, including:
 - i. Conducting financial and service audits of the Public Passenger Transit System; and
 - ii. Monitor the Transit Services provided in the Transit Service Area and report and make recommendations to the Municipality with respect to the standards of service and performance of the public transportation systems
- d) Institute marketing programs for transit service in the Transit Service Area, including:
 - i. In consultation with the Municipality, providing public information, marketing and communications services consistent with the budget established in the Annual Operating Agreement and the Authority's branding standards to promote the Public Passenger Transportation System, and
 - ii. Ensuring that the Municipality's respective corporate graphic standards are met in local promotions and communications.
- e) In accordance with the terms and provisions of this Agreement, and the *British Columbia Transit Act* and relevant *Regulations*, the Authority shall be responsible for providing and directing the Shared Services Resources for managing the Operating Company's overall delivery of Transit Services including:
 - i. Establishing customer service practices and procedures; and
 - ii. Conducting any inspections and audits the Authority deems necessary of the Operating Company, Transit Services, Revenue Service Vehicles, Premises and other Physical Assets.
- f) Develop policies and procedures for the delivery of the Transit Services including:
 - i. Prescribing Registered User eligibility criteria and developing procedures and policies to be used by the Operating Company for the assessment and registration of Eligible Users for Custom Transit Services; and
 - ii. Developing procedures and policies for the delivery of Extra Services.
- g) Plan, prepare and implement the Transit Services including:
 - i. Providing Public Passenger Transportation System marketing in accordance with Section 8(d) of this agreement;
 - ii. Ensuring that the terms and conditions of the transit advertising agreement between the Authority and the advertising contract company are met, and

- that the designated revenues generated by this contract are credited to the Municipality;
- iii. Negotiating the terms of the Provincial BC Bus Pass and ensuring that the designated revenue is credited to the Municipality;
 - iv. Providing to the Municipality on a periodic basis reports which will specify:
 - 1) The actual costs of service compared to the budgeted costs specified in the Annual Operating Agreement;
 - 2) The revenue accrued to date, including farebox and other transit revenue (obtained from the Municipality or credited to the Municipality) compared to the budgeted revenue amount; and
 - 3) The annual performance summary of the service compared to the service standards established by the Municipality as outlined in Schedule "C".
 - h) Determining and providing the Revenue Service Vehicles, Premises and other Physical Assets required by the Operating Company for the provision of the Transit Services pursuant to lease or license agreements with the Authority and monitor the use, maintenance and conditions of such Revenue Service Vehicles, Premises and Physical Assets;
 - i) Provide to the Municipality full contact information for the Operating Company, so that the Municipality may fulfill all obligations under this agreement and/or the Annual Operating Agreement with respect to providing notice to the Operating Company;
 - j) Exercise its authority as primary spokesperson for transit operational issues relating to the Public Passenger Transportation System in a manner which does not interfere with the authority of the Municipality to communicate with the public with respect to local public transportation issues; and,
 - k) The Authority shall receive and review any and all proposals from the Municipality to enter into a Community Transit Partnership Agreement and, if acceptable to the Authority, provide its prior written approval of such Community Transit Partnership Agreement, such approval not to be unreasonable withheld by the Authority.

SECTION 9: FUNDING AGREEMENT

The Municipality and the Authority agree to contribute their respective portion of the annual cost of the Public Passenger Transportation System as prescribed in the Annual Operating Agreement.

SECTION 10: CAPITAL AND OPERATING EXPENDITURES

Nothing in this agreement shall be construed as committing the Authority or the Municipality to incur capital or operating expenditures for equipment, facilities or otherwise, within the Transit Service Area unless the same shall be contained within the approved budget of British Columbia Transit.

SECTION 11: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the Freedom Of Information And Protection Of Privacy Act ("FOIPPA"). Any information developed in the performance of this Agreement, or any personal information obtained, collected, stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to the provisions of the FOIPPA including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of the FOIPPA.

SECTION 12: AMENDMENT

This agreement may only be amended in writing signed by the Municipality and the Authority and specifying the effective date of the amendment.

SECTION 13: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 14: ENUREMENT

This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.

SECTION 15: ASSIGNMENT

This Agreement shall not be assignable without prior written consent of the parties.

SECTION 16: GOVERNING LAW

This Agreement is governed by and shall be construed in accordance with the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the government of Canada.

SECTION 17: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or .pdf copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 18: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed or if mailed by prepaid registered mail to the Authority at:

BRITISH COLUMBIA TRANSIT
c/o President & CEO
P.O. Box 610
520 Gorge Road East
Victoria, British Columbia V8W 2P3

and to the Municipality at:

CITY OF PENTICTON
c/o Director of Operations
171 Main Street
Penticton, BC V2A 5A9

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this ____ day of _____,
20____.

CITY OF PENTICTON

BRITISH COLUMBIA TRANSIT

PRESIDENT & CEO

CORPORATE SECRETARY

SCHEDULE "A": DEFINITIONS

- a) **“Annual Operating Agreement”** means the Annual Operating Agreement and all attached schedules negotiated and entered into on a periodic basis pursuant to the British Columbia Transit Act, between the parties hereto this Transit Service Agreement;
- b) **“Attendant”** means a person whose presence is essential to the Registered User to enable the Registered User to physically use the service and whose origin and destination are the same as the Registered User;
- c) **“Community Transit Partnership Agreement”** means a partnership agreement entered into by the Municipality and a third party pursuant to Section 7(i) and Section 8(k), whereby the third party agrees to pay a fee to the Municipality in order to fund certain services provided under the Service Specifications;
- d) **“Companion” or “Escort”** means a person who accompanies the Registered User but whose presence is not essential to the Registered User to physically use the service and whose origin and destination are the same as the Registered User;
- e) **“Conventional Transit Services”** shall mean services and facilities operated by or for a Public Passenger Transportation System to transport persons on specified fixed routes and schedules using public streets or thoroughfares, but does not include Custom Transit Services or Paratransit Services;
- f) **“Custom Transit Services”** shall mean services and facilities operated or provided by a Public Passenger Transportation System for on demand point to point transportation of any Registered User;
- g) **“Direct Operating Costs”** means the sum of the Fixed Costs and Variable Costs of service, maintenance and other costs of service, where:
 - i. **“Fixed Costs”** means items of cost that may be reasonably and conveniently identified with the overall service but which cannot be directly assigned to a unit of service such as hours or kilometres of service. Items of cost will exclude the cost of items which are normally capitalized but may include appropriate charges for depreciation of capital assets or the leasing of capital assets. The use of the term Fixed Costs does not mean that some items of cost included will not vary depending on service requirements;
 - ii. **“Variable Costs”** means items of cost which may be reasonably and conveniently identified and allocated to a specific unit of service such as hours or kilometres of service;
 - iii. **“Maintenance Costs”** means parts and materials, sublet and labour costs of a qualified licensed mechanic for the maintenance of the Revenue Service Vehicles, but shall not include costs associated with interior and exterior transit advertising signs and non-mechanical servicing of Revenue Service Vehicles such as fuelling, clearing fareboxes, cleaning and painting wheel rims, vehicle washing and other work performed by a serviceman; and,
 - iv. **“Other Costs”** shall include but not be limited to vehicle insurance costs, incurred by the Authority and Operating Company, contingency costs, taxi program costs (if applicable);
- h) **“Eligible User”** means any person who is deemed eligible to use Custom Transit Services as defined in Section 11 of the British Columbia Transit Act Regulations.
- i) **“Extra Service”** means Overloads or Special Transit Service;
- j) **“Fare”** means an entitlement to ride upon the services of the Public Passenger Transportation System;
- k) **“FOIPPA”** means the Freedom of Information and Protection of Privacy Act and Regulations (British Columbia);
- l) **“Operating Company”** means:

- i. the company or person contracted by the Authority to operate and manage the Public Passenger Transportation System within the Transit Service Area, or
 - ii. a person designated by the minister to contract with the Authority with respect to the operation by that person of a Public Passenger Transportation System in the Transit Service Area;
- m) **“Overloads”** means additional Revenue Service Vehicles operating on specified routes to cope with ridership demands which cannot be served by the regularly scheduled service;
- n) **“Paratransit Services”** shall mean services and facilities operated or provided by a Public Passenger Transportation System offering more flexible service than Conventional Transit Services. Paratransit Service is a blend of Conventional Transit Services and Custom Transit Services providing service to able bodied transit passengers as well as Registered Users using the same Revenue Service Vehicles that deviate periodically from their fixed route and fixed schedules to provide on demand point to point service;
- o) **“Physical Assets”** other than revenue service vehicles, means any land, buildings, equipment or other items of a material nature which for accounting purposes are considered to contribute to delivery of Transit Services for a period exceeding one fiscal year;
- p) **“Premises”** means the lands, buildings and equipment owned or leased by the Authority and used in the provision of the Public Passenger Transportation System;
- q) **“Public Passenger Transportation System”** means a public transit system as prescribed by the British Columbia Transit Act;
- r) **“Registered User”** means an Eligible User who has satisfied certification and registration requirements established by the Authority to allow them to use Custom Transit Services;
- s) **“Revenue Hours”**, **“Revenue Kilometres”** means those units of service that are actually offered to the public as reflected in the public timetable and set out in the Service Specification, including lay over time between trips;
- t) **“Service Specifications”** means a detailed description of the Public Passenger Transportation System;
- u) **“Shared Services Resources”** means the management, planning, financial, procurement, fleet and maintenance management, contract and performance management, marketing, environmental, safety, training and other services and resources provided by the Authority to support the Public Passenger Transportation System;
- v) **“Special Transit Service”** means infrequent and temporary service provided within the Transit Service Area for specific events or purposes beyond the Revenue Hours outlined in the Service Specifications. Special Transit Services will not exceed the boundaries of the ICBC coverage unless written permission is given in advance by the Municipality and the Authority;
- w) **“Statutory Holidays”** means New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, B.C. Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day and/or any other days that may be gazetted as being a holiday in and for the Province of British Columbia;
- x) **“System Revenues”** means the revenue of the Public Passenger Transportation System and includes revenue from farebox, revenue from sale of passes and tickets, revenue from advertising contracts and any other Fare related revenue accruing from the operation of the Public Passenger Transportation System pursuant to this Agreement;
- y) **“Taxi Saver”** means a custom transit program that provides a direct subsidy in the form of taxi saver coupons to Registered Users;

- z) **“Transit Services”** includes without limitation any activity related to the provision of the Public Passenger Transportation System, whether conducted directly or indirectly by the Operating Company or its agents, affiliates, subsidiaries, contractors or representatives, to operate, maintain, repair or store vehicles, equipment or infrastructure and conduct any related environmental and waste management measures and includes Conventional, Custom and Paratransit Transit Services;
- aa) **“Taxi Supplement”** A portion of Custom Transit Service in which the operating company dispatches taxis in the same shared-ride manner as regular custom transit vehicles in accordance with the Service Specifications; and,
- bb) **“Transit Service Area”** means the boundaries of the Transit Services as defined in Schedule “B” of this Agreement.

SCHEDULE "B": TRANSIT SERVICE AREA

The boundaries of the Transit Service Area shall be defined as follows:

The boundaries of the Penticton Transit Service Area shall be the municipal boundaries of the Corporation of the City of Penticton.

SCHEDULE "C": SERVICE STANDARDS

The service standards established for the Penticton Transit System are to be reviewed, confirmed and incorporated into this schedule at a future date in accordance with Section 12 of this Agreement to satisfy the requirements of Section 8(g)iv(3).

Council Report

penticton.ca

Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Bregje Kozak, Manager of Facilities

File No:

Subject: City Yards Roof Replacement, Budget Amendment

Staff Recommendation

THAT Council direct staff to implement the replacement of the roof at the City Yards mechanics garage;

AND THAT Council approves a budget amendment of \$140,000 from the City's Asset Emergency Reserve to fund the capital improvements.

Strategic priority objective

Sustainable - Invest in the City's facilities to extend the life our assets, improve operational efficiencies and service delivery.

Background

The City Yards buildings at 616 Okanagan Ave. East include the main 'general' building along with several out-buildings. The general building was constructed in 1979, with three small additions added in 2002, and is a one-storey concrete masonry structure with exposed glulam beam roof framing.

A roof assessment completed in November 2016 identified that the roof of the general building is aging and in various stages of its lifecycle. The total roof area is approximately 23,600 square feet, and some areas of the roof appear to be in fair condition, requiring minor repairs to keep the roof operational for another 3-5 years. The roof over the mechanic's garage is approximately 7,200 square feet, and was identified to be over 20 years of age with significant deficiencies. It was reported to be at the end of its useful life and should be prioritized for replacement (See Figure 1 below – Area F).

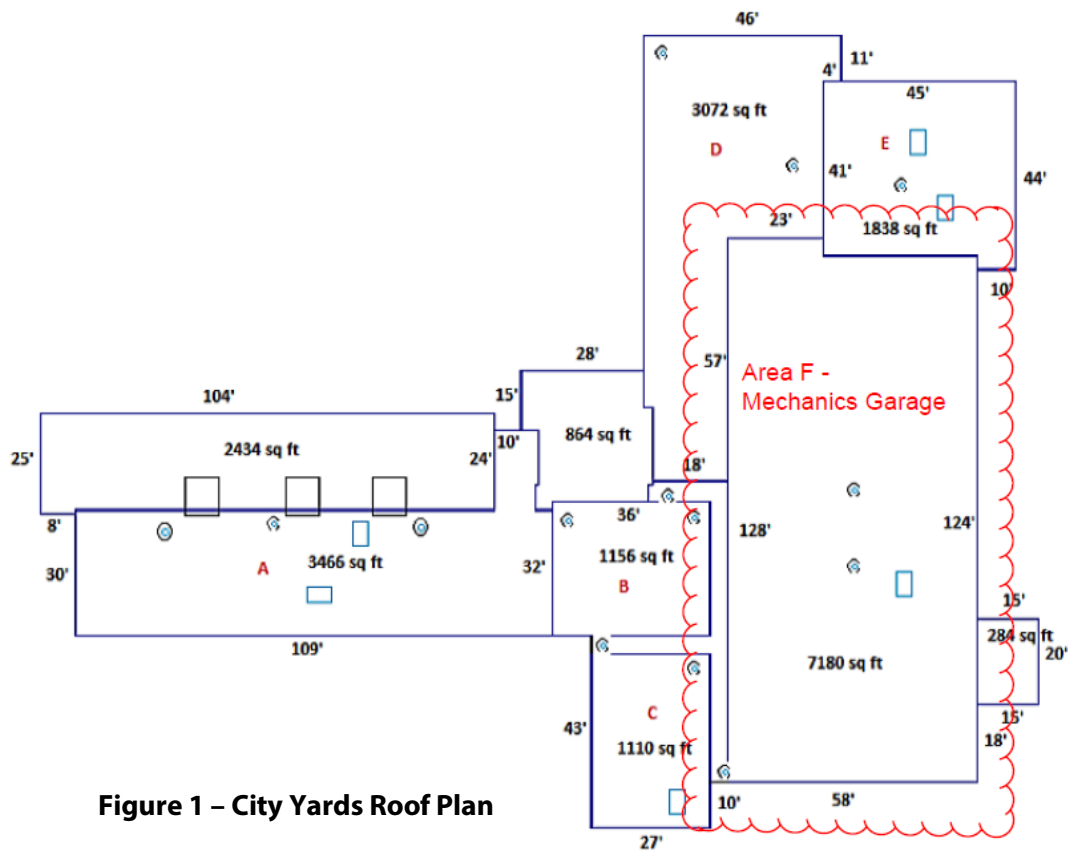


Figure 1 – City Yards Roof Plan

The report identified issues with Area F showing signs of water pooling, blistering of the roofing materials, compromised roof felts and membrane, compromised roof flashings and previous repairs that are no longer holding up (see Figure 2-5 below).



Figure 2. Water ponding on roof surface



Figure 3. Degradation of roofing felts and membrane



Figure 4. Compromised roof felts and membrane



Figure 5. Previous roof repairs

The garage roof has experienced leaks over the past few years which have been addressed through localized repairs. In February 2017, the garage roof experienced another significant leak and either repair or replacement is required. Repairing the roof would be extensive, costing in the range of approximately \$20,000, and may provide limited protection against further leaks. Ongoing repairs are a temporary solution that can become costly, and would not extend the service life of the roof.

As recommended in the assessment report, the garage roof is in need of replacement. Implementing a replacement project would give the roof another 20+ years of life and would protect the wood glulam beam structure from deterioration due to moisture, as well as protect the mechanics tools, equipment and fleet vehicles in the shop from possible damage due to water infiltration.

Financial implication

Due to other conflicting priorities related to facility infrastructure projects, the roof replacement work was not included in the 2017 facilities capital budget requests.

The estimated cost to complete the roof replacement including consulting fees, permits, contingencies and implementation of the work is \$140,000.

A budget amendment is required to fund this capital upgrade. Funds are available from the Asset Emergency Reserve.

Analysis

The City Yards mechanics garage is in need of a roof replacement in order to protect the building and equipment from potential damage due to continued water infiltration. The building has an overall facility condition index of 66%, which is considered to be in good condition. Implementing this project would protect the existing asset and extend the life of the roof by another 20+ years.

Alternate recommendations

THAT Council direct staff to proceed with roof repairs at a cost of approximately \$20,000 and include roof replacement in future year's budget. The required repairs would be funded from within the Facilities operational budget.

Attachments



Attachment A – Link: [Pacific Interior Roofing, City Yards Roof Condition Report](#)

Respectfully submitted,



Bregje Kozak
Manager of Facilities

Approvals

Director 	Chief Financial Officer 	Chief Administrative Officer PW
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PACIFIC  **INTERIOR**
ROOF CONSULTING & INSPECTION (2010) LTD.
1962 Covington Crescent, West Kelowna, BC V1Z 3M2
Ph: 778-755-3320 Fax; 778-755-3336
pacific-interior@shaw.ca

***City Yards and Garage Bays
Roof Condition Report***

By: Wayne Parser and Arden Knoll



2016

City Yards and Garage Bays Roof Condition Report

November 16, 2016

Bregje Kozak
Manager of Facilities
City of Penticton
171 Main Street
Penticton, BC

Attention: Bregje Kozak

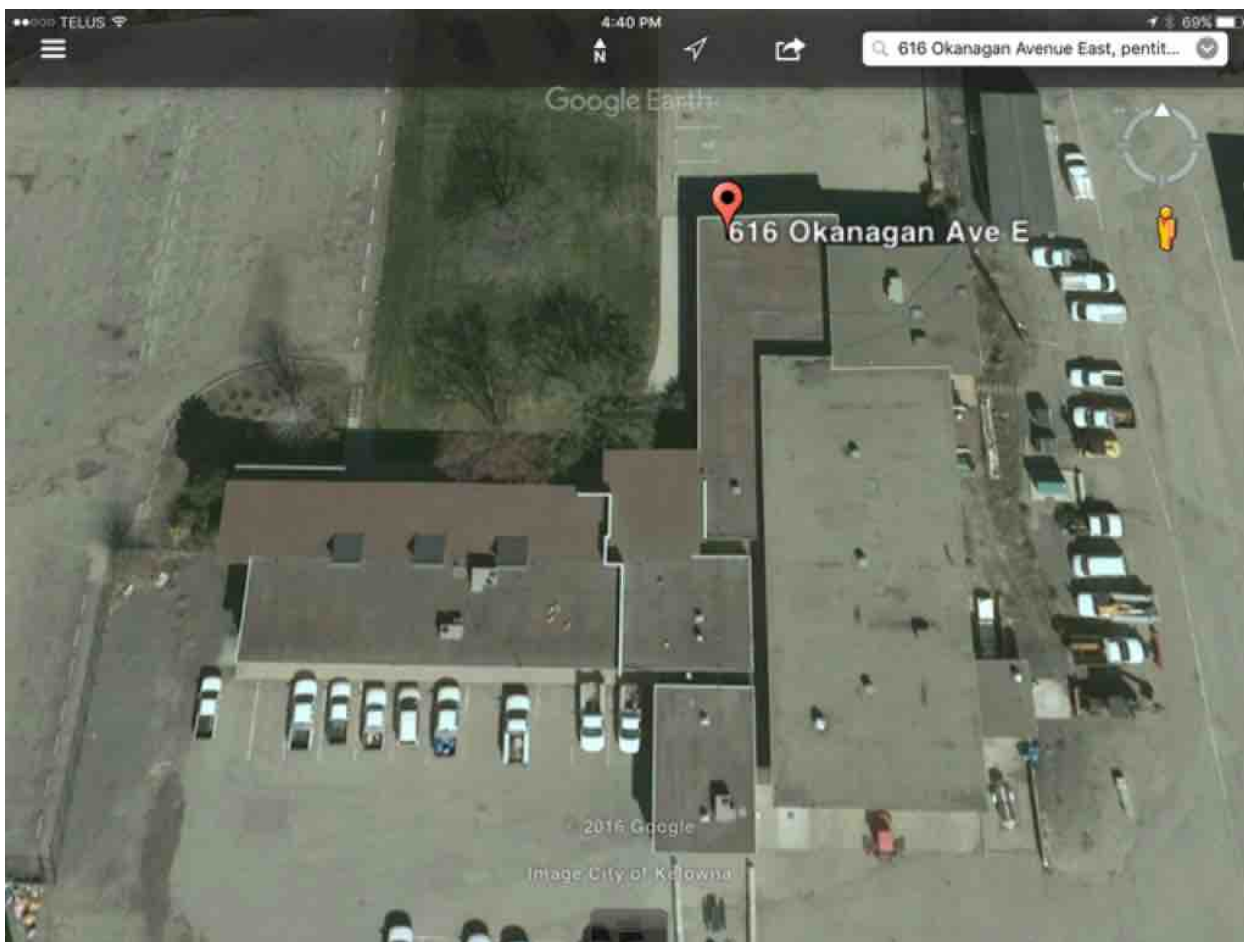
Re: 616 Okanagan Avenue East
Penticton, BC

Site Photo:



616 Okanagan Avenue East, Penticton, BC

Roof Plan:



This roof inspection report is based primarily on a visual examination of the roof and associated flashings of this building. We may include pertinent information provided by the owner or owners representatives as it would relate to the past history of this roof system.

This report and recommendations contained herein are prepared solely for the purpose of advising the client of the condition of the roof system above the structural deck. It is not intended to deal with or comment on structural or fire safety adequacy of the building as it pertains to any municipal, provincial or federal codes or regulations. No warranty is hereby given or implied relative to any information provided by Pacific Interior Roof Consulting & Inspections Ltd., within the framework of this report.

The results and findings from this report are based solely on the observations of the inspector at the specific time of the inspection and are intended exclusively for use by the client. We will note that there may have been hidden issues, unforeseen deficiencies, defects or damage, including those which may not be visible at the time of the inspection due to various conditions. Performing this roof inspection does not guarantee that the observations noted will remain identical beyond the time that they were made, nor does it imply to provide a warranty of the roof being in the same condition beyond such time. Changes in roof structure and roof conditions can and do occur over time.

A site investigation of the roofing system was conducted by Pacific Interior Roof Consulting & Inspections Ltd. on November 16, 2016 at the request of Bregje Kozak, Facilities Manager for City of Penticton.

General Observations:

Description of Roof System

The general conditions of the BUR, (Built Up Roof), roof system is poor. We would estimate the age of the roof to be 21-25 years old with numerous age related deficiencies and repairs completed.

The SBS membrane on this facility, while generally in good condition, has substantial blistering of the membrane ply's.

Structural Deck

Wood deck is performing as intended. No areas do unusual deflection were noted.

Vapour Retarder

No destructive cut tests through to the deck were performed at this time so we were unable to determine the type of vapour barrier that may be above the structural deck. The vapour retarder is a critical component in the roof system and have received no information that would lead us to believe that this component is not performing as intended at this time.

Insulation

No destructive tests were performed so we are unable to determine the type and thickness of the insulation above the structural deck.

Primary Waterproofing Membrane

Primary roofing membrane is composed of layers of organic felt with interply mopping of hot asphalt whose function is to prevent water infiltration into the building. The BUR roofing membrane over this complex looks to be the original application, which we estimated to be 21 to 25 years old. The BUR membrane is in poor condition and roof replacement should be considered in the next year.

Some areas of the complex have been completed with a relatively new SBS, (Styrene-Butadiene-Styrene), these areas are in good condition with 5 to 7 years of serviceable life remaining. The blistering and ponding water is of some concern and in our opinion the two conditions are related.

Lack of slope allows water to remain on the membrane longer allowing any minute defect to be penetrated.

Membrane Flashings

These extensions of the primary membrane found at roof perimeters and membrane penetrations are in fair condition except for areas that are exposed to the suns UV rays. Exposed areas are typically due to the metal flashing not completely covering these felt membranes at transition from horizontal to vertical. Exposure of asphalt felts to sunlight cause the asphalt to oxidize, weaken and lose elasticity causing its waterproofing abilities to be compromised.

Penetrations and Rooftop Equipment

The roof penetrations such as plumbing stacks, vents and curbs are generally in fair condition.

Metal Flashings

The metal flashing whose function is to protect the underlying membrane stripping from physical and environmental damage are generally functioning as required.

Drainage

The roof system is generally flat and not sloping to the existing roof drains. Ponding water, overtime can cause excessive wear to the roof membrane and may result in accelerated deterioration of the membrane in the areas of ponding water.

Ponding water also puts excess stress on the structural members of the building. As the building ages these stresses become more pronounced and the ponding will become deeper, adding more weight creating more stress.

Slope package installation should be considered when the reroof project is undertaken.

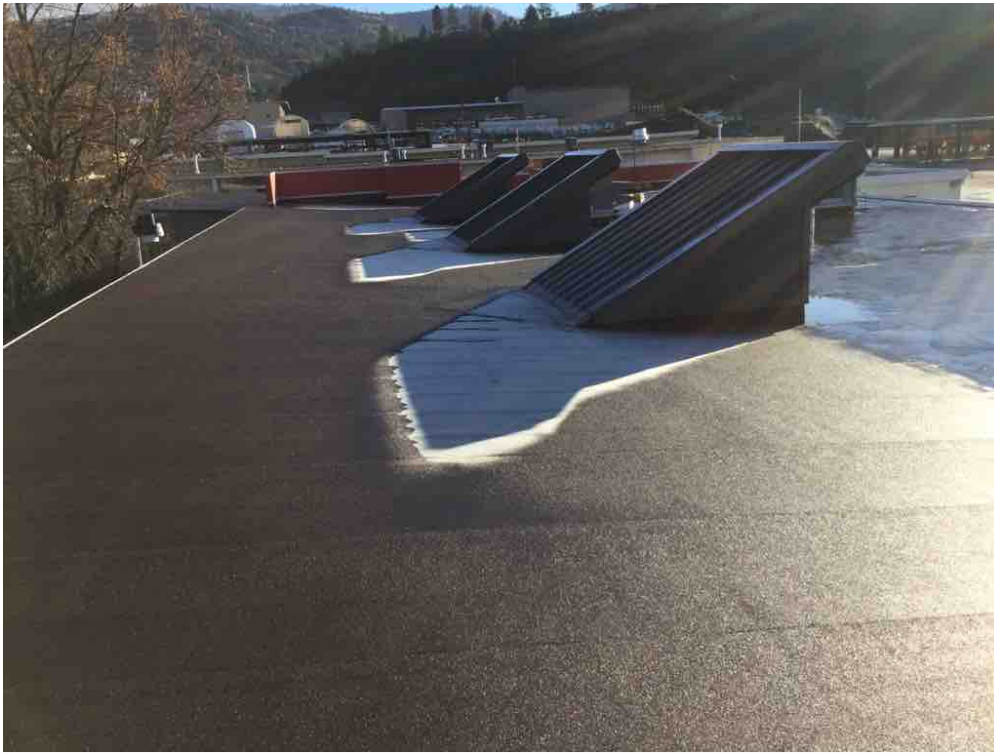
Recommendations:

All blisters should be repaired.

Built-up roof has reached the end of it's serviceable life and roof replacement should be considered for 2017.

Maintenance Roof should perform effectively for the next 20 years.

Section A



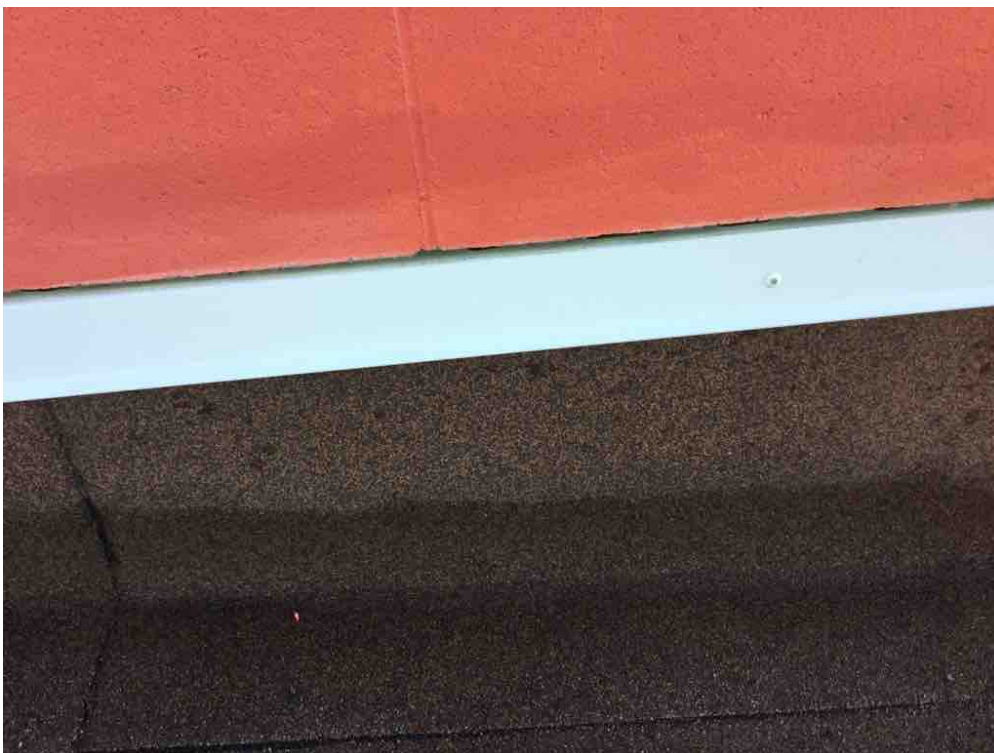
Rooftop view.



Sloped roof section is in good condition.



Membrane wall stripping is in good condition .



Metal flashing is in good condition.



Metal cap flashing is in good condition with all joints sealed.



Flat portion of the roof has significant ponding water.



Drains are clear but insufficient slope to them does not allow the location to be effective.



Membrane surrounding air handling units is in good condition.



Lead flashing is sealed.

Deficiencies



Many large blisters require immediate attention.



Open seam is allowing water to migrate between the ply's.

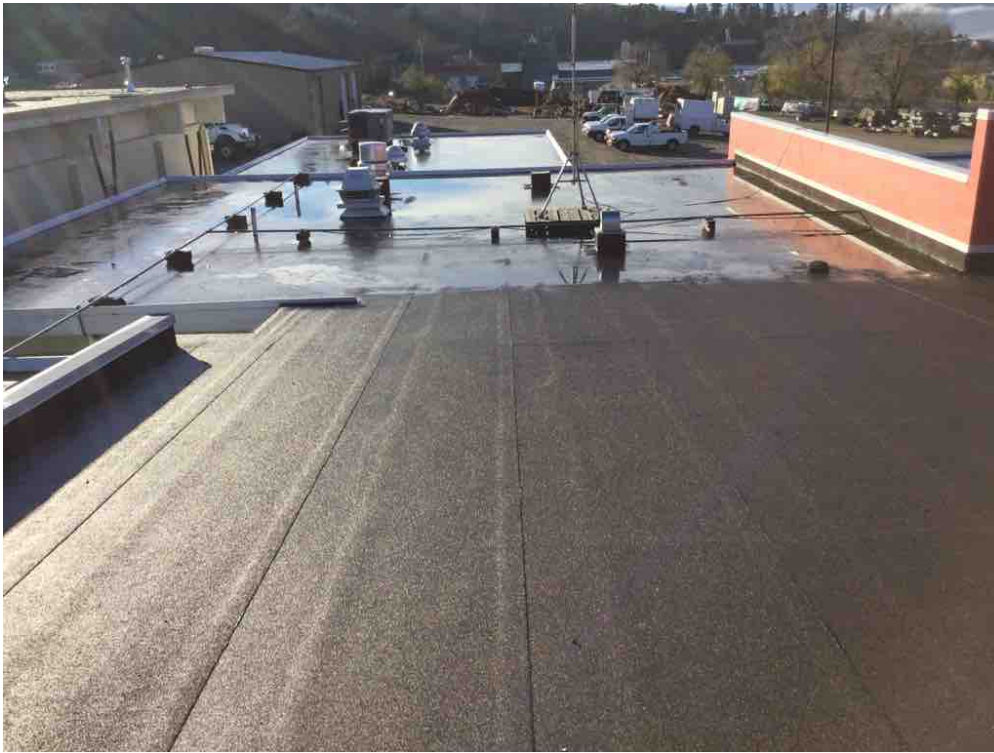


Blistering prevalent throughout.



As above.

Section B



Rooftop view.



Significant ponding water noted.



Drains are clear but are located at the high point of the roof.



The roof membrane is in excellent condition but several blisters have formed that require attention.



Wall stripping and metal flashings are in good condition.



Metal cap flashing is in good shape with all joints sealed and securely fastened.

Deficiencies



Several blisters have formed.





Metal cap should be added.

Section C



Significant ponding water noted.



Drain location is dry.

Deficiencies



All blisters should be repaired.

Section D



Rooftop view.



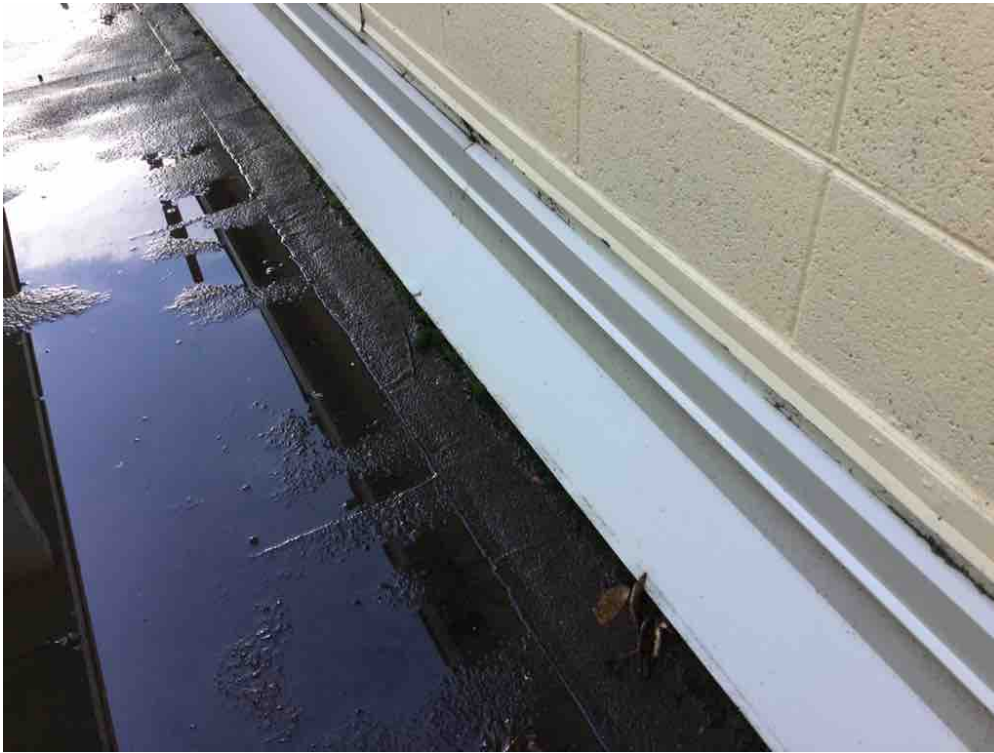
Significant ponding water noted.



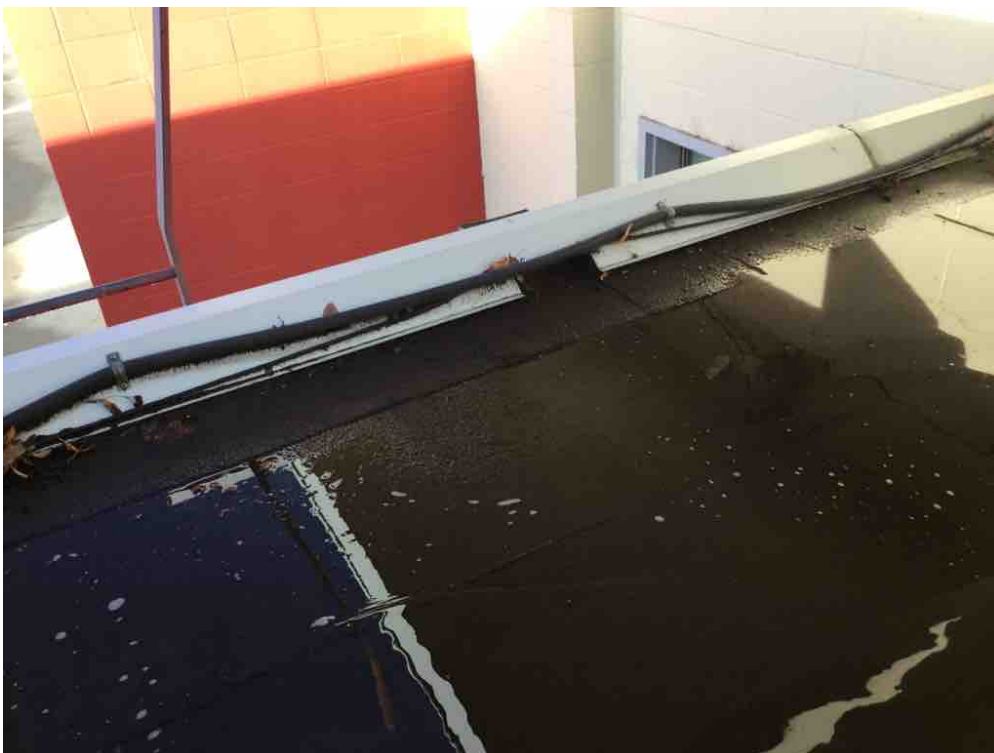
As above.



Debris is required to be kept away from drain in order for it to work effectively.

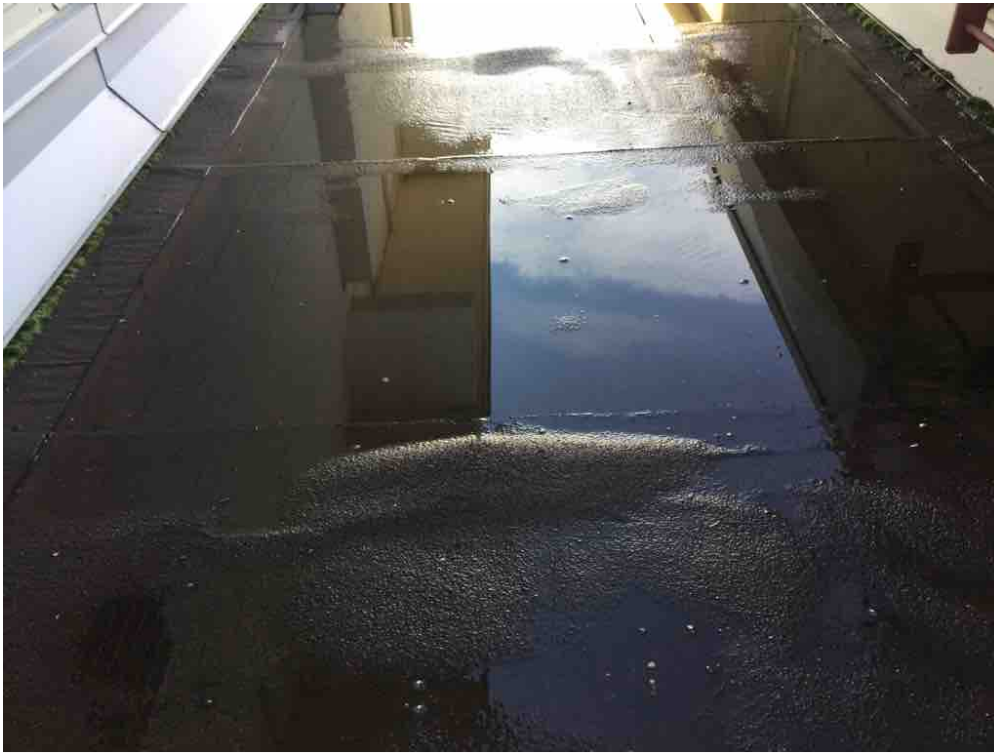


All wall flashings are in good condition.



Overflow scupper is clean.

Deficiencies



All blisters should be repaired.

Section E



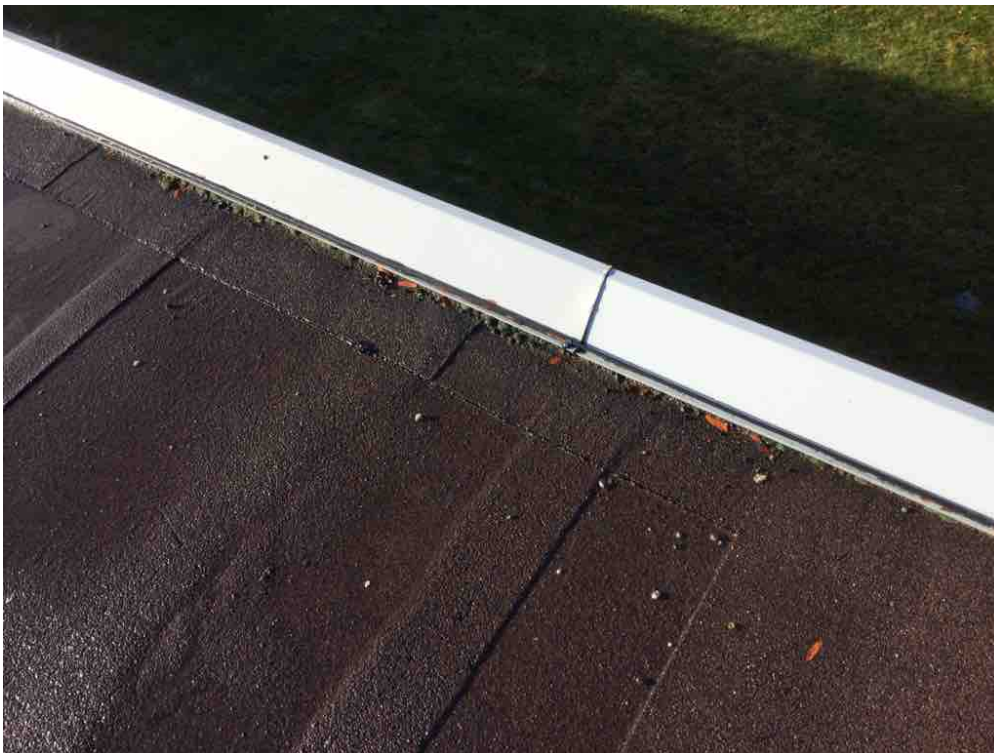
Rooftop view.



While the membrane appears in good condition several blisters have formed and should be dealt with.



As above.

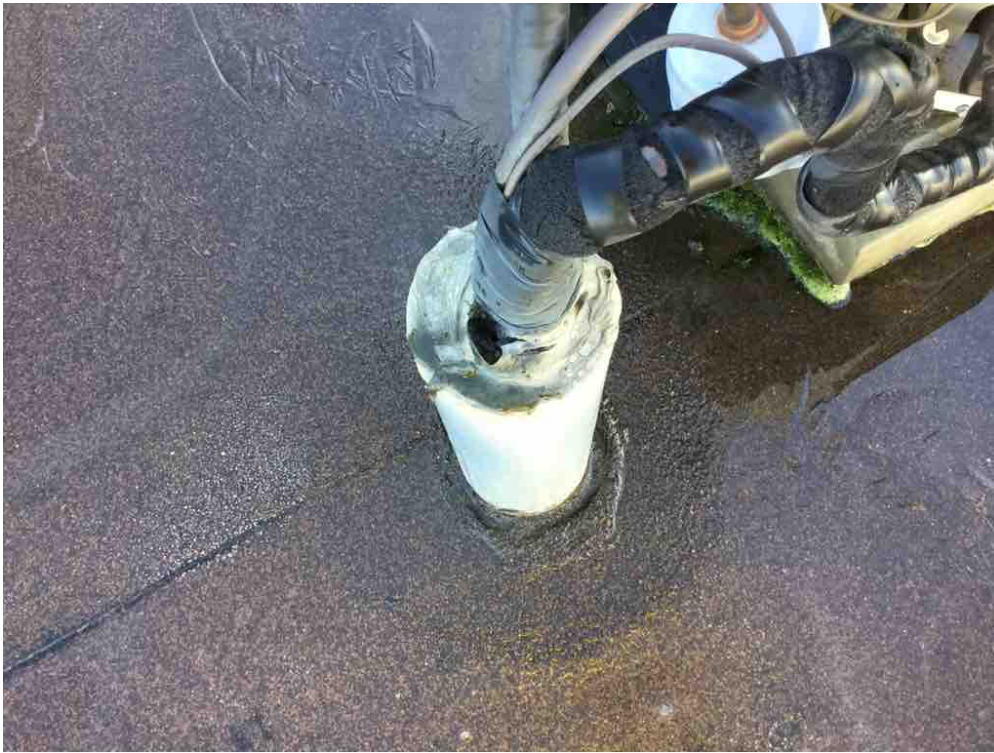


Metal flashing is in good condition.



Wall flashing is securely attached and joints are sealed.

Deficiencies



Sealant required.



All blisters should be repaired.



Downspout is missing and water is now running along the soffit.

Section F



Rooftop view.



Degradation of the roofing felts on the exposed membrane is extensive.



Several repairs have already been completed.



As above.



3 New copper spun drains installed.



Roof membrane flashings are failing.



As above.



In our opinion the roof system has reached the end of it's serviceable life and should be replaced.

Truck Maintenance Building.



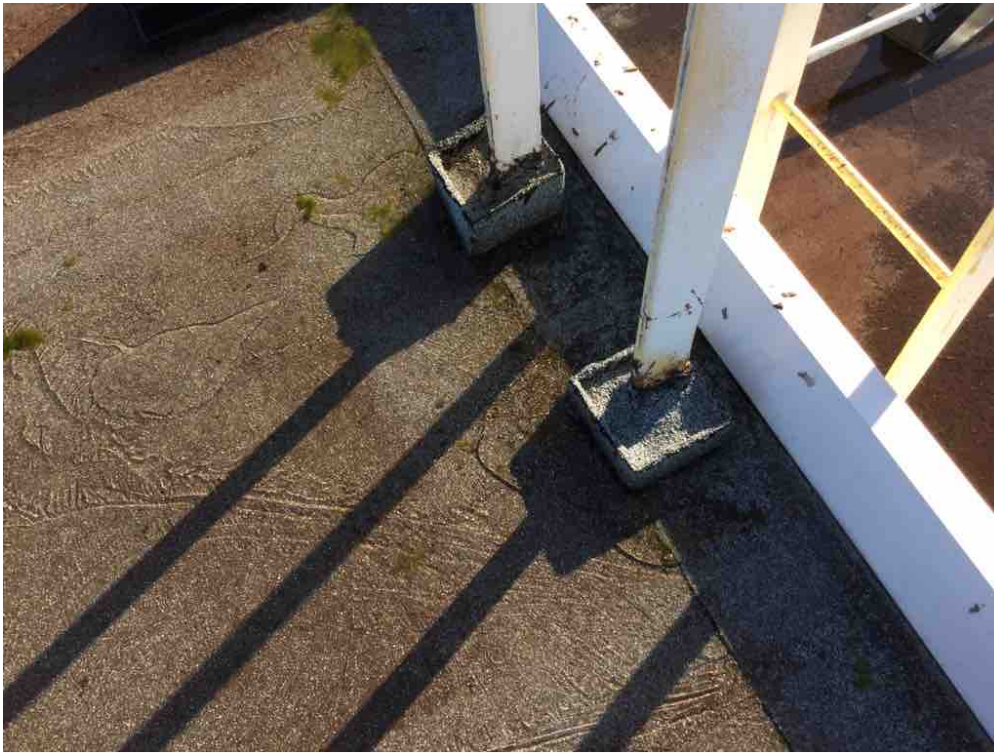
Rooftop view.



Roof system is relatively new with no membrane application deficiencies noted.



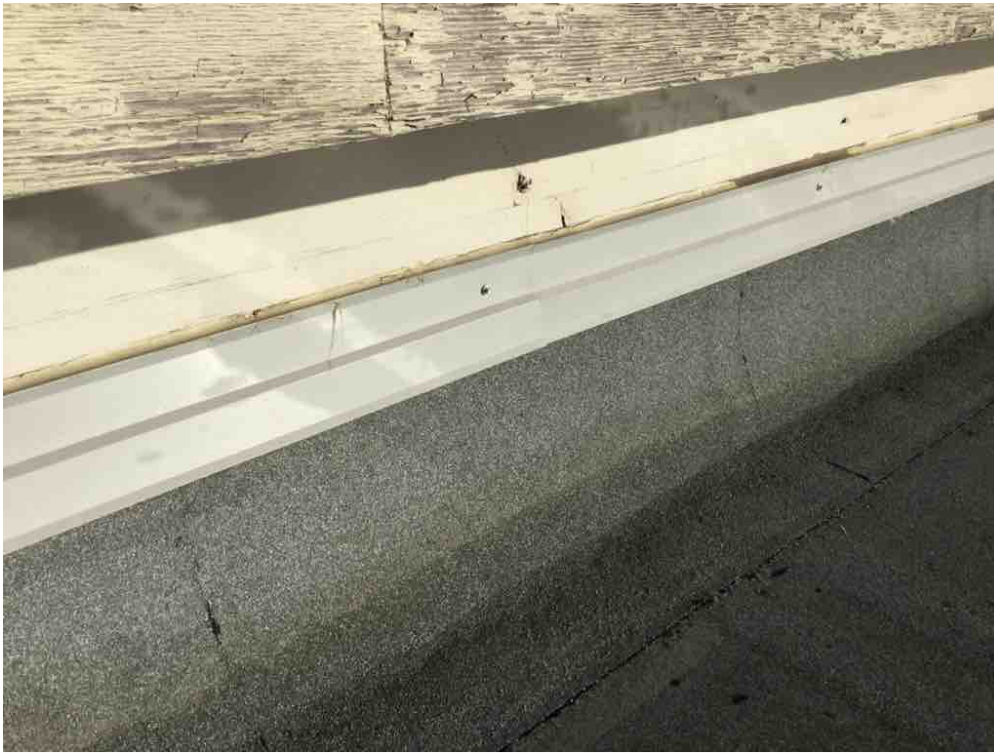
Metal flashings are in excellent condition.



Pitch pans around the ladders are sealed.



Lower roof section membrane is in excellent condition.



Wall flashing is sealed and securely fastened.



Wall stripping is well adhered.



Drains are clear.

Deficiencies



Settlement cap is missing.

We would like to thank you for the opportunity to provide you with this report. Should you have any questions regarding this report or require further information with respect to our recommendations and procedures, please do not hesitate to contact our office.

Yours Truly,

Wayne Parser and Arden Knoll

A Rooftop Quality Assurance Observer and a Registered Roof Observer
with RCI (Roof Consultants Institute)

And an accepted inspection firm with RCABC



Council Report

penticton.ca

Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 134 Lower Bench Road

File No: Civic

Subject: Winery Lounge Endorsement – Perseus Winery

Staff Recommendation

THAT Council direct staff to commence public notification of the proposed Winery Lounge endorsement for Perseus Winery (Penticton), located at 134 Lower Bench Road;

AND THAT staff report back to Council at their meeting on May 23, 2017 with the results of the public consultation for Council's consideration.

Background

The City has received an application from Lindsey Richardson, Sales Manager, of Perseus Winery (Penticton); located at 134 Lower Bench Road (Site Location - Attachment A), proposing to re-apply to the Liquor Control and Licencing Branch (LCLB) to add a Winery Lounge endorsement to their manufacturing & retail operations.

In 2013, Perseus winery made application to add a Winery Lounge with proposed occupants loads (28 interior, 68 exterior) with hours of operations from 11:00am to 11:00pm. During initial consideration, the application was modified for closure of 7:00pm with modifications to screening and landscaping to reduce the impact on neighbouring properties. A number of local residents expressed concerns with increased traffic and noise. On June 17th, 2013 Council considered the applicant and local resident comments and resolved to deny the Winery Lounge endorsement request (Attachment - B) and staff forwarded the resolution to the Liquor Control and Licencing Branch (LCLB) for final consideration of the licence request. At that time LCLB denied the Lounge application and placed a 24 month moratorium on re-application. The Winery has conducted operations under its winery manufacturing & retail licence, along with a picnicking area endorsement.

Current Proposal

The winery is proposing to add Lounge endorsement licence to the existing exterior patio (north side) with an occupant load of 68 persons (Attachment C – Site and Floor Plan, Attachment D - Photos)

The proposed hours of operation for the winery lounge will be 10:00am to 8:00pm Monday to Sunday (LCLB application). An impact statement has been provided by the applicant outlining the proposed business operations and modifications to their operations based on concerns raised by residents during their initial lounge endorsement application in 2013. (Attachment E – Community Impact Statement).

The application is in concurrent review with the Liquor Control and Licencing Branch (LCLB) and will proceed to the Site and Community Assessment (SCA) stage which is the stage for local government input.

Site Context

The subject property is zoned A – Agriculture and is located within the Agricultural Land Reserve (ALR). The total area of the site is approximately 8.12 acres (3.28 ha). (Attachment A - Map).

Location and Surrounding Uses

- East: Middle Bench Rd N by single family homes and agricultural properties
- North: single family homes and agricultural property
- South: single family homes and agricultural properties.
- West: Lower Bench Rd and single family homes on the west side of the road.

In 2007, Council approved a re-zoning and OCP amendment (Resolution 750/2007 & 751/2007) as well as subdivision application (PlanKAP85463 registered Nov19/07) to subdivide off a farm residence located on Middle Bench Road and consolidating the Lower Bench Road lot into the large agricultural parcel. The owners were proposing to establish a vineyard on the agricultural site, and ultimately a winery (Attachment "B"), which is now before Council. The application was reviewed and supported by the Agricultural Advisory Committee.

LCLB Legislation, Policy and Bylaw Review

Agricultural Land Reserve, Subdivision and Procedure Regulation

Part 2 of the Regulations designate a food and beverage service lounges as a farm use, provided that the area does not exceed 125m² indoors and 125m² outdoors. Furthermore, the Regulation permits licensed wineries on a parcel in the ALR, provided at least 50% of the farm products (fruit) used to make the wine is produced on the farm on which the winery is located. These uses may not be prohibited by a local government. The applicant has confirmed that over 50% of the grapes for their wine products are produced on-site.

Liquor Control and Licencing Act

Section 11 of the Liquor Control and Licencing Act requires the LCLB to consult local government on liquor licence requests of a prescribed class or category prior to issuance of such a licence, giving the local government an opportunity to provide comments and recommendations and to gather views of residents within the area.

Winery Lounge Endorsement (LCLB)

A Winery Lounge is defined as an indoor lounge, an outdoor patio or both, where a winery may sell and serve B.C. wines, ciders or wine coolers by the glass or bottle (they must be manufactured and bottled in this province).

Minors are allowed in a picnic area without a parent or guardian. However, they must be accompanied by a parent or guardian to enter sampling room(s), onsite retail store, lounge or special event area.

Local Government considerations

- The location of the Winery Lounge area,
- The proximity of the establishment to other social and recreational facilities,
- Person capacity of the proposed areas,
- The hours of liquor service of the establishment,
- Traffic, noise, parking and zoning,
- Impact on the community if the application approved

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

Analysis

The LLTRC has reviewed and is in support of the Winery Lounge application with the following recommendations.

Technical Review - Expected Regulatory Criteria to be considered

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on six specific criteria. In consideration of these criteria, the following information has been provided:

1. The location of the Winery Lounge:

- The subject property is located on a Rural Collector and is one of the main routes to the Naramata Bench area. This area is primary utilized for agricultural (wineries and orchards) and low density residential uses.
- The majority of the parcel of land is surrounding by other agricultural uses except for the section of the property where the winery building is located. This section is within an urban lot configuration.

Some committee members requested an initial public notice be completed to engage the local residents again, along with the applicant hosting a neighbourhood open house.

2. The proximity of the establishment to other social or recreational facilities and public buildings

- Currently there are 9 wineries within 0.5km of the subject property. Three of have lounge/SEA endorsements.
- Uplands Elementary School within 0.3km

No concerns

3. The person capacity of the proposed areas (patios)

- No outstanding permit issues. Maximum occupant load signage will be posted.

No concerns

4. The hours of liquor service of the establishment

- The proposed hours of service are limited from 10:00am to 8:00pm which should reduce noise nuisance issues for impact local residents. As part of the applicant impact statement, they have has provided suggested times of operation through the year. Most winery lounges in area operate from 11:00am to 10:00pm.

Committee recommended initial public consultation & open house.

5. Traffic, noise, parking and zoning

- Lower Bench Road North is classified as a Rural Collector,
- A social gathering of numerous people has the potential to generate some degree of noise. Single family properties are adjacent to the winery building. The applicant will be making adjustments to the exterior design to limit noise.

- On-site parking requirements meet zoning requirements for the proposed use as reviewed through a recent building permit to add the kitchen and restaurant facility. Drainage drawings are required to confirm surface storm control.
- The subject property is currently zoned A – Agricultural and is contained within the Agricultural Land Reserve (ALR). Future uses for Special Events and tours will be required to conform to the ALR regulations and confirmed by LCLB.

Staff have not received complaints related to noise nuisance issues for the existing operations.

Further restrictions in hours of operation for business licence may be considered to reduce the potential impact of patron noise to adjacent single family properties. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw

6. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine tourism with the City.
- There appears to be no significant impact to traffic in the area as there are many wineries located along Naramata Road.
- The RCMP does not have any issues with this application.
- The LLTRC member representing social health and addictions has no concerns with this application.

No concerns

Public Consultation

Under advisement of the LLTRC members, staff engaged in an initial public consultation with the surrounding neighbours within 100m of the subject property. At the time of the creation of this report, staff has received a number of inquiries and letters for and against the proposal, which have been included as Attachment F – Initial public comments.

If Council chooses to provide initial support for the application and move to full public consultation, staff will be seeking comments from surrounding property and business owners. Public notices will sent out to neighbouring properties within a 500m radius as well as the placement of a public notice site signage and two notices within the local newspaper.

Any public comments as a result of the public notice process will be compiled and reviewed with the applicant prior to final recommendation to Council. Staff proposes to bring forward final recommendation with public and LLTRC comments to the May 23, 2017 Council meeting, as per the City of Penticton Liquor Licensing Policy.

In Conclusion

Staff and the LLTRC have considered the proposed application and initial comments from local residents and recommends moving to full public consultation for final consideration by Council. Staff has informed the applicant that they should be proactive and initiate an open house to facilitate comments from the local community during the City's public notice period.

Council can choose to support the application as is and move to public consultation or modify the request with further restrictions such as use or hours or music. Should Council deny the application then the

applicant will be informed of Council's decision and a Council resolution outlining the reason for denial is forwarded to the LCLB.

Alternate recommendations

1. THAT Council supports Perseus Winery Lounge endorsement for public consultation, with limitations such as hours or amplified exterior music.
2. THAT Council denies support of the Perseus Winery Lounge endorsement application.
3. THAT Council refers the Perseus Winery Lounge endorsement application back to staff for further review.

Attachments

- Attachment A – Location Map
- Attachment B – June 17, 2013 Resolution
- Attachment C – Floor & Site Plan
- Attachment D –Property photos
- Attachment E – Applicant Community Impact Statement
- Attachment F - Initial public comments

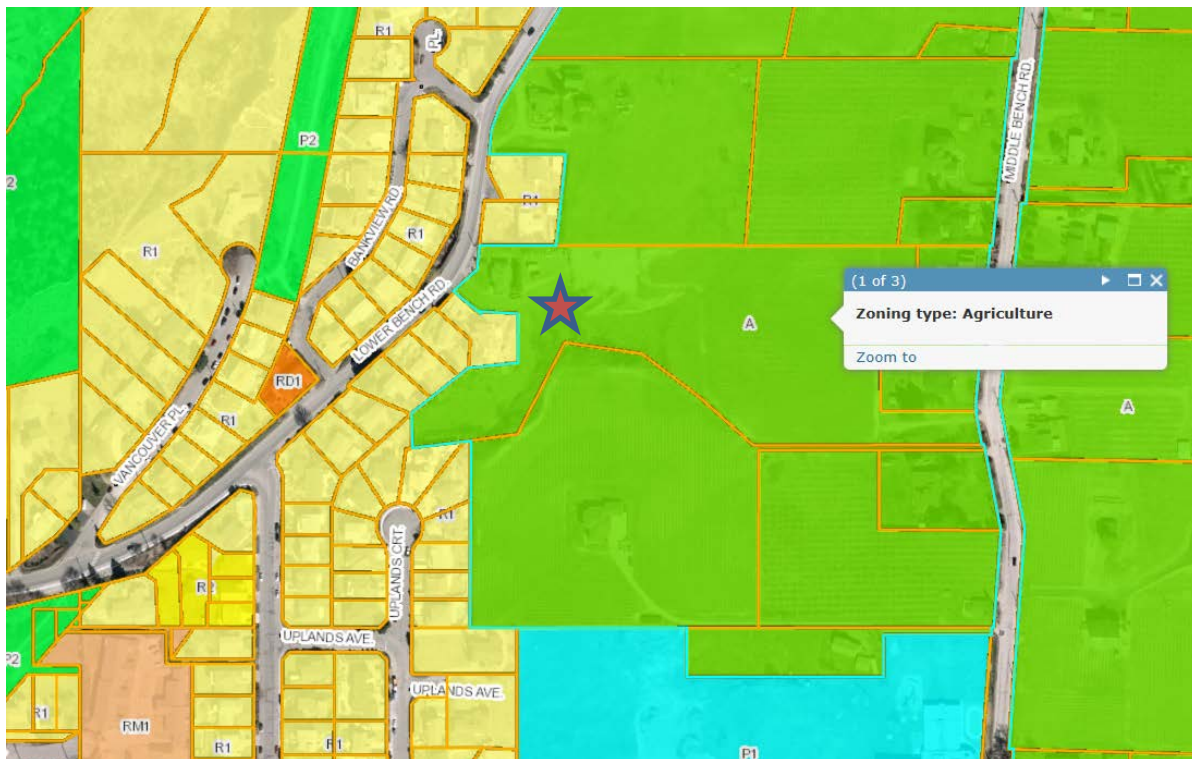
Respectfully submitted,

Ken Kunka, Building and Permitting Manager

Approvals

DDS <i>AH</i>	CAO PW
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Attachment A Site Location & Zoning – 134 Lower Bench Rd.



Attachment B
COUNCIL OUTCOME FROM MEETING HELD ON MONDAY, JUNE 17, 2013

400/2013 It was MOVED

THAT Council recommend to the "Liquor Control and Licensing Branch" that it approve the application from Perseus Winery located at 134 Lower Bench Rd. for Liquor-Winery Lounge Endorsement with a maximum closure of 9:00 p.m. with installation of plexi-glass on the patio to address noise issues.

NO SECONDER

401/2013 It was MOVED and SECONDED

THAT Council recommend to the "Liquor Control and Licensing Branch" to deny the application from Perseus Winery located at 134 Lower Bench Rd. for Liquor-Winery Lounge Endorsement with a maximum closure of 11:00 p.m. for the indoor portion of the use and 7:00 p.m. for the outdoor patio area.

402/2013 It was MOVED and SECONDED

THAT Council postpone consideration of the Perseus Winery liquor application until the neighbourhood resolves the issues related to the application.

DEFEATED

Acting Mayor Litke, Councilor Hopkin and Konanz Opposed

Council returned to debate regarding the motion to deny support to the application.

403/2013 It was MOVED and SECONDED

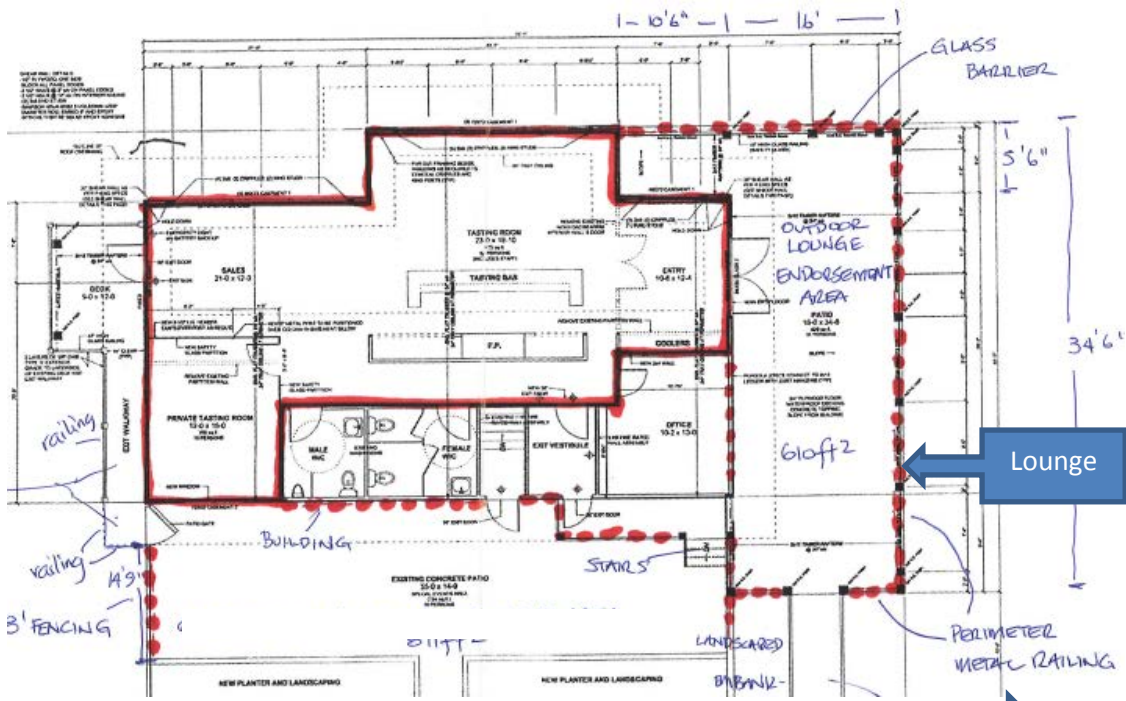
THAT Council recommend to the "Liquor Control and Licensing Branch" to deny the application from Perseus Winery located at 134 Lower Bench Rd. for Liquor-Winery Lounge Endorsement with a maximum closure of 11:00 p.m. for the indoor portion of the use and 7:00 p.m. for the outdoor patio area.

CARRIED, Councilor Konanz and Sentes Opposed

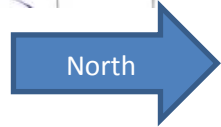
Attachment C Site and Floor Plan



Site Plan (2013)



Floor Plan – Exterior Lounge - Occupant Load (68)



**Attachment D
Existing Building Photos**



North Elevation



South Elevation

Attachment E
Applicant Community Impact Statement

February 2017

Liquor Control and Licensing Branch
PO Box 9292 STN Prov Govt
Victoria, BC, V8W 9J8

RE: Winery Lounge Endorsement
Perseus Winery and Vineyard – Manufacturer’s License #303561

Please accept this letter as the “letter of intent” outlining the functions and services to be provided at Perseus Winery in its application for a Winery Lounge Endorsement.

To put this application in perspective, a quick review of our application history is necessary. This is the second application by Perseus Winery for a Winery Lounge Endorsement. The first application was made in February 2013, but was denied by the City of Penticton due, primarily, to concerns raised by two local residents regarding the intended use of the facility. Despite these concerns, there was strong support from a large number of local residents. The main concerns, which we respect, were mainly to do with noise. These were more than valid concerns which have since been addressed along with all other concerns which were brought forward. One of these main concerns had to do with volume of traffic. As we have grown, we have found traffic increases minimal and that the majority of our growth has been through other channels such as liquor stores in the lower mainland. Because of this, the traffic which was anticipated with our growth has only actualized by a small fraction of the estimated amount.

Keeping these issues in mind and the small fraction of people who brought them forward, the main question we, along with other wineries have, is how to measure support. We recognize this as an industry wide dilemma, and we would like to be the leader, amongst our peers, who takes the first steps towards a long term solution.

To prove our commitment to ensuring this license would be implemented in a way that would benefit as many persons as possible, we would like to start this process by working with the LCLB, all neighbours, as well as the city to discuss any other issues which may not have been brought forward during the timeline of the initial application. As an example, we are willing to work with our neighbours alongside noise control specialists to establish acceptable decibel levels. We are also open to accepting and implementing our neighbours opinions when it comes to our open hours, and are more than happy to have shorter hours than what the city has previously approved for us.

Since the 2013 application, Perseus Winery has taken great effort to rectify the issues and concerns raised by neighbouring residents. We immediately installed higher noise reducing glass surrounding our patio, at significant expense, with the knowledge we were not able to reapply for this license for two years. Along with changes such as these, Perseus Winery proposes a substantially and materially different application at this time, including reduced hours, most notably after October 15th until May 1st, during our

shoulder season. We would like to make note that our proposed hours are significantly shorter than what the city had proposed to us previously.

1. Purpose

Perseus Winery would like the ability to allow its patrons to enjoy a glass of wine, should they so desire. Such consumption would be within the designated exterior area within the prescribed hours of operation.

Perseus Winery believes it is important to offer food and non-alcoholic beverages, not only to enhance our patrons' experience, but, also, as a means of providing responsible service. We currently offer a selection of deli-style foods, such as meat and cheese trays, as well as non-alcoholic beverages such as water and san Pellegrino, to our guests, which were very well received this past season.

We believe visitors to Penticton and many local residents expect a world-class experience when they visit wineries in the Okanagan. We plan to provide this experience by allowing the consumer the ability to enjoy the product of the fruits harvested while remaining on the property. We believe this would also decrease the amount of traffic on Vancouver Hill as many of our patrons are within walking distance of our establishment and would not need to drive to bring their summer guests to enjoy a beverage and spectacular scenery.

We do not want to revolutionize wine consumption in British Columbia nor do we wish to substantially alter the neighbourhood dynamic in which we are located. We are mindful of the investment our neighbours have made in their homes and their choice to live in Penticton. We pride ourselves on our strong relationships with the 95% of the neighbourhood, and have offered them support on numerous occasions, whether through donations to their silent auctions or offering a discount on wine.

2. Hours of Operation

We propose two distinct periods of opening hours; summer and off season.

End of June through Labour Day – 10 am – 7 pm

Post Labour Day – June – 11 am – 6 pm

Perseus Winery would like to have its lounge license reflect its hours of operation. While the previous license looked for a later closing time, we have set the 7pm closing time to be mindful of our neighbours concerns about noise later in the evening. The intent of this application is not to alter anything that would change noise or traffic levels within our neighborhood, it is only to provide the option of enjoying a glass of wine on our patio.

3. Target Market

The lounge area will service tourists as well as local residents. Many local residents who walk from downtown or the adjacent neighbourhood have expressed a desire for a by the

glass service at Perseus Winery. As Perseus is typically the last stop for many tours, it is the time when most tourists are looking to have a glass of wine and a small snack while they make plans for dinner. Other than perhaps an acoustic guitar on a Saturday afternoon, Perseus has no intention for any other type of entertainment to be provided.

4. Composition of the Neighbourhood

Perseus Winery is located in a mixed use neighbourhood which can be best described as urban, suburban and rural. Perseus Winery, itself, is located within the ALR: to the south and west, the land is zoned residential, mostly, but to the north and east the land is, primarily, zoned agricultural.

6. Benefits to the Community

It is easy to identify the economic benefits to the community provided by the wine industry, but we, at Perseus, believe there is a greater benefit to discuss. The greatest benefit to the community is providing diversity and alternatives.

There are many residents who appreciate the fact that they can walk to “The Bench” or to “Perseus” on their daily Sunday hike along the KVR to enjoy a lunch at The Bench, or a wine-tasting and snack at Perseus. In fact, these are the patrons we encourage: they are local and they are committed, repeat customers who understand the rules and regulations surrounding alcohol consumption. Since our upgrades over the last two years, we have not had any complaints regarding our operations from our neighbours.

Consumers are increasingly astute and knowledgeable about what constitutes local “produce”. They want to support local industry and we pride ourselves in being what can be characterized as local industry. With the added amount of time a typical person would stay in the winery while enjoying their glass of wine, they would spend more time browsing and purchasing some of the locally crafted merchandise on display. We pride ourselves in offering local businesspersons a place to sell their wares.

7. Concerns, Variations and/or Steps that Perseus has taken to differentiate the 2013 Application from the 2016 application: They all address deficiencies in the property as proposed by the neighbours

1. Perseus has no desire to establish a bistro/restaurant facility nor a bar or lounge at 134 Lower Bench Road, Penticton.
2. Our neighbour to the south had expressed concern at the potential use of a balcony which faced towards their property. There is no balcony on the south side of the structure that would accommodate a zone for consumption of alcoholic beverages, nor is it something we are including in our application. The south balcony is purely an emergency exit, requested by the city, as well as a ramp provided for the ingress or egress of those who require wheelchair accessibility.

3. A privacy screen has been installed (at the expense of Perseus) to provide a separation of the space between the neighbour to the south and his view of the wheelchair accessible ramp to the tasting room.
4. A wall of cedars has been planted (at the expense of Perseus Winery) along the southern property line to create a zone of privacy between the neighbour to the south and those they could witness driving up and visiting Perseus Winery. This screen, as well as the row of cedars we planted across the street from the winery, were critical to the support of our existence from our neighbours. This goes again to prove that Perseus Winery is cognizant of and respectful of all of our neighbours. The effectiveness of these measures can be seen through the attached pictures.
5. The only access to the tasting room is from the east from the parking lot. Patrons are no longer able to access the tasting room from the south or from the west side (which was previously an issue from neighbours). With these changes, patrons do not enter the winery in direct view of any of other properties.
6. Perseus has taken many measures to mitigate the noise issues expressed by neighbours, including the installation of quiet zone signage as well as ceasing to host any special events which go beyond a reasonable evening hour. We have also used our excellent rapport with tour companies that frequent our establishment to have them relay to their tours the importance of noise control in our parking lot and ensuring all of their patrons are well behaved.
7. The fence dividing the winery's property and the neighbour to the north has also been replaced, at the expense of Perseus, in the last year, adding value to both properties. As can be seen in the attached pictures, these trees have grown to provide a more than adequate screen between our properties.

In conclusion, Perseus would like to emphasize how seriously suggestions were taken from the previous application and the extent to which said changes have been implemented at the winery. To summarize, there has been installation of security cameras, a security gate to prevent access at night, a cigarette butt pole, renovations to the northern fence, planting of cedar hedges, installation of partition on the southern balcony, reduction in proposed hours and an increase in effort put forth in neighbour relations which is evident in the signatures collected on the attached petition. The lounge license is not Perseus Winery's attempt to exuberantly increase the amount of traffic through the winery, but to provide viable options for current patrons to enjoy the atmosphere to a new extent.

**Attachment F
Initial Public Comments**

Mr Kunka:

I am not surprised that Perseus has reapplied for a Lounge Endorsement as it only reinforces their total disregard for residential property owners. The lounge area is still only a few feet from their neighbors fence on the north of their property and within 100 yards of at least three family residences with infants or elementary school age children. Their lounge area is a wedge distance from my yard and the noise from a lounge will also have a negative impact on my lifestyle! The owners knew going in that this property was in a residential area and on their initial proposal for a winery showed the building well back on the property and as such would not have been a problem. Once they received the land use change they CHOSE to put the building in its current location and not as initially proposed. I therefore am unconditionally opposed to the Patio Lounge Endorsement! I find it somewhat sad that I have to continually take my time to do what the city should be doing which is to protect residential property owners from encroachment by business!

Sincerely

Patrick Witzaney

RE: 30 GRANDVIEW STREET PROPERTY

Thumbs up from this address for the proposal of the patio lounge!

Time Penticton creeps out of the 70's and steps into the 21st century with developments – no wonder ever weekend thousands of dollars leave this community and head to Kelowna. Nothing here for anyone – no shopping, no restaurants, nothing! Guess everyone here likes it that way.

Sad community!

Hello,

Our names are Doreen and David Bruce and we reside at 52 Lower Bench Rd. in Penticton.

Our concern with the Patio Lounge Endorsement at Perseus Winery is the noise issue. Not only the traffic noise and voices on the deck, but music too if they are considering it. We would be concerned if there was a live band for example or a wedding or special event. We would like to know that the hours would be adhered to and monitored, as it is in a neighbourhood. Also, is this from May 1-October 31?

Thank you for your considerations.

Doreen and David Bruce

Hello

We live very close to 134 lower bench rd. and we would love to see a Patio Lounge open at this location . We don't feel there will be a problem with noise or traffic.

So thus far as we are concerned it is a big YES to this venture, and we hope that this gets approved .

Geoff & Evelyn Ross

20 Grandview St Penticton B.C

Council Report

penticton.ca

Date: April 18, 2017 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Dana Schmidt, Corporate Officer
Subject: **Downtown Business Improvement Area Bylaw No. 2017-12
Certificate of Sufficiency.**

Staff Recommendation

THAT Council approve the Certificate of Sufficiency for the Downtown Business Improvement Area Bylaw No. 2017-12;

AND THAT Council adopt "Downtown Business Improvement Area Bylaw No. 2017-12.

Strategic priority objective

Vibrant Downtown.

Background

On February 28th Council passed a motion directing staff to conduct a Council initiated petition process for the purposes of renewing the Downtown Business Improvement Area and gave three readings to Bylaw No. 2017-12. A Notice of Intention was advertised in the March 3rd and 8th editions of the Penticton Herald and individual notices were mailed out to each property owner liable to be charged. Owners of parcels who desired to petition against the amending bylaw had until 4:30 pm, April 7, 2017 to do so.

Financial implication

The fee proposed is \$1.10 per \$1000 of assessed value on Class 5 and Class 6 properties. All funds raised are transferred to the Downtown Penticton Association for business promotion within the improvement area.

Analysis

By closing date for receipt of petitions, the Corporate Officer received the following:

Total No. of Parcels	Total Valid Petitions Rec'd Against the Proposed Improvement Area Bylaw	Total Assessed Value of land & improvements subject to parcel tax	Assessed Value of Property Owners Petitioning Against the Service (must be 50% or greater)
323	43	227,866,800	21,946,100

Attachments

Attachment A – Certificate of Sufficiency

Attachment B – Downtown Business Improvement Area Bylaw No. 2017-12

Respectfully submitted,

Dana Schmidt

Corporate Officer

Approvals

Collector	CAO
<i>AC</i>	PW

Certificate of Sufficiency

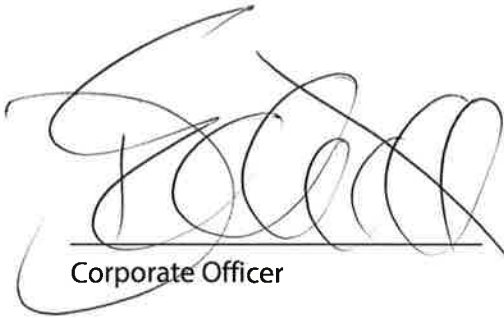
I hereby certify that the following petitions were received in opposition to Downtown Business Improvement Area Bylaw No. 2017-12; a bylaw to renew the Downtown Business improvement Area to fund the Downtown Penticton Association to do certain works and services and to market and promote business within the BIA.

Total No. of Parcels	Total Valid Petitions Rec'd Against the Proposed Improvement Area Bylaw	Total Assessed Value of land & improvements subject to parcel tax	Assessed Value of Property Owners Petitioning Against the Service (must be 50% or greater)
323	43	227,866,800	21,946,100

"Downtown Business Improvement Area Bylaw No. 2017-12" meets the requirements of Section 215 of the Community Charter, and the local government may proceed with the proposed matter for the establishment of the Business Improvement Area.

Dated at Penticton, BC

This 7th day of April, 2017.

)
)
)
) 
)
) Corporate Officer

Bylaw No. 2017-12

A Bylaw to Renew the Business Improvement Area established by Bylaw 2012-5017

WHEREAS the Council may, by majority vote, grant money to an applicant under Section 215 of the *Community Charter* for the purpose of planning and implementation of a Business Promotion Scheme;

AND WHEREAS the Council has received an application from the Downtown Penticton Association for a grant of money under Section 215 of the *Community Charter*;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a bylaw as required by Section 215 of the *Community Charter*;

AND WHEREAS a notice of the intention of Council to establish a specified area for the purpose of funding the "Downtown Penticton Association", (known hereafter as the Applicant) to do certain works and services and to market and promote business within the BIA area, has been advertised, and served upon the owners of the parcels liable to be specially charged;

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the City of Penticton in open meeting assembled hereby enacts as follows:

1. **Title:**

This bylaw may be cited for all purposes as the "Downtown Business Improvement Area Bylaw No. 2017-12."

2. **Designation of Area:**

For the purposes of this bylaw, the Downtown Business Improvement Area to which this Bylaw is applicable shall be comprised of those tracts of land shown shaded in green on Schedule "A" attached hereto and forming part of this bylaw.

3. **Grant/Tax Levy:**

For the purpose of this Bylaw, the maximum amount of money to be raised annually to fund the applicant is \$1.10 per \$1,000.00 of assessed value levy on Class 5 and Class 6 taxable land and improvements within the specified area on the basis of general purpose assessments subject to a maximum levy of \$2,888.00 and a minimum levy per roll of \$288.00.

These monies shall be paid to the Applicant on or before the first day of August in each year of the grant.

4. **Term:**

For the purpose of this Bylaw the term of the grant shall be five (5) years commencing May, 2017.

5. **Expenditure:**

For the purposes of this bylaw the money granted under Section 215 of the *Community Charter* pursuant to this Bylaw shall be expended only; (1) by the Applicant; (2) in accordance with the conditions and limitations set out in this bylaw; (3) for the Downtown Business Promotion Scheme set out in Schedule "B" attached hereto and forming part of this bylaw.

6. **Recovery:**

For the purpose of this bylaw all of the money granted to the Applicant pursuant to this bylaw shall be recovered within the Downtown Business Improvement Area shown on Schedule "A".

7. **Conditions and Limitations:**

7.1 The money granted pursuant to this Bylaw under Section 215 of the *Community Charter* shall be expended by the Applicant for the purpose of carrying out the Downtown Promotion Scheme more particularly set out in Schedule "B".

7.2 The Applicant shall submit a budget for the approval of the Council and notwithstanding the preceding paragraph, no payments shall be made unless the payments are within the amounts set out in the budget approved by the Council and shall not exceed the amount set out in Article 3 of this bylaw. The budget of the Applicant shall be submitted on or before the first day of April of each year.

7.3 The Applicant shall submit to the City an annual financial statement which shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet and a Statement of Revenue and Expenditure. The financial statement shall be prepared on a calendar year basis. The financial statement relating to the year of the grant shall be submitted by the Applicant on or before the first day of April of the year following.

8. **Insurance:**

The Applicant shall provide to the City General and Comprehensive liability insurance in the amount of TWO MILLION DOLLARS (\$2,000,000) with the City of Penticton named as an additional insured.

9. **Expiration Date:**

This bylaw shall come into effect May 1, 2017 and cease to have effect on the 30th day of April 2022.

READ A FIRST time this	28	day of	February, 2017
READ A SECOND time this	28	day of	February, 2017
READ A THIRD time this	28	day of	February, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 3rd and 8th of March, 2017 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

SCHEDULE A

[Schedule A of Bylaw 2017-12 Downtown Penticton Association Business Improvement Area.pdf](#)

SCHEDULE "B"

BUSINESS PROMOTION SCHEME

The Business Promotion Scheme to be undertaken by the Downtown Penticton Association pursuant to the provisions of this bylaw shall encompass the following activities:

- a) Carrying out studies or making reports respecting the business area;
- b) The improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in the business improvement area;
- c) The removal of graffiti from buildings and other structures in the business improvement area;
- d) The encouragement of business in the more business improvement area.



Schedule A to Downtown Business Improvement Area

Bylaw No. 2017-12

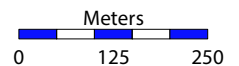
Legend

- Business Improvement Area (2017)
- Legal Parcel



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1:10,000
February-23-17
9:03:57 AM



Council Report



Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor

File No: 3900

Subject: Bylaw Notice Enforcement Amendment Bylaw No. 2017-28 & Municipal Ticketing Information Amendment Bylaw No. 2017-29

Staff Recommendation

THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2017-28";
 AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2017-29".

Background

With the adoption of the new Zoning Bylaw, an amendment to the Bylaw Notice Enforcement Bylaw and the Municipal Ticketing Information (MTI) Bylaw is required. At the same time, an additional provision related to the Solid Waste Collection and Recyclable Materials Disposal Bylaw has been added. The changes are identified in yellow.

Financial implication


As proposed during the vacation rental discussions, an increase to the Municipal Ticketing Information Bylaw for operating a vacation rental contrary to the Zoning Bylaw has increased from \$100 to \$500. The Bylaw Notice Enforcement Bylaw fine remains at \$100/day.

Attachments

- Attachment A – Bylaw Notice Enforcement Amendment Bylaw No. 2017-28
- Attachment B – Municipal Ticketing Information Amendment Bylaw No. 2017-29

Respectfully submitted,

Tina Siebert
 Bylaw Services Supervisor

Director of Development Services 	Chief Administrative Officer PW
--	--

The Corporation of the City of Penticton

Bylaw No. 2017-28

An amendment to regulate enforcement of bylaw notices

WHEREAS pursuant to the *Local Government Bylaw Notice Enforcement Act* and the *Community Charter*, the City may establish fine amounts for contravention of City bylaws;

AND WHEREAS the City of Penticton has adopted "Bylaw Notice Enforcement Bylaw No. 2012 – 5037";

AND WHEREAS the City of Penticton wishes to amend Schedule 'A' to "Bylaw Notice Enforcement Bylaw No. 2012 - 5037";

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

1. Title:

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2017-28."

2. Amendment:

2.1 Amend Schedule 'A' by updating Appendices Index and by deleting and replacing the following appendices in their entirety:

Appendix 7 – Zoning Bylaw No. 2017-08

Appendix 16 – Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29

2.2 Appendices 7 and 16, attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2017

READ A SECOND time this day of , 2017

READ A THIRD time this day of , 2017

ADOPTED this day of , 2017

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule 'A'

APPENDIX 7

ZONING BYLAW NO. 2017-08

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
Commence or undertake a use, cause, suffer or permit contrary to the bylaw	1.9.1 & 1.9.2	\$100.00	\$90.00	\$110.00	Yes
Fail to screen refuse bin	4.10	\$75.00	\$65.00	\$85.00	Yes
Fail to screen as required	5.3	\$75.00	\$65.00	\$85.00	Yes
Fence height contrary to bylaw	5.6.1	\$75.00	\$65.00	\$85.00	Yes
Temporary fencing contrary to bylaw	5.6.1.7 & 5.6.1.8	\$250.00	\$225.00	\$275.00	Yes
Vehicle parked or stored contrary to bylaw	6.1.1.6	\$75.00	\$65.00	\$85.00	Yes
More than one (1) RV	6.1.1.7	\$75.00	\$65.00	\$85.00	Yes
Operating a vacation rental contrary to bylaw	7.6	\$100.00 per day	\$90.00 per day	\$110.00 per day	Yes
Illegal suite	8.1	\$100.00 per day	\$90.00 per day	\$110.00 per day	Yes
Operating a carriage house contrary to bylaw	8.2	\$100.00 per day	\$90.00 per day	\$110.00 per day	Yes

Schedule 'A'

APPENDIX 16

SOLID WASTE COLLECTION AND RECYCLABLE MATERIALS DISPOSAL BYLAW NO. 2016-29

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
Act, suffer or permit contrary to the provisions of the bylaw	14.1 & 14.2	\$100.00	\$90.00	110.00	No
Deposit or picking up of solid waste, recyclable materials or hazardous waste that, on its own or when mixed with another material, may pose risks to the health and/or safety of the collection crews	13.2	\$ 50.00	\$45.00	\$55.00	No
Scavenge of solid waste or recyclable material	13.4	\$ 50.00	\$45.00	\$55.00	No
Transport of solid waste or recyclable materials from one premise to another for collection services provided by this bylaw	13.5	\$ 50.00	\$45.00	\$55.00	No
Cause, allow, or permit any recyclable materials or yard and garden waste to be discarded as garbage	13.6	\$ 50.00	\$45.00	\$55.00	No
Intentionally contaminate recyclable material so as to make them non-recyclable	13.7	\$ 50.00	\$45.00	\$55.00	No
Litter or dispose of Solid Waste or Recyclable Materials contrary to the provisions of this bylaw	13.8	\$ 50.00	\$45.00	\$55.00	No
Deposit for collection by the solid waste and recyclable materials collection service, solid waste or recyclable materials that do not originate within the City	13.9	\$ 50.00	\$45.00	\$55.00	No

Bylaw No. 2017-29

A bylaw to amend the Municipal Ticketing Information Bylaw No. 2012-5021

WHEREAS the Council of the City of Penticton has adopted a Municipal Ticketing Information Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the “Municipal Ticketing Information Bylaw No. 2012-5021”;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This Bylaw may be cited as “Municipal Ticketing Information Amendment Bylaw No. 2017-29”.

2. Amendment:

i. Amend “Municipal Ticketing Information Bylaw No. 2012-5021” by updating titles in column 1 of Schedule A and deleting and replacing the following Schedules in their entirety:

- Schedule B7 – Zoning Bylaw No. 2017-08
- Schedule B17 – Solid Waste Collection and Recyclable Materials Disposal Bylaw No. 2016-29

ii. Schedules B7 and B17 attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

SCHEDULE B7 to BYLAW 5021

ZONING BYLAW NO. 2017-08

	<u>SECTION</u>	<u>FINE</u>
1. Commence or undertake a use, cause, suffer or permit contrary to the bylaw	1.9.1 & 1.9.2	\$100.00
2. Fail to screen refuse bin	4.10	\$75.00
3. Fail to screen as required	5.3	\$75.00
4. Fence height contrary to bylaw	5.6.1	\$75.00
5. Temporary fencing contrary to bylaw	5.6.1.7 & 5.6.1.8	\$250.00
6. Vehicle parked or stored contrary to bylaw	6.1.1.6	\$75.00
7. More than one (1) RV	6.1.1.7	\$75.00
8. Operating a vacation rental contrary to bylaw	7.6	\$500.00/day
9. Illegal suite	8.1	\$100.00/day
10. Operating a carriage house contrary to bylaw	8.2	\$100.00/day

SCHEDULE B17 to BYLAW 5021

SOLID WASTE COLLECTION AND RECYCLABLE MATERIALS DISPOSAL BYLAW NO. 2016-29

	<u>SECTION</u>	<u>FINE</u>
1. Act, suffer or permit contrary to the provisions of the bylaw	14.1 & 14.2	\$100.00
2. Deposit for picking up of solid waste, recyclable materials or hazardous waste that, on its own or when mixed with another material, may pose risks to the health and/or safety of the collection crews	13.2	\$ 50.00
3. Scavenge of solid waste or recyclable material	13.4	\$ 50.00
4. Transport of solid waste or recyclable materials from one premise to another for collection services provided by this bylaw	13.5	\$ 50.00
5. Cause, allow, or permit any recyclable materials or yard and garden waste to be discarded as garbage	13.6	\$ 50.00
6. Intentionally contaminate recyclable material so as to make them non-recyclable	13.7	\$ 50.00
7. Litter or dispose of Solid Waste or Recyclable Materials contrary to the provisions of this bylaw	13.8	\$ 50.00
8. Deposit for collection by the solid waste and recyclable materials collection service, solid waste or recyclable materials that do not originate within the City	13.9	\$ 50.00

A bylaw to impose a local area service parcel tax for the improvements on the 100 and 200 blocks of Main Street.

WHEREAS the *Community Charter* allows a Council, by bylaw, to impose a parcel tax to provide all or part of the funding for a service;

AND WHEREAS the City of Penticton has adopted the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42" a bylaw to authorize the construction of sidewalk improvements on the 100 and 200 blocks of Main Street;

AND WHEREAS the City has completed the improvements and funded the full amount authorized;

AND WHEREAS the Council of the City of Penticton wishes to recover a portion of the capital costs of the Main Street improvement project through a parcel tax;

NOW THEREFORE the Council of the City of Penticton, in open meeting assembled enacts as follows:

1. Title

This Bylaw may be cited for all purposes as the "Phase 1 – Main Street Local Area Service Parcel Tax Bylaw No. 2017-03".

2. Establishment of Parcel Taxes for the Phase 1 - Main Street Revitalization Project

- (1) Council hereby imposes a parcel tax for the Phase 1 – Main Street Revitalization Project, for the calendar year 2017 for a maximum period of 15 years, the calendar year of 2031.
- (2) The parcel tax roll used to levy this parcel tax shall be the "100 and 200 Main Street Revitalization Project Parcel Tax Roll" as attached as Schedule A hereto and forming part of this bylaw.
- (3) This parcel tax shall be levied for each parcel that has the opportunity to be provided with local area service improvements, as outlined in Schedule A to this Bylaw.
- (4) Each year, property owners shall pay the annual tax rate/meter of adjusted frontage for a period of 15 years.
- (5) The property owner may elect to pay the balance of unpaid annual payments using the methods of cost recovery as outlined in the "Phase 1 – Main Street Local Area Service Bylaw No. 2014-42".

READ A FIRST time this	7	of	March, 2017
READ A SECOND time this	7	of	March, 2017
READ A THIRD time this	7	of	March, 2017
RESCIND THIRD and READ THIRD as AMENDED		of	, 2017
ADOPTED this		of	, 2017

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

100 and 200 Main Street Revitalization Project Parcel Tax Roll

Folio	Unit	House	Street	Frontage (metres)	Total Parcel Tax (Without Interest)	Total Per Year for 15 Years (inc. interest)
04635-000		158	MAIN ST	9.144	\$6,054.67	\$550.21
04637-000		170	MAIN ST	27.432	\$18,164.02	\$1,650.64
04641-010		184	MAIN ST	39.899	\$26,419.00	\$2,400.80
04696-005		195	MAIN ST	19.300	\$12,779.44	\$1,161.32
04770-000		202	MAIN ST	10.211	\$6,761.18	\$614.42
04771-000		206	MAIN ST	8.077	\$5,348.16	\$486.01
04772-000		210	MAIN ST	18.288	\$12,109.34	\$1,100.43
04774-000		218	MAIN ST	8.986	\$5,950.05	\$540.71
04776-000		234	MAIN ST	27.310	\$18,083.23	\$1,643.30
04779-010		242	MAIN ST	15.240	\$10,091.12	\$917.02
04781-000		246	MAIN ST	9.144	\$6,054.67	\$550.21
04782-000		258	MAIN ST	8.922	\$5,954.03	\$536.85
04783-000		270	MAIN ST	9.144	\$6,054.67	\$550.21
04784-000		280	MAIN ST	9.144	\$6,054.67	\$550.21
04786-100		284	MAIN ST	18.288	\$12,109.34	\$1,100.43
04827-005		295	MAIN ST	18.288	\$12,109.34	\$1,100.43
04829-005		277	MAIN ST	20.565	\$13,617.05	\$1,237.44
04831-000		261	MAIN ST	6.858	\$4,541.00	\$412.66
04832-002	101	255	MAIN ST	5.479	\$3,627.64	\$329.66
04832-004	201	255	MAIN ST	1.826	\$1,209.21	\$109.89
04832-006	301	255	MAIN ST	1.826	\$1,209.21	\$109.89
04833-000		251	MAIN ST	9.144	\$6,054.67	\$550.21
04834-000		245	MAIN ST	9.144	\$6,054.67	\$550.21
04835-000		239	MAIN ST	9.144	\$6,054.67	\$550.21
04836-000		233	MAIN ST	9.144	\$6,054.67	\$550.21
04838-100		219	MAIN ST	18.288	\$12,109.34	\$1,100.43
04839-000		215	MAIN ST	9.144	\$6,054.67	\$550.21
04841-500		201	MAIN ST	27.432	\$18,164.02	\$1,650.64
TOTAL (28)				384.811		\$23,154.86

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	4	day of	April, 2017
READ A THIRD time this	4	day of	April, 2017
RECEIVED the approval of the Ministry of Transportation on the ADOPTED this	7	day of	April, 2017
		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 1st day of April, 2017

for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

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."

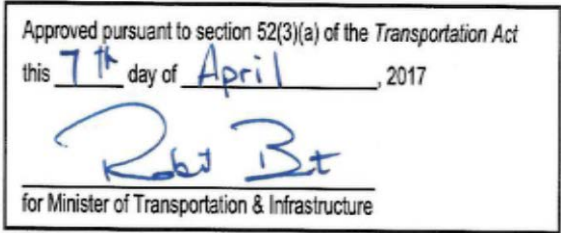
2.2 Schedule 'A' attached hereto forms part of this bylaw.

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	4 day of	April, 2017
READ A THIRD time this	4 day of	April, 2017
RECEIVED the approval of the Ministry of Transportation on the	7 day of	April, 2017
ADOPTED this	day of	, 2017

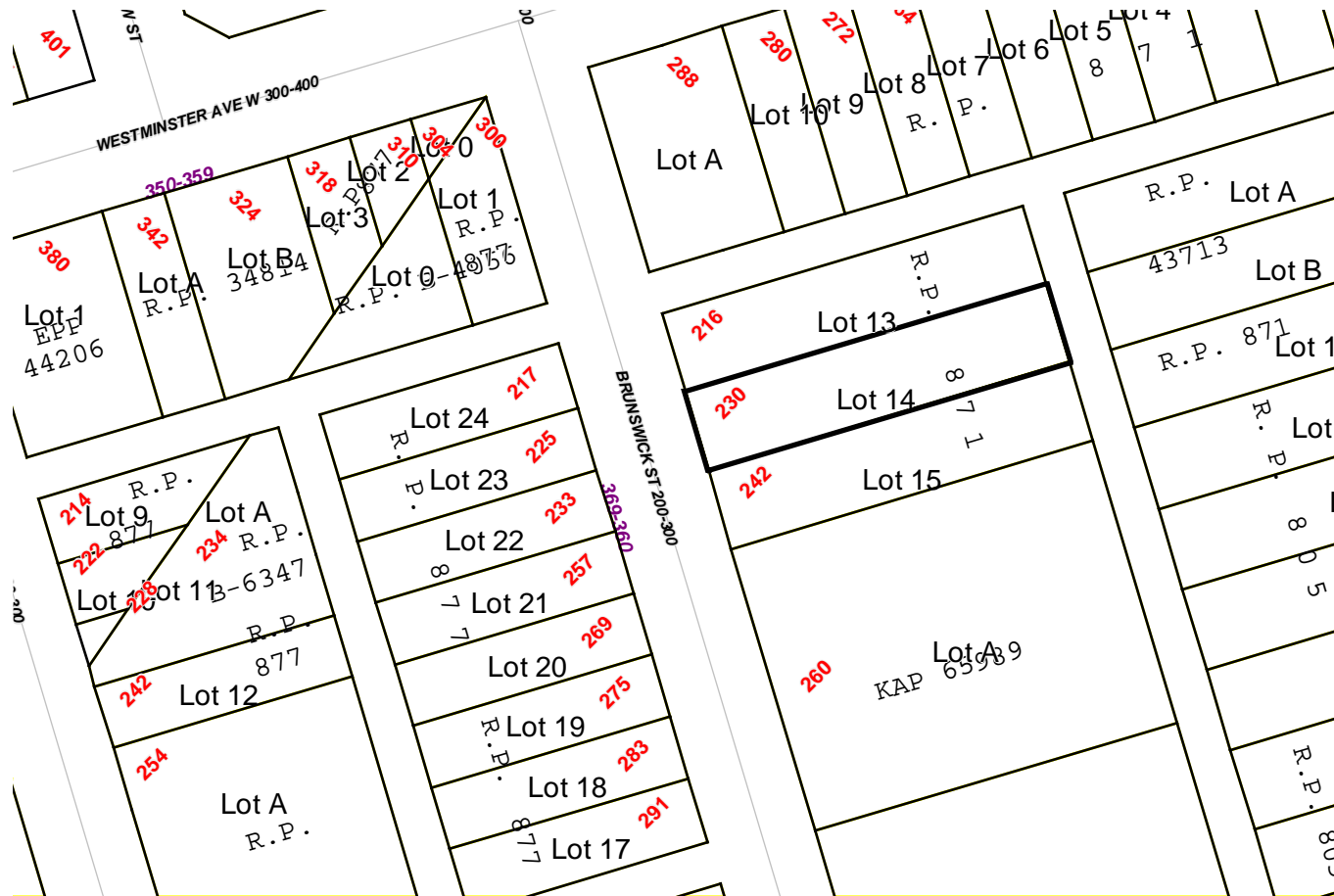
Notice of intention to proceed with this bylaw was published on the 24 day of March, 2017 and the 29 day of March, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer



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: _____

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:

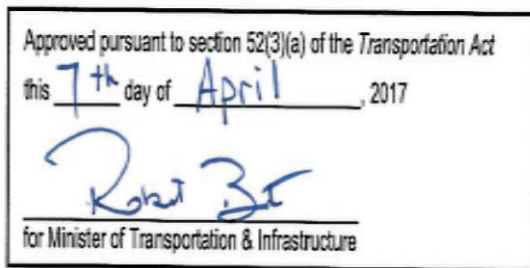
Add 10.9.5 Site Specific Provisions

.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	4	day of	April, 2017
READ A THIRD time this	4	day of	April, 2017
RECEIVED the approval of the Ministry of Transportation on the	7	day of	April, 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

Council Report

penticton.ca

Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 361 Martin Street

File No: Civic

Subject: Winery Lounge and Special Event Area (SEA) Endorsement Application – Time Winery

Staff Recommendation

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the applications from Time Winery (Encore Vineyards Ltd) for the proposed Winery Lounge and Special Event Area (SEA) Endorsements.

Background

On March 21, 2017 Council directed staff (193/2017) to commence public notification of the proposed winery lounge and special event area endorsement application for Time Winery and that staff report back to Council on April 18th, 2017 with the public consultation results for final consideration.

The Liquor Control and Licencing Branch (LCLB) recommend that the local government considers and comments on six specific criteria as well as public consultation. As part of March 21st report staff conducted a technical review and support of the proposal along with the City's Liquor Licence Technical Review Committee (LLTRC) and provided commentary on the six criteria. (See Attachment A)

As part of the council report staff reported that further consideration maybe required regarding exterior areas related to potential noise nuisances.

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee. Additional signage costs will be incurred by the applicant.

Analysis

As per the Liquor Licensing Act, staff conducted public consultation to gather comments from adjacent property and business owners. Public notification was completed by:

- Sending over 200 notices to neighbouring properties within a 100m radius (Attachment B - Map),
- placement of a public notice sign at the along Martin St., and
- Notices within the local newspaper.

As a result, there were some general inquires but no letters for or against the proposal at the time of this report's completion. Staff has no further comments to provide and recommend final resolution endorsement.

Conclusion

Council can choose to support the application as is and provide resolution to support the endorsement or modify the resolution with further restrictions on hours of operation or music for exterior areas. Should Council deny the application then the applicant will be informed of Council's decision and a Council resolution outlining the reason for denial is forwarded to the LCLB.

Alternate recommendations

1. THAT Council support the Winery Lounge and Special Event Area (SEA) endorsements for Time winery with restrictions to hours or music.
2. THAT Council denies support for Winery Lounge and Special event area (SEA) endorsements for Time Winery for Time Winery.


Attachments

Attachment A – March 21, 2017 staff report excerpt of LCLB endorsement criteria

Respectfully submitted,

Ken Kunka, Building and Permitting Manager

Approvals

DS Director 	CAO PW
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Attachment A

March 21, 2017 Report excerpt regarding LCLB Winery Lounge & SEA Considerations

The LLTRC is in support of the winery lounge application.

Technical Review - Expected Regulatory Criteria to be considered

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on six specific criteria. In consideration of these criteria, the following information has been provided:

1. The location of the Winery Lounge area

- The subject property is located on a Major Urban Collector road, within the Downtown core area. This area is primary utilized commercial, entertainment and high density residential use.
- This will be the first winery in the downtown core.

No Concerns

2. The proximity of the establishment to other social or recreational facilities and public buildings

- Currently there are a two urban breweries and one distillery within the downtown core area. Two of have lounge endorsements.
- There are over five Food or Liqour Primary establishments within 0.5km of the property.
- There are no schools or other social institutions within the local area.

No concerns

3. The person capacity of the proposed areas (patios)

- No outstanding permit issues. Renovation work is continuing under permits. Maximum occupant load signage will be posted.

No concerns

4. The hours of liquor service of the establishment

- Interior proposed hours of service are from 9:00am to 12 midnight and should not negatively impact local residents.
- There may be some impact to neighbouring residential properties related to the exterior patio lounge and Special Event Area. Other storefront uses (café areas) located in the 200 block of Martin Street are permitted to operate to 11:00pm.
- This site is located within an existing and emerging entertainment district and the proposed use is supported by the Downtown Plan and Official Community Plan.

Further consideration maybe required regarding exterior areas

5. Traffic, noise, parking and zoning

- Martin Street is classified as an Urban Collector. The City of Penticton Engineering department has no concerns with increased traffic in relation to road volume capacity design along Martin Street.
- The subject property has one main access point from Martin Street, with two intersections within 0.5km of the site (Nanaimo Ave W and Wade Ave W).

- A social gathering of numerous people has the potential to generate some degree of noise. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw or setting restrictions for hours of exterior use under the Business Licence.
- Further restrictions on amplified music could be proposed as part of Council's endorsement,
- Final parking will be reviewed as part of the building permit process to ensure compliance with zoning requirements.

No concerns

6. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine tourism with the City.
- There appears to be no significant impact to traffic in the area.
- The RCMP does not have any issues with this application.
- The LLTRC member representing social health and addictions has no concerns with this application.

No Concerns

April 7, 2017

Dear Mayor Jakubeit and City Council,

Thank you for your PUBLIC NOTICE of Subject Property, 361 Martin Street, to each condo in the Chancellor, 374 Winnipeg Street. We are located directly behind the property in question, to be known as Time Winery.

We had a meeting Wednesday April 4th 2017 in our community room concerning this notice. It certainly is an innovative concept, and will be a beautiful building. People will enjoy going there. However, there were several concerns that were discussed.

1. **Noise** – levels from the crush pad, machinery, equipment on the roof, such as compressors, patio parties, crowds, music, and traffic thru the alley. In the spring and summer when we have our windows open, it will be even more noticeable. **What time will the crush pad be operating. We hope not late hours or in the night.**
2. **Smells** - from the crush pad and air quality. We also understand that there are many more insects around that come with this operation.
3. **Appearance** – of the area outside where the crush pad is and **the effects on the alley and the surrounding real estate values.**
Also where will the trucks unload and load, will they block the alley and for how long and often in the day?
4. **Bright Lights** and their placement ... should be pointed down. Possibly not on the back of the building. As we have already experienced from the bright light being left on at night during the construction.
5. **Closing Time** – We strongly recommend no later than **11:00 P.M.** As it could take sometime for the area to clear with the large number of people at the size of venue that is being requested. Closing times for other similar establishments such as the Bad Tattoo brewing Company 11:00 am to 11:00 pm. Mile Zero 3:00 pm. to 11:00 pm. Except Friday and Saturday until 12:00, and the Cannery Brewing Company 11:00 to 7:00 pm. except Friday and Saturday until 9:00 pm. None of these establishments are in as close of a proximity to residents as Time Winery.

There are 35 residential suites in our building, it is only **47 Feet** from the back of Time Winery. Charles Manor a seniors assisted living complex is only **39 Feet** from North side of the property in question. As well as a resident directly to the South and an apartment build to the Southwest of the building. This is largely a seniors community. We understand that is is commercial property, but there is also residential property in the

area. Crush pads are normally considered to be agricultural and thus should not be aloud to be in city limits. Our Quality of life should not be compromised or altered. What is our city council and staff doing to ensure our well being?

We will have representation at the meeting. Thanks for your kind consideration. Sincerely,

Francene

& Phil Raw #203

Jan Higgins #201

Pat Letendre #204

Reg Letendre

Pat Anderson 205

Michael 206

Jean Melatini 208

Maria Boldis #209

Carmen Gonzalez #207

~~William~~ 211

V. Daly 211

Luenda Ryley } #202
Richard Ryley }

Jim Gorte #102

William McLean 101

area. Crush pads are normally considered to be agricultural and thus should not be aloud to be in city limits. Our Quality of life should not be compromised or altered. What is our city council and staff doing to ensure our well being?

We will have representation at the meeting. Thanks for your kind consideration.
Sincerely,

Sharon Mayforth 309
 Ron Mayforth
 Marge Sluchynska 310
 Eds 312
 Thant Lunden 303
 Caren Stephenson 308 ~~308~~
 Harold Stephenson 308
 Rosslyn Millar 306
 Len Millar 306
 Caron Harold Stephenson 308
 Edward Clark 304
 Walter 311

area. Crush pads are normally considered to be agricultural and thus should not be aloud to be in city limits. Our Quality of life should not be compromised or altered. What is our city council and staff doing to ensure our well being?

We will have representation at the meeting. Thanks for your kind consideration.

Sincerely,

a. T. Helges) 409
P Helges)

D Shier 410

Mr. Schmidt 408

Devean 406

Silverman 406

Joel Blom 401

Joanne Lund # 404

Len Lund # 404

Dusie Levens # 411

Rich King # 411. -

Council Report

penticton.ca

Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 851 Naramata Road

File No: Civic

Subject: Winery Lounge Endorsement Application – Little Engine Wines

Staff Recommendation

THAT Council recommend to the Liquor Control and Licencing Branch (LCLB) that it support the application from Little Engine Wines (Little Engine Wines Ltd.) for the proposed Winery Lounge Endorsement.

Background

On March 21, 2017 Council directed staff (195/2017) to commence public notification of the proposed winery lounge endorsement application for Little Engine Wines and that staff report back to Council on April 18th, 2017 with the public consultation results for final consideration.

The Liquor Control and Licencing Branch (LCLB) recommend that local government considers and comments on six specific criteria as well as public consultation. As part of March 21st report staff conducted a review along with the City's Liquor Licence Technical Review Committee (LLTRC) and supported the proposal as outlined within the commentary on the six criteria. (See Attachment A)

As part of the council review, staff reported potential concerns with firefighting water supply and exterior patio noise.

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

Analysis

As per the Liquor Licensing Act, staff conducted public consultation to gather comments from adjacent property and business owners. Public notification was completed by:

- sending notices to neighbouring properties within a 500m radius, (Attachment B – map)
- placement of two public notice signs at the main entrance and east property boundary, and
- Notices within the local newspaper.

As a result, there have been no letters or comments provided at the time of this reports completion. Staff has reviewed the potential water supply issue and can confirm that the Fire Department confirms adequate measures are in place to meet fighting requirements. There have been no further comments to provide and recommend final resolution endorsement.

Conclusion

Council can choose to support the application as is and provide resolution to support the endorsement or modify the resolution with further restrictions on hours of operation or music for exterior areas. Should Council deny the application then the applicant will be informed of Council's decision and a Council resolution outlining the reason for denial is forwarded to the LCLB.

Alternate recommendations

1. THAT Council support of the Little Engine Wines lounge application with restrictions on hours of operation or music on the exterior patio.
2. THAT Council denies support of the Little Engine Wines lounge application.


Attachments

Attachment A – March 21, 2017 staff report excerpt of LCLB endorsement criteria

Respectfully submitted,

Ken Kunka, Building and Permitting Manager

Approvals

DS Director 	CAO PW
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Attachment A
March 21, 2017 Report excerpt regarding LCLB Winery Lounge Considerations

The LLTRC is in support of the winery lounge application.

The Liquor Control and Licencing Branch (LCLB) require that the local government considers and comments on six specific criteria. In consideration of these criteria, the following information has been provided:

1. The location of the Winery Lounge area

- The subject property is located on a Rural Collector road, within the Naramata Bench area. This area is primarily utilized for agricultural (orchard and winery) and low density residential uses.
- There have been a growing number of wineries in the Naramata Bench area with a small percentage including winery lounge and special event area endorsements.

No Concerns

2. The proximity of the establishment to other social or recreational facilities and public buildings

- Currently there are 4 other wineries within 0.5 kilometers of the subject property. One (Red Rooster) has a winery lounge endorsement.
- There are no schools or other social institutions within the local area.

No concerns

3. The person capacity of the proposed areas (patios)

- There is currently an open building permit with an outstanding issue related to Firefighting water supply that may prohibit proposed public assembly use.
- Washroom facilities are adequate for proposed occupant loads
- Maximum occupant load signage will be posted.

Recommended that final confirmation on-site water supply confirmed prior to final resolution.

4. The hours of liquor service of the establishment

- The proposed hours of service are limited from 11:00am to 6:00pm and should not negatively impact local residents. Most winery lounges in area operate from 11:00am to 10:00pm. Other establishments in the near vicinity have average hours exceeding proposed.

No concerns

5. Traffic, noise, parking and zoning

- Naramata Road is classified as a Rural Collector. The City of Penticton Engineering department has no concerns with increased traffic in relation to road volume capacity design along Munson Ave and Lower and Upper Bench Rd.
- The subject property has one main access point from Naramata Road with two intersections within 0.5km of the site (Evans Ave and Randolph Rd).
- Some residents in the Naramata Bench area have expressed concerns to the growing number of commercial winery operations, in particularly potential noise created by lounges and special event areas.

- A social gathering of numerous people has the potential to generate some degree of noise. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw or setting restrictions for hours of exterior use under the Business Licence.
- Further restrictions on amplified music could be proposed as part of Council's endorsement.
- Parking was reviewed as part of the original building permit and meets zoning requirements.
- The ALC allows a certain number of special events a year and that area does not count towards the 125m² inside, 125m² outside rule. Note: 2012 ALC support of amended maximum winery patio areas.

Council may consider restrictions on exterior amplified music.

6. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine tourism with the City.
- There appears to be no significant impact to traffic in the area based on proposed occupant loads, parking is provided on-site.
- The RCMP does not have any issues with this application.
- The LLTRC member representing social health and addictions has no concerns with this application.

No concerns

Council Report

penticton.ca

Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 426 Churchill Avenue
Subject: **Development Variance Permit PL2017-7884**

File No: DVP PL2017-7884

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-7884" for Lot 19 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849, located at 426 Churchill Avenue, a permit to increase the maximum projection of eaves into the north front yard from 1.5m to 1.9m and to decrease the minimum south front yard from 4.5m to 3.0m;

AND THAT staff be directed to issue "Development Variance Permit PL2017-7884."

Strategic priority objective

N/A

Background

The subject lot (Attachment 'A') is designated by the Official Community Plan (OCP) as LR (Low Density Residential) and is currently zoned RD2 (Duplex Housing: Lane). The lot is 444m² (4,778ft²) in area. The subject lot is currently vacant as a single family dwelling has recently been demolished. The surrounding properties are zoned RD2 (Duplex Housing: Lane), RM2 (Low Density Multiple Housing) and RM3 (Medium Density Multiple Housing).

Proposal

The applicant is proposing to construct a single family dwelling with a secondary suite. The principal dwelling will be accessed from Alexander Avenue with the suite being accessed off of Churchill Avenue. The proposed dwelling will be two storeys with two bedrooms in both the principal residence and the suite.

The applicant is requesting a development variance permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 4.9 (Table 4.1): to increase the maximum projection of eaves into the north front yard from 1.5m to 1.9m.
- Section 10.2.2.5: to decrease the minimum south front yard from 4.5m to 3.0m.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Concerns pertaining to driveway widths, boulevard tree protection and on-site storm water management were raised and addressed by the applicant. If the request for the variances are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Financial implication

N/A

Analysis

Support Variances

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

With regards to the subject property, it fronts onto both Churchill Avenue and Alexander Avenue. In these circumstances we apply the front yard setback to both the north and south frontages.

Section 4.9 (Table 4.1): to increase the maximum projection of eaves into the north front yard from 1.5m to 1.9m.

- The Zoning Bylaw allows for a 1.5m maximum projection of eaves into the north front yard (Churchill Avenue). The applicant is requesting a 1.9m projection. Staff believe that the additional 0.4m is unlikely to have a negative impact on the surrounding neighbourhood. In consideration of the limited impacts on the adjacent property and shallow depth of the property, staff consider that it is reasonable to support this application.

Section 10.2.2.5: to decrease the minimum south front yard from 4.5m to 3.0m.

- In the RD2 (Duplex Housing: Lane) zone, single detached dwelling use shall be subject to the subdivision and development regulations of the R2 (Small Lot Residential) zone. In the R2 zone, a 4.5m minimum front yard is required. The upper floor of the proposed dwelling will project to 3.0m from the south property line, thus triggering the requirement for a variance. A reduction to 3.0m still provides adequate separation from the street. The proposed setback will be consistent with the development trends in the area. In 2011, Council supported a variance for the neighbouring duplexes (415 Alexander Avenue and 99 Lakeview Street) to reduce the required yard along Alexander Avenue to 3.0m. The proposed variance enables the applicant to maximize floor space on the second storey with little impact on the at-grade amenity space or reducing parking requirements.

Given the above, staff view the variance requests as reasonable and recommend that Council support the application.

Deny/Refer

Council may consider that the variances are not justified and will negatively affect the neighbourhood. If this is the case, Council should deny the variances.

Alternate Recommendations

1. THAT Council support "DVP PL2017-7884" with conditions.
2. THAT "DVP PL2017-7884" be referred back to staff.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Letter of Intent
- Attachment H: "DVP PL2017-7884"

Respectfully submitted,

Randy Houle
Planner I

Approvals


DDS 	CAO PW
--	---------------



Figure 1: Subject Property

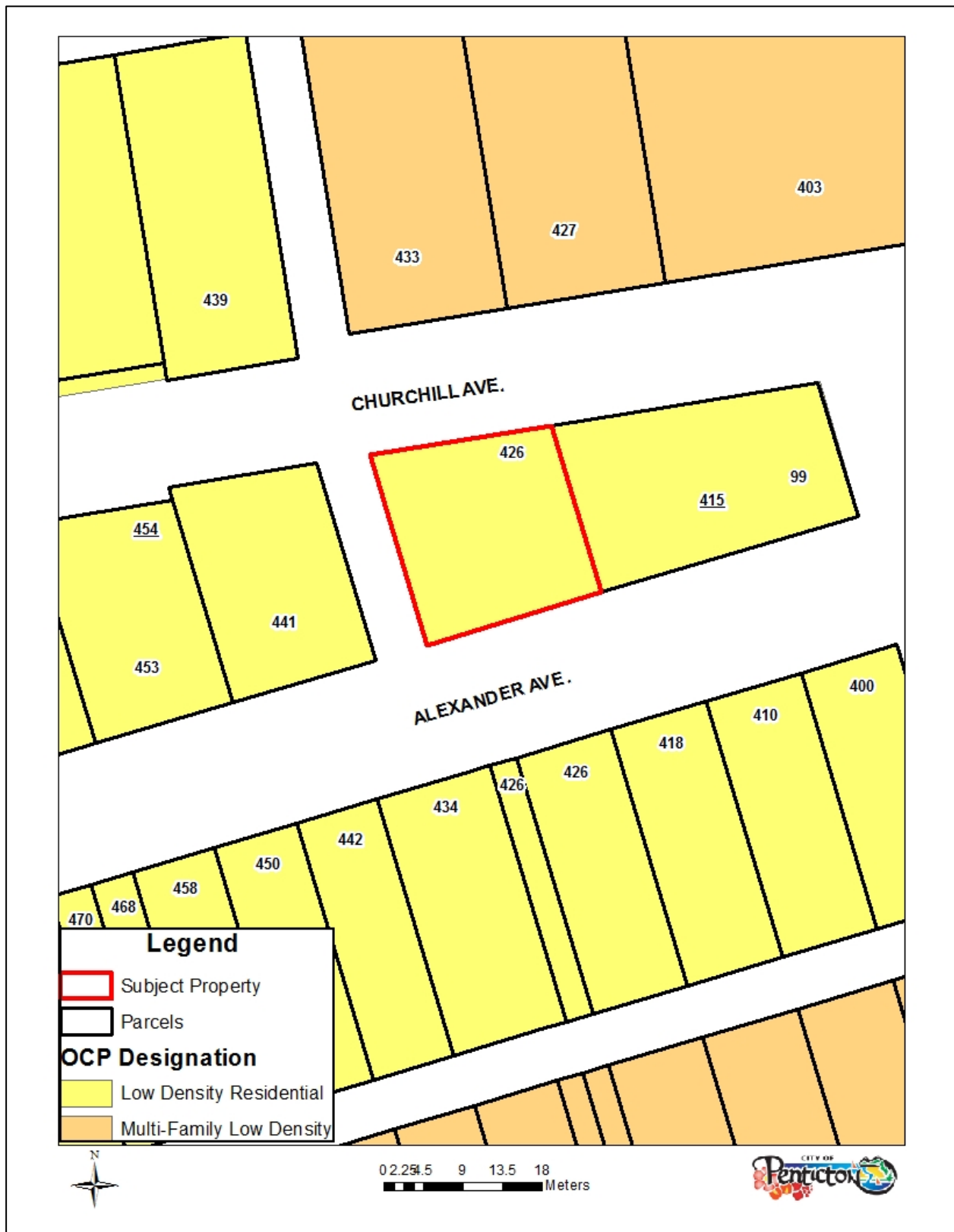


Figure 2: OCP Map

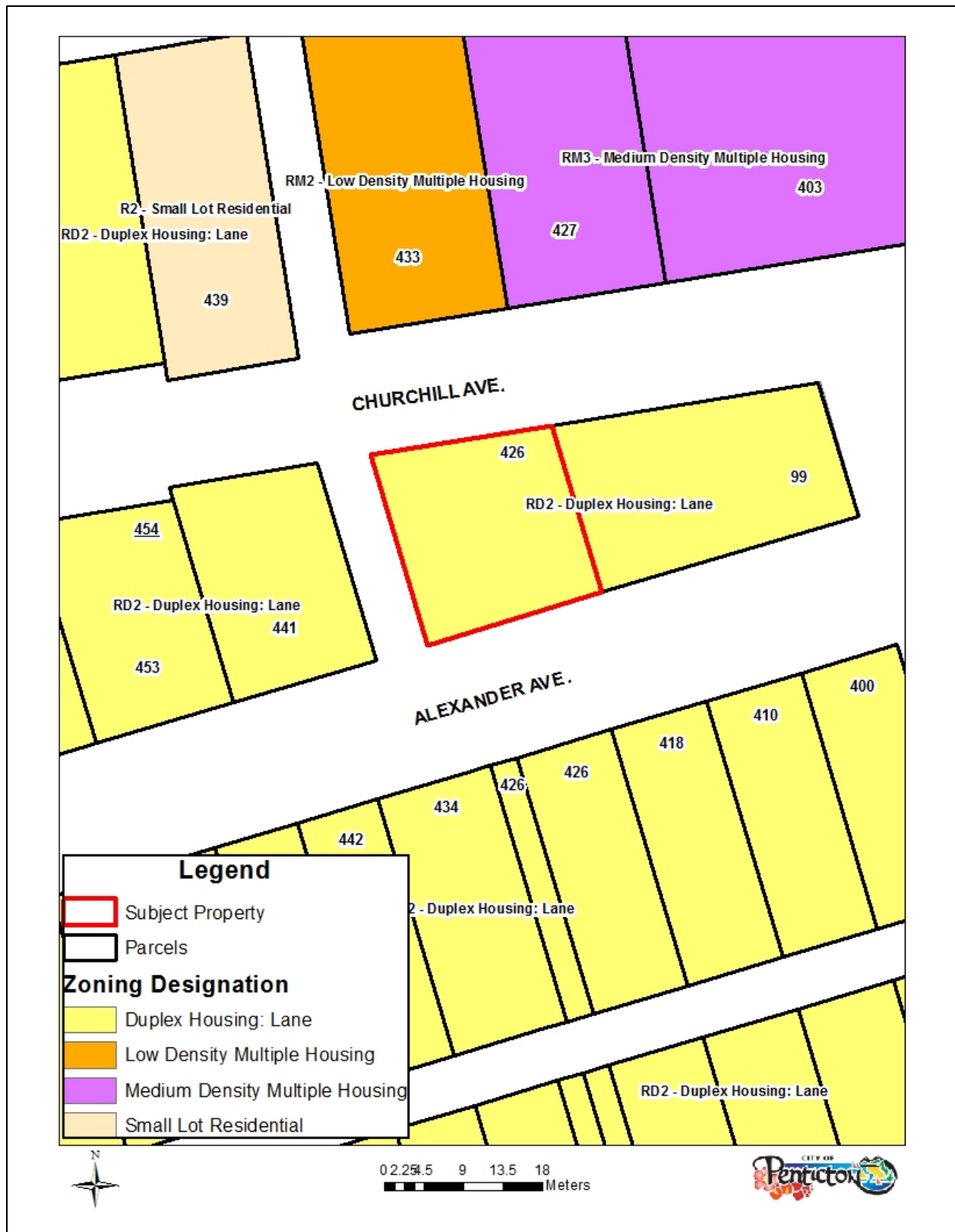


Figure 3: Zoning Map



Figure 4: North Elevation (from Churchill Avenue)



Figure 5: South Elevation (from Alexander Avenue)



Figure 6: West Elevation (from Walkway)

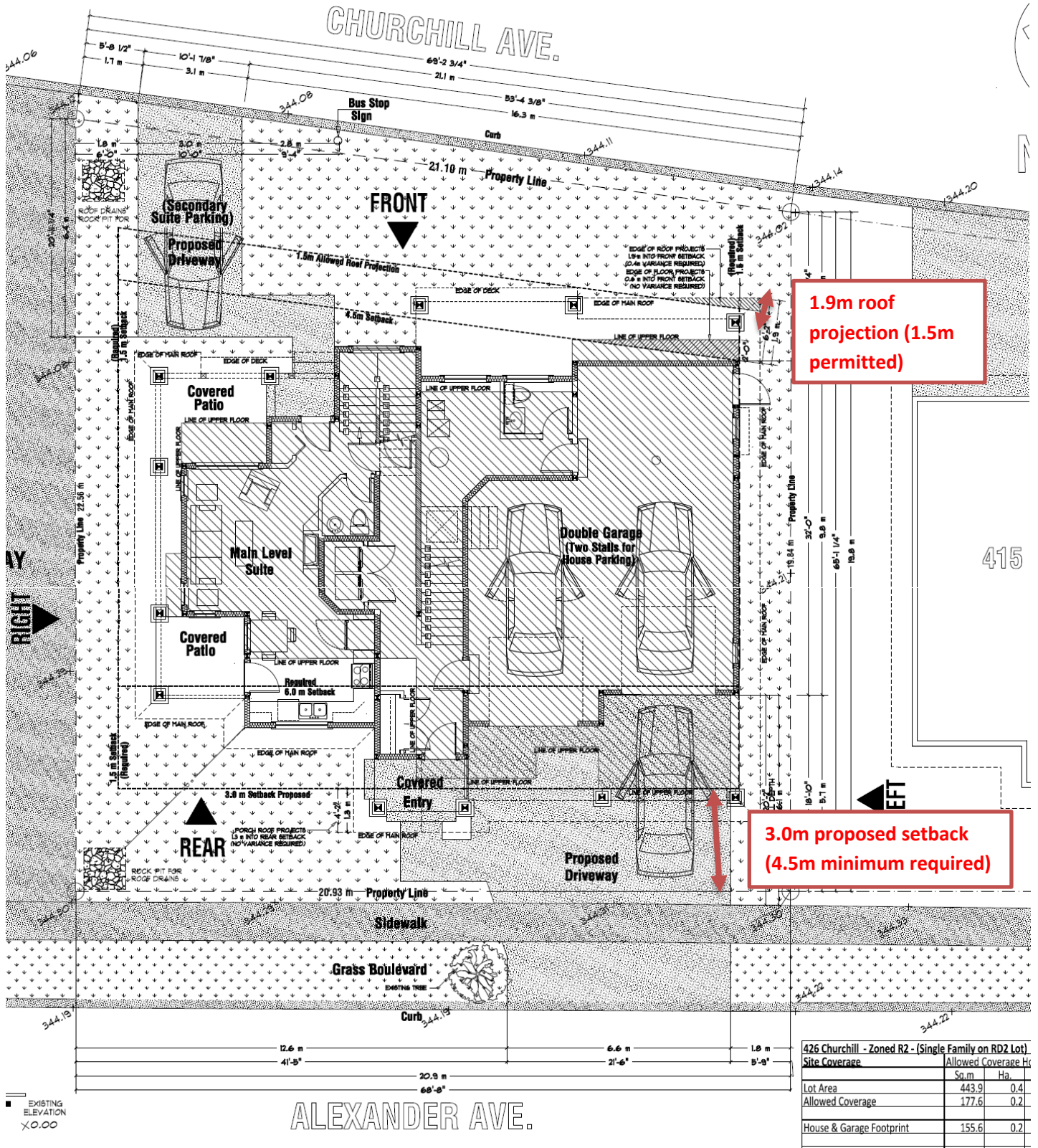


Figure 7: Site Plan



Figure 8: North Elevation (from Churchill Avenue)



Figure 9: South Elevation (from Alexander Avenue)

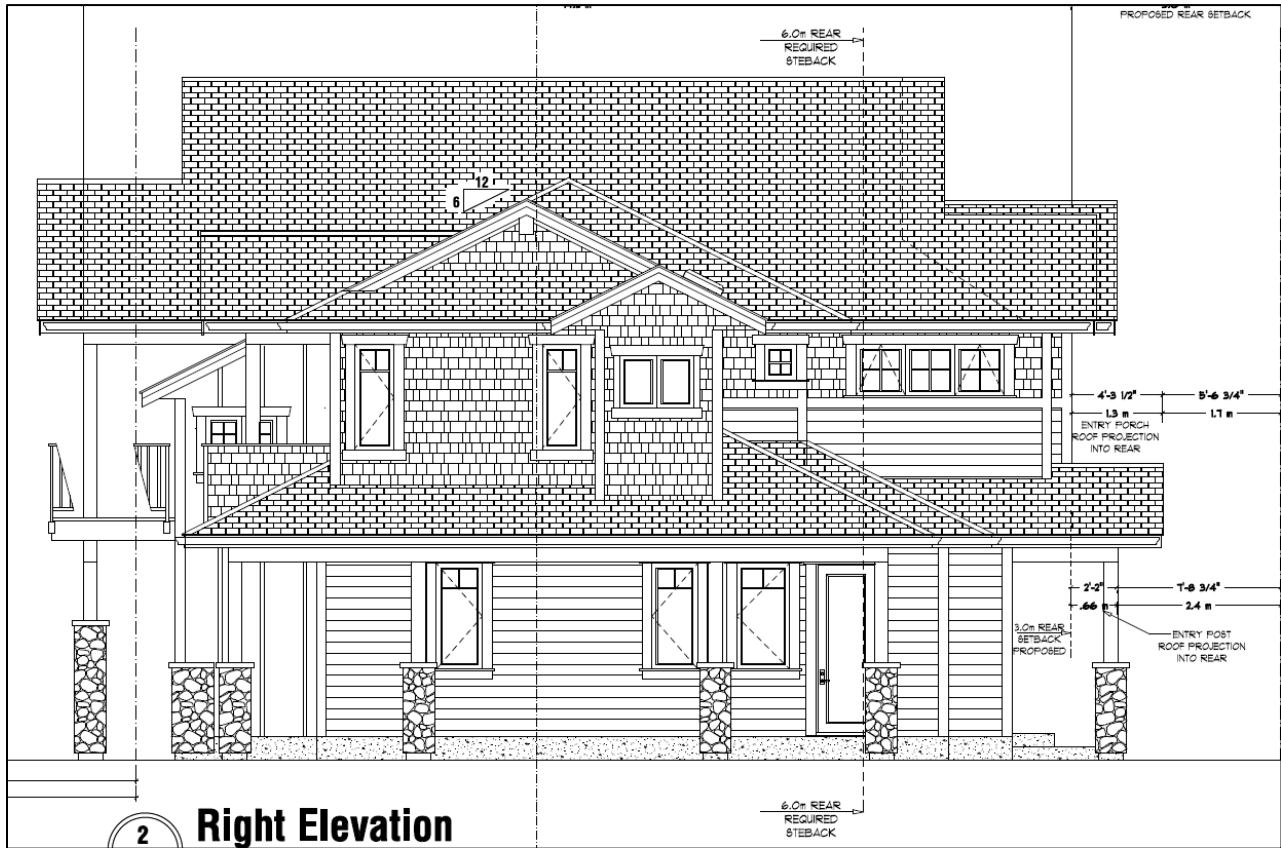


Figure 10: West Elevation (from Walkway)

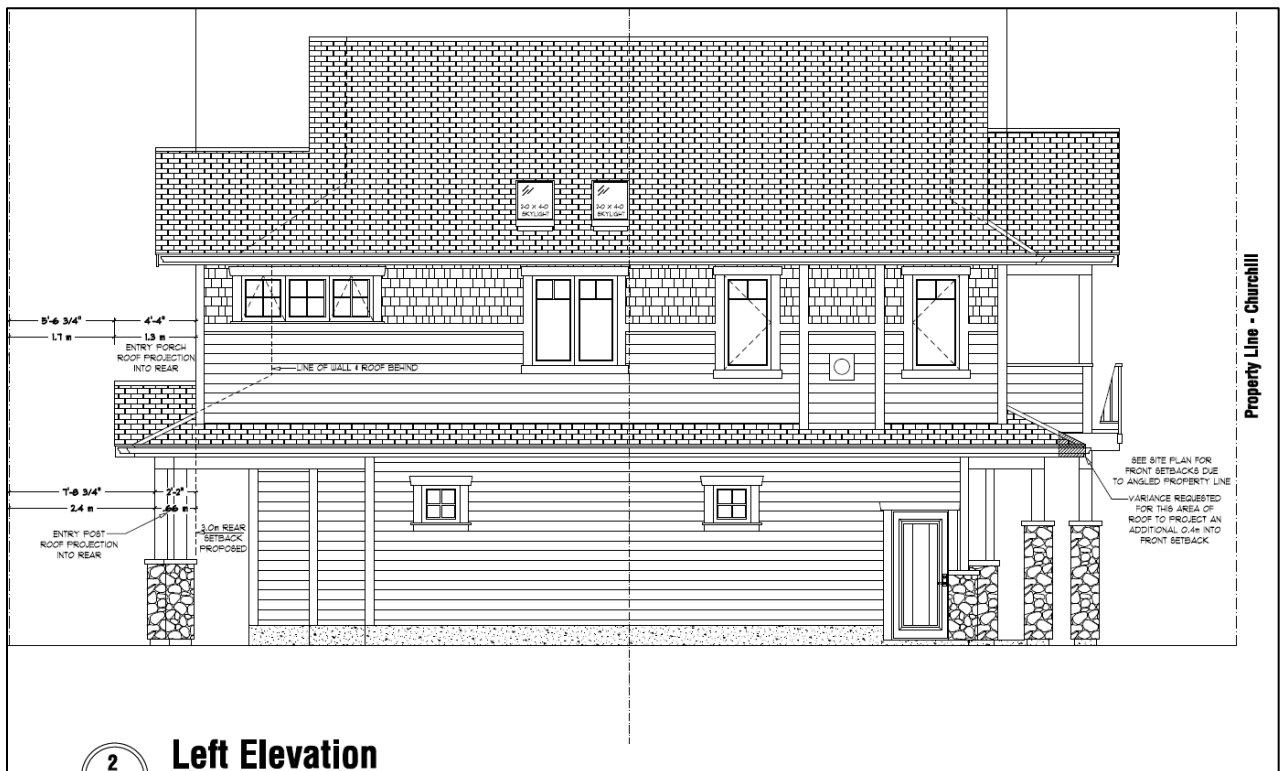


Figure 11: East Elevation (From Neighbouring Duplex)


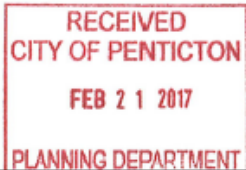
 <p>IRONWOOD RESIDENTIAL DESIGN</p>	Variance Rationale		
	Physical Address: 203 - 69 Nanaimo Ave. East, Penticton, V2A 1M1	Project #	016-18
PO BOX 22024 Penticton, B.C. V2A 8L1 250-276-6440		Date	Feb 20 / 17
Supporting Rationale for Height and Maximum Footprint Variances			
426 Churchill Ave., Penticton, B.C. - Reduce rear setback from 6.0m to 3.0m / allow additional 0.4 m front yard projection			
<p>My client is proposing to construct a single family residence with secondary suite at 426 Churchill Ave. We are requesting two variances; one to reduce the rear yard (Facing Alexander Ave.) from 6.0m (19'-8") to 3.0m (9'-10") and the other to allow a portion of a roof overhang to project an additional 0.4m (16") into the front yard setback.</p> <p>The concept of the project is to create a unique building that suits the street, is not in conflict with the character (or massing) of the surrounding homes, yet still increases density by providing the maximum sized secondary suite and residence. The building will appear to front two streets rather than have a "rear facing a street" and it will not appear to have a secondary suite. I believe this is one of the most positive features of the design. We have achieved all of the above in a superior design but require some variances to allow for the best final result.</p> <p>More and more often I am hearing about the lack of off street parking and useable yard space where densities have been increased on small lots such as this. In this case, I have been able to provide both at grade amenity space and exceed parking requirements. I have done this by reducing the footprint at grade and projecting the upper level beyond the main floor walls. I have hidden these projections in a perimeter roof which adds visual interest to the design and allows me to maximize building area. This greatly reduces the appearance / impact of having a large footprint at grade (and/ or or asking for parking to be waived or reduced). In order to do this, I require the rear yard setback to be reduced to allow a greater second floor area. I do have some main floor areas which also project beyond the required 6.0m setback but the upper level is where it is most needed. The small variance I am requesting on the front side is to allow a sliver of my perimeter roof to project into the front corner of the yard. It will have great visual impact but no effect on function or proximity to the street.</p> <p>While it could be possible to create a structure on this property and fit within the required rear setback, building size would be significantly decreased (density lowered) and it would take on a much more bland and boxy form. I feel it is critically important to consider the style of the building and it's positive visual impact & function. I would also like to note, the the adjacent building at 415 Churchill has been granted the same variance and I have kept my building faces in line with theirs on the Alexander side to maintain continuity.</p> <p>My client and I would greatly appreciate your consideration in granting this variance and allowing the positive design to function as intended.</p>			
Sincerely, Dave Sutton Building Designer			

Figure 12: Letter of Intent



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

Development Variance Permit

Permit Number: PL2017-7884

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 19 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 849

Civic: 426 Churchill Avenue

PID: 012-003-298

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 single family dwelling with a secondary suite.

- Section 4.9 (Table 4.1): to increase the maximum projection of eaves into the north front yard from 1.5m to 1.9m.
- Section 10.2.2.5: to decrease the minimum south front yard from 4.5m to 3.0m.

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 ___ day of _____, 2017

Issued this _____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Council Report

penticton.ca

Date: April 18, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 3598 South Main Street
Subject: **Development Variance Permit PL2017-7890**

File No: DVP PL2017-7890

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-7890" for Lot 5 District Lot 197 Similkameen Division Yale District Plan 20373, located at 3598 South Main Street, a permit to increase the maximum floor area of all accessory buildings from 75m² to 89m²;

AND THAT staff be directed to issue "Development Variance Permit PL2017-7890."

Strategic priority objective

N/A

Background

The subject lot (Attachment 'A') is designated by the Official Community Plan (OCP) as LR (Low Density Residential) and is currently zoned R1 (Large Lot Residential). The subject lot is 1796m² (19331ft²) in area. A single family dwelling is located on the subject property. The surrounding properties are zoned R1 (Large Lot Residential), A (Agriculture), CT2 (Campground Commercial) and P2 (Parks and Recreation).

Proposal

The applicant is proposing to construct an 88.4m² (950ft²) steel building to be used for vehicle storage. The Zoning Bylaw states that the maximum floor area of all accessory buildings is 75m². As such, a variance to that section of the bylaw is required prior to construction.

The applicant is requesting a development variance permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 89m².

Technical Review

This application was reviewed by the City's Technical Planning Committee. Concerns pertaining to storm water and engineering requirements were raised and will be addressed at the building permit stage. If the request for the variance is supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Financial implication

N/A

Analysis

Support Variance

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

Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 89m².

- The combined footprint of the house and the proposed garage will result in a modest 11% lot coverage which is much less than the 40% maximum allowed. The proposed garage will enable the applicant to store antique and restorable vehicles which will tidy up the yard. A tall hill on the north and east sides of the proposed garage acts as a buffer from surrounding properties. Staff see no anticipated negative impacts on the surrounding neighbourhood due to the size of the lot and the fact that it is hidden from neighbouring properties.

Given the above, staff view the variance request as reasonable and recommend that Council support the application.

Deny/Refer

Council may consider that the variance is not justified and will negatively affect the neighbourhood. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support "DVP PL2017-7890" with conditions.
2. THAT "DVP PL2017-7890" be referred back to staff.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Images of Subject Property
- Attachment E: Site Plan
- Attachment F: Elevations
- Attachment G: Letter of Intent
- Attachment H: "DVP PL2017-7890"

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment 'A' – Subject Property Location Map

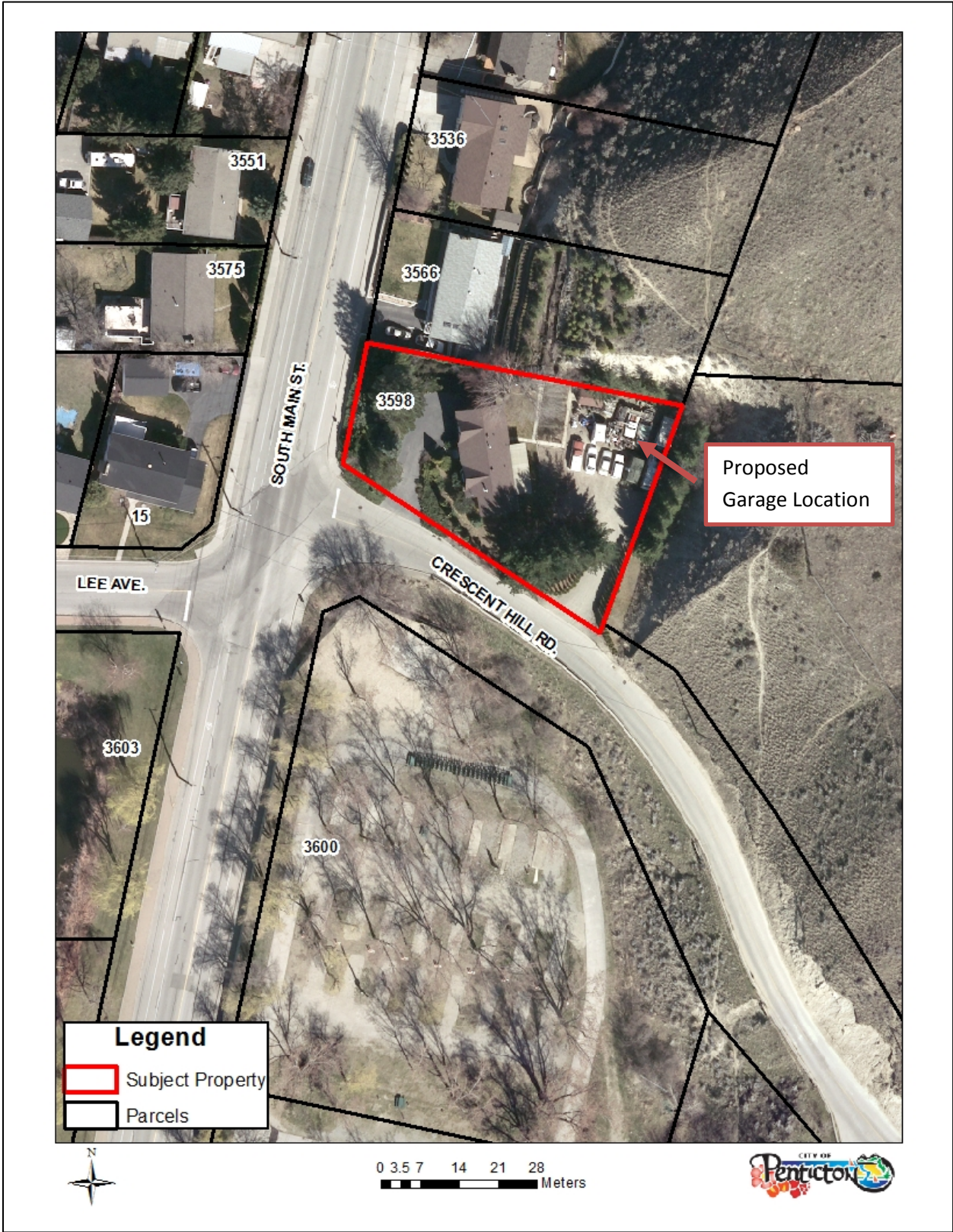


Figure 1: Subject Property

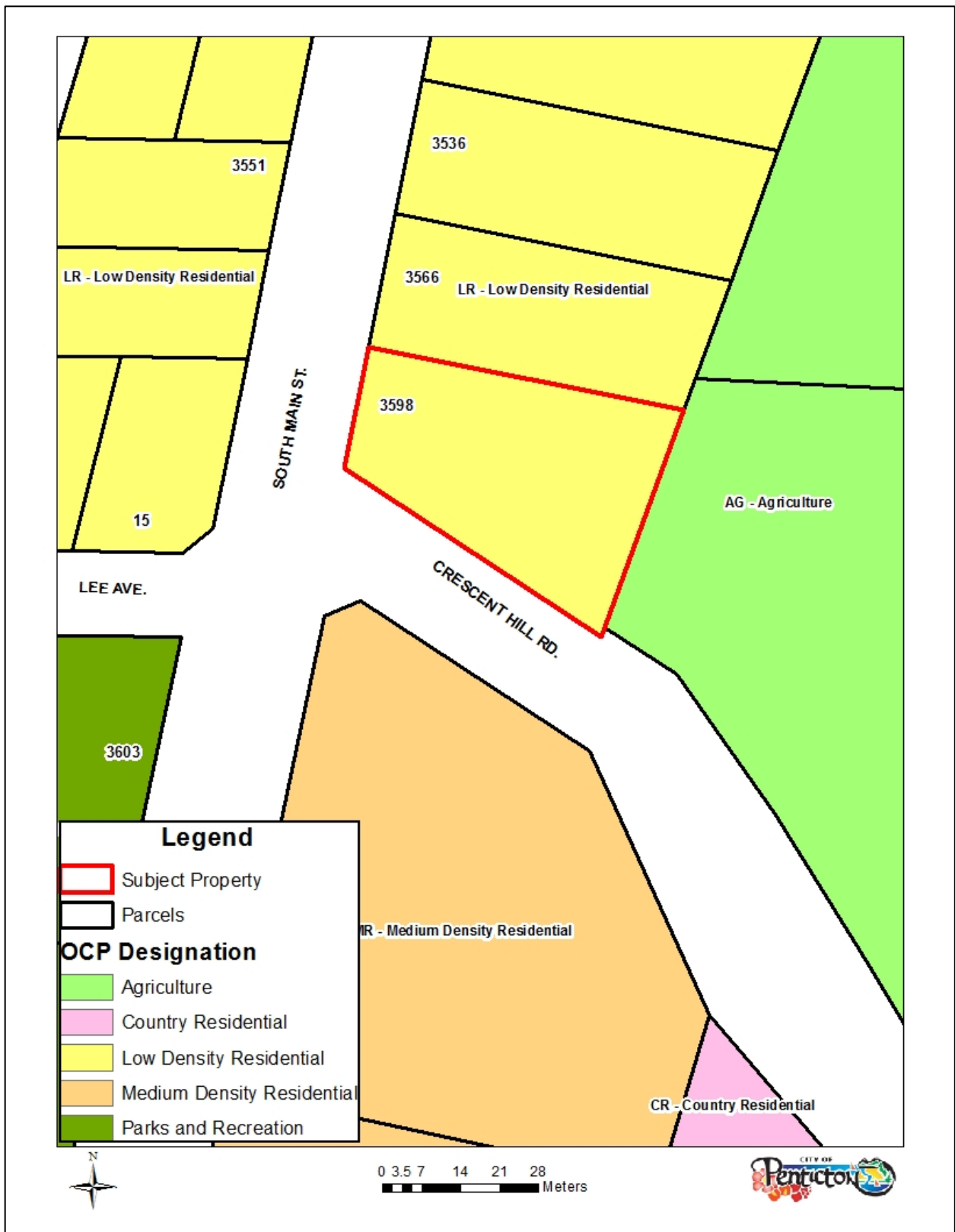


Figure 2: OCP Map

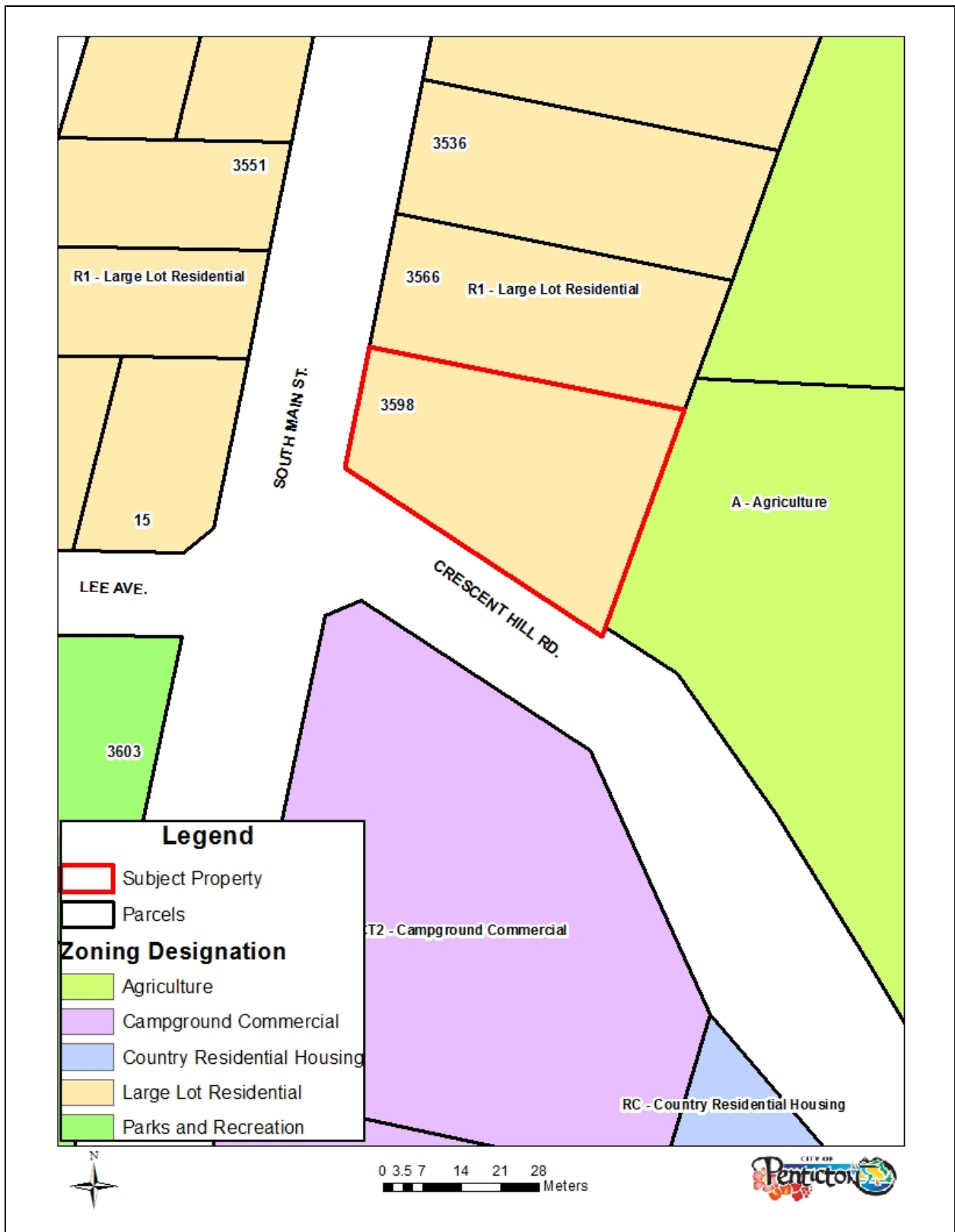


Figure 3: Zoning Map



Figure 4: Proposed Garage Location

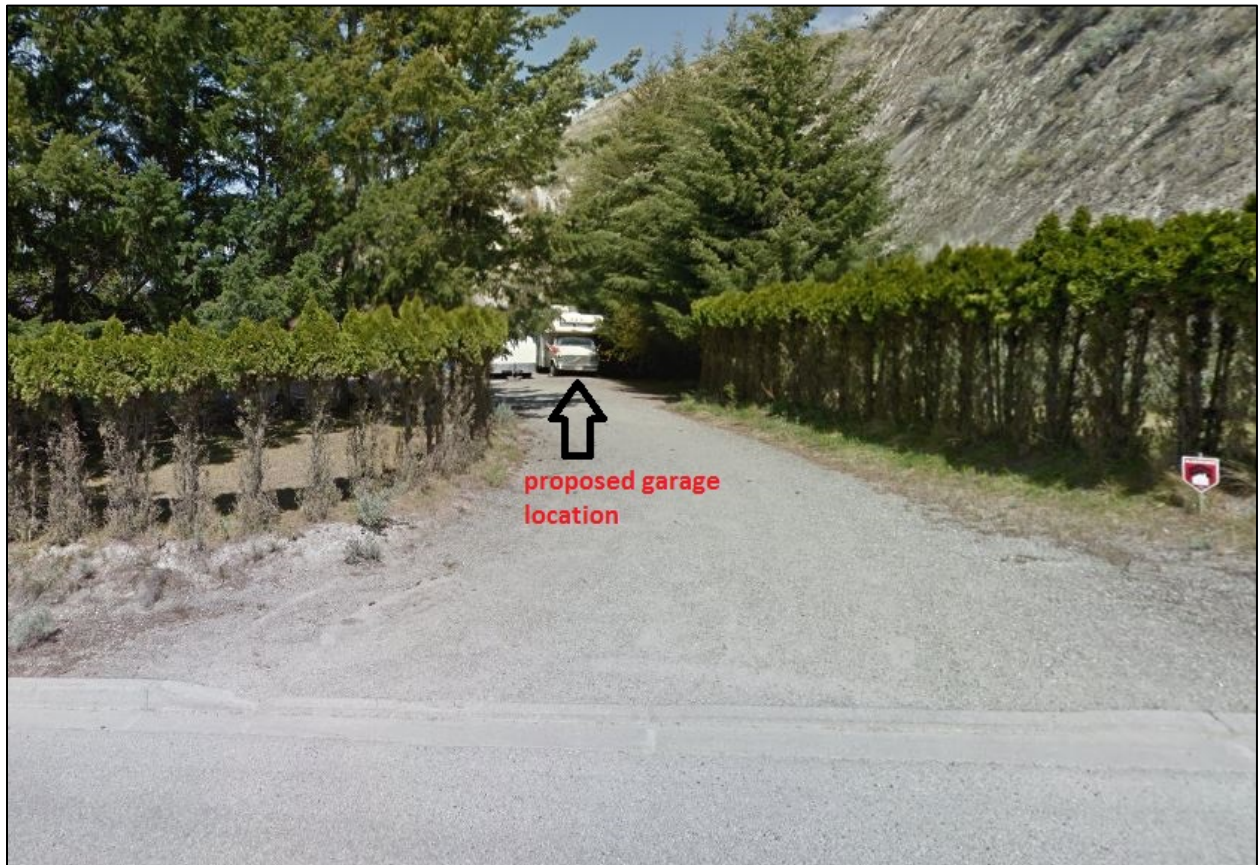


Figure 5: View from Crescent Hill Road looking North

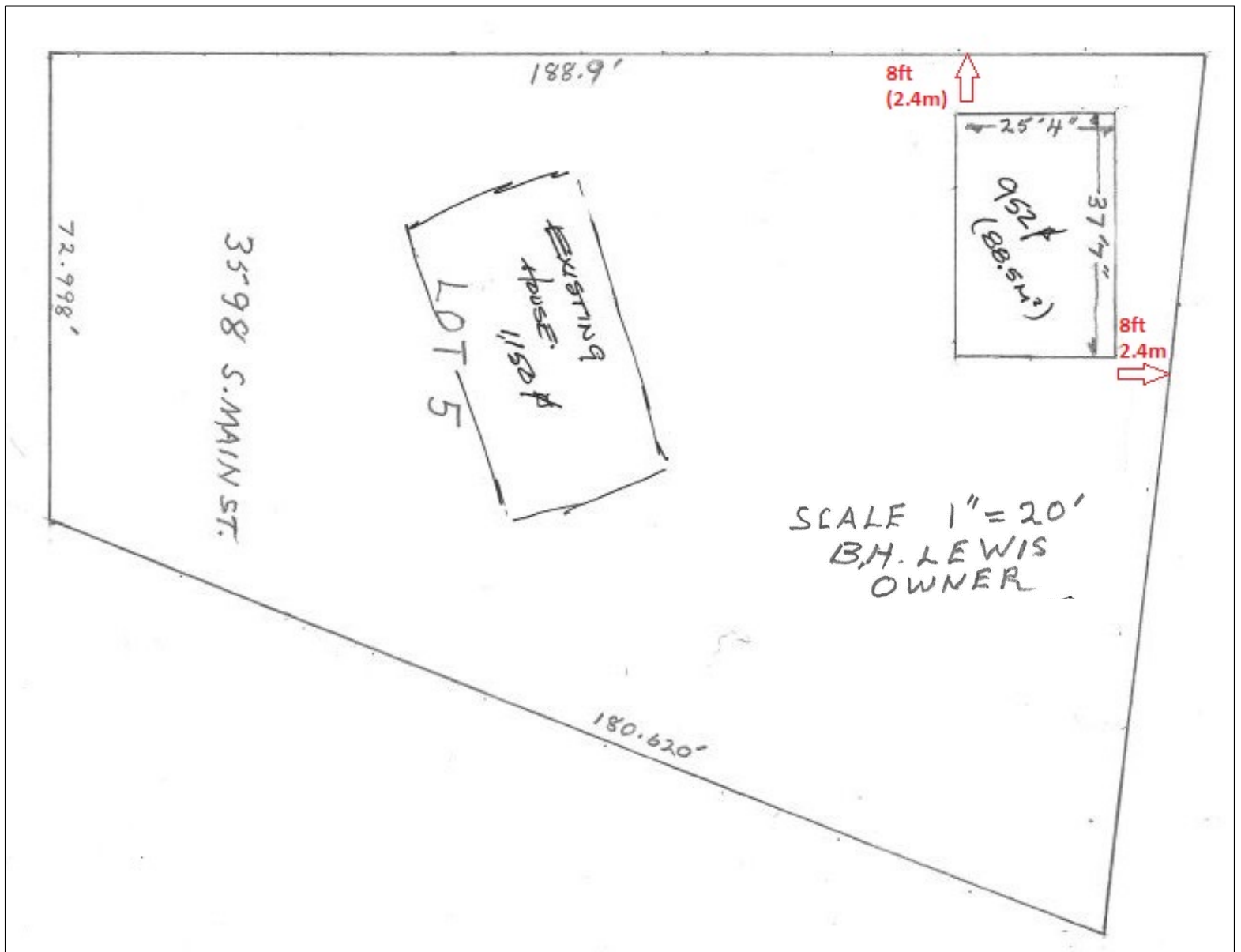


Figure 6: Site Plan

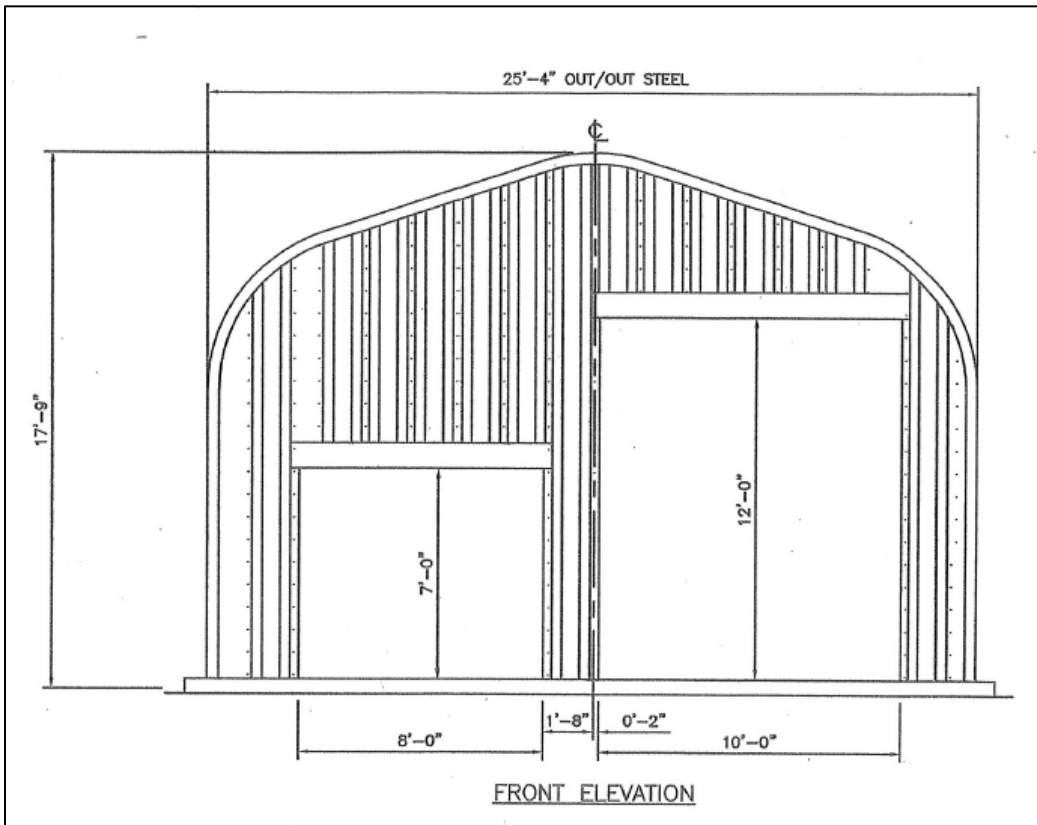


Figure 7: South Elevation

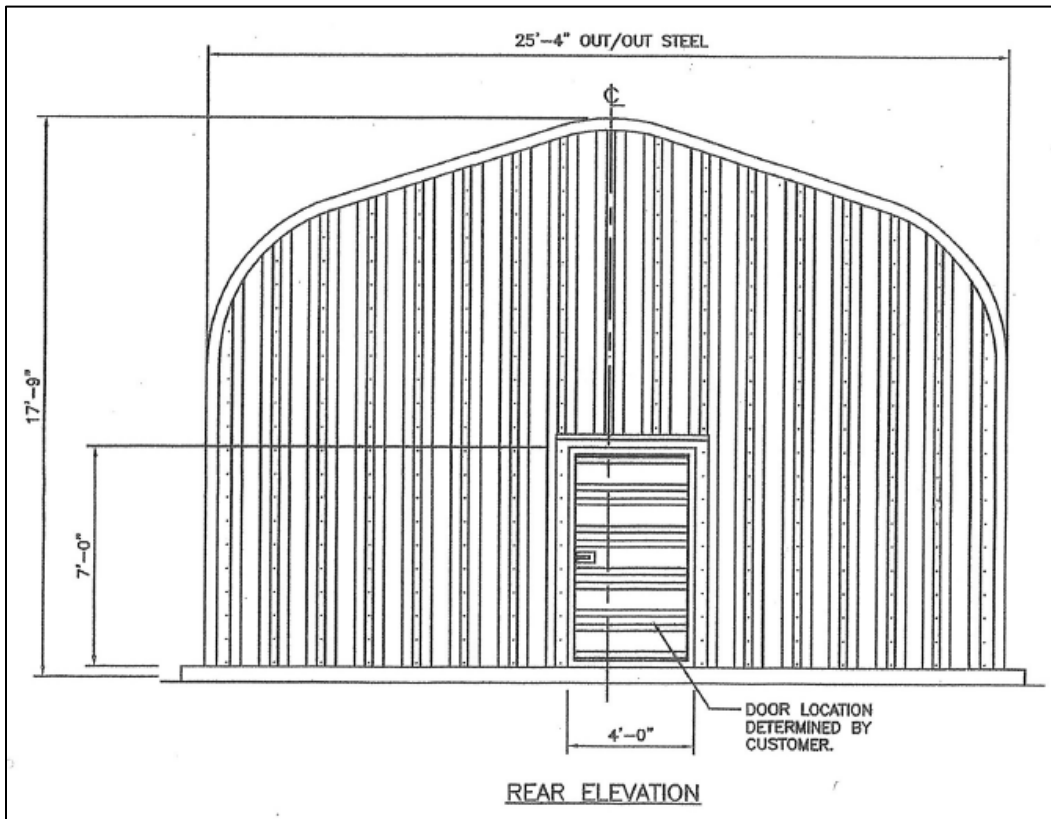


Figure 8: North Elevation

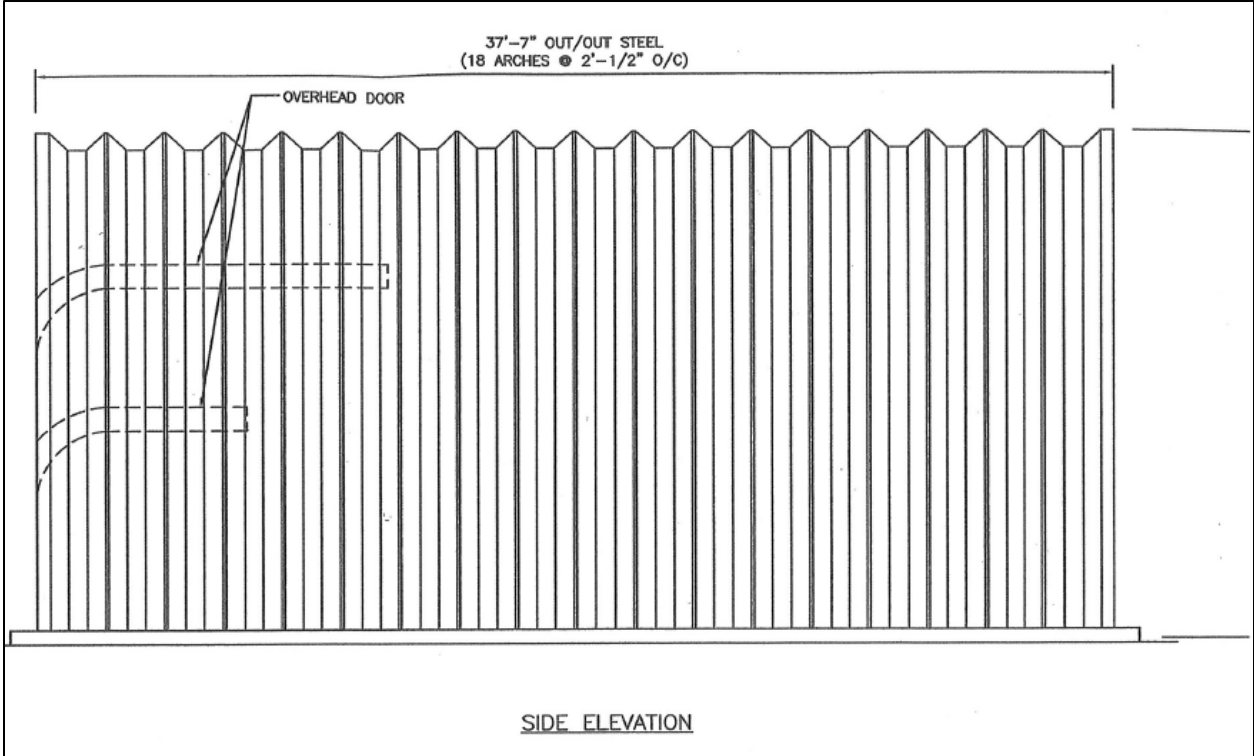


Figure 9: East & West Elevations

I require a large building to protect my collection of antique and restorable vehicle as well as shelter for my licensed vehicles and a place to work on them out of the weather.

I have a large lot (one half acre). The building would be in the far back corner, away from Crescent Hill Road. With a tall hill on the north and on the east side. My lot is surrounded by large trees. My nearest neighbour is at street level to the north of me on South Main Street. They have no sight line to the back of my property. The elevation (grade) of my back yard is two storeys above South Main Street level.

I request this variance permit for these reasons. It will also allow me to tidy up my back yard.

Thank you,

Bradley H. Lewis
3598 South Main Street
Penticton BC, V2A5J6

Figure 10: Letter of Intent



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

Development Variance Permit

Permit Number: PL2017-7890

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 5 District Lot 197 Similkameen Division Yale District Plan 20373
 Civic: 3598 South Main Street
 PID: 007-901-658
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 to allow for the construction of an accessory building.
 - Section 10.1.2.8: to increase the maximum floor area of all accessory buildings from 75m² to 89m².

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 ___ day of _____ 2017

Issued this _____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Council Report

penticton.ca

Date: April 18, 2017 File No: OCP PL 7877 & RZ PL 2017-7876 & DVP PL7878
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 180 Industrial Avenue W

Subject: **OCP Amendment Bylaw No. 2017-26**
Zoning Bylaw Amendment No. 2017-27
Development Variance Permit DVP PL7878

Staff Recommendation

OCP

THAT prior to consideration of OCP Amendment Bylaw No. 2017-26 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 in addition to the Public Hearing proposed for May 2nd 2017, the Public Consultation completed to date is sufficient;

AND THAT "OCP Bylaw No. 2002-20" be amended by changing the OCP designation on a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, as shown in Attachment 'B' of this report, from LR (Low Density Residential) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20" be amended by including a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20;

AND THAT "OCP Amendment Bylaw No. 2017-26" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

Zoning Bylaw Amendment

THAT "Zoning Amendment Bylaw No. 2017-27", a bylaw to amend Zoning Bylaw 2017-08 to rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the May 2, 2017 Public Hearing;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-7878" on portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, a permit to reduce the required parking from 16 stalls to 11 stalls be heard at the May 2, 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7878" following the adoption of "Zoning Amendment Bylaw No. 2017-27".

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 has a split OCP designation with the 0.589 hectare(1.45 acre) fronting Industrial Avenue West designated as SC (Service Commercial) and the remainder, a 0.313 hectare (0.77acre) land being designated LR(Low Density Residential) as per Official Community Plan 2002-20 (OCP) as shown as Attachment "B". The property is also zoned P1 (Public Assembly) in the City's Zoning Bylaw No. 2017-08. Photos of the site are included as Attachment 'D'. The property extends to 0.902ha (2.2acre) and is located between Industrial Avenue W and Bruce Court. The proposed development only affects 0.313ha of land directly adjacent to Bruce Court and currently features numerous accessory structures. These will be removed from the property. The surrounding properties are primarily zoned R1 (Large Lot Housing), RM2 (Multiple Family Low Density), R2 (Small Lot Residential) and C7 (Service Commercial). Surrounding properties are designated by the OCP as LR (Low Density Residential), MR (Medium Density Residential) and SC (Service Commercial).

The developer intends to develop two buildings; a one storey apartment building with surface parking and a 5 bedroom congregate housing for individuals with intellectual disabilities. A total of 10 units are proposed in the apartment building with all 1 bedroom residential units. The development is intended to be a non-market rental housing development for people with intellectual disabilities and or seniors. The access to this development is from Bruce Court. The ultimate goal of the applicant is to enable the subdivision of the lot into two lots; one lot front Industrial Avenue and the other lot fronting Bruce Court. Due to funding requirements, the subdivision is necessary as the main capital funders (BC Housing) will require a Section 219 Covenant to protect the property for social housing, and the applicant did not want to encumber the rest of the property for the future. It is also needed to mortgage any costs that will be tied to the new property only.

Consultation

In consideration of the Official Community Plan amendment proposed, staff requested that the applicant consult with the adjacent neighbourhood prior to this application coming before Council for a decision and a public information meeting was held at PDSCL office at 180 Industrial Avenue W on April 6th, 2017. The applicant notified owners and residents within 100m of the site and a total of 75 households received hand delivered notices. The consultation session was well attended with over 20 attendees from the surrounding community. Positive comments were brought up regarding the proposed use, the quality of the design and the buffering between the proposed building and the low density residential area. A number of concerns were also identified by a few residents of Bruce Court including the additional traffic that may be generated on Bruce Court, the loss of privacy and quietness of the neighborhood.

Proposal

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

‘Schedule B: Future Land Use Map’ to change the OCP designation of a portion of the site (as identified on Attachment “B” of this report) from LR (Low Density Residential) to MR (Medium Density Residential).

The applicant is also requesting an amendment to the zoning of the property from P1 (Public Assembly) to RM2 (Low Density Multiple Housing), as identified in Zoning Bylaw 2017-08. The rezoning will facilitate the subdivision of the lot into two lots; one lot front Industrial Avenue and the other lot fronting Bruce Court.

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

- **Section 7.6.** To reduce the parking requirement for an apartment from 15 stalls to 10 stalls

Project Specifications

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

Item	Requirement RM2 Zone	Provided on Plans
Maximum Lot Coverage:	40%	33%
Maximum Density:	0.8 FAR	0.33 FAR
Vehicle Parking:	Apartment:1 space per unit (10) Visitors: 0.25 per unit visitor(4) Congregate Housing : 1 per staff dwelling, plus 1 per 5 bed spaces Total: 16 stalls	9 stalls(Apartment) 0 visitor (Variance required) 2 stalls(Congregate Housing) Total: 11 stalls
Bicycle Parking	Class 1 0.5 per unit (5stalls)	

	Class 2 0.1 per unit(2 stalls)	5stalls 10 stalls in lockers
Required Setbacks		
Principal Building		
Front yard	3.0m	6m
Rear yard	6.0m	6m
Interior Side yard	3m	4.5m
Exterior side yard	6m	6m
Maximum Building Height:	12m	5.33m(1 storey)

Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. No frontage upgrades will be required as part of this application and servicing requirements have been identified and will be included as part of the subdivision application. The Subdivision and Development Bylaw requires a private fire hydrant and a fire lane access for this development to be required as a condition of approval. A private pedestrian access secured through an easement from the development site to Industrial Avenue will be secured through a condition of the eventual subdivision approval. These items have been communicated to the applicant.

Financial implication

N/A

Analysis

Support OCP and Zoning amendment

The subject property is designated for Low Density Residential under OCP Bylaw 2002-20. The OCP provides a list of criteria when considering re-designating areas to Medium Density Residential. The guidelines and staff’s comments are as follows:

The city will support rezoning to higher densities:

- *On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:*

In the Low Density (LR) residential designation, small scale institutional use is a permitted use. Congregate housing fits under the definition of Low Density Residential however the proposed low density apartment would be considered medium density residential. The neighbourhood that the subject property is located in features residential forms of development, including low-rise apartment buildings, townhouses, duplexes and single family dwellings. The character of the neighborhood will

not materially change as this is an area that has existing medium density. The property is bordered by low density residential as well as medium density residential development.

- *Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing;*

The buildings proposed have been set to respect all required setbacks of the proposed RM2 Zone. Landscaping buffering is also proposed on each side, adjacent to the lower density development. The proposal adds to the already diverse range of housing, types, tenures and densities and strives to achieve a housing stock that satisfies the requirements of the community including residents with special needs.

- *Near parks, commercial activities or public/institutional facilities;*

The OCP supports intensification of residential land use and density around existing commercial activities and near parks and institutional facilities. The property is located directly adjacent to Ellis Creek and is within 300 m of the Main Street commercial area. Pedestrian access for this proposed development to Industrial Avenue West will be secured through the remainder lot to the north of the proposed development.

- *On sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets and;*

No driveway access is proposed on Industrial Avenue West. All vehicle traffic will be directed to Bruce Court and will not generate an unreasonable level of traffic. The proposed development is tailored for individuals with intellectual disabilities which typically do not drive any vehicles. The increased traffic to the proposed development will be mainly from the employees of the group home and or visitors which, as outlined by the applicant can be accommodated on site within the proposed surface parking area.

The development meets the following objectives of the OCP:

- Encourage residential intensification near commercial activities and institutional facilities
- Encourage a diversified range of housing types including special housing needs
- Encourage densification in areas where existing services can accommodate higher densities.
- Encourage a wide range of Medium Density Residential housing, including congregate housing and ground oriented units

Staff consider that the design is suitable and the location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. This development encourages and supports the development of special needs housing with ground oriented accessibility. For these reasons staff are recommending that Council support the land use designation change, as set out above and refer the application to the May 2, 2017 Public Hearing.

Deny/Refer

Council may feel that the proposed amendments are not suitable for this site. If this is the case, Council should deny the bylaw amendments. If the OCP and zoning amendment do not go forward, the property will be restricted to a public institutional use which can include congregate housing. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with direction that Council feels is 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 variance is as follows:

Section 7.6 Parking Requirements Table 7.5 to reduce the number of required parking stalls from 16 to 11 stalls

This development variance application will maximize the development potential of the site in a manner which is sensitive to surrounding land uses, while providing adequate parking. The OCP contains guidelines that support the reduced parking standard to accommodate density changes, providing that the development is within 400m of a transit stop. As stated above, the ten apartments proposed are for people with intellectual disabilities and their reliance on a vehicle is advised to be low. The proposal includes parking to ensure adequate parking for visitors and employees of the group home. Staff do not consider that the variance will have a negative impact on the adjacent residential areas considering the proposed use and programming proposed within the facility.

Development Permit Area Amendment

Support

The property is not located in a development permit area under OCP Bylaw 2002-20. Staff recommends that the property be included in the General Multiple Family Development Permit Area as this is a new development. The objective of the development permit area is to produce streetscapes defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. By including the proposed development in a development permit area; staff considers that it will secure the building design for the property and retain securities for landscaping in order to protect and enhance the design of the site and character of the surrounding area

The form and character of the development shows general consistency with the General Multiple Family Development Permit Area. The plans, as part of the eventual development permit application, will be required to substantially conform to the plans submitted as part of this rezoning application. The City's Development Procedures and Delegation Bylaw delegate the authority to issue the development permit to the Director of Development Services.

Deny

Council may feel that a development permit is not suitable for this site therefore denying the insertion of the lot under the General Multiple Family Development Permit Area of OCP Bylaw 2002-20.

Alternate Recommendation

1. THAT Council give first reading to "OCP Amendment Bylaw No.2017-26" but deny support to "Development Variance Permit PL2016-7878"

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D: Proposed Subdivision
- Attachment E: Images of Subject Property
- Attachment F: Letter of Intent
- Attachment G: Building Rendering
- Attachment H: Site Plan
- Attachment I: DVP
- Attachment J: OCP Amendment Bylaw No. 2017-26
- Attachment K: Zoning Amendment Bylaw No.2017-27

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director AH	CAO PW
----------------	-----------

Attachment A - Subject Property



Figure 1: Location Map

Attachment B - OCP Maps

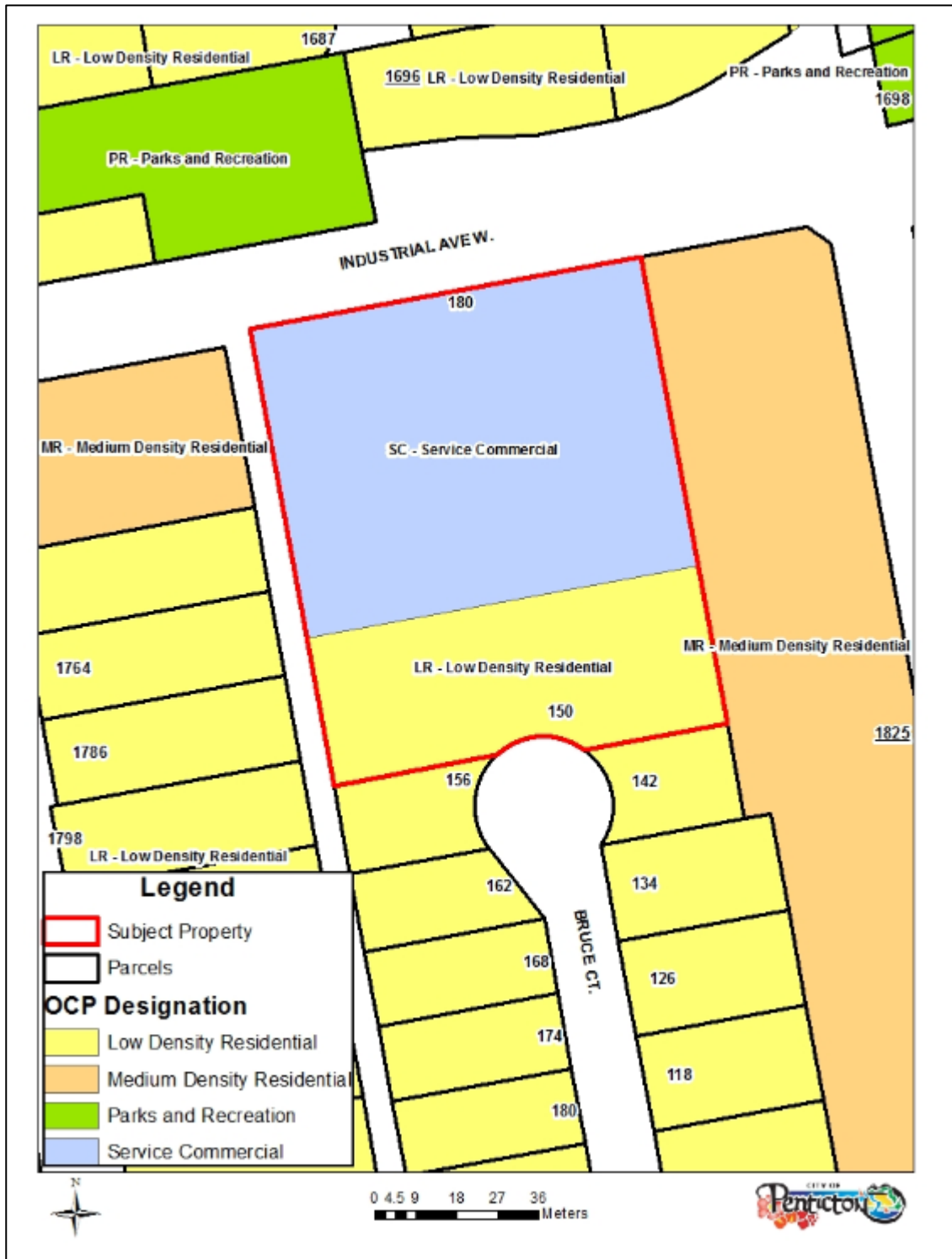


Figure 2: Current OCP Map

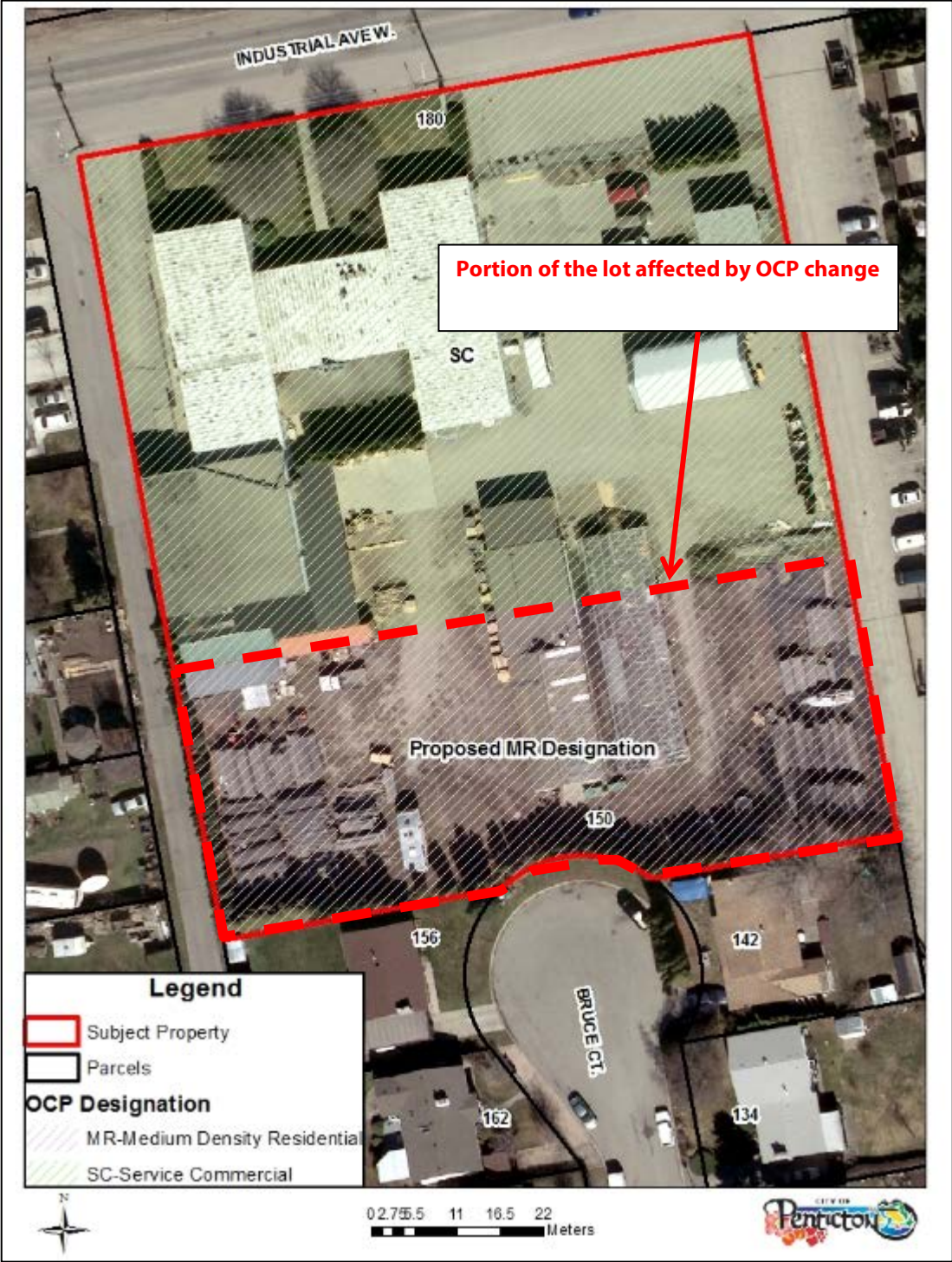


Figure 3: Proposed OCP Map

Attachment C - Zoning Maps

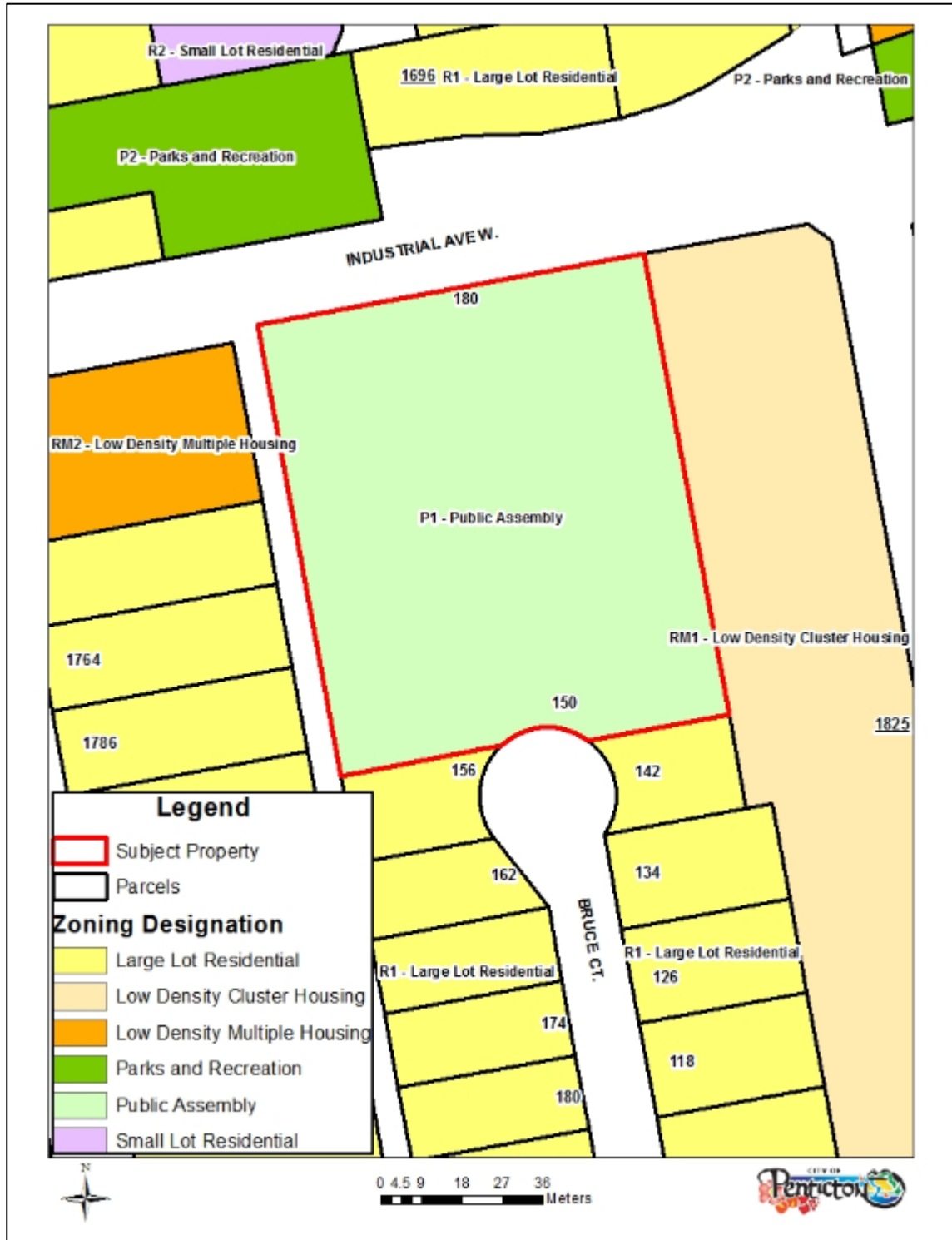


Figure 4: Current Zoning Map

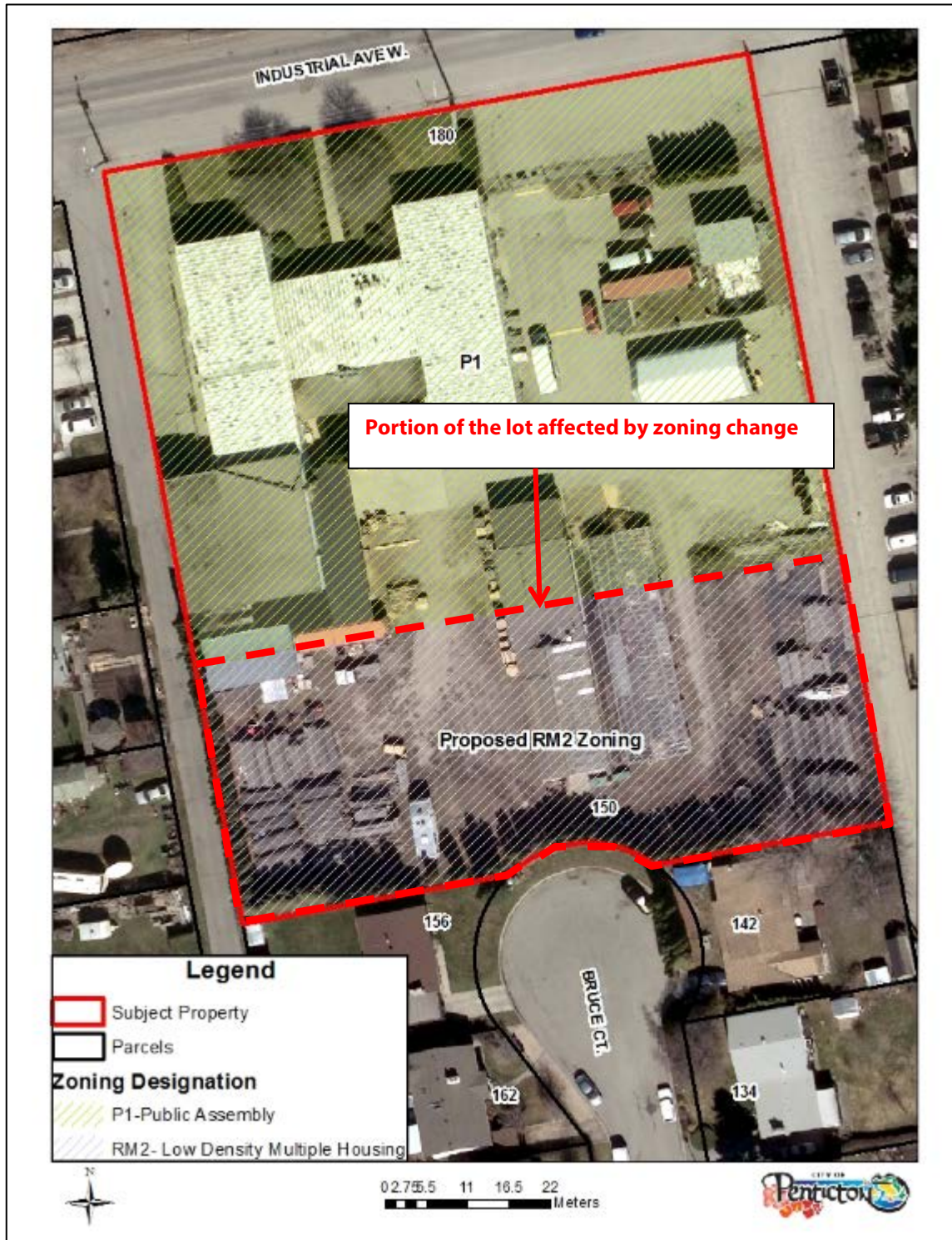
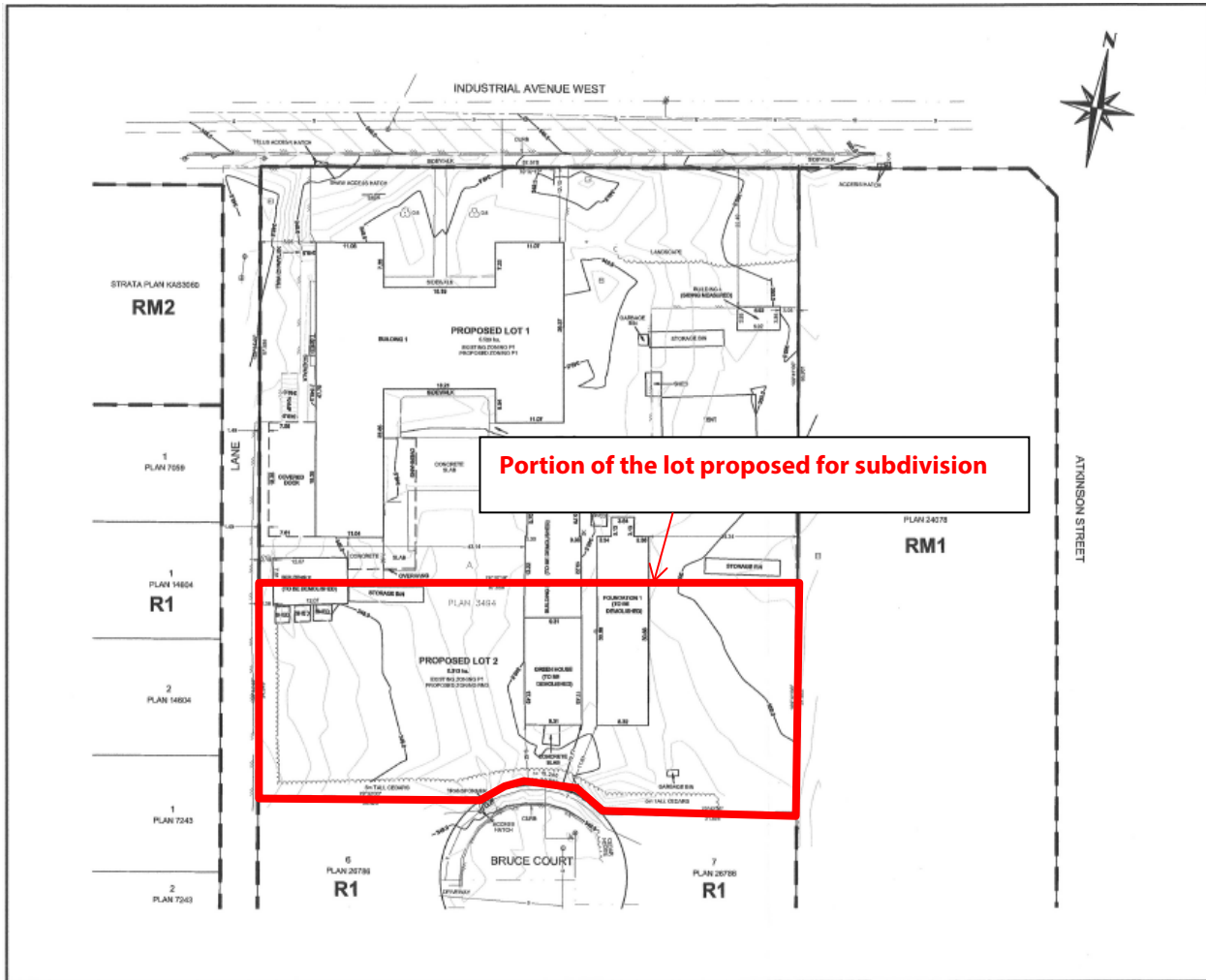


Figure 5: Proposed Zoning

Attachment D - Proposed Subdivision



Attachment E - Images of the Subject Property



Figure 6: View from Bruce Court



Figure 7: View from Bruce Court

Attachment F –Letter of Rationale



February 10, 2017

City of Penticton
171 Main Street,
Penticton, B.C. V2A 5A9

Attention: Planning Department

Re: Letter of Intent – 180 Industrial Avenue (West), Penticton, B.C.

It is the Penticton & District Society for Community Living's (PDSC) pleasure to submit the following Development permit/Rezoning/OCP amendment/Subdivision application to the City of Penticton. PDSC is requesting subdividing the above-referenced property and rezone the remaining property to allow for the construction of an affordable 10-unit apartment and 5-bedroom group for individuals with intellectual disabilities.

The application is requesting a subdivision and rezoning of 180 Industrial Avenue, Penticton to create a new lot. The existing zoning of the new lot is P1 – Institutional with a request to rezone to RM-2 Low-Density Multi-Family Residential with an amendment to OCP to change the designation (SC – Service Commercial / LR – Low Density) to allow for an RM-2 zone.

The applicant requests two zoning variances as follows:

1. **South Side Yard Setback:** The side yard setback is requested to be reduced from 6 meters to 4.5 meters. The group home will have additional interior common space and storage.
2. **Parking Variance:** For the Apartment, there is a requirement 1 per unit + 2.5 (3) for visitors and the group home under the 'congregate care' would be 1 per staff and 1 per 5 beds:
 - Making the **total requirement 15 spaces**, and we are asking for a **reduction of 5 parking spaces**.
 - **The rationale for the reduction:** *The ten apartments are for people with intellectual disabilities and or seniors. Rents will be at or near the shelter allowances provided to individuals receiving social assistance payments from the province. Our experience with our other housing in Penticton has been that it is very rare for persons with an intellectual disability to own and drive a vehicle and less than 50% of low-income seniors we currently support own and drive a car. The nominal reduction in parking we are requesting will still ensure adequate parking for residents and visitors and not have an adverse impact on the surrounding neighborhood. Tony Laing, PDSC.*

If you require any additional information or would like to discuss the above, please call me at (250) 212-9128.

Regards,

Per: Bentsen Homes Inc.

Kane Bentsen, A.Sc.T.
Project Manager

C: Tony Laing, PDSC



Phone: 250.717.3113 | Fax: 250.469.7767 | Cell: 250.212-9128
Email: bentsen@shaw.ca | bentsenhomes.com
1769 Broadview Avenue, Kelowna B.C. V1Y 4G3

Attachment G – Building Rendering



Figure 8: Apartment Entrance

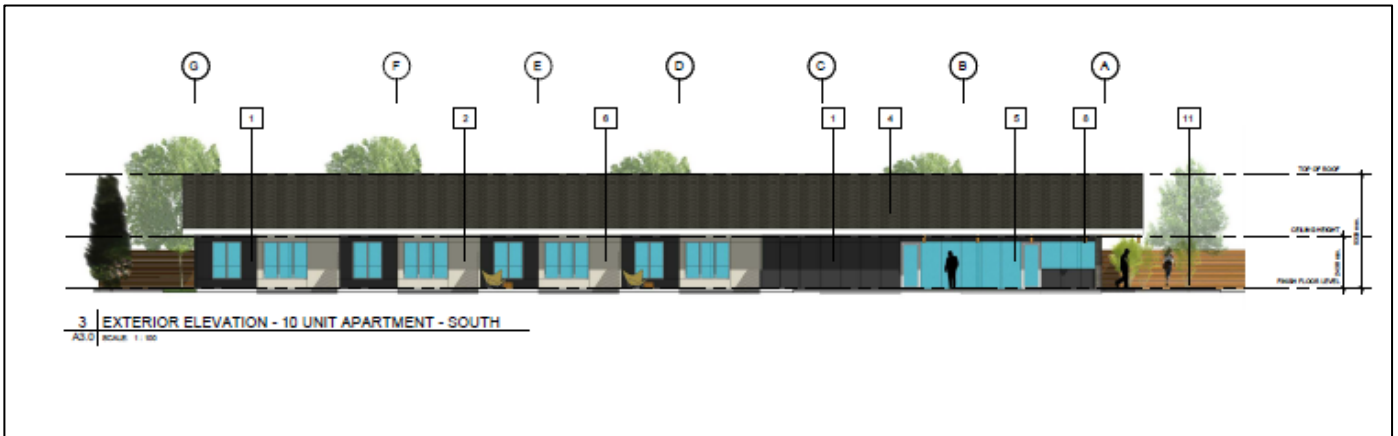


Figure 9: Apartment South Elevation



Figure 10: Apartment North Elevation



Figure 11: Looking North East (Bruce Court)



Figure 12: North West Perspective



Figure 13: Entrance of Group Home

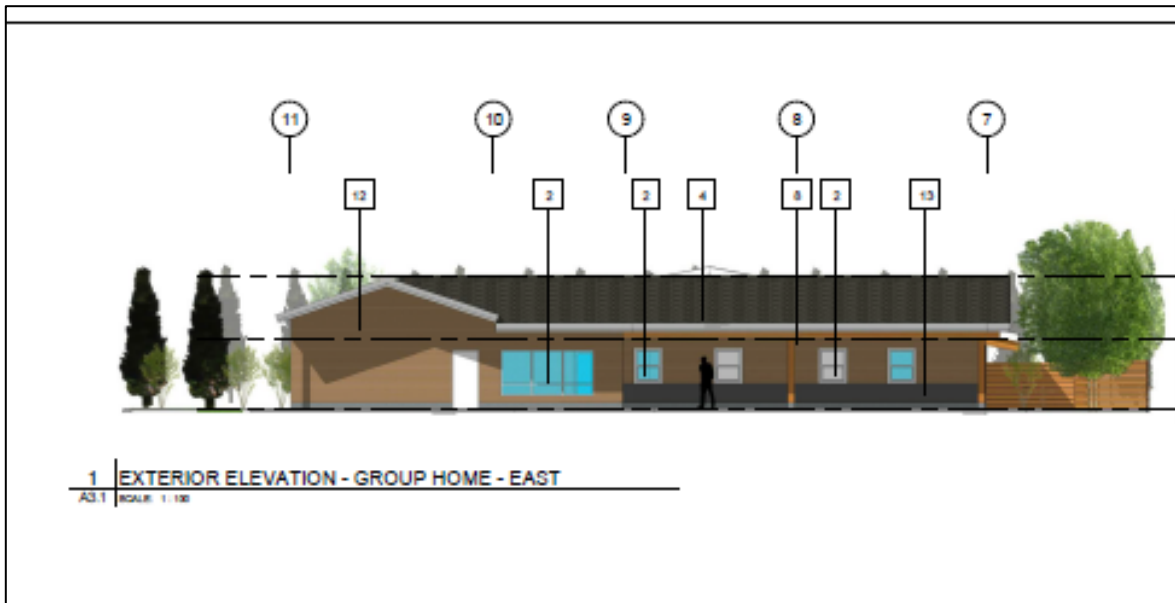


Figure14: South Elevation

Attachment H: Site Plan

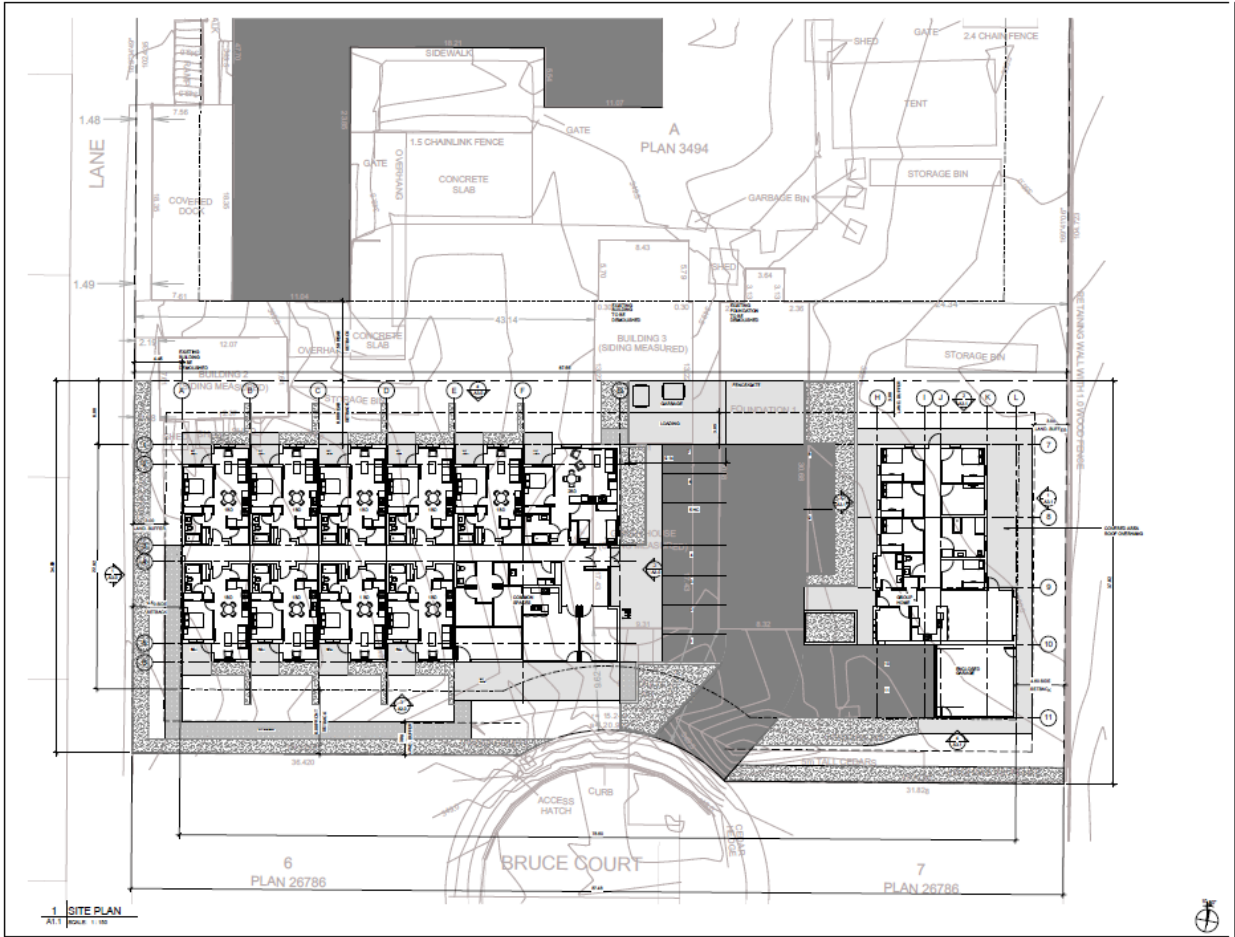


Figure 15: Site Plan

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 PL2017-7878

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: AMENDED LOT A (DD 244437F) DISTRICT LOT 115, SIMILKAMEEN DIVISION
YALE, DISTRICT PLAN 3494 EXCEPT PLANS 20051 AND 26786

Civic: 180 Industrial Avenue
PID: 010-843-124

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 as shown in the plan attached in Schedule "A":

- ***Section 7.6 Parking Requirements Table 7.5 to reduce the number of required parking stalls from 16 to 11 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 day of , 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2017-26

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. 2017-26."

2. Amendment:

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

- 2.1 Amend Schedule 'B' Future Land Use designation for a portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan 3494 Except PLANS 20051 AND 26786 located at 180 Industrial Avenue W, identified in Schedule A of this bylaw, from LR (Low Density Residential) to MR (Medium Density Residential);
2.2 Amend Schedule 'H' General Multiple Development Permit Area to include a portion of amended Lot A (DD 24437F), DL 115, Similkameen Division Yale District Plan 3494 Except PLANS 20051 and 26786 located at 180 Industrial Avenue W, identified in Schedule A of this bylaw.
2.3 Schedule 'A' attached hereto forms part of this bylaw.

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

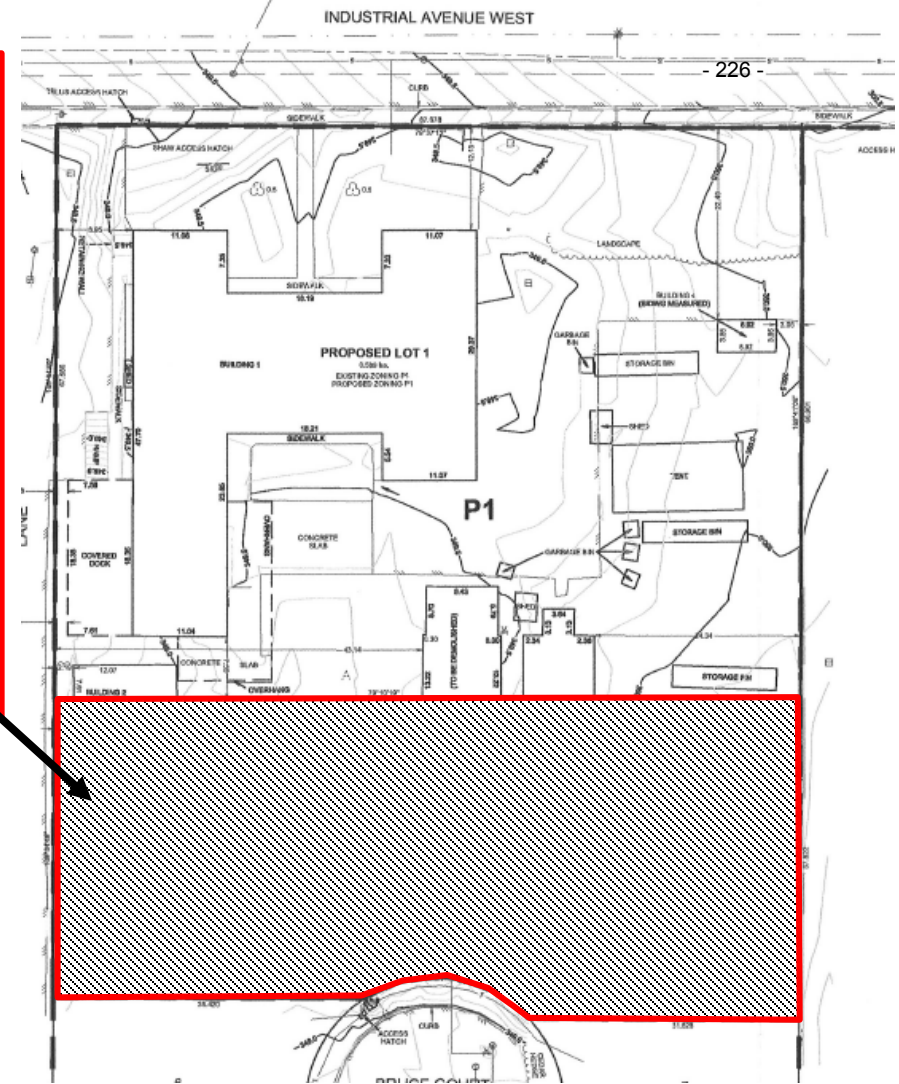
Notice of intention to proceed with this bylaw was published on the of , 2017 and the of , 2017 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

1) To amend the OCP designation on a portion of 180 Industrial Avenue W From LR (Low Density Residential) To MR (Medium Density Residential)

2) To include a portion of 180 Industrial Avenue W in the General Multiple Development Permit Area Schedule "H" of Official Community Plan Bylaw No 2002-20



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-26

Date: _____

Corporate Officer: _____

Bylaw No. 2017-27

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. 2017-27".

2. **Amendment:**

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

Rezone portion of Amended Lot A (DD 244437F), DL 115, Similkameen Division Yale, District Plan3494 Except PLANS 20051 and 26786 located at 180 Industrial Avenue W, from P1 (Public Assembly) to RM2 (Low Density Multiple Housing).

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

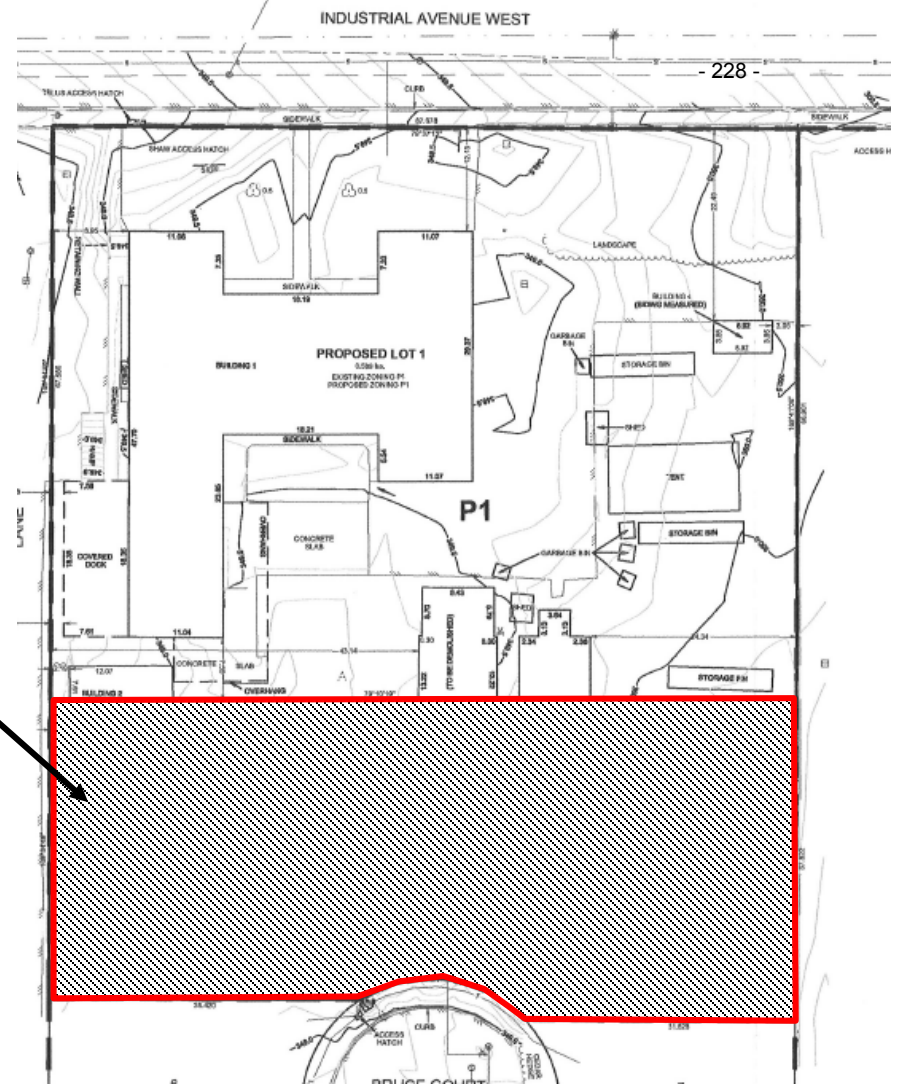
READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
RECEIVED the approval of the Ministry of Transportation on the	day of	, 2017
ADOPTED this	day of	, 2017

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*.

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer



To rezone a portion of 180 Industrial Avenue W From P1 (Public Assembly) To RM2 (Low Density Multiple Housing)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-27

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: April 18, 2017 File Nos: OCP PL7865 & RZ PL 7864 & DVP PL7914
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 352/398 Eckhardt Avenue East
Subject: **OCP Amendment Bylaw No. 2017-30 and Zoning Amendment Bylaw No. 2017-31
Development Variance Permit PL2017-7914**

Staff Recommendation

OCP

THAT prior to consideration of "OCP Amendment Bylaw No. 2017-30" 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 consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, from I (Institutional) to MR (Medium Density Residential);

AND THAT "OCP Bylaw No. 2002-20", be amended by including 352 Eckhardt Avenue E in Schedule 'H' General Multiple Development Permit Area;

AND THAT "Official Community Plan Amendment Bylaw No. 2017-30" be introduced, read a first time and forwarded to the May 2, 2017 Public Hearing;

Zoning Bylaw Amendment

THAT "Zoning Amendment Bylaw No. 2017-31", a bylaw to amend Zoning Bylaw 2017-08 to rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1(Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the May 2 , 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-31," the following conditions are fulfilled:

- A 1.75m road widening along Eckhardt Avenue East is registered with the Land Title Office.
- Lot A, District Lot 202, Similkameen Division Yale District Plan 26857 (352 Eckhardt Avenue E) and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 (398 Eckhardt Avenue E), are consolidated.

AND THAT, in accordance with section 507 of the Local Government Act, Council require the developer to construct the full width of Gahan Avenue to a local residential street standard including the provisions for storm water management but excluding curbing and sidewalk on the east side of Gahan Avenue;

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-7914" include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E., a permit varying the following provisions of Zoning Bylaw 2017-08:

- reduce the required visitor parking from 6 stalls to 3 stalls,
- decrease the rear yard setback from 6m to 2.69m and
- increase the projections for balconies from 0.6m to 1.5m,

be heard at the May 2 , 2017 Public Hearing;

AND THAT Council consider "DVP PL2017-7914" following the adoption of "Zoning Amendment Bylaw No. 2017-31".

Strategic priority objective

The subject application meets the strategic pillars of creating a sustainable city and 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 properties (Attachment 'A') are currently designated in the Official Community Plan 2002-20 (OCP) as I (Institutional) at 352 Eckhardt Avenue E and MR (Medium Density Residential) at 398 Eckhardt Avenue as show as Attachment "B". The larger lot (352 Eckhardt Avenue) is also zone P1 (Public Assembly) and currently features Circle of Friends daycare. The smaller lot is zoned RM2 (Low Density Multiple Housing)

in the City's Zoning Bylaw No. 2017-08 and features a single detached dwelling with an accessory structure. Photos of the site are included as Attachment 'F'. The site extends to 3,589m² (0.89acre).

The developer intends to consolidate the two lots and develop a twenty four (24) unit townhouse development with three bedroom units. Each unit has an approximate floor area of 140 m² (1500sq.ft). Each dwelling comprises 3 bedrooms and a single or double enclosed garage. The main access to this proposal is from Eckhardt Avenue E but 9 units will have driveways off of Gahan Avenue. The design incorporates pedestrian access and a large courtyard behind the units. Landscaping will be incorporated along both streets with one large tree for each unit. If Council supports the inclusion of the lots into a development permit area, supplementary screening in the forms of fencing and planting will be triggered along the public roads and public areas.

Consultation

Staff had requested that the applicant meet with the adjacent neighbourhood prior to this application coming in front of Council for a decision and a public information meeting was held at the Shatford Centre on April 12th, 2017. A total of 32 properties received hand delivered notices in the vicinity of the site. The consultation session was well attended with over 65 attendees from the community. Positive commentaries were conveyed regarding the proposed development, the location and the quality of the proposal.

Proposal

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

‘Schedule B: Future Land Use Map’ to change the OCP designation of the site (as identified on Attachment B of this report) from I (Institutional) to MR (Medium Density Residential).

The applicant is also requesting an amendment to the zoning of the property located at 352 Eckhardt Avenue East from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing) and from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing) at 398 Eckhardt Avenue East, as identified in Zoning Bylaw 2017-08.

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

- **Section 6.5.** To reduce the visitor parking requirement for a townhouse development from 6 stalls to 3 stalls
- **Section 10.9.2.8** To reduce the rear yard setback from 6m to 2.69m
- **Section 5.11.1** To increase balconies projection from 0.6m to 1.5m into an interior side yard

Project Specifications

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

Item	Requirement RM3 Zone	Provided on Plans
Maximum Lot Coverage:	50%	42.2%
Maximum Density:	1.6 FAR	0.94 FAR
Vehicle Parking:	1 space per unit (24) 0.25 per unit visitor(6) Total: 30 stalls	12 Double car garages 12 Single car garages 3 visitors (Variance required) Total: 12 stalls
Bicycle Parking	Class 1 :0.5 per unit (12 stalls) Class 2: 0.1 per unit(2 stalls)	Bike storage housed through private garage 6 stalls
Required Setbacks Principal Building		
Front yard	3.0m	3.0m
Rear yard	6.0m	2.69m(Variance required)
Interior Side yard	4.5m	4.5m
Exterior side yard	6m	6m
Maximum Building Height:	24m	10.1m (3 storey)
Amenity Space	20m ² per units	27m ² per units
Other Information:	<ul style="list-style-type: none"> • 60% of the lot covered with hard surfacing • Covered or uncovered balconies, porch and deck can encroached 0.6m in the interior side yard (Variance required) 	

Development Engineering Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works Departments. Storm water/drainage is to be maintained on site. A 1.75m road widening is proposed along Eckhardt Avenue W to closely match the standard set out in Subdivision and Development Bylaw 2004-81. This item has been communicated to the applicant.

Excess Service Resolution

Under current Subdivision and Development Bylaw requirements, the developer is responsible to design and construct works to the centerline of existing roads adjacent to the development. In cases where it is in the public interest, the *Local Government Act* gives authority to Council to formally require the developer to build beyond that requirement. In those cases, that developer is eligible for latecomer contributions from any land owner that later-on ties into the excess services constructed.

For this particular application, frontage upgrades will be required on Gahan Avenue. This will require the property frontage to be brought up to the City standard road design for an Urban Local Residential S-R2 as per Subdivision and Development bylaw 2004-81. The requirement for sidewalks on both sides of the road in a medium density area is requisite of the Subdivision and Development Bylaw. Consequently, the design for Gahan Ave will include sidewalk on both sides of the road as per Attachment “G”. The developer will also be responsible to carryout the design, including determining if storm water infrastructure is required.

Approximate costs for these offsite works along with frontage improvements are estimated at approximately \$80,000 (sidewalk, concrete curb, asphalt, design & construction, etc). Due to the current condition of Gahan Ave, the Engineering Department are requesting that Council pass a Section 507 'excess or extended services' resolution requiring the developer to construct the full width of Gahan Avenue to a local residential street standard, but not requiring the installation of curbing or sidewalks on the west side.

While the developer is only required, through the Subdivision & Development bylaw, to upgrade up to the centre line of the road, in this case it is not possible to stop at the centre line. The Engineering Department have stated that it is not technically possible to limit the developer to upgrades to the centre line of the road as the entire road width must be constructed at the same time to deal with the drainage and infrastructure requirements. The curbing and sidewalk would then either be completed by the adjacent property owner, if they were to redevelop, or through a public works project.

Excess Service Resolution – Alternative

The City's 5 year capital plan includes Gahan Avenue and surrounding street and lane improvements as a specific project for completion in 2019. However funding of this project would not be secured until the budget year beforehand and there is no guarantee that this project would move ahead in the current schedule. The developers' schedule for the works to be completed along Gahan Avenue will most likely precede the capital project timeline unless Council provide pre-approval for this budget item for the 2018 year. Under this scenario, as opposed to the developer paying for the entire road improvement identified under the 'excess service resolution' recommendation, the developer would contribute towards the portion of improvements required under the Subdivision & Development Bylaw (costs for 1/2 the design and construction width of Gahan Avenue), reducing the city's capital costs by that amount.

There is no guarantee that this project would move ahead as currently identified considering the potential reprioritization of projects that may be directed by the Pavement Management Study that is currently nearing completion.

For Council to support this alternative, Council would need to authorize all or a portion of the Gahan Avenue project to be completed earlier than originally anticipated. Staff advise that this project is a lower priority than other areas of the city and although there is an identified need for improvements, other areas of the City are considered to be more critical for the allocation of limited capital funding.

Financial implication

Staff are recommending that Council pass a Section 507 'excess or extended services' resolution to require the developer to upgrade the full width of Gahan Avenue. If Council does not support this recommendation, then the cost of the upgrades will be the responsibility of the City for the eastern half of the road.

Analysis

Support OCP and Zoning amendment

The subject property is designated for Institutional Use under OCP Bylaw 2002-20. There are very limited guidelines and policies to safeguard those land use designations. The OCP also provides a list of criteria

when considering re-designating areas to Medium Density Residential. The guidelines and staff's comments are as follows:

The city will support rezoning to higher densities:

- *On a parcel where the proposed development will be compatible in character and scale with the adjoining uses:*

Land uses considered Institutional in the OCP typically include public, non-profit or utilities uses such as schools, churches, recreation facilities, health facilities, special needs housing and government buildings. One of the City's goals with respect to institutional land uses is to assist School District #67 and Okanagan University College in identifying and securing additional lands required providing quality education within Penticton. The applicant has approached the SD#67 and at this point of time the School District does not foresee future interest in the property as shown in Attachment "D". The proposal is located adjacent to existing medium density land use designation. 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. This application also supports residential intensification near commercial activities, institutional facilities (directly adjacent to the High School) and in proximity to the downtown. Potential conflicts between the high school field lights and the southern rear units of the proposed development may occur and consideration will need to be given through the building design to limit the impact that the field lights may have on the residents living there.

- *Where separation can be achieved through adequate setback distances and buffers from existing or planned lower density housing;*

The developer has presented a design with aesthetic appeal. The building has been set to respect the front, interior and exterior setback. Appropriate fencing, buffering and landscaping will be triggered at the development permit stage. The proposal adds to the already varied range of housing, types, tenures and densities.

- *Near parks, commercial activities or public/institutional facilities;*

The OCP supports intensification of residential land use and density around the downtown core. The property is located directly adjacent to Penticton High School and is within 250m of the downtown commercial core. This development will increase the residential offerings adjacent to the downtown area and encourage greater use of the Downtown amenities and businesses. The proximity to the lake, downtown and nearby services encourages more walking and active forms of transportation.

- *On sites that afford direct and convenient vehicle access so as to avoid generating excessive traffic on local streets and;*

A main driveway access to the development is proposed on Eckhardt Avenue East. The remainder of the traffic will be directed to Gahan Avenue where garage parking, accommodating 9 driveways, is being proposed. The majority of the traffic will be entering and exiting from Eckhardt Avenue hence limiting the traffic impact on Gahan Avenue. All the units have pedestrian access on Eckhardt Avenue and maintain a positive relationship with the street.

Overall, staff considers that the design is fitting and consistent with the up-to-date medium density development in the area. The proposal is considered to provide an appropriate level of density and form and the proposed three storey height offers a smooth transition from the downtown area. This proposal reflects the consistent theme of mid-scale density that has been occurring around the periphery of the downtown. Each of the units have small backyards but will benefit from the surrounding amenities, which will encourage the efficient use of the surrounding resources. 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 May 2, 2017 Public Hearing.

Deny/Refer

Council may consider that the proposed amendments are not suitable for this site. Council may feel that the institutional land use designation on the site contributes to a broader community use and if this is the case, Council should deny the bylaw amendment. The OCP has some policies that speak to population growth and how as the population increases, the institutions that support the population will need to grow in size, both physically and in terms of the service provided. The OCP also speaks to the importance of grouping institutional use together rather than fragmenting the lands. Moreover, the OCP envisions the City working with the School Board in identifying and securing lands for school site expansion, however over recent times the School Board have been looking to reduce their facilities in the region. Staff have reservations about changing the land use from institutional, which is a public use, to a residential use. Ultimately though, the school board has indicated that they do not have an interest in the lands and the land is a privately held lot. Nevertheless, if Council feels that the lands are a valuable area for the school site expansion, they may wish to not support the OCP and zoning 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 6.5 Parking Requirements Table 6.5 to reduce the number of required visitors parking stalls from 16 to 12 stalls

As with new infill projects throughout the City, it is often difficult 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 more than one parking stall for each unit. Half of the proposed units (12) will have double car garages. 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 2017-08 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 2.69m. The proposed development maximizes the use on the site. The proposed road dedication on Eckhardt Avenue resulted in the applicants having to shift the proposal to the south, which reduced the rear yard setback. The rear yard will still provide enough space for visitors parking, garbage/recycling facilities and landscaping buffer. Adequate landscaping and a fence will provide screening from the neighbouring properties. Staff does not consider that, given the scale of the variance requested, there will be an adverse impact on nearby properties.

Section 4.9.1 of Zoning Bylaw 2017-08 to vary balconies projection into an interior side yard from 0.6m to 1.5m.

The zoning bylaw states that projections up to 0.6m are allowed to accommodate desirable architectural features in any yard; the applicant is requesting that maximum increased to 1.5 m in the interior side yard to allow balconies. Given that the buildings will be setback at 4.5m, this variance will maximize the development potential of the site in a manner which is sensitive to surrounding land uses and it is supported by staff.

Given the above, staff feels that the variances requested are reasonable and recommend that Council, after hearing from any other affected neighbours, support the application.

Development Permit Area Amendment

Support

The property is not located in a development permit area under OCP Bylaw 2002-20. Staff recommends that the property be included in the General Multiple Family Development Permit Area as this is a new development. The objective of the development permit area is to produce streetscapes defined by attractive buildings and landscaping as well as establishing building forms, site planning principles and landscape standards appropriate for the area. By including the proposed development in a development permit area; staff considers that it will secure the building design for the property and retain securities for landscaping in order to protect and enhance the design of the site and character of the surrounding area.

The form and character of the development shows general consistency with the General Multiple Family Development Permit Area. The plans will need to be amended nevertheless to reflect the screening and landscaping regulations of the OCP. Supplementary screening between the residential use and the public areas in the forms of planting and fencing will be required along the south property line and west property line. The plans, as part of the eventual development permit application, will be required to substantially conform to the plans submitted as part of this rezoning application. The City's Development Procedures and Delegation Bylaw delegate the authority to issue the development permit to the Director of Development Services.

Deny

Council may feel that a development permit is not suitable for this site therefore denying the insertion of the lot under the General Multiple Family Development Permit Area of OCP Bylaw 2002-20.

Alternate Recommendations

Council may consider that the proposed variances are not appropriate and have the option of not supporting the proposed Zoning and Official Community Plan amendments. Further work on the project design could be completed to reduce the need for variances and Council could provide direction for the applicant to work with staff to reduce or eliminate the variances proposed.

1. THAT Council give first reading to "Zoning Amendment Bylaw No.2017-31" but deny support to "Development Variance Permit PL2017-7914" .

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: OCP Map
- Attachment C: Zoning Map
- Attachment D : Letter from the School District
- Attachment E Letter from the owner of the daycare
- Attachment F: Images of Subject Property
- Attachment G Cross Section of Gahan Avenue
- Attachment H Letter of Intent
- Attachment I : Elevations
- Attachment J : Renderings
- Attachment K: Site Plan
- Attachment L: DVP
- Attachment M: OCP Bylaw No. 2017-30
- Attachment N: Zoning Bylaw No. 2017-31

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director <i>AT</i>	CAO PW
---------------------------	---------------

Attachment A - Subject Property

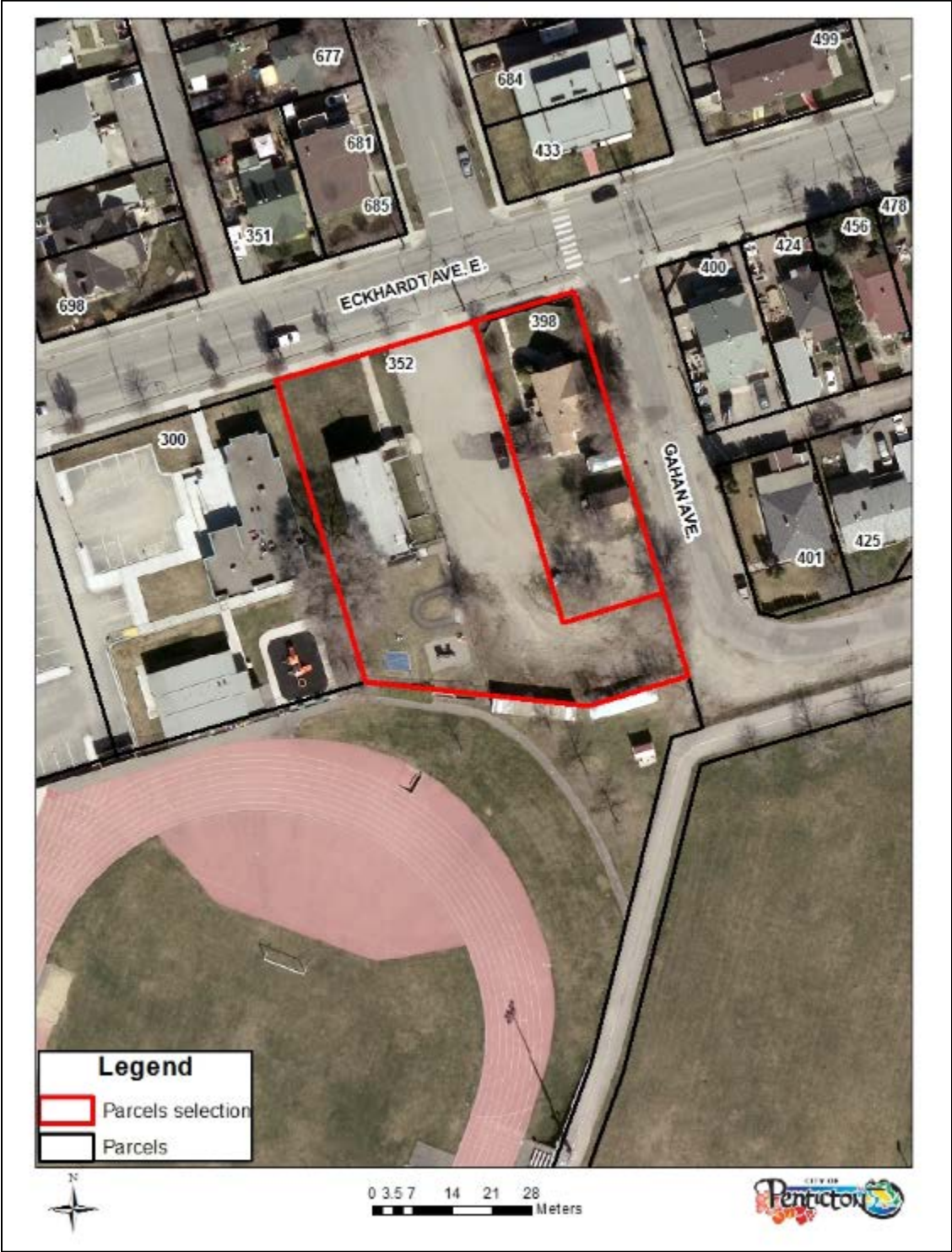


Figure 1: Location Map

Attachment B - OCP Map

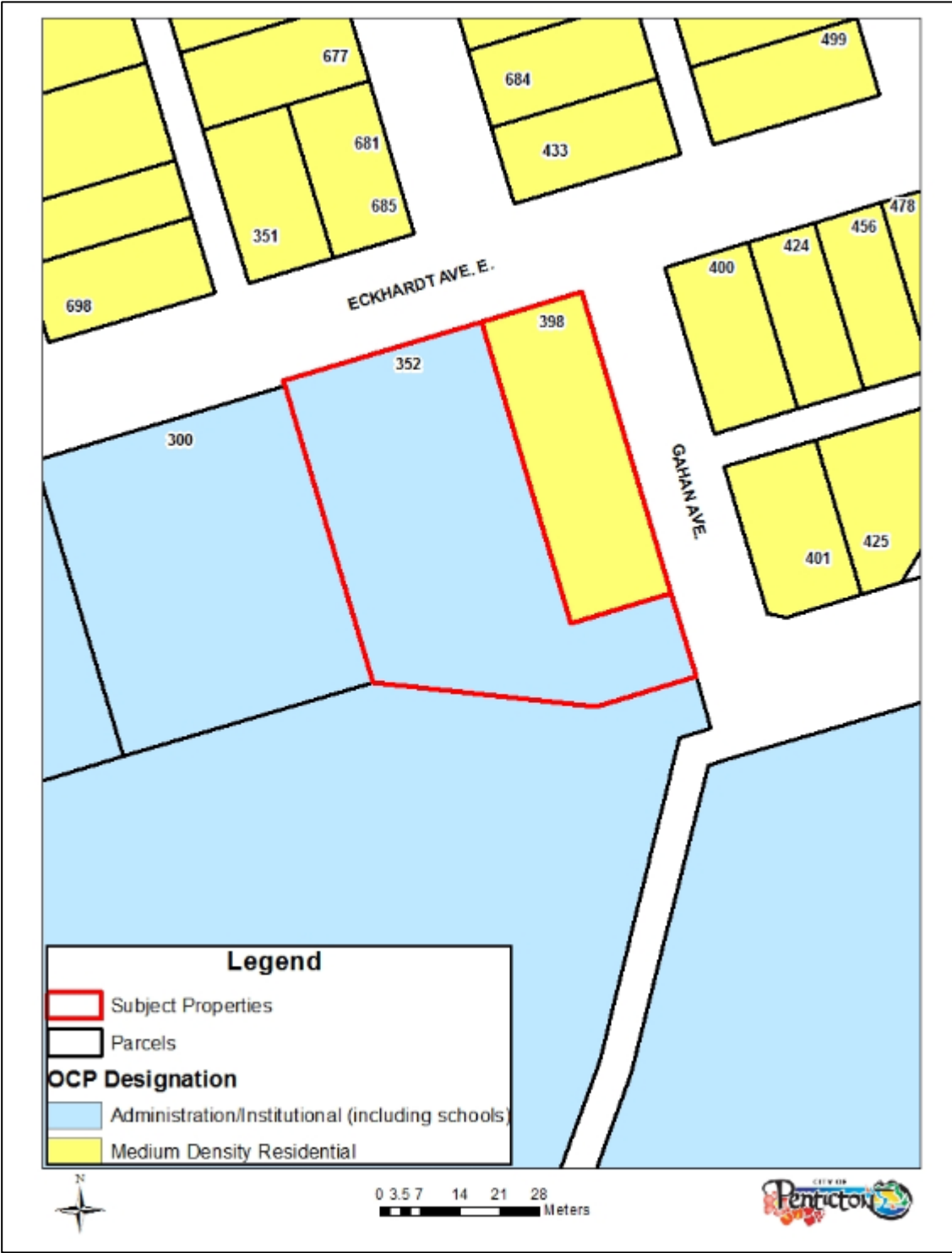


Figure 2: OCP Map

Attachment C - Zoning Map

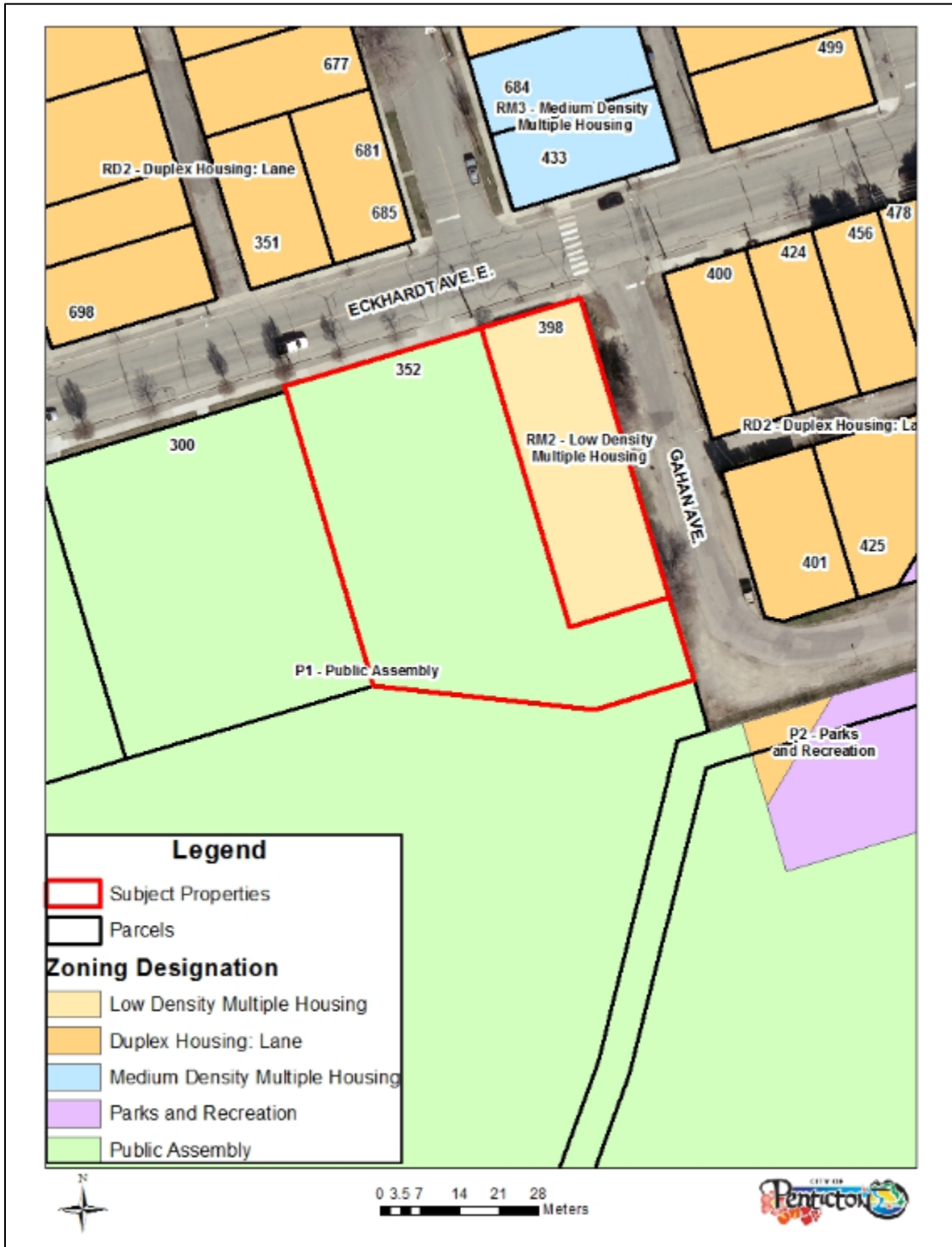


Figure 3: Zoning Map

Attachment D - Letter from the School District



**BOARD OF EDUCATION
SCHOOL DISTRICT NO. 67 (OKANAGAN SKAHA)**

425 Jermyn Avenue
Penticton, BC, Canada V2A 1Z4

Telephone: 250-770-7700

Fax: 250-770-7722

E-mail: lvanalphen@summer.com

Website: www.sd67.bc.ca

Office of the Chair of the Board

File No.: 00300-01
OPR: SECTR

February 8, 2017

Schoenne Homes
101-144 Front Street
Penticton, BC
V2A 1H1

Attention: Bruce Schoenne

**Re: 352 Eckhardt Avenue East, Penticton, B.C.
Lot A, DL 202, Plan 26857, PID # 002-099-080**

On February 6, 2017 at the regular in-camera meeting, the Board of Education discussed your letter dated January 25, 2017 regarding 352 Eckhardt Avenue, Penticton, B.C.

Please be advised that the Board of Education does not foresee any future interest regarding this property.

Thank you for your due diligence in this matter.

Yours truly,

Linda Van Alphen
Chair
Board of Education

LVA.kk

Attachment E - Letter from the owner of the daycare

March 1, 2017


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

Attn: Mayor and Council

My name is Cindy Schlamp and I am the owner of Circle of Friends Daycare Ltd. current located at 352 Eckhardt Avenue. I am aware of Schoenne Homes proposed multi-family development for the subject property and I am writing in support to the development. Their proposal for a family oriented multi-family development in the downtown core and adjacent to Pen High school appears to be the best use of the property and in the best interest of the community.

I would like to say that Schoenne Homes Inc. has been very transparent of their intentions to develop the property and have helped us, and continue to help us, as we transition to a new location.

Thank you



Cindy Schlamp, Owner
Circle of Friends Daycare Centre

Attachment F - Images of the Subject Property



Figure 4: View from Eckhardt Avenue E

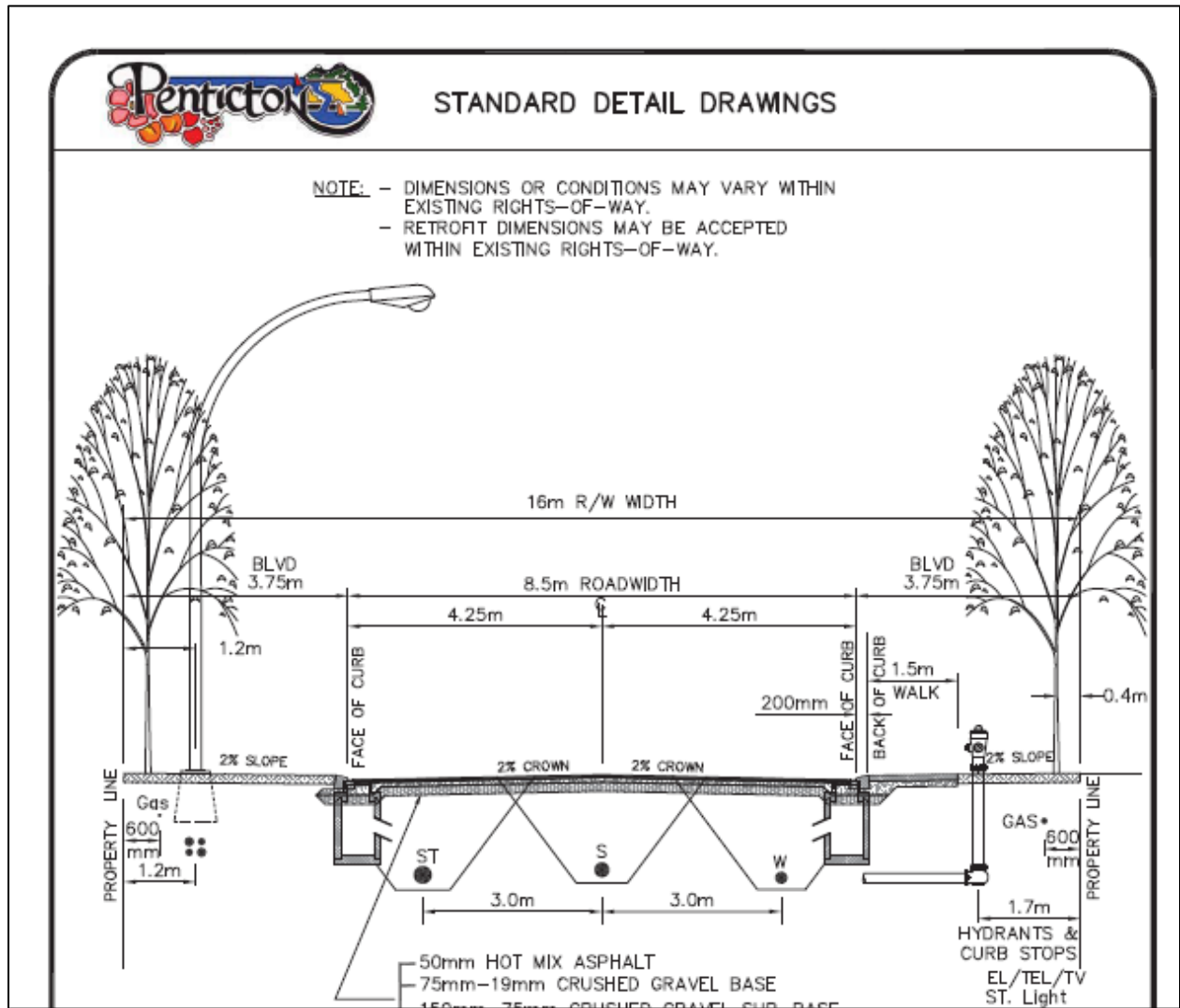


Figure 5: View at the corner of Gahan Avenue and Eckhardt Avenue



Figure 6: View at the corner of Gahan Avenue looking North

Attachment G – Cross Section of Gahan Avenue



Attachment H –Letter of Intent



April 10, 2017

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

Attn: Audrey Tanguay, Long Range Planner

Dear Audrey:

Re: OCP and Zoning Amendment
352-398 Eckhardt Avenue, Penticton, BC
Lot A, DL 202, Plan 26857 and that part of west ½ of Lot 24, Plan B4852, BLK 37, Plan 356
PID# 002-099-080 and 012-472-573

Schoenne Homes Inc. is pleased to bring forward for your review a 24 unit, family oriented, townhouse development proposal for our property located at 352 and 398 Eckhardt Avenue East.

As part of this development proposal we are requesting an amendment to the OCP for 398 Eckhardt Avenue (West ½ of Lot 24) from A – Administration/Institutional to Medium Density Residential. In conjunction with this amendment, we are requesting a rezoning of both 352 and 398 Eckhardt Avenue from RM2 – Low Density Residential and P1 – Public Assembly to RM3 – Medium Density Multiple Housing.

As part of our application we are requesting the following variances:

1. To reduce the required visitor parking from 6 stalls to 3 stalls. Of note is the fact that our proposal offers 36 unit parking stalls while the zoning requirement is 24. Our proposal exceeds the requirements by 12 stalls.

2. To reduce the rear yard setback from 6.0m to 2.69m and to allow for deck projection into side yard (7 units). Decks measure 2.5m x 1.52m.
3. To increase the allowable building projections into yards from 25% of wall area to a maximum of 41.2% (37.5% to 41.2%). This variance is being requested to add additional architectural interest to the buildings and the development as a whole.

Respectfully submitted



Bruce Schoenne, President
Schoenne Homes Inc.

Attachment I – Elevations



Figure 7: Gahan Avenue (East Elevation)



Figure 8: West Elevation (Side elevation)



Figure 9: Eckhardt Avenue (North Elevation)



Figure 10: Drive-Isle Elevation (Facing East)

Attachment J: Site Plan



Figure 11: Site Plan

Attachment K: DVP



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

Development Variance Permit

Permit Number: DVP PL2017-7914

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 A, District Lot 202, Similkameen Division Yale District Plan 26857 and That Part of the West ½ of Lot 24 included in Plan B4852; Block 37 District Lot 202 Similkameen Division Yale District, Plan 356
Civic: 352 and 398 Eckhardt Avenue E
PID: 002-099-080, 012-472-573
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 as shown in the plan attached in Schedule "A":
 - **Section 6.5. To reduce the visitor parking requirement for a townhouse development from 6 stalls to 3 stalls**
 - **Section 10.9.2.8 To reduce the rear yard setback from 6m to 2.69m**
 - **Section 5.11.1 To increase balconies projection from 0.6m to 1.5m in an interior side yard**

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 day of , 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-30

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. 2017-30."

2. Amendment:

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

- 2.1 Amend Schedule 'B' Future Land Use designation for Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E, identified in Schedule A of this bylaw, from I (Institutional) to MR (Medium Density Residential).
2.2 Amend Schedule 'H' General Multiple Development Permit Area to include Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E and That Part of the West 1/2 of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E, identified in Schedule A of this bylaw.
2.3 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2017
A PUBLIC HEARING was held this day of , 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 of , 2017 and the of , 2017 in the Penticton newspapers, pursuant to Section 94 of the Community Charter.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Amend the OCP designation of 352 Eckhardt Ave E from I (Institutional) to MR (Medium Density Residential)

Include 398 & 352 Eckhardt Ave E in the General Multiple Development Permit Area Schedule "H"



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2017-30

Date: _____

Corporate Officer: _____

Bylaw No. 2017-31

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. 2017-31”.

2. **Amendment:**

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

Rezone Lot A, District Lot 202, Similkameen Division Yale District Plan 26857, located at 352 Eckhardt Avenue E from P1 (Public Assembly) to RM3 (Medium Density Multiple Housing) AND That Part of the West ½ of Lot 24 included in Plan B4852, Block 37 District Lot 202 Similkameen Division Yale District, Plan 356 located at 398 Eckhardt Avenue E, from RM2 (Low Density Multiple Housing) to RM3 (Medium Density Multiple Housing).

2.2 Schedule ‘A’ attached hereto forms part of this bylaw.

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

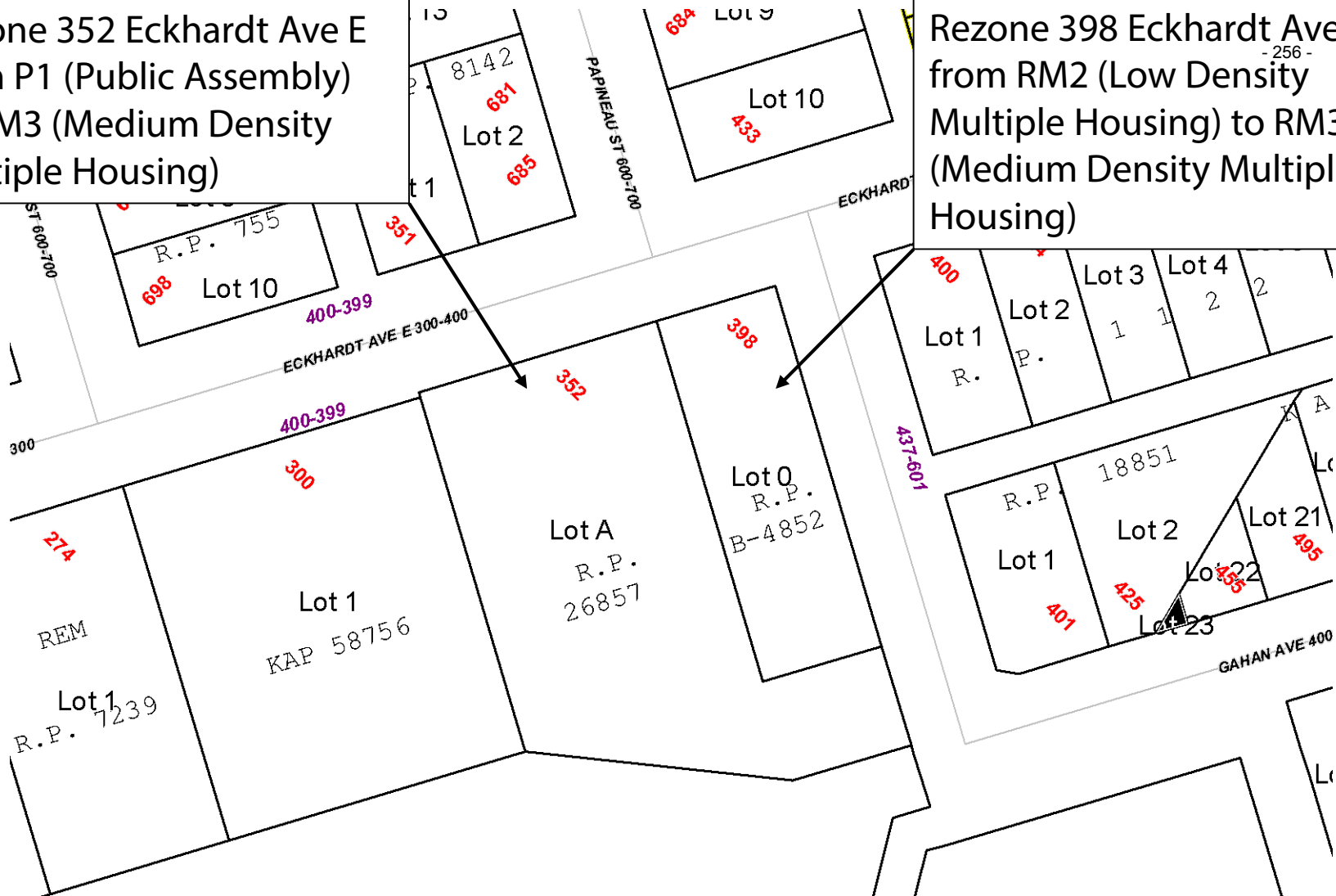
Notice of intention to proceed with this bylaw was published on the __ day of ____, 2017 and the __ day of ____, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 352 Eckhardt Ave E
from P1 (Public Assembly)
to RM3 (Medium Density
Multiple Housing)

Rezone 398 Eckhardt Ave E
from RM2 (Low Density
Multiple Housing) to RM3
(Medium Density Multiple
Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-31

Date: _____

Corporate Officer: _____