



Agenda

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

Tuesday, November 7, 2017
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**
 - 6.1 Minutes of the October 17, 2017 Committee of the Whole 1-2 Receive
 - 6.2 Minutes of the October 17, 2017 Public Hearing 3-7 Receive
 - 6.3 Minutes of the October 17, 2017 Regular Council Meeting 8-15 Adopt
 - 6.4 Minutes of the October 24, 2017 Special Council Meeting 16-17 Adopt
7. **Committee and Board Reports**
 - 7.1 Parks and Recreation Master Plan Steering Committee Minutes of August 30, 2017 18-22
Staff Recommendation: THAT Council receive the minutes of the Parks and Recreation Master Plan Steering Committee meeting of August 30, 2017.
 - 7.2 Parks and Recreation Master Plan Steering Committee Minutes of September 12, 2017 23-25
Staff Recommendation: THAT Council receive the minutes of the Parks and Recreation Master Plan Steering Committee meeting of September 12, 2017.
 - 7.3 Economic Development and Prosperity Task Force Minutes of October 19, 2017 26-29
Staff Recommendation: THAT Council receive the draft minutes of the Economic Development and Prosperity Task Force meeting of October 19, 2017.
 - 7.4 Community Revitalization Select Committee Minutes of October 26, 2017 30-32
Staff Recommendation: THAT Council receive the draft minutes of the Community Revitalization Select Committee meeting of October 26, 2017.

- 7.5 Transportation Advisory Committee Minutes of October 30, 2017 33-35
Staff Recommendation: THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of October 30, 2017.

8. **Correspondence**

9. **Staff Reports:**

- FM 9.1 BC VQA Wine Information Centre, Request for Additional Relocation Assistance 36-40
Staff Recommendation: THAT Council direct staff to reimburse the BC VQA Wine Information Centre a maximum of \$90,000 for relocation expenses, as per the Letter of Understanding dated December 3, 2015.
- LA 9.2 Beach Vending Changes for 2018 41-49
Staff Recommendation: THAT Council direct staff to renew the Beach vending program with the following changes:
- Establish a three year term with the rate adjusted annually by CPI;
 - Relocate vendors that are not water related off of the beach;
- AND THAT the Mayor and Corporate Officer be authorized to sign the agreements.*
- RCM 9.3 UBCM Age Friendly Communities Grant 50-58
Staff Recommendation: THAT Council support the grant application to the UBCM 2018 Age-friendly Communities Grant Program to implement the Penticton Fit Start program.
- DFC 9.4 UBCM Flood Risk Assessment Grant 59-60
Staff Recommendation: THAT Council support the application for grant funding from UBCM for a Flood Risk Assessment for the City of Penticton.

10. **Public Question Period**

11. **Recess to In-Camera Meeting**

Resolution: THAT Council recess 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;
- (g) litigation or potential litigation affecting the municipality.

12. **Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.**

13. **Reconsideration of Bylaws and Permits:**

- 13.1 Downtown Economic Investment Zone Amendment Bylaw No. 2017-74 61 Adopt
Re: extension to December 31, 2019
- 13.2 Zoning Amendment Bylaw No. 2017-71 62-63 2nd/3rd /Adopt
Re: 223, 227 Conklin Avenue
- 13.3 Zoning Amendment Bylaw No. 2017-72 64-65 2nd/3rd /Adopt
Re: 1760 Carmi Avenue
- 13.4 Zoning Amendment Bylaw No. 2017-73 66-67 2nd/3rd
Re: 216 Westminster Avenue West

14.	Land Matters:			
DDS	14.1	<p>Development Variance Permit PL2017-8060 Re: 116, 124 Calgary Avenue</p> <p><u>Staff Recommendation:</u> THAT Council approve "Development Variance Permit PL2017-8060" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 7883, located at 116 Calgary Avenue and for the East ½ of Lot 16 District Lot 250 Similkameen Division Yale District Plan 1164, located at 124 Calgary Avenue, a permit to reduce the minimum required number of parking spaces from 4 to 3; AND THAT staff be directed to issue "Development Variance Permit PL2017-8060."</p>	68-85	Del/Sub
DDS	14.2	<p>Request for Extension of Phased Development Agreement Re: 450 Martin Street</p> <p><u>Staff Recommendation:</u> THAT Council deny the request to extend the Phased Development Agreement for 450 Martin Street;</p> <p>AND THAT Council direct staff to advise the owner that they will be in breach of the agreement after not commencing Phase 1 by December 2017;</p> <p>AND THAT Council direct staff to proceed with the following steps after December 31, 2017, if the agreement is deemed to be in breach:</p> <ol style="list-style-type: none"> 1. Deliver Default notice to owner in accordance with PDA notice provisions 2. Proceed with consideration of zoning amendments removing the CD1 zone from Zoning Bylaw 2017-08, rezoning 450 Martin Street from CD1 to C5 3. Proceed with amendment of the OCP to reduce the special height maximum for 450 Martin Street 4. Apply to the Land Title office to discharge the following instruments from title of the subject property: <ol style="list-style-type: none"> a. Covenant LB372185 (Phased Development Agreement Covenant); b. Statutory Right of Way LB342186 (Public Access to Rooftop Amenity). 	86-127	Applicant
DDS	14.3	<p>Zoning Amendment Bylaw No. 2017-76 Re: 187 Wyles Crescent</p> <p><u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2017-76" being a bylaw to amend City of Penticton Zoning Bylaw 2017-08 by adding Section 10.2.4.2. " In the case of Lot B, District Lot 115, Similkameen Division Yale District, Plan KAP49954, located at 187 Wyles Crescent, a day care centre, major up to 25 children shall be permitted with the hours of operation restricted from 7:00am to 6:00pm.", be introduced, read a first time and be forwarded to the November 21, 2017 Public Hearing.</p>	128-143	
DDS	14.4	<p>300 Block – Main Street Local Area Service Bylaw No. 2017-62 Re: Certificate of Sufficiency</p> <p><u>Staff Recommendation:</u> THAT Council receive the Certificate of Sufficiency dated October 31, 2017, pertaining to the proposed "300 Block – Main Street Local Area Service Bylaw No. 2017-62";</p> <p>AND THAT "300 Block – Main Street Local Area Service Bylaw No. 2017-62", a Bylaw under Section 211(1)(b) of the Community Charter, to impose a 'local area service tax' to offset the cost of street improvements on the 300 Block of Main Street, be read a third time as amended; AND THAT Council direct staff to bring forward consideration of funding for the remainder of the project as part of the 2018 budget process.</p>	144-152	

15. **Notice of Motion**

16. **Business Arising**

THAT Council appoint Dave Folstad to the Penticton Library Board.
 THAT Council appoint Terry Olfert to the Community Revitalization Select Committee.
 THAT Council appoint Jason Cox as the Chamber of Commerce Representative to the Official Community Plan Task Force.

17. **Council Round Table**

18. **Public Question Period**

19. **Adjournment**

Minutes

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Committee of the Whole

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

Tuesday, October 17, 2017

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

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

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

1. Call to order

The Mayor called the Committee of the Whole meeting to order at 1:23 p.m.

2. Adoption of Agenda

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

THAT the agenda for the Committee of the Whole meeting held on October 17, 2017 be adopted as amended.

CARRIED UNANIMOUSLY

3. Delegations and Staff Presentations:

3.1 Landlord/City Responsibilities under Good Neighbour Bylaw

Matt Taylor, landlord in Penticton of two small apartments, concerned with activities taking place at property next door. Bylaw department is under resourced, looking to Council to make changes. Need more bylaw staff to be effective, improve parking and evening enforcement, apply penalties to landowners and increase penalties.

3.2 Pickleball – Drop in Centre site plan and request for matching funds

Mark Tamblyn, President, Penticton Pickleball Club, requested Council consider funding for four additional courts and approve site plan at the Senior Drop in Centre.

4. Adjourn to Regular Meeting

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held October 17, 2017 at 2:03 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

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

Tuesday, October 17, 2017
at 6:00 p.m.

Present:

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

Staff:

Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Blake Laven, Planning Manager
Michael Hodges, Development Infrastructure Manager
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. 2017-65, Official Community Plan Amendment Bylaw No. 2017-66, Zoning Amendment Bylaw No. 2017-67, Official Community Plan Amendment Bylaw No. 2017-68, Zoning Amendment Bylaw No. 2017-69 and Zoning Amendment Bylaw No. 2017-70. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

The Corporate Officer read the opening statement and introduced the purpose of the bylaw. 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*.

2. "Zoning Amendment Bylaw No. 2017-65" (461 Eckhardt Avenue West)

The purpose of "Zoning Amendment Bylaw No. 2017-65" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 12, District Lot 4, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 461 Eckhardt Avenue West from RS2 to (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct two duplexes – one fronting Eckhardt Avenue West and the other fronting the lane.

The Corporate Officer advised that no letters of concern have 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.

- Tony Giroux, Giroux Design Group, representing developer, asking variance on side setbacks, reduction in landscape is to place trees in different spots rather than side yard. No negative feedback from the neighbourhood.

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

- Lynn Kelsey, Oakville Street, spoke in support of the application.

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. 2017-65” was terminated at 6:06 p.m. and no new information can be received on this matter.

3. “Official Community Plan Amendment Bylaw No. 2017-66” and “Zoning Amendment Bylaw No. 2017-67” (641 Winnipeg Street)

The purpose of “Official Community Plan Amendment Bylaw No. 2017-66” is to amend Official Community Plan Bylaw No. 2002-20 as follows:

Amend Schedule ‘B’ Future Land Use designation for Lot 7, District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street from LR (Low Density Residential) to MR (Medium Density Residential).

The purpose of “Zoning Amendment Bylaw No. 2017-67” is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 7, District Lot 4 Similkameen Division Yale District Plan 804, located at 641 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct two duplexes – one fronting Winnipeg Street and the other fronting the lane.

The Corporate Officer advised that no letters have 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.

- Tony Giroux, Giroux Design Group, approached project differently, held open house before started planning. 20 neighbours attended, they want to see no more than two storeys, prefer two duplexes over one town house. Important to keep trees, added extra, Victorian style and no basement suites. Vehicle access is from the back.
- Percy Schuurman, Winnipeg Street, was not at meeting, concerns with parking, opposed to addition parking on Winnipeg Street. Concerned with garbage pickup.

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 "Official Community Plan Amendment Bylaw No. 2017-66" and "Zoning Amendment Bylaw No. 2017-67" was terminated at 6:17 p.m. and no new information can be received on this matter.

4. "Official Community Plan Amendment Bylaw No. 2017-68" and "Zoning Amendment Bylaw No. 2017-69" (681 Winnipeg Street)

The purpose of "Official Community Plan Amendment Bylaw No. 2017-68" is to amend Official Community Plan Bylaw No. 2002-20 as follows:

Amend Schedule 'B' Future Land Use designation for Lot 11, District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, from LR (Low Density Residential) to MR (Medium Density Residential).

The purpose of "Zoning Amendment Bylaw No. 2017-69" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 11, District Lot 4 Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 804, located at 681 Winnipeg Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct two duplexes – one fronting Winnipeg Street and the other fronting the lane.

The Corporate Officer advised that a letter of support 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.

- Tony Giroux, Giroux Design Group, not asking for parking variances.
- Donna Ortiz, Winnipeg Street, concerned with parking in back and buffer zone, narrow passages between houses, concerned about fire, realize we need housing, adding ten cars to our lane way, two cars to each home, where is garbage going?

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

- Debbie Schuurman, Winnipeg Street, OCP change apply to 600 block? Concerned with parking and garbage pick-up, creating a nightmare by passing this.

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

- Tony Giroux, Giroux Design Group, setback on sides, fire prevention, complies with BC building code.
- Nadia Bird, Eckhardt Avenue West, two storey high, can we look at parking under and build higher?

The public hearing for "Official Community Plan Amendment Bylaw No. 2017-68" and "Zoning Amendment Bylaw No. 2017-69" was terminated at 6:32 p.m. and no new information can be received on this matter.

5. "Zoning Amendment Bylaw No. 2017-70" (1273 Government Street)

The purpose of "Zoning Amendment Bylaw No. 2017-70" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 63, District Lot 250 Similkameen Division Yale District, Plan 881, located at 1273 Government Street from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct a 4-unit townhouse.

The Corporate Officer advised that no letters of concern have 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.

- Tony Giroux, Giroux Design Group, available to answer any questions. Ample trees to provide privacy screening.
- George Stobren, Bennett Avenue, asked about parking, short fence exists, what is plan for fence height? Privacy for tenants would be nice, not upset to see current property go. Requested fence installed pre-construction to keep noise down. Parking always a problem, concerned with room for garbage can pick up.
- Rose-Marie Gour, Bennett Avenue, in site line of front yard, should be duplex zoning, OCP should rethink parking issue. Each house needs two spots, underground doesn't look pleasing either, park on property, my house value will decrease.

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.

- Tony Giroux, Giroux Design Group, developer agrees to put fence up early in the process. This project meets the requirements of the OCP.

The public hearing for "Zoning Amendment Bylaw No. 2017-70" was terminated at 6:49 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

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

Tuesday, October 17, 2017
at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Blake Laven, Planning Manager
Mitch Moroziuk, General Manager of Infrastructure
Jim Bauer, Chief Financial Officer
Michael Hodges, Development Infrastructure Manager
Angie Collison, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council meeting to order at 1:23 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

552/2017

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on October 17, 2017 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:23 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:03 p.m.

6. Adoption of Minutes:

6.1 Minutes of the October 3, 2017 Committee of the Whole

553/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the October 3, 2017 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the October 3, 2017 Public Hearing

554/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the October 3, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the October 3, 2017 Regular Council Meeting

555/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the October 3, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Penticton Creek Restoration Committee Minutes of September 13, 2017

556/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of September 13, 2017.

CARRIED UNANIMOUSLY

7.2 Official Community Plan Task Force Minutes of October 4, 2017

557/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Economic Development Task Force Committee meeting of October 4, 2017.

CARRIED UNANIMOUSLY

8. Correspondence

8.1 Correspondence from Sharon and G. Christopher Robins

Re: Inclusion of family name (ROBINS) to be added to Street Name Reserve List

558/2017

It was MOVED and SECONDED

THAT Council refer the correspondence from Sharon and G. Christopher Robins regarding the inclusion of family name (ROBINS) to the Street Name Reserve List to the Museum Manager.

CARRIED UNANIMOUSLY

Councillor Martin declared a conflict of interest and left the meeting at 2:08 p.m.

8.2 Correspondence from Scotties Tournament of Hearts

Re: Free Transit for Volunteers

559/2017

It was MOVED and SECONDED

THAT Council approve the request for free transit for the volunteers of the Scotties Tournament of Hearts, January 26 – February 4, 2018.

CARRIED UNANIMOUSLY

Councillor Martin returned to the meeting at 2:09 p.m.

- 8.3 Correspondence from Climate Leadership Institute
Re: Training November 1-3, 2017

560/2017

It was MOVED and SECONDED

THAT Council receive the correspondence regarding the Climate Leadership Institute training, November 1 – 3, 2017 for information.

CARRIED UNANIMOUSLY

- 8.4 Correspondence from Chase Valley Group
Re: Front Street Project

561/2017

It was MOVED and SECONDED

THAT Council refer the correspondence dated October 10, 2017 from Chase Valley Group regarding the extension of the EIZ program for the Front Street project to staff and that a staff report is presented at the next meeting of Council.

CARRIED UNANIMOUSLY

9. Staff Reports:

- 9.1 Permissive Tax Exemption Amendment Bylaw No. 2017-61

562/2017

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Permissive Tax Exemption Amendment Bylaw No. 2017-61", a bylaw granting permissive tax exemptions to all applicants as listed in Schedule B at 100% of the applied for exemption; AND THAT Council direct Staff to review the Permissive Tax Exemption Policy in preparation for the 2019 application cycle.

DEFEATED

Mayor Jakubeit, Councillors Sayeed, Watt, Konanz, Sentes, Martin, Picton, Opposed

563/2017

It was MOVED and SECONDED

THAT Council replace Schedule B of the "Permissive Tax Exemption Amendment Bylaw No. 2017-61", a bylaw granting permissive tax exemptions with 'Attachment 2' to the report at 100% of the applied for exemption;

AND THAT Council give first, second and third reading to "Permissive Tax Exemption Amendment Bylaw No. 2017-61", a bylaw granting permissive tax exemptions to all applicants as listed in Schedule B at 100% of the applied for exemption;

AND THAT Council direct staff to review the Permissive Tax Exemption Policy in preparation for the 2019 application cycle.

CARRIED UNANIMOUSLY

9.2 Flood Recovery Requirements and Expenditures

564/2017

It was MOVED and SECONDED

THAT Council authorizes staff to proceed in 2017 with design and permitting for the major works associated with the repair of the sheet pile wall and the installation of lost beach sand and that \$50,000 be allocated for this from general surplus; AND THAT Council authorizes staff to proceed in 2017 with the repair of the works for which only minor design and approvals are required and that \$110,222 be allocated for this from general surplus; AND THAT Council will consider funding for the remaining repair work in the 2018 budget process.

CARRIED UNANIMOUSLY

9.3 UBCM Asset Management Program Grant Application – Park GIS

565/2017

It was MOVED and SECONDED

THAT Council endorses a grant application to the UBCM Asset Management Program to create a Parks GIS Database; AND THAT the Parks GIS Database project be included in the 2018 budget; AND FURTHER THAT the General Manager of Infrastructure and or the Chief Financial Officer be authorized to sign any required forms related to the grant application.

CARRIED UNANIMOUSLY

9.4 Asset Management Policy Development Grant Funding

566/2017

It was MOVED and SECONDED

THAT Council support the Asset Management Policy Development project; AND THAT Council approves the request to reallocate \$10,000 from the current Asset Management budget towards this project.

CARRIED UNANIMOUSLY

9.5 2017/2018 Amended Annual Operating Agreement Conventional & Custom Transit

567/2017

It was MOVED and SECONDED

THAT Council authorize the Mayor and Corporate Officer to execute the 2017 / 2018 AMENDED 2017 09 05 Annual Operating Agreement for the Conventional and Custom Transit System as contained in Attachment "A" of the 2017/2018 Amended Annual Operating Agreement Conventional and Custom Transit report to Council dated October 17, 2017.

CARRIED UNANIMOUSLY

9.6 Licence to Use – Penticton Tennis Society

568/2017

It was MOVED and SECONDED

THAT Council approve a 5-year sub-license renewal with a 3 month escape clause over the four Tennis Courts located at 675 Marina Way to the Penticton Tennis Society, a non-profit Society, at a licence rate of \$4,000/year (\$6,000 below estimated market rate) plus the estimated utilities for the court lighting;
AND THAT Council direct staff to advertise the intention to provide certain kinds of assistance pursuant to Section 24 of the *Community Charter*;
AND FURTHER THAT Council authorize the Mayor and Corporate Officer to execute the Licence to Use Agreement.

CARRIED UNANIMOUSLY

- 9.7 Zoning Amendment Bylaw No. 2017-71
Re: 223/227 Conklin Avenue

569/2017

It was MOVED and SECONDED

THAT Council "Zoning Amendment Bylaw No. 2017-71", a bylaw to Rezone Lot A and Lot B District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP70414, located at 223 and 227 Conklin Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane), be given first reading and be forwarded to the November 7, 2017 Public Hearing.

CARRIED UNANIMOUSLY

- 9.8 Committee Terms of Reference

570/2017

It was MOVED and SECONDED

THAT Council remove the language to appoint a Chair and Vice – Chair at the first meeting and approve the amendments to the Terms of Reference for the Affordable Community Task Force, Agriculture Advisory Committee, Arts, Creative & Cultural Innovations Committee, Community Revitalization Committee, Development Services Advisory Committee, Economic Development Task Force, Penticton Creek Restoration Committee, and the Transportation Advisory Committee as attached to the Committee Terms of Reference report dated October 17, 2017.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess to In-Camera Meeting

571/2017

It was MOVED and SECONDED

THAT Council recess at 3:31 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- (e) *the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.*

CARRIED UNANIMOUSLY

12. Reconvene the Regular Council Meeting following the Public Hearing at 6:00 p.m.

Council reconvened the Regular Council Meeting at 6:50 p.m.

13. Reconsideration of Bylaws and Permits

- 13.1 Zoning Amendment Bylaw No. 2017-64
Re: 168 Kirkpatrick Avenue

572/2017

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2017-64".

CARRIED UNANIMOUSLY

- 13.2 Zoning Amendment Bylaw No. 2017-65
Re: 461 Eckhardt Avenue

573/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-65".

CARRIED UNANIMOUSLY

- 13.3 OCP Amendment Bylaw No. 2017-66
Zoning Amendment Bylaw No. 2017-67
Re: 641 Winnipeg Street

574/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-66";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-66".

CARRIED UNANIMOUSLY

575/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-67".

CARRIED UNANIMOUSLY

- 13.4 OCP Amendment Bylaw No. 2017-68
Zoning Amendment Bylaw No. 2017-69
Re: 681 Winnipeg Street

576/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Official Community Plan Amendment Bylaw No. 2017-68";

AND THAT Council adopt "Official Community Plan Amendment Bylaw No. 2017-68".

CARRIED UNANIMOUSLY

577/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-69".

CARRIED UNANIMOUSLY

- 13.5 Zoning Amendment Bylaw No. 2017-70
Re: 1273 Government Street

578/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-70".

CARRIED UNANIMOUSLY

14. Land Matters

- 14.1 Development Variance Permit PL2017-8080
Development Permit PL2017-8066
Re: 270 Hastings Avenue

Delegations/Submissions:

- Sheldon Fall, project manager, agent for Interior Health, available to answer any questions. Project won't block the existing sidewalk along property.
- Nadia Bird, Eckhardt Avenue West, look at OCP and build to proposed heights that we can build to in our city, need for seniors housing, can we build higher?

- Lynn Kelsey, Oakville Street, age of Penticton 65 plus, need for senior housing and family homes.

579/2017

It was MOVED and SECONDED

THAT delegations and submissions for "Development Variance Permit PL2017-8080" on Lot 1, District Lots 1 AND 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP67080, located at 270 Hasting Avenue, a permit to reduce the interior setback from 4.5m to 3.5m, be heard at the October 17, 2017 Regular Council meeting;
AND THAT Council approve DVP PL2017-8080 after delegations and submission have been considered. THAT Council, subject to approval of DVP PL2017-8080, approve DP PL2017-8066, a permit to allow the addition of 18 units on Lot 1, District Lots 1 AND 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan KAP67080, located at 270 Hasting Avenue.

CARRIED UNANIMOUSLY

- 14.2 Zoning Amendment Bylaw No. 2017-72
Re: 1760 Carmi Avenue

580/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-72", a bylaw that rezones "Proposed Lot 2" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850" (1760 Carmi Avenue), as shown on Schedule 'A' of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject lands, be given first reading and be forwarded to the November 7, 2017 Public Hearing.

CARRIED UNANIMOUSLY

- 14.3 Zoning Amendment Bylaw No. 2017-73
Re: 216 Westminster Avenue West

581/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-73" a bylaw that rezones "Lots 1-5, District Lot 4, Similkameen Division Yale District, Plan 871, located at 216 Westminster Avenue West from C8 (Vehicle Service Station) to C5 (Urban Centre Commercial), be given first reading and be sent to the November 7, 2017 Public Hearing;
AND THAT a 1.0m portion of the property along Westminster Avenue and a 1.0m portion along Winnipeg Street as well as a 4.5m X 4.5m corner cut be dedicated to the City prior to final adoption of Zoning Amendment Bylaw No. 2017-73;
AND FURTHER THAT the City participate in the upgrading of the streetscape adjacent to the subject lots by providing street trees funded from the City's Amenity Reserve Fund for a total project contribution not exceeding \$2,000.

CARRIED UNANIMOUSLY

15. Notice of Motion

16. Business Arising

THAT Council Direct Staff to proceed with the land purchase for a corner cut and encroaching city sidewalk and rear lane, totaling ~154 m² from the owners of 2307 Skaha Lake Road, 377299 B.C. Ltd., at an agreed upon purchase price of \$85,000, with the City responsible for survey, legal costs and restoring the rock work and garden after the corner cut is completed;
AND THAT the Mayor and Corporate Officer be authorized to sign the required documents.

17. Council Round Table

18. Public Question Period

19. Adjournment

582/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, October 17, 2017 at 7:40 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

penticton.ca

Special Meeting of Council held in City of Penticton, Council Chambers 171 Main Street, Penticton, B.C.

Tuesday, October 24, 2017
at 9:00 a.m.

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

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

1. Call to Order

Mayor Jakubeit called the Special Meeting of Council to order at 9:01 a.m.

2. Adoption of Agenda

583/2017

It was MOVED and SECONDED

THAT Council adopt the agenda for the October 24, 2017 Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

3. Reconsideration of Bylaws and Permits:

3.1 Permissive Tax Exemption Amendment Bylaw No. 2017-61

584/2017

It was MOVED and SECONDED

THAT Council adopt "Permissive Tax Exemption Amendment Bylaw No. 2017-61".

CARRIED UNANIMOUSLY

4. Staff Report:

4.1 Downtown Economic Investment Zone Extension Request

585/2017

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Downtown Economic Investment Zone Amendment Bylaw No. 2017-74", a bylaw that amends section 6 of "Downtown Economic Investment Zone Bylaw No. 2014-04" allowing incentives to developments subject to a building permit issued before March 1, 2018 and have been issued occupancy permit no later than December 31, 2019.

CARRIED UNANIMOUSLY

5. Adjournment

586/2017

It was MOVED and SECONDED

THAT Council adjourn the October 24, 2017 Special Council meeting at 9:11 a.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Deputy Corporate Officer

Andrew Jakubeit
Mayor

Parks & Recreation Master Plan Steering Committee Meeting

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

Wednesday, August 30, 2017
at 9:00 a.m.

Present: Andrew Jakubeit, Mayor
Ron Ramsay, Chair
James Palanio, Vice-Chair
Roland Curnow, Organized Field Sport Representative
Adolf Steffen, Development Community Representative
Sharon Devlin, Member at Large
Peter Dooling, Member at Large

Staff: Jeff Lynka, Parks Supervisor
Lori Mullin, Recreation & Culture Manager
Anthony Haddad, Director of Development Services
Lorraine Williston, Corporate Committee Secretary

1. Call to Order

The Parks & Recreation Master Plan Steering Committee was called to order by the Chair at 9:20 a.m.

2. Adoption of Agenda

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

THAT the Parks & Recreation Master Plan Steering Committee adopt the agenda for the meeting held on August 10, 2017 as amended. Refer item to item 5.1.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

3.1 Minutes of the August 10, 2017 Parks & Recreation Master Plan Steering Committee Meeting

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

THAT the Parks & Recreation Master Plan Steering Committee adopt the minutes of the August 10, 2017 meeting as amended.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Vision and Values

The Chair presented the new vision statement for consideration by the committee. Discussion followed and it was suggested to add 'and programs' following recreation facilities in the second sentence of the statement.

It was MOVED and SECONDED

THAT the Parks & Recreation Master Plan Steering Committee adopt the vision statement as follows:

Penticton is a place to stay forever because we cherish our exceptional natural setting between two lakes.

We will continue to invest in accessible and equitable parks and recreation facilities and programs for the well-being of all our citizens.

Our city will remain the destination of choice for those who appreciate the opportunities that our Okanagan home provides.

CARRIED UNANIMOUSLY

The Chair presented the Values Statement for review and consideration by the committee. Discussion ensued and the following value statement amendments were suggested:

- Fair Resource Allocation
 - Insert the words 'parks and' before recreation opportunities
 - Remove the word "it must seek to achieve maximum benefit to the whole community"
- Fiscal Efficiencies & Partnerships
 - It was agreed more debate and a full committee discussion is needed over licence-to-use and leaseholds agreements and the issue of entitlement as it pertains to this item.
 - Remove the 'not-for-profit' wording
 - Replace the word 'facilities' with 'parks and recreation'
 - On hold for future discussion
- Sustainability
 - Replace 'urban ecosystem' with 'livable city'. Staff recommended changing the word 'city' to 'community'
- Acquisition
 - It was agreed to defer discussion on this statement until differences in lands can be discussed ie. sport fields and parks. Staff suggested this value is maintaining or supplying land. On hold for future discussion.
- Communications
 - Suggestion that this value should be geared more towards communication and to take out the first sentence. Item deferred to a future meeting.
 - Suggested to include "engagement"
 - On hold for future discussion.

4.2 Parks & Recreation Advisory Committee Update

The Recreation & Culture Manager confirmed the process is moving forward commenting that Council will be reviewing the Terms of Reference for this new committee in October.

4.3 Sub-Committee

The Chair outlined the benefit of having a line by line review of sections by sub-committees, stating this is an efficient way in dealing with specific topics contained in the draft master plan and noted that 4-6 members will be needed per sub-committee that will include one staff member. The Chair confirmed sub-committees will not be changing the content in the draft master plan, only to review and provide recommendations for the committee to consider. Discussion and questions followed. Staff provided a list of sections/topics to assign to each sub-committee and asked interested members to sign up for the section they are most interested in. The Chair suggested this review be done by the end of September. It was also suggested that rather than having four sub-committees to have two sub-committees to complete the master plan review.

The Chair recessed the meeting at 10:25 am

The Chair reconvened the meeting reconvened at 10:40 am

4.4 Parks Use Workshop Continuation

The Director of Development Services reviewed the items covered from previous meetings and outlined the direction needed on the Park Protection & Use Policy and park zoning structure.

It was recommended that all future references of Park Use should be stated as Park Protection and Use.

The revised Park Protection & Use Policy was presented for review and discussion. Further revisions were suggested by the committee as follows:

1. PURPOSE

1.1.1

- Insert 'and protection measures that are acceptable' after the word 'uses'. It was further suggested to include 'protection & uses'

1.1.4

- Change the wording 'outstanding' to 'good' park stewardship

2. GUIDING PRINCIPLES

Staff commented this section is where the vision is referenced and section 2.1.2 will reflect the values once they have been finalized.

3. POLICY

The Director of Development Services reviewed the changes suggested from previous discussions and noted there are sections that require additional work and will be updated from further discussions at the committee level.

3.1.2

- A question was raised concerning the fact that there is no mention of an engagement process for non-permitted uses. The community engagement process has yet to be discussed and finalized.

3.3 Protect public ownership

Committee discussion ensued on the definition of a license and a lease. Staff to work on the definitions and bring them back to the committee for review. Staff further commented an engagement piece will also be added and will be brought to the committee for review.

3.4 Protect, Preserve and grow parkland

A suggestion was made to revise the title to read 'Promote, Provide, Protect Penticton Parks'.

4. Legacy Licenses and Leases

The Director of Development Services commented this section goes into the legacy of licenses and leases noting section 4.2 still needs to be finalized. Discussion and questions followed. Staff noted the committee needs to consider the use, if transferable, number of topics inside this section, if long standing leases should be renewed and if agreements already in place are respected. Staff to bring back a revised document.

5. PROCEDURES – ZONING BYLAW

The Director of Development Services stated this section gets into the actual procedures beyond the permitted uses noting the structure of zoning is based on permitted uses that do not require approval.

Committee discussion followed on accessory uses. Comments included:

- Concerns over the number of accessory uses, outnumbering permitted uses
- Concerns over that it may be too easy to change park zoning to accommodate use requests
- Need to define small, medium and large
- Permitted uses should be well defined
- The percentage of land use allowed to be developed needs to be determined
- The length of events that tie up parks needs to be discussed
- Change accessory to conditional use
- Permitted/conditional uses need to be identified

Staff commented this is the first draft and additional work still needs to be done.

5.2 Accessory Park Uses

The Chair stated this section needs to be an exclusive agenda item to deal with permitted and non-permitted uses.

6. PROCEDURE – LICENSE TO USE RENEWAL

Committee discussion ensued on wording around timelines and the Council and committee review process. A question was raised if licenses are renewable or transferable. Discussion followed on investment anchored around the length of the lease. Staff noted once the zoning is determined, this issue can be addressed. The Director of Development Services asked that

members review the definitions on uses prior to the next meeting. Peter Dooling provided additional clarification of his proposed classification system noting his are only 5 classes that provide more of a geographical analysis of the land base on which the park was established – tableland and waterfront, the 2 most valued assets of the city which provides a total different perspective.

5. New Business

5.1 Correspondence received from Hannah Hyland

Correspondence from Hannah Hyland was received for information by the committee.

Next Meeting

6.1 August 30, 2017 Meeting Agenda Review

Staff reviewed agenda items for the next meeting. The next meeting to be determined.

6. Adjournment

It was MOVED and SECONDED

That the Parks & Recreation Master Plan Steering Committee adjourn the meeting held on Thursday, August 10, 2017 at 12:00pm

CARRIED UNANIMOUSLY

Certified Correct:



Lorraine Williston
Corporate Committee Secretary

Minutes

A decorative horizontal bar with a series of vertical stripes in blue, red, and orange colors.

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Parks & Recreation Master Plan Steering Committee Meeting

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

Tuesday, September 12, 2017
at 2:00 p.m.

- Present:** Andrew Jakubeit, Mayor
Judy Sentes, Councillor
Ron Ramsay, Chair
James Palanio, Vice-Chair
Doug Gorcak, Penticton School District 67 Representative
Roland Curnow, Organized Field Sport Representative
Ezra Cremers, Organized Field Sport Representative
Barb Hoolaeff, Special Event Group Representative
Sharon Devlin, Member at Large
Peter Dooling, Member at Large
- Staff:** Jeff Lynka, Parks Supervisor
Lori Mullin, Recreation & Culture Manager
Anthony Haddad, Director of Development Services
Lorraine Williston, Corporate Committee Secretary

1. Call to Order

The Parks & Recreation Master Plan Steering Committee was called to order by the Chair at 2:02 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Parks & Recreation Master Plan Steering Committee adopt the agenda for the meeting held on September 12, 2017 as amended.

CARRIED UNANIMOUSLY

3. Business Arising from Prior Meetings

3.1 Vision and Values – Sub-Committee Update

The Chair deferred this item to the next meeting until the full committee is in attendance to review and approve.

3.2 Parks Protection and Use Workshop Continuation

The Director of Development Services presented the zone classification P2a-City-Wide Park Zone for review and discussion. Peter Dooling requested that the classification system he submitted be tabled until it can be reviewed by the new Parks Advisory Committee as it does require a lot more work to be done on it and further recommended this committee not move ahead with accessory uses. Peter Dooling further commented a statement needs to be included with what percentage of a public park is open to development as building spaces and parking lots. Discussion followed on Mr. Dooling's comments. It was generally agreed to continue on with the exercise of reviewing the draft park zone classification and permitted and accessory/conditional uses.

Committee discussions ensued on permitted uses and recommendations including additions, deletions and revisions, were noted by staff and included the following motion made:

It was MOVED and SECONDED that the Parks and Recreation Master Plan Steering Committee recommends:

THAT "Festivals & Special Events – large" in the Conditional Park Use category be moved to the Permitted Use category with a notation it requires City Staff approval.

DEFEATED

**Barb Hoolaeff, James Palanio, Ezra Cremers, Doug Gorcak, For
Peter Dooling, Ron Ramsay, Roland Curnow, Sharon Devlin, Opposed**

Jeff Lynka left the meeting at 3:34 p.m.

Review and discussions continued on permitted uses. The Chair requested staff provide a definition for Recreation Equipment Rental under Permitted Use. The Accessory/Conditional Park Use list was reviewed, discussed and recommendations made. An extensive discussion followed on the process involved for rezoning a park. Peter Dooling suggested again that the entire Accessory/Conditional Park Use list should be deleted so that anything that is not a permitted use must go through a consultation process. Staff confirmed that all accessory/conditional uses will have to go through a more robust process regardless of whether it's listed or not.

Andrew Jakubeit left the meeting at 4:05 pm.

The Committee members debated the removal of outdoor market, public parking lot and restaurant from the Accessory/Conditional Park Use list. Peter Dooling stated the conversation still needs to happen on leaseholds before you can continue vetting this list. Anthony outlined the process involved for a conditional use noting there are no guarantees an application would be approved. After extensive discussion, it was generally agreed to remove restaurant from the Accessory/Conditional Park Use list.

4. Next Meeting

6.1 Agenda Review

The Chair asked staff to bring clarification to the next meeting on what the implications are to the City if all accessory uses are removed entirely. Item 3.2 to be continued at the next meeting.

The next meeting to be determined.

5. **Adjournment**

It was MOVED and SECONDED

That the Parks & Recreation Master Plan Steering Committee adjourn the meeting held on Tuesday, September 12, 2017 at 4:41 p.m.

CARRIED UNANIMOUSLY

Certified Correct:



Lorraine Williston
Corporate Committee Secretary

Minutes

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Economic Development & Prosperity Task Force Meeting

Held at the City of Penticton
171 Main Street, Penticton, B.C.

Thursday, October 19, 2017
at 7:30 a.m.

- Present:** Mayor Andrew Jakubeit
Danielle Robinson, Member at Large
Derek Badger, Member at Large
Jason Cox, Member at Large
Kirk Marleau, Member at Large
Paulette Rennie
Stephen Noton, Member at Large
- Staff:** Peter Weeber, Chief Administrative Officer
Anthony Haddad, Director of Development Services
Jennifer Vincent, Economic Development Specialist
Sharon Thompson, Recording Secretary
- Guests:** Hugh McClelland, Baird McClelland Inc., Economic Development Consultant
Colin O'Leary, O'Leary and Associates Ltd.

1. **Call to order**

The Economic Development & Prosperity Task Force was called to order by the Mayor at 7:31 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the agenda dated October 19, 2017 as circulated.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the minutes of the September 21, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Current/Past Initiatives

- **Penticton Works – Remote Worker / Business Attraction**

Hugh McClelland presented an overview of Penticton Works which was set up to raise awareness of Penticton and its unique lifestyle in order to attract virtual workers to re-locate and live here. The presentation included demographic data of workers and their unique infrastructure requirements as well as service, social and lifestyle needs.

Hugh noted that virtual workers encompass a wide range of businesses and careers and recent data suggests that the sector is projected to include 30% of the NA population by the year 2025. With estimated average earnings of \$65,000/year they bring their jobs and income to Penticton, creating positive growth.

Penticton Works is currently embarking on a “census” of virtual workers and businesses in the area and going forward and increasingly markets to a mix of virtual workers - homebased and micro businesses with an online focus.

- **Visual Effects (VFX) & Animation Industry**

Hugh McClelland briefly described the visual effects and animation segments of the film and television industry stating that both involve the creation of massive digital files. He noted Penticton is positioned to attract tech jobs in this industry due to our capacity for internet connectivity as a result of the recent installation of fiber optics and because skilled workers are being trained locally at both Okanagan College and UBCO. Going forward, he explained that there is an opportunity for Penticton to focus on the visual effects segment by leveraging and complementing Kelowna’s animation focus. Hugh noted that with the fiber optic infrastructure now in place and the completion of the hospital expansion, other industries such as medical imagery analysis, might also consider setting up shop in Penticton.

Discussion followed and committee members were encouraged to consider the benefits and challenges of pursuing this industry and whether to spend additional time and resources on this option.

- **Start Here Magazine**

Deferred to the next meeting.

4.2 Business License Update

The Director of Development Services noted that as of August 2017, the City had received a total of 424 business license applications, an increase over the same period last year.

4.3 Business Retention & Expansion Survey Update

The Economic Development Specialist provided an update on the status of the Business Climate Survey, noting the goal of interviewing 100 businesses by October 31 will not be met – instead she expects there to be 60 completed by this date. The process will carry on until the 100 businesses are interviewed. The survey process includes an in-person component and an online questionnaire. A breakdown of industry sectors (based on 2017 business licenses) and sector representation (based on the North American Classification System - NAICS) in the surveys completed to date, was reviewed.

The Economic Development Specialist noted the in-person surveys have resulted in a few emerging themes related to economic outlook and opportunities, business climate, housing, access to skilled labour, gaps & frustrations and prioritization of City infrastructure. Discussion included next steps and opportunities to use and share the data collected.

4.4 Strategic Planning October 30 & 31 – Committee Update

Colin O'Leary updated the Committee on the pre-strategic planning process. A survey has been distributed and the data obtained will be compiled and included in a report which will be sent to participants as part an information package the week prior to the strategic planning session. Colin noted the aim of the session is to come away with both high level goals for the next 5 years and yearly operational goals.

Participation is expected from 80+ businesses with representation from every sector (as identified by the NAICS). The Director of Development Services stated the City will be represented by the Mayor and Council, committee members, stakeholder representatives and employees.

5.0 New Business

There was no new business.

6.0 Next Meeting

The next scheduled meeting of the Economic Development & Prosperity Task Force will be at the call of the Chair.

7.0 Adjournment

It was MOVED and SECONDED that the Economic Development & Prosperity Task Force adjourn at 8:59 a.m.

Certified Correct:

Sharon Thompson
Committee Secretary

Minutes



Community Revitalization Select Committee Meeting

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

Thursday, October 26, 2017
at 7:30 a.m.

- Present:** Judy Sentes, Councillor
Campbell Watt, Councillor
Lynn Allin, Chair
Deborah Moore, Vice-Chair
Tim Scott, Member at Large
Corinna Netherton, Member at Large
Don Cocar, Member at Large
Nick Vassalakis, Member at Large
Skyler Punnett, Member at Large
Terry Olfert, Member at Large
- Staff:** Anthony Haddad, Director of Development Services
Ian Chapman, City Engineer
Lorraine Williston, Committee Secretary

1. Call to Order

The Community Revitalization Select Committee was called to order by the Chair at 8:00 a.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Community Revitalization Select Committee adopt the agenda for the meeting held on October 26, 2017 as circulated.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED

THAT the Community Revitalization Select Committee adopt the minutes of the September 6, 2017 meeting.

CARRIED UNANIMOUSLY

4. Business Arising from Previous Meetings

4.1 Downtown Plan & Development Update

The Director of Development Services confirmed Council has endorsed the recommendations made by this committee for the 300 Block revitalization. An update was provided on the petition process and staff noted the deadline is October 31. The results will be reviewed at the next meeting. Tenders will be issued in December and additional funding options will be investigated after the budget process.

The Director of Development Services provided an update on upcoming construction projects in the downtown core and the upcoming economic investment zone review.

4.2 300 Block Revitalization

Tim Scott commented on the issues of maintaining his restaurant patio noting the existing surface, being a brushed concrete, is difficult to clean food residue off. Mr. Scott presented suggestions for other types of surfaces that would be easier to clean and would like to know if there is an opportunity to install an alternate surface during the revitalization. Discussion followed. It was suggested the Martin Street restaurant owners be contacted to find out how the pavers are working on their patios and also whether other restaurants on the 300 block have a preference. Staff noted a change in surface could be a significant increase of costs and the original plan was to main a consistent look for all the downtown blocks. It was further suggested that the Storefront Use Bylaw could be amended to allow for changes to patio surfaces.

It was MOVED and SECONDED that the Community Revitalization Select Committee recommends that the Storefront Use Bylaw be investigated to allow storefront owners to install an alternate patio surfaces as approved by the City.

CARRIED UNANIMOUSLY

A question was asked as to how often streets and sidewalks are cleaned and if there was a regular maintenance program in place. Staff stated there is currently no specific downtown pressure washer cleaning program and cleaning is done periodically when required including a surface flushing (not pressure washing) in the spring. A pressure washer cleaning program is being proposed in the 2018 budget and if approved will provide weekly pressure washing for thirteen weeks during the peak season (June-August).

The Chair brought forth a request from the recent Downtown Penticton Association Board meeting to keep one lane open during construction. Discussion followed on possible construction options. It was generally agreed maintaining one lane access is cost and time prohibitive. Staff noted access to business can be achieved through parking lots on Martin and the alley ways. There will be an 'Open for Business' media campaign during to construction to bring awareness to the community on alternate areas to access the businesses affected. It was suggested that perhaps construction work could be done at night. Staff commented any work done at night would be slower, more expensive and more disruptive to residents living in or near the area. Night construction work is more suited for highway/bridge projects for various reasons.

4.3 400 Block Breezeway

The Chair reported she has had a brief conversation with the Locke Property Manager who stated the property owners do not want a canopy or any other structure attached to their property. The Chair will investigate further options and report back.

4.4 500 & 600 Block Landowner Requests

The Chair reported she had spoken with Public Works regarding potential 500 & 600 Block enhancements and confirmed for 2017, the street light posts will be wrapped with lights for the Christmas season. Revitalization options for 2018 will be researched by staff and an update will be brought back to the committee following the budget process.

The Chair brought forth concerns regarding transients and drug use in the downtown core stating business owners are starting to leave because of this issue. Roundtable discussion ensued. It was agreed something needs to be done as soon as possible. Councillor Sentes commented that Council and the City CAO are looking at strategies to implement to address this situation.

5. **New Business**

Terms of Reference

5.1 The Terms of Reference were distributed for information.

6. **Next Meeting**

The next scheduled meeting for the Community Revitalization Select Committee is Thursday, December 7, 2017 at 7:30 a.m.

7. **Adjournment**

It was MOVED and SECONDED that the Community Revitalization Select Committee adjourn the meeting held on Thursday, December 7, 2017 at 9:01 a.m.

Certified Correct:

Lorraine Williston
Committee Secretary

Minutes



Transportation Advisory Committee Meeting

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

Monday, October 30, 2017
at 3:00 p.m.

Present: Tarik Sayeed, Councillor
Tracy Van Raes, Chair
Daryl Clarke, PIDA Representative
Matt Berry, Penticton Transit Representative
Daniel Pizarro, BC Transit Representative
Martyn Lewis, Member at Large
Brigid Kemp, Member at Large
Kona Lynn Sankey, Member at Large
Matt Hopkins, Member at Large

Staff: Ian Chapman, City Engineer
Tyler Figgitt, Design Supervisor
Randy Houle, Planning Tech 1
Lorraine Witowski, Committee Secretary

1. Call to Order

The Transportation Advisory Committee was called to order by the Chair at 3:01 p.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Transportation Advisory Committee adopt the agenda for the meeting held on October 30, 2017 as amended (refer to Item 5.5).

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED

THAT the Transportation Advisory Committee adopt the minutes of the October 30, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. New Business

4.1 BC Transit Update

The BC Transit representative provided an update stating the next steps for integration will be to implement a Penticton to Kelowna route. Discussions need to happen with communities to determine who wants to be involved including regional partners (Peachland and West Kelowna) to discuss governments and funding. BC Transit is proposing two round trips per day from Penticton to West Kelowna, Monday to Friday to target students travelling to Kelowna for schooling. The earliest date for implementation would be September 2019. In 2021, three additional mid-day round trips would be added on Monday, Wednesday and Fridays. The cost each community has to pay will be dependent on how many partners join. Discussion and questions followed.

The BC Transit representative noted additional expansion plans for Penticton, as contained in the Future Transit Plan include the introduction of service to the Wiltse and Sendero Canyon areas in 2021 and a frequent transit network for route #5 to be implemented sometime after 2021.

4.2 Secure Bicycle Storage Lockers

The Planning Tech 1 presented information and examples of secured bicycle storage lockers, costs, rental options, pros and cons and potential locations. Staff noted during the downtown revitalization public consultation process, numerous requests were received for secured bicycle storage in the downtown core. Staff are recommending the City purchase four units (two of each type presented) and install them by City Hall and down at Okanagan Lake by the Peach concession to gauge the public's interest. Discussion and questions followed. It was suggested downtown businesses could partner with the City to help with the costs of the units.

Kona Lynn arrived at the meeting at 3:50 p.m.

It was MOVED and SECONDED that the Transportation Advisory Committee supports the recommendation for staff to proceed with the secured bicycle storage locker pilot project and purchase four units (two of each type) with locations to be determined.

DEFEATED

Matt Hopkins, Matt Berry, Tracy Van Raes, Daniel Pizarro, Opposed

It was generally agreed by the committee that more information is needed on what the payment and rental options are for these units and provide statistics on the feedback received at the downtown public engagement events. Staff to provide additional information at the next meeting.

4.3 Downtown Crosswalks

Matt Hopkins brought forth questions with respect to the timing of the 'walk' and 'do not walk signals' at the downtown crosswalks. Staff commented signals are timed according to the most time it would take someone to cross the street. Three stages are set accordingly, 'walk', flashing 'don't walk' and solid 'don't walk'. Staff to check the timing in the downtown crosswalks and report back.

5. **Business Arising from Prior Meetings**

5.1 **Bike Rack Location**

Matt Hopkins reviewed the feedback received from committee members on suggestions for possible bike rack locations noting the priorities were by downtown businesses and highly visible locations. Item to be brought back to next meeting for further discussion and recommendation.

5.2 **Sidewalk Installation Priority List**

The Design Supervisor reported staff have developed a map showing the existing sidewalk locations within the City. This map along with the list will be reviewed at the next meeting.

5.3 **Greyhound Canada Transportation – Reduced Service Update**

The City of Penticton's letter to the Passenger Transportation Board was received for information.

5.4 **Review of Committee Terms of Reference**

Staff reviewed the minor changes made to the 2017-2018 Terms of Reference.

5.5 **Warren Avenue**

Daryl Clarke brought forth traffic concerns over the changes made to the crosswalk on Warren Avenue and Quebec Street stating the changes have created an unsafe corridor for commercial trucks due to the narrow roadway. Staff confirmed upgrades were done to that crosswalk due to an increase of complaints received. The objective was pedestrian safety not traffic calming. Discussion and questions followed.

Staff commented strobe light pedestrian flashers will be installed in various locations and are solar powered.

6. **Council Outcome**

The Council Outcome was received for information.

7. **Next Meeting**

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

8. **Adjournment**

It was MOVED and SECONDED that the Transportation Advisory Committee adjourn the meeting held on Monday, October 30, 2017 at 4:22 p.m.

Certified Correct:

Lorraine Witowski
Committee Secretary

Council Report

penticton.ca

Date: November 7, 2017 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Bregje Kozak, Manager of Facilities
Subject: **BC VQA Wine Information Centre, Request for Additional Relocation Assistance**

Staff Recommendation

THAT Council direct staff to reimburse the BC VQA Wine Information Centre a maximum of \$90,000 for relocation expenses, as per the Letter of Understanding dated December 3, 2015.

Background

On December 3, 2015 the City of Penticton and BC VQA Wine Information Centre (Wine Centre) reached agreement on relocation requirements and funding assistance for the move of the Wine Centre to the new Casino facility. The terms of the agreement were captured in a Letter of Understanding (LOU), dated December 3, 2015.

The LOU identified \$80,000 in funding assistance for relocation of the Wine Centre for their relocation, as described in Clause 10(a)(b) as follows:

Clause 10 - Assistance with Moving

- a. site design consultation to a maximum cost of \$5,000
- b. Moving costs for address changes, fixtures, and inventory to a maximum of \$75,000.
(Note: this amount can be increased to meet needs as costs are finalized assuming structure/design is deemed reasonable.')

The Wine Centre has submitted two invoices to the City requesting reimbursement for their relocation costs. The February 16, 2017 invoice in the amount of \$49,216.09 was paid in full. A second invoice was issued on May 18, 2017 in the amount \$100,631.35, bringing the total request for reimbursement up to \$149,847.44.

Upon receipt of the second invoice, the City advised the Wine Centre that it cannot be paid in full as it exceeds the maximum amount as defined in the LOU. The Wine Centre response indicated that there were other items in the LOU that had financial implications including exterior signage, a utility meter, the purchase of cooler units and the addition of washrooms within their tenant space, for which they believe the City should bear the financial responsibility.

Upon further review and discussion, it was agreed to increase the reimbursement to the Wine Centre by an additional \$10,000 to cover off some of the inconsistencies as noted above, for a total compensation of \$90,000. This amount falls within the City's approved project budget but leaves a discrepancy of approximately \$60,000 between the Wine Centre's funding request and the City's ability to fund it.

There are three items currently under discussion:

1. Washrooms - The Wine Centre has invoiced approximately \$37,000 for construction of washrooms within their leased space. If the Wine Centre required washrooms in their tenant space, they should have negotiated the costs and responsibility with Gateway as their landlord. The City had no involvement in the design or construction of the Wine Centre space, nor was the City involved in the lease negotiations. The Wine Centre should work directly with Gateway pursue reimbursement as necessary.
2. The second item under discussion is the reimbursement of the refrigeration/cooler units which was invoiced at approximately \$50,000. The City's position is that the cooler unit formed part of the expenses that were reimbursed under Clause 10(b). The city had agreed to pay a maximum amount for moving assistance and any costs exceeding that amount are the responsibility of the Wine Centre.
3. The Wine Centre has claimed approximately \$7,000 for installation of the stained glass window in their leased space. The City reached out to Gateway on this item and they have agreed to compensate the Wine Centre for this work. The Wine Centre can work with Gateway directly to have these costs reimbursed.

The City's position is that the terms of the LOU have been met. If the Wine Centre knew that they were going to exceed the maximum amount identified in the LOU, or if they required financial assistance beyond what was identified in Clause 10, they should have notified the City immediately to confirm the additional costs were reasonable before proceeding with the work.

Financial implication

The City's 2016 approved capital budget included \$100,000 to deal with projects related to the Casino development and relocation of the Wine Information Centre. Approximately \$10,000 was spent in 2016 on internal costs for the City including furniture inventories, moving and storage, temporary signage and decommissioning of the old Wine Centre facility.

With an invoice of \$49,216.09 already paid out to the Wine Centre, there is currently \$40,783.91 remaining in the approved budget. The current staff recommendation would not require any further funding approvals as it can be accommodated within the existing approved budget.

A new funding source would need to be identified if the total reimbursement exceeds the approved project budget.

Analysis

The Wine Centre relocation was required as a result of the new casino development. An LOU was prepared on December 3, 2015 identifying lease terms and financial requirements for the relocation of the Wine

Centre to their new facility. The City has agreed to a total reimbursement of up to \$90,000 as per the terms and conditions defined in the LOU.

The Wine Centre is not in agreement with the City's maximum offer of \$90,000 and is seeking Council approval for additional reimbursement.

Alternate recommendations

THAT Council direct staff to reimburse the BC VQA Wine Information Centre in the amount of \$149,847.44 as invoiced and fund the balance through general surplus.

THAT Council provides alternate direction to staff.

Attachments

Attachment A – LOU between City of Penticton and Wine Information Centre, December 3, 2015

Respectfully submitted,



Bregje Kozak
Manager of Facilities

Approvals

CFO	Chief Administrative Officer
<i>JWB</i>	PW



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

Date: December 3, 2015

Letter of Understanding

Without Prejudice

Subject to approval by Gateway Casinos and Entertainment

Background:

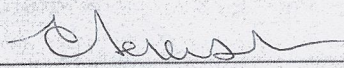
The City of Penticton has been engaged in a discussion with the BC Wine Information Society board over the last months relative to relocation of the existing wine store.

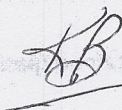
The City and the BC Wine Information Society agree to the following:

1. Lease Space
 - a. relocate to the new building to be built in the Project Easement Area (Attachment 1 area in red hatching)
 - b. Minimum Square Footage: 4046 feet equivalent to the existing lease space plus main floor common areas
 - c. Installation of stained glass windows in interior
2. Permitted use:
 - a. wine store (or a license allows it) *KB*
 - b. retail area
 - c. visitor services and
 - d. wine tasting or demonstration area
3. Costs
 - a. Lease costs \$8 per sq foot
 - b. Utility costs to be charged only if a separate meter is installed for the premises
4. Parking
 - a. Reserved Parking with a minimum of 9 reserved stalls in the project or parking easement area (Attachment 2)
 - b. At least 3 of the reserved spots limited to 30 minutes
 - c. At least one reserved parking stall immediately north of the entrance to the building (Attachment 1 – outlined in red)
5. Delivery
 - a. 1 Loading zone parking spot
 - b. 24 hour access for delivery vehicles to a loading dock/bay in the store
 - c. No ramps or other impediments that would limit the delivery of pallets
6. Customer Access
 - a. Ramp or accessible entry available to customers
7. Signage
 - a. Exterior sign (to be provided by tenant) promoting the Wine Society.

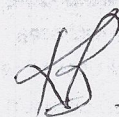
- b. Electrical and sign installation to be provided at no cost to the Wine Society.
- 8. Sales Support
 - a. In the case that the Wine Society does not meet the minimum sales required to retain its wine license, the City or Gateway shall purchase sufficient wine to reach the minimum requirement
 - b. Sales support guarantee is limited to January 1 2016 until June 30, 2017 unless extended by mutual approval
 - c. Wine Society must demonstrate they made best efforts to reach the sales targets
 - d. Wine Society must provide written evidence of the risk of loss of license.
- 9. Remaining lease terms
 - a. All remaining terms of the current lease dated May 1, 2005 between the City of Penticton and the British Columbia Wine Society remain in effect excepting articles 1.1, 6.4, 6.8, 8.7, 8.8, 17
- 10. Assistance with moving:
 - a. site design consultation to a maximum cost of \$5000
 - b. moving costs for address changes, fixtures and inventory to a maximum of \$75,000.
- 11. Dispute Resolution
 - a. Any disputes arising from the tenancy in the new building will be mediated by the City of Penticton

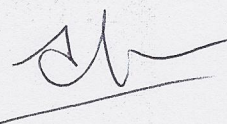
Signed and acknowledged as acceptable:


Name: ERIC SORENSON
Title: CAO
City of Penticton

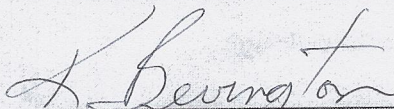
12. washrooms 

This amount
can be increased
to meet needs
as costs are
finalized
assuming
structure/design
is deemed
reasonable.





Signed and acknowledged as acceptable:


Name: KEITH BEVINGTON
British Columbia Wine Information Society

December 4/2015

Council Report

penticton.ca

Date: November 7, 2017
To: Peter Weeber, Chief Administrative Officer
From: Peter Wallace Land Administrator

File No: 4520-01

Subject: Beach Vending Changes for 2018

Staff Recommendation

THAT Council direct staff to renew the Beach vending program with the following changes:

- Establish a three year term with the rate adjusted annually by CPI;
- Relocate vendors that are not water related off of the beach;

AND THAT the Mayor and Corporate Officer be authorized to sign the agreements.

Strategic priority objective

Contribute to a Vibrant Waterfront.

Background

In 2011 the City assumed administration of beach vending from a private operator who had administered the program for many years. When the City took over there were 19 vendor spots. A maximum of 40 spots were offered in 2013 with only about 25 spots actually rented out. Staff recommends a maximum of 24 spots, which should address the concerns of the public and satisfy the demand from the existing vendors.

The rates were reviewed and adjusted for the 2016 season based on market analysis and staff input. The program currently generates about \$36,000 per year (vendor fees only) and provides a sense of vibrancy to the waterfront. As such the program is considered viable and desirable and continued administration by City staff is recommended.

The administration of the vending program has evolved over the past 6 years to the point where on a typical year the administration is equivalent to about one full time employee for a month. The proposed changes to the term will reduce administration requirements substantially.

The administration requirements in 2016 were minimal. In 2017 the flood increased the administration of the Okanagan Lake Vendors significantly and generated public concerns given the loss of beach near the beach due to the high waters combined with the vendors displacing public use of the beach. To address

these concerns two 10' X 20' vendor spots were moved off the sand to the area adjacent to the sidewalk (to an area that is not part of the Stafford Agreement and actually designated as Road Boulevard). The location of the one vendor adjacent the sidewalk to the west raised concerns with one resident on Lakeshore Drive as the vendor obstructed the property owner's lake view. This vendor will be relocated to the east. The recommended relocation of two vendors and reducing the 20'X10' vendor foot print for the two relocated vendors to 400 square feet has addressed the concerns of the public.

There were no significant vendor complaints or issues at Skaha Lake over the past few years and as such, no changes to those vendor locations are recommended. (Other than one Para-Sail operation permitted last year on an exception basis and two paddle-board rental vendors (one by the marina and one at Sudbury, beach there are no authorized vendors in the sand at Skaha Lake Beach.)

To gain input from the Vendors, staff held an engagement session with the Vendors at the end of the season in September to gain insight into the challenges and successes of the program, and discuss the future of the program. A synopsis of the feedback from this meeting is included in Attachment A and the proposed changes to the program address the vendor's main concerns. In the proposal going forward staff have satisfied the main concerns of the vendors.

Financial implication

There will be a slight reduction (~\$3,600) in revenue due to the elimination of two 20' X 10' sites by the beach. The cost to relocate a memorial bench to create a suitable vendor spot adjacent the walkway, satisfactory to the Lake Shore resident at \$800 - \$1,000.

Analysis

Key highlights from engagement session include the desire by vendors to have greater certainty by creating longer term licenses with the City and certainty of site locations from year to year.

Vendors also requested to be more informed of key activities and events within the city including proposed road closures for major events. The vendors see themselves as potential ambassadors in communicating events and activities to customers, many whom are visitors to the City.

The Proposed Changes

Current	Proposed	Benefit/ Detriment
Year to Year permit	3 year Licence	Provides stability for vendors. Reduces admin. for staff. / Reduces potential for new vendors.
Six 10'X10' vendor spots on the beach	1 water related vendor on beach	More beach space available at Okanagan Lake – better views of lake. Affected vendors relocated off of the sand, to spots adjacent to walkway as shown in Attachment B.



Photo no. 1 - Paddle board rental will be left in sand



Photo no. 2 - Vendor off sand adjacent walkway

The maps showing the locations for proposed vending sites at Okanagan Lake is included as Attachment B.

Existing vendors are grandfathered in the spots in which they finished the 2017 season for the three year term (except for the one relocated slightly to the east to accommodate the Lakeshore Drive resident's complaint.)

As the few vendor's who utilize the larger 10' X 20' footprint have indicated that the reduction to a 10' x 10' space would adversely impact their business significantly, every effort was made to accommodate the larger 10' X 20' locations, however, to satisfy the concern from the public and with limited suitable sites available for the larger foot print, the two 10' X 20' sites moved from the sand by the beach will be reduced to 10' X 10' tent with the ability to place items outside of the tent footprint not to exceed 400 sq.ft., provided that the items placed outside the tent do not create a negative visual presence and do not impact pedestrian traffic. If issues arise in the future the licence will allow relocation and include an escape clause at Council's sole discretion, should future relocations be required due to unforeseen circumstances.

The fee structure was last reviewed and adjusted in 2016. The proposal for the 2018 season is to apply the 2017 BC CPI adjustment to the rates established in 2016 and then apply CPI adjustments annually over the remaining two years of the term. The beach vending program has evolved and the existing vendors are professionals that rely on the business for their livelihood. The recommendation for the longer-term agreements will help stabilize their operations and provide them the comfort to acquire inventory for coming years.

Other than the longer term, the other terms and condition of the existing Vendor agreements remains the same.

Alternate recommendations

That Council direct Staff to revise the beach vending program under terms and conditions of their choosing.

Attachments

Attachment A – Beach Vendor Meeting Feed Back

Attachment B – Proposed Vending Sites at Okanagan Lake

Respectfully submitted,



Peter Wallace
Land Administrator

Approvals

Director/CFO	Chief Administrative Officer
<i>JWB</i>	PW

Attachment A

Beach Vendor Meeting Feed Back

WHAT ARE SOME POSITIVE ASPECTS OF THE CURRENT PROGRAM THAT YOU WOULD LIKE TO SEE CONTINUE?

- would like the improved communication to continue
- are happy that there are no parking meter fees at the beach
- would like a designated spot for loading and unloading (paddle surf)
- would like to stay in their same locations as there are a lot of repeat customers that come looking for them each year
- continue to have the vendors spread out

WHAT ARE SOME OF THE CHALLENGES FROM YOUR PERSPECTIVE AND WHAT COULD BE DONE TO RESOLVE THESE CHALLENGES?

- Too many road closures / event disruptions. ITU was very challenging. Some roads were closed down for two weeks.
- Lakawanna watering days. They would like to know ahead of time so they can alter their set up times. Same with grass cutting days. (Request into Parks)
- Leveling issues at Lakawanna (Staff have requested Parks looking into potential or perhaps grasscrete pads)
- Parking location for vendors. Paddle Surf has to run from beach to loading zone trying to get to the truck and back before something is stolen and so that they are not parked in loading zone for long (investigating loading zone by Policing Bldg.)
- Prefer to be on sand (not an option at this time)
- ATM – a lot of tourists try to get cash however there are no banks in close proximity (Private enterprise - not an issue the City can address.)

WHAT OTHER CHANGES SHOULD BE CONSIDERED TO IMPROVE THE PROGRAM?

- Longer lease – 5 years is optimum (3 year term proposed)
- Providing vendors the dates and locations of events that are taking place as tourists always ask (Information available on line. A laminated copy of event dates will be provided.)
- Earlier application process (we are striving to have ready by end of November or early December. The proposed five year term will eliminate this issue)

HOW DO YOU ENVISION THE BEACH VENDING PROGRAM MOVING FORWARD?

- Longer term (3 year term proposed)
- Not saturating the market with similar products in close proximity (Proposed number of vendors and vendor locations be locked down.)
- Working together rather than competing with one another (Staff believes that this is being achieved.)

LOCATIONS

BASED ON THE FEED BACK FROM THE PUBLIC, ONE CONSIDERATION IS THAT ALL VENDORS, EXCEPT THOSE PROVIDING WATER ACTIVITIES, WILL BE LOCATED OFF OF THE SAND, HOW WOULD THIS CHANGE AFFECT YOUR OPERATION?

- Ensure that the vendors continue to be spread out as to not compete with similar products

VENDING LOCATION

IF WE CONSIDERED A SPECIFIC LOCATION MARKET WHERE ALL VENDORS WOULD BE LOCATED, HOW WOULD YOU SEE THIS WORKING FOR YOU?

- tacky
- Tried before and failed - Sicamous night market
- currently successful why change it
- no vendor is in favor of this idea
- Very convenient to have it spread out
- market is on Saturday
- being on the beach attracts walk by traffic
- if went to market permanent structures would be beneficial
- don't want to take away green space

VENDING SIZE

TO REDUCE THE VISUAL IMPACT ONE CONSIDERATION IS TO LIMIT ALL VENDOR SITES TO 10' X 10' OR SLIGHTLY LARGER; HOW WOULD THIS IMPACT YOUR OPERATION?

- Worry that their products would get damaged by wind and rain.
- Customers actually walk in for a break from the sun. Not able to do that if it is smaller.
- Vendors feel that they have taken the time to look appealing they would have to amend to significantly.

LOCAL VENDORS

THE CURRENT POLICY INCLUDES A PREFERENCE FOR THOSE OPERATORS WHO RESIDE IN PENTICTON. DO YOU FEEL THAT THIS SHOULD BE A FACTOR IN ALLOCATION OF SPOTS IN OUR PROGRAM?

- No this is discriminatory
- Good standing should be a factor rather than the person's civic address.

VARIETY

THE CITY WOULD LIKE TO ENCOURAGE A GREATER VARIETY OF ITEMS BEING SOLD. HOW WOULD YOU SUGGEST THAT THIS BE ACCOMPLISHED?

- Not limiting the vendors space
- Longer contracts that way the vendors can purchase more and better items
- Vendors spaced appropriately
- Make the program more attractive and that way the vendors will be able to invest more money into it.

APPLICATION PROCESS

DO YOU THINK THAT APPLICATION PROCESS IS STREAMLINED AND FAIR?

- Yes fair, easy to do and Sheri and Peter have streamlined it immensely.
- Would like to have paperwork done September/October rather than in the spring.

SELECTION OF VENDOR SITES

DO YOU FEEL THE APPROACH FOR AWARDING SITES FOR VENDORS IS COMPETITIVE, FAIR AND EFFECTIVE?

- all vendors have voiced that they want to stay in their current specific sites. (Proposed)

MANAGEMENT OF BEACH VENDING PROGRAM

WOULD YOU LIKE THE CITY TO CONTINUE TO RUN THE BEACH VENDING PROGRAM OR HAVE IT MANAGED BY AN EXTERNAL GROUP?

- All vendors indicated that it should stay with the City.
- The vendors that were with vending when it was previously out sourced indicated that it was disastrous.
- Vendors were opposed to the revenue going to a third party
- This is their livelihood and we would be upsetting that if we outsourced.

TERM

WOULD YOU PREFER A LONGER TERM LTU AGREEMENT WITH RENEWAL ONLY REQUIRED EVERY 3 TO 5 YEARS?

- all vendors were in favour of this. All vendors would like to see a 5 year term. (Proposed)
- all vendors indicated that they felt that the costs involved were fair.

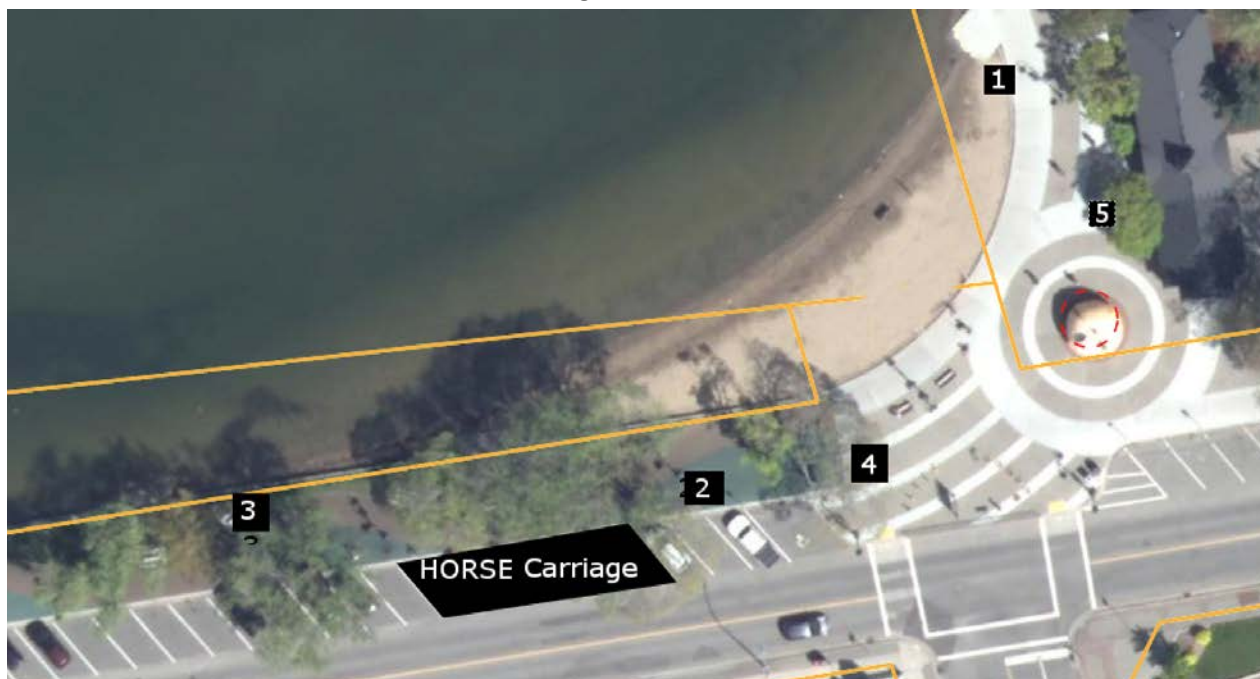
CLOSING COMMENTS

- Vendors would like to sit down and have a de-briefing every year.
- Would like to ensure that all get information before it goes to council (This Council Report was provided)
- Is it possible to get electrical pedestals at Lakawanna? (This will be investigated although the cost for power would ultimately be passed on to the vendors through higher rates for sights that access power.)
- Events – less disruptions from the ongoing events (difficult to achieve)
- Specific spot on the beach for upcoming event information.

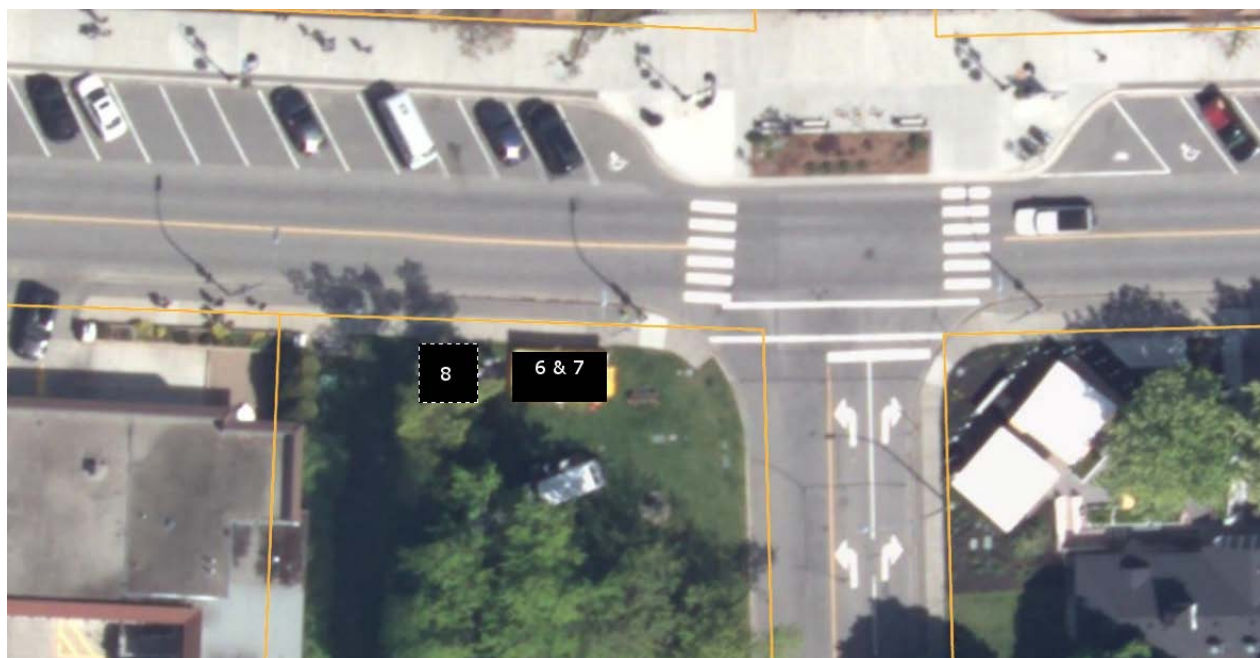
Attachment B
Proposed Vending Sites at Okanagan Lake

The relocation of vendors off the beach has resulted in the following locations around the Peach.

Okanagan Lake Peach



Okanagan Lake - Lakawanna Park Area



S.S. Sicamous Vending Sites



No change is planned for Skaha Lake Locations.

Council Report

penticton.ca

Date: November 7, 2017
To: Peter Weeber, Chief Administrative Officer
From: Lori Mullin, Recreation & Culture Manager
Subject: **UBCM Age-friendly Communities Grant**

File No:

Staff Recommendation

THAT Council support the grant application to the UBCM 2018 Age-friendly Communities Grant Program to implement the Penticton Fit Start program.

Strategic priority objective

Strategic Pillar: Livable

Strategy: Ensuring the city is safe, healthy, welcoming and inclusive.

Background

The Age-friendly Communities grant program is intended to assist local governments in BC to best support aging populations, develop and implement policies and plans, or undertake projects that enable seniors to age in place and facilitate the creation of age-friendly communities. The Ministry of Health has committed an additional \$0.5 million in funding to the program and grants are now available for 2018 community planning initiatives or community projects.

The Recreation Department has reviewed the previous work completed on Penticton's Aging Actively Strategic Plan which defined the recreational needs and wants of the older adults with a goal of increasing participation, thus engaging individuals mentally, socially, spiritually and physically. Many barriers to participation were listed in the Plan including costs associated with programs, feeling intimidated by fitness equipment, fear of falling or injury, and a general lack of confidence.

The Recreation Department is applying for \$15,000 in grant funding to create and implement a free fitness program for 55-69 year olds led by a certified BC Parks & Recreation Association certified fitness instructor holding the Older Adult specialized designation. The Penticton Start Fit program will include targeted components of cardiovascular fitness, strength, education and social well-being. Through the partnerships with Interior Health, the South Okanagan Seniors Wellness Society, the Penticton Seniors Centre and Dale Charles Physio Sports Clinic additional program features include free transportation, educational sessions and one-on-one physiotherapy consultation.

The funds will be allocated to the purchase of a Latitude Lateral Stability Trainer for the Fitness Room. This piece of equipment will be available to all patrons of the Fitness Room. It allows users to exercise in a recumbent position and strengthens stabilization muscles. The seat removes for simple wheelchair access, making it accessible for all abilities.

Financial implication

The grant application requests the maximum amount for stream 2 funding of \$15,000. No matching funds are required. Contribution of in-kind support is approximately \$1,600 for Recreation administration time and communications.

Analysis

Council's support to the grant application fulfills the grant requirement of a Council resolution. This will allow the Recreation Department to submit the application and potentially receive funding to purchase an accessible piece of fitness equipment and to offer a new and innovative fitness program for adults 55-69 years.

Alternate recommendations

1. THAT Council not support the grant application to the UBCM 2018 Age-friendly Communities Grant Program to implement the Penticton Fit Start program.
or
2. THAT Council provide alternate directions to staff.

Attachments

Attachment A: UBCM 2018 Age-friendly Communities Grant Program Application Form

Respectfully submitted,



Lori Mullin
Recreation & Culture Manager

Approvals

Chief Financial Officer <i>LWB</i>	Chief Administrative Officer PW
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2018 Age-friendly Communities Grant Program

Phone: 250 356-2947 E-mail: lgps@ubcm.ca

Mail: 525 Government Street, Victoria, BC, V8V 0A8

APPLICATION FORM for STREAM 2

Age-friendly Projects

Please complete and return this form by **November 10, 2017**. All questions are required to be answered by typing directly in this form.

Applicant Information

Local Government: City of Penticton - Recreation

Complete Mailing Address: 325 Power St.
Penticton, BC V2A 7K9

Contact person: Natalie Alexander

Position: Recreation Coordinator

Phone: 250-490-2575

E-mail: natalie.alexander@penticton.ca

1. PROJECT INFORMATION

Project title: Penticton "Fit Start" Program

Proposed project start and end dates: Start: April 2018 End: December 2018

Proposed project budget: \$15,000

2. PROPOSED FOCUS AREA(S) - Please indicate which age-friendly components will be the primary focus of the proposed project:

- | | |
|--|---|
| <input type="checkbox"/> Outdoor spaces & buildings | <input checked="" type="checkbox"/> Social participation |
| <input type="checkbox"/> Transportation (including traffic safety) | <input type="checkbox"/> Communications & information |
| <input type="checkbox"/> Housing | <input type="checkbox"/> Civic participation & employment |
| <input type="checkbox"/> Respect & inclusion | <input checked="" type="checkbox"/> Community support & health services |

3. CONFIRMATION OF AGE-FRIENDLY PLAN OR ASSESSMENT.

As outlined in the Program & Application Guide, in order to be eligible for Stream 2, applicants must have a completed age-friendly assessment or action plan, or demonstrate that their Official Community Plan,

Integrated Sustainability Community Plan, or equivalent, is inclusive of age-friendly planning principles.

Please outline how your local government meets this requirement and attach completed plans, and/or assessments, or excerpts from higher-level plans, with the application form.

The City of Penticton has an "Aging Actively Strategic Plan" in place, identifying the need to assess and address the needs of the older Penticton adult aged 55 plus. The overall aim of the Aging Actively strategic plan is to define the recreational needs and wants of the older adults with a goal of increasing participation, thus engaging individuals mentally, socially, spiritually and physically. (*Plan is attached).

4. AGE-FRIENDLY RECOGNITION. Many BC communities have already completed steps required to be recognized as an age-friendly community. In addition to Question 3 above, please indicate if your community has completed the following:

- ☐ Established an age-friendly advisory or steering committee that includes the active participation of older adults. An existing committee may also have taken on this mandate.
- ☒ Passed a council or district board resolution to actively support, promote and work towards becoming an age-friendly community. As an alternative, local governments may have chosen to commit to being age-friendly through specific goals, objectives or policies in an official community plan or strategic plan.
- ☒ Conducted an age-friendly assessment in consultation with older adults.
- ☒ Developed and published an action plan.

Can BC Healthy Communities (BCHC) Society contact you to discuss completing Age-friendly Community recognition?

Yes ☒ No ☐

5. DESCRIPTION OF PROPOSED ACTIVITIES - Please describe the specific activities you plan to undertake. Refer to Section 4 of the Program & Application Guide for eligible activities under Stream 2.

Our "Aging Actively Strategic Plan" defines the recreational needs and wants of the older adults with a goal of increasing participation, thus engaging individuals mentally, socially, spiritually and physically. Many barriers to participation were listed in the plan, including costs associated with programs, feeling intimidated by fitness equipment, fear of falling or injury, and a general lack of confidence. Significant impact on the wellbeing of this population can be made by increasing opportunities and resources, and decreasing identified barriers to participation. The plan identified multiple agencies that provide high-quality programming for the "older senior". Yet, the baby boomers have specific interests that are currently not being addressed.

Focus groups used during the development of the strategic plan revealed that fees and charges are a large hinderance to participation. Our proposed plan is a free fitness program designed for ages 55-69 years, taking place twice a week at the Penticton Community Centre. Each 1.25 hour class will include cardiovascular fitness, strength, educational, and social components. In order to make the fitness room more accessible, we will be purchasing a Latitude Stability Trainer to accommodate those that may have mobility challenges. The Latitude Lateral Stability Trainer uses a Circular motion to activate muscles used for stability and side-to-side movements. It allows users to exercise in a recumbent position and strengthens stabilization muscles by activating firing patterns missed by sagittal plane exercisers. It is an ideal piece of

equipment as it is appropriate for people of all fitness levels from seniors to athletes. The seat removes for simple wheelchair access, making it accessible for all abilities.

Mixed levels, including "introductory beginner" and "intermediate" will be offered to ensure that participants are getting an adequate amount of challenge. Greater emphasis will be offered on strength and balance exercises and cardiovascular fast-paced walking. Participants will rotate through multiple stations where exercise activities target different muscle groups. Strength training includes primarily the use of resistance bands and body weight exercises. Our instructor is a certified BCRPA fitness instructor, holding a special designation in "Older Adult" training.

In order to recruit participants, we will be hosting group presentations where people can get a "taste" of the program, particularly in settings where our target population naturally convenes (e.g., senior center, care homes, etc.). We will look at developing elder "champions" who use their personal networks and word of mouth to bring people in. Recruiting face-to-face at existing activities will be also be necessary. Finally, as we have an established relationship with local media - we will work collaboratively on marketing the benefits of this program.

We also know that education about the profound effect that aging can have on the health of our Penticton older adults is needed. To meet this requirement, we will be partnering with Interior Health and other related agencies to offer educational sessions, and provide one-on-one physiotherapy consultation. Finally, transportation has been also identified as a significant barrier to participation among this age group. As a result, we will be working with the Penticton Seniors Wellness Society in offering free transportation options to our program.

6. PROGRAM GOALS & OBJECTIVES - How will the proposed project meet the goals of the 2017 Age-friendly Communities grant program? How will this make your community more age-friendly?

Encouraging older adults to become and stay active has developed into an important public health priority. The Active People, Active Places strategy states that, "[p]hysical activity increases mobility, independence and quality of life in older adults and provides protection from injuries due to falls."

Penticton has long been regarded as a retirement community for many residents because of desirable climate and amenities. In the next decade, our community will be greatly impacted by the aging population, and it is important that we are adequately prepared for the needs of this particular group. Rising rates of chronic health conditions such as diabetes, osteoarthritis and cardiovascular disease require effective prevention strategies. As the front end baby-boomers approach retirement age, we are looking at ways of addressing prevalent chronic disease rates through physical activity and the promotion of healthy lifestyle choices.

The Aging-Actively Strategic Plan four our community had identified multiple organizations that offer high-quality programming for the older senior. One thing that has become apparent is the gap in addressing the needs of the "active senior". For both men and women, entering their golden years may present challenges such as decreased muscle strength, reduced aerobic capacity, and impaired activity due to pain—a combination that can ultimately lead to disability and loss of independence. This program will offer flexibility exercises, aerobic conditioning, strength training, and an educational component on lifestyle change and arthritis disease management.

To help expand the reach of this program, we will be partnering with other agencies - all of them with access to this target population. As the Community Centre is the most appropriate setting for the nature of this program, we will act as the backbone organization for all program decisions, communication, and evaluation.

7. INTENDED OUTCOMES & DELIVERABLES - What do you hope the proposed project will achieve? What will be the specific deliverables?

At the end of this program, we hope to have made the Penticton Community Centre a more inclusive and accessible place for all older adults. Our specific deliverables include:

1. To have connected with more individuals in the "baby-boomer" age-range.
2. To have promoted the benefits of healthy choices and physical activity to this demographic.
3. To have made the Penticton Community Centre a more "older adult friendly" location, by providing appropriate equipment and training.
4. To build capacity among service providers, and move away from silos.
5. Meet the service needs of older adults and their families to assist the older person in maintaining their independence.
6. The development of an expanded positive social network; positive connection to recreation; and positive support network for our participants.
7. Participants are confident enough to attend external activities related to social/relationship skills and physical and recreational pursuits.
8. Participants feel comfortable accessing other related community resources.
9. Enhance the positive image of the Community Centre, and promote the positive effects of healthy aging across the community.
10. Develop future effective, practical, evidence-based interventions for health promotion and self-management of chronic disease.
11. Be able to show demonstrable, measurable outcomes to collaborators and other service providers across the region.

8. COMMUNITY PARTNERS & PARTICIPATION BY SENIORS

- A) Local governments are encouraged to work with their local Health Authority. How will the proposed project include your health authority?

In 2007, the Interior Health Authority established a new mandate to relieve loneliness and isolation of older adults and improve their mobility and independence by providing outreach and education. Our program will be supported by the IH in the following ways:

- 1) Assisting in the distribution of communications and marketing materials
- 2) Development of educational sessions to help facilitate learning around healthy aging
- 3) Outreach support to vulnerable populations
- 4) Assist in assessment and evaluation

Together, we seek to:

- Provide leadership and coordination of improved accessibility to fitness programs for the older adult population in Penticton
- Guidance of best practices related to physical activity
- Support older adults in making physical activity and exercise a priority to maintain health and wellbeing

- B) List all confirmed partners (e.g. school districts, First Nations or Aboriginal organizations, seniors, senior-serving organizations, community organizations and other local governments) that will directly participate in the proposed project and the specific role they will play.

Penticton and District Resources Society/ The South Okanagan Seniors Wellness Society: The South Okanagan Seniors Wellness Society has provided educational, cultural and outreach programs to older adults for almost 40 years. They offer numerous opportunities for seniors to socialize and learn about healthy living and wellness in a safe environment at a nominal cost.

Upon meeting with this group, we discovered that we had a unique opportunity to create a partnership that would allow us to build capacity and share resources. Together, we plan to share information and mutually distribute communications. The SOSWS will also act as the hub for transportation, and will also be on the list of the locations for pick-up to take participants to the fitness program. As we wrap up the program, they will also provide evaluation opportunities by distributing surveys.

Penticton Seniors Centre: The Seniors Centre will act as a distributor of our communications and promotional materials. They will also act as a pick-up location for participants. At this point, the Seniors Centre does not offer much in the way of fitness programs, so we agreed that this new addition would be welcomed.

Dale Charles Physio and Sports Clinic: Our Community Centre is unique, in that we share a space with a physiotherapy and sports clinic. They offer services such as Sports Therapy, Bracing, Hydrotherapy, Acupuncture and more. Frequently, they will use the equipment in the Fitness Room with their clients. They have expressed that the addition of the Latitude Lateral Stability Trainer would greatly enhance the current space and provide extra benefits to those that need it most.

Regional District Okanagan Similkameen: The RDOS is implementing a "Regional Recreation Strategy" that includes an Older Adult Initiative. Representatives from the City of Penticton will be sitting on the Task Force to develop this initiative, and will look at ways of partnering to maximize benefits.

- C) Describe any direct participation by seniors in the proposed project.

The South Okanagan Seniors Wellness Society offers a program called "Cooking Up Connections", as part of their "Out and About" program. The program is designed to allow for participants to build friendships while participating in social and recreational activities. They take care of the details and provide low cost transportation if required. I was able to connect with one of these workshops and issue a short questionnaire to the seniors to get their perspective on what their need is in terms of physical activity programming in the community.

The questionnaire was developed to assess current fitness levels and determine if this program would be of interest to them. Overwhelmingly, the respondents agreed that a program of this type would suit their needs and they felt that their current level of activity was not adequate.

9. EVALUATION - What tools will be used to evaluate the completed project (e.g. participant surveys, tracking tools, external evaluation, etc.)? How will this information be used?

We know that effective program evaluation can be used to influence policy makers and funders, build community capacity and engage communities, share what works and what doesn't work with other communities and ensure funding and sustainability. By properly evaluating this program, we can better understand the impact and, with data in hand, justify future investment. With our partners, we will collect data using the following methods:

- i. Pre/post interviews/
- ii. Questionnaires with participants
- ii. Interviews and/or focus groups with: families/caregivers, program staff, community partners

We will act collaboratively to ensure that our information is useful, accurate, and fair. Moving forward, we will also determine if our initiative has been successful by assessing the following key indicators:

- i. Healthy registration numbers and attendance in this program
- ii. Increased participation in other older adult programming at the Community Centre
- iii. Increased connections with other related service providers
- iv. Increased inclusivity in programming for this demographic

10. IMPACT ON LOCAL GOVERNMENT - List any policies, practices, plans or local government documents that will be developed or amended as a result of your proposed project.

After completing the evaluation period of the program, we will seek to integrate and coordinate future planning and programming with a seniors wellness lens. This will be included in the departmental strategic plan, opening doors for similar programming and creating long-lasting impact on older adults in our community.

11. SUSTAINABILITY – How will the proposed project be sustained after the grant funding?

The purchase of a Latitude Lateral Stability Trainer will have significant impact on patrons who use our fitness room, as it will give older adults an opportunity to use equipment that is suitable to their needs. Should this program be successful, we will look at making it a more permanent fixture in our programming, supported by our annual budget. Moving forward, we will also be spearheading the development of an Older Adults Networking Group, meeting quarterly to discuss needs and opportunities for older adults in the community.

12. SUPPORT FROM BC HEALTHY COMMUNITIES (BCHC) SOCIETY. Applicants approved under the 2018 Age-friendly Communities program may be eligible to apply for a range of services from BCHC Society.

The purpose of this support is to: 1) engage sector leaders so they can collaboratively prioritize the goals intended to be achieved through their age-friendly community grant; 2) understand and utilize key capacities and innovative practices that will support community groups to bring their age-friendly initiatives to the next level; and 3) determine the next wise actions to achieve the community's age-friendly goals.

Would you be interested in additional information to learn more about possible supports from BCHC Society?

Yes ☒ No ☐

13. ADDITIONAL COMMENTS - Please use this space to add any additional comments.

14. REQUIRED ATTACHMENTS - Please submit the following with your application:

- ☒ Council/Board Resolution – Indicating local government support for the proposed project and a willingness to provide overall grant management
- ☒ Detailed budget
- ☒ Copies of completed age-friendly plans, and/or assessments, or excerpts from higher-level plans

15. SIGNATURE – Applications are required to be signed by the local government applicant. Please note all application materials will be shared with the Province of BC and BCHC Society.

Signature

Natalie Alexander, Recreation Coordinator

Name and Title

Please send the completed Application Form and all required attachments as an e-mail attachment to Local Government Program Services (UBCM) at lgps@ubcm.ca.

If you submit by e-mail, hardcopies and/or additional copies of the application are not required. Please submit your application as either a Word or PDF file(s) and note “2018 Age-friendly” in the subject line.

Council Report

penticton.ca

Date: November 7, 2017
To: Peter Weeber, Chief Administrative Officer
From: Chris Forster, Deputy Fire Chief

File No:

Subject: UBCM Flood Risk Assessment Grant

Staff Recommendation

THAT Council support the application for grant funding from UBCM for a Flood Risk Assessment for the City of Penticton.

Background

In 2017, high water levels in Okanagan Lake triggered flood mitigation plans. City officials worked with Emergency Management BC and the Okanagan-Similkameen Regional District to mitigate risk in several affected areas. The 2017 event was brought about by an above-average snow pack followed by warm spring temperatures that caused a rapid melt. Climate change projections indicate that the magnitude and frequency of extreme weather events will continue to increase. It is therefore better to protect people and property on a proactive basis, beginning with a comprehensive risk assessment of flood related hazards. This will provide critical information for emergency planning and resource allocation.

Financial implication

The Community Emergency Preparedness Fund (CEPF) is a suite of funding programs intended to enhance the resiliency of local governments and their residents in responding to emergencies. Funding is provided by the Province of BC and is administered by Union of BC Municipalities (UBCM).

The grant funding can contribute a maximum of 100% of the cost of eligible activities to a maximum of \$150,000.00. Eligible expenditures include consultant costs, applicant staff and administration costs and public information costs.

- | | |
|----------------------------------|---------------------------------|
| - UBCM Grant Contribution | \$66,500.00 |
| - City of Penticton Contribution | \$9,975.00 (Staff time in-kind) |

Analysis

Risk Assessments identify the social, economic and environmental impacts that flood events will have on the community, including identifying the specific flood hazards, compounding hazards, community and infrastructure vulnerabilities, risk tolerance or “risk threshold” and the overall flood risk profile for a community.

To complete the application that was submitted on October 27, 2017, a Council resolution indicating support for the flood risk assessment and willingness to provide overall grant management is required.

Respectfully submitted,

Chris Forster
Deputy Fire Chief
Emergency Planning Coordinator

Approvals

Fire Chief	Chief Financial Officer	Chief Administrative Officer
LW	<i>LWB</i>	PW

Bylaw No. 2017 -74

A Bylaw to Amend Downtown Economic Investment Zone Bylaw No. 2014-04"

WHEREAS the Council of the City of Penticton has adopted a bylaw that may provide revitalization tax exemptions under section 226 of the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend "Downtown Economic Investment Zone Bylaw No. 2014-04";

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

1. **CITATION:**

This Bylaw may be cited as the "Downtown Economic Investment Zone Amendment Bylaw No. 2017-74".

2. **AMENDMENT**

2.1 Delete and replace Sections 6 with the following:

- 6) Developments shall only be eligible for incentives under this bylaw if they:
- a) are subject to a building permit issued before March 1, 2018; and
 - b) have been issued an occupancy permit no later than December 31, 2019.

READ A FIRST time this	24	day of	October, 2017
READ A SECOND time this	24	day of	October, 2017
READ A THIRD time this	24	day of	October, 2017
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 27 day of October, 2017 and the 1 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Bylaw No. 2017-71

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. 2017-71".

2. **Amendment:**

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

Rezone Lot A and Lot B District Lot 1, Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan EPP70414, located at 223 and 227 Conklin Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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

READ A FIRST time this	17	day of	October, 2017
A PUBLIC HEARING was held this	7	day of	November, 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 27 day of October, 2017 and the 1 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

- 63 -



Corporate Officer: _____

Bylaw No. 2017-72

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. 2017-72".

2. **Amendment:**

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

Rezone "Proposed Lot 2" of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, from RC (Country Residential Housing) to RM1 (Bare land Strata Housing).

2.2 Add Section 10.7.3 SITE SPECIFIC PROVISIONS

.1 In the case of "Proposed Lot 2" of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, townhouses are not permitted.

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

READ A FIRST time this	17	day of	October, 2017
A PUBLIC HEARING was held this	7	day of	November, 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 27 day of October, 2017 and the 1 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

[illegible]

Zoning Amendment Bylaw No. 2017-72

Corporate Officer: _____

Bylaw No. 2017-73

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. 2017-73".

2. **Amendment:**

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

Rezone Lots 1 – 5, Group 7, District Lot 4, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 871, located at 200, 208, 216, 228, 240 Westminster Avenue West from C8 (Vehicle Service Station) to C5 (Urban Centre Commercial).

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

READ A FIRST time this	17	day of	October, 2017
A PUBLIC HEARING was held this	7	day of	November, 2017
READ A SECOND time this		day of	, 2017
READ A THIRD time this		day of	, 2017
ADOPTED this		day of	, 2017

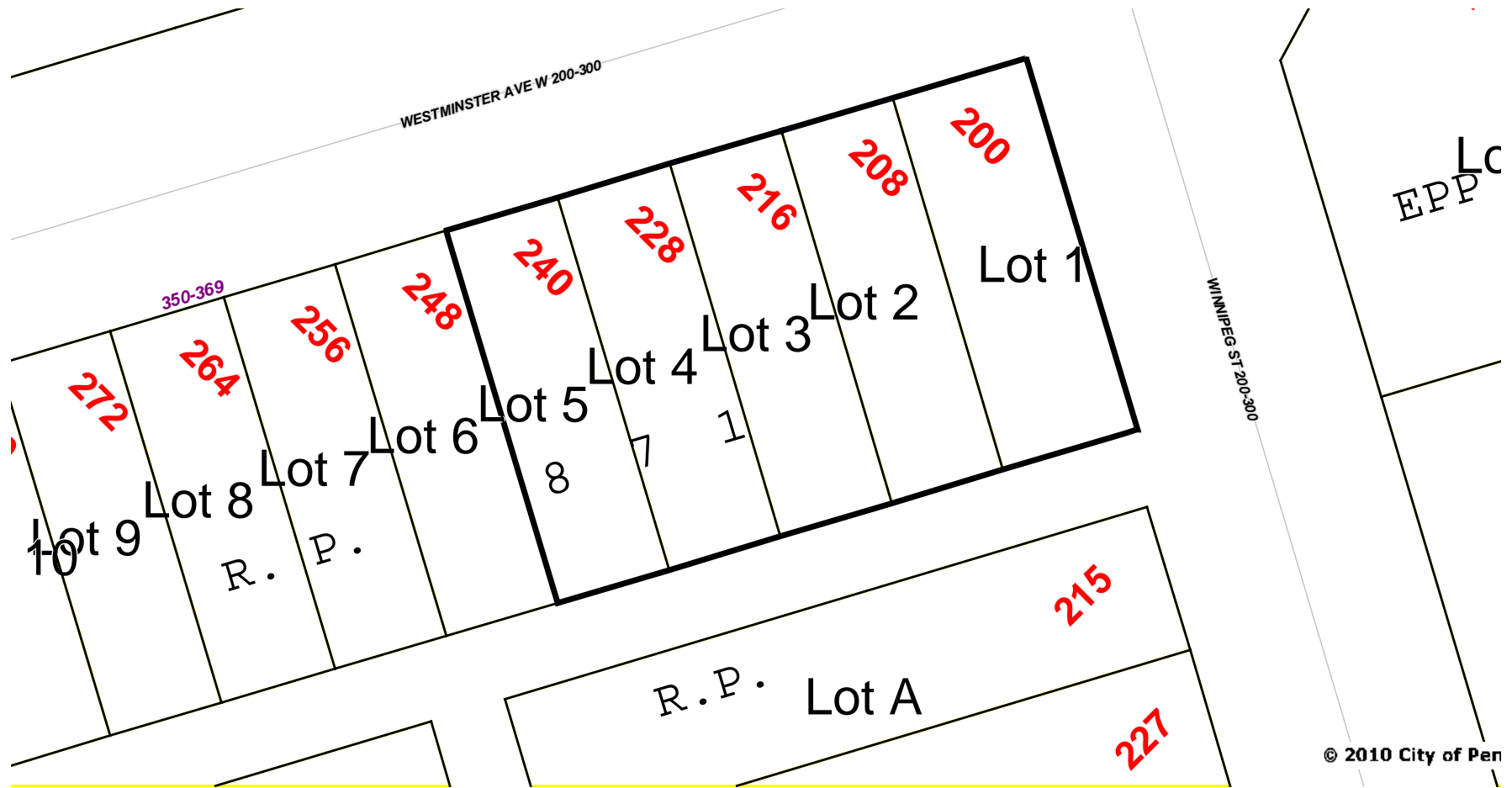
Notice of intention to proceed with this bylaw was published on the 27 day of October, 2017 and the 1 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 200, 208, 216, 228 & 240 Westminster Ave W
From C8 (Vehicle Service Station) To C5 (Urban Centre Commercial)

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City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-73

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: November 7, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 116, 124 Calgary Avenue
Subject: **Development Variance Permit PL2017-8060**

File No: DVP PL2017-8060

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-8060" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 7883, located at 116 Calgary Avenue and for the East ½ of Lot 16 District Lot 250 Similkameen Division Yale District Plan 1164, located at 124 Calgary Avenue, a permit to reduce the minimum required number of parking spaces from 4 to 3;

AND THAT staff be directed to issue "Development Variance Permit PL2017-8060."

Background

The subject properties (Attachment A) are zoned RD2 (Duplex Housing: Lane) and designated by the City's Official Community Plan as HR (High Density Residential). Photos of the sites are included as Attachment D. The subject properties are 901m² (9698ft²) each in area and feature a single detached dwelling and accessory buildings constructed on each lot. The surrounding properties are zoned RD2 (Duplex Housing: Lane), RM2 (Low Density Multiple Housing), RM3 (Medium Density Multiple Housing) and C4 (General Commercial). Surrounding properties are designated by the OCP as MR (Medium Density Residential), HR (High Density Residential) and GC (General Commercial).

Proposal

The applicant has received Preliminary Layout Approval for the subdivision of the subject lots in half. It is the applicant's intention to construct a front to back duplex with suites on each of the four lots. This will result in a total of sixteen (16) new units. To do so, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 6.5 (Table 6.5): To reduce the minimum required number of parking spaces from 4 to 3.

Financial implication

N/A

Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. Several servicing and technical requirements have been identified and will be addressed through the subdivision, development and building permit process. These items include a road dedication area, requirement for street trees, pad mount transformer, water and sewer connections and garbage/recycling storage areas are to be identified.

Development Statistics

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

Item	Requirement RD2 zone	Dev. Stats Per Lot
Maximum Lot Coverage:	40%	40%
Maximum Density:	0.95 FAR	0.64 FAR
Minimum Lot Width:	9.1m	9.263m
Minimum Lot Area:	275m ²	450.5m ²
Vehicle Parking:	1 space per unit + 1 per duplex suite (4 total for each lot)	3 spaces (variance required)
Required Setbacks		
Front yard (north, Calgary Avenue):	4.5m	9.1m
Rear yard (south, lane)	6.0m	12.6m
Interior yard (west):	1.5m	1.5m
Interior yard (east):	1.5m	1.5m
Maximum Height	10.5m	6.5m
Other Information:	The subject property is located within the High Density Development Permit Area, thus a development permit will be required prior to construction. This permit is staff-issuable and will be issued after the subdivision is registered with the land title office.	

Analysis

Development Variance Permit

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 neighbouring properties and if the variance request is reasonable.

Section 6.5 (Table 6.5): To reduce the minimum required number of parking spaces from 4 to 3.

- The number of parking spaces required is 1 space per dwelling unit plus 1 space per duplex suite for a total of four required on each lot. The developer is providing 3 parking spaces per lot with access from the rear lane. The developer initially proposed driveways from Calgary Avenue to accommodate the additional parking space but staff felt that since this would eliminate on-street parking spaces, a variance is considered to be a better option. There is room for 6 on-street parking spaces in front of the subject properties to make up for the reduced parking on-site. Reducing the number of driveways that cross over sidewalks improves pedestrian safety and allows for landscaping in the front yard with pedestrian walkways. Additionally, the rear lane has recently been upgraded, making it suitable for more vehicle traffic. For these reasons, it is reasonable to support the variance.

Deny/Refer Variances

Council may consider that the proposed variance will negatively affect the neighborhood due to the increased number of vehicles parking on the street. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support DVP PL2017-8060 with conditions.
2. THAT DVP PL2017-8060 be referred back to staff.


Attachments

Attachment A:	Subject Property Location Map
Attachment B:	Zoning Map
Attachment C:	OCP Map
Attachment D:	Photos of Subject Property
Attachment E:	Site Plan
Attachment F:	Landscape Plan
Attachment G:	Preliminary Elevations
Attachment H:	Preliminary Floor Plans
Attachment I:	Proposed Subdivision
Attachment J:	Letter of Intent
Attachment K:	Development Variance Permit PL2017-8060

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
	PW

Attachment A – Subject Property Location Map

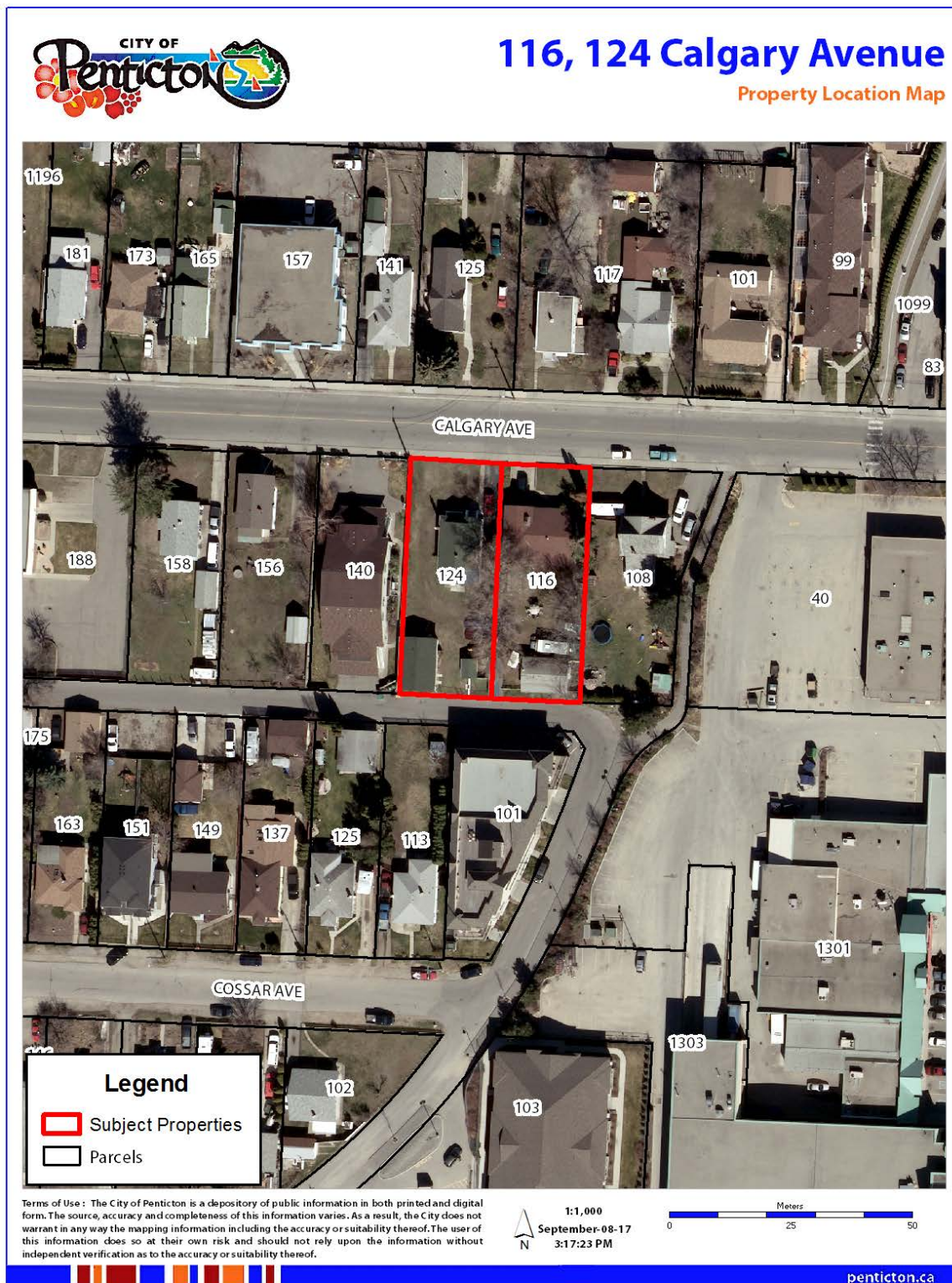


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

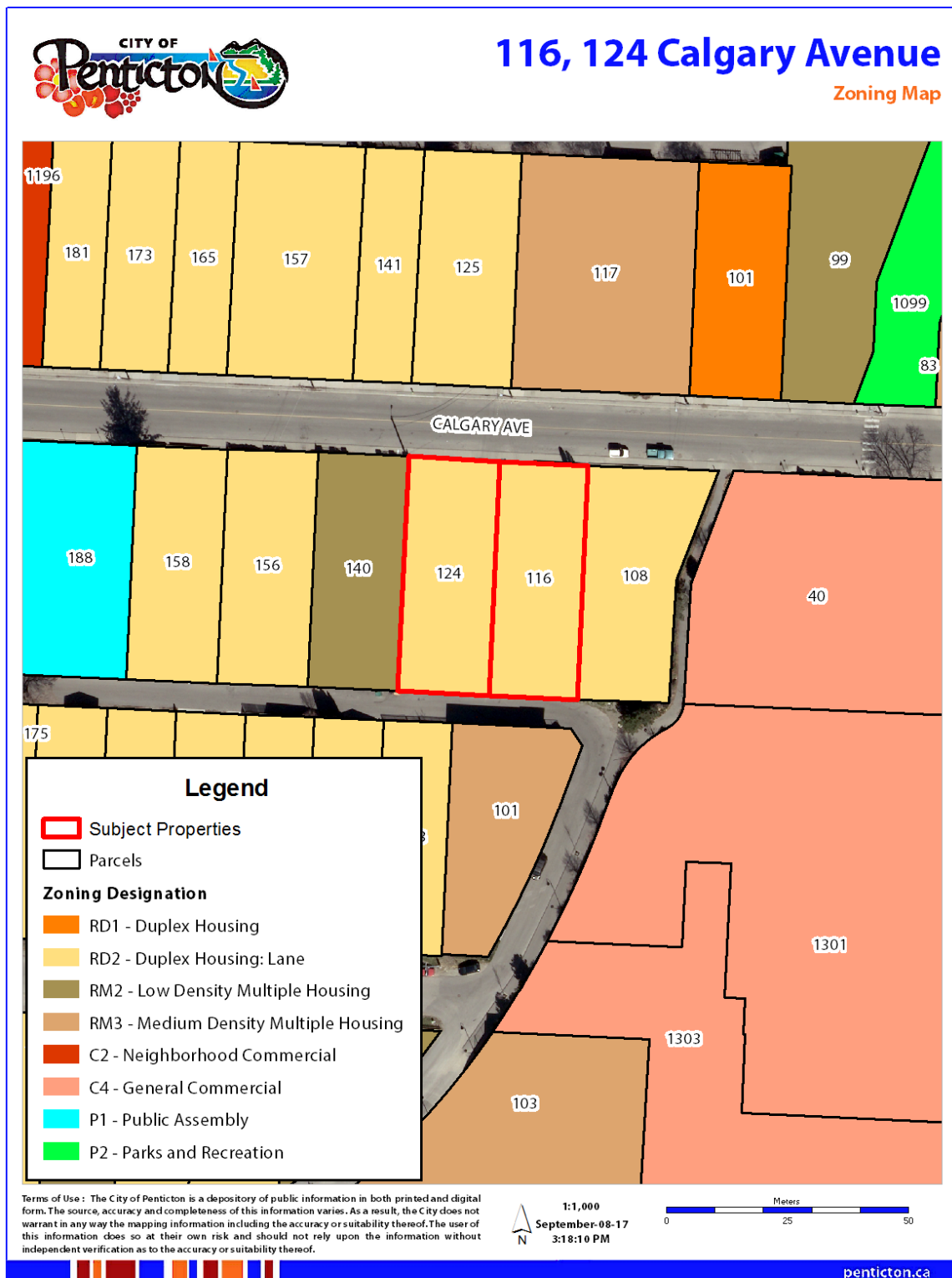


Figure 2: Zoning Map

Attachment C- OCP Map

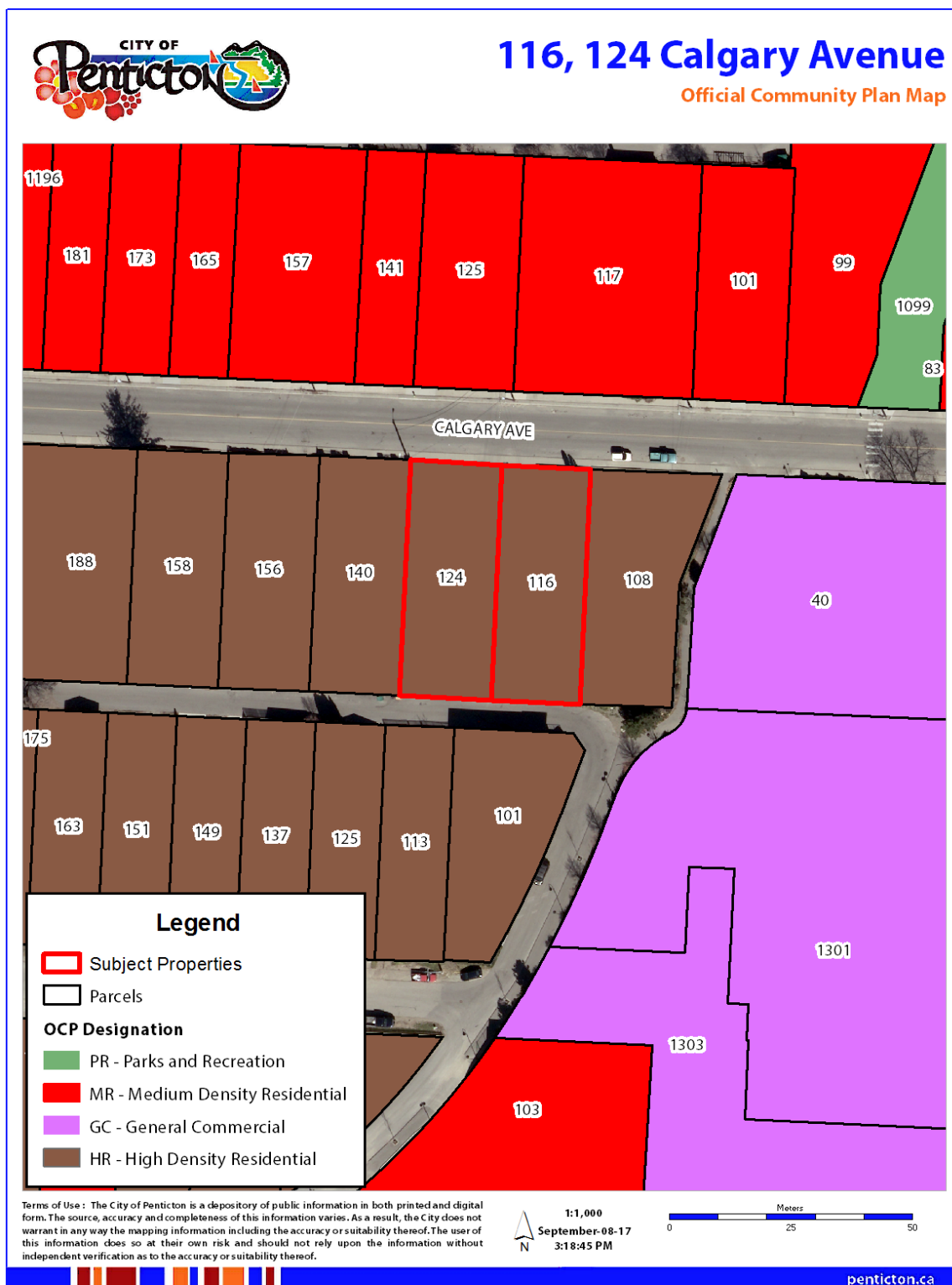


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: North View of 116 Calgary Avenue



Figure 5: North View of 124 Calgary Avenue



Figure 6: South View of 116 Calgary Avenue



Figure 7: South View of 124 Calgary Avenue

Attachment E – Site Plan

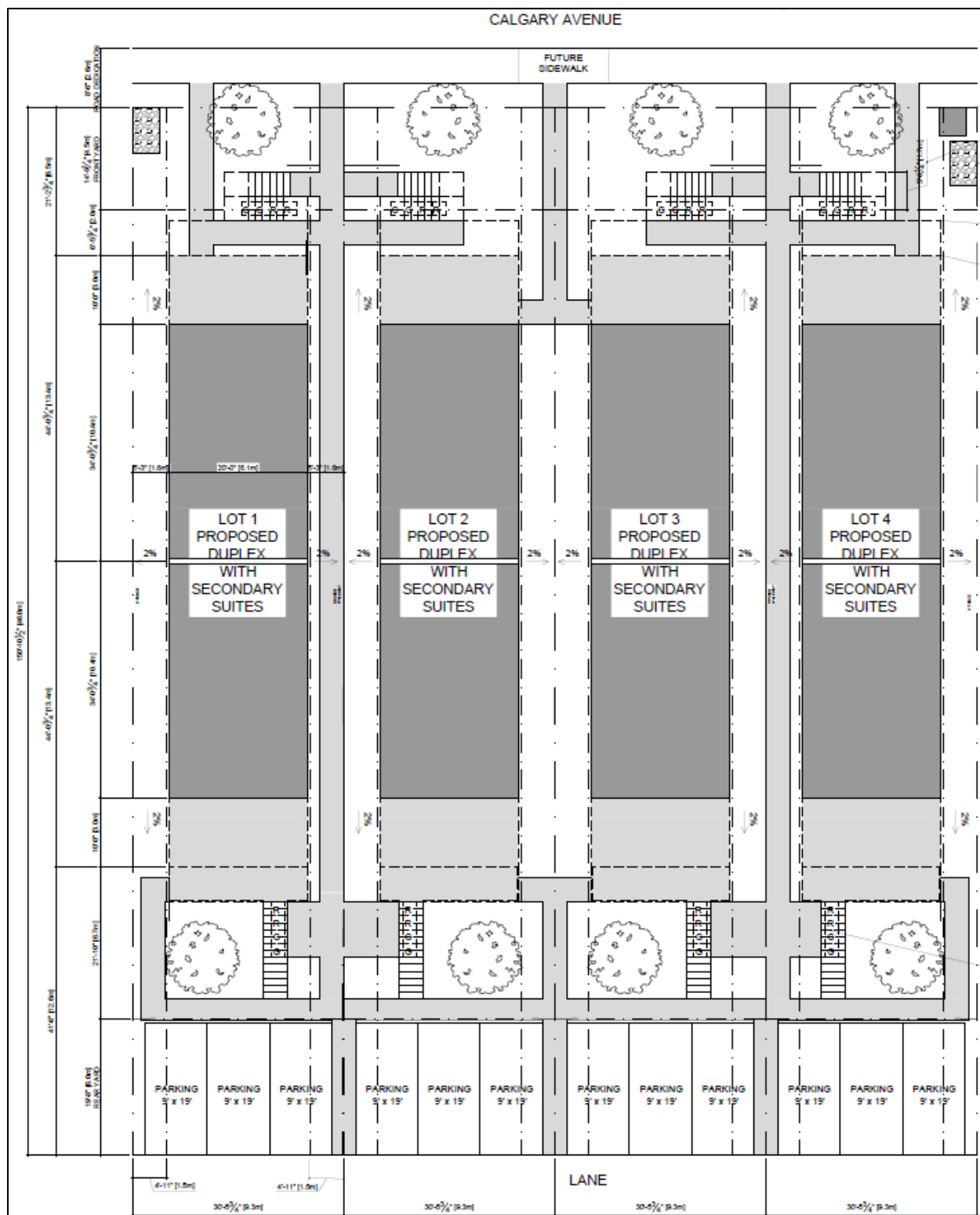


Figure 8: Site Plan

Attachment F – Landscape Plan

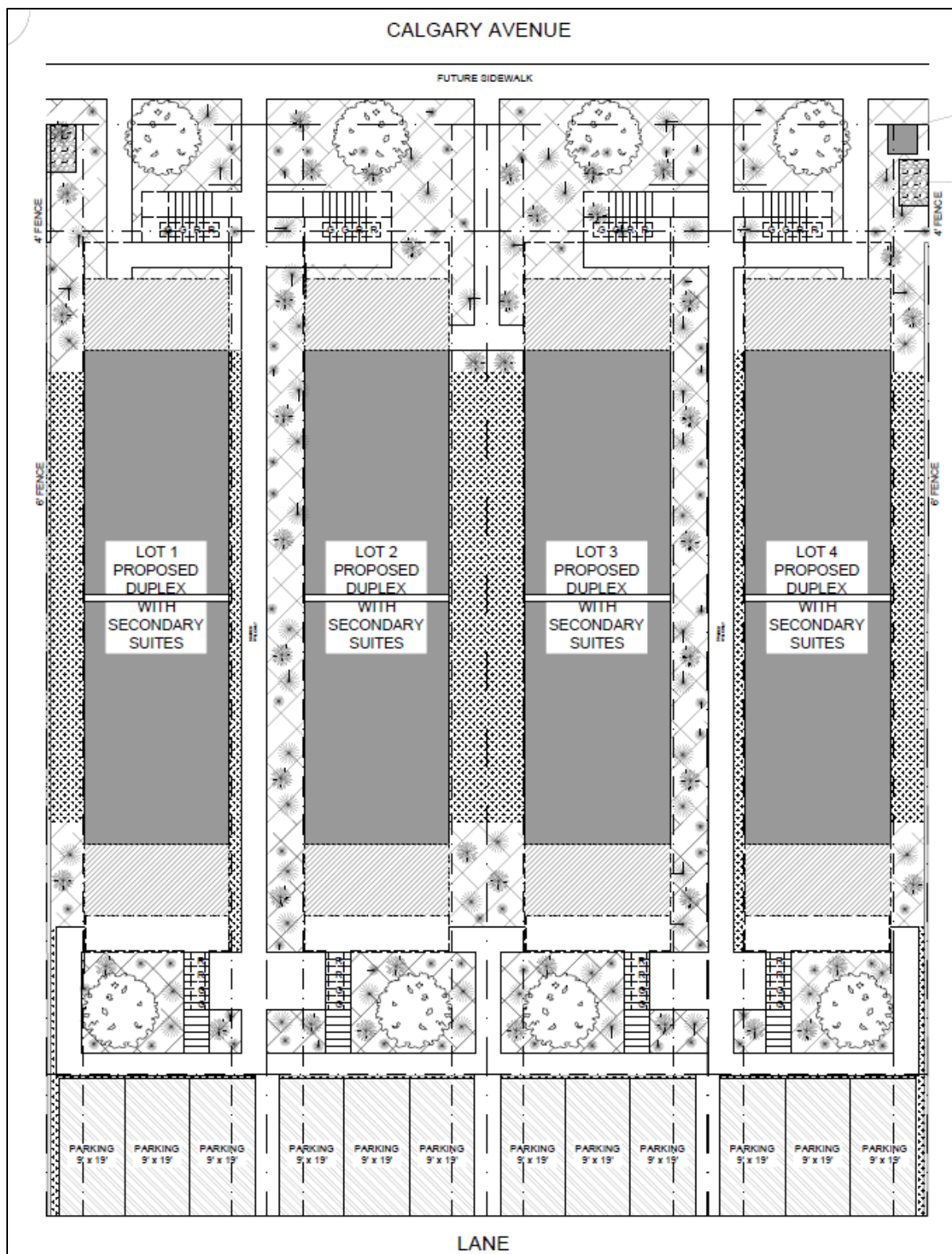


Figure 9: Landscape Plan

Attachment G – Preliminary Elevations



Figure 10: Preliminary Front Elevation

Attachment H – Preliminary Floor Plans

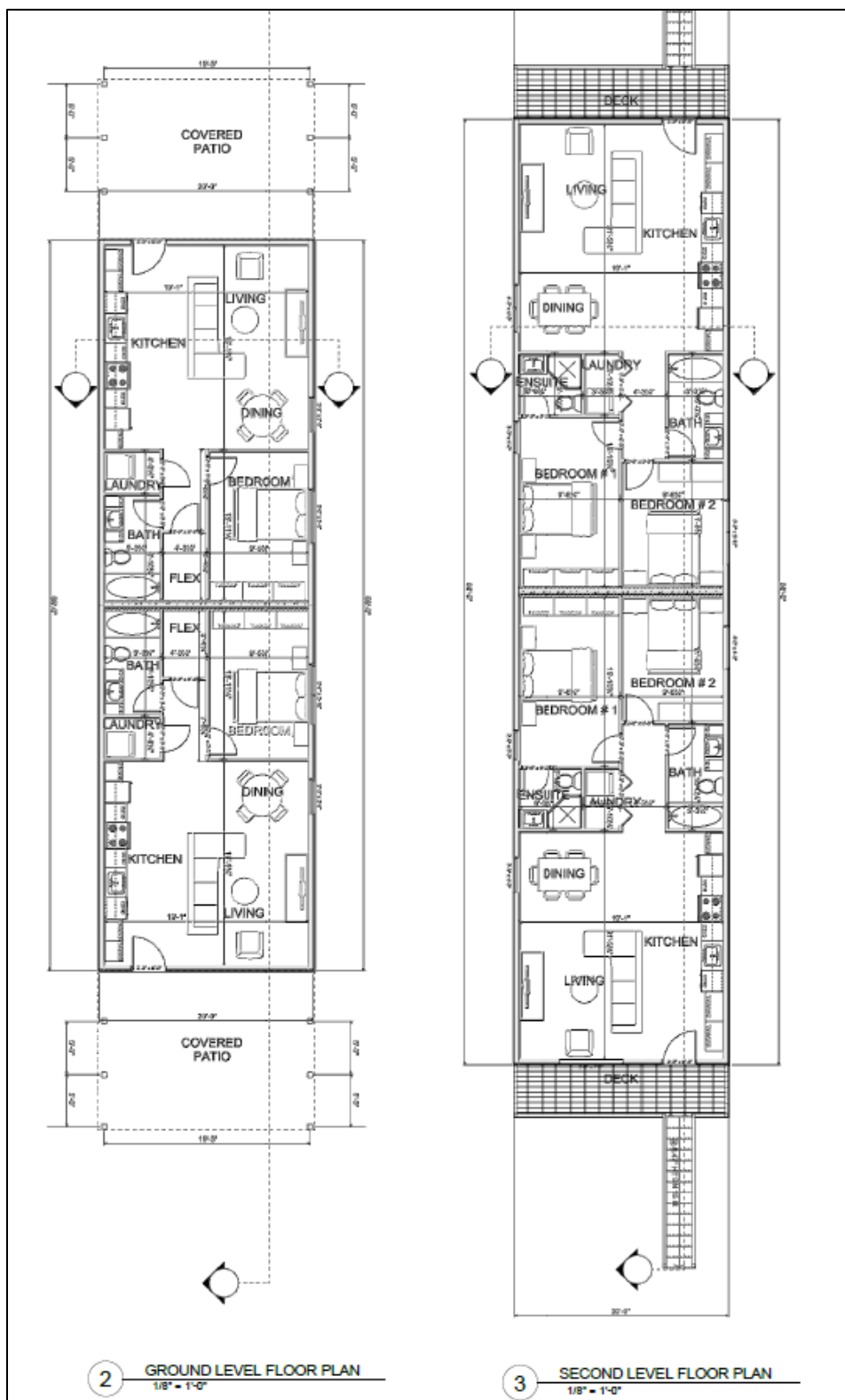


Figure 11: Preliminary Floor Plans

Attachment I – Proposed Subdivision

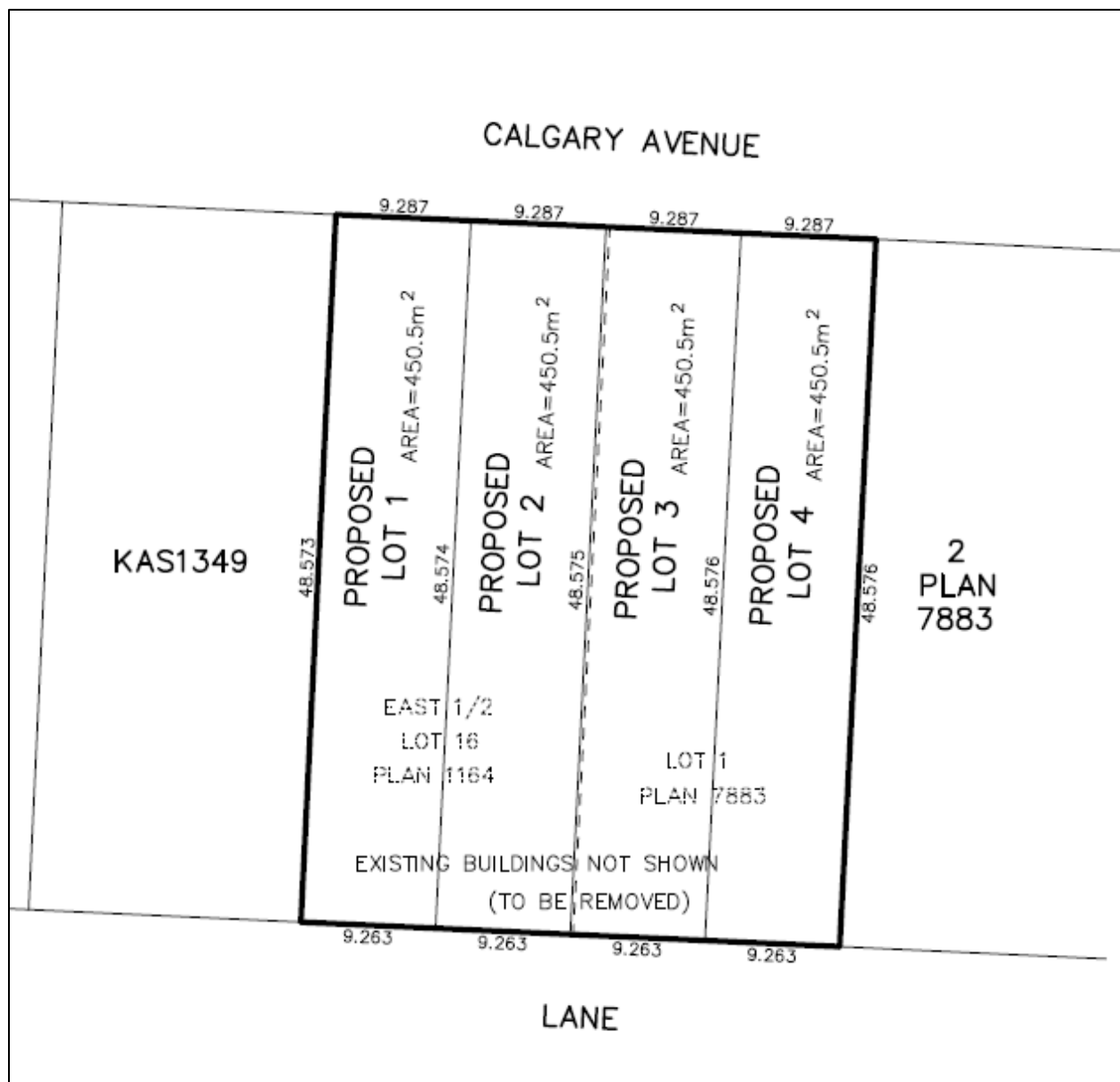


Figure 12: Subdivision Plan

Attachment J- Letter of Intent



Revised October 30, 2017

Development Permit Letter of Intent

116 & 124 Calgary Ave Penticton, BC

The attached application for Development Permit is submitted by Radec Group Inc. on behalf of Calgary Avenue developments Ltd, owner and developer of 116 & 124 Calgary Ave, Penticton. Radec Group has discussed the proposed four duplexes with secondary suites with the City of Penticton's Planning Department and the preliminary concept was supported. These proposed duplexes with secondary suites are targeted to meet the growing demand for entry-level ground oriented family living in the Penticton market.

The subject property is zoned RD2 (Duplex Housing). Radec Group proposes to subdivide each lot into four lots. On each of these four new lots, Radec Group proposes a front-back duplex with secondary suites. Each duplex will have three parking stalls on the back lane and also available parking on the street side. These duplexes replace two run-down houses and are located in an area mixed with multi residential. The opposite side of the street is lined with three and four storey apartment buildings. This development densifies the area, increasing the number of dwelling units from two to sixteen, keeping in line with the OCP. This proposed development will provide a much needed housing option for people looking for entry-level ground oriented housing designed for both ownership and rental.

These four units will all have direct access from the parking area to their front door, providing a much more homely feel. The top floor of each duplex will consist of two bedrooms and an open-concept living, kitchen, and dining area. The ground level will consist of a modern one bedroom with open living and dining room area. Outdoor amenity space will be provided for each unit to accommodate an outdoor seating/ entertaining area. The front and rear yard will be landscaped with low-maintenance xeriscaping, and trees will be added to both the front and rear of each lot to add charm and street-appeal.

The homes provide harmony and lend to the continuity of neighbourhood character with the use of a pitched gable roof on two of the homes, and two flat roof homes introduce another building typology to modernize the streetscape and provide architectural interest and variation. Exterior cladding consists of a mix of board & batten and lap siding in durable Hardie. The exterior colours are clean and bold in their simplicity. Decks and stairs feature the welcoming warmth of wood. Brightly painted exterior doors add a pop of colour, emphasize ground orientation, and define private entrances. The ground-oriented, two story homes lend colour and quality to the neighbourhood character with a mix of exterior finishes and building forms.

As part of our proposal, we've enclosed a set drawings that we are currently submitting for Building Permit. Radec Group would like to thank the City of Penticton for the opportunity to add thoughtfully designed and well-constructed ground orientated family living into the Penticton housing market. We respectfully request a Development Permit for this exciting new duplex development on Calgary Ave.

Radec Group Inc. | 955 Timmins St, V2A5V3 | T: 804.678.0008

Figure 13: Letter of Intent

Attachment K - Development Variance Permit PL2017-8060



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

Development Variance Permit

Permit Number: DVP PL2017-8060

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 1 District Lot 250 Similkameen Division Yale District Plan 7883
Civic: 116 Calgary Avenue
PID: 009-911-456

Legal: The East ½ of Lot 16 District Lot 250 Similkameen Division Yale District Plan 1164.
Civic: 124 Calgary Avenue
PID: 009-362-789
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 four duplexes with suites.
 - Section 6.5 (Table 6.5): To reduce the required number of parking spaces from 4 to 3.

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 7 day of November, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

From: Norm Roesberg
Sent: October-31-17 5:37 PM
To: Public Hearings
Subject: Re: development variance permit PL2017-8060

My name is Norman Roesberg, I live at 102-140 Calgary Ave. I want to voice my opinion on the permit PL2017-8060. I strongly do not agree with this proposal. 8 units on a lot this small, times two, is too much. Furthermore parking on Calgary Ave is at a premium for guests who want to visit. 3 parking spaces is a joke. There should be a minimum of 1 parking spaces per unit on the site. In reality there should be 2 parking spaces per unit. If the developer can not provide required parking, then they need to rethink the development. 8 units per lot will increase the amount of noise in this area. I would consider two buildings the same as 140 Calgary Ave. (6 plex) . So in part, I do not approve of this proposal, and strongly hope that it will not pass.

Yours truly

Norman Roesberg

From: marsha wilson < >
Sent: November-01-17 8:35 AM
To: Public Hearings
Subject: Developement Variance permit PL2017-8060

As a resident of 140 Calgary Ave. #102, I Highly oppose the Variance Permit for the properties at 116 and 124 Calgary Ave. To put 16 units on these properties will not only cause more traffic and noise on the street but changing the number of parking spaces from 4-3 is ridiculous and would cause a lot of grief and congestion on the street, as there is limited parking as it is.

My suggestion is to build one unit per lot with ample parking for the tenants (2 spots per unit) and visitor parking. Possibly build a 6 plex as we have here with parking in front and back of units one per lot.

Marsha Wilson
102-140 Calgary Ave.

Council Report

penticton.ca

Date: November 7, 2017 **File No:** RMS ADDRESS/450 Martin
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 450 Martin Street
Subject: **Request for extension of Phased Development Agreement**

Staff Recommendation

THAT Council deny the request to extend the Phased Development Agreement for 450 Martin Street;

AND THAT Council direct staff to advise the owner that they will be in breach of the agreement after not commencing Phase 1 by December 2017;

AND THAT Council direct staff to proceed with the following steps after December 31, 2017, if the agreement is deemed to be in breach:

1. Deliver Default notice to owner in accordance with PDA notice provisions
2. Proceed with consideration of zoning amendments removing the CD1 zone from Zoning Bylaw 2017-08, rezoning 450 Martin Street from CD1 to C5
3. Proceed with amendment of the OCP to reduce the special height maximum for 450 Martin Street
4. Apply to the Land Title office to discharge the following instruments from title of the subject property:
 - a. Covenant LB372185 (Phased Development Agreement Covenant);
 - b. Statutory Right of Way LB342186 (Public Access to Rooftop Amenity).

Strategic priority objective

N/A

Background

At the Regular Meeting of Council on December 7th, 2009, City Council passed a bylaw entering the City into a Phased Development Agreement (PDA) with the owner of 450 Martin Street for the development of a 23 storey mixed use project, with the marketing name "Penticton Place" or "P2". The PDA was approved alongside Official Community Plan (OCP) and Zoning Bylaw amendments in support of the project.

The development plans featured three tall towers (18-20 storeys) atop a three storey podium. A grocery store was proposed to be located on the ground floor with a hotel lobby, CRUs and office space also accommodated within the three storey podium. The three towers featured a mix of hotel (40 suites), office space and 298 residential units in the three tall towers. The project also featured 542 parking spaces (most of

which were to be located two and three storeys below grade). The building was intended to meet LEED certification for energy efficiency.

Penticton Airport Zoning Regulations (PAZR)

Shortly after signing the agreement into bylaw, it was discovered that the proposed height of the project did not conform to the Penticton Airport Zoning Regulations (PAZR), which limits the heights of buildings and structures in the flight path of aircrafts flying into and out of the Penticton airport. The maximum height of buildings under the regulations is 385.2m (1,264 feet) above sea level. In the case of this property, that equates to approximately 10 storeys of height. The discovery of this federal regulation in essence made the project untenable in its current form, because the developer would be governed by the most restrictive provisions of the federal and the City enactments, and in this case the federal regulation is more restrictive. As well, the federal regulation was enacted in the realm of aeronautics, being a constitutional head that supersedes municipal bylaws. The PDA *requires* the construction of a 23 storey building, while the airport regulations only permit 10 storeys.

Although the onus is on the owner to know the laws of Canada, the Province and the City, the owner and their architect proceeded with entering the PDA with heights inconsistent with federal law. After this discovery was made known to the developer, applications were made to Transport Canada to review the regulations and attempt to amend the PAZR to allow for greater height on this location and in downtown Penticton more generally.

The initial response from Transport Canada was that they would review the regulations, but it would be a lengthy process. Both the developer and City felt that it was worth letting Transport Canada do their review. Because of the time it would take to complete their review, a request from the developer was made to have the commencement date of the first phase pushed forward by three years (from five years after adoption of the PDA to eight years after the PDA). Council in 2011 supported an extension of the commencement date from December 2014 to December 2017.

Since Transport Canada initially signaled that they would look into the PAZR, little review has been undertaken. Staff have been unofficially notified that the review is a low priority for the agency and that in all likelihood, if a full review were conducted, *the regulations would most likely become stricter, not more lenient*. Staff are at this time resigned to the fact that the PAZR as they currently exist form the law-of-the-land as long as the Penticton airport remains in its current location.

Phased Development Agreement (PDA)

Phased development agreements (PDAs) are a tool that allows a developer to 'lock in' zoning entitlements that are generally above and beyond what a zoning bylaw would typically allow-for in exchange for amenities, desirable development features or other benefits that are negotiated between the City and developer.

In this case, the zoning of the property would only allow an approximately 10 storey tall building. For the additional height and density requested by the developer, the City negotiated a number of community benefits. The City has already received money to complete a downtown plan (\$150,000), work which was

completed in 2013. Once commencement of the project begins, the City would be entitled to receive an additional \$350,000 for affordable housing, \$20,000 for public art and some other minor concessions, including LEED certification for the building as well as significant frontage and street upgrades.

The PDA outlines a four phase construction plan requiring the project to commence by December 2014 (then amended to December 2017). If construction of Phase 1 does not commence by the commencement date the agreement is breached and the City may cancel the agreement through notice to the developer.

The phasing for the PDA was to see construction commence on Phase I within 5 years of signing the agreement and the final phase commencing within 10 years. Under the Local Government Act, the term of a phased development agreement cannot exceed 10 years without approval of the Inspector of Municipalities (in which case it can be a maximum of 20 years). As the subject PDA was signed in 2009, an extension beyond 2019 would require approval from the Inspector of Municipalities, if at all possible.

Details of the PDA for 450 Martin Street

Under the conditions of the PDA concessions were negotiated on both sides. The following table summarizes the benefits received by the two parties:

Received by the developer	Community benefits negotiated by the City
Additional height and density	\$150,000 for a downtown plan
Not subject to any zoning bylaw changes	\$350,000 for affordable housing / community amenities
	\$20,000 in public art
	Requirement to build to LEED certification
	Rebuild entire frontage to enhanced standard at developers cost
	Undergrounding electrical infrastructure in lane behind the proposed building

In addition to the amenities listed in the table, the developers also agreed to certain restrictions on the property in the form of restrictive covenants against the property. Shortly after adoption of the PDA and zoning and OCP bylaws, the site was consolidated into one legal parcel and road dedications were made to the City. Two restrictive covenants and a statutory right of way were also placed on the title. These charges against the title do a number of things including, prohibiting subdivision of the property, except in accordance with the PDA, and ensuring public access to a roof top amenity feature included in the plans.

If the contract were dissolved, it would be expected that the City would give up some or all of the benefits received. Staff are recommending that the covenant and priority agreements be removed from title, and it is possible the developer would seek repayment of the \$150,000 and undedication of the roads.

Analysis

Deny request for extension

Council in 2013, supported an extension to the PDA to extend the commencement date of the first phase by an additional three years. The justification for this extension was to give Transport Canada time to review the Penticton Airport Zoning Regulations (PAZR). The same justification does not exist today to extend the PDA. Transport Canada has indicated that they are not foreseeably including the review of the PAZR in their work plans, and that likely the current regulations might become stricter rather than more lenient if the review were to take place.

Given this reality, staff do not foresee any possible scenario where the development can proceed in accordance with the plans attached to the PDA in the time frame that the legislation requires. As such it does not make sense to pursue another extension.

Furthermore, Penticton is currently undertaking an Official Community Plan (OCP) review. The impact of 290+ residential units in this one location represents a large portion of the housing supply in Penticton for a number of years (the absorption rate in the downtown is roughly 60 units per year). During the development of the City's Downtown Plan (2013), which consisted of several public engagement sessions and an intense week long design charrette, a more *decentralized* development form was proposed. The downtown plan envisions lower building heights, with maximum heights (3-6 storeys) with buildings of 10-12 storeys on strategically located and large opportunity sites (which the subject lands would be considered). Letting the PDA expire and rezoning the property to the C5 (Urban Centre Commercial) zone would align the property with current City policy (10-12 storeys as opposed to 23 storeys).

Over the past few years staff have worked with the property owner and the owner's architect on various options of developing on this site in accordance with the PAZR. Staff have been open to supporting developments which lowered the height but kept most of the density desired by the developer. Several iterations of various designs have been brought to staff for comment, but no formal applications have been made. It is staff's contention that with the PDA still active, there is no incentive to develop the site at a lower density or height. Letting the PDA expire or terminating the PDA due to a breach by the owner will hopefully allow development of the site without the PDA creating unrealistic expectations.

Ultimately, staff consider the best way to move forward is to let the agreement default and work with the developer on another plan for the site that will conform to the PAZR and fit in with the current downtown revitalization efforts. Even though the city would be losing a lot of the concessions that were negotiated from the developer, staff feel this is the best way forward, consistent with the current OCP review process, public input and the PAZR.

While defaulting on the agreement would result in the reduction of a lot of density for the developer there are a number of benefits that the developer would see in not moving forward with the development as well. These include:

- no longer providing all of the agreed public amenities (saving payments of \$350,000 and \$20,000)
- no longer required to build to LEED certification

- no longer required to build in accordance with the previous plans
- clean title
- Available for economic incentives not available under the PDA

For these reasons, staff are recommending that Council deny the request to extend the PDA. If Council agrees that it is not in the community's interest to extend the PDA, staff are recommending the following steps:

1. Deliver notice to the developer that the extension is not supported and that if Phase I does not commence in accordance with the agreement, the owner would be in breach of the agreement.
2. If the agreement is in breach, deliver a default notice to the developer that the agreement is no longer valid, as per Section 6 of the agreement.
3. Proceed with amendments to the OCP and Zoning Bylaw to remove the height allowances permitted by the previous development approvals.
4. Take steps to *clean up* the title of the property, removing the restrictive covenant and statutory right of way that were required as part of the agreement.

Support request for PDA extension

While staff recommend against an extension of the PDA for the reasons listed above, Council may feel that an extension is warranted to work further with the developer. If that is the case, Council should direct staff to work with the developer in amending the commencement dates of the PDA.

As it is unlikely that the development envisioned under the 2009 agreement would be completed prior to the 10 year term of the PDA, if Council were to support an extension a special exemption from the Inspector of Municipalities would be required to extend the PDA beyond 2019. If approved by the Inspector the PDA could be extended to 2029 at the latest (which would represent 20 years, which is the maximum allowed by the legislation).

Alternate recommendations

1. THAT Council support the extension request.
2. THAT Council refer the application back to staff for further research as directed by Council.

Attachments

Attachment A – Letter of request to extend PDA for 450 Martin Street (Penticton Place – P2)

Attachment B – Phased Development Agreement

Respectfully submitted

Blake Laven, MCIP, RPP
Planning Manager

Approvals

Director Development Services <i>AL</i>	Chief Administrative Officer PW
--	---

Attachment A
Letter of request

-----Original Message-----

From: Hassan Hemani [<mailto:hhemani@unicarehomes.com>]

Sent: September-06-17 10:36 AM

To: Anthony Haddad <Anthony.Haddad@penticton.ca>

Cc: 'cal-mai@shaw.ca' <cal-mai@shaw.ca>; Abdul Bhaloo <abhaloo@unicarehomes.com>

Subject: Request for 2nd extension (PDA - 2009-66)

Good morning Anthony,

As per my email below, I am writing to you this morning seeking a second extension to our original Phased Development Agreement for P2 Developments .

The current amended agreement is set to expire on November 30, 2017. As we have not been able resolve outstanding matters pertaining to Transport Canada issues and density matters therein I am respectfully seeking another 3 year extension which should allow for sufficient time to reach consensus on how to move forward.

I wish to remind the City of Penticton that I have had numerous conversations with department heads, subject matter experts and the current Mayor over the last 3 years. In addition, our architect of record has submitted no less than 2-3 revised drawings in an effort to forge forward with the current impasse. We have also developed and submitted proposals on density transfer. All these suggestions have come at a cost and were done primarily to resolve concerns expressed by Transport Canada to the City of Penticton. Surely no one can reasonably argue lack of effort on the part of P2 Developments over the last 33 months.

I ask that the City give this request due consideration and favor us with a positive reply at your earliest opportunity.

Sincerely,

Hassan Hemani
P2 Developments.

Attachment B
Phased Development Agreement

Phased Development Agreement
East side of 400 block of Martin Street

THE CORPORATION OF THE CITY OF PENTICTON
BYLAW NO. 2009-66

A BYLAW OF THE CORPORATION OF THE
CITY OF PENTICTON TO ENTER INTO A
PHASED DEVELOPMENT AGREEMENT


WHEREAS pursuant to the *Local Government Act*, Council is empowered to enter into a phased development agreement with a developer;

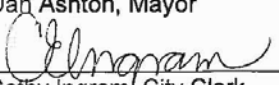
AND WHEREAS the City is desirous to enter into a phased development agreement as detailed below;

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

1. This bylaw be cited for all purposes as "The City of Penticton Phased Development Agreement Bylaw No. 2009-66 (2009)."
2. The Council hereby authorizes the phased development agreement, in the form attached as Schedule "A", between The Corporation of the City of Penticton and P2 Developments Inc. (Incorporation No. BC0827987) respecting Lots 1, 2, and 3, Block 16, District Lots 4 and 202, Group 7, SDYD, Plan 269 located at 406, 412, 418 Martin Street; Lots 4, 5, 6, 7, 8, 9 and 10, Block 16, District Lot 202, SDYD, Plan 269 located at 424, 430, 434, 438, 446, 450 and 458 Martin Street; and Parcel A, Block 16, District Lot 202, SDYD, Plan 269 located on the east side of the 400 block of Martin Street.
3. The Mayor and Clerk are hereby authorized to execute the necessary documents on behalf of The Corporation of the City of Penticton required to give the effect to the Phased Development Agreement.

READ A FIRST time this 19th day of October, 2009
READ A SECOND time this 2nd day of November, 2009
READ A THIRD time this 2nd day of November, 2009
RECONSIDERED, FINALLY PASSED AND ADOPTED
This 7th day of December, 2009.


Dan Ashton, Mayor


Cathy Ingram, City Clerk

Certified a true copy of Bylaw No. 2009-66
as adopted



Cathy Ingram, City Clerk

CITY OF PENTICTON

PHASED DEVELOPMENT AGREEMENT

This Agreement dated for reference the 30th day of November, 2009 is

AMONG:

**The Corporation of the City of Penticton
171 Main Street
Penticton, B.C. V2A 5A9**

(the "City")

AND:

**P2 Developments Inc. (Incorporation No. BC0827987)
207-828 Harbourside Drive
North Vancouver, B.C. V7P 3R9**

(the "Owners")

WHEREAS:

A. The Owners are the registered owners of land legally described as:

PID: 011-953-241 - Parcel A Block 16 District Lot 202
Similkameen Division Yale District Plan 269; and

PID: 011-953-187 - Parcel 10 Block 16 District Lot 202
Similkameen Division Yale District Plan 269;

PID: 011-953-080 - Lot 1 Block 16 District Lot 4 Group 7
Similkameen Division Yale (Formerly Yale Lytton) District and
District Lot 202 Similkameen Division Yale District Plan 269;

PID: 011-953-110 - Lot 2 Block 16 District Lot 4 Group 7
Similkameen Division Yale (Formerly Yale Lytton) District and
District Lot 202 Similkameen Division Yale District Plan 269;

PID: 011-953-136 - Lot 2 Block 16 District Lot 4 Group 7
Similkameen Division Yale (Formerly Yale Lytton) District and
District Lot 202 Similkameen Division Yale District Plan 269;

PID: 011-953-195 - Lot 4 Block 16 District Lot 202 Similkameen
Division Yale District Plan 269; and

PID: 011-953-209 - Lot 5 Block 16 District Lot 202 Similkameen
Division Yale District Plan 269;

PID: 011-953-217 - Lot 6 Block 16 District Lot 202
Similkameen Division Yale District Plan 269;

PID: 011-953-225 – Lot 7 Block 16 District Lot 202 Similkameen
Division Yale District Plan 269;

PID: 011-953-233 – Lot 8 Block 16 District Lot 202 Similkameen
Division Yale District Plan 269; and

PID: 011-953-179 – Lot 9 Block 16 District Lot 202 Similkameen
Division Yale District Plan 269;

(the "Land")

- B. The Owners have applied to the City for an amendment to the City of Penticton Zoning Bylaw No. 87-65 ("Zoning Bylaw 87-65") by way of The City of Penticton Zoning Amendment Bylaw No. 2009-65 (2009) (the "Zoning Amendment Bylaw") to permit the development on the Owners' land of a range of commercial and residential uses;
- C. The Owners wish to provide certain amenities and features in the development of the Land, and the parties wish to ensure that the provisions of the City's Zoning Bylaw 87-65 as amended by the Zoning Amendment Bylaw continue to apply to the Land for the period more particularly set out in this Agreement; and
- D. The Council of the City has given notice and held a public hearing and has, by bylaw, authorized the execution of this Agreement;

NOW THEREFORE in consideration of the mutual promises set out in this Agreement, the Owners agree with the City pursuant to section 905.1 of the *Local Government Act* as follows:

INTERPRETATION OF AGREEMENT

- 1. In this Agreement,

"Phase" in reference to the development contemplated by this Agreement means one of Phases 1 through 4 illustrated on Schedule A, Phase 1 being the podium upon which Phases 2, 3 and 4 are constructed;

"Security" means cash or an unconditional, irrevocable and automatically renewing letter of credit issued by a chartered bank with offices in Penticton.

APPLICATION OF AGREEMENT

- 2. This Agreement applies to the Land, including any parcel of land into which the Land may be consolidated.

BYLAW AMENDMENTS NOT TO APPLY

- 3. For the term of this Agreement, any amendment of section 43 of Zoning Bylaw 87-65 as amended by the Zoning Amendment Bylaw, any amendment to any bylaw definition of a term used in those sections, and any amendment to Part V of Zoning Bylaw 87-65 setting out general regulations applicable to all zones, shall not apply to the Land, except:

- (a) as provided in section 905.1(6) of the *Local Government Act*; or

-

- (b) to the extent that the Owners agree in writing that the amendment or repeal shall apply to that Land, and for this purpose the Owners shall be deemed to have agreed in writing to any amendment that the Owners request by way of a Zoning Bylaw 87-65 amendment.

In the event that Zoning Bylaw 87-65 is repealed and replaced by another bylaw under section 903 of the *Local Government Act*, the Owners and the City agree that the provisions of Zoning Bylaw 87-65 referred to in this section shall apply to the Land for the balance of the term of this Agreement despite such repeal and replacement.

TERM OF AGREEMENT AND TERMINATION

- 4. The term of this Agreement is ten years from the date of adoption of the Zoning Amendment Bylaw.
- 5. The parties may terminate this Agreement at any time by written agreement of all parties.
- 6. If the Owners are in breach of any of the obligations set out in this section, on which question the opinion of the City shall be determinative provided that the City may not act unreasonably, the City may at its option terminate this Agreement by providing notice in writing to any of the Owners, provided that the City has previously advised one of the Owners in writing of any alleged failure (the "Default Notice") and the Owners have not corrected the deficiency to the reasonable satisfaction of the City within the time specified in the Default Notice, which shall be reasonable given the nature of the breach that is alleged.
- 7. The obligations to which section 6 applies are as follows:
 - (a) sections 8 through 15 (phasing);
 - (b) sections 17 through 20 (land title matters);
 - (c) sections 21, 22, 24, 25 and 26 (amenities and features);
 - (d) sections 29 through 31 (signage);
 - (e) sections 32 to 35 (security); and
 - (f) sections 36 and 37 (assignment).

PHASING OF THE DEVELOPMENT

- 8. The Land shall be developed in phases in accordance with Schedule A.
- 9. The Owners shall not apply for, and the City shall not issue, a single development permit authorizing the construction of buildings in more than one phase of the development, other than a permit authorizing the construction of buildings in Phases 1 and 2.
- 10. The Owners shall not apply for, and the City shall not issue, a single building permit authorizing the construction of buildings in more than one phase of the development, other than a permit authorizing the construction of buildings in Phases 1 and 2.

11. The Owners shall not commence the construction of any phase of development other than Phase 2 until the City has issued an occupancy permit in respect of the previous phase, unless the City agrees in writing to the commencement of the subsequent phase, such agreement not to be unreasonably withheld.
12. The Owners shall not deposit in the Land Title Office any phased strata plan declaration that is not consistent with Schedule A.
13. The Owners must commence construction of Phase 1 within five years of the adoption of the Zoning Amendment Bylaw.
14. The Owners must commence construction of Phase 4 within ten years of the adoption of the Zoning Amendment Bylaw.
15. The Owners must complete the construction of each phase of the development within four years of the date of issuance of the first building permit authorizing the construction of a building in that phase. The Owners acknowledge that building permits expire 2 years after issuance under the City of Penticton Building Bylaw No. 94-45 (1994) as amended or repealed..
16. If the Owners fail to construct a phase of the development as required by the preceding three sections, the City may in its sole discretion alter or demolish any uncompleted building within the phase and bring the building site to a suitable standard if the building is unsightly, presents a hazard to the public or has deteriorated to the point that a resumption of construction is in the opinion of a professional engineer impractical, and may alter any building that has been constructed so as to accommodate a building addition or extension such that the building has a suitable appearance in the absence of such addition or extension, and may draw on the Security provided under section 34 to do so.

LAND TITLE MATTERS

17. Within 90 days of the adoption of the Zoning Amendment Bylaw, the Owners shall either:
 - (a) deposit in the Land Title Office a plan consolidating all of the parcels comprising the Land into a single parcel and a covenant under s. 219 of the *Land Title Act* in favour of the City and with priority over all financial charges, prohibiting the subdivision of the consolidated parcel other than by way of a phased strata plan consistent with Schedule A to this Agreement; or
 - (b) deposit in the Land Title Office a covenant under s. 219 of the *Land Title Act* in favour of the City and with priority over all financial charges, prohibiting the subdivision of the Land other than by way of deposit of a plan consolidating all of the parcels comprising the Land into a single parcel; prohibiting the subdivision of the Land following such consolidation other than by way of a phased strata plan consistent with Schedule A; and prohibiting the construction of any building or structure of any nature whatsoever on the Land until the parcels comprising the Land have been so consolidated.
18. Concurrently with the deposit of any plan consolidating the Land as a single parcel, the Owners shall dedicate as highway those portions of the Land indicated in Schedule B1 as being required for highway purposes.

19. Prior to the issuance of a building permit authorizing the construction of any building in Phase 1, the Owners shall grant to the City and register in the Land Title Office with priority over all financial charges a statutory right of way in a form satisfactory to the City, providing in perpetuity public access to the transit stop area shown on Schedule B2.
20. Within 30 days of the adoption of the Zoning Amendment Bylaw, the Owners shall deposit in the Land Title Office with priority over all financial charges a statutory right of way in a form satisfactory to the City, providing in perpetuity public access to the rooftop amenity area shown on Schedule B3. The statutory right of way agreement shall oblige the City to discharge the right of way upon the issuance of the first occupancy permit in respect of Phase 4 of the development; shall require the Owners to maintain the amenity area to standards prescribed by the City; and shall contain provisions permitting the Owners to restrict public access between the hours of 10 pm and 8 am by means of a suitable designed gate and fencing approved by the City, and to restrict public access at all times during the construction of Phase 4 to the extent that such restrictions are necessary to protect the public from construction hazards.

AMENITIES AND FEATURES OF THE DEVELOPMENT

21. The Land shall, subject to the B.C. Building Code and any development permit issued by the City, be developed in substantial compliance with the plans attached as Schedule B6.
22. The Owners shall take such measures as are required to obtain LEED certification for the development on the Land, and shall provide to the City a copy of all correspondence between the Owners and the Canada Green Building Council applying for certification; acknowledging or confirming receipt of applications for certification; providing results of reviews of applications for certification; notifying of certifications; and notifying of failures to obtain certification.
23. The preceding section does not exempt the Owners from complying with any provincial or City law of general application.
24. The Owners shall provide to the City:
 - (a) \$150,000 within 90 days of the date of adoption of the Zoning Amendment Bylaw, to be used by the City for the preparation of the downtown urban village plan described in s. 2.1.2 of the The City of Penticton Official Community Plan Bylaw No. 2002-20 (2002), or a similar plan of the downtown area of the City; and
 - (b) \$350,000 at the time of issuance of a building permit authorizing the construction of the first building in Phase 1, to be used by the City for affordable housing or the provision of physical improvements having aesthetic or environmental benefits to the area designated as the Downtown Urban Village on Schedule K of The City of Penticton Official Community Plan Bylaw No. 2002-20 (2002).
25. Prior to the issuance of any occupancy permit for any portion of Phase 1, the Owners must provide public art approved by the City having a value that need not exceed \$20,000, in the location shown on the plan attached as Schedule B4. For the purposes of this section, the value of a public art proposal shall be determined by the City in its

sole discretion having regard to opinions provided to the City by at least two persons having experience in curating public displays of artworks in Canada.

26. The Owners shall, prior to the issuance of any building permit in respect of the Land, enter into an agreement with the City to construct or upgrade, at the Owners' cost, sidewalks fronting every portion of the Land to the standard detailed in Standard Detail Drawing S-C19a of City's Subdivision and Development Bylaw 2004-81 as construction on each portion of the Land is completed, which agreement must contain provisions enabling the City to complete the work on the default of the Owners, and provide to the City Security in the amount of 100% of the amount estimated in writing by a professional engineer as the cost of the work, such security to be released to the Owners on a *pro rata* basis as the sidewalks adjacent to each portion of the Land are constructed.
27. The Owners shall, at the Owners' cost, upgrade electrical service in the vicinity of the Land by undertaking the work described in Schedule B5.
28. The Owners acknowledge that none of the features and amenities of the development described in sections 24 to 27 are included in the calculations used to determine the amount of any development cost charge, or constitute excess or extended services for the purpose of section 939 of the *Local Government Act*.

SIGNAGE

29. The Owners shall, prior to the issuance of any building permit in respect of the Land, provide to and obtain the approval of the City to guidelines for signage erected or placed on the Land, which guidelines shall be consistent with the City's Sign Regulations Bylaw No. 92-22, 1992. or any successor bylaw in effect at the time the guidelines are drafted.
30. Upon approval of the guidelines, the Owners shall grant to the City under s. 219 of the *Land Title Act* a covenant requiring all signage erected or placed on the Land to comply with the approved guidelines.
31. The Owners shall advise all prospective tenants and purchasers of the Land, or cause their agents to advise all prospective tenants and purchasers, of the requirement that signage erected or placed on the Land comply with the approved sign guidelines in addition to otherwise applicable City requirements in respect of signage.

SECURITY REQUIREMENTS

32. In respect of each contract entered into for the construction of any portion or aspect of the development of the Land authorized by the Zoning Amendment Bylaw, the Owner shall provide to the contractor Security in the amount of the full contract price, entitling the contractor to draw on the Security in the event that any payment to the contractor by the Owner under the terms of the construction contract is not made within the time it is due. The Owner shall cause the institution issuing the Security to provide a copy of the Security to the City.
33. In respect to each contract described in the foregoing section, the Owner shall require the contractor to post a full labour and materials payment bond and to provide a copy of the bond to the City. The Owner acknowledges that, by requiring that such a bond be

provided, the City undertakes no obligations to the Owner of whatsoever nature in relation to the performance of any construction contract.

34. The Owner shall, prior to the issuance of a building permit authorizing the construction of any building in Phase 1, provide to the City for the purposes set out in the following section Security in the amount of \$100,000.
35. The City may draw upon the Security provided under the preceding section for the following purposes:
 - (a) in the event that the Owners fail to obtain certification of the development as LEED compliant, the City may draw upon the Security to undertake any initiative the City chooses in relation to its sustainability initiatives;
 - (b) in the event that the Owners fail to complete any Phase of the development in accordance with this Agreement, the City may undertake such work on the Land as is described in section 16 of this Agreement; or
 - (c) to supplement any security that the City has been provided under section 925 of the *Local Government Act* in relation to the Land in the event that the security provided to the City in connection with the issuance of a development permit is insufficient to achieve the purposes set out in that section.

If the City draws upon the Security, the Owners must within five business days replenish the Security to the total original amount, failing which the City may draw down the balance of the Security and hold the proceeds as Security in an account bearing interest, which interest shall accrue to the City's account. Any unused portion of the Security shall be returned to the Owners upon the issuance of the last occupancy permit in respect of Phase 4, provided that all of the Owners' obligations under this Agreement have been met. In the event that this Agreement is terminated for any reason, the City shall return to the Owners any portion of the Security that the City in its sole discretion has not used for purposes set out in this Agreement in relation to Phases of the development that the Owners have commenced and not completed.

ASSIGNMENT OF AGREEMENT

36. The Owners may assign this Agreement if the City, acting reasonably, consents in writing to the assignment and the assignee has executed and delivered to the City a notice of assumption and has entered into an assignment agreement with the Owners.
37. The Owners shall not transfer the Land to a purchaser other than a purchaser of an individual residential or commercial strata lot, without requiring the purchaser to execute and deliver to the City a notice of assumption and enter into an assignment agreement with the Owners, which assignment shall be subject to section 36.

AMENDMENT OF AGREEMENT

38. The parties may in writing agree to minor amendments to this Agreement, and for that purpose a "minor amendment" is any of the following:
 - (a) changes in the stated purpose of financial contributions to the City under section 24;

- (b) changes in the design of the development illustrated in Schedule B6 that are requested by the Owners and approved by the City for the purpose of accommodating sustainable design features such as solar collection panels or rainwater collection systems or obtaining LEED certification at any level;
 - (c) changes in the design of the development illustrated in Schedule B6 that are consequential on any reduction approved by the City in the amount of off-street parking being provided; and
 - (d) changes in the design of the development illustrated in Schedule B6 that are approved by the City and do not affect the form and character of the development as regulated by development permit.
39. The Owners acknowledge that changes described in subsections 38(b) and (c) may require the issuance of a new or revised development permit.

GENERAL TERMS AND CONDITIONS

40. Any notice permitted or required by this Agreement to be given to either party must be given to that party at the address set out above, or to any other address of which the party has given the other party notice in writing expressly for the purposes of this Agreement.
41. Except as expressly set out in this Agreement, nothing in this Agreement shall prejudice or affect the rights and powers of the City in the exercise of its functions under the *Community Charter* or the *Local Government Act* or any of its bylaws, or those of the City's approving officer under the *Land Title Act*, *Strata Property Act* or *Bare Land Strata Regulations*. Without limiting the generality of the foregoing, the Owners acknowledge that development permits and building permits are required for the development contemplated by this Agreement and that the development may be subject to development cost charges, works and services requirements under s. 938 of the *Local Government Act*, excess or extended services requirements under s. 939 of the *Local Government Act*, and approving officer requirements in relation to the subdivision of the Land.
42. Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by the City's Manager of Planning, unless expressly provided to be taken or made by another official of the City.
43. No provision of this Agreement is to be considered to have been waived by the City unless the waiver is expressed in writing by the City. The waiver by the City of any breach by any of the other parties of any provision is not to be construed as or constitute a waiver of any further or other breach.
44. Whenever in this Agreement the City is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the City may do so in accordance with the contractual provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise, shall have any application in the interpretation or implementation of this Agreement except to the extent that such duty arises as a matter of public law.

45. The Owners shall indemnify and save harmless the City, its officers, employees, Council members, agents and others (the "City Representatives") from and against any and all actions, causes of action, liabilities, demands, losses, damages, costs, expenses (including actual fees of professional advisors), remediation of contamination costs, fines, penalties and other harm of any kind whatsoever, whether related to death, bodily injury, property loss, property damage, property contamination or consequential loss or damage, suffered or incurred by the City or any of the City Representatives, directly or indirectly, arising from, resulting from, connected with or related to:
- (a) death, bodily injury, damage to or loss of any property or other incident or occurrence during the construction or provision of the amenities and other development contemplated by this Agreement;
 - (b) any default or breach of this Agreement by the Owners; and
 - (c) any wrongful act, omission or negligence of the Owners or their directors, officers, employees, agents, contractors, subcontractors, licensees, or others for whom they are responsible in law with respect to the covenants and obligations of the Owners pursuant to this Agreement.
46. The indemnity in section 45 shall survive any conclusion or other termination of this Agreement, in relation to any matter arising prior to it.
47. If any Owner is delayed or prevented from the performance of any covenant or agreement required hereunder by reason of any unavoidable cause, then performance of such covenant or agreement shall be excused for the period during which such performance is delayed or prevented and the time for the performance thereof shall be extended accordingly. For the purposes of this section, "unavoidable cause" means any event or contingency beyond the reasonable control of the Owner, including without limitation a delay caused by weather conditions, power failure, fire or other casualty, governmental laws, regulations or controls, civil commotion, insurrection, sabotage, invasion, rebellion, military or usurped power, war or war-like operations and acts of God, but excluding a delay caused by lack of funds.
48. Time is of the essence of this Agreement and will remain of the essence notwithstanding the extension of any dates.
49. The obligations and covenants of the parties comprising the Owners are joint and several.
50. The Owners acknowledge and agree that the City, acting reasonably, may, despite any public law limitations on the withholding of building permits and occupancy permits, withhold building permits and occupancy permits for the purpose of ensuring compliance with and administering the terms of this Agreement.
51. This Agreement may be executed in counterparts.

**THE CORPORATION OF
THE CITY OF PENTICTON**

By its authorized signatories:



Dan Ashton, Mayor

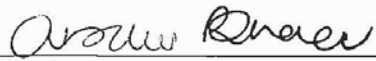


Cathy Ingram, City Clerk

Council Approval
Res. No. <u>1224/2009</u>
Date <u>December 7, 2009</u>

**P2 Developments Inc.
(Incorporation No. BC0827987)**

By its authorized signatories:



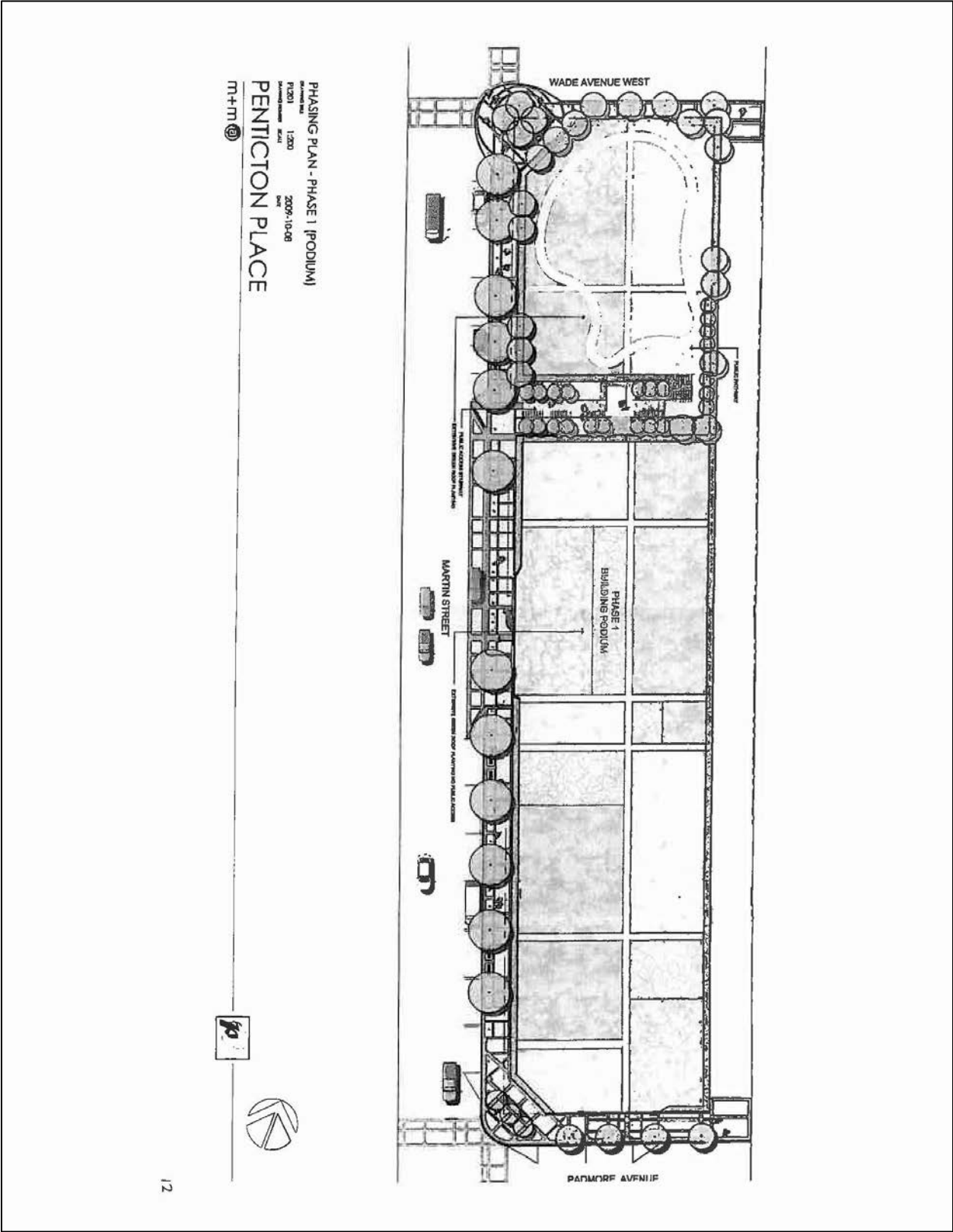
Signature

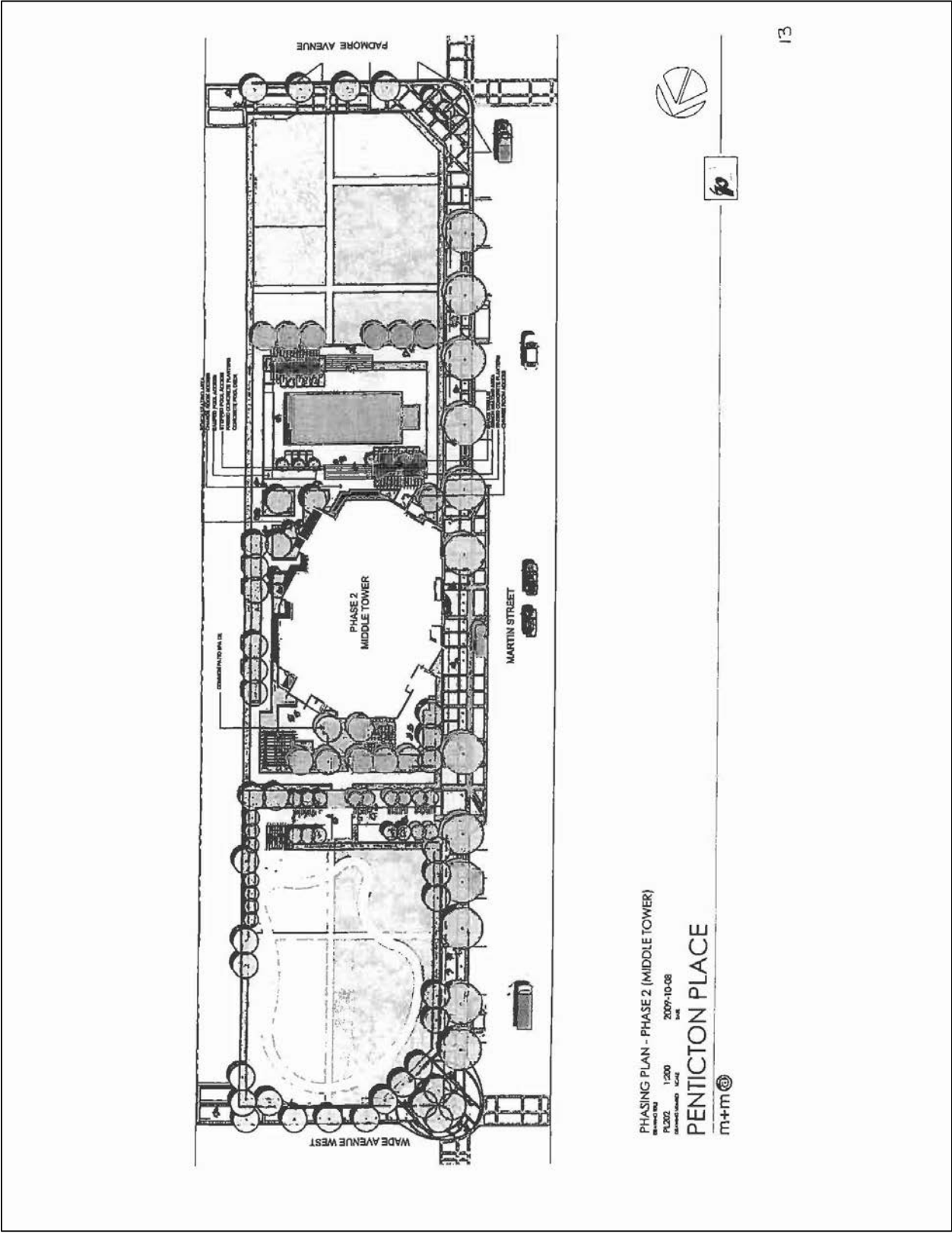
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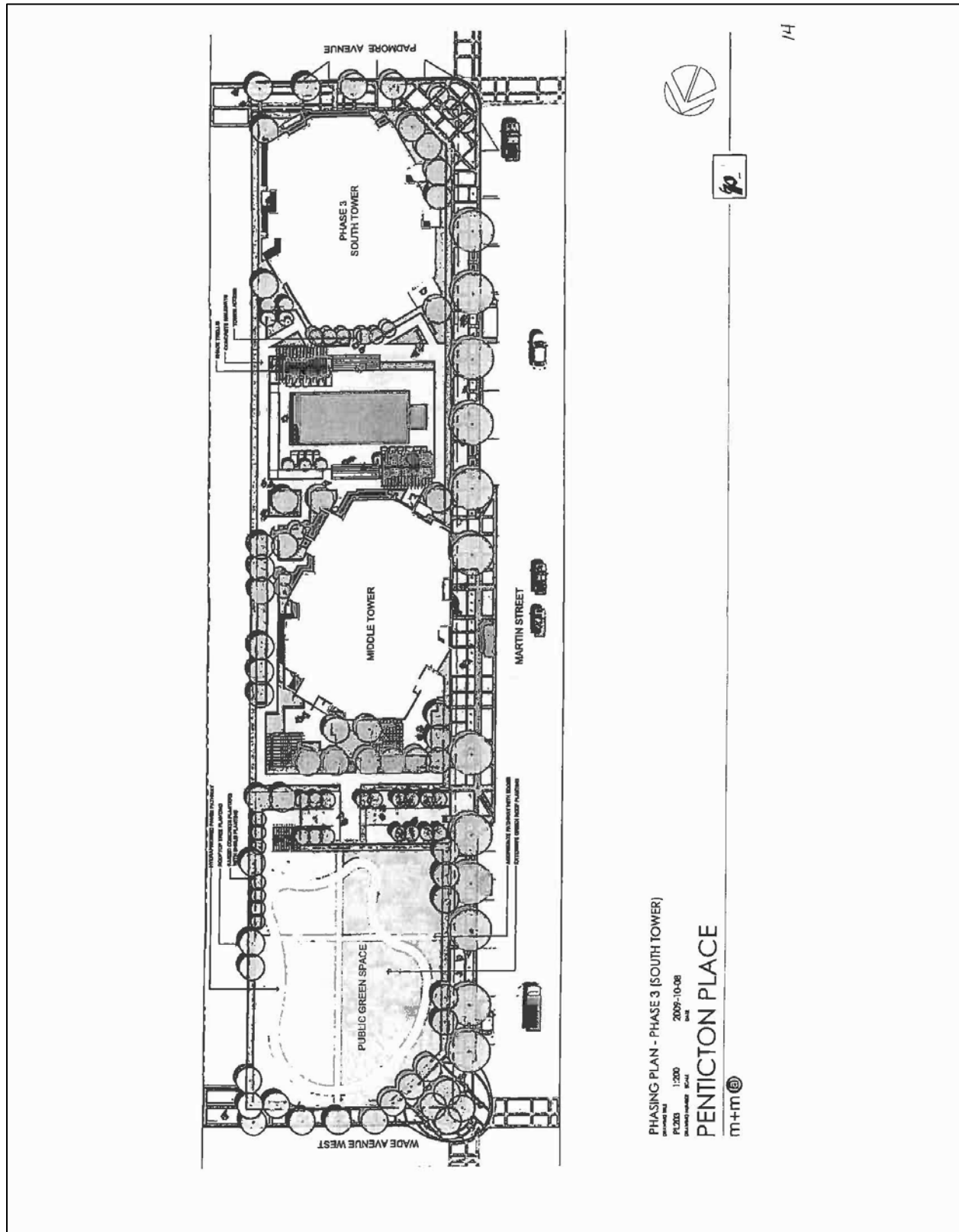
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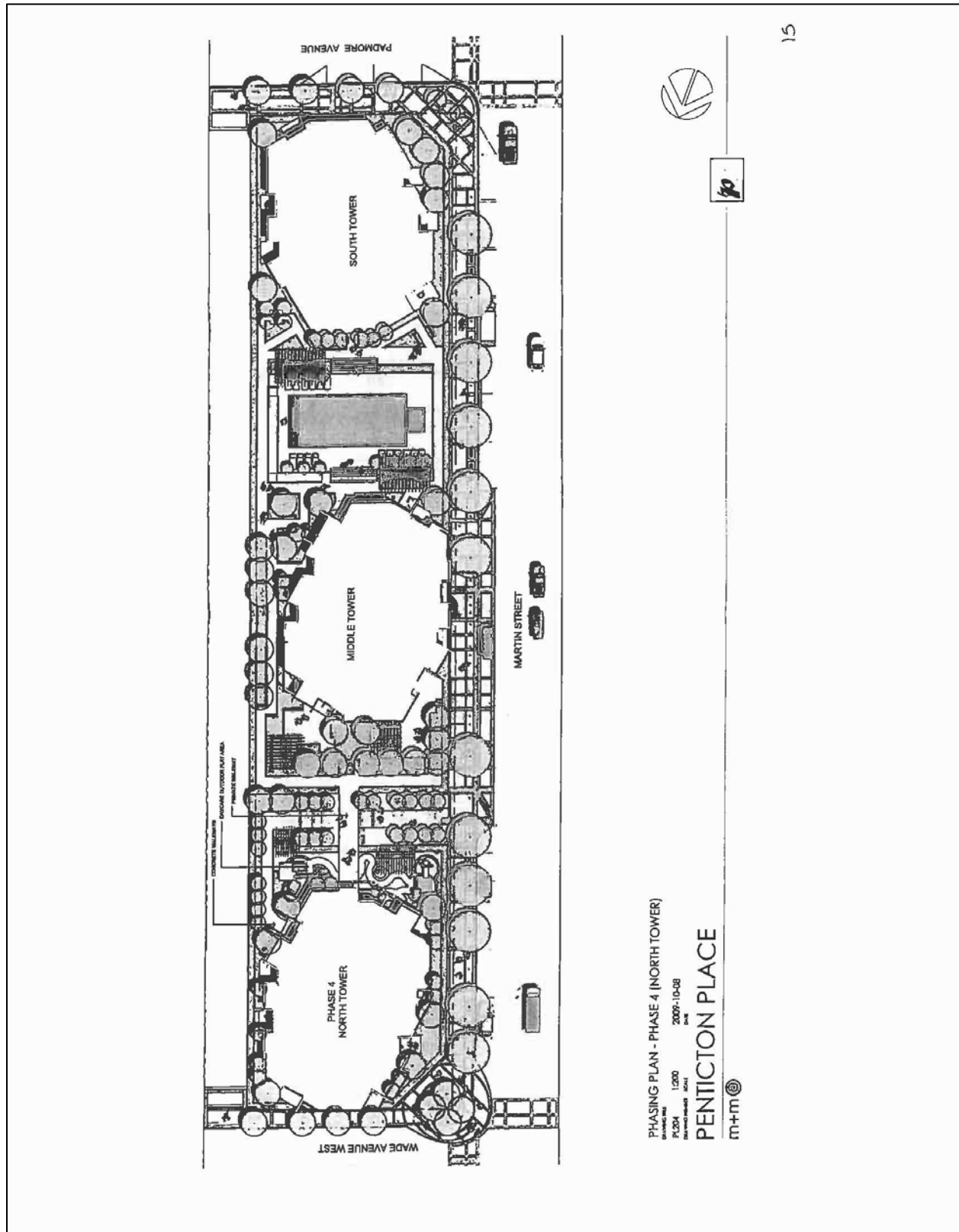
SCHEDULE A
PHASING PLAN (four pages)

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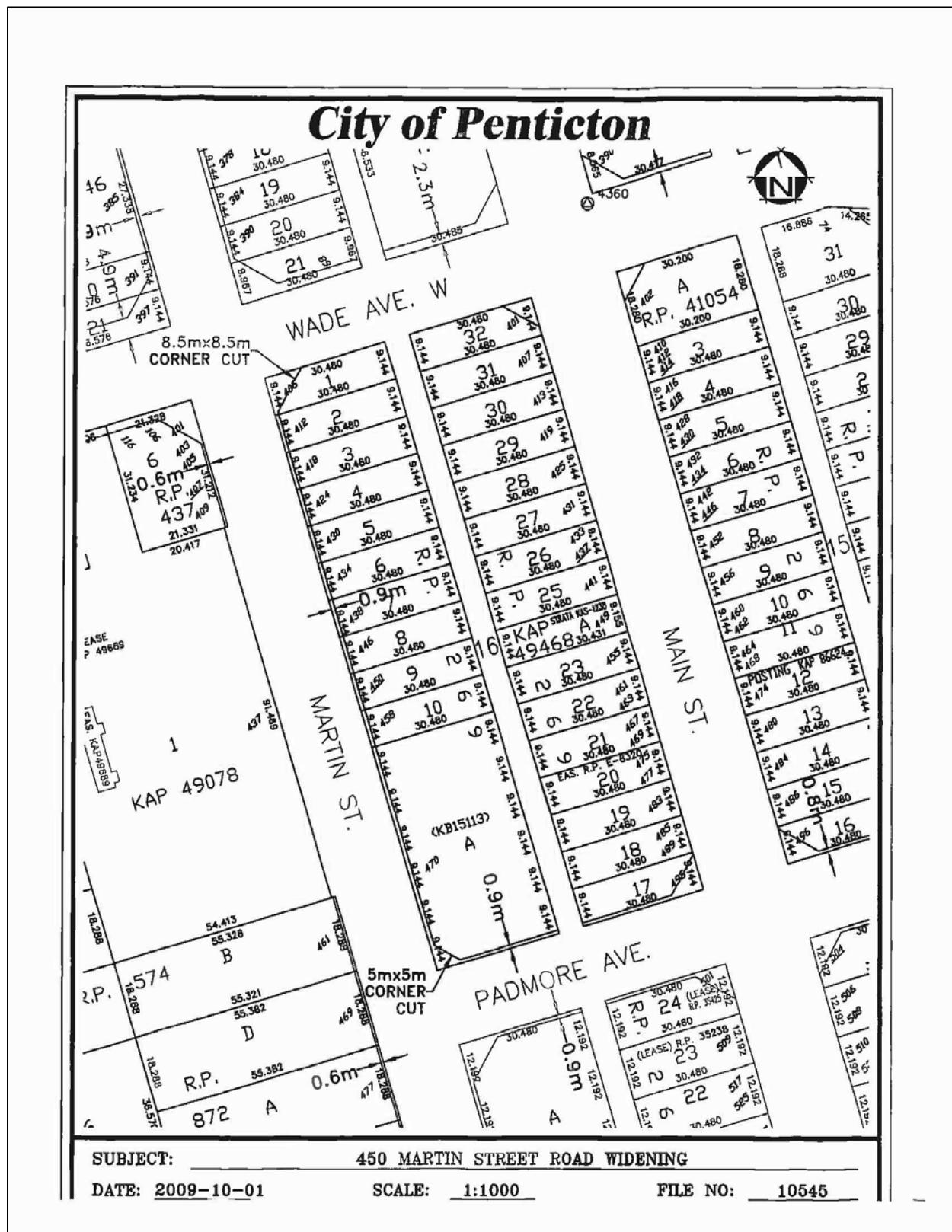






SCHEDULE B1
HIGHWAY DEDICATIONS

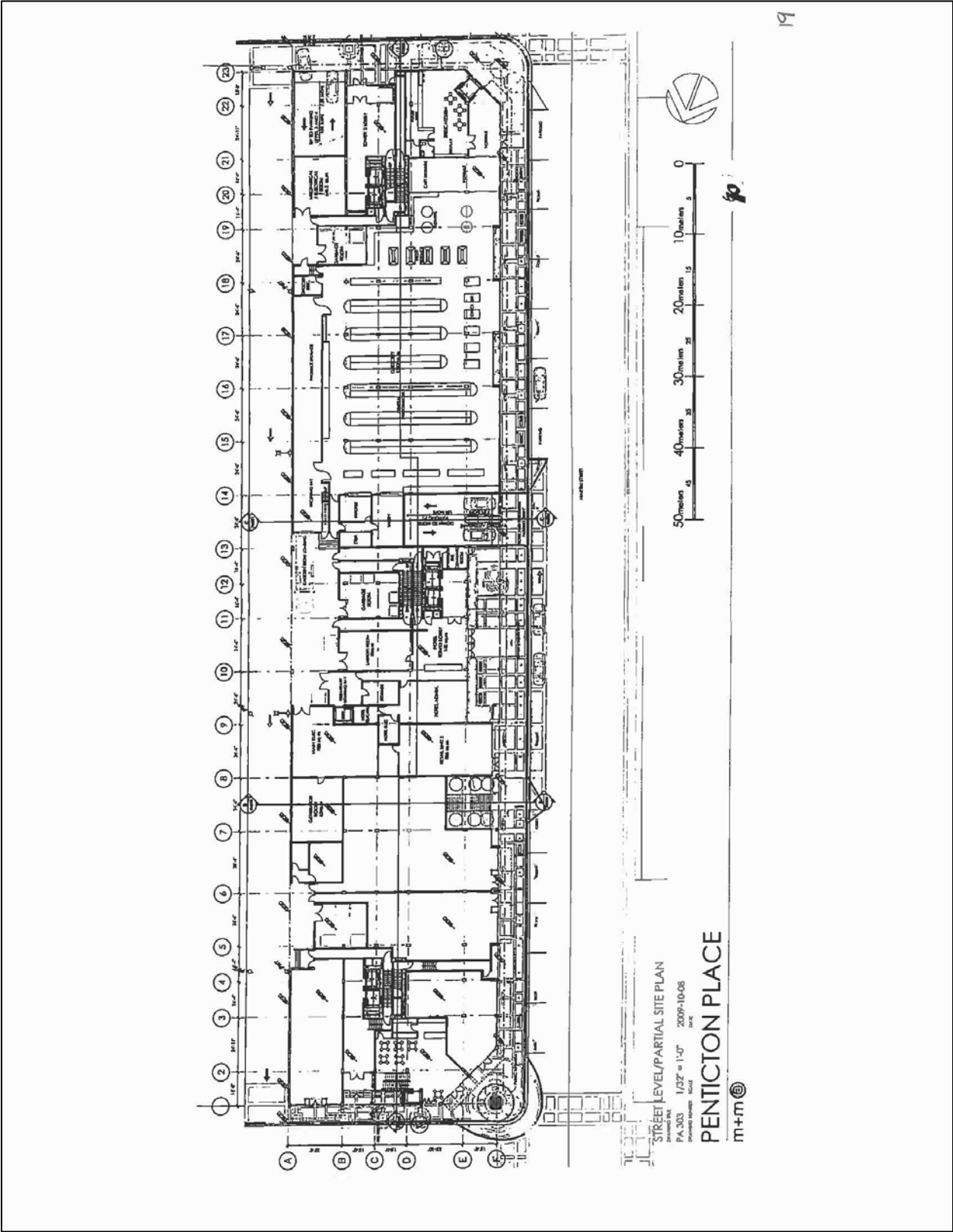
16



SCHEDULE B2

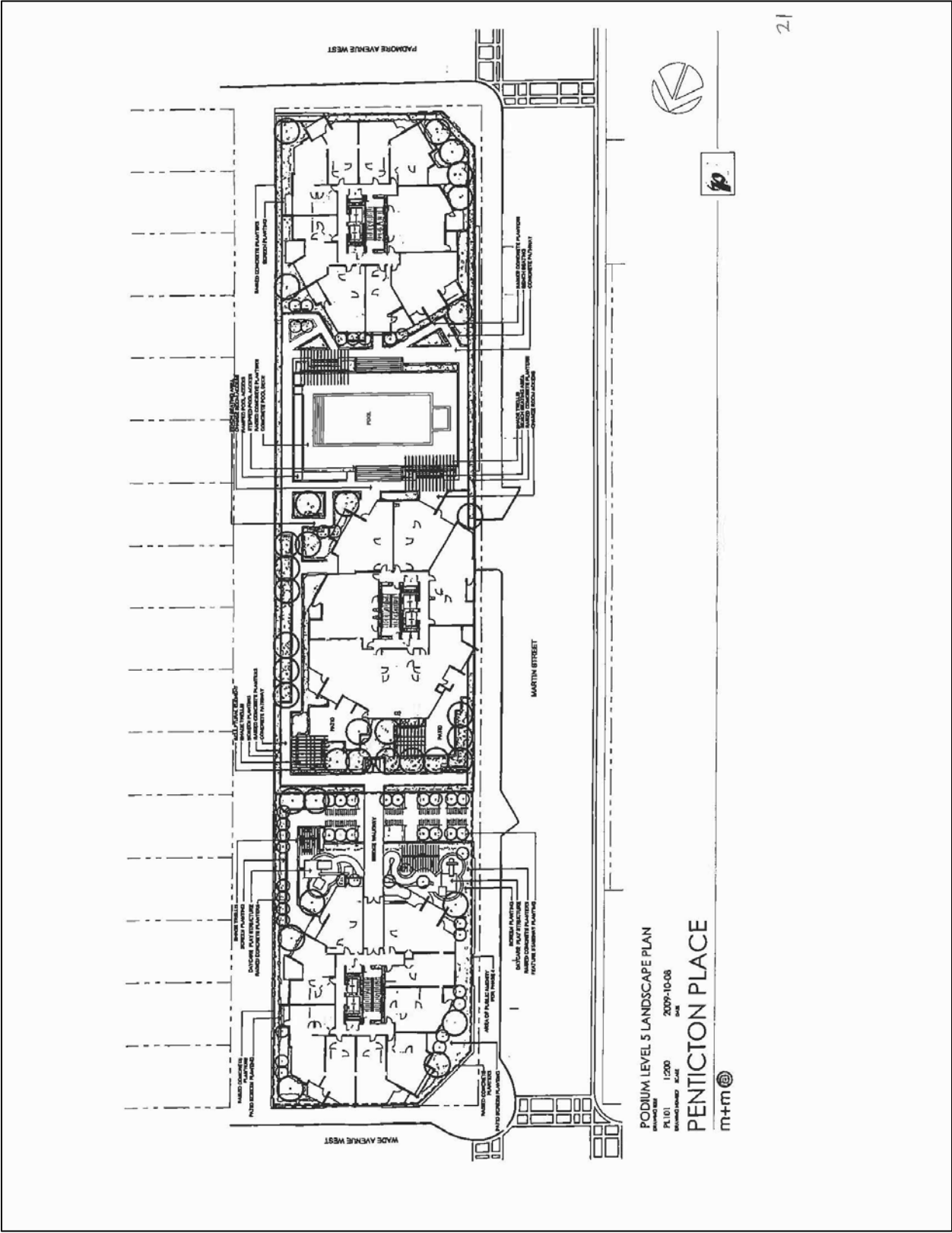
BUS STOP LOCATION FOR STATUTORY RIGHT OF WAY

111



SCHEDULE B3

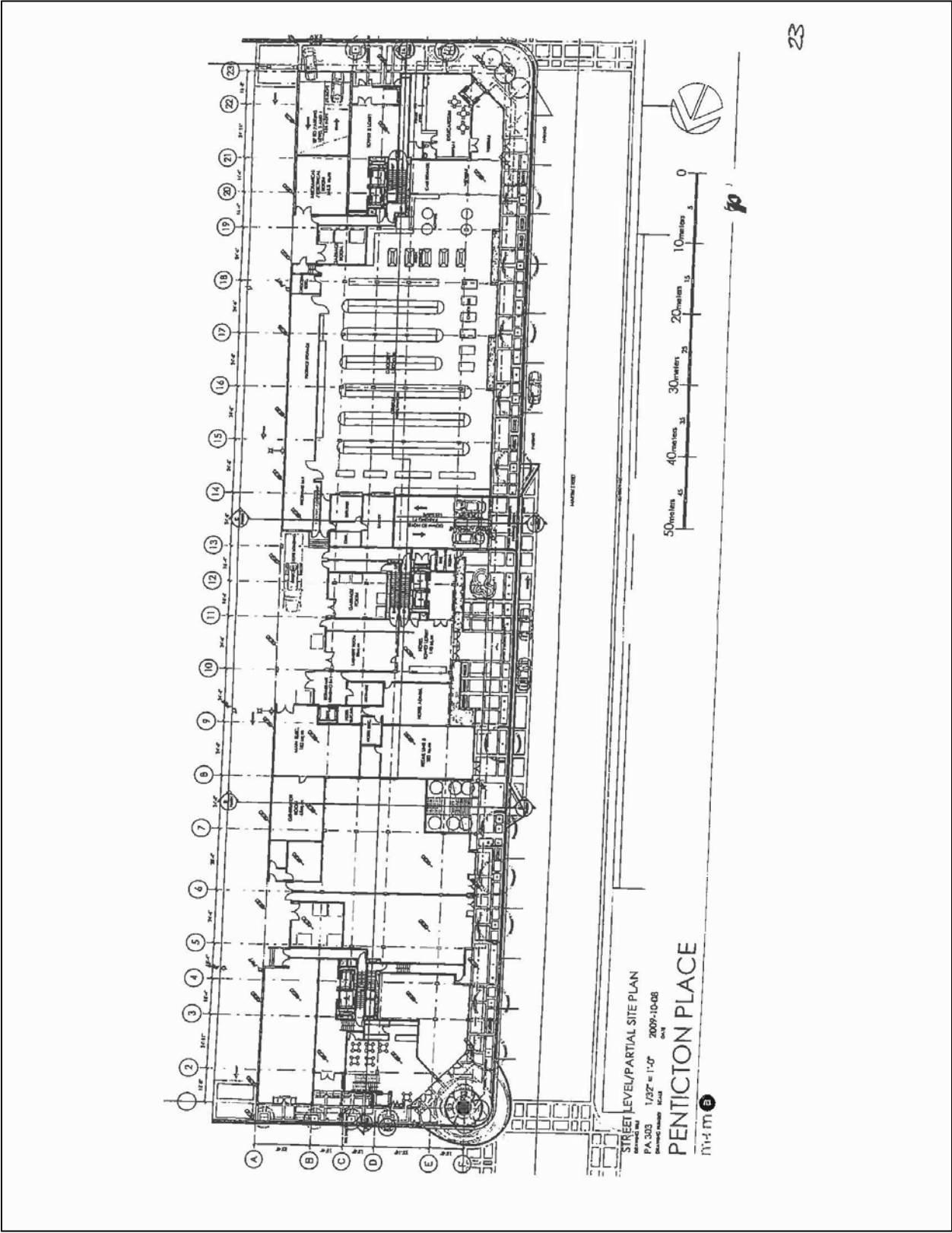
ROOFTOP AMENITY AREA FOR STATUTORY RIGHT OF WAY



SCHEDULE B4

LOCATION OF PUBLIC ART AMENITY

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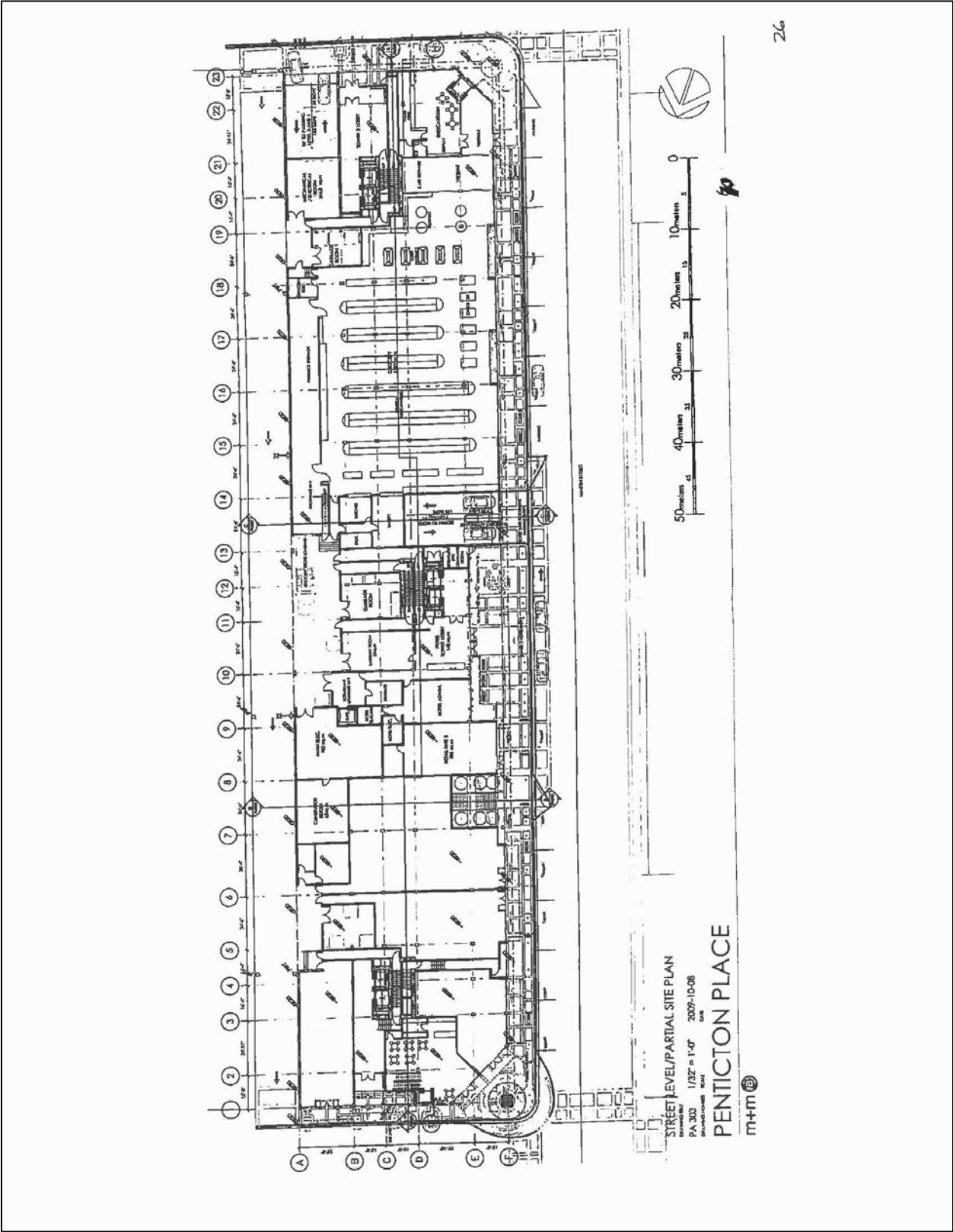


SCHEDULE B5

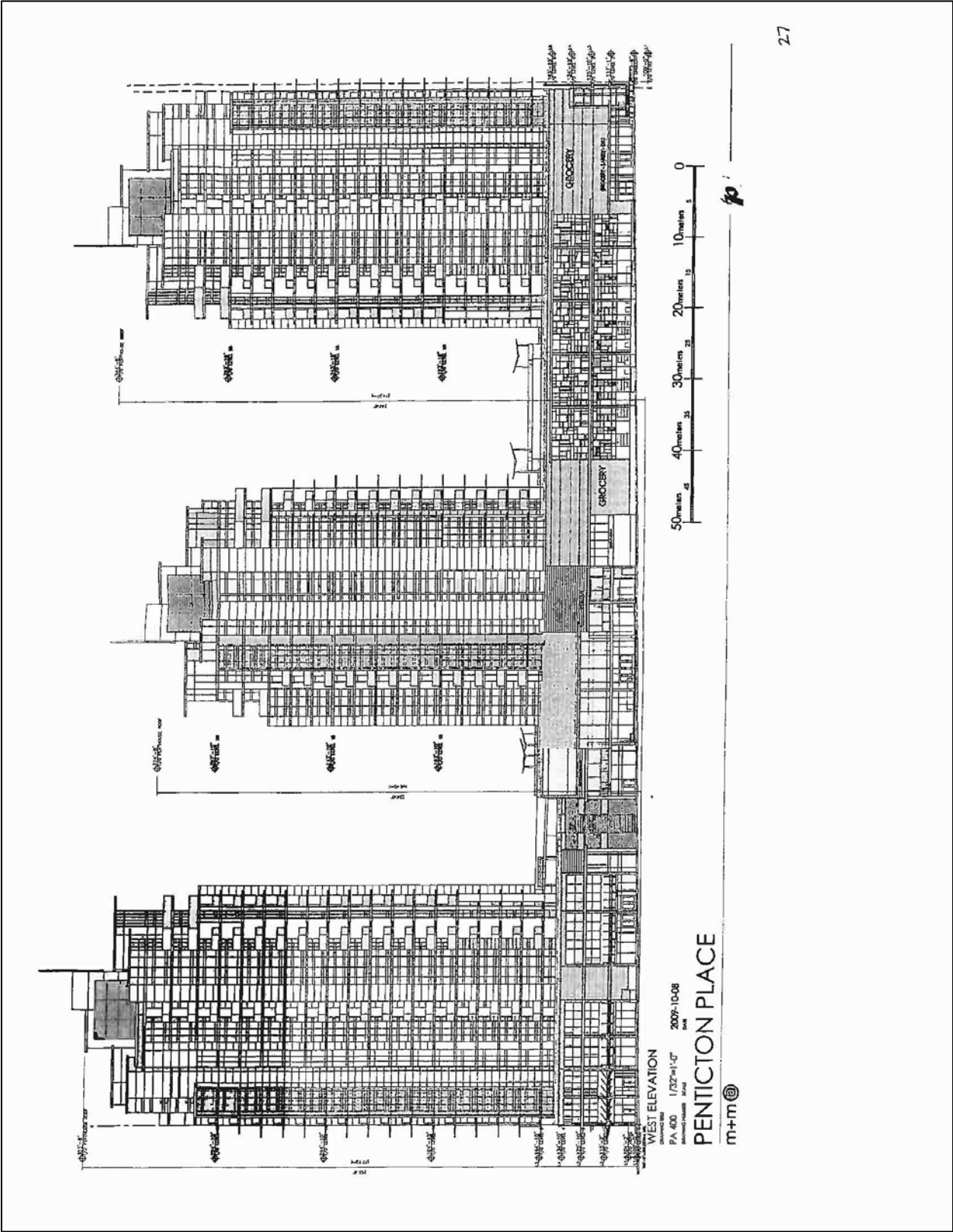
ELECTRICAL DISTRIBUTION SYSTEM UPGRADES

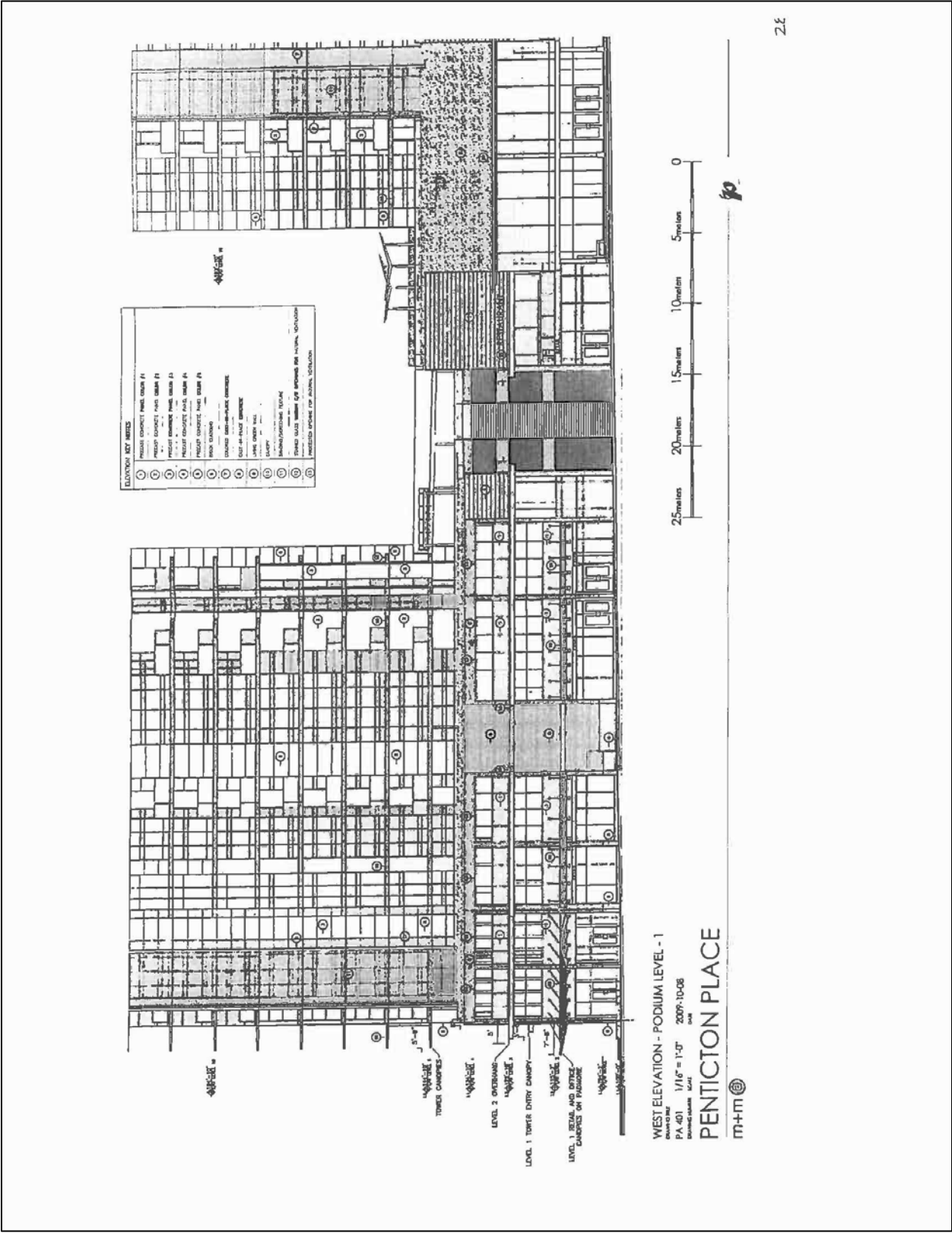
- Remove underground 3-phase primary lateral from Pole #14 and route cables to new 1232 electrical vault located on the sidewalk east of the lane and providing primary service to the Land
- Install new ducts and primary cables from the new vault to Pole #12 in the lane south of Padmore Avenue and relocate underground lateral from Pole #14 to this pole
- Relocate existing tie bus and 2 switches (32-7 and 32-9) from Pole #14 to Pole #12
- Relocate 600 KVAR capacitor bank on Pole #17 to a location specified by the City
- Relocate single phase distribution transformers at Pole #15 and Pole #18 to locations specified by the City, or alternatively, at the discretion of the City, remove the transformers and convert 3-phase delta distribution works on the east side of the lane to 3-phase wye distribution works
- Any works that in the reasonable opinion of the City, acting in accordance with generally accepted electrical utility practices, are consequential on any of the foregoing works or may be undertaken in lieu of the foregoing works to achieve equivalent results

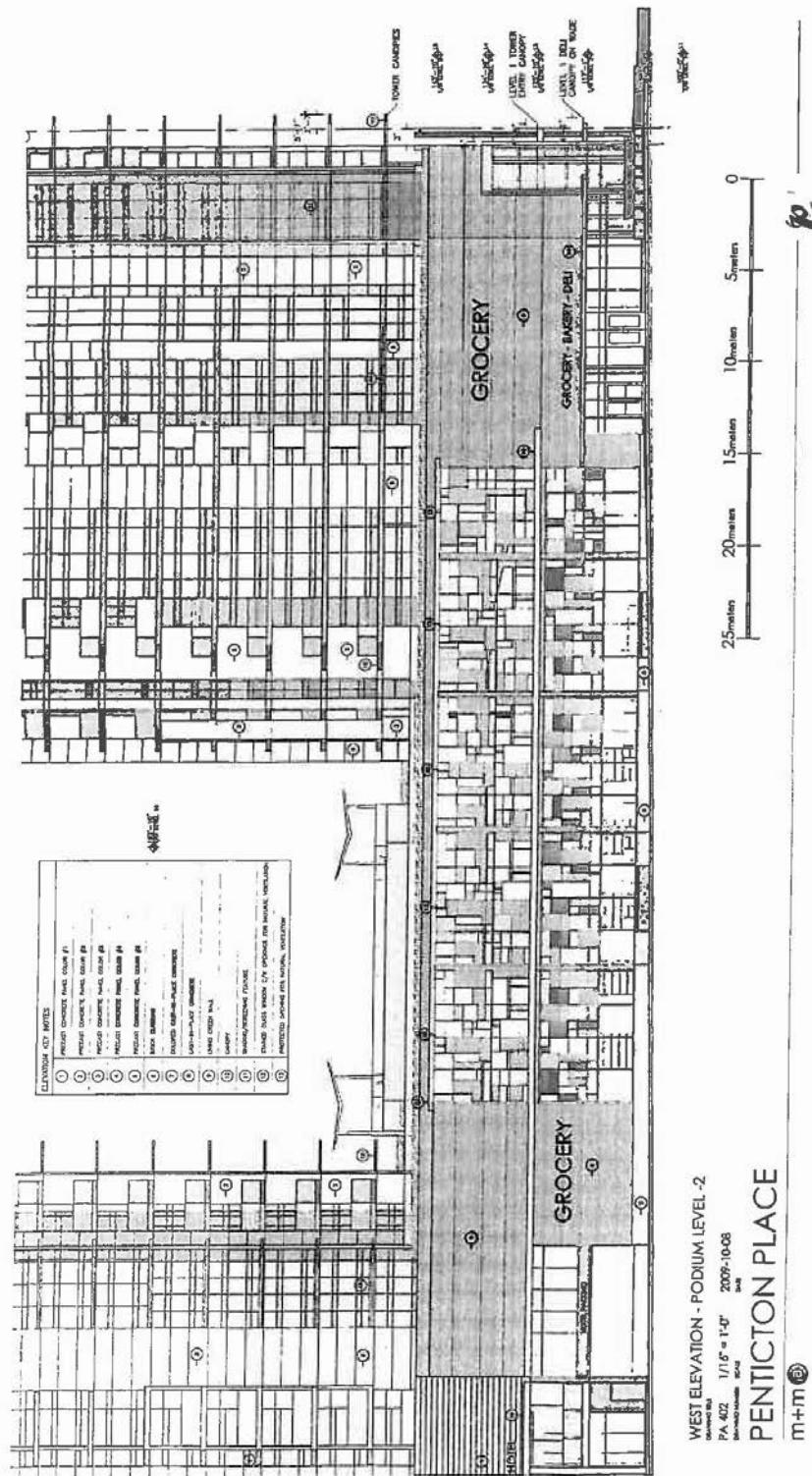
SCHEDULE B6
CONCEPTUAL PLANS OF DEVELOPMENT

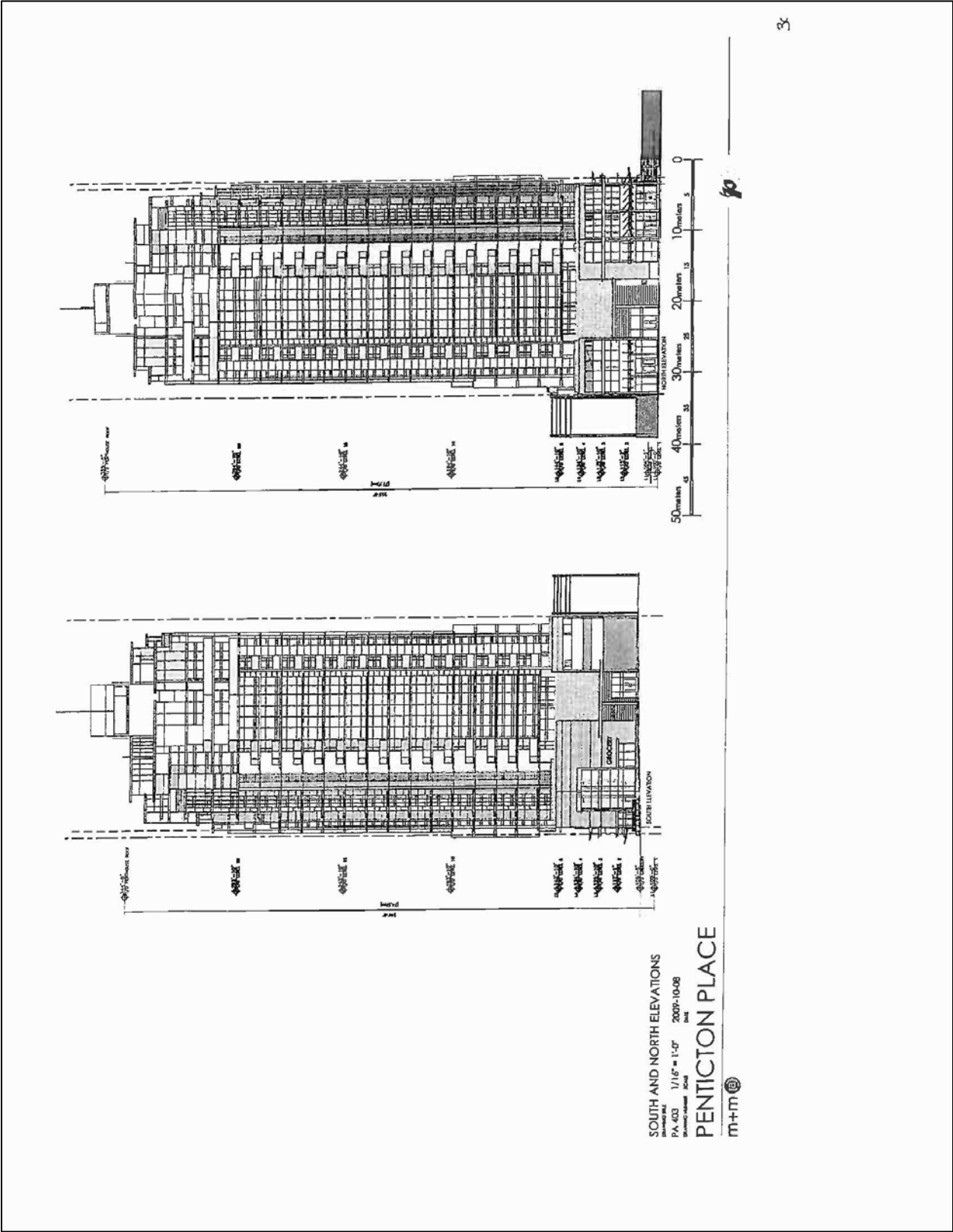


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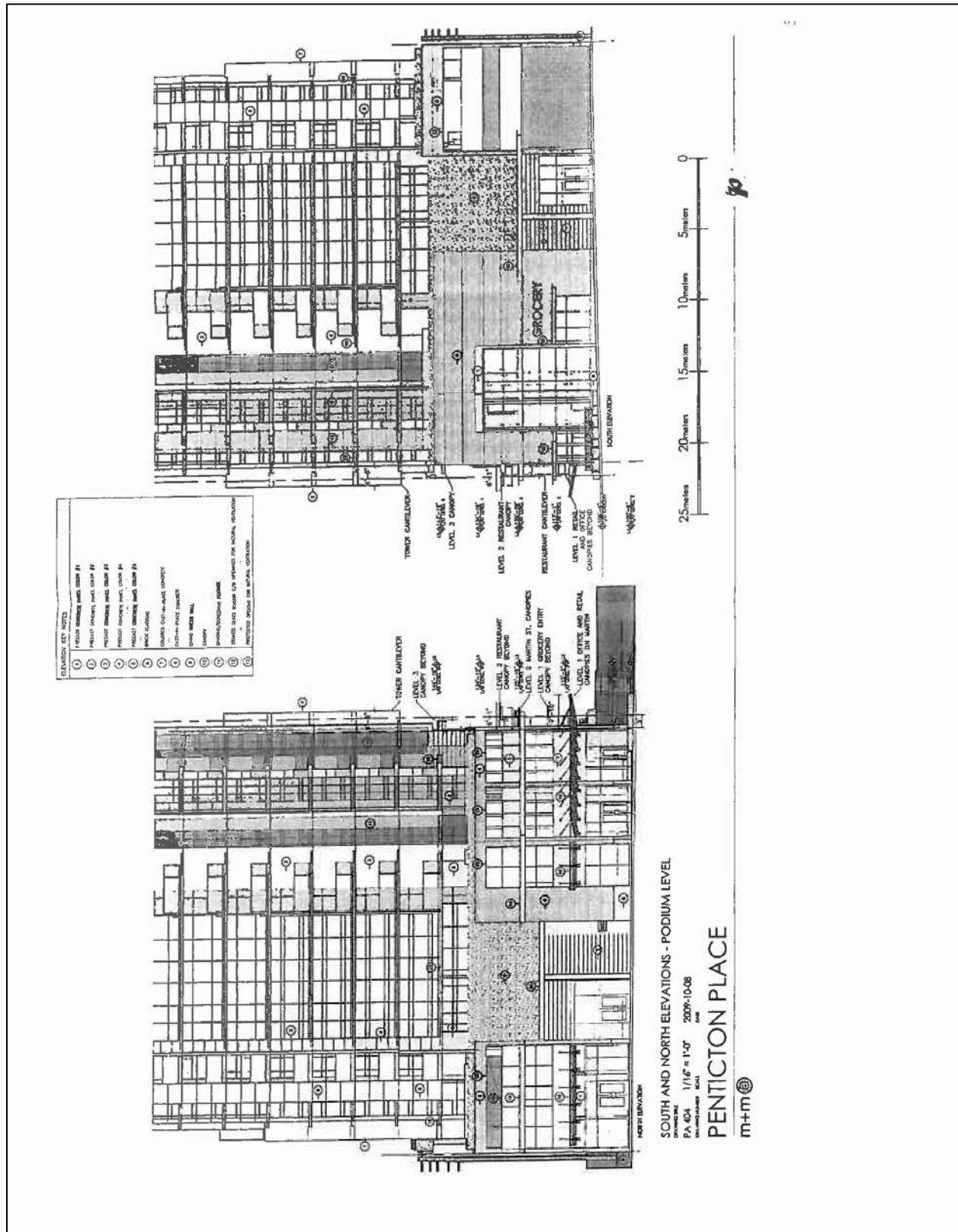


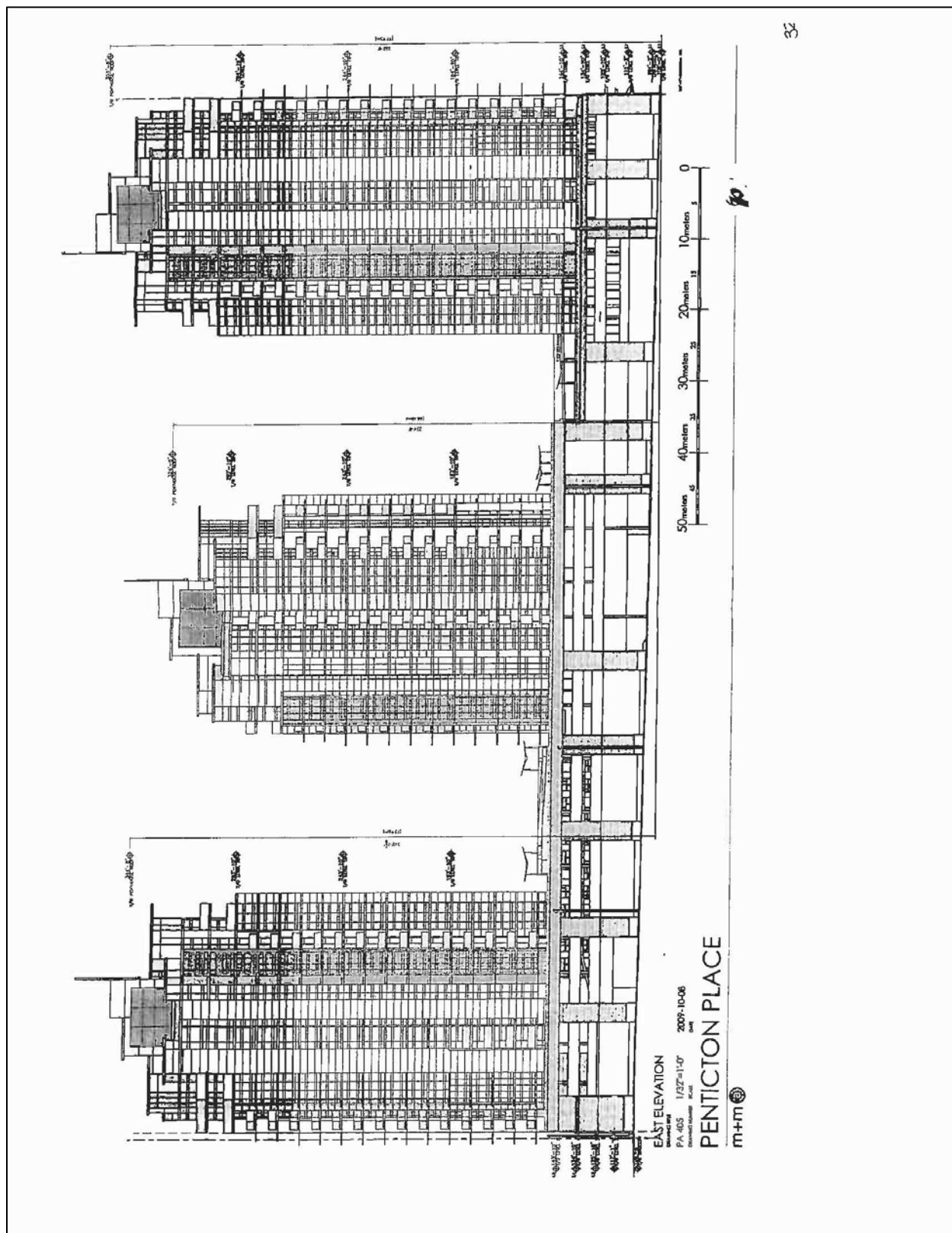


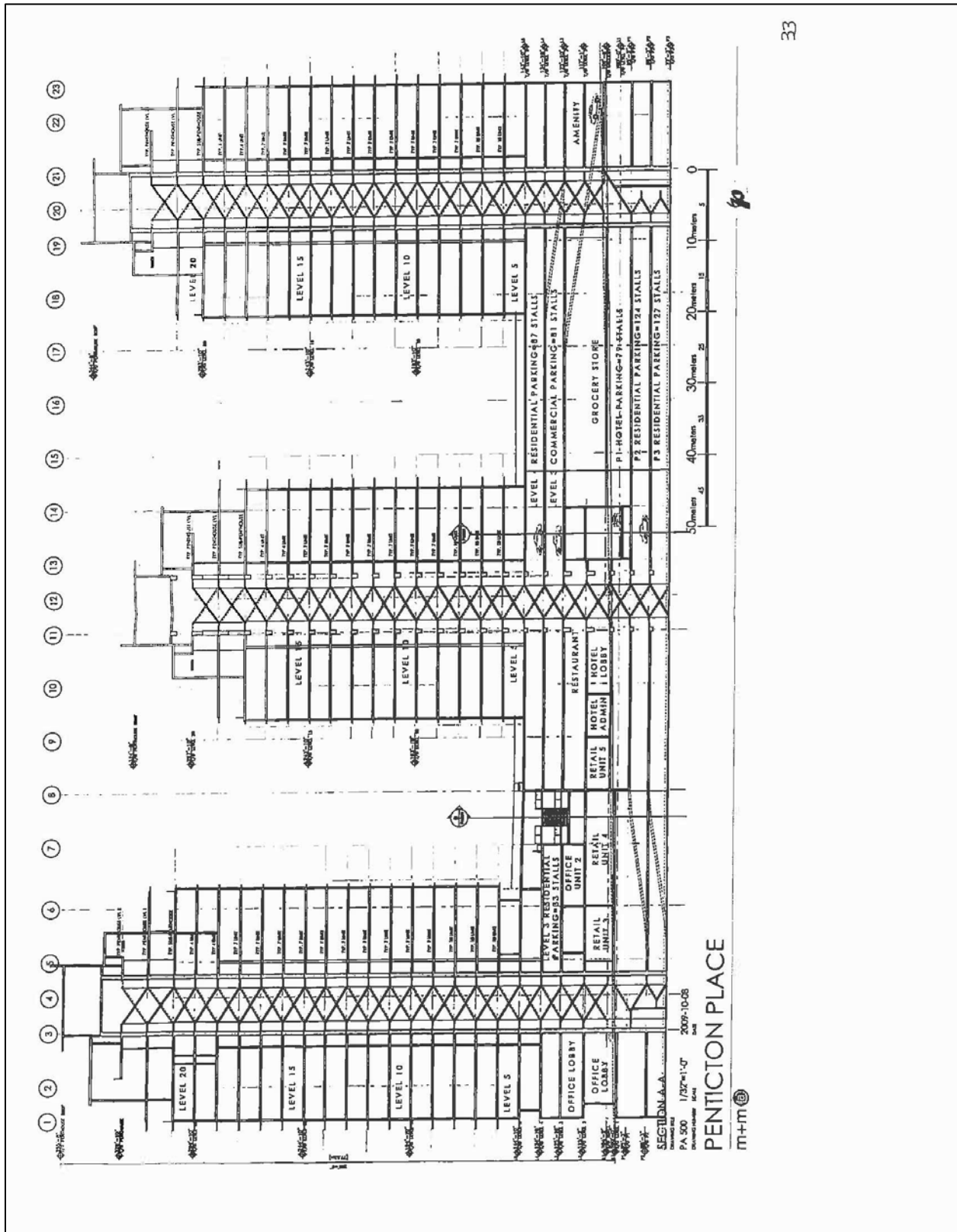




3







END OF DOCUMENT

Council Report

penticton.ca

Date: November 7, 2017
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 187 Wyles Crescent

File No: RZ PL 2017-7982

Subject: Zoning Amendment Bylaw No. 2017-76

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2017-76" being a bylaw to amend City of Penticton Zoning Bylaw 2017-08 by adding Section 10.2.4.2. " In the case of Lot B, District Lot 115, Similkameen Division Yale District, Plan KAP49954, located at 187 Wyles Crescent, a **day care centre, major** up to 25 children shall be permitted with the hours of operation restricted from 7:00am to 6:00pm.", be introduced, read a first time and be forwarded to the November 21, 2017 Public Hearing.

Strategic priority objective

This application meets the strategic pillars of creating a sustainable and livable city, through increasing small scale institutional activities where existing services already exist, and in areas close to transit, commercial uses and employment centers.

Background

The subject property (Attachment 'A') is designated as LR (Low Density Residential) according to OCP Bylaw 2002-20 and is zoned R2 (Small Lot Residential) under Zoning Bylaw 2017-08. The property is 550m² (0.136 acre) and currently features a vacant single detached dwelling.

Wyles Crescent is short, block-long crescent connecting Atkinson Street to Okanagan Avenue West that was created in 1992. The street has a number of single family houses, single family houses with legal and illegal accessory suites and duplex buildings with both owner residents and rental units. There are also several home based businesses and one other small daycare, creating an eclectic mixed neighbourhood.

Proposal

It is the applicant's intention to renovate the existing house for the operation of a daycare for up to 25 children. There is no plan to maintain the residential use of the house. The applicant desires to relocate the existing daycare located at 352 Eckhardt Avenue East. The daycare is being displaced due to the redevelopment of the lot. Following the approval of the development, the applicant purchased a lot in a residential area, in a central location in proximity to transit with the intention of operating her daycare. Under provincial regulation, day care centres for up to 8 children can operate under residential zoning,

regardless of any zoning restrictions to the contrary. There is currently a daycare centre (less than 8 children) operating on the same street. In the case of a day care for more than 8 children, the zoning bylaw must include the use. The R2 zone, to which the subject property is zoned, does not allow for either a day care minor or a day care major. As such, the property owner (applicant) is required to obtain an amendment to the zoning bylaw to allow for the use on Wyles Crescent.

Rather than re-zoning to a commercial or institutional use (which have day care centre, major listed as a permitted use), the applicant is requesting that a site specific amendment be implemented allowing for the day care use under the existing R2 zone specific to the subject property.

Details of operation

The applicant has advised that the daycare intends to operate from 7:45am to 5:15pm. Typically, day care drop off tends to be between the hours of 7:45am and 9:00am. There are currently 24 children attending the daycare, which will generate 20+ vehicles trips in the morning and afternoon. Typically there would be no more than three (3) cars arriving and leaving at one time. Drop off tend to be relatively short as parents are on their way to work. There are provisions for drop off and pick up on site. There is currently 6 staff members working full time and part-time. A typical day would have 4-5 staff in operation. The daycare operator has indicated all staff are advised to not park on the subject property or Wyles Crescent.

Zoning Bylaw Amendment

The applicant is proposing to add the following section to R2 zone of the zoning bylaw:

Add: In the case of Lot B, District Lot 115, Similkameen Division Yale District, Plan KAP49954, located at 187 Wyles Crescent, a **day care centre, major** up to 25 children shall be permitted with hours of operation restricted to 7:00am to 6:00pm.

Consultation

A Public Open House was held on October 3 at the property, from 4:30am to 7:00pm to present the proposal to the neighbourhood. The meeting was well attended, with approximately 40 attendees, with a mix of residents from the immediate neighbourhood and parents whose children attend the day care at its current location on Eckhardt Avenue. Staff attended the meeting as well to provide information on the rezoning process.

Concerns from the Wyles Streets residents focused on expected traffic increases, parking problems and noise from the day care operation. There were also concerns regarding the upkeep of the property and having nobody living on the property and crime with having the property uninhabited on the weekends.

Based on the feedback the operator has made revisions to the application. These revisions include limiting the daycare operation to 25 children and also limiting the hours between 7:00am and 6:00pm (but actual drop off and pickup would be between 7:45am and 5:15pm). The applicant has also agreed to have their staff not park on-site or on Wyles Crescent. It was agreed that staff would park either on Atkinson Street or in the overflow parking of the Cherry Lane Shopping Mall, or take alternatives to work (transit, walk, bike etc).

The operator has also indicated an intention to re-landscape the property and ensure proper upkeep of the property. The screen hedge between the subject property and rear neighbour will also be improved and additional screen fencing is planned on being installed to provide greater privacy to the adjacent neighbouring residents.

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 building permit application.

A full building code review has also been undertaken to ensure that the building is able to be used as a daycare. The review looked at minimum health and safety standards for a daycare. Some minor upgrades will be required if the zoning application is successful.

Financial implication

N/A

Analysis

Support Zoning Amendment

The subject lands are designated by the City's Official Community Plan (OCP) as LR low density residential. The OCP has criteria for staff and Council to consider when reviewing applications for daycares in the LR designation. The guidelines and staff's comments are as follows:

- *Maximum commercial lot area of 2000m² in the LR designation:*
The subject property is 550m² and is considerably under the maximum size permitted for an institutional property in the LR (Low Density Residential) designation of the OCP.
- *Commercial use is located on a collector road and on an intersection:*
Although the property doesn't front directly onto a collector road, the proposed daycare will be one property in from Atkinson Street, a major urban collector commercial road. Daycare uses are slightly different from other commercial uses in that they are usually considered residential uses and fall under residential zoning, so staff do not consider that this is an integral component to a daycare (As opposed to another commercial use – retail store, dentist office etc).
- *Provides screening along a property line that abuts residentially zoned areas:*
The proponent has indicated an intent to provide privacy screening on both side yards and in the rear yard. The screening will not eliminate all noise from the daycare, but will help. Staff are also cognizant that operation of the daycare will not be ongoing during evenings or weekends when most people have a higher expectation of quiet. Staff feel that the installation of fencing will help diminish any undesirable externalities from the institutional use of the property and provide safety for the children.
- *The size, scale and scope of the proposed use are compatible with the character of the area:*

The proposal is not to rezone the subject property to a commercial use. The R2 zoning will remain on the property and there are no planned changes to the building. As such from a design perspective, there will be no impact on the character of the street. The proponent has made a commitment to improve the aesthetic impact of the property through landscaping improvements.

With regard to use and operation of the property, as mentioned above, Wyles Crescent is already an eclectic mixed neighbourhood with a number of residential uses and small scale home based commercial uses. While the addition of a day care will change the property from a use perspective, it will be a minimal impact limited to mornings and afternoons during weekdays. Consequently staff feels that the character of the neighborhood will not be unreasonably impacted by the change in zoning.

- *The proposed use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on the adjacent residential uses:*

Concerns were raised at the public open house and afterwards regarding the expected additional traffic on Wyles Crescent, parking issues and expected noise generating by the children when they are outside playing. The proposed use of the property is a daycare with daytime hours Monday to Friday. There will be traffic increase at peak times typically in the morning drop off and pick up time. The proposed use will not generate additional traffic in the evening and weekends, when the street would typically be busier with residents at home and guests. Most of the time, in a daycare of that size, the children are inside and having once a day scheduled play time to a maximum of 1 hour. As a result, the proposed use will generate additional noise for the nearby residents but limited to a programmed playtime before lunch Monday to Friday.

With regard to parking, within the street there are approximately 25 on-street parking spaces. Each residence on the street has the ability for 2 parking spaces to be located on each parcel of land, within the driveways that exist. So a total of 34 parking spaces for the existing approved residences, in addition to the 25 on-street spaces. The applicants have provided a plan that deals with parking. They have indicated that their staff will not be parking on Wyles Crescent and will walk from alternative parking locations or access the site through alternative transportation. There are already some expressed parking concerns on the street. Staff, however, do not consider that the day care will worsen this situation. The site plan for the daycare shows that there is drop off and pick up on the subject property. Along the street frontage of the property there will likely be drop off and pickup activity, but this should mostly be limited in duration and limited to the frontage of the property. Currently under Zoning Bylaw 2017-08, the minimum parking requirement for a daycare is 4. This number is based on the square footage of the building. The bylaw does not differentiate between staff or users of the daycare. The applicant feels that they have responded to the main concerns of the neighbourhood by providing 4 stalls for the parents drop off and pick up and staff will be asked to park off site.

Council approved in 2015 a similar application at 96 Yorkton Avenue despite neighbours' apprehensions. Although it is in a different location that the current proposal, it was felt that the overall benefits of a community service like a daycare would exceed the complaints over noise and increased traffic for the short periods of time in the AM and PM periods of drop-off and pick-up. The OCP's growth management policy specify that to become a more compact and complete community, the City's growth should be managed in proximity of transportation corridors to ensure the livability of existing residential areas.

To create a complete community, the City's OCP outlines provision to offer mixed use neighborhood that contains a variety of commercial and recreational opportunities. Under the residential policies of the OCP's, the City has also agreed to create neighbourhood that have a feeling of "community" incorporating institutional facilities, neighborhood commercial facilities, parks and green spaces, recreation facilities, community services such as daycare and a mixture of housing types. Given that the proposed zone is in-line with the OCP land use designation and the overall growth management goals, staff recommend that Council support the application and forward it to the November 21st, Public Hearing for further input from the surrounding neighbourhood and public.

Deny/Refer

Council may consider that the proposed amendment is not suitable for this site, based on the impacts to the existing residential area that the addition of the daycare may have. If this is the case, Council should deny the bylaw amendment. One of the key concerns for the proposed development is the impact on traffic and noise on the existing low density residential street. Since the public meeting on October 3, staff have received a number of letters in support of the daycare relocation.

Staff have also received a petition from the residents of Wyles Crescent and Okanagan Avenue that have concerns over the change in use and traffic generation of the proposed development.

While the operators have outlined how they plan to mitigate any nuisances from the operation of the day care (having staff park off site, restrict the hours, only open on weekdays etc), there is the possibility that the conditions may change.

If the zoning amendment does not proceed, the property will be restricted to the currently permitted uses in the R2 zone and the applicant will need to find an alternative location for the daycare.

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


Attachments

Attachment A:	Subject Property Location Map
Attachment B:	OCP Map
Attachment C:	Zoning Map
Attachment D:	Images of Subject Property and other properties on Wyles Crescent
Attachment E	Site Plan
Attachment F:	Letter of Intent
Attachment G:	Zoning Amendment Bylaw No.2017-76

Respectfully submitted,

Audrey Tanguay, MCIP
Senior Planner

Approvals

Director 	CAO PW
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Attachment A – Subject Property



Figure 1: Location Map

Attachment B - OCP Map

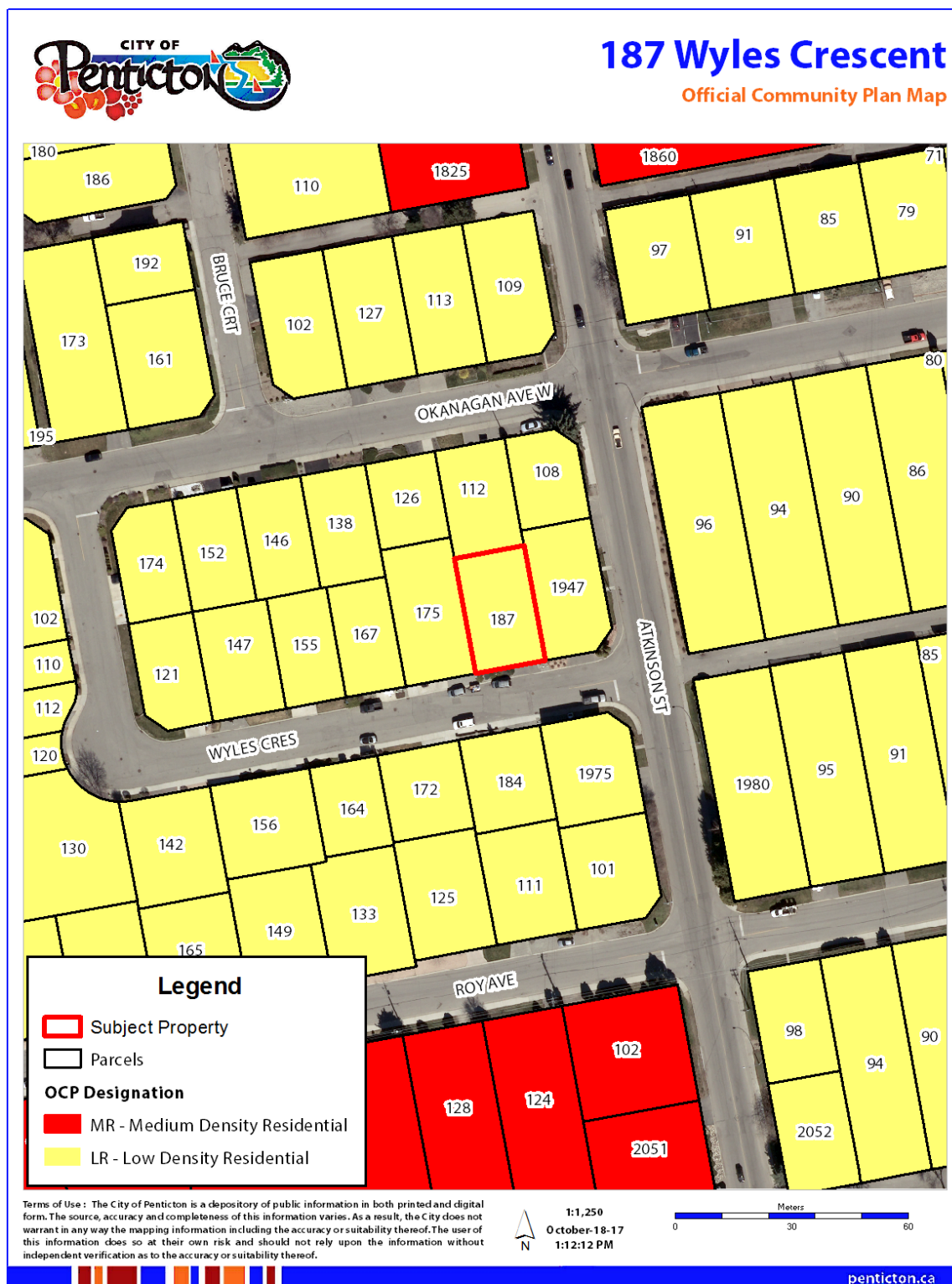


Figure 2: Current OCP Map

Attachment C - Zoning Map

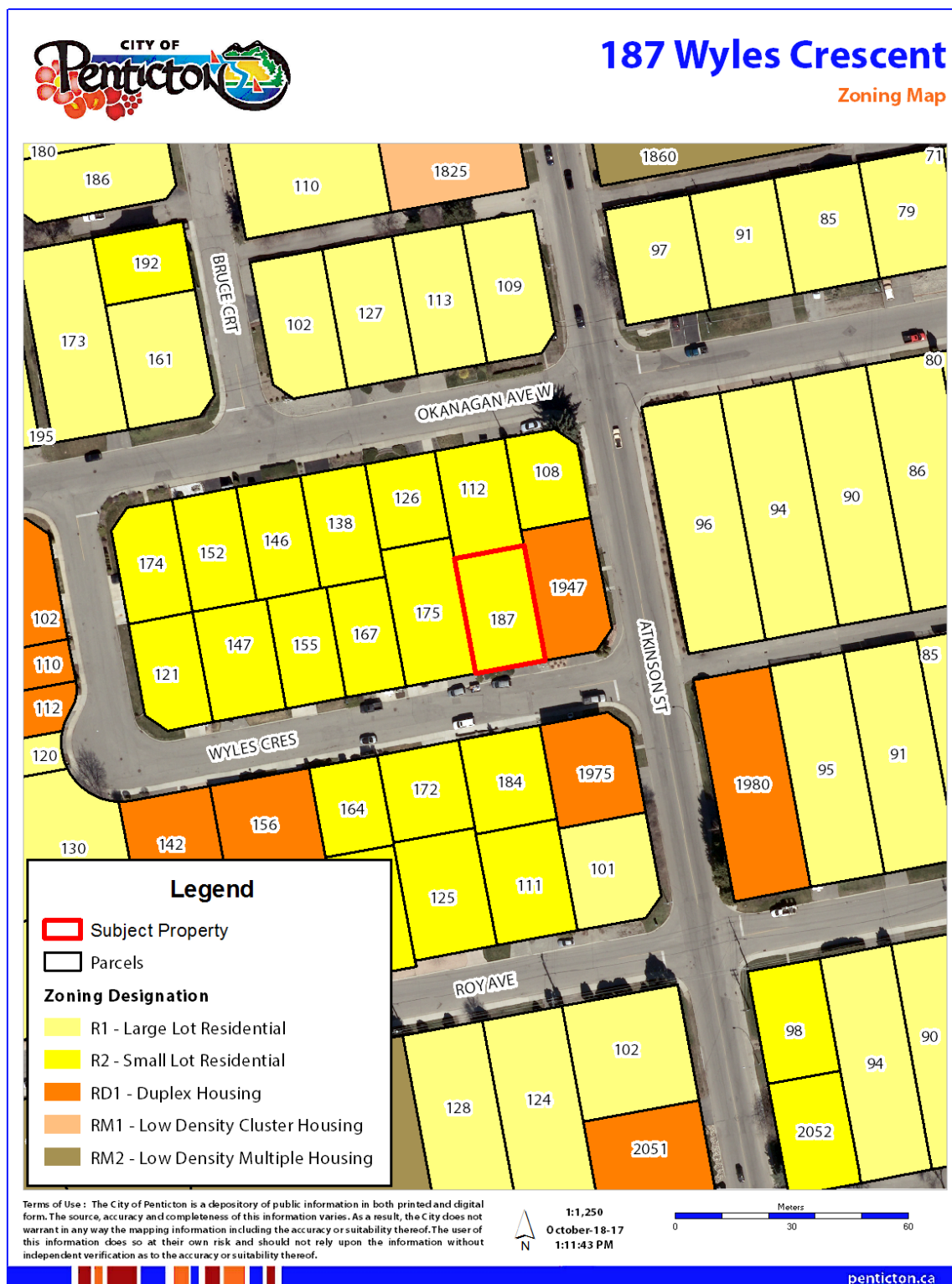


Figure 3: Current Zoning Map

Attachment D - Images of the Subject Property



Figure 4: View from Wyles Crescent



Figure 5: View from Wyles Crescent



Figure 5: Driveway occupied by recreational vehicle



Figure 5: Driveways along the street occupied by recreational vehicle and cars



Figure 5: View from Wyles Crescent showing on street parking



Figure 5: View from Wyles Crescent showing on street parking

Attachment E

Site Plan

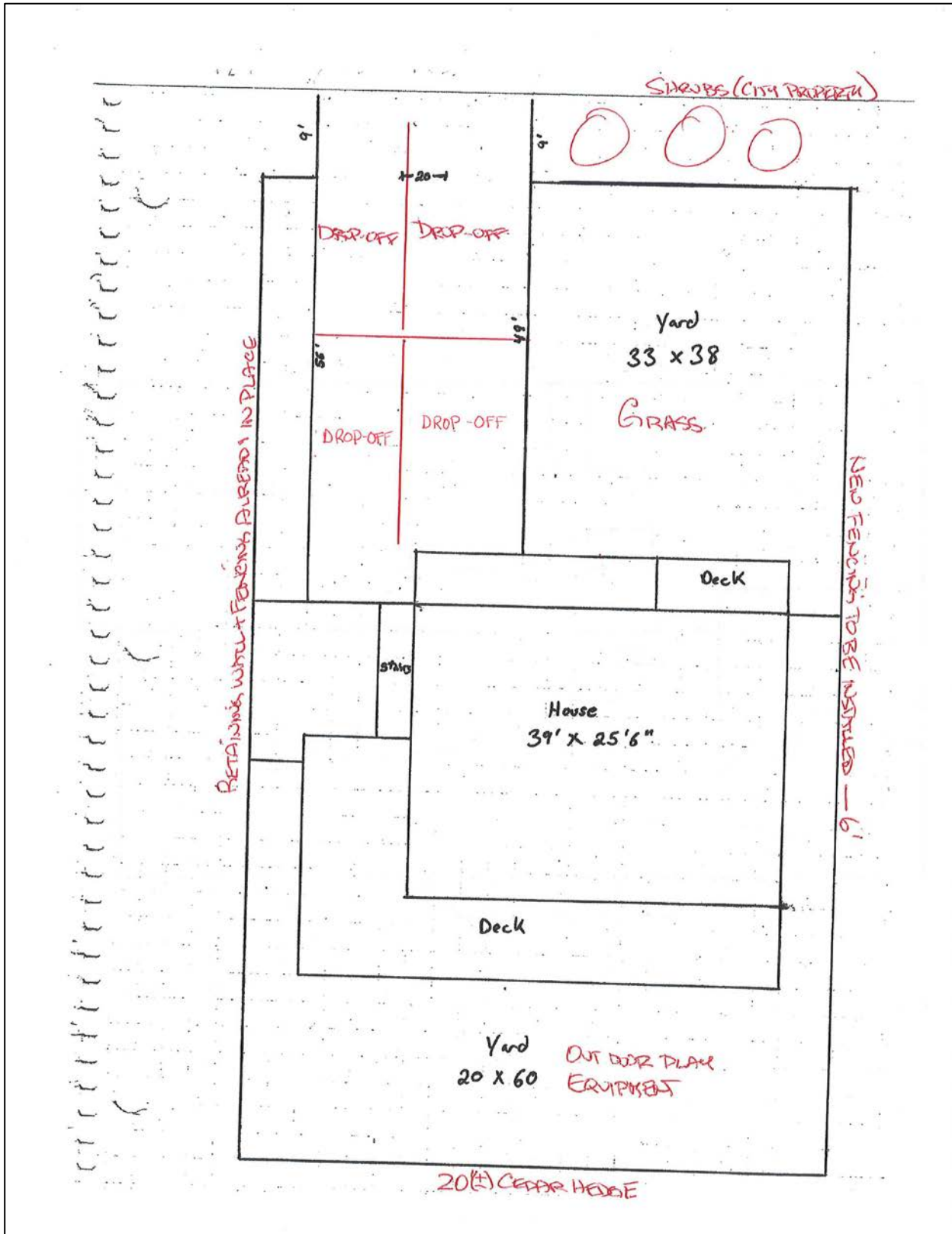


Figure 6: Site plan

Attachment F –Letter of Rationale



Circle of Friends Daycare Centre Ltd.
352 Eckhardt Ave. East
Penticton, BC V2A 1Z2
(250) 493-4875

October 28, 2017

I would like to introduce myself. My name is Cindy Schlamp and I am the owner of Circle of Friends Daycare. Circle of Friends Daycare has been operating in Penticton since 1999. I have owned the business for 15 years. We currently have 24 separate families attending either part time or full time with one or two children and there are 6 permanent staff members. I do not have a back up plan for all of the staff and families if this site specific zoning amendment doesn't work out.

I have 16 children aged 3-5 and 8 children under 3 everyday, 24 in total. One of the neighbours was concerned that we would increase our number of children or hours that we are open once we moved in so I said that we would put it in the site specific zoning amendment that I will never have more than 24 children and that my hours would be 7:30-5:30. My hours of operation are 7:45-5:15 but it was recommended that I give us 15 minutes on either side to account for anyone that may be a few minutes early or late.

I purchased 187 Wyles Cres. to meet the facility requirements in the Child Care Licensing Regulations which state that I need at least 3.7m² of usable indoor floor space per child excluding hallways, storage, bathrooms and fixed appliances and at least 7m² of outdoor play space per child.

When I started looking at houses it was extremely difficult to find anything that had enough indoor and outdoor play space, as well as having 2 separate spaces because the 2 age groups that I care for cannot be mixed inside or outside. I looked at a lot of houses! I have lived on Atkinson St. with my husband and two children for nine years. I consider Atkinson St. to be a very busy noisy street. The official community plan says that a business like mine needs to be on the corner of an arterial route. Since we were not able to find a corner lot that met our size specifications, and I do not consider a corner a very safe place to drop off children, I thought that one off of the corner would be appropriate.

We have staggered drop off and pick up times so that not all of the families are coming or going at once. Drop off times are 7:45-9:30 and pick up times vary even more 12:30-5:15. I thought that having four parking spaces on the property would be enough especially since I have asked the staff to park on Atkinson St. There is usually only 2 or 3 families dropping off or picking up at once. Also it was important to have a bus stop really close for the families that do not have vehicles. The fact that it is so centrally located in Penticton is also a benefit for my families.

In conclusion, I believe that the staff and families in my daycare will be very respectful of the neighbourhood that we are moving into. Thank you for your consideration!

Cindy Schlamp
Licensee
Circle of Friend Daycare Centre Ltd.

Bylaw No. 2017-76

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. 2017-76".

2. **Amendment:**

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

Add Section 10.2.4.2: "In the case of Lot B, District Lot 115, Similkameen Division Yale District, Plan KAP49954, located at 187 Wyles Crescent, a **day care centre, major** up to 25 children shall be permitted with hours of operation restricted to 7:00am to 6:00pm."

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	day of	, 2017
Ministry of Transportation on the		
ADOPTED this	day of	, 2017

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

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

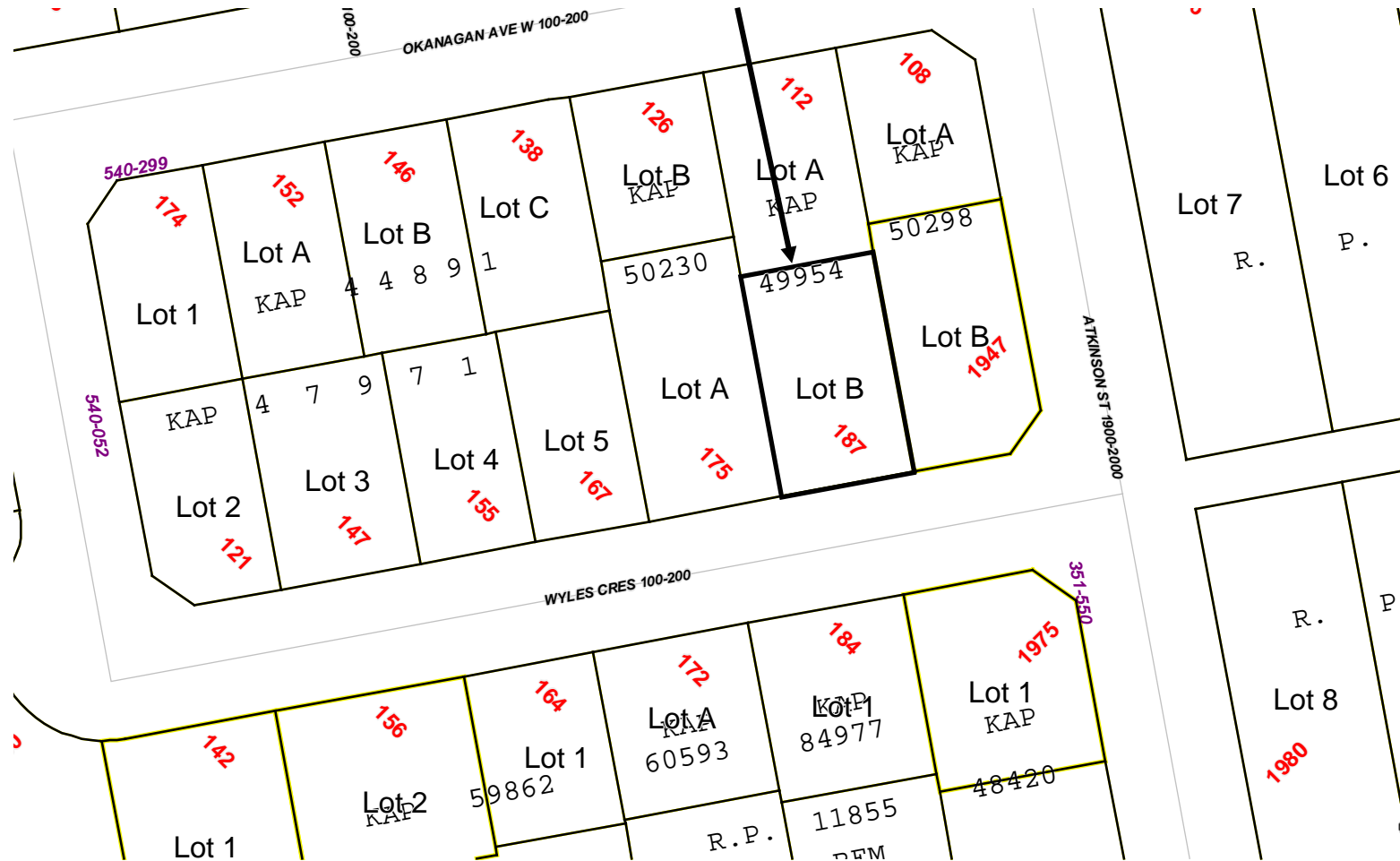
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Site Specific Rezoning (R2 – Small Lot Residential)

To permit a **day care centre major** for up to 25 children at 187 Wyles Crescent - 143 -



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-76

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: November 7, 2017
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

File No: 6520-20

Subject: 300 Block – Main Street Local Area Service Bylaw No. 2017-62
300 Block Main Street Certificate of Sufficiency

Staff Recommendation

THAT Council receive the Certificate of Sufficiency dated October 31, 2017, pertaining to the proposed “300 Block – Main Street Local Area Service Bylaw No. 2017-62”;

AND THAT “300 Block – Main Street Local Area Service Bylaw No. 2017-62”, a Bylaw under Section 211(1)(b) of the *Community Charter*, to impose a ‘local area service tax’ to offset the cost of street improvements on the 300 Block of Main Street, be read a third time as amended;

AND THAT Council direct staff to bring forward consideration of funding for the remainder of the project as part of the 2018 budget process.

Strategic priority objective

This project is consistent with the City’s Vision Statement which imagines a vibrant Downtown and is in-line with Council’s Strategic Priority of Downtown Revitalization.

Results of Petition Process

On September 19, Council gave authorization for staff to proceed with a petition process in accordance with Section 211(1)(b) of the *Community Charter* to impose a local area service tax to offset the cost of street improvements for the 300 Block of Main Street. The following Resolution was passed:

519/2017

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

THAT “300 Block – Main Street Local Area Service Bylaw No. 2017-62”, a Bylaw under Section 211(1)(b) of the *Community Charter*, to impose a local area service tax to offset the cost of street improvements on Main Street, be given first and second reading;

AND THAT, in accordance with Section 213 of the *Community Charter*, approval of the Bylaw be subject to a petition against the bylaw by property owners who would be subject to the bylaw;

AND THAT notice of Council’s proposal to proceed with the local area service be carried out in accordance with Section 213 of the *Community Charter*;

AND FURTHER THAT once the 300 Block – Main Street Local Area Service Bylaw is complete, if supported by the landowners, this project be considered as part of the 2018 Budget process.

CARRIED
Councillor Konanz, Opposed

Staff commenced the formal local area improvement process in accordance with Section 213 of the *Community Charter*, which requires the City to give notice of the proposed bylaw by posting notice in designated public places, mailing notice to affected property owners and through newspaper advertising. After notice was given, property owners were given 30 days to submit a petition against the project.

Under Section 213 of the *Community Charter*, Council may proceed with the local area service tax, unless a majority of registered owners petition Council to not proceed with the project and tax that represent:

- a) at least one-half of the total assessed value of the parcels which are subject to the proposed local improvement tax; and,
- b) at least one half of assessed parcels which are subject to the proposed local improvement tax.

At the conclusion of the petition process, a total of three (3) owners petitioned against the local area improvement tax, which represented six (6) votes of a possible 37, or 16%. Those three (3) owners represented \$2,070,800 of assessed value out of a total assessed value of \$22,173,200 or approximately 9% of the assessed value in the project area.

Therefore the petition against was not successful and Council may proceed with adoption of the Bylaw.

Financial implication

Now that the landowner petition process has been successful, Council will consider the funding of the remainder of the project. The local area improvement levy covers 25% of sidewalk and streetscape costs paid by local area landowners. A breakdown of the project costs is provided below:

Total Project Cost Estimate:	\$2,185,000	
Landowner Contribution	\$298,960	
City Contribution:	\$1,886,040	<ul style="list-style-type: none"> • \$350,000 – Water Utility Fund • \$1,535,040 – General Capital Fund, or Financing

Project Funding

In addition to the landowner contribution being made through the Local Area Improvement Process, staff have considered funding options for the remainder of the project budget. With \$350,000 being allocated from the Water Utility to pay for the water infrastructure upgrade component of the project, funding of the remaining \$1,535,040 still needs to be determined. Options for Council consideration through the 2018 budget process including the project in our capital program funded by Gas Tax funds and Electrical dividend, or financing the project through a borrowing from the Municipal Finance Authority of British Columbia (MFA). In consideration of the pressures surrounding other Council priorities for asset management, facility and roads upgrades, flood recovery and Information Technology enhancements, and the desire to complete the Main

Street project up to Wade Avenue in the short term, the proposed approach from staff is to obtain short term borrowing (under five years) from the MFA.

The City can undertake short term borrowing (maximum 5 year terms) under section 175 of the *Community Charter*. These loans must be of a capital nature and cannot be transferred to long term debt. In order to achieve this Council must pass a resolution authorizing the debt for the project and specifying the principal repayment terms. Part of the application for a loan under this section includes the MFA receiving Council reports discussing the project, and a liability servicing limit certificate. This type of borrowing is not reviewed or approved by the Ministry and does not require elector approval. As of December 31 2016 the City's liability servicing limit is at 30.7% of its maximum limit, and this reduces to 23.1% in 2018 as a result of the SOEC loan being completed. Should Council support borrowing approximately \$1.5M for the 300 Block project, the City's liability servicing limit would increase by 1.4%.

Analysis

With 84% of the property owners choosing not to petition against this project, staff take this as a sign of a high level of support amongst the most affected property owners and a signal for the City to continue progress on the Main Street Revitalization project. This is the highest level of landowner support for a revitalization project since they commenced in 2012.

With the results of the petition process now complete, staff are recommending that Council give third reading of the Bylaw and forward it to the next regular meeting of Council for adoption. Staff will bring forward options for the funding the remaining portion of the project budget through the 2018 Budget process.

Alternate Recommendations

Alternative 1

THAT Council receive the Certificate of Sufficiency, dated October 31, 2017, pertaining to the proposed "300 Block – Main Street Local Area Service Bylaw No. 2017-62."

AND THAT "300 Block – Main Street Local Area Service Bylaw No. 2017-62", a Bylaw under Section 211(1)(b) of the Community Charter, to impose a 'local area service tax' to offset the cost of street improvements on the 300 Block of Main Street, be read a third time.

AND THAT Council forward the funding of the remaining portion of the project to the 2018 Budget Process.

Alternative 2

THAT Council elect to not proceed with this project and that "Phase 1 – Main Street Local Area Service Bylaw No 2014-42" be closed and abandoned.

Attachments



Attachment A – Certificate of Sufficiency

Attachment B – "300 Block – Main Street Local Area Service Bylaw No. 2017-62"

Respectfully submitted,

Anthony Haddad
Director of Development Services

Approvals

Director	CFO	CAO
		PW

Attachment A

CITY OF PENTICTON
CORPORATE OFFICER'S CERTIFICATE OF SUFFICIENCY

I hereby certify that sufficient petitions HAVE NOT been received in relation to the 300 Block of Main Street Local Area Service Bylaw No. 2017-62 as detailed below.

Dated the 31st day of October 2017



Angie Collison
Deputy Corporate Officer

Bylaw No. 2017-62	# of Parcels	No. Required to Defeat Proposed Bylaw	Total No. of Valid Petitions Received	Assessed Value Required to Defeat Proposed Bylaw	Total Petitioners' Assessment
300 Block of Main Street Local Area Service Bylaw No. 2017-62	37	19	6	\$22,173,200	\$2,070,800

The Corporation of the City of Penticton

Bylaw No. 2017-62

A bylaw to establish a local area service and to authorize the construction of sidewalk improvements on the 300 block of Main Street.

WHEREAS Section 211(1)(b) of the *Community Charter* authorizes Council to proceed with a local area service, subject to a petition against by property owners subject to a local area service tax;

AND WHEREAS notice of Council's intention to undertake a local area service under its own initiative has occurred in accordance with Section 213 of the *Community Charter*;

AND WHEREAS fewer than 50% of the property owners representing less than 50% of the total assessed value of the properties subject to the local area service tax described herein have petitioned against the local service tax;

AND WHEREAS the Corporate Officer has determined the sufficiency and validity of every petition against the local area service tax, and certified her determination;

AND WHEREAS the *Community Charter* provides for a part of the cost to be borne by property owners benefitting from a local area service and for the levy and imposition of a local service tax to be imposed on benefitting properties to recover the owners' portion of the costs;

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

Title

1. This bylaw may be cited for all purposes as the "300 Block – Main Street Local Area Service Bylaw No. 2017-62".

Definitions

2. In this bylaw, unless otherwise stated, the following words and terms shall have the following meanings:

"actual asphalt costs" means the final cost of asphalt paving covering vehicle travel lanes, including raw materials and labour, but does not include post-construction maintenance and operational costs, decorative paving stones and surfacing installed in on-street parking spaces.

"actual owner supported costs" means the difference between actual project costs and actual asphalt and water infrastructure costs, multiplied by 25%.

"actual project cost" means the final cost of the project after construction is complete including engineering, sales taxes and contingencies, but does not include post-construction maintenance and operational costs.

"annual tax rate" means the rate charged annually per meter of frontage as calculated under Section 7 of this bylaw.

“current tax year” means:

- a) the current year; or
- b) if taxes under this bylaw have been paid for the current year, the year following the current year.

When applied in a formula in this bylaw, the current tax year shall be expressed as a number between 2019-2040.

“estimated asphalt and infrastructure costs” means the estimated cost of asphalt paving covering vehicle travel lanes and water infrastructure service upgrades, as determined by the City Engineering Department, including raw materials and labour, but does not include post-construction maintenance and operational costs, decorative paving stones and surfacing installed in on-street parking spaces.

“estimated owner supported costs” means \$298,960; which is the difference between estimated project costs and estimated asphalt and infrastructure costs, multiplied by 25%.

“estimated project cost” means the total estimated project cost as determined by the City Engineering Department prior to construction.

“frontage” means the total frontage of the property fronting the project area.

“interest” means a rate of interest charged annually on an outstanding principle.

“power outlet” means electrical sockets installed on street lighting or other suitable locations intended to provide electricity for street vendors, special events or other activities subject to the approval of the City.

“project area” means the area shown in blue crosshatching on Schedule A of this bylaw.

“total frontage” means the sum of the frontage of all the assessed parcels fronting the project area and for the purpose of this bylaw has a value of 382.703 metres.

Project description

3. The local area service shall be the installation of new sidewalk, street trees, street furnishings, irrigation, and street lighting on the ~~north and south~~ **east and west** sides of the 300 Block of Main Street as shown in Schedule A.

Project location

4. The boundaries of the local service area are shown in blue within Schedule A of this bylaw.
5. Assessed parcels which shall be subject to the local service tax under this bylaw, are those parcels, within the area shown in heavy red line in Schedule A of this bylaw.

Total Project cost

6. The estimated total project cost for the local area service is \$2,185,000.

Portion of cost of service recovered from land owners

7. The total portion of the local area service cost that will be recovered from property owners under Section 9, through the local service tax shall be either:
 - a) estimated owner supported cost of \$298,960, plus interest where applicable; or
 - b) actual owner supported costs,whichever is less.
8. The remaining portion of the local area service cost has been appropriated for that purpose in the annual budget and has been levied through the City's annual property tax bylaw.

Form of local service tax and methods of cost recovery

9. The local area service tax shall be imposed as a parcel tax on the frontage of each parcel in accordance with Section 202(2)(c) of the *Community Charter*.
10. Each year, property owners shall pay the annual tax rate/meter of frontage, including interest, for a period of 20 years.
11. As an alternative to Section 10, property owners may elect to pay their entire contribution prior to commencement of the first year, without any interest.

Severability

12. A declaration by a court of competent jurisdiction that a section, clause or provision of this Bylaw, including anything shown on Schedules to the Bylaw is invalid, shall not affect the validity of the Bylaw or any part of the Bylaw other than the section, clause or provision, or part of the Schedule declared to be invalid.

READ A FIRST time this 19 day of September, 2017

READ A SECOND time this 19 day of September, 2017

READ A THIRD time as amended this day of , 2017

ADOPTED this day of , 2017

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule A

Local Area Service Boundary

