



Agenda

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

Tuesday, December 5, 2017
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
 2. **Introduction of Late Items**
 3. **Adoption of Agenda**
 4. **Adoption of Minutes:**
 - 4.1 Minutes of the November 21, 2017 Committee of the Whole 1-2 Receive
 - 4.2 Minutes of the November 21, 2017 Public Hearing 3-5 Receive
 - 4.3 Minutes of the November 21, 2017 Regular Council Meeting 6-10 Adopt
 5. **Committee and Board Reports**
 - 5.1 Development Services Advisory Committee Meeting of November 17, 2017 11-13
Staff Recommendation: THAT Council receive the draft minutes of the Development Services Advisory Committee meeting of November 17, 2017.
 - 5.2 Transportation Advisory Committee Meeting of November 17, 2017 14-16
Staff Recommendation: THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of November 17, 2017.
 6. **Correspondence**
 7. **Staff Reports:**
 - 7.1 Parking Engagement Update and Recommendations 17-39
Staff Recommendation:
#1 - Lakeshore Drive
THAT Council continue to provide free parking on Lakeshore Drive and Riverside Drive;
AND THAT the parking spaces on Lakeshore Drive between Winnipeg Street and Power Street be changed to 3hr restricted parking from 9am-6pm, Monday to Friday.

#2 - Resident Only Parking
THAT Council direct staff to retain existing Resident Only Parking areas around the Hospital and Downtown.
- DDS/CE

#3 - Downtown Parking

THAT Council endorse the implementation of the following short-term recommendations:

- Martin Street extension seasonal changes to allow monthly employee parking from 6am-6pm from Monday to Friday from October to May to provide 70 more reserved parking stalls.
- City owned public parking lot hourly changes from 24/7 reserved to Monday – Saturday reserved from 6am-6pm to provide 85 more publicly available parking stalls on evenings and Sunday's.
- White Avenue change from metered parking to monthly reserved employee parking from 6am-6pm to create 12 more monthly rental parking spaces for employees.
- Westminster Avenue E change from free on-street parking to monthly reserved for employees between the hours of 6am and 6pm, Monday to Friday providing for 31 more employee parking spaces;

AND THAT Council direct staff to install wayfinding signage and directional signage to better identify the location, availability and programs offered downtown;

AND THAT Council direct staff to implement the complete Mobile Parking Payment Application.

#4 - Parking Regulations

THAT Council direct staff to prepare amendments to the Zoning Bylaw to increase the City's cash-in-lieu of parking requirements and decrease the number of vehicle spaces reduces for car-share vehicles;

AND THAT staff consult with the Development Services & Transportation Advisory Committees before bringing any amendments to Council.

GMI	7.2	Fortis BC Shared Use of Structures <i>Staff Recommendation:</i> THAT Council approve the Renewal and Amending Agreement for Shared Use of FortisBC Structures as contained in Attachment B of the FortisBC Shared Use Structures staff report dated December 5, 2017; AND THAT Council authorize the Mayor and Corporate Officer to execute the FortisBC Renewal and Amending Agreement.	40-47	
BSS	7.3	Fees and Charges Amendment Bylaw No. 2017-77 Re: Excessive Nuisance Abatement Fees <i>Staff Recommendation:</i> THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-77", a bylaw that outlines Excessive Nuisance Abatement Fees for the City of Penticton.	48-52	
CO	7.4	2018 Council Meeting Dates <i>Staff Recommendation:</i> THAT Council select the following dates for the 2018 Regular Meetings of Council: January 9, 23, February 6, 20, March 6, 20, April 3, 17, May 8, 22, June 5, 19, July 3, 17, August 7, 21, September 4, 18, October 2, 30, November 6, 20, and December 4, 18.	53	
8.		Public Question Period		
9.		Recess Meeting		
10.		Reconvene the Regular Council Meeting at 6:00 p.m.		
11.		Reconsideration of Bylaws and Permits:		
	11.1	Zoning Amendment Bylaw No. 2017-76 Re: 187 Wyles Crescent	54-55	Adopt
12.		Land Matters:		
DDS	12.1	Development Variance Permit PL2017-8089 Re: 273/275 Conklin Avenue	56-66	Del/Sub

Staff Recommendation: THAT Council approve "Development Variance Permit PL2017-8089" for Lot 5 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518 Except the Easterly 45 Feet Thereof Measured Along the Southerly and Northerly Boundaries Thereof, located at 273 Conklin Avenue and for Lot 4 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518, located at 275 Conklin Avenue, a permit to reduce the minimum lot width for a standard lot from 16.0m to 11.4m; AND THAT staff be directed to issue "Development Variance Permit PL2017-8089."

DDS	12.2	Development Variance Permit PL 2017-8105 Re:115 Preston Avenue <u>Staff Recommendation:</u> THAT Council approve "Development Variance Permit PL2017-8105" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 8006, located at 115 Preston Avenue, a permit to reduce the required parking spaces from 3 to 1, to reduce the minimum front yard from 4.5m to 3.0m and to reduce the minimum rear yard for a principal building from 6.0m to 1.5m; AND THAT staff be directed to issue "Development Variance Permit PL2017-8105."	67-85	Del/Sub
DDS	12.3	Phased Development Agreement Re: 450 Martin Street (P2 Developments) <u>Staff Recommendation:</u> THAT Council receive the letter attached to this report as "Attachment A" from the owner of P2 Developments Inc. requesting a mutual cancellation of the Phased Development Agreement for 450 Martin Street for consideration; AND THAT Council agree to the request to return \$150,000 that was intended for downtown planning work to the owners of P2 Developments Inc. and to remove any encumbrances from title referencing the development envisioned by the Phased Development Agreement; AND THAT Council deny the request for compensation for the road dedication area or to rededicate the road dedication area back to the owners; AND THAT Council direct staff to proceed with the following steps prior to cancellation of the agreement: 1. Amend City of Penticton Zoning Bylaw 2017-08, removing the CD1 zone from the bylaw, rezoning 450 Martin Street from CD1 to C5 2. Amend "Official Community Plan Bylaw 2002-20" reducing the site specific height maximum for 450 Martin Street 3. 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).	86-128	Applicant
DDS	12.4	Zoning Amendment Bylaw No. 2017-75 Development Variance Permit PL2017-8093 Development Permit PL2017-8094 Re: 453 Eckhardt Ave. W <u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2017-75", a bylaw to rezone Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West from RD2 (Duplex Housing; Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the December 19, 2017 Public Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-75", a 3.0m road dedication along the south property line (Eckhardt Avenue West) is registered with the Land Title Office. THAT delegations and submissions for "Development Variance Permit PL2017-8093" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard of a principal building from 3.0m to 1.5m, be heard at the December 19, 2017 Public Hearing.; AND THAT Council consider "DVP PL2017-8093" following the adoption of "Zoning Amendment Bylaw No. 2017-75."	129-151	

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-75," approve "Development Permit PL2017-8094" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West, a permit that allows for the construction of a second duplex on a lot.

DDS 12.5 Zoning Amendment Bylaw No. 2017-78 152-161

Re: 935 Forestbrook Drive

Staff Recommendation: THAT "Zoning Amendment Bylaw 2017-78", bylaw that rezones Lot A, District Lot 294, Similkameen Division Yale District, Plan 14463, located at 935 Forestbrook Drive, from R2 (Small Lot Residential) to P2 (Parks and Recreation) and RM3 (Medium Density Multiple Housing) as shown on Schedule 'A' of the Bylaw, be given first reading and forwarded to the December 19, 2017 Public Hearing.

13. **Notice of Motion**

Notice of Motion from Councillor Martin:

THAT Council direct staff to prepare a detailed inventory of City owned lands for the February 6, 2018 Regular Council agenda;

AND THAT the following be identified in the inventory:

- Properties designated for future infrastructure needs;
- Dedicated Parkland;
- Properties currently zoned park;
- Properties identified for park expansion;
- Properties with development potential.

14. **Business Arising**

15. **Council Round Table**

16. **Public Question Period**

17. **Adjournment**

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

Tuesday, November 21, 2017
Recessed from the Regular Council Meeting at 1:00 p.m.

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

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

1. Call to order

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

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on November 21, 2017 be adopted as presented.

CARRIED UNANIMOUSLY

3. Delegations and Staff Presentations:

3.1 SOS Volunteer Centre – grant request

Wendy Weisner, SOS Volunteer Centre, provided Council with an overview of the organization and requested support for their grant application.

3.2 Geospatial Strategic Plan for the City of Penticton

Dave Polvere, IT Manager and Jason Hart, Harterra Spatial Solutions, provided Council with an overview of the geospatial data and technologies work completed to date and the recommendations moving forward.

3.3 Official Community Plan – November Engagement

Ben Johnson, Special Projects Manager and JoAnne Kleb, Community Engagement provided Council with an overview of the OCP engagement planned for November and the upcoming expo being held in early 2018.

4. Adjourn to Regular Meeting

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held November 21, 2017 at 2:05 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, November 21, 2017
at 6:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Jim Bauer, Chief Financial Officer
Mitch Moroziuk, General Manager of Infrastructure
Anthony Haddad, Director of Development Services
Blake Laven, Planning 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. 2017-76. 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 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. 2017-76" (187 Wyles Crescent)

The purpose of "Zoning Amendment Bylaw No. 2017-76" is to amend Zoning Bylaw No. 2017-08 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 7:00a.m. to 6:00p.m.

The applicant is proposing to operate a daycare for up to 25 children at this location.

The Corporate Officer advised that 4 letters and 48 signatures of support 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.

- Cindy Schlamp, Atkinson Street, owner and applicant, 24 children, staggered drop off and pick up, staff will not park on Wyles Crescent, working on policy for parents for neighbourhood respect, encourage public transportation and safe driving.
- Bridgit Kemp, Warren Avenue West, live two blocks away, everything is regulated, spoke in support of the application.
- Lynn Kelsey, Oakville Street, spoke in support of the application.
- Greg Dettling, Wyles Crescent, across from the site, built new home for retirement, need day care but not on our street, site not adequate for 25 children, neighbours all said no in petition, don't want commercial business, don't want extra traffic and noise, parking insufficient, leave neighbourhood as residential neighbourhood.
- Kurt Froehlich, Dewdney Crescent, real need for day care in this city, waited 20 months, no other day cares have space, site specific not a gateway, already mixed use, this day care will not change character or dynamic of neighbourhood, will be adequate parking, spoke in support of the application.
- Ann Lurch, Sunnybrook Drive, young sons, on waitlist when pregnant, Cindy worked with us on glucose testing, assisted with son with diabetes.
- Roland Kernew, Wyles Crescent, concerned with business in residential area, not against day cares. Many commercial buildings for sale or lease, against commercial operation that will bring traffic and loss of value of home.
- Bev Wilson, Winnipeg Street, children will not be outside all at the same time, won't be hearing 24 children at the same time, drop and pick up are at different times.
- Ken Kaun, Wyles Crescent, fourplex was shot down to duplex due to too much traffic on street, we didn't want anymore, safety hazard, other spots in Penticton for a day-care.
- Kathryn Robinson, Dewdney Crescent, if doesn't go through will have to make a career choice, significant ripple effects, spoke in support of application.
- Ronda Osterhoff, Argyle Street, Wyles Crescent is not a busy street, staff could park at the mall, parking isn't an issue.

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

- Amy Loewen, Fairhaven Street, raised in this community, don't want child raised in commercial space with no green space and commercial traffic, not desirable for our children, where do we put our kids?
- Kathy Sosway, Johnson Road, see traffic and cars that come through there, got to be better solutions for day care than this, still have to park for a few minutes, going to increase traffic.
- Greg Dettling, Wyles Crescent, drove past other day care on Yorkton, has more room and visibility, better site for situation, our street is tight and on busy corner, could be a safety hazard, need a day care, why did things change for her? Why did development happen so fast and make someone else have to deal with it?
- Lynn Kelsey, Oakville Street, lived on Wyles and Okanagan, reality is circle of friends is being torn down, can't stay there, welcome sound of children playing.

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

- Kurt Froehlich, attended open house, consider location to be an improvement over Eckhardt location, current Eckhardt location is showing its age and a traffic nightmare. Wyles is relatively quiet residential street in comparison to Eckhardt. Modern, ideally set up with kitchens on both floors. Owner will be making improvements to fencing, landscaping enhancement and improvements to house. Would welcome it in my neighbourhood.
- Cindy Schlamp, lease was up at current location. Rather own space and make my own improvements. Interior Health will not allow day care space if you don't have out door space. Staggered morning drop off between 7:45 am and 9:30 am.

The public hearing for "Zoning Amendment Bylaw No. 2017-76" was terminated at 7:03 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Regular Council Meeting
held at City of Penticton Council Chambers
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Tuesday, November 21, 2017
at 1:00 p.m.

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

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

610/2017

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on November 21, 2017 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:05 p.m.

6. Adoption of Minutes:

6.1 Minutes of the November 7, 2017 Committee of the Whole

611/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the November 7, 2017 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the November 7, 2017 Public Hearing

612/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the November 7, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the November 7, 2017 Regular Council Meeting

613/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the November 7, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

7. Committee and Board Reports

7.1 Arts, Creative & Cultural Innovations Committee Minutes of October 27, 2017

614/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Arts, Creative & Cultural Innovations Committee meeting of October 27, 2017.

CARRIED UNANIMOUSLY

7.2 Development Services Advisory Committee Minutes of November 3, 2017

615/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Development Services Advisory Committee meeting of November 3, 2017.

CARRIED UNANIMOUSLY

8. Correspondence

9. Staff Reports:

9.1 UBCM Grant Application – ESS equipment, training and recruitment

616/2017

It was MOVED and SECONDED

THAT Council support the application for grant funding from UBCM for Emergency Social Services costs for equipment, training and recruitment for the City of Penticton area.

CARRIED UNANIMOUSLY

9.2 Extension of Sub Licence with Penticton Yacht Club

617/2017

It was MOVED and SECONDED

THAT Council direct staff to exercise the one year option to renew with the Penticton Yacht Club, included in the April 2, 2016 Licence to Use previously approved by Council, with the annual rate remaining the same at 10% of gross revenue from all docks excluding fuel sales or \$60,000, whichever is greater plus the provincial licence fee;

AND THAT the Mayor and Corporate Officer be authorized to execute the renewal Sub-License;

THAT FURTHER THAT Council direct Staff to undertake a Request for Proposal or Expressions of Interest for the Marina after the Provincial Lease term has been extended and bring selected proposals back to Council for review prior to October 1, 2018.

CARRIED

Councillor Picton, Opposed

9.3 Snow and Ice Control Policy

618/2017

It was MOVED and SECONDED

THAT Council after full consideration, including budgetary restrictions, approve the revised Snow and Ice Control Policy as attached to the Snow and Ice Control Policy Report dated November 21, 2017 in Attachment A.

CARRIED UNANIMOUSLY

9.4 South Okanagan Performing Arts Centre Society Request

619/2017

It was MOVED and SECONDED

THAT Council support holding the property at 99 Nanaimo Avenue until March 31, 2019 to provide appropriate time for the South Okanagan Performing Arts Centre Society to coordinate and implement a Symposium regarding a proposed new facility and report back to Council.

CARRIED

Councillors Picton and Martin, Opposed

9.5 Electoral Approval Process for the Skaha Bluffs Area Boundary Extension

620/2017

It was MOVED and SECONDED

THAT Council receive the Certificate of Sufficiency for the electoral approval process for the Skaha Bluffs Area Boundary Extension, included as Attachment A;
AND THAT the City of Penticton has obtained the assent of the electors to petition the Minister of Municipal Affairs and Housing to extend the boundaries of the City of Penticton as will appear in the Gazette in the December 1, 2017 issue and previously advertised in the Penticton Western News in the October 6 and 11, 2017 editions;
AND THAT all relevant legislative requirements pertaining to a municipal boundary extension in the *Local Government Act* and *Community Charter* have been completed; AND THAT the parcel approved for inclusion within the City of Penticton is as follows: Lot 1 Plan KAP 74449 Similkameen Division Yale District.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Recess Meeting

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

Council reconvened the Regular Council Meeting at 7:04 p.m.

13. Reconsideration of Bylaws and Permits

13.1 Zoning Amendment Bylaw No. 2017-76
Re: 187 Wyles Crescent

621/2017

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2017-76".

CARRIED UNANIMOUSLY

13.2 Zoning Amendment Bylaw No. 2017-50
Re: 1706 Main Street

622/2017

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2017-50".

CARRIED UNANIMOUSLY

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

623/2017

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2017-73".

CARRIED UNANIMOUSLY

14. Land Matters

Councillor Sayeed declared a conflict of interest and left the meeting at 7:25 p.m.

14.1 Development Variance Permit PL2017-8086
Re: 761 Main Street

Delegations/Submissions:

- Donna Mbhamy-Concci, owner, provided Council with an overview of the services their pharmacy provides. The sign lists services and is on their property. First business of downtown, not blocking other businesses. Can change the message. Community minded, hoping Council will support variance.
- Collen Tar, Winnipeg Street, attend Zumba that the applicant offers, spoke in support of the application.

624/2017

It was MOVED and SECONDED

THAT Council deny "Development Variance Permit PL2017-8086", a permit that varies Section 6.4 and Section 9.2 of "Sign Bylaw 2013-17", allowing a 'portable changeable copy sign' in the C5 (Urban Centre Commercial) zone for Lot 6, District Lot 202, Similkameen Division Yale District, Plan 904, Except Plan H17173 (761 Main Street).

CARRIED
Mayor Jakubeit, Opposed

Councillor Sayeed returned to the meeting at 8:03 p.m.

15. Notice of Motion

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

625/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, November 21, 2017 at 8:08 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

Minutes

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Development Services Advisory Committee Meeting

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

Friday, November 17, 2017
at 8:00 a.m.

Present: Councillor Campbell Watt,
Chris Allen, Member at Large
Chris Marte, Member at Large
Darshan Jassar, Member at Large
Drew Barnes, Member at Large
Frank Conci, Chair
Fred Trainor, Member at Large
Jamie Seddon, Member at Large
Sharon Fletcher, Member at Large

Staff: Anthony Haddad, Director of Development Services
Ken Kunka, Building and Permitting Manager
Shawn Filice, Electric Utility Manager
Peter Weeber, CAO
Sharon Thompson, Corporate Administration Secretary

1. Call to Order

The Development Services Advisory Committee was called to order by the Vice Chair at 8:00 a.m.

2. Adoption of Agenda

It was MOVED and SECONDED

THAT the Development Services Advisory Committee adopt the agenda for the meeting held on November 17, 2017 as presented.

CARRIED UNANIMOUSLY

3. Adoption of Minutes

It was MOVED and SECONDED

THAT the Development Services Advisory Committee adopt the minutes of November 3, 2017 meeting as circulated.

CARRIED UNANIMOUSLY

4. Business Arising from Prior Meetings

4.1 Building Bylaw Review

The Building and Permitting Manager provided a detailed update of the revisions to the Building Code and Regulation of Construction in Penticton Bylaw, currently under review. The intention of the revisions is to address changes in construction methods and materials, geography challenges, environmental impacts and safety. Discussion and questions ensued.

Finding a balance between managing the growing complexity of new code requirements, building methods and infill/steep slope development will be reviewed with the impact on cost increases, staff resources and long term liability to the City. Staff will be delaying the introduction of the Bylaw to end of December or January 2018 to ensure full consultation of the Bylaw.

Staff will circulate a survey as soon as possible seeking input from the committee to guide the revision process. Committee members are requested to use this survey form to track questions and comments into one location for analysis. Specific questions or suggestions outside the survey can be forwarded to buildingbylaw@penticton.ca (and copy all committee members).

Four main areas were highlighted for committee members to review and provide input on - as these have direct cost or administration impacts to building projects:

- Part 3 – Scope and Exemptions – impact to existing buildings when altering or adding to,
- Part 9 – Registered Professional’s Responsibility – When professionals will be required,
 - See Geotechnical reference - <https://www.bchousing.org/research-centre/library/residential-design-construction/housing-foundations-geotechnical-challenges>
- Sections 10.53 to .58 - Occupancy Requirements,
- Part 15 – Energy and Water Conservation and GHG Emission Reduction (BC Energy Step Code)
 - Staff suggest to follow a gradual introduction of the five steps. Steps one through three will introduce site air leakage testing and changes to construction/insulation details. The ultimate goal is a better built & more efficient product for the end user.
 - Please see the following information identified at the meeting:
 - <https://www2.gov.bc.ca/gov/content/industry/construction-industry/building-codes-standards/energy-efficiency/energy-step-code>
 - **Cost review** - https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/reports/bc_energy_step_code_metrics_research_report_summary.pdf

Staff will be working on a number of fact sheets related to the proposed changes to highlight the intent of the changes along with the potential impacts such as costs.

Peter Weeber departed at 9:12 a.m.

4.2 Electrical Bylaw Review

Due to time constraints, committee members were encouraged to submit questions and issues via email to the Manager of Electric Department, which will be addressed at the next meeting.

4.3 2016-2017 Issue Identification

Due to time constraints, this item was tabled until the next meeting.

4.4 Planning and Building Department Statistics for October 2017

Due to time constraints, this item was tabled until the next meeting.

4.5 Memorandum – Net Metering Procedures – Chris Allen

Due to time constraints, this item was tabled until the next meeting.

5. **Appointment of Committee Vice-Chair**

Having no volunteers for the position of Committee Vice-Chair, the Chair will give this some thought and address it at the next meeting.

6. **Next Meeting**

The next meeting of the Development Services Advisory Committee is scheduled for 8:00 a.m. Friday, December 1, 2017.

7. **Adjournment**

The Development Services Advisory Committee meeting was adjourned at 9:26 a.m.

Certified Correct:

Sharon Thompson
Committee Secretary

Transportation Advisory Committee Meeting

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

Friday, November 17, 2017
at 3:00 p.m.

- Present:** Tracy Van Raes, Chair
Brigid Kemp, Member at Large
Connie Sahlmark, Member at Large
Daryl Clarke
Ian Gerbrandt, HandyDART Representative
Karina Chambers, Member at Large
Kona Lynn Sankey, Member at Large
Martyn Lewis, Member at Large
Matt Berry, Member at Large
Matt Hopkins, Member at Large
- Staff:** Ian Chapman, City Engineer
Anthony Haddad, Director of Development Services
Tyler Figgitt, Design Supervisor
JoAnne Kleb, Community Engagement Officer
Philip Cooper, Communications Manager
Sharon Thompson, 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 November 17, 2017 as circulated.

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 Official Community Plan Review Update – Ben Johnson

The Special Projects Manager updated the committee on the ongoing public engagement activities. He explained the next event, PenTALKton, will be November 22 at the Trade and Convention Centre. The event will feature 10 concise and engaging presentations by local and regional speakers who will present on subjects that focus on building an understanding of issues, opportunities and trade-offs in key policy areas.

The Special Projects Manager and staff are currently looking to secure downtown dedicated storefront space for the OCP Expo, a multi-day engagement event to take place in January. He noted having space for an extended period will provide the creative space to engage in dialogue about the future of Penticton.

The Special Projects Manager commented he will be engaging this committee on specific issues in the new year with respect to the OCP review. Invitations will be sent for a social “committee night” as part of the Expo events. Questions and discussion followed.

5. **Business Arising from Prior Meetings**

5.1 Parking Strategy Update

The Community Engagement Officer summarized results of downtown and area parking engagement activities conducted May – July 2017. Using multiple formats, including a survey (paper and online) open house, stakeholder meetings and Community Market, parking and transportation feedback was obtained from businesses, residents, employees and other stakeholders. The survey’s target areas included Downtown and area, Lakeshore and Riverside Drives, Resident Only areas (residents) and Resident Only areas (employers/employees). Feedback was requested on an array of themes, including reasons for travelling downtown, methods of travel, parking experiences/challenges and openness to alternative forms of transportation. Survey participants were given opportunities to express ideas to improve parking and opinions on pay parking and to identify site specific transportation needs. Survey results and conclusions will be released to Council December 5. Discussion and questions ensued.

The Director of Development Services presented an update on public engagement activities over the summer/fall on parking issues in the Downtown and Lakeshore areas. The presentation detailed the number of current spaces, the projected loss of 250 spaces in 2017-2018 and peak use times by downtown business customers, employees and residents. He emphasized the need to prioritize solutions and determine how to make the most effective use of the space available as well as how growth might be accommodated.

The Director of Development Services detailed proposed direction for short, medium and long term solutions to relieve pressure on Lakeshore Drive, Downtown and the Hospital areas and offered options for consideration, including staggered fees/free hours depending on seasonal utilization, transportation alternatives, review of outdated parking policies, creation of new employee spaces in underutilized areas, improved signage and mobile payment options. Extensive discussion and questions ensued.

The Director of Development Services will be invited to the next Committee meeting as time did not allow him to finish the entire presentation and for discussion.

6. **New Business**

There was no new business.

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 Friday, November 17, 2017 at 4:35 p.m.

Certified Correct:

Sharon Thompson
Committee Secretary

Council Report

penticton.ca

Date: December 5, 2017 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: JoAnne Kleb, Community Engagement Specialist
Anthony Haddad, Director of Development Services
Subject: **Parking Engagement Update and Recommendations**

Staff Recommendations

#1 - Lakeshore Drive

THAT Council continue to provide free parking on Lakeshore Drive and Riverside Drive;

AND THAT the parking spaces on Lakeshore Drive between Winnipeg Street and Power Street be changed to 3hr restricted parking from 9am-6pm, Monday to Friday.

#2 - Resident Only Parking

THAT Council direct staff to retain existing Resident Only Parking areas around the Hospital and Downtown.

#3 - Downtown Parking

THAT Council endorse the implementation of the following short-term recommendations:

- Martin Street extension seasonal changes to allow monthly employee parking from 6am-6pm from Monday to Friday from October to May to provide 70 more reserved parking stalls.
- City owned public parking lot hourly changes from 24/7 reserved to Monday – Saturday reserved from 6am-6pm to provide 85 more publicly available parking stalls on evenings and Sunday's.
- White Avenue change from metered parking to monthly reserved employee parking from 6am-6pm to create 12 more monthly rental parking spaces for employees.
- Westminster Avenue E change from free on-street parking to monthly reserved for employees between the hours of 6am and 6pm, Monday to Friday providing for 31 more employee parking spaces;

AND THAT Council direct staff to install wayfinding signage and directional signage to better identify the location, availability and programs offered downtown;

AND THAT Council direct staff to implement the complete Mobile Parking Payment Application.

#4 - Parking Regulations

THAT Council direct staff to prepare amendments to the Zoning Bylaw to increase the City’s cash-in-lieu of parking requirements and decrease the number of vehicle spaces reduces for car-share vehicles;

AND THAT staff consult with the Development Services & Transportation Advisory Committees before bringing any amendments to Council.

Background

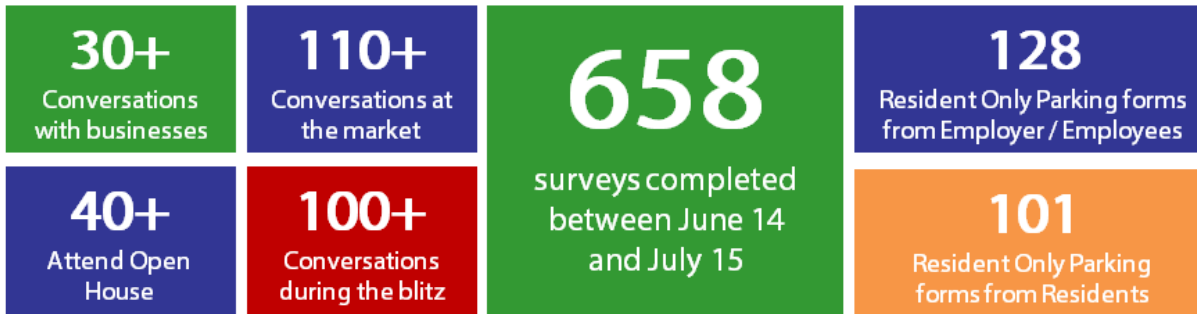
- In 2012, Council anticipated growing parking pressures in the community and endorsed a parking strategy in order to provide relief for residents, treat parking as an asset that can be self-funding, earn revenue for the city and introduced modern technology and systems that would enable effective management of the parking programs.
- The recommendations from this strategy were implemented gradually. To date, the City introduced pay parking in previously free off street parking lots Downtown and along the 100 blocks of Martin and Winnipeg Streets as well as Resident Only Parking (ROP) in three areas (Downtown East, Downtown West, and Carmi/Duncan around the Hospital).
- New developments downtown have reduced the inventory of available free parking by approximately 200 spaces, increasing the pressure on parking for residents, employees and customers in the area.
- In December 2015, Council supported further implementation of the parking strategy endorsing the introduction of Commercial Paid Parking at Lakawanna Park, along Riverside Drive and at Loco Landing as well as the expansion of the resident only parking program. Many residents expressed opposition to this decision and frustration with parking in general.
- As a result of feedback from the public, Council directed staff to review parking in the Downtown and surrounding area and suspend plans to implement Commercial Paid Parking along Lakeshore and Riverside Drive while the review is completed.
- An engagement plan was prepared to gather feedback from the community at large on parking Downtown and along Lakeshore Drive as well as specific feedback from people within the Resident Only Parking areas. To this end, the following engagement activities were conducted:

Dates	Activity
May – July	Meetings with businesses and stakeholders Downtown and along Lakeshore Drive
June 14	Parking outreach along Lakeshore Drive and Downtown
June 14 – July 15	Downtown and Area Parking Survey Resident Only Parking Feedback forms – Employers/Employees Resident Only Parking Feedback forms - Residents
June 22	Public Open House at the Library
June 24	Community Market

- In this report, staff have prepared a summary of the findings from these engagement activities as well as draft recommendations to address the findings.

Parking Engagement Summary

The engagement strategy included a mix of online and in person engagement activities to enable participation by all interested members of the community. With this approach, the City experienced the highest level of participation online to date. A summary of participation included:



Survey Approach

The main focus of the engagement activities was to collect measurable data about community perceptions of parking Downtown and the surrounding area. The survey was conducted using the City's shapeyourcitypenticton.ca engagement tool. Residents were asked to register on the system in order to complete the survey in order to improve the quality of the data collected by confirming residency in the area as well as minimizing the potential for duplicate survey completions.

Staff consulted with Discovery Research, a company specializing on the survey approach. Discovery Research indicated that for a city the size of Penticton, a controlled sample of approximately 380 participants from a representative demographic is recommended to achieve statistically significant results. It is their opinion that given the significant response rate, the results will closely align to those that would be achieved through a controlled sample. Discovery Research also advised that the cost to perform a comparable study relying on telephone surveys to achieve a controlled sample is estimated to be between \$12,000 and \$15,000.

Downtown and Area Survey Highlights

The Downtown and Area Survey gathered information about parking and transportation habits, challenges and opportunities as well as attitudes towards pay parking. Participation in the survey showed that parking continues to be a very important issue for the community. Shapeyourcitypenticton.ca saw record-levels of activity when the survey launched with two consecutive days of over 500 active users. The City also received 658 completed surveys, providing a wealth of data and insights into parking attitudes, perceptions and direction for staff. The [complete results](#) are available at shapeyourcitypenticton.ca. Highlights have been included below:

Parking and Transportation Habits

Questions 1 to 5 asked participants about their parking and transportation habits. Through these questions we learned:

- Most survey participants are visitors to downtown at 59% (Approx. 24% work downtown and the remaining 17% are residents.)
- Downtown is not just a destination for the people who live and work there. In addition to the 49% to who travel four or more times per week, another 33% travel two or three times per week.
- At 84%, the majority of residents travel Downtown in a personal vehicle. For 73%, this is also their preferred way to travel. Desire for alternate forms of transportation is quite low at 18% for walking, 6% for cycling, 2% for transit and 0.3% for carpooling. In the comments section, many people cited mobility issues, weather and convenience as reasons for preferring to travel by car.

Parking and Transportation Challenges

Questions 6 to 12 asked people about the challenges they face in parking and transportation Downtown.

- 41% of participants do not encounter any challenges when they travel Downtown and 45% say they always or usually are able to find parking close to their destination. 49% rarely or sometimes find it easy to find parking near their destination.
- Nearly half (51%) of participants identified weekdays in the afternoon as the most difficult time to find parking. Saturday morning during the community and farmers' markets was the second (43%) most difficult time to find parking and weekday mornings was the third (30%) most difficult time for participants.
- The most common challenge faced by people travelling Downtown is the availability of parking at 19% of responses. Remaining responses were distributed between frustration with the changes from the revitalization work, the area not being bike friendly, challenges for people with mobility issues and limited employee parking.
- Awareness of the parking programs that are in place to assist with managing parking Downtown is quite high. At 82%, nearly everyone is aware that there is free 2 hour parking on Main Street. Awareness drops somewhat for other programs such as free parking for the first hour in public lots and the low cost of meter parking.
- In the comments section, many people also identified challenges with signage, the synchronizing of the lights Downtown, fear for personal safety and security, the need for more bus times, and congestion during SOEC events, and the need for more Resident Only Parking.

Parking and Transportation Opportunities and Solutions

Participant feedback on opportunities and solutions was gathered in several questions.

- Participants were asked to rank who should have priority for parking Downtown. Although the results were close, the order of priority was 'customers' first followed by 'residents', 'employees' and then 'visitors' and 'tourists'. Even though 'residents' only made up 17% of the participation, they were identified as being the second highest priority for having parking.
- Participants were also asked to rank a few possible options to address the parking shortfalls. Encourage more walking and bike traffic received the most support. Adding more parking, allowing private businesses to provide parking, and improving public traffic were closely ranked. Adding a parkade was ranked the lowest of the options. In the comments section, adding a parkade was the most common suggestion to address parking shortfalls.
- Participants offered a number of options to improve parking and transportation downtown.

What can be done to improve your travel downtown?*

Bike	Park	Transit	Other
<ul style="list-style-type: none"> • Improve security (reduce thefts) • Improve safety (bike lanes downtown) • Bike racks • More bike routes • Lake-to-lake route • Bike pools 	<ul style="list-style-type: none"> • More free parking • More angle parking • More accessible • Modernize pay systems • Stricter enforcement • Better security • Designated carpool spots • Promote options • Reverse revitalization • Motorcycle parking 	<ul style="list-style-type: none"> • More frequent • Free for seniors • More affordable • Later service • Park and ride • Incentives • Lake-to-lake shuttle 	<ul style="list-style-type: none"> • Synch lights on Main • Add left turn lights • Improve security • Beautify routes (walking, biking, parking) • Hop on trolley • No variances for developers

Attitudes Towards Pay Parking

The survey also asked participants to share their preferences for pay parking in general as well as on the Okanagan lakeshore.

- Participants were split on whether or not parking should be self-funding. Approximately 46% strongly agree or agree the parking should pay for itself while 45% disagree or strongly disagree. The remaining 9% had no opinion.
- While participants were split on whether or not parking should be self-funding, the majority agreed that the City should not expand pay parking to Lakeshore Drive or Riverside Drive. Approximately 64% opposed expanding user pay parking while only 10% supported it. Approximately 26% would support charging for parking along the lakeshore with conditions such as making it seasonal, free for first three hours, affordable, exempt for residents, and not the full length of the lakeshore. Those that opposed charging for parking along the lakeshore expressed concerns about affordability for vulnerable populations and negative impressions on tourists.

Other comments or suggestions

The survey included two open-ended questions to allow participants to share their feedback on parking in general. Approximately half of participants completed one or more of the open ended questions. Between the two questions, participants provided 644 comments. The comments were grouped according to common themes. Of the people who participated, some of the most common themes include.

- Charging for parking along the lakeshore discourages tourism and impacts the most vulnerable populations.
- Pay parking Downtown is a deterrent for customers and takes away from the ‘charm’ of the community.
- The technology for paying for parking needs to be modernized to include mobile phone applications and credit cards. No Impark.

- The current parking programs are adequate and working well. Continue to charge for parking Downtown.
- Parking needs to be added. Look at options for more angle parking. Maybe time to invest in a parkade?
- Keep parking affordable and reasonable.
- Address parking and traffic issues at specific locations.
- Stop taking parking away (i.e. Brunswick, Downtown Revite. and variances) and require developers and businesses to provide adequate on-site parking.
- Look for creative solutions and investigate successes in other communities. (i.e. visitor passes, zone system and roaming pass.)
- Review opportunities to improve and incent use of transit. (i.e. lake-to-lake shuttle, longer service, free for seniors, free for downtown employees.)
- Simplify the Resident Only Parking program. Treat all citizens equitably and don't charge for passes. Confirm it is needed in some areas and implement as requested. Enforce it.
- Address the parking needs at SOEC.
- Recognize need for businesses Downtown and work with employers to provide parking.
- Time for a culture change and shift towards alternative forms of transportation. Programs should encourage biking and transit use.

Resident Only Parking Feedback Forms

Recognizing the different interests of people who live downtown and who work Downtown, a separate feedback form was created for Residents and to Employers/Employees to gather more in depth feedback on the Resident Only Parking (ROP) program from these groups.

Resident Highlights

- A total of 101 Resident Feedback forms were received from a possible ~700 participants in the program. They represented the three main areas with ROP programs including Downtown West (57), Downtown East (16) and the Hospital (24). The respondents were well distributed across the blocks that are designated ROP.
- The ROP program is extremely or very important to nearly 59% of participants and only moderately important to 17%. The program is not very important to approximately 22% of the participants.
- There is some willingness to pay for the program under certain conditions. Approximately 18% said they were willing to pay while 49% said yes with conditions. At 29%, a significant portion is not willing to pay as they believe they did not create the problem and should have the same services as other residents.
- In general, residents believe the program works well. Some of the challenges they face include: limited enforcement when there are infractions, illegal suites clogging the streets, inconvenience of permits and difficulty accommodating guests and visitors.
- They also appreciated the survey and identified that tensions are running high around the SOEC, and by the CRA and the Hospital. They would like to see employees' use available pay parking.
- Some participants don't support giving new developments variances on parking as they believe it contributes to the pressure on parking.

Employer and Employee Highlights

- Employers and employees also appreciated the opportunity to provide feedback on the program. A total of 128 forms were received from employers and their employees including 58 in the Downtown West area, 42 in the Downtown East area, 8 near the hospital and 18 elsewhere in the city.
- While this group enjoys a variety of transportation methods in the summer, personal vehicles are the primary means for transportation in the winter. For those that drive, only 21% have parking through their employer. Another 26% park for free within a 10 minute walk. Approximately 40% pay to park in a nearby private or City lot.
- Through conversations with employers and employees and the open ended questions in the survey, staff learned about some of the challenges faced by employers and their employees when it comes to parking and transportation downtown. One of the most common themes was that the majority of jobs downtown are retail or service industry jobs that are generally lower paying which makes paying for parking a significant challenge and a road block for recruiting staff. They also expressed reservations about walking to their vehicles due to safety concerns and frustration with street and residential spaces sitting vacant during the day.
- When asked for their suggestions on how parking can be improved to support business activity while continuing to provide relief for residents, several suggestions were offered including providing a free lot downtown, improving security, pressuring businesses to supply parking, encouraging residents to use onsite parking, better use of street parking, expanding transit services and converting more vacant lots to parking.

Conclusions

The following is a summary of the key conclusions drawn from the survey and the engagement activities.

1. Convenient parking continues to be important.

With record levels of interest in shapeyourcitypenticton.ca and the high level of response to the survey, parking is a very important issue to residents. Many appreciate the ease and convenience of parking in a smaller community like Penticton and want it to continue.

2. Customers are well served.

For the most part, customers of the downtown are well served by the available programs as they always or usually find parking close to their destination. They did identify that weekday afternoons and Saturday mornings can be challenging. Their main interests are in continued free and convenient parking especially with the high number of residents with mobility issues. Most participants agree that customers are the priority when it comes to parking downtown.

3. Pressure felt by Downtown residents and employees.

Residents and employees are experiencing the most significant challenges with parking and transportation downtown. Both groups are feeling the pressure of increasing densification. People with low-paying jobs or mobility issues are feeling the pressure on parking most.

4. Employees need affordable and safe options.

Because many of the businesses downtown are retail operations, onsite parking is not available and their employee salaries are low, making pay parking unaffordable. This makes it difficult for some employers to recruit staff. All employees want to park as conveniently and as affordably as possible which is creating tension in residential areas. It is frustrating for employees to see spaces sit vacant on the blocks adjacent to their employer during the day or onsite parking not used. Employers and employees would like to see more affordable, convenient and safe parking.

5. Residents feel burdened.

Some participants are frustrated with employee parking on their streets. They believe they have the same rights as other residents and should not have to pay for parking passes or battle to have parking in front of their homes. They do value the Resident Only Parking program but wish it was not needed as it restricts their lifestyle, making it difficult to have guests or services at the home. It is also a hassle to participate. Participants are frustrated that the burden is on them to initiate the program and to complain in order to get enforcement. There were several requests for new areas to get Resident Only Parking including Heales, Caribou, Van Horne and Lakeshore Towers.

6. Require adequate parking from developers and businesses.

Many participants expressed concern about the number of variances given to new developments that will add to the pressure downtown. They would like to see businesses and developers provide adequate parking.

7. Provide more affordable and convenient parking and quit taking it away.

Participants value the conveniences of living in a small city including access to convenient parking. They would like to see more parking added downtown to address the pressures especially for residents and employees. There was some interest in adding a parkade, seeing it as an investment in the future and a way to relieve pressure downtown or around the SOEC. They would like to see the City stop taking away parking downtown.

8. Support use of transit and other alternative forms of transportation.

While the majority of participants prefer the convenience of driving, there was interest in supporting use of transit and alternative forms of transportation. Participants suggested reviewing transit schedules, routes and rates as well as introduce incentives to see if there are some easy wins or ways to promote transit use especially for workers downtown. There was also some interest in better serving those that do use alternative forms of transportation. They would like to see efforts made to make the City more bike friendly with more routes, better connectivity and secure bike storage.

9. Address site specific issues.

Participants identified a number of intersections and roads that may not be safe or could be enhanced in other ways to improve transportation downtown. The list has been provided to staff and is being reviewed.

10. Modernize payment systems

Residents would like to see more modern payment systems at the meters as well as when purchasing monthly or annual parking passes.

11. Pay parking on the lakeshore is not well supported.

The desire to keep the lakeshore free and accessible is not out of thriftiness but reflects widespread concern about the affordability of Penticton for all of residents and the desire to be welcoming of tourists. Given the very short tourist season, residents question the business case for pay parking along the Lakeshore and the potential negative impacts on affordability for locals.

12. Challenges in other areas (SOEC and hospital)

While this engagement activity focused on downtown and area, feedback was also received about parking near the hospital and around the South Okanagan Event Centre. Residents around the hospital have been under considerable pressure during construction of the new tower and question whether or not hospital staff will use the parkade that is being built. Visitors to SOEC and neighboring residents also expressed concern about generalized pressure in the area.

Analysis and Options – Short Term Proposals

Lakeshore Drive

Staff Recommendation

Based on the feedback received and conversation with the community the desire for paid parking along Lakeshore for the entire year was not considered an appropriate solution.

Staff are however proposing a minor change to the parking spaces that exist between Winnipeg Street and Power Street. Right now there are no restrictions, other than 'no overnight parking'. Staff are proposing to change this areas to 3hr restricted parking from 9am-6pm Monday to Friday, to bring it in line with the areas closer to downtown. Further to the east along Lakeshore Drive, paid parking (with a 3hr time restriction) already exists, and the proposed change will assist in turnover, especially during high periods of use, but not unreasonably restrict parking for tourists. After hours and on weekend, no restrictions would apply.

As is stands right now, during the week many employees downtown park in in these spaces and take away availability for tourist. The proposed change would allow for visitors to use these spaces. To ensure that employees are provided with alternatives, the changes outlined below are considered appropriate to address the needs of some employees.

No changes are proposed to the parking spaces from the west of Power Street to Riverside Drive. Based on the feedback received, from businesses, residents and tourists, these spaces are in high demand by a variety of users throughout the year, mostly between May and September. By retaining their flexible nature, these spaces will be able to be used by the wide variety of users without any restrictions, as they are right now. Staff will need to monitor this change in light of the proposed 3hr restriction proposed from Power to Winnipeg Street, however with the alternative employee parking proposed within a closer walking distance to the downtown core, staff believe that the available of more suitable parking closer to the employment centres will provide adequate.

Hospital Area – Resident Only Parking

Staff have reviewed the resident only parking changes that have been put in place over the past few years and have received a variety of comments. The majority of residents appreciate the need for the restriction to

be put in place and although staff have received concerns from a few resident that do not think the resident only parking requirements in these areas are appropriate or needed. Staff believe that the parking issues around the hospital are not going to get any better as it is the intention of Interior Health to have paid parking within the parkade, once it is complete. Ongoing consultation with Interior Health will be required as implementation of paid parking within the parkade commences.

Staff do not recommend any changes at this time, and will continue to monitor the situation and bring back issues to Council as changes begin to be implemented once the Hospital Parkade opens. Should any residents in the street no want to continue on with the 'resident only parking' staff would require that all of the owners in the street be required to petition the City's bylaw department to remove the resident only signs. If this is done, staff will gladly remove the signage, but make sure that the residents are aware that they will not be re-installing signage should issues arise in the future.

Staff will continue to work towards the development of an on-line resident only parking tool that would enable residents to apply for their passes online. For the 2018 year, staff will be notifying residents that they can continue to use their 2017 parking passes, and it is intended that by 2019, a revised resident only parking program will be in place to enable residents to apply on-line for new passes.

Downtown

Based on the feedback received from residents, staff have identified a number of options to improve parking and transportation in the Downtown and area. While it is not economically feasible for the City to provide for 100% of the parking demand by the community in the form of parking spaces in the short term, there is the ability to better use the parking spaces that already exist. Staff have taken an approach to look at creating higher utilization of existing parking spaces when reviewing options for Council consideration for the short term solutions, based on the feedback received from the community. Like Lakeshore Drive, utilization of parking downtown varies based on the time of day and time of year and will be impacted by the increase in development downtown. Preparing for the loss of approximately 250 employee parking spaces due to new development has been considered as part of the short term solutions proposed.

Reconfiguration of employee / customer parking allocations to improve availability and utilization

In consideration of current utilization rates, through the analysis conducted by staff, an emphasis in particular within the Downtown was put on increasing the utilization of the approximate 3,500 parking spaces that exist Downtown. This is proposed by allocating the available parking, that the City has control over, more fairly for all users of Downtown in recognition of the peak and low utilization times. Utilization varies significantly in the summer months and the opportunity exists to re-think how we allocated parking in these areas based on demand, fairness and efficiency.

- ***Martin Street extension parking lot*** contains 70 parking spaces that are highly utilized in the summer months and poorly used in the shoulder season. Current parking regulations allow the community and visitors to park in this parking lot all year round for \$1/hr from Monday to Saturday. From June to September the lot is well used by visitors and often booked for special events. During the construction of the Lakeside Hotel addition, the whole parking lot was used for construction staging.

Staff are proposing to change the use of this parking lot based on its varied use throughout the year to enable a higher utilization over the entire year. It is proposed that all of the 70 parking spaces be allocated as 'reserved' parking from Monday to Friday between October and May. There is ample free parking along Lakeshore Drive during the shoulder season that removing these spaces from the short term parking inventory will not have an unreasonable impact. The provision of 70 additional reserved parking spaces for downtown employees will be a benefit to the downtown businesses and employees and respond to the request from downtown employees for the provision of additional employee parking.

- **The City owned parking lots on Ellis Street and Backstreet Boulevard** currently contain 85 parking spaces that are reserved for 24 hours a day and for 7 days per week. They also contain hourly restricted parking. These 85 reserved spaces are primarily reserved for downtown employees and some residents. There are approximately 70 people on the wait list for these 85 reserved parking stalls.

On Sunday's, especially during the busy summer months, these spaces often sit empty as the employees who reserve these spaces only work from Monday to Saturday. During large weekend events no one else can use these spaces and they sit empty when parking downtown is in extremely high demand.

Staff are proposing to retain the 'reserved' nature of the spaces for Downtown employees and residents, however change the timeframe in which they are reserved. It is proposed to change this from the 24 hour/7 day per week to Monday to Friday reserved parking. This will retain the use of the reserved spaces for employees during the work week and open up 85 more spaces for use by the public during the busy weekends and evenings.

- **White Avenue, between Main Street and Ellis Street** contains 12 parking spaces that have metered parking from Monday to Saturday during the hours of 9am-6pm. Utilization of these spaces during the work week is low, however increases on weekends during the summer, especially during the downtown market and special events.

To improve the utilization of these spaces, staff are proposing to change the 12 spaces that exist between Main Street and Ellis Street from metered parking to all day reserved parking from Monday to Friday between 6am and 6pm, to allow for employees to have designated parking spaces during the week. On weekends and after hours, these spaces would revert to being available for members of the public.

- **Westminster Avenue East between Ellis Street and Norton Street** contains approximately 30 parallel parking spaces currently in this location, which are underutilized during the day. Staff have looked at the potential for these spaces to be converted to employee parking, by either retaining their current parallel form or redesigning the street to allow for angled parking. The street would still function as a two-way street, however the centreline of the road would need to be adjusted to accommodate the additional parking, if angled parking was proposed.

This area of downtown has low utilization during the week, however it increases in the evenings with the increase demand seen around high use times at the Cannery, Mile Zero and FitKidz.

Staff are proposing to reallocate this space as follows:

- 31 new reserved parallel parking spaces for employees from 6am-6pm, Monday to Friday
- Free parking for residents and visitors in the evening and on weekend.

This solution looks to make use of existing infrastructure and allow for benefits to both employees and adjacent residents in a cost effective manner.

The angled parking solution would gain more spaces but requires further work and is something that staff may look at in the future if demand warrants. The City has other streets adjacent to the downtown where this could occur further, however this portion of Westminster Avenue East was considered to be low impact given that no development fronts onto it, a larger portion is adjacent to the City's substation and it has low utilization, so displacing existing users was not considered a significant barrier.

Resident Only Parking – Downtown

Based on the feedback received during the engagement process, the majority of residents were satisfied with the resident only parking program in the streets adjacent to the downtown commercial area. Staff are not proposing any changes at this time. Should any residents in the street not want to continue on with the 'resident only parking' staff would require that all of the owners in the street be required to petition the City's bylaw department to remove the resident only signs. If this is done, staff will gladly remove the signage, but make sure that the residents are aware that they will not be re-installing signage should issues arise in the future.

Staff will continue to work towards the development of an on-line resident only parking system that would enable residents to apply for their passes online. For the 2018 years, staff will be notifying residents that they continue to use their 2017 parking passes, and it is intended that by 2019, a revised resident only parking program will be in place to enable residents to apply on-line for new passes.

Promote the availability of Parking and locations

One of the major concerns heard during the consultation and engagement phase of the parking strategy workplan, especially from the downtown business community, was the need for the City to assist in communicating the availability of parking and the types of parking programs that exist Downtown. To improve the perception and accessibility of parking availability downtown and also other forms of available transportation amenities, better identification at key entry points to the downtown are required.

- **Entry Signage:** The signage that is proposed will need to be clear, simple and enable visitors to be aware of the availability of parking and the street on which it is located. Along with information related to available parking, the signage should also include provisions for bicycle access, parking and transit information. Wording on each sign will differ based on the location, but promotion of the City's 'Free 1st hour' and other customer service initiatives will also be included.

The following locations have been identified for transportation related signage:

- Westminster Avenue West & Brunswick Street

- This key entry point for visitors accessing downtown from Hwy 97 is an important location to direct people to the available parking on the west side of downtown.
- Eckhardt Avenue and Main Street
 - The southern entry to downtown provided opportunities to identify the location of parking facilities. Key decisions need to be made by travellers before this intersection, so directing them to available parking along Main Street and Ellis Street, for example will be an important function of signage at this location.
- Government Street & Van Horne Street
 - Many visitors to downtown travel along Government Street from the south and eastern sides of the community to access downtown. Directional signage will be important to inform visitors before approaching the intersection of Government Street and Ellis Street.
- Vancouver Avenue & Van Horne Street
 - Entering downtown from Naramata, many visitors have to travel through downtown to access much of the community. Providing signage outlining the availability of parking will not only provide better directions to available parking but also assist in attracting drivers into the downtown to shop or dine, as opposed to passing through downtown.

- Main Street Customer Only Parking: Concerns identified during the engagement phase involved some business owners and customers parking for longer than the 2hr restrictions allow along Main Street. While Bylaw Enforcement do their best to ensure that the 2hr restrictions are met, better promotion of the fact that these spaces on Main Street are for customers is required. Staff are proposing to add some additional signage to make it clear that these parking spaces are for customers. Bylaw Services staff will continue to monitor this area, however with the updated signage, will help to promote its availability for customers.

Should Council support the proposed changes, staff will update all of the mapping and communicate the downtown parking system to the community, employees and businesses. Updating the information online as well as in key locations throughout the downtown core will be important to implement to ensure commuters, pedestrians, cyclists and transit users know where the appropriate facilities are located.

Alternative Transportation

Support for alternative means of transportation within the community is a must when considering access in and around the downtown. While the focus of this report is around looking for solutions to deal with parking, the most cost effective and healthy options involve better investments in cycling and transit infrastructure.

In listening to the community during the engagement phase of this process, many cyclists and transit users requested better investment to make accessing downtown by bicycle or bus safer and more convenient. While ongoing work with BC Transit is required to identify the appropriate frequency of service, much can be done to promote and enhance the ability for cyclists to access downtown. Staff are investigating options for secured public bicycle parking and through some of the signage initiatives above, promote the availability and location of bicycle parking that already exists.

The Alternative Transportation Fund that is set up is available for use to provide for improvements to the City's alternative transportation system, including bicycle lanes, bicycle parking, transit improvements and

car sharing for example. Staff will work with the Transportation Advisory Committee to identify how this fund can be appropriate utilized to improve alternative transportation access and amenities downtown.

Council have recently approved new developments downtown that proposed to include 'Car-Share' vehicles as part of their development. These car share vehicles are not only available to the residents of the proposed developments, but also for the public to use. Some of the vehicles will be parked in public parking spaces and as visibility and use of these vehicles increases, the potential for more car share vehicles increases. Staff will be working with the developers to ensure that promotion of the availability of the car share vehicles is included in communications around downtown transportation and access.

Increasing Transit Ridership

During the consultation period of the parking strategy work, many of the businesses and employees that were met with identified concerns with the current frequency of transit that exists, especially during peak hour times. Employees also mentioned that the convenience of driving a vehicle to work far more outweighed the ability for them to ride the bus to work. For example, if they can drive to work in five minutes, why would they wait for the bus for a half hour or longer? So the question of how we get more people taking transit is a difficult one to figure out considering the size of our community, but needs to be a priority to assist with the implementation of the parking strategy and long term transportation needs of the community. Some options for consideration to help promote and improve transit ridership include looking at:

- Free transit days/week
- Employee passes
- Increased frequencies, especially during peak times
- Working with larger employers downtown to help promote transit

Benefits of increase transit use include:

- Increased use of public transit
- Increased physical activity
- Increased active transportation
- Increased mobility
- Reduced vehicle miles traveled
- Reduced emissions

So ultimately it is in the best interest of the community to invest in ways to achieve a higher transit ridership and staff will continue to work with BC Transit and employers in the community to identify ways to improve ridership. Staff will be working with the Transportation Advisory Committee to bring forward options for Council over the coming year.

Customer service enhancements

Improvements to customer service are an important part of the parking strategy work. No one likes receiving a parking ticket or having to pay a parking fine, so staff a looking to take a proactive approach to deal with these concerns form the community. Improvements in technology are also considered to provide people with more options for paying for parking. There is still the need to enforce parking to ensure the relevant parking restrictions are met to create turnover in the appropriate locations, however enforcement is proposed to take a different approach downtown.

- Mobile Parking App: The first initiative proposed, was implemented through a pilot program to enable more options for people to pay for parking downtown. The Parking App was piloted in two locations downtown, and is proposed to be available at over 600 parking spaces throughout the city, including on-street spaces and five off-street, parking lot locations. With the App, users can efficiently pay for parking sessions from their mobile devices, as well as:
 - Monitor parking sessions
 - Extend time remotely
 - View payment history
 - Receive email receipts

The app also features a digital wallet, which provides parkers with the ability to pre-load funds using their debit or credit cards to easily pay for future parking. Users can take advantage of loading \$20 onto their digital wallets and receiving a \$5 bonus in their wallets to pay for their parking sessions.

Regulatory changes

Discussion around parking regulations contained within the City's Zoning Bylaw have been part of the parking strategy process. Two areas of focus are proposed to be addressed, which are currently outlined in Section 6.1.2 of the City's Zoning Bylaw:

- Cash-In-Lieu Parking Reductions: The City's Zoning Bylaw allows for the number of required parking spaces in the downtown zones to be reduced by providing cash-in-lieu in the amount of \$6,000 per required parking space. These funds are deposited into the City's Alternative Transportation Infrastructure Reserve fund for use on alternative transportation measures such as bicycle infrastructure, transit service or other alternatives. It cannot be used to create more parking.

The current cash-in-lieu requirement of \$6,000 is not reflective of the true cost to provide parking on site and if considered to reflect the actual cost of providing parking, it ranges between \$7,000 and \$10,000 per surface parking space to approximately \$30,000 per parking space if constructed within a parkade. If it is the intention to ultimately provide more parking with the use of these funds, the \$6,000 will not make any headway into this as a solution for the parking strategy.

Staff are proposing that Council may wish to amend the cash-in-lieu requirement from \$6,000 per stall to \$20,000 per stall to better reflect the actual costs of providing more parking. As part of this change, staff would recommend that \$5,000 or an appropriate portion be applied to Alternative Transportation and \$15,000 be applied to the parking fund.

Should Council support this proposal, staff will bring back separate amendments to the Zoning Bylaw and Transportation / Parking Reserve funds for Council consideration. Consultation with the Development Services and Transportation Advisory Committees will also be undertaken and included in the report back to Council.

- Cooperative Vehicle Parking Reductions: The City's Zoning Bylaw allows the reduction in required parking for the provision of car-share vehicles. Car share vehicles are intended to be used by a wider

variety of users with the intention to reduce or eliminate the need to residents of a building to have a vehicle and dedicated parking space for their unit.

The City's zoning bylaw allows for the reduction of 6 vehicle spaces for the provision one car-share vehicle within the development. Since this provision was made in the zoning bylaw there have been four projects in and around the downtown that have proposed to take advantage of it, with the first project due to be complete towards the middle of 2018.

While research was undertaken to determine the appropriate number of vehicle spaces to eliminate for a car share vehicle, some questions were raised around the loss of 6 spaces. There has not been any objection to the use of car-share in Penticton and in fact it should be further promoted, however now that four development are going to be moving ahead with the car-share program, staff believe that an amendment to the zoning bylaw to reduce the requirement from 6 spaces to 3 spaces will provide for a more appropriate reduction in the parking requirements.

Analysis and Options – Long Term Proposals

The management of parking and the City's transportation system requires ongoing attention and the solutions proposed above are intended to deal with short term problems and try to increase the utilization of existing parking spaces.

The City's OCP is currently under development and will include high level transportation direction for the City, including a focus around where the community's parking and alternative transportation needs are. Once the OCP is in place, the City will embark upon an update to the 2005 Transportation Master Plan which will commence towards the end of 2018 and developed through 2019.

SOEC Campus Parking

While not specifically addressed within the scope of the parking strategy work program for 2017, further work is proposed at part of the 2018 budget process. Staff are bringing forward a request for funds to commence an analysis around the parking management and needs of the SOEC area, including looking at the resident only parking options around the site. The City has received requests from streets around the SOEC for new resident only parking to be installed, with major impacts being during the 8-10 major events that are held at the campus. Staff will make sure that the scope of the parking work include the resident only areas, should the budget item be supported for 2018.

Financial Impact

The proposed changes outlined in the report are estimated to cost approximately \$20,000 for signage and paint markings. The following provides a comparison of the costs to reallocate existing space Vs providing new surface parking spaces to meet some of the demand identified

- 70 more monthly reserved stalls in Martin St extension
- 12 more monthly reserved stalls on White Avenue
- 31 more monthly reserves stalls on Westminster Avenue East
- 85 more publically accessible downtown parking stalls along Ellis Street & Backstreet Boulevard

- Cost of better utilizing 198 existing parking spaces = \$15k-\$20k in signage

- Cost of building 198 new parking spaces @ \$10k/space = approx. \$1,980,000

Should all of the monthly employee parking be utilized, revenues generated are estimated at approximately \$40,000.

Alternate recommendations

Should Council not support the changes that staff are proposing, Council should provide alternative direction. While the long term transportation needs of the community will be identified within the OCP process, staff believe that the short term solutions will be able to respond to most of the concerns identified through the community engagement process.

Council may wish to consider each of the proposed changes on their own if they do not feel comfortable with the entire group of solutions brought forward.

Attachments

- Attachment A – Lakeshore Drive
- Attachment B – Hospital Area
- Attachment C – Downtown Parking Area Changes

Respectfully submitted,

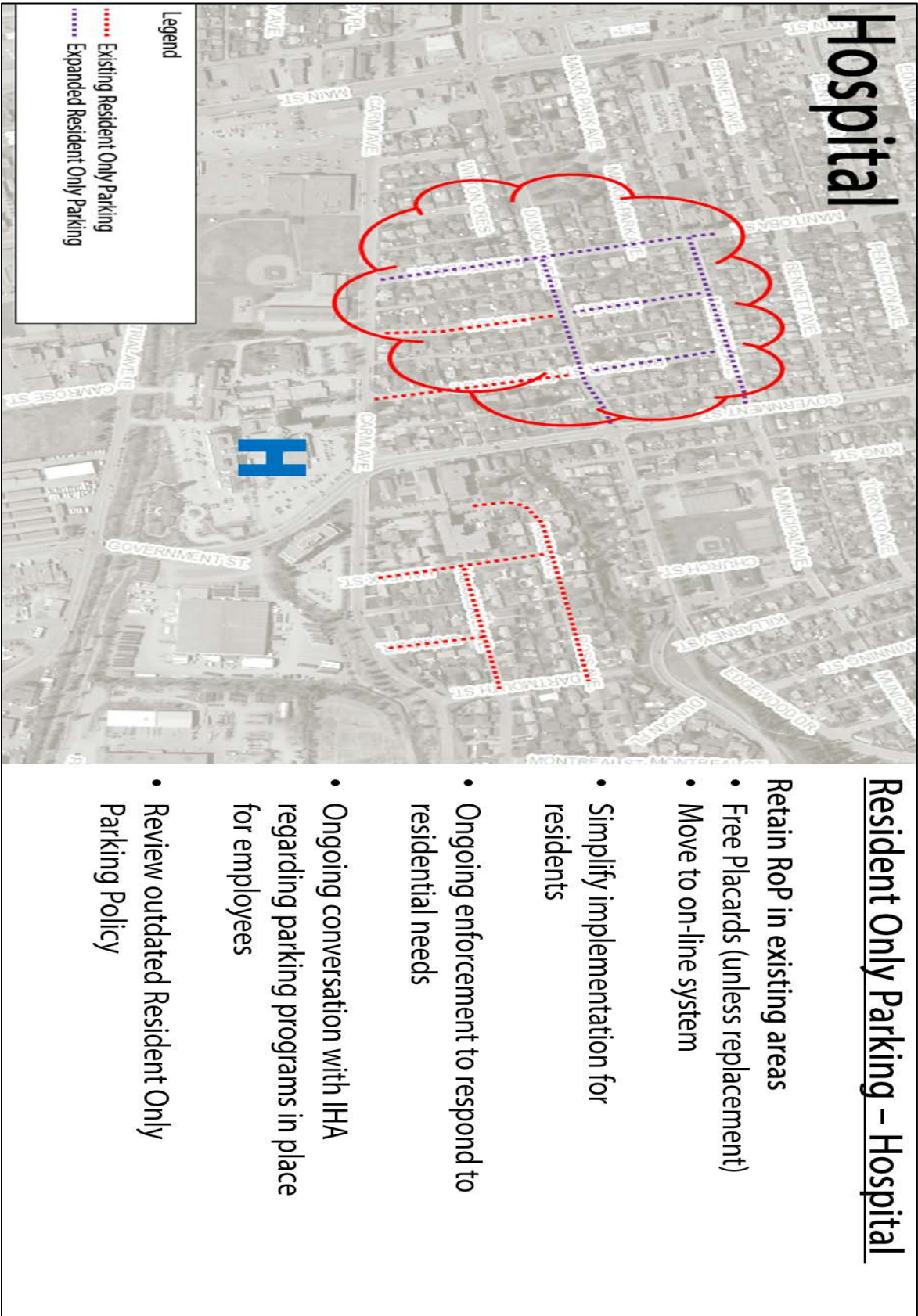
JoAnne Kleb
Engagement Officer

Anthony Haddad
Director of Development Services

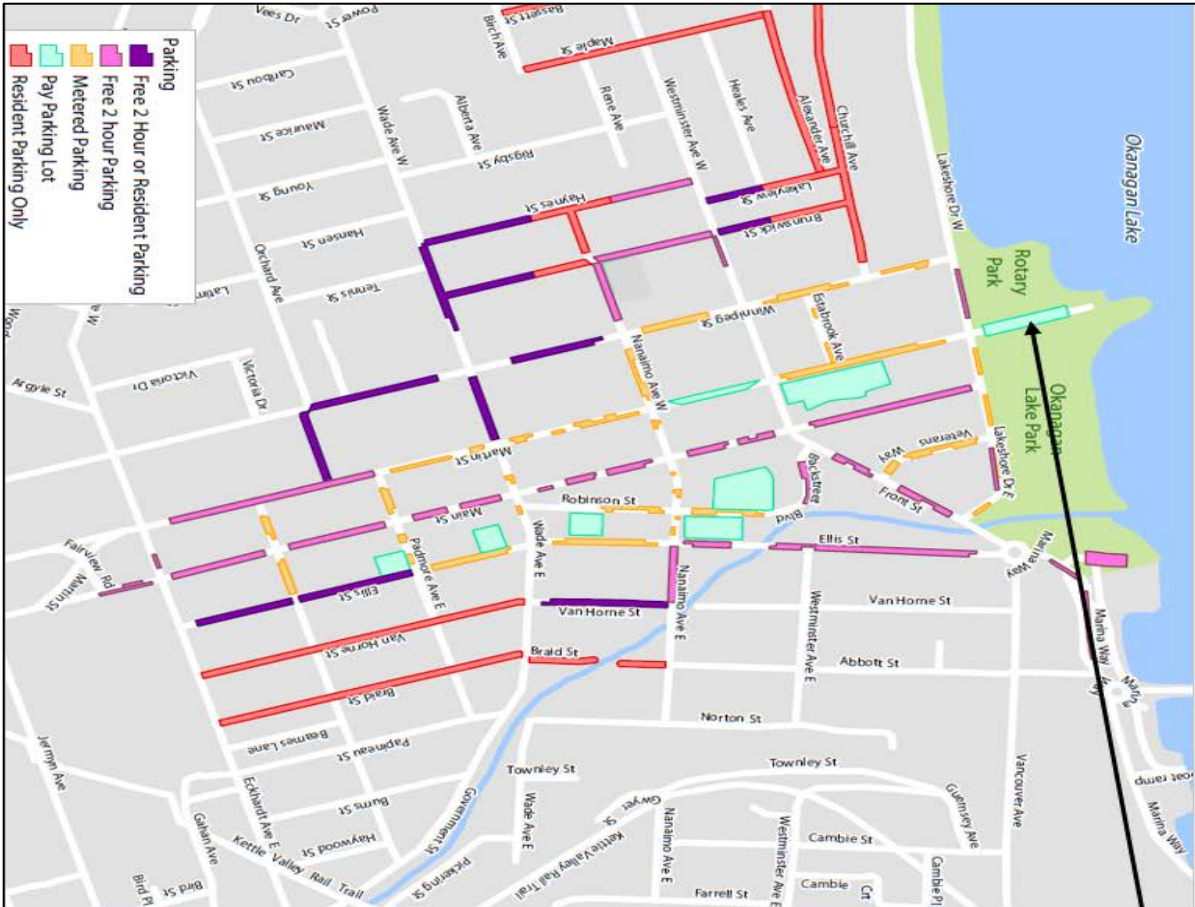
Approvals

<p>CAO</p> <p><i>PW</i></p>

Attachment B – Hospital Resident Only Area Parking



Attachment C – Downtown Area Proposed Changes



Martin Street Extension Parking Lot

Existing

70 existing hourly paid parking

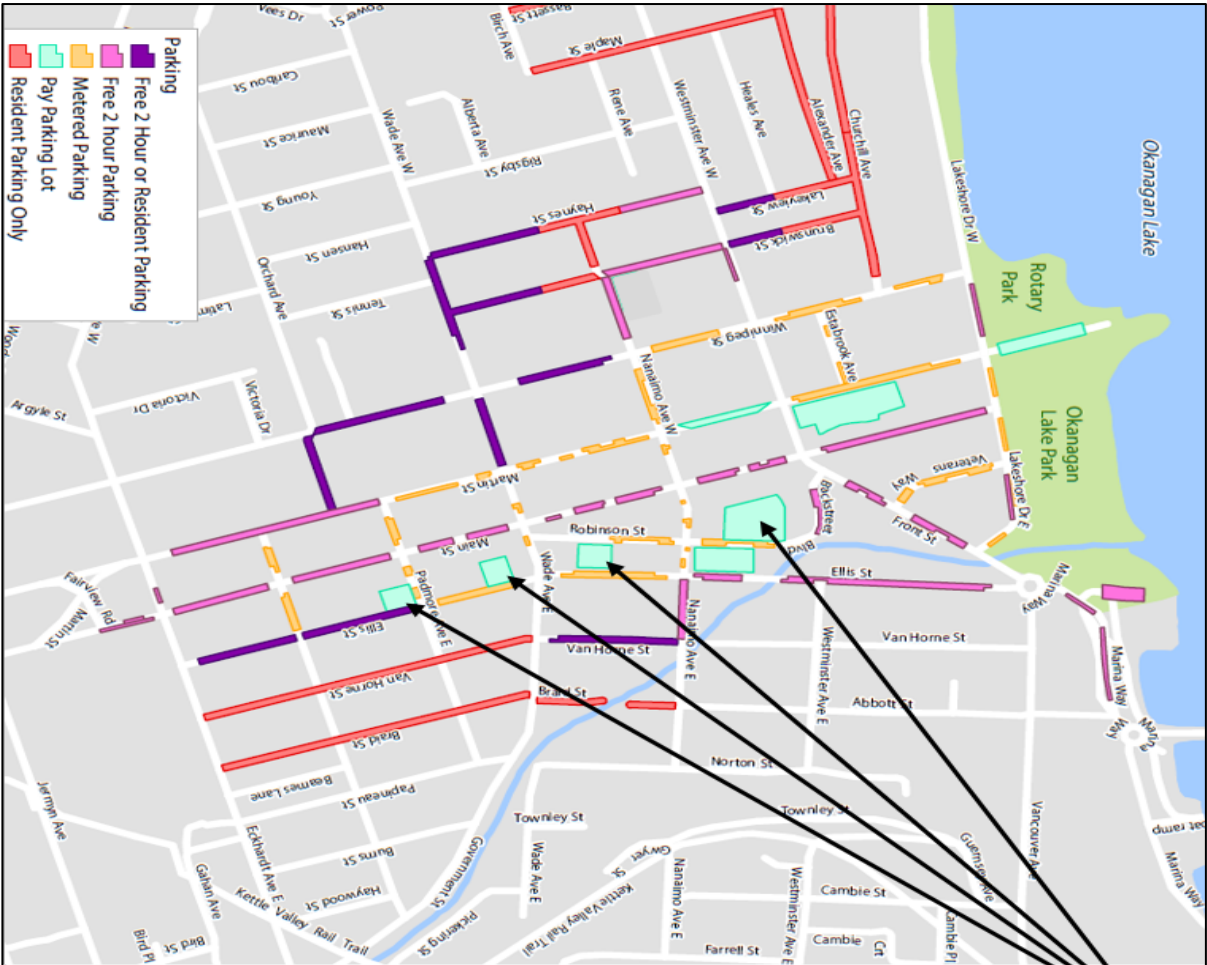
- High utilization June-September
- Low Utilization October-May



Proposal

- Retain 70 hourly paid parking spaces from June – September
- Create 70 new Mon-Fri Reserved Spaces for Employees from October -May

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Ellis Street Parking Lots

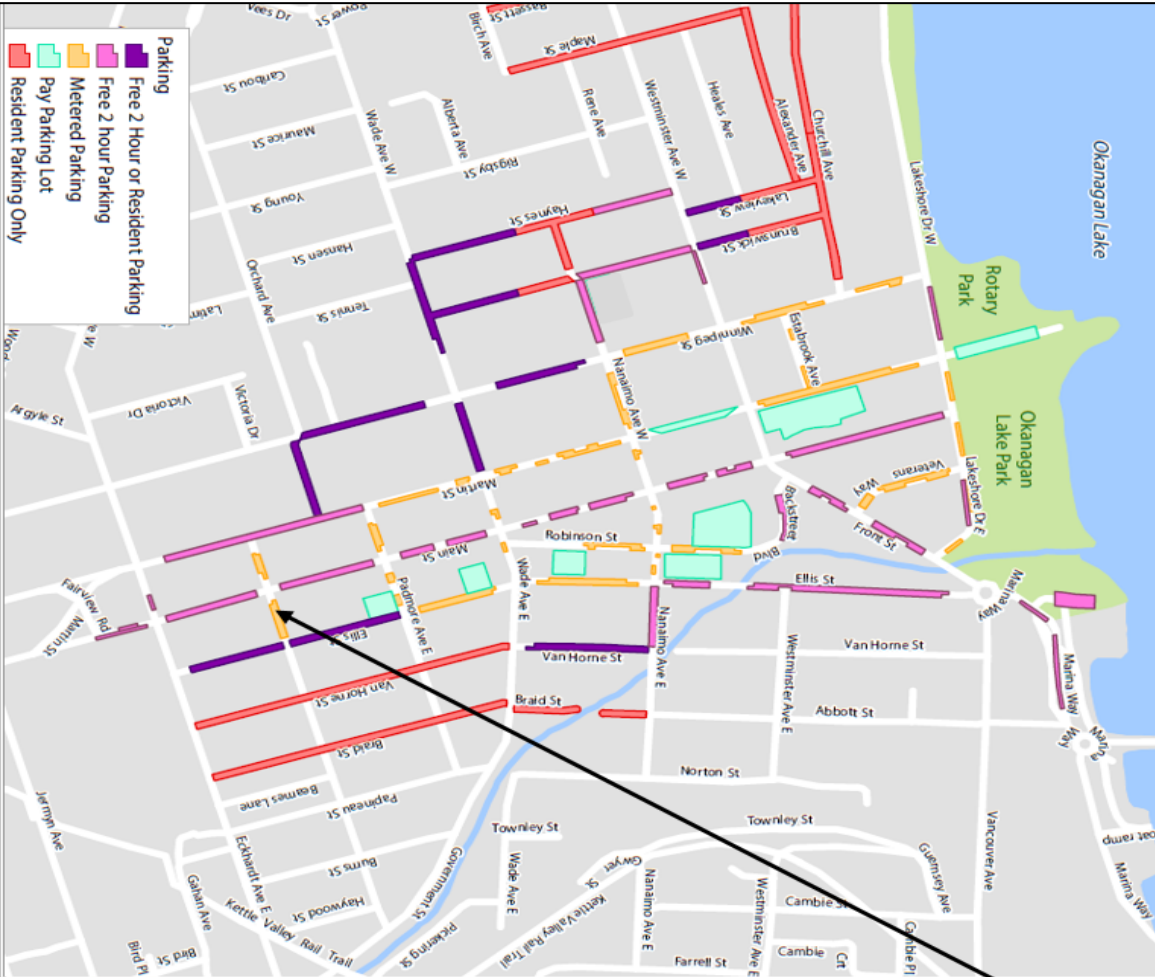
Existing 4 City Lots

Reserved Parking 24/7

- High utilization Monday-Friday 6am-6pm
- Low Utilization Monday-Friday evenings
- High demand Saturday from May-October

Proposal

- Retain Reserved Parking for Employees but only from Mon-Fri 6am-6pm
- 85 parking spaces open up for
 - Free parking in evenings
 - Paid parking on Saturday
 - Free Parking on Sundays
- Make consistent with time restrictions in other Public Reserved Lots



White Avenue (Main-Ellis)

Existing Parking Meters

- 12 parking spaces on White Avenue

Paid Parking Mon-Sat 9am-6pm

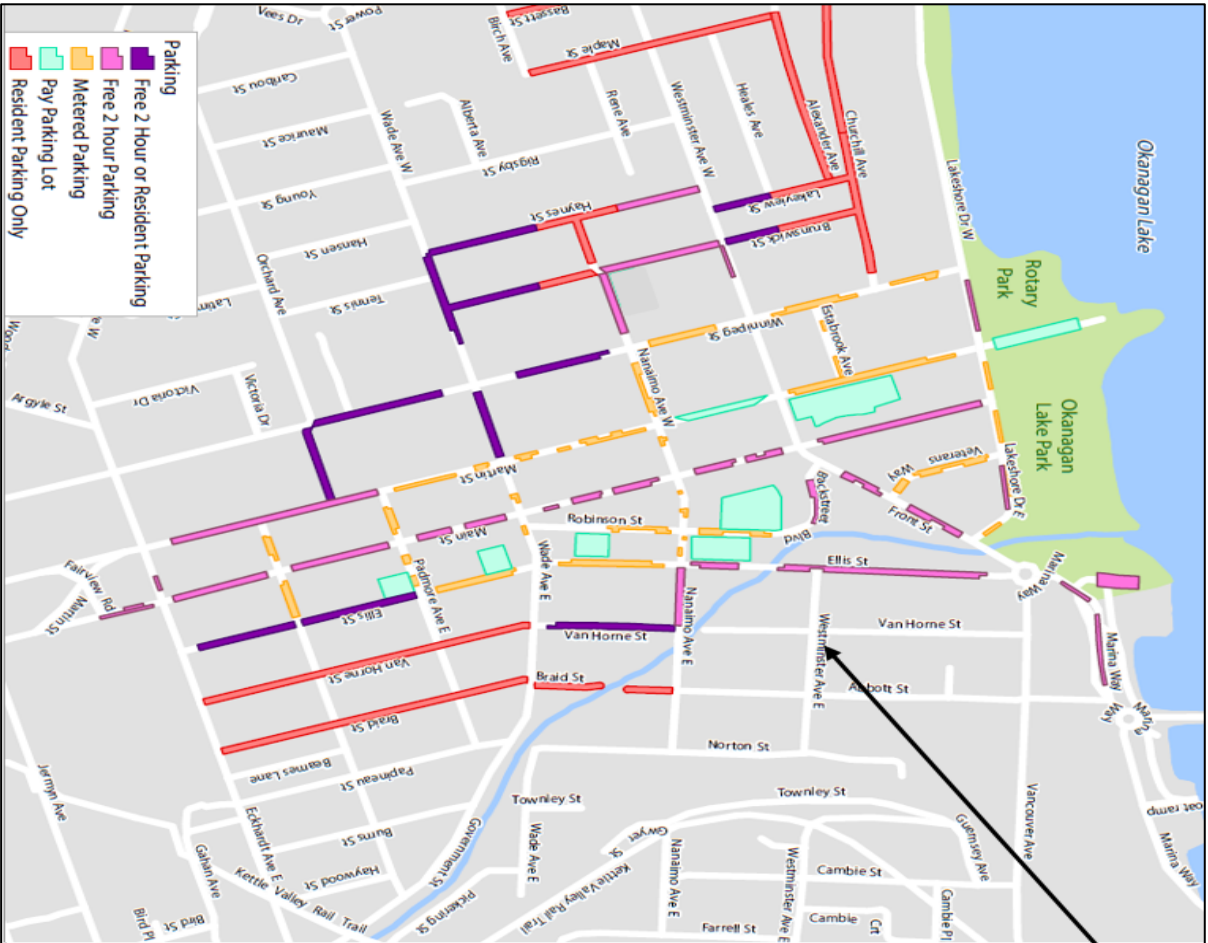
- Low Utilization Monday-Friday during daytime
- High demand Saturday from May-October



Proposal

- Create Reserved Parking for Employees but only from Mon-Fri 6am-6pm
- 12 parking spaces open up for Employees
 - Employee parking Mon-Fri from 6am-6pm
 - Paid parking on Saturdays
 - Free Parking on Sundays

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Use of existing space

Existing On-Street parallel parking

- Westminister Avenue East between Ellis Street and Norton Street



Proposal

- Create Reserved Parallel Parking for Employees but only from Mon-Fri 6am-6pm
- Approx. 30 parking spaces open up for
 - Employee parking Mon-Fri from 6am-6pm
 - Free Resident parking in evenings and on weekend
- Low costs / use of existing road cross section
- Further consultation with adjacent landowners required

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Council Report

penticton.ca

Date: December 5, 2017
To: Peter Weeber, Chief Administrative Officer
From: Shawn Filice, Electric Utility Manager

File No:

Subject: FortisBC Shared Use of Structures

Staff Recommendation

THAT Council approve the Renewal and Amending Agreement for Shared Use of FortisBC Structures as contained in Attachment B of the FortisBC Shared Use Structures staff report dated December 5, 2017;

AND THAT Council authorize the Mayor and Corporate officer to execute the FortisBC Renewal and Amending Agreement.

Background

For decades the City of Penticton Electric Utility has attached its distribution infrastructure to FortisBC (and its predecessor companies) owned poles under the terms of a "License Agreement for the Shared Use of Structures". The most recent agreement was a 5-yr agreement which was entered into on November 13, 2013 and expired on November 13, 2017.

In July of this year the City of Penticton started working with FortisBC to amend the agreement to:

- a. Perform some housekeeping language adjustments;
- b. To include language to improve FortisBC's response times to inquiries; and
- c. To negotiate better Joint Use Contact Rates.

We were able to capture the necessary contract language housekeeping terms and include improved response time language but FortisBC was not prepared to accept the Joint Use Contact Rates that were proposed. In lieu of holding up the entire agreement we agreed, subject to Council approval, to enter into a one-year extension which would allow time for both parties to negotiate the Joint Use Contact Rates during the 2018 Calendar year.

Financial implication

None

Attachments


Attachment A – Excerpt of Section 2 of the existing “License Agreement For the Shared Use of Structures”

Attachment B – Renewal and Amending Agreement (Shared Use of FortisBC Structures)

Respectfully submitted,

Shawn Filice, MBA, P. Eng.
Electric Utility Manager

Approvals

General Manager of Infrastructure 	Chief Administrative Officer PW
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Attachment A – Excerpt of Section 2 of the existing “License Agreement For the Shared Use of Structures”

SECTION 2
TERM

2.1 Term

The term of this Agreement will be 5 years (the “**Term**”), commencing on November 13, 2013 and ending on November 13, 2017, unless terminated sooner in accordance with the provisions of this Agreement.

2.2 Renewal

- (a) If throughout the Term the Licensee has fully complied with all of the terms and conditions of this Agreement, the Licensee shall have the option to extend the Term for further and consecutive periods of 5 years each. All renewals shall be on the same terms and conditions as the Term, except that the Structure Rental Fees for any subsequent renewal terms shall be adjusted to correspond with FortisBC’s standard rates as established at least 120 days prior to the expiration of the Term or the then-current renewal term, as the case may be. FortisBC will provide to the Licensee the revised Structure Rental Fees within 30 days of a written request therefore from the Licensee. If the Licensee accepts the revised Structure Rental Fees, it may exercise its option(s) to extend the Term by notice in writing to FortisBC given not more than 90 days and not less than 60 days prior to expiry of the Term or the then-current renewal term, as the case may be. Failing such notice this Agreement will terminate upon the expiration of the Term or the then current renewal term, as the case may be. A renewal term shall commence on the expiry of the Term or the expiry of the immediately preceding renewal term and end on the expiry of the Term or the expiry of the then current renewal term unless terminated sooner in accordance with the provisions of this Agreement.

- (b) Where, in the opinion of FortisBC, reasonably formed, the Licensee has not fully complied and remediated such compliance after notice thereof with all material terms and conditions of this Agreement, FortisBC may refuse to renew this Agreement and shall give 6 months written notice to the Licensee in this regard.

Attachment B – Renewal and Amending Agreement (Shared Use of FortisBC Structures)

**RENEWAL AND AMENDING AGREEMENT
(Shared Use of FortisBC Structures)**

THIS AMENDING AGREEMENT is made effective November 14, 2017

BETWEEN:

FORTISBC INC. ("FortisBC"), 100 – 1975 Springfield Avenue, Kelowna, BC V1Y 7V7

AND:

THE CORPORATION OF THE CITY OF PENTICTON (the "Licensee"), 171 Main Street, Penticton, BC V2A 5A9

WHEREAS:

- A. FortisBC and the Licensee entered into a licence agreement for the shared use of FortisBC structures, dated for reference November 13, 2013 (the "**Licence Agreement**"), which agreement expires November 13, 2017, subject to a right of renewal.
- B. In accordance with section 2.2 of the Licence Agreement, the Licensee has exercised its option to renew the Licence Agreement for a further period of one (1) year on the same terms and conditions, save and except as amended by this Renewal and Amending Agreement.

NOW THEREFORE IN CONSIDERATION of the promises and mutual covenants and agreements hereinafter contained and other good and valuable consideration, the parties hereto covenant and agree with each other as follows:

- 1. **Interpretation.** In this Renewal and Amending Agreement, unless otherwise defined herein, capitalized words and expressions shall have the same meanings as are assigned to them in the Licence Agreement.
- 2. **Renewal.** The Licence Agreement is hereby extended for a further term commencing on November 14, 2017 (the "**Renewal Commencement Date**") and ending on November 13, 2018, on the same terms and conditions save as to this renewal and except as amended by this Renewal and Amending Agreement.
- 3. **Amendments.** The following amendments are made to the Licence Agreement effective as at the Renewal Commencement Date:
 - (a) The following amendments are made to section 1.1 (*Definitions and Application*) of the Licence Agreement:
 - (i) The following definition is added:

"CPI" means the consumer price index for Canada (all items) published from time to time by Statistics Canada;
 - (ii) The definition "**Electric Utility Construction Price Index**" is deleted in its entirety;

- (iii) The definition of “**Structure Rental Rate Multiplier**” is deleted in its entirety and replaced with the following:

“**Structure Rental Rate Multiplier**” or “**SRRM**” means, for any year of the Term,
(a) one plus (b) the CPI for the year preceding such year.

- (b) Add the following new section 3.6 to the Licence Agreement:

“Section 3.6 Approval of Application”

FortisBC shall use commercially reasonable efforts to respond to the Licensee’s Application within thirty (30) days of receipt of the Application, except in the case of a large and complex Application, where FortisBC may, by notice to the Licensee extend the time for response by a maximum of thirty (30) days

- (c) Add the following new sub-section (d) to section 4.2 (*Make Ready Work*) of the Licence Agreement:

“(d) FortisBC shall provide the Make Ready Work cost estimate and a description of the required Make Ready Work, to the extent it is reasonably able to do so, concurrently with delivery to the Licensee of FortisBC’s response to the Licensee’s Application or within thirty (30)days thereafter, except in the case of a large and complex Application, where FortisBC may, by notice to the Licensee extend the time for response by a maximum of thirty (30) days.

- (d) Add the following new sub-section (e) to section 4.2 (*Make Ready Work*) of the Licence Agreement:

“(e) If, pursuant to section 4.2(c) above, the Licensee notifies FortisBC that it wishes to proceed with the Make Ready Work, FortisBC shall commence and undertake the Make Ready Work with reasonable speed and dispatch after receipt of the notification from the Licensee, having regard to, and in coordination with the schedule of the Licensee, and subject always to events of force majeure and external factors, including permitting processes and seasonal conditions.”

- (e) The address for notice for FortisBC as shown in section 13.8 (*Notices*) of the Licence Agreement is deleted and replaced with the following address:

“FortisBC Inc.
Suite 100 – 1975 Springfield Avenue
Kelowna, BC V1Y 7V7
Attention: Ian Dyck, Joint Use Administrator

- (f) Schedule C (*Structural Rental Rate Schedule*) of the Licence Agreement is hereby deleted and replaced with the revised Schedule C (*Structural Rental Rate Schedule*), attached hereto as Appendix 1.

- 4. **Entire Agreement.** All other terms and conditions of the Licence Agreement remain unchanged. The Licence Agreement, as amended by this Renewal and Amending Agreement, constitutes the

entire agreement between the parties with respect to the subject matter and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written. There are no conditions, covenants, representations, warranties or other provisions, whether express or implied, collateral, statutory or otherwise, relating to the subject matter except as provided in this Agreement. The Licence Agreement will remain in full force and effect and, together with this Renewal and Amending Agreement, will be read and interpreted as one agreement.

- 5. **Electronic Transmission and Counterparts.** This Amending Agreement may be executed and delivered in any number of counterparts and in electronic format with the same effect as if all parties had originally signed and delivered the same document and all counterparts will be construed together to constitute one and the same agreement.

IN WITNESS WHEREOF the parties have executed this Amending Agreement as of the Effective Date.

FORTISBC INC.

THE CORPORATION OF THE CITY OF PENTICTON



Signature

Name: ♦ Ian Dyck

Title: ♦ Joint Use Administrator

Signature

Name: ♦

Title: ♦

SCHEDULE C
(Structural Rental Rate)

2017 Base Rate	
	2017
Distribution Rate per Contact	\$62.83
Transmission Rate per Contact	\$218.02

Council Report

penticton.ca

Date: December 5, 2017
To: Peter Weeber, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor

File No:

**Subject: Fees and Charges Amendment Bylaw No. 2017-77
Excessive Nuisance Abatement Fees**

Staff Recommendation

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-77", a bylaw that outlines Excessive Nuisance Abatement Fees for the City of Penticton.

Background

There are some properties throughout the city that have become a nuisance as a result of non-compliance with bylaws. After officers have issued Bylaw Offence Notices (even to property owners) staff have been required to arrange for contractors to remedy issues at the property and invoice the owner. Though this is effective at getting private properties remedied, the Bylaw Offence Notices often remain unpaid.

The existing Good Neighbor Bylaw No. 2012-5030, Section 10 (Attachment A) addresses repeat nuisance service calls where a member of the RCMP, a Bylaw Enforcement Officer, or other City Official is required to respond to a Real Property for:

- a) more than one nuisance service call within a twenty-four (24) hour period; or
- b) More than three (3) nuisance service calls within a twelve (12) month period

The offence for a repeat nuisance service call is \$100.00, as prescribed in the Bylaw Notice Enforcement Bylaw No.2012-5037. The Bylaw Offence Notice is issued to either the tenant or the property owner. Again, these fines accumulate and there is minimal impact and accountability to a property owner in situations where tenants repeatedly fail to meet reasonable community standards set out in the bylaw.

As such, staff are seeking to implement fees in addition to Bylaw Offence Notices served. This will be another compliance tool for nuisance type interactions and will improve the livability of the city.

Analysis

Several BC municipalities have taken the approach of invoicing property owners for excessive nuisance fees, including the City of Enderby, City of Kamloops, City of Nanaimo and Port Alberni. The general rationale for implementing nuisance abatement fees is to compel property owners to take more responsibility with tenants and their activities occurring at the property.

Section 10 of the Good Neighbor Bylaw refers to the imposition of an Excessive Nuisance Abatement Fee. Staff will be providing written notice to the property owner describing the detailed nature of the nuisance conduct/activity and advising of pending nuisance abatement fees to be imposed for service calls. The proposed fee amounts are listed in Appendix 30 of the Fees & Charges Amendment Bylaw No. 2017-77.

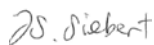
Attachments

Attachment A – Section 10, Good Neighbor Bylaw No. 2012-5030

Attachment B – Fees and Charges Amendment Bylaw No. 2017-77


Respectfully submitted,

Tina Siebert



Bylaw Services Supervisor

Approvals

Director 	CAO PW
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Attachment A- Section 10, Good Neighbor Bylaw No. 2012-5030

10. REPEAT NUISANCE SERVICE CALLS:

- 10.1 Where a member of the RCMP, a Bylaw Enforcement Officer, or other City Official is required to respond to a Real Property for:
- (a) More than one nuisance service call within a twenty-four (24) hour period; or
 - (b) More than three (3) nuisance service calls within a twelve (12) month period; the owner of the Real Property shall be liable to pay an Excessive Nuisance Abatement Fee in accordance with the amounts prescribed in the current City of Penticton Fees and Charges Bylaw for each additional nuisance service call responded to at the same Real Property within the twelve (12) month period following the date of the notice referred to in Section 10.3.
- 10.2 Despite Section 10.1, where legal title to a Real Property is transferred, nuisance service calls made before the date that the new owner obtains legal title to the Real Property shall not apply to a determination under Section 10.1 of whether excessive Nuisance Abatement Fees are payable. The new owner shall, in any event, be liable for all unpaid Excessive Nuisance fees imposed against the Real Property in respect of past nuisance service calls.
- 10.3 Before imposing an Excessive Nuisance Abatement Fee, written notice shall first be provided to the owner of the Real Property:
- (a) Describing in reasonable detail the nature of the nuisance conduct, activity or condition that occurred, or was maintained or permitted in, on or near the Real Property; and
 - (b) Advising the owner that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same Real Property and that the imposition of such fees is in addition to the City's right to seek other legal remedies or actions for abatement of the nuisance.
- 10.4 Service of the Notice Referred to in Section 10.3 will be sufficient if the notice:
- (a) In the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the owner shown on the current year's real property assessment roll for the Real Property for which the notice is issued;
 - (b) In the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by prepaid registered mail to the registered office of the corporation.
- 10.5 Excessive Nuisance Abatement Fees shall be paid by the owner on receipt of an invoice from the City. If the amount of each invoice is not paid in full before the 31st day of December in the year received, on written notice to the owner, the amount shall be added to and form part of the taxes on the Real Property, as taxes in arrears.
- 10.5 An owner may, within thirty (30) days of receipt of an invoice demanding payment of Excessive Nuisance Abatement Fees, require that Council reconsider the requirement to pay, or the amount of, the Excessive Nuisance Abatement Fees, at which time the owner of the Real Property shall have an opportunity to be heard by Council.

Bylaw No. 2017-77

A bylaw to amend the Fees and Charges Bylaw No. 2014-07

WHEREAS the Council of the City of Penticton has adopted a Fees and Charges Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the "Fees and Charges Bylaw No. 2014-07";

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 as "Fees and Charges Amendment Bylaw No. 2017-77".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by adding Appendix 30– Excessive Nuisance Abatement Fee.

2.2 Appendix 30 – Excessive Nuisance Abatement Fee as attached hereto forms part of this bylaw.

READ A FIRST time this day of , 2017

READ A SECOND time this day of , 2017

READ A THIRD time this day of , 2017

ADOPTED this day of , 2017

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Appendix 30

Excessive Nuisance Abatement Fee

2017

Administered through the Good Neighbour Bylaw

RCMP Nuisance Service Call	\$200/call
City of Penticton Fire Department Nuisance Service Call	\$400/call
City of Penticton Staff Nuisance Service Call	\$200/call

In the event that multiple agencies respond to a nuisance call, the fee for each agency will be applicable.

Council Report



Date: December 5, 2017
To: Peter Weeber, Chief Administrative Officer
From: Dana Schmidt, Corporate Officer
Subject: **2018 Meeting Schedule**

File No:

Staff Recommendation

THAT Council select the following dates for the 2018 Regular Meetings of Council: January 9, 23, February 6, 20, March 6, 20, April 3, 17, May 8, 22, June 5, 19, July 3, 17, August 7, 21, September 4, 18, October 2, 30, November 6, 20, and December 4, 18.

Background

In accordance with Council’s Procedure Bylaw, the City must make available to the public annually, a schedule of the dates, time and place of regular Council meetings and give notice of the availability of the schedule through advertising.

Regular meetings are generally the 1st and 3rd Tuesdays of each month commencing at 1:00 p.m. unless adjustment is required due to a conflict.

Month	Meeting Date	Meeting Date
January	9	23
February	6	20
March	6	20
April	3	17
May	8	22
June	5	19
July	3	17
August	7	21
September	4	18
October	2	30
November	6 *	20
December	4	18

*Inaugural Meeting

Respectfully submitted,

Dana Schmidt,
 Corporate Officer

Approval

CAO
PW

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:**

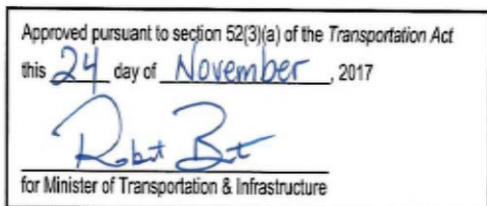
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

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	7	day of	November, 2017
A PUBLIC HEARING was held this	21	day of	November, 2017
READ A SECOND time this	21	day of	November, 2017
READ A THIRD time this	21	day of	November, 2017
RECEIVED the approval of the	24	day of	November, 2017
Ministry of Transportaton on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 10 day of November, 2017 and the 15 day of November, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

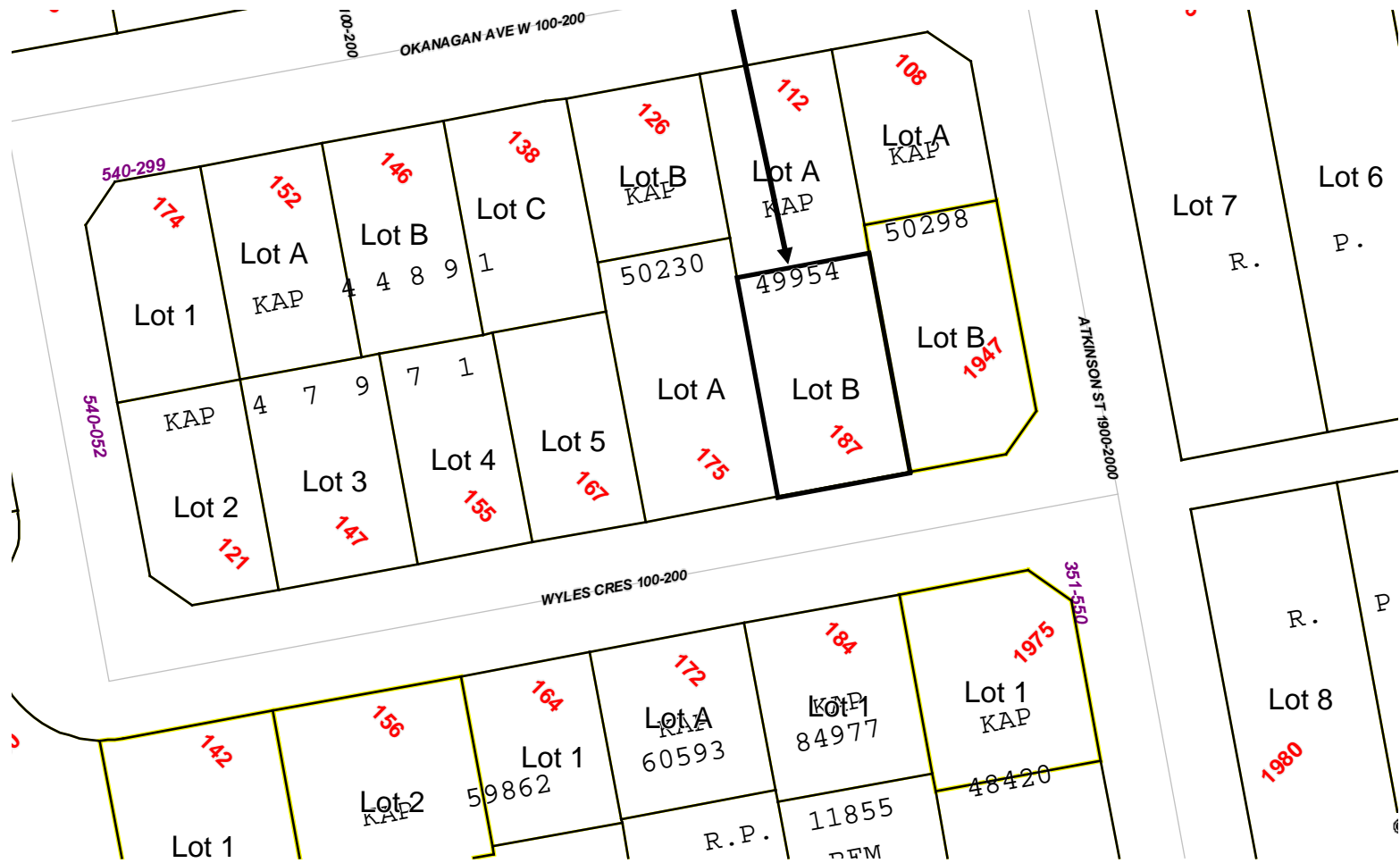


Andrew Jakubeit, Mayor

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



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-76

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: December 5, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 273 & 275 Conklin Avenue
Subject: **Development Variance Permit PL2017-8089**

File No: DVP PL2017-8089
& SD PL2017-8090

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-8089" for Lot 5 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518 Except the Easterly 45 Feet Thereof Measured Along the Southerly and Northerly Boundaries Thereof, located at 273 Conklin Avenue and for Lot 4 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518, located at 275 Conklin Avenue, a permit to reduce the minimum lot width for a standard lot from 16.0m to 11.4m;

AND THAT staff be directed to issue "Development Variance Permit PL2017-8089."

Background

The subject properties (Attachment A) are zoned R1 (Large Lot Residential) and designated by the City's Official Community Plan as LR (Low Density Residential). Photos of the sites are included as Attachment D. The subject properties are a combined 1309m². A single family dwelling straddles the lots. The surrounding properties are zoned RD2 (Duplex Housing: Lane), R1 (Large Lot Residential) and R2 (Small Lot Residential). Surrounding properties are designated by the OCP as LR (Low Density Residential).

Proposal

Presently, 273 Conklin Avenue is only 4.5m wide and 275 Conklin Avenue is 18.3m wide. The applicant is proposing a lot-line adjustment which will result in two 11.4m wide lots. This will enable the applicant to demolish the existing aging dwelling and construct a new dwelling and carriage house on each lot. The minimum required width of a standard lot in the R1 zone is 16.0m. To facilitate the subdivision, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 10.1.2.1.i: to reduce the minimum lot width for a standard lot from 16.0m to 11.4m.

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. Servicing and technical requirements have been identified and will be addressed as part of the subdivision process. These items include new water and sewer connections. As part of the subdivision process, the applicant will be required to demolish the existing single family dwelling and accessory structures.

Development Statistics

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

Item	Requirement R1 zone	Each proposed lot
Minimum Lot Width:	16.0m	11.4m
Minimum Lot Area:	560m ²	654.5m ²

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 10.1.2.1.i: to reduce the minimum lot width for a standard lot from 16.0m to 11.4m.

- The minimum width for a standard lot in the R1 (Large Lot Residential) zone is 16.0m. The proposed lot-line adjustment will result in two 11.4m wide lots. Each lot will be 654.5m² in area which is larger than the 560m² minimum required. The lots will be wide enough to allow for a driveway and landscaping along the street frontage. Due to the size of the proposed lots, a sizeable house and carriage house could be constructed on each lot in the future without any variances. Approval of the variance would enable the applicant to convert an aging dwelling into four dwelling units. For these reasons, it is reasonable to support this variance.

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support DVP PL2017-8089 with conditions.
2. THAT DVP PL2017-8089 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: Proposed Subdivision
- Attachment F: Letter of Intent
- Attachment G: Development Variance Permit PL2017-8089

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map

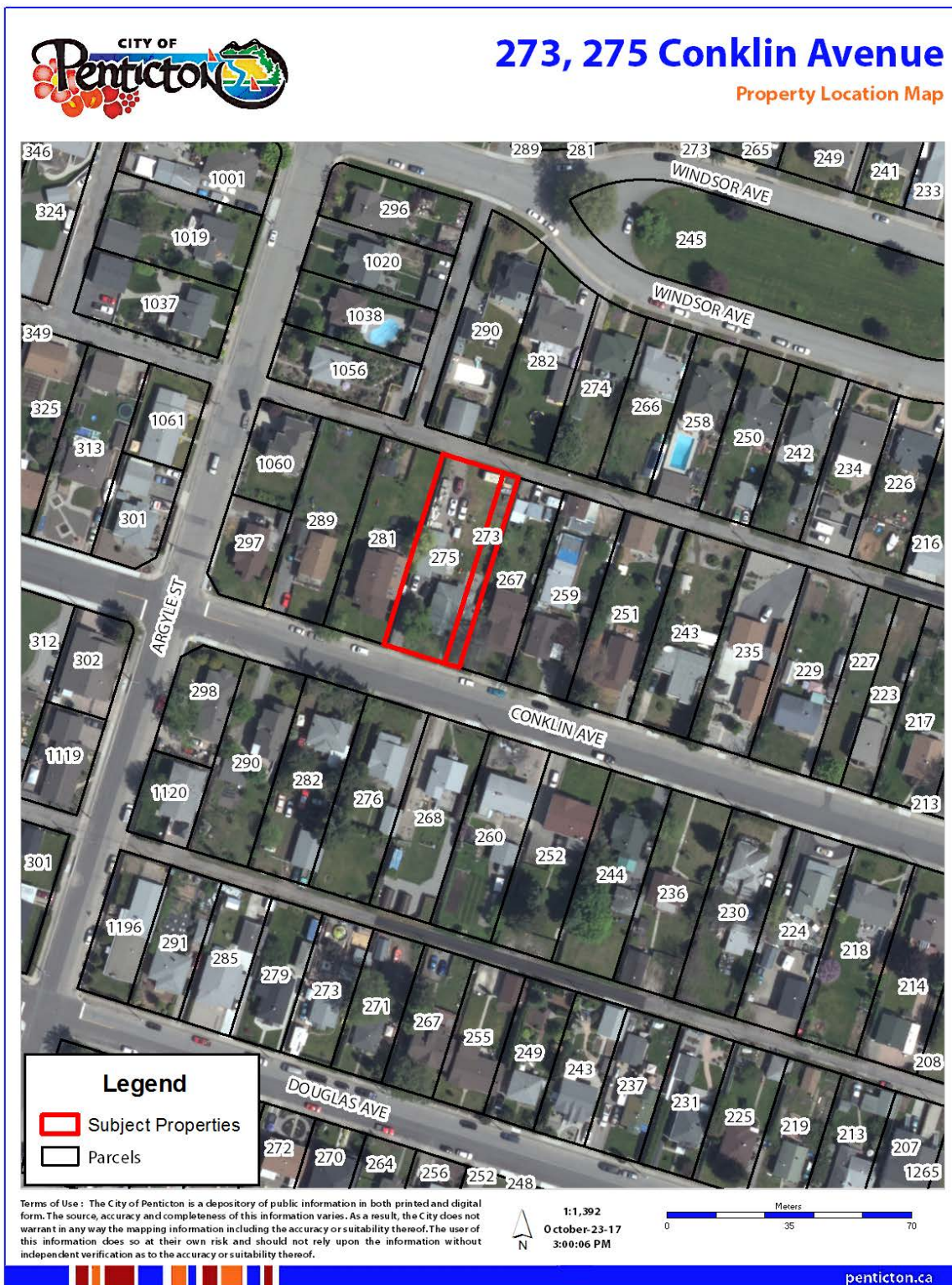


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

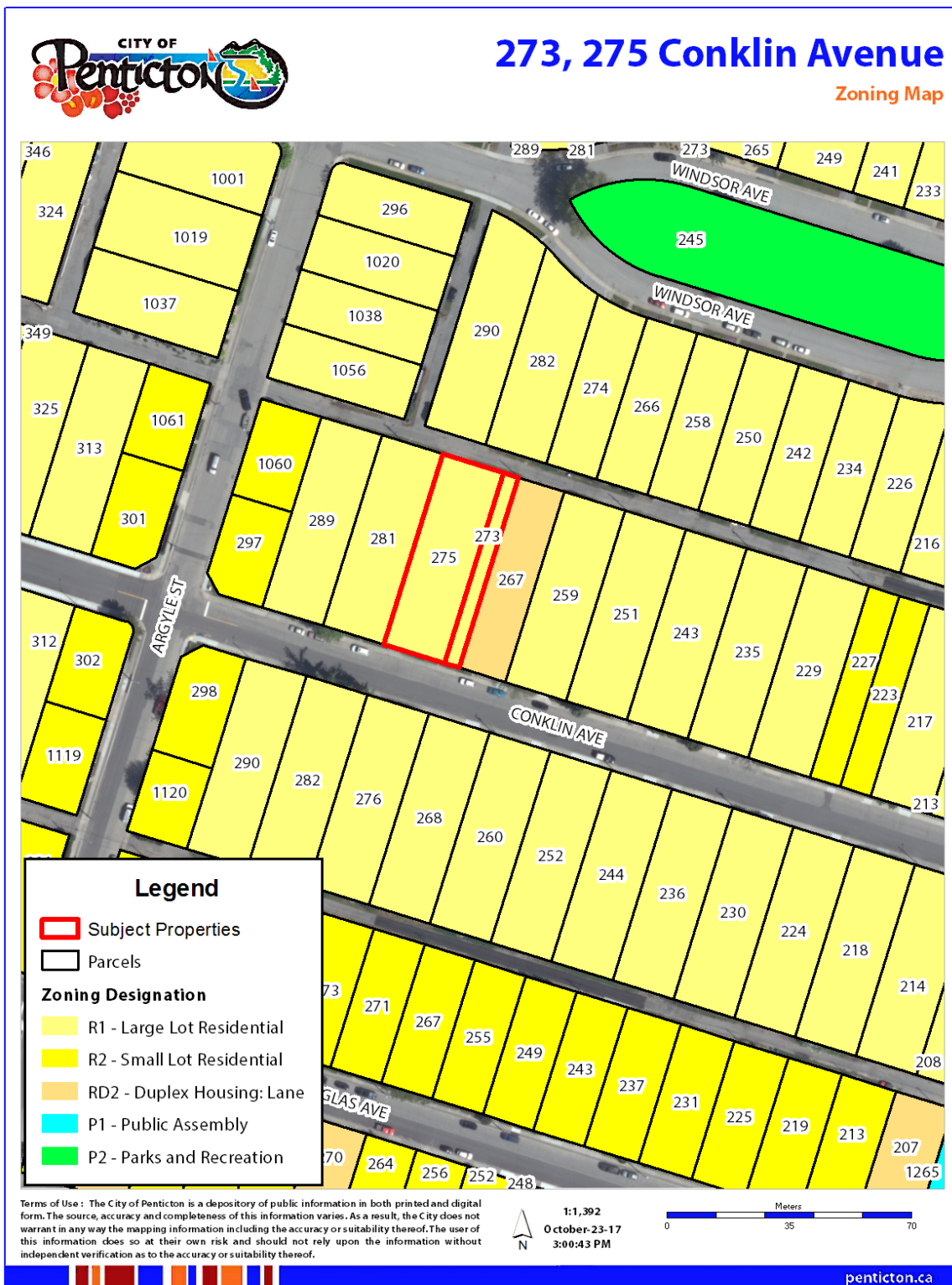


Figure 2: Zoning Map

Attachment C- OCP Map

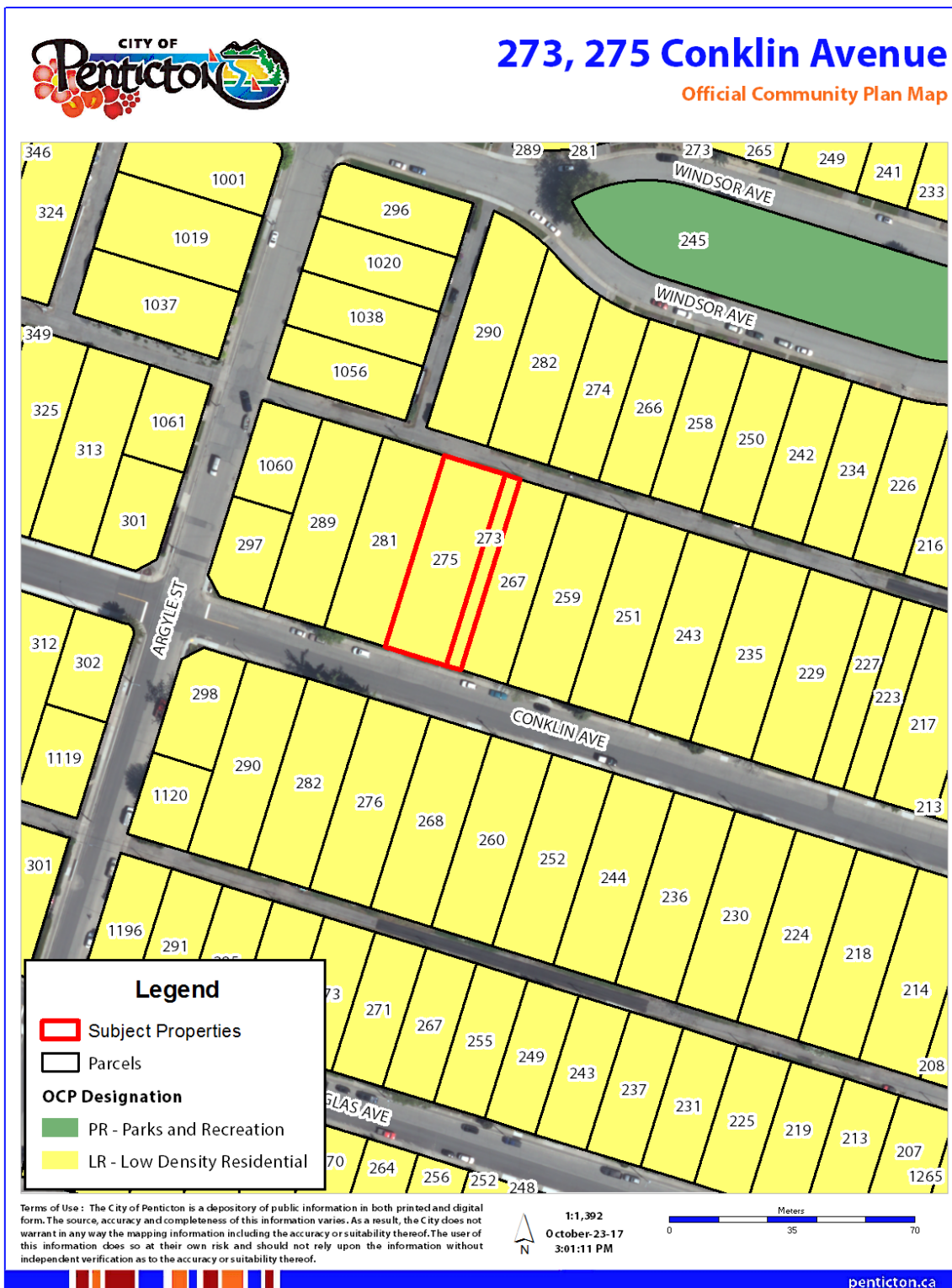


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View of Subject Property (from Conklin Avenue)



Figure 5: North View of Subject Property (from the lane)

Attachment E – Proposed Subdivision

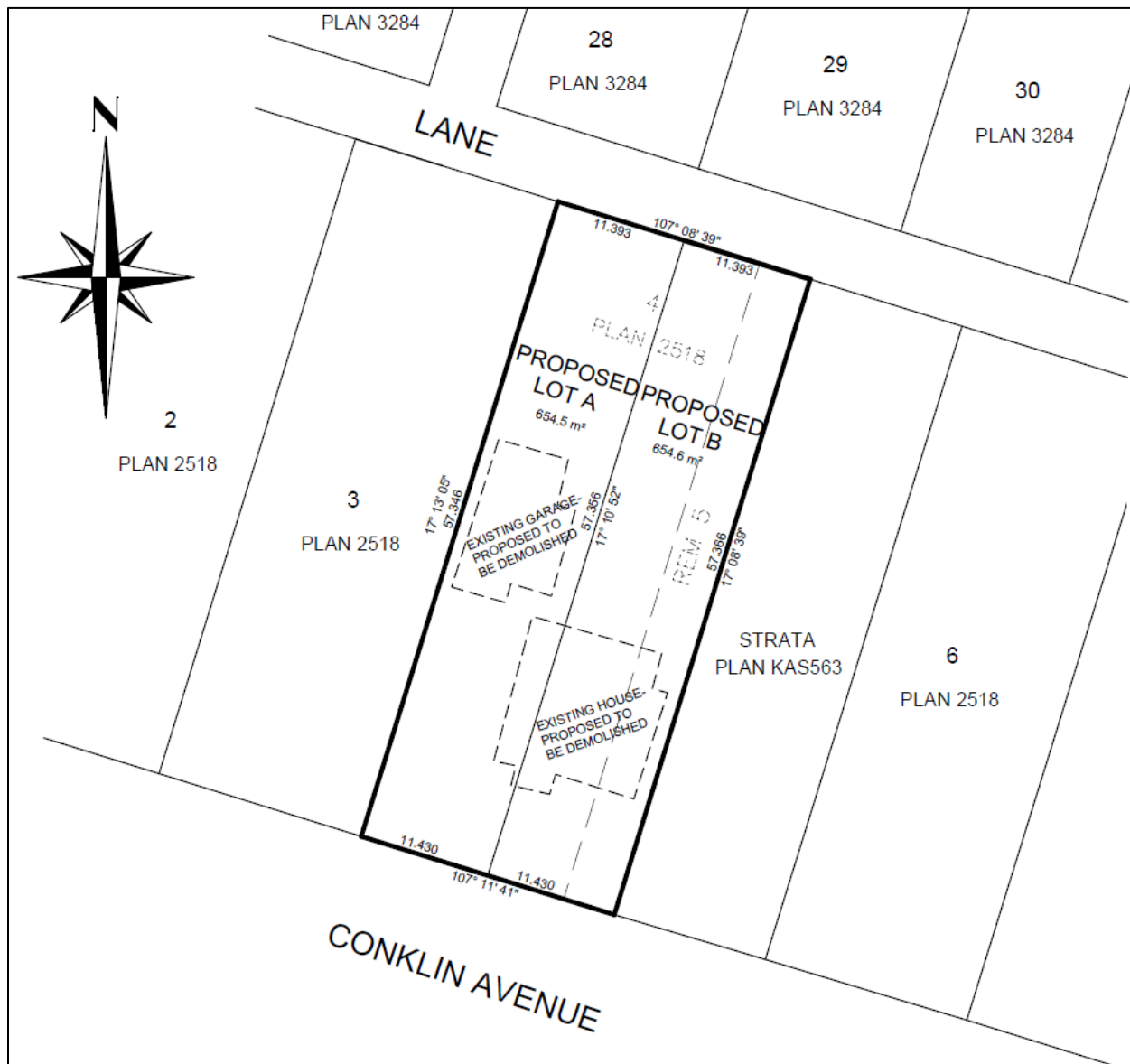


Figure 6: Subdivision Sketch Plan

Attachment F- Letter of Intent

Oct. 16, 2017

Lot Line Adjustment (Variance)

273 & 275 Conklin Ave.

I would like to move one of my lot lines. 273 and 275 Conklin Ave. I have two lots side by side. One is 15 ft. wide and the other is 60 ft. I would ask to have both lots equal. This will require a variance since each lot is 12 meters and the requirement is 16 meters.

- 1) With my lots being 188 ft. long the square ft. is greater than required. (655.7 sq. /meter each)
- 2) My neighbor has a duplex on a lot smaller than mine.
- 3) Up the block he is putting in 2 duplexes on a smaller lot.

Thank for your time.



Doug Hamilton

Production Manager

Penticton BC

Figure 7: Letter of Intent

Attachment G - Development Variance Permit PL2017-8089



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

Development Variance Permit

Permit Number: DVP PL2017-8089

Name:

Address:

Conditions of Permit

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

2. This permit applies to:

Legal: Lot 5 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518 Except the Easterly 45 Feet Thereof Measured Along the Southerly and Northerly Boundaries Thereof

Civic: 273 Conklin Avenue

PID: 004-182-600

Legal: Lot 4 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518

Civic: 275 Conklin Avenue

PID: 004-182-596

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 a lot line adjustment.

- Section 10.1.2.1.i: to reduce the minimum lot width for a standard lot from 16.0m to 11.3m.

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 5 day of December, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Council Report

penticton.ca

Date: December 5, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 115 Preston Avenue

File No: DVP PL2017-8105

Subject: Development Variance Permit PL2017-8105

Staff Recommendation

THAT Council approve "Development Variance Permit PL2017-8105" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 8006, located at 115 Preston Avenue, a permit to reduce the required parking spaces from 3 to 1, to reduce the minimum front yard from 4.5m to 3.0m and to reduce the minimum rear yard for a principal building from 6.0m to 1.5m;

AND THAT staff be directed to issue "Development Variance Permit PL2017-8105."

Background

The subject property (Attachment A) is zoned RD2 (Duplex Housing: Lane) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 343m² (3,692 ft²) in area. A single-family dwelling exists on the subject property with a secondary suite under construction. The surrounding properties are zoned for multiple family and public assembly. The surrounding properties are designated by the OCP as MR (Medium Density Residential).

Proposal

The applicant received a building permit in June of this year to construct a secondary suite. This involved converting a portion of the existing garage to living space. Through this process, it was revealed that there were no footings under the garage walls. The applicant is now proposing to demolish the existing garage and re-build it with a proper foundation and add a second storey for living space. When the house and garage were constructed in 1978, Zoning Bylaw 87-65 allowed the east side (Weyburn Street) to be treated as the front yard, and the north side as an interior yard to which the building conformed. Under the current Zoning Bylaw 2017-08, the south side is considered the front yard as it is the primary façade, with the north side being the rear yard and the east side being an exterior yard. Since the applicant is demolishing the garage completely, the non-conforming rights will be extinguished meaning that a front and rear yard variance is required.

Under the current zoning bylaw, two parking spaces for the principal dwelling and one additional space for the secondary suite is required. There is currently one parking space in the garage.

To summarize, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 6.5 (Table 6.5): to reduce the required parking spaces from 3 to 1.
- Section 10.6.2.6: to reduce the minimum front yard from 4.5m to 3.0m.
- Section 10.6.2.8.i: to reduce the minimum rear yard for a principal building from 6.0m to 1.5m.

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. Building code requirements have been identified and will be addressed as part of the building permit process.

Development Statistics

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

Item	Requirement RD2 zone	Proposed
Maximum Lot Coverage:	40%	31%
Maximum Density:	0.95 FAR	0.56 FAR
Minimum Lot Width:	9.1m	9.217m
Minimum Lot Area:	275m ²	343m ²
Vehicle Parking:	2 spaces per dwelling unit + 1 per secondary suite (3 total)	1 space (variance required)
Required Setbacks		
Front yard (south, Preston Avenue):	4.5m	3.0m (variance required)
Rear yard (north):	6.0m	1.5m (variance required)
Interior yard (west, lane):	1.5m	6.0m
Exterior yard (east, Weyburn Street):	3.0m	6.0m+
Maximum Height	10.5m	6.26m
Other Information:	The subject property is located within the General Multiple Family Development Permit Area, but a single family dwelling with suite is exempt from requiring a development permit.	

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 required parking spaces from 3 to 1.

- Under the current zoning bylaw, two parking spaces are required for the single-family dwelling with an additional space required for the secondary suite. The subject property has one existing parking space in the garage. Due to the narrowness of the lot, the two parking spaces in the driveway are not fully on the subject property meaning they are not counted as legitimate parking spaces. There is approximately a 7.5m long driveway, which can accommodate two more spaces. This situation has existed for decades and there is ample street parking in the area. For these reasons, it is reasonable to support the variance.

Section 10.6.2.6: to reduce the minimum front yard from 4.5m to 3.0m.

- The proposed garage reconstruction and second storey addition will be located 3.0m from the south property line. The required front yard setback is 4.5m. Since the width of the boulevard is significant, the proposed addition will actually sit approximately 7.5m from the street. It will be no closer to the front property line than it is currently. For these reasons, it is reasonable to support the variance.

Section 10.6.2.8.i: to reduce the minimum rear yard for a principal building from 6.0m to 1.5m.

- Under Zoning Bylaw No. 87-65, the north yard was treated as an interior side yard with a minimum setback of 1.5m. Under the current Zoning Bylaw No. 2017-08, the north yard is treated as a rear yard with a minimum setback of 6.0m. As depicted in *Figure 7*, the proposed second storey addition will appear to overlook the neighbor's backyard. This side of the building has no windows and is approximately 6.0m in height, which is much less than the 10.5m permitted in the RD2 (Duplex Housing: Lane) zone. These design features will help to address any privacy concerns for the neighbours. For these reasons, it is reasonable to support the variance.

Deny/Refer Variance

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance.

Alternate Recommendations

1. THAT Council support DVP PL2017-8105 with conditions.
2. THAT DVP PL2017-8105 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: Parking Plan
- Attachment G: Elevations
- Attachment H: Floor Plans
- Attachment I: Letter of Intent
- Attachment J: Development Variance Permit PL2017-8105

Respectfully submitted,

Randy Houle
Planner I

Approvals

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



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

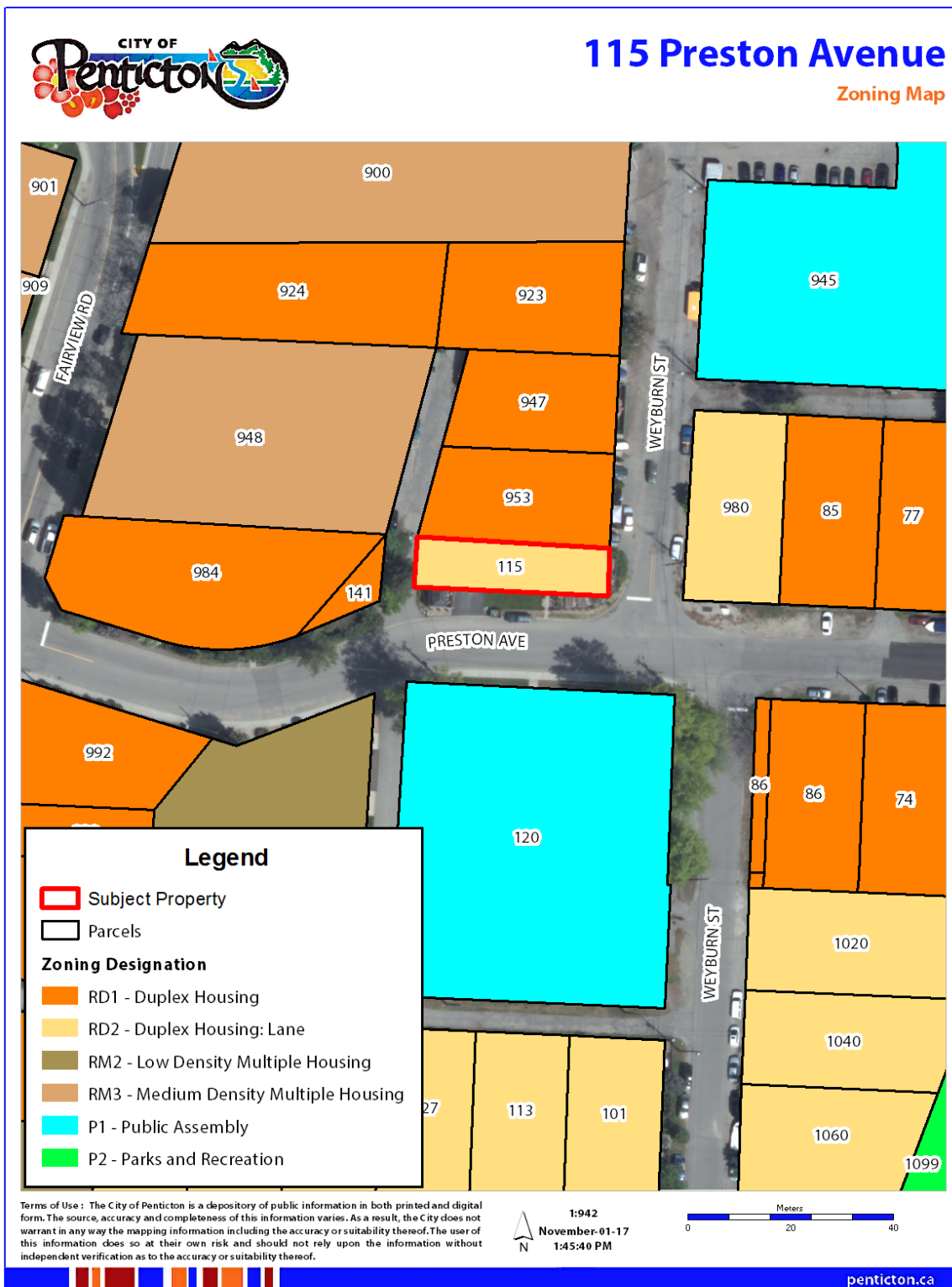


Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View of Subject Property (from Preston Avenue)



Figure 5: East View of Subject Property (from Weyburn Street)



Figure 6: West View of Subject Property (from lane)



Figure 7: West View showing proximity to adjacent duplex

Attachment E – Site Plan

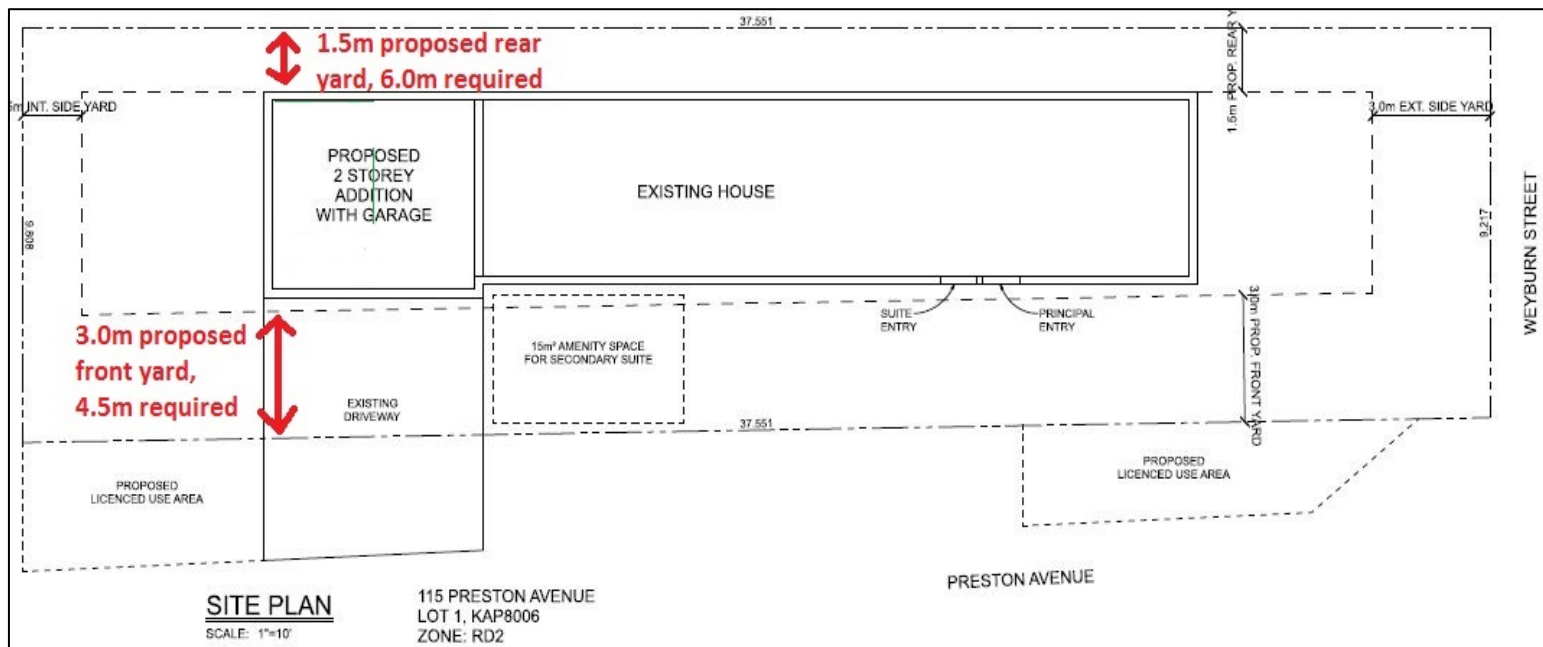


Figure 8: Site Plan

Attachment F – Parking Plan



Figure 9: Parking Plan

Attachment G – Elevations

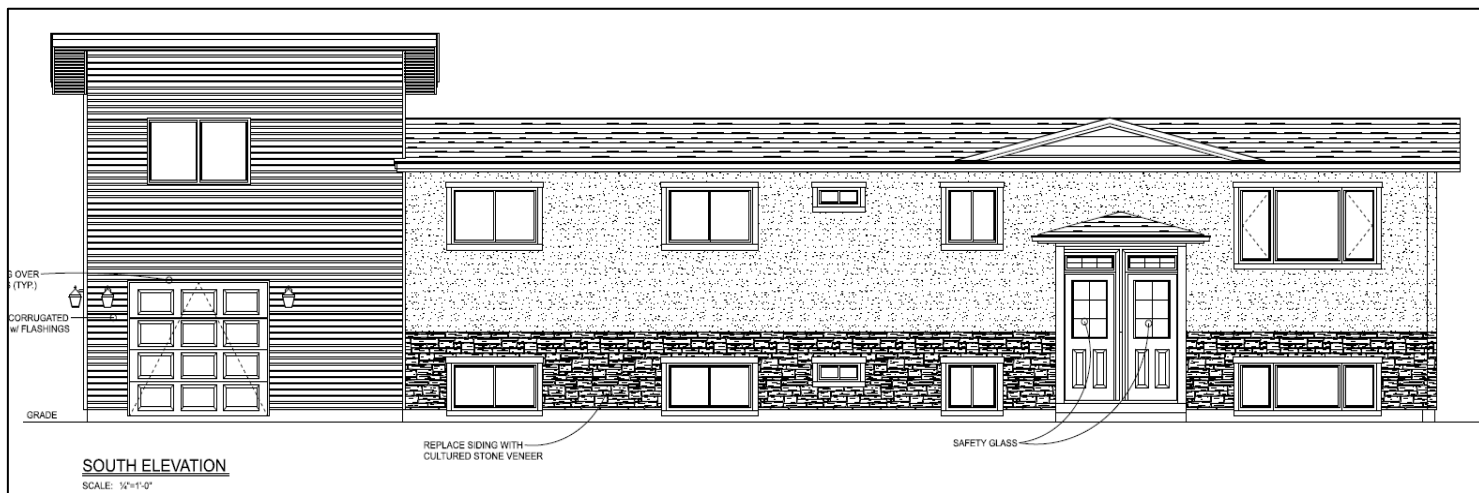


Figure 10: South Elevation (from Preston Avenue)

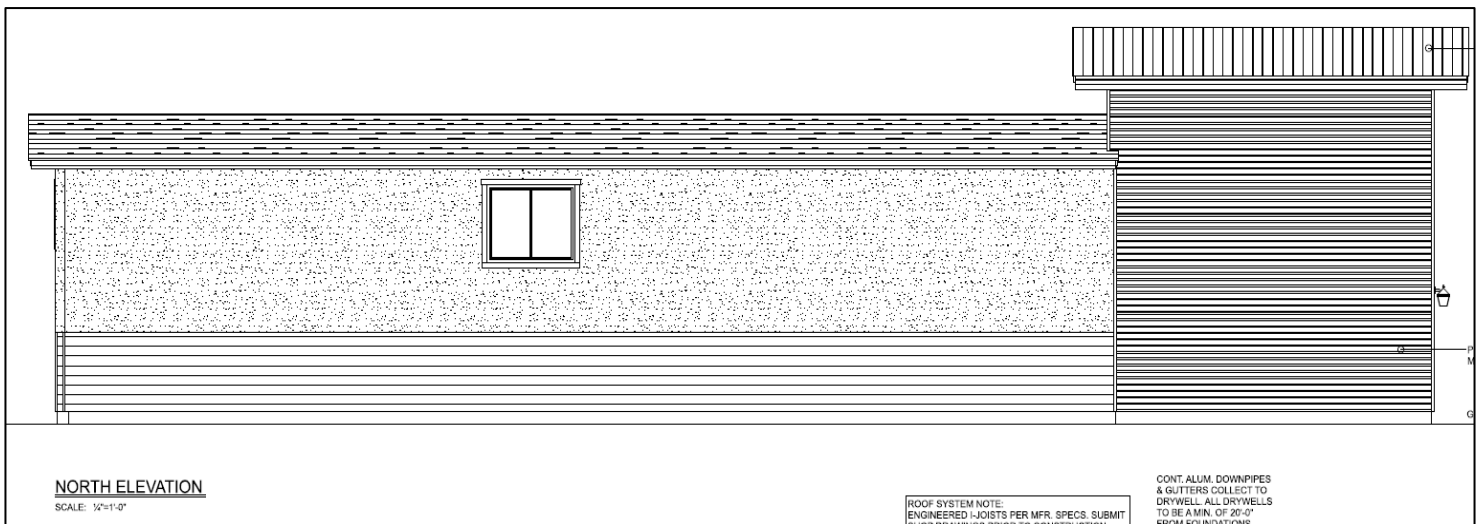


Figure 11: North Elevation (view from neighbours)

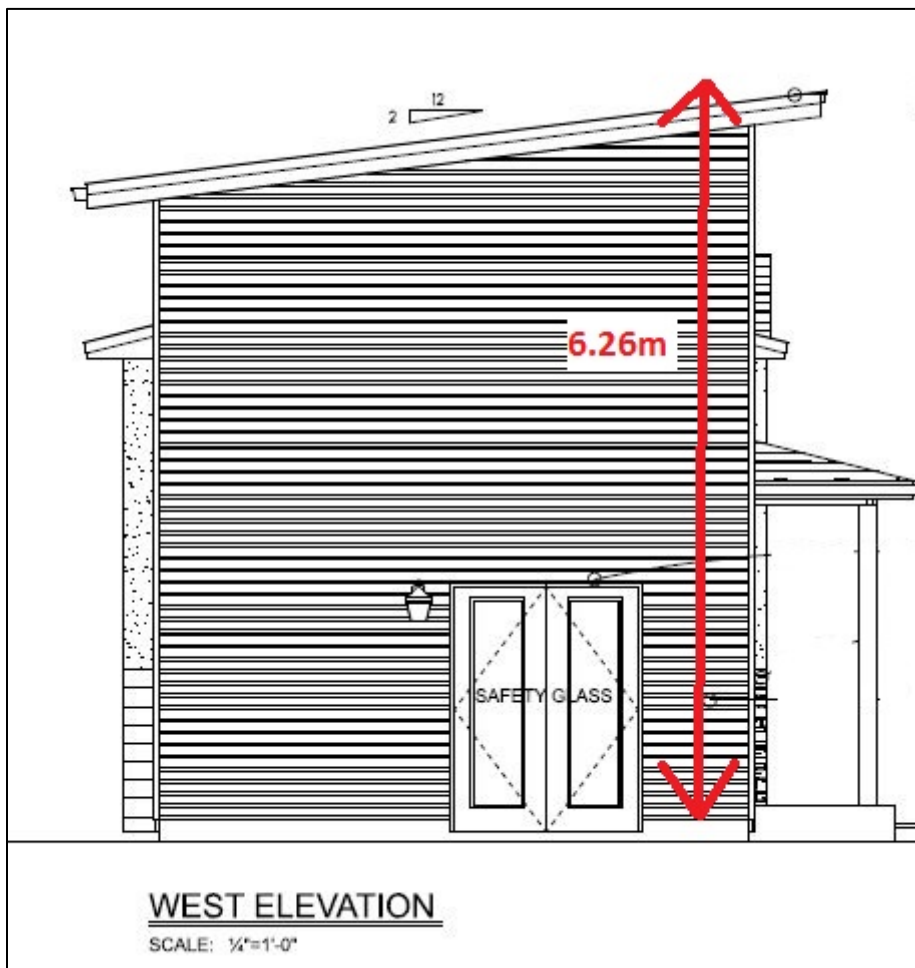


Figure 12: West Elevation (from Lane)

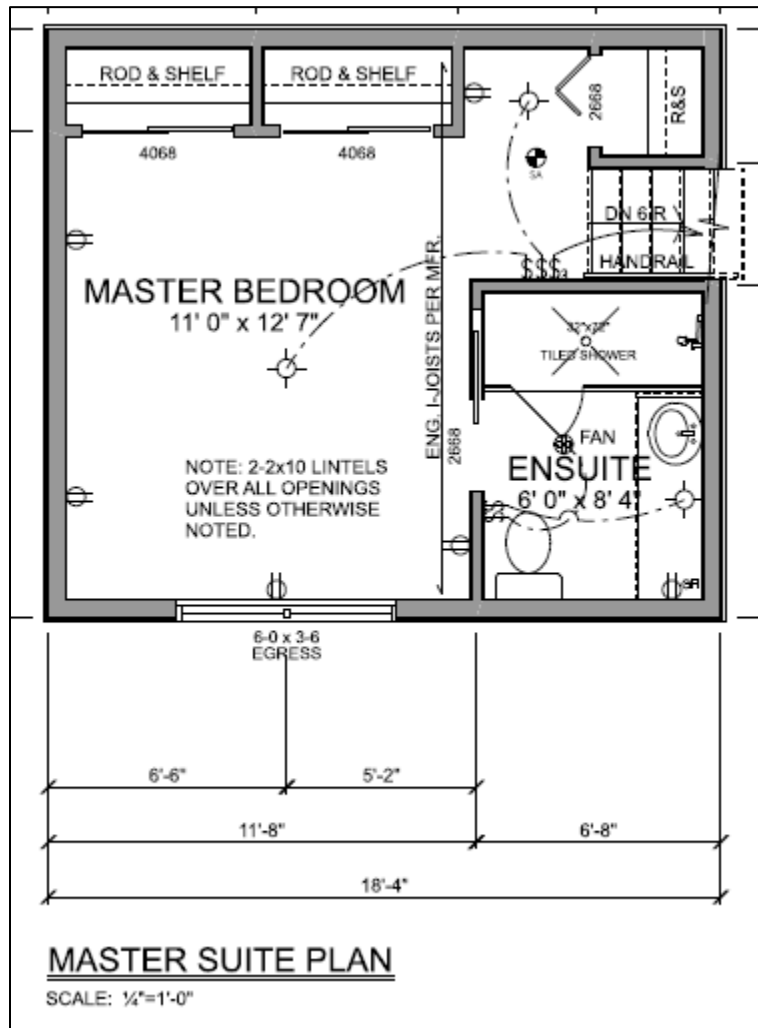


Figure 15: Second Storey Addition above Garage

Attachment I - Letter of Intent

Oct 26, 2017

City of Penticton
171 Main St. Penticton BC
V2A 5A9

Re: Development Variance Permit for 115 Preston Ave., LT 1 PL KAP8006 DL 250 SDYD

Dear Mayor, Council and Staff,

This is a Letter of Intent for a Development Variance Permit for our property at 115 Preston Ave.

On June 17, 2017 we were granted a Secondary Suite Permit #BP008856 so we would be able to transform our basement into a legal secondary suite. Mid-September we started the demolition process to move towards the permitted construction plans. When we were jackhammering the garage floor we realized there were no footings under the garage walls (the garage was to become part of upstairs living space so we could meet the ratio requirements for the secondary suite). So our demolition has come to a stop, and we are not able to proceed until we are granted 3 variances due to the unique shape and size of our city lot.

The variances we are seeking are:

Section 6.5 (Table 6.5): to reduce the required parking from 3 spaces to 1.

-We have plenty of on street parking and two spots in our driveway, but due to the actual lot size it presents like we do not have the required off street parking spaces.

-For the variance we would have one space in the garage and enter into a license to use for the area of the area of the driveway that's on the city boulevard.

Section 10.6.2.6: to reduce the minimum front yard from 4.5m to 3.0m.

-our city lot is uniquely narrow and our 1978 home was built to the lot size

Section 10.6.2.8.i: to reduce the minimum rear yard for a principal building from 6.0m to 1.5m.

-our city lot is uniquely narrow and our 1978 home was built to the lot size

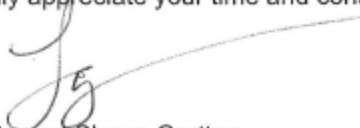
We would be interested in purchasing the city owned portion of the lot, if that would be considered. It would eliminate the need for 2 of the variances, and only require us to the the rear yard variance.

We will not be able to proceed with the secondary suite construction unless the garage foundation is re-poured (with your variance approval) since we are having to completely re-build the garage (instead of the renovation that was planned) we are also looking at adding a second floor to the garage to add

square footage to our upper livable space and change the aesthetics of the house to a more modern look and feel.

We proceeded with this renovation with a building permit and approval for parking as our lot currently exists, and now we are in a state where our garage floor is demolished and it is not usable. We are hopeful you will consider this letter and application so we can move forward and finish our secondary suite which will add one more rental unit for the low vacancy rental market.

We truly appreciate your time and consideration,

A handwritten signature in cursive script, appearing to read 'L & S', with a long horizontal flourish extending to the right.

Linnette and Shaun Gratton
115 Preston Ave.

Figure 16: Letter of Intent

Attachment J - Development Variance Permit PL2017-8105



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

Development Variance Permit

Permit Number: DVP PL2017-8105

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 8006
Civic: 115 Preston Avenue
PID: 009-879-510
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for an addition to a single family dwelling.
 - Section 6.5 (Table 6.5): to reduce the required spaces from 3 to 1.
 - Section 10.6.2.6: to reduce the minimum front yard from 4.5m to 3.0m.
 - Section 10.6.2.8.i: to reduce the minimum rear yard for a principal building from 6.0m to 1.5m.

General Conditions

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

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the 5 day of December, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Council Report

penticton.ca

Date: December 5, 2017 File No: RMS ADDRESS/450 Martin
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 450 Martin Street
Subject: **Phased Development Agreement – 450 Martin Street (P2 Developments)**

Staff Recommendation

THAT Council receive the letter attached to this report as "Attachment A" from the owner of P2 Developments Inc. requesting a mutual cancellation of the Phased Development Agreement for 450 Martin Street for consideration;

AND THAT Council agree to the request to return \$150,000 that was intended for downtown planning work to the owners of P2 Developments Inc. and to remove any encumbrances from title referencing the development envisioned by the Phased Development Agreement;

AND THAT Council deny the request for compensation for the road dedication area or to rededicate the road dedication area back to the owners;

AND THAT Council direct staff to proceed with the following steps prior to cancellation of the agreement:

1. Amend City of Penticton Zoning Bylaw 2017-08, removing the CD1 zone from the bylaw, rezoning 450 Martin Street from CD1 to C5
2. Amend "Official Community Plan Bylaw 2002-20" reducing the site specific height maximum for 450 Martin Street
3. 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).

Executive Summary

In 2009, the City entered into a Phased Development Agreement with the owners of 450 Martin Street to construct a 23 storey mixed use project (Penticton Place – P2). The development has not proceeded in the years since the agreement was signed for a variety of reasons – technical and economic. The owners have now provided the City notice that they no longer wish to proceed with the development as outlined in the agreement and are requesting that the City mutually agree to cancel the agreement. As part of this process the developers would be giving up density negotiated through the agreement and are requesting the following concessions from the City:

- That the City discharge any encumbrances from title related to the development
- That the City return the \$150,000 that were given to the City for a downtown planning work; and

- That the City transfer back dedicated road, or pay fair market value for the road dedication area

The following report provides background on this project and a recommendation for Council to agree to the first to concession but not the third concession.

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 PAZRs 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 for 450 Martin Street 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 deemed to be 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 developer 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 minor road dedications were made to the City (0.9m along Martin Street and Padmore Avenue as well as 8.5m corner cuts). 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.

Request to mutually cancel the PDA

The property owner has submitted a letter to the City with a request to mutually terminate the PDA. The letter outlines the fact that both parties (the City and the developer) were not aware of the federal aeronautics regulations prior to entering into the agreement as the reason to mutually cancel. The letter also requests that the City restore the developer back to their original position by discharging any covenants on the property in relation to the subject development plans, returning the \$150,000 provided for a downtown plan and to transfer those lands back to the City that were dedicated as road.

Analysis

Given all of the above, 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, supporting a mutual cancellation of the PDA makes sense (the alternative would be to let the agreement lapse and initiate the default provision section of the agreement).

In regard to the conditions of a mutual cancellation of the agreement, staff have no objection to removing the encumbrances from title as they are linked to the design of the building as shown on the plans contained in the PDA document and would make it difficult to develop the lands with an alternative design. Staff are also in agreement with the request to return the funds that were transferred to the City for downtown planning work. The funds have been put aside and have not been spent to date.

Staff, however, do not agree that the road dedications should be returned to the larger parcel or that fair market value be paid for the lands. As part of the zoning or other approvals process lands are routinely dedicated to the City for the purpose of road widening (for wider sidewalks, street trees, bicycle lanes and additional travel lanes). These lands are, in most cases, voluntarily dedicated to the City as part of the development process for no cost (other than survey and transfer fees, which the City often pays).

Once a dedication proceeds, those lands become part of the public realm. It is difficult to 'un-do' a road dedication. The lands must be closed through a road closure bylaw and then consolidated back to the original parcel. This is rarely done and administratively cumbersome. Staff do not feel it is warranted in this case and would not be in the public interest.

As for compensation for the lands, again, staff do not feel this would be in the public interest. The developer entered into the agreement with the risk that the development would not proceed and agreed to dedicate the lands to the City. If the developer did not agree to dedicate the lands, the City would not have pursued purchase of them, so to agree to purchase them now would not be in the best interest of the City and could be viewed as a gift to the developer.

Furthermore, staff do not feel that the dedicated lands reduce the developability of the property in any way. To the contrary, the wider sidewalks the road dedication area allows as well as the corner cut plazas will create better curb appeal to any project constructed on the lands.

Ultimately, staff consider the best way to move forward is to agree to the cancellation of the agreement and agree to refund the \$150,000 for the downtown plan and remove any encumbrances from title. From there, staff will continue to work in a positive direction with the developer on an alternative design meeting the intent of the downtown plan and working within the C5 zoning regulations. This site is a key strategic location for future downtown development and the C5 zoning regulations allow for a sizeable contribution to the community in the downtown core. Over the coming year staff will continue to work with the land owner to assist in determining the best use for the land in line with the vision created as part of the Downtown Plan.

While compensation for the road dedication area is not being offered, there are some significant benefits to the developer with proceeding in this way, including:

- no longer providing all of the agreed public amenities (saving payments of \$350,000 and \$20,000)
- receiving a \$150,000 refund
- no longer being required to build to LEED certification
- no longer being required to build in accordance with the previous plans
- clean title

For these reasons, staff are recommending that Council support the following plan:

1. Deliver notice to the developer of agreement with the plan to mutually cancel the PDA
2. Proceed with amendments to the OCP and Zoning Bylaw to remove the height allowances permitted by the previous development approvals.
3. 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.
4. Return the \$150,000

Alternate recommendations

1. THAT Council support the compensation of the road dedication area.
2. THAT Council agree to the cancellation of the agreement but not agree to the return of the \$150,000 or compensation of the road dedication area.

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 Manger

Approvals

Director Development Services <i>AL</i>	Chief Administrative Officer PW
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Attachment A
Letter of request

November 14, 2017

By email: anthony.haddad@penticton.ca

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

Attn: Anthony Haddad, Director, Development Services

Re: File No: RMS ADDRESS/450 Martin
Address: 450 Martin Street

This is further to your email dated November 3 and November 10, 2017.

On September 6, 2017, we had respectfully requested a 3 year extension to our original Phased Development Agreement for this site in order to allow sufficient time to reach consensus on how to move forward. While that is still our preference, we are aware that you will not be recommending such an extension to Council. Needless to say, we are disappointed, in part because we have already:

- Provided the City with encumbrances on title;
- Paid to the City the sum of \$150,000; and
- Dedicated to the City certain road allowances.

All this was done in good faith and in reliance on the effectiveness of the Phased Development Agreement.

That said, we recognize the difficult position that both the City and we are in because of the Phased Development Agreement's conflict with the Federal aeronautics regulations – regulations that we were both unaware of at the time of entering into the Phased Development Agreement.

In recognition of that difficult position we are both in, we would be willing to voluntarily cancel the Phased Development Agreement provided the City is willing to restore us back to our original position. With a "clean slate", we would expect that we and the City would be able to work cooperatively to create a new site plan that is both commercially feasible for us while also being in keeping with the City's current downtown revitalization efforts.

Restoring us back to our original position (pre-PDA) would involve:

- The City discharging the encumbrances from title;
- The City paying the \$150,000 back to us; and
- The City transferring back the dedicated road (or, if that process is too difficult, paying fair market value for those areas dedicated as road).

Kindly consider these submissions and provide us with your position on the matter before this matter and your recommendations are put back before Council.

Respectfully,



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;

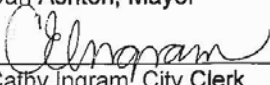
NOW THEREFORE the Municipal Council of the Corporation of the City of Penticton in open meeting assembled ENACTS AS FOLLOWS:

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
RECONSIDERD, 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.

o

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

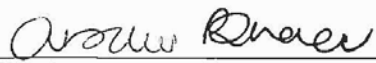


Cathy Ingram, City Clerk

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

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

By its authorized signatories:



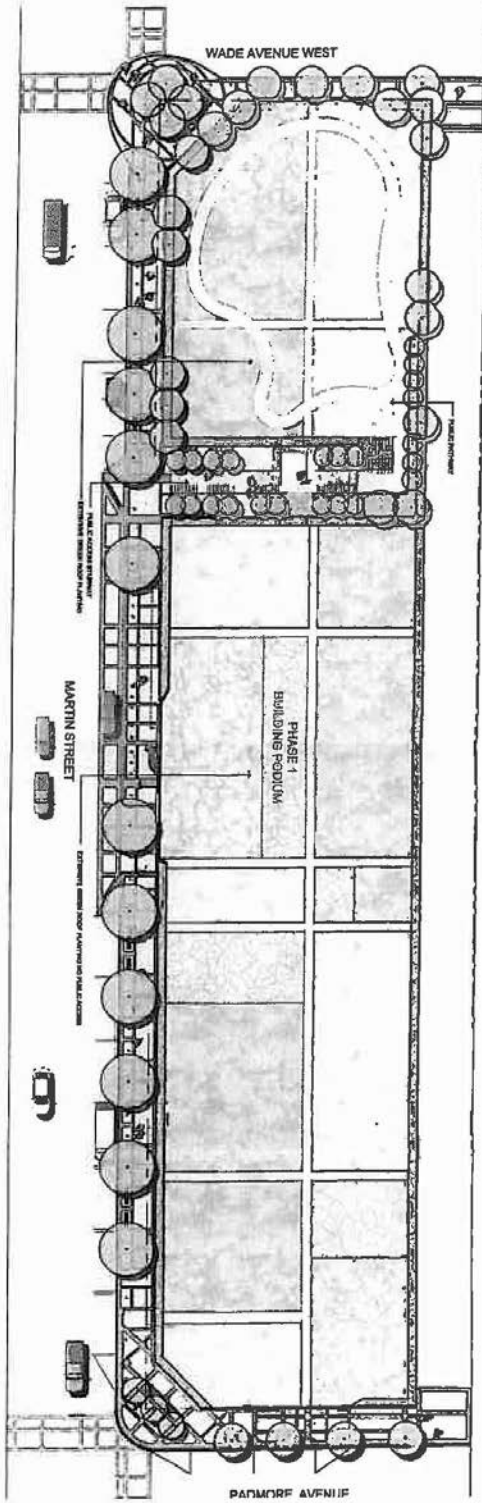
Signature

ABDUL PAHALOO

Print name

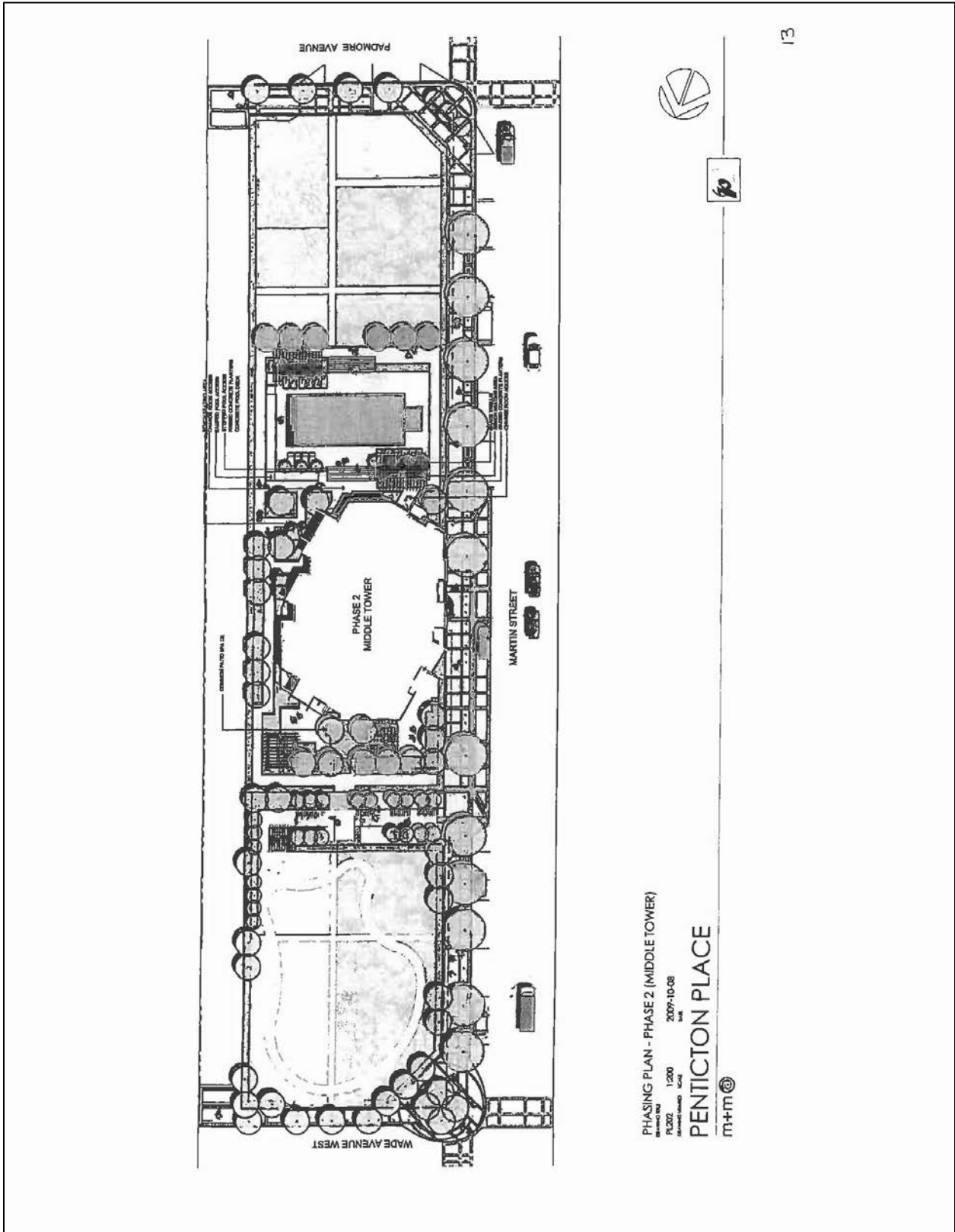
SCHEDULE A
PHASING PLAN (four pages)

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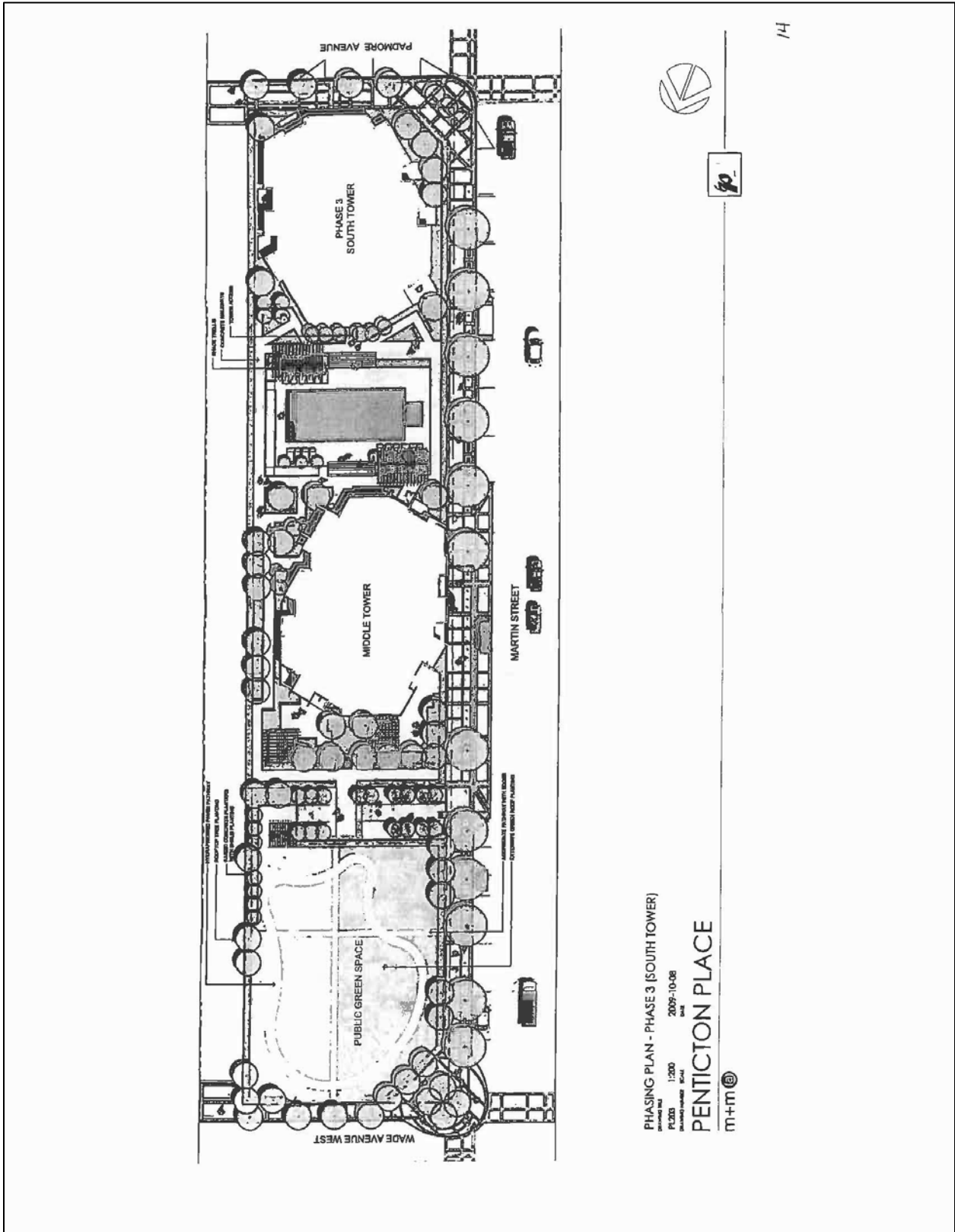


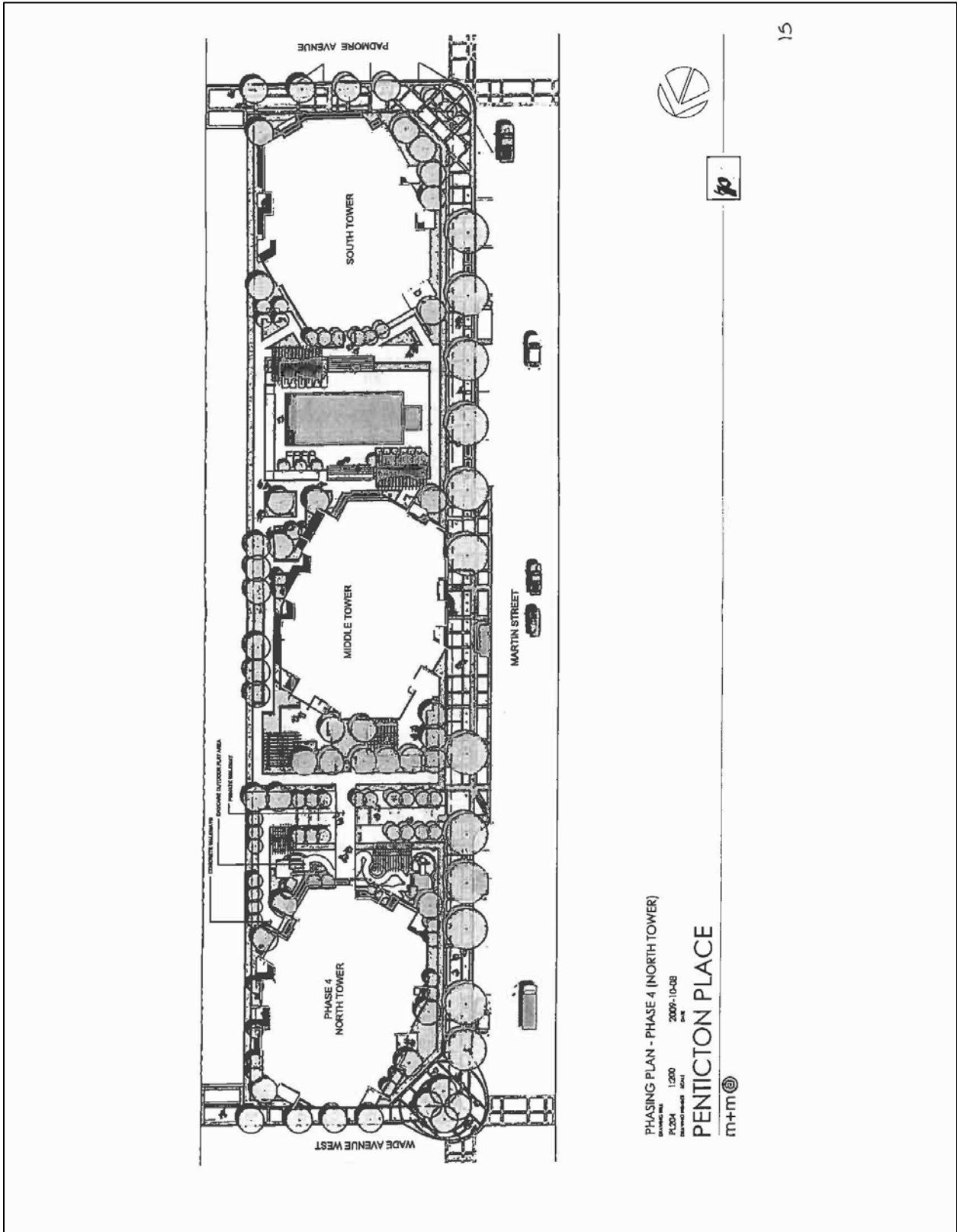
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 PROJECT NO. 1230
 PREPARED BY DATE 2009-10-08
 M+M



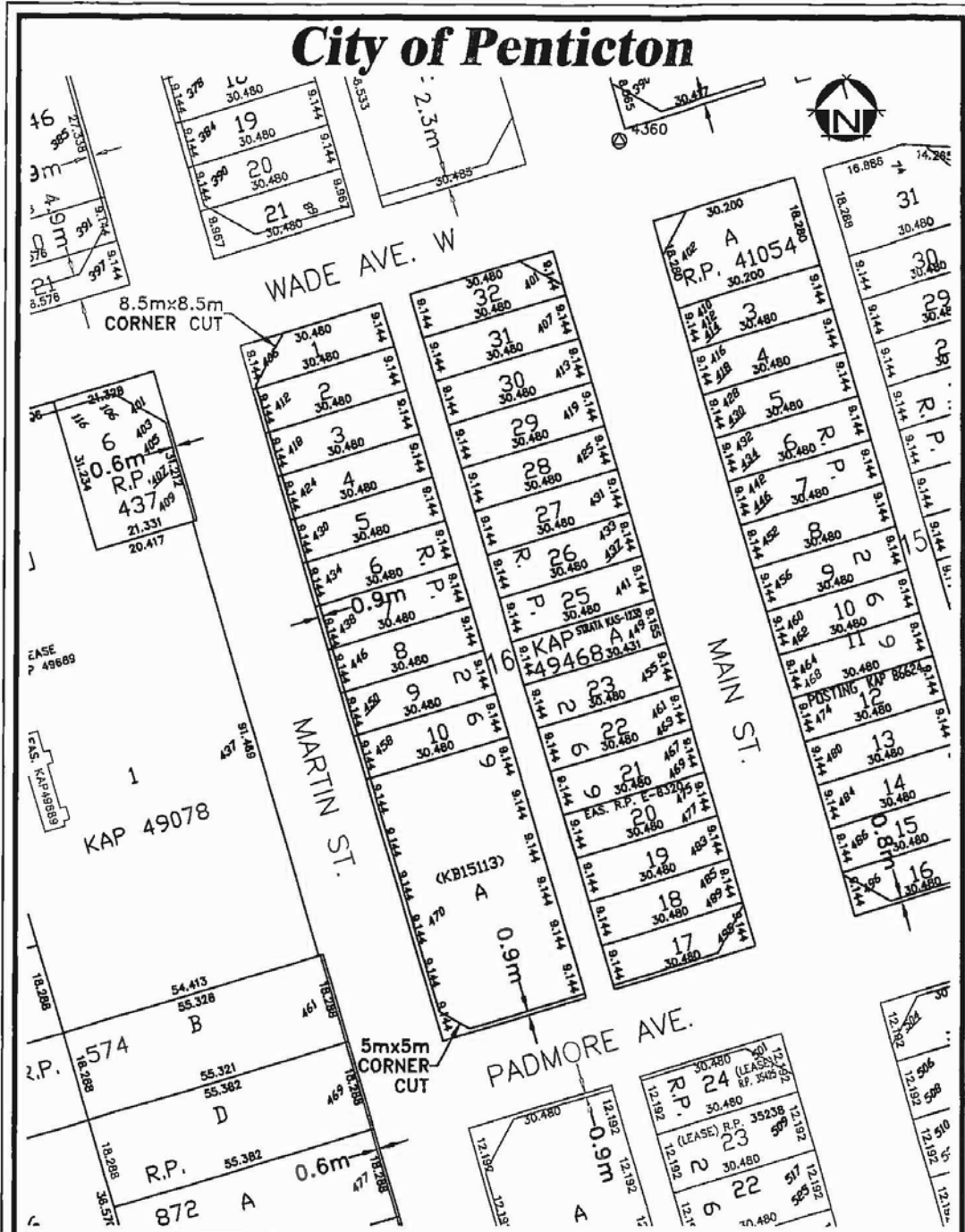


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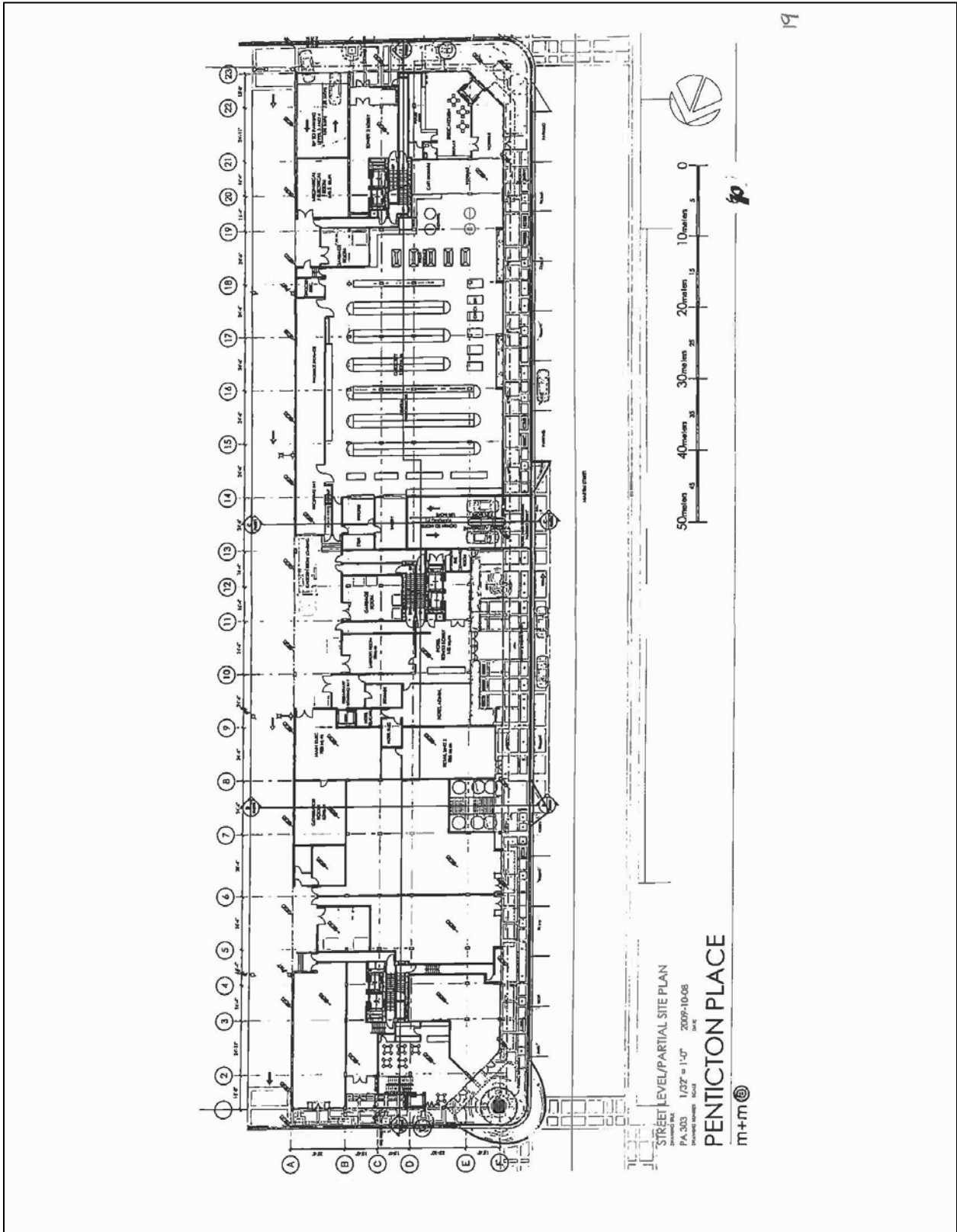


**SCHEDULE B1
HIGHWAY DEDICATIONS**



SUBJECT: 450 MARTIN STREET ROAD WIDENING
 DATE: 2009-10-01 SCALE: 1:1000 FILE NO: 10545

SCHEDULE B2
BUS STOP LOCATION FOR STATUTORY RIGHT OF WAY

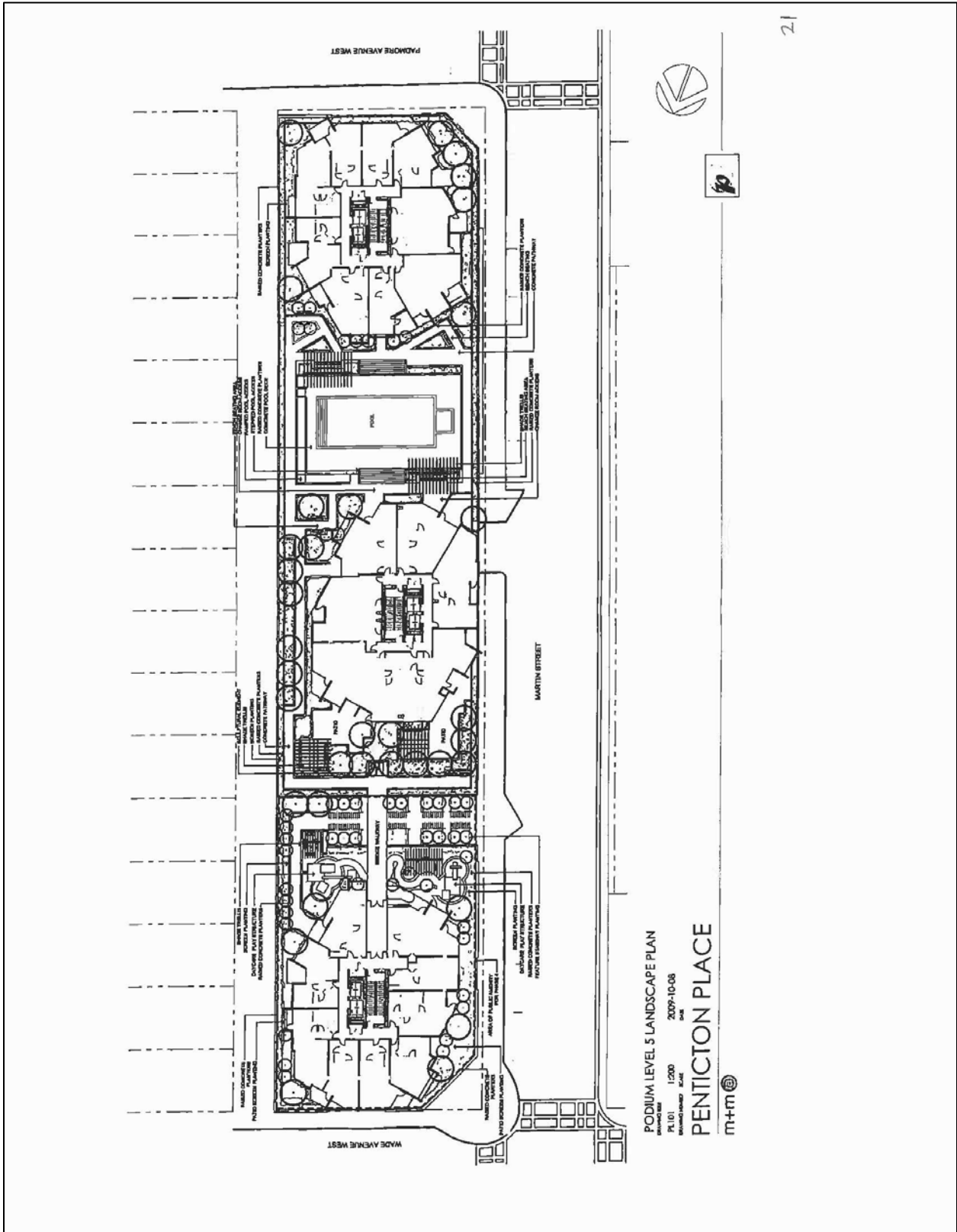


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SCHEDULE B3

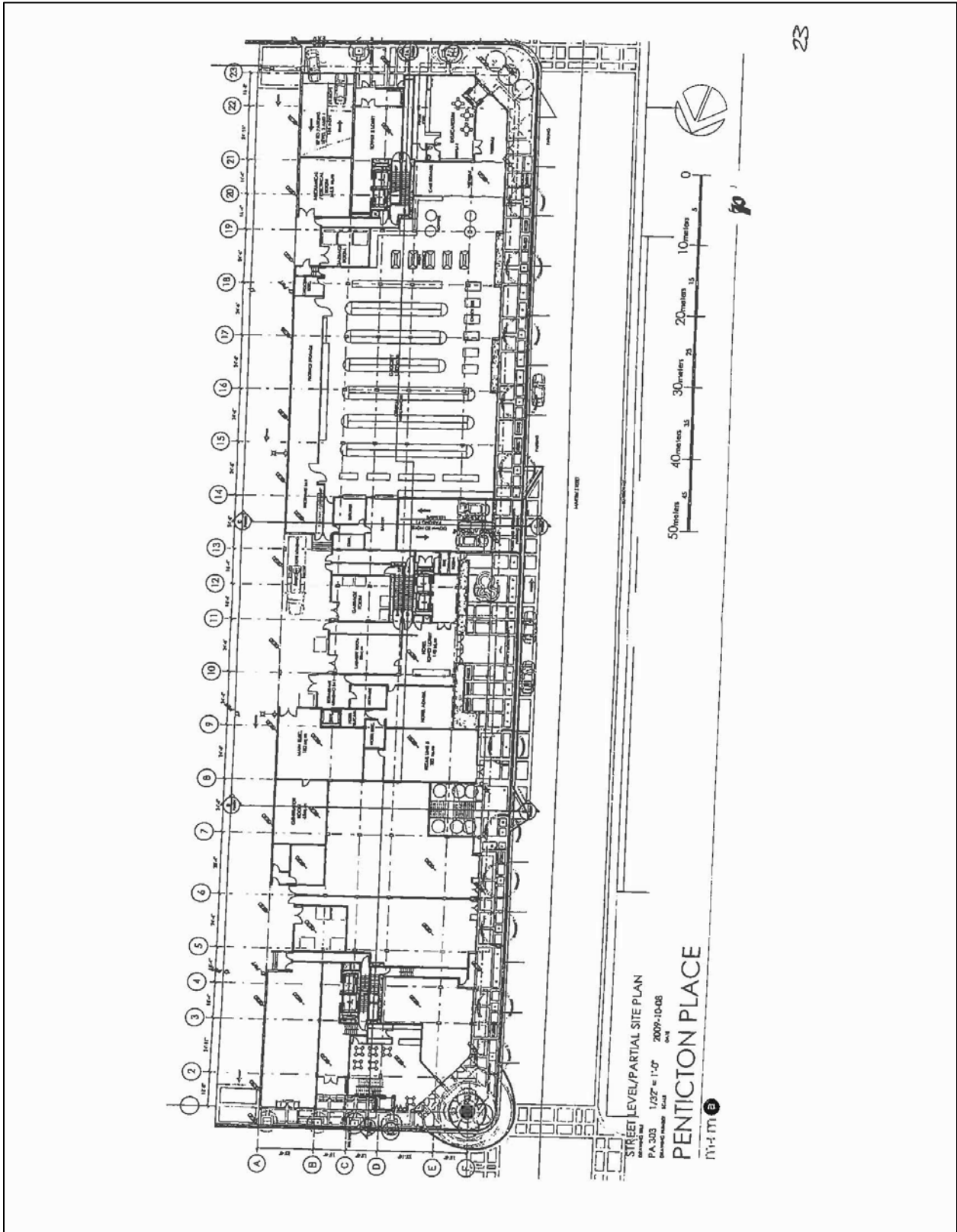
ROOFTOP AMENITY AREA FOR STATUTORY RIGHT OF WAY

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SCHEDULE B4

LOCATION OF PUBLIC ART AMENITY



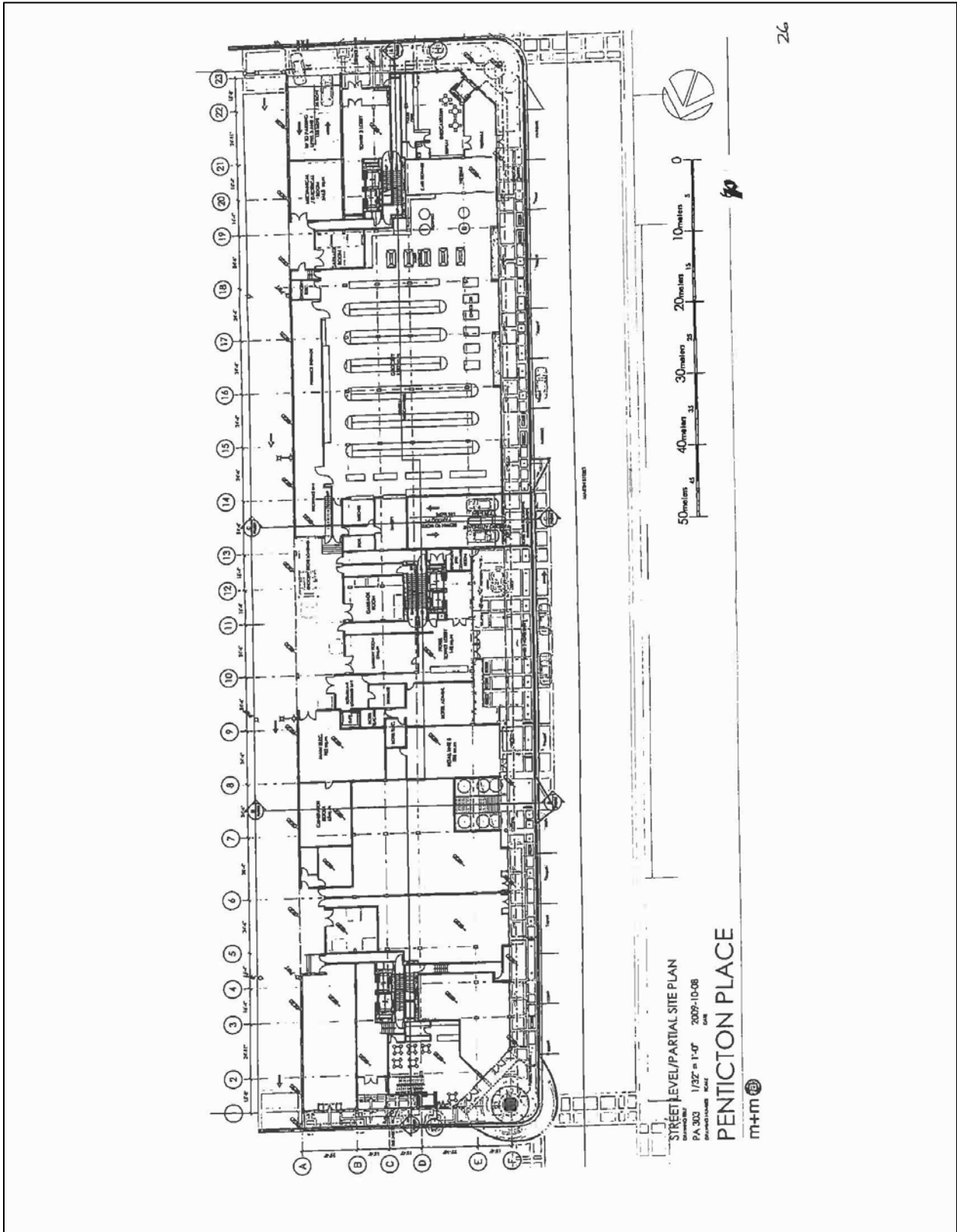
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SCHEDULE B5

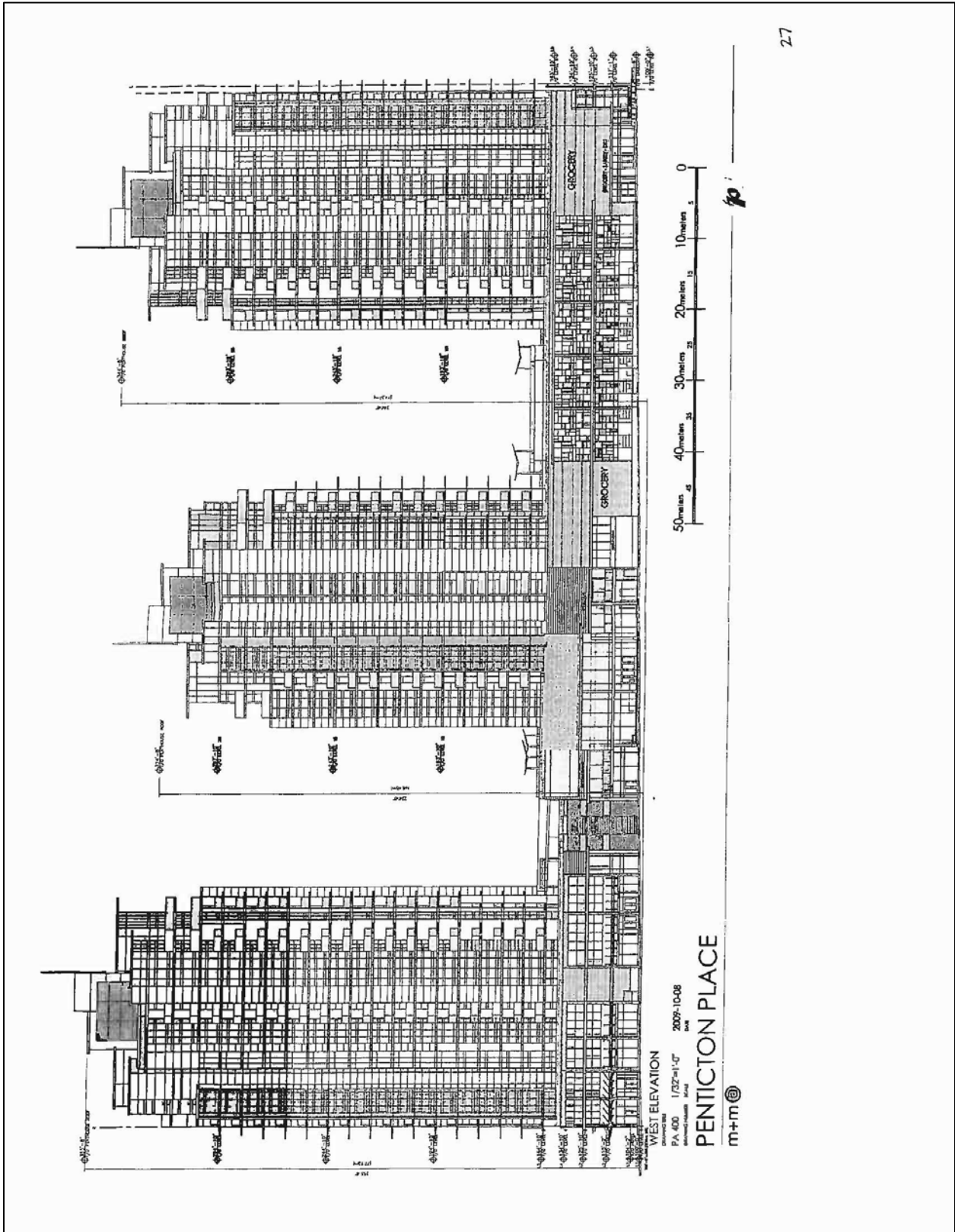
ELECTRICAL DISTRIBUTION SYSTEM UPGRADES

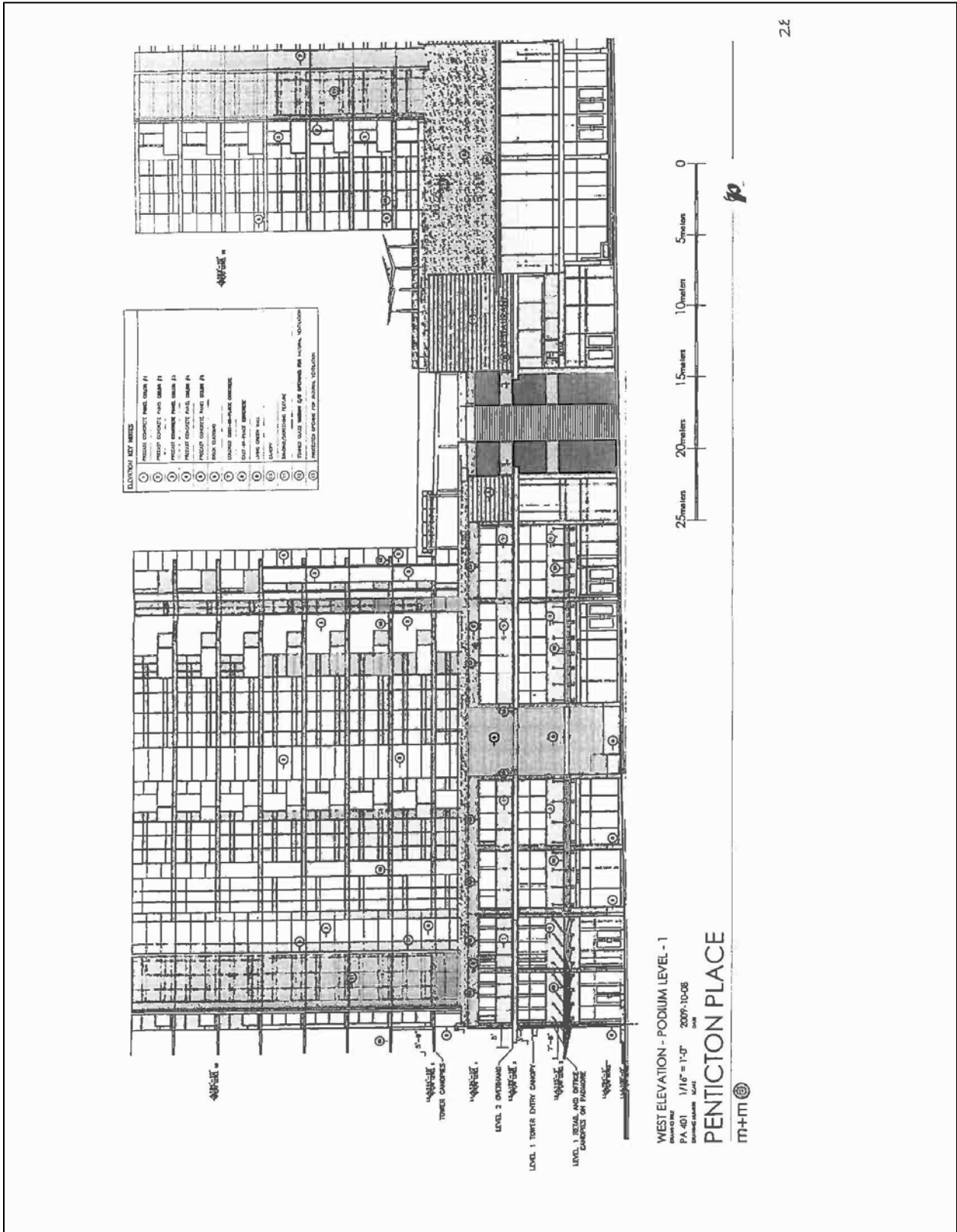
- Remove underground 3-phase primary lateral from Pole #14 and route cables to new 1232 electrical vault located on the sidewalk east of the lane and providing primary service to the Land
- Install new ducts and primary cables from the new vault to Pole #12 in the lane south of Padmore Avenue and relocate 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

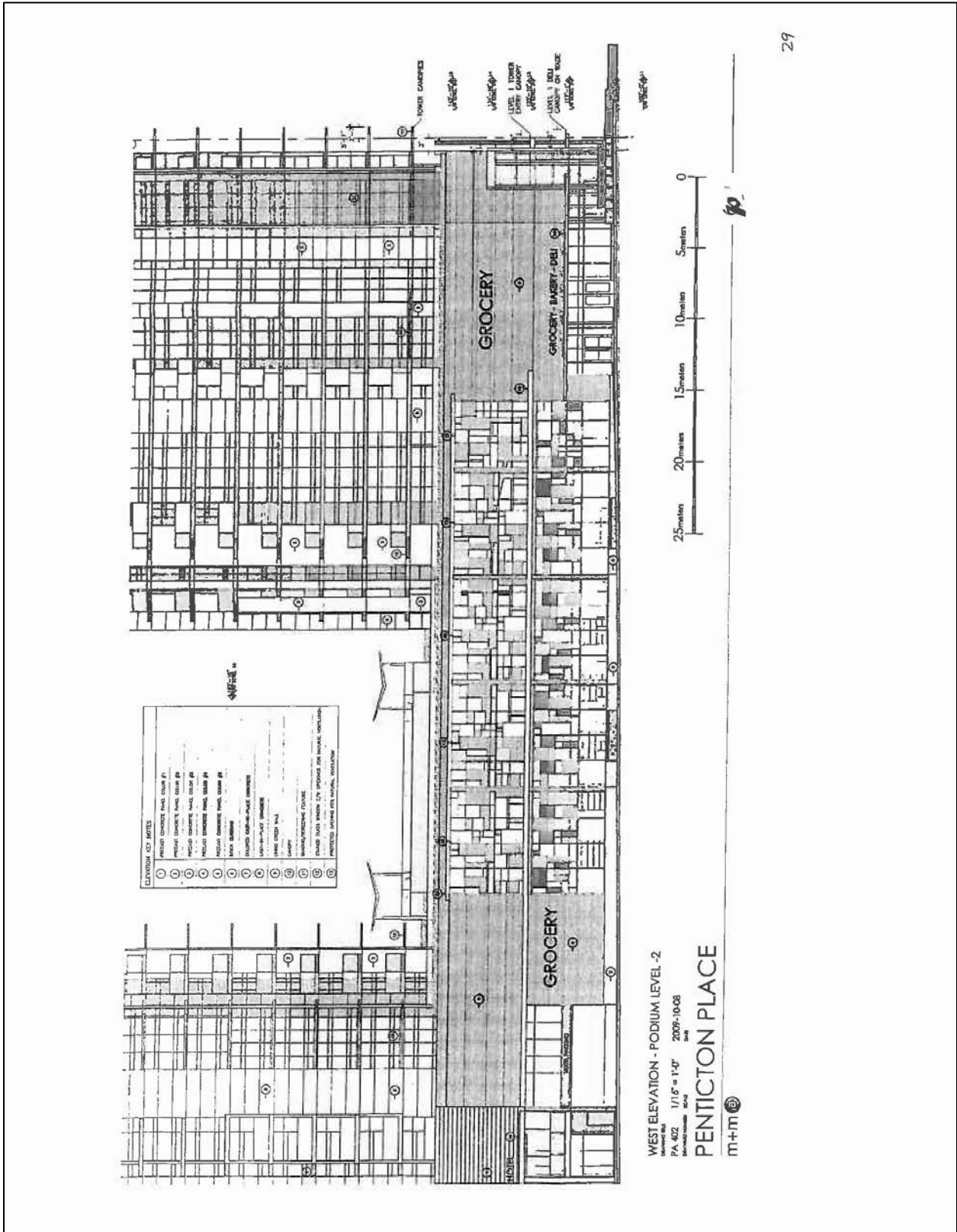


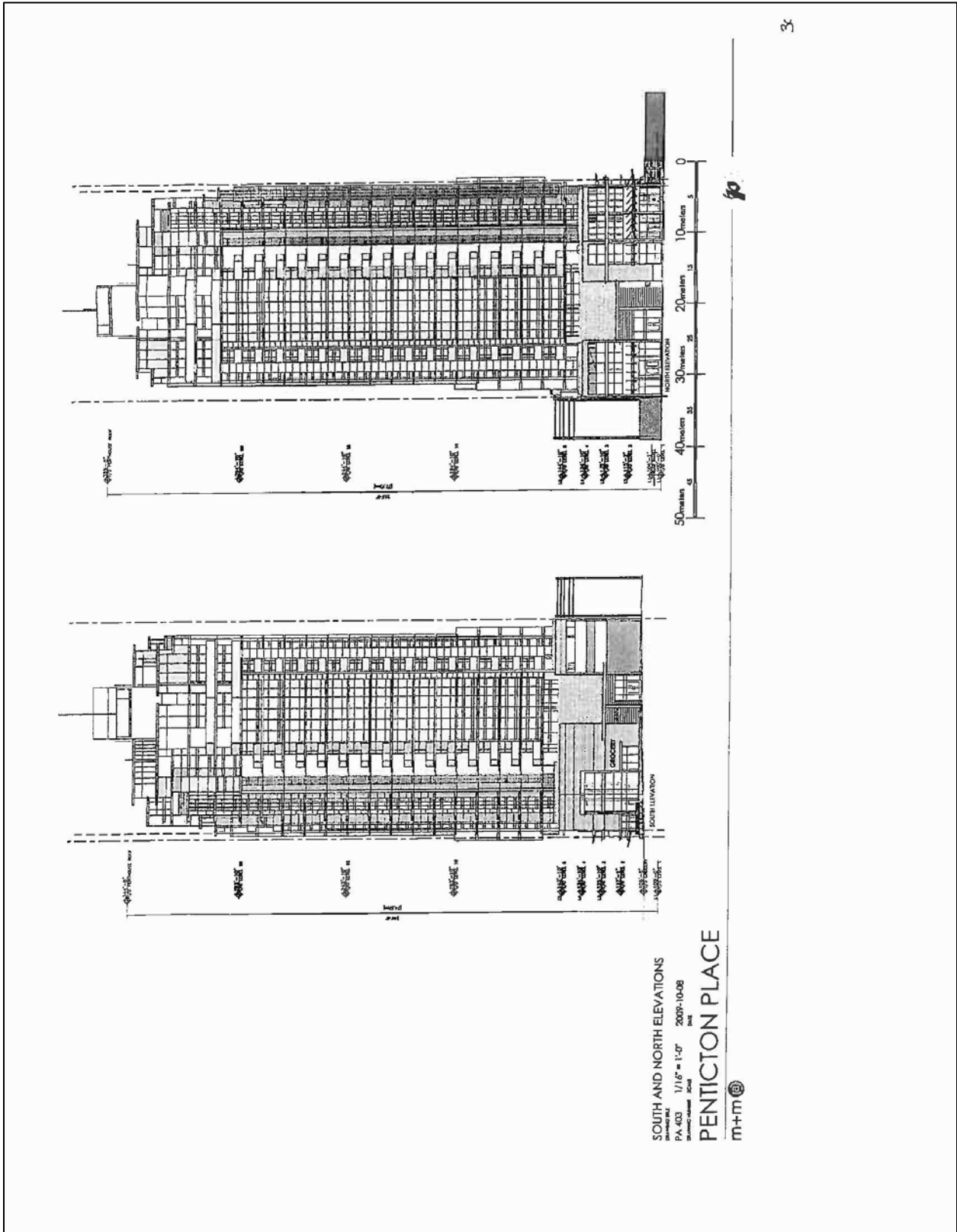
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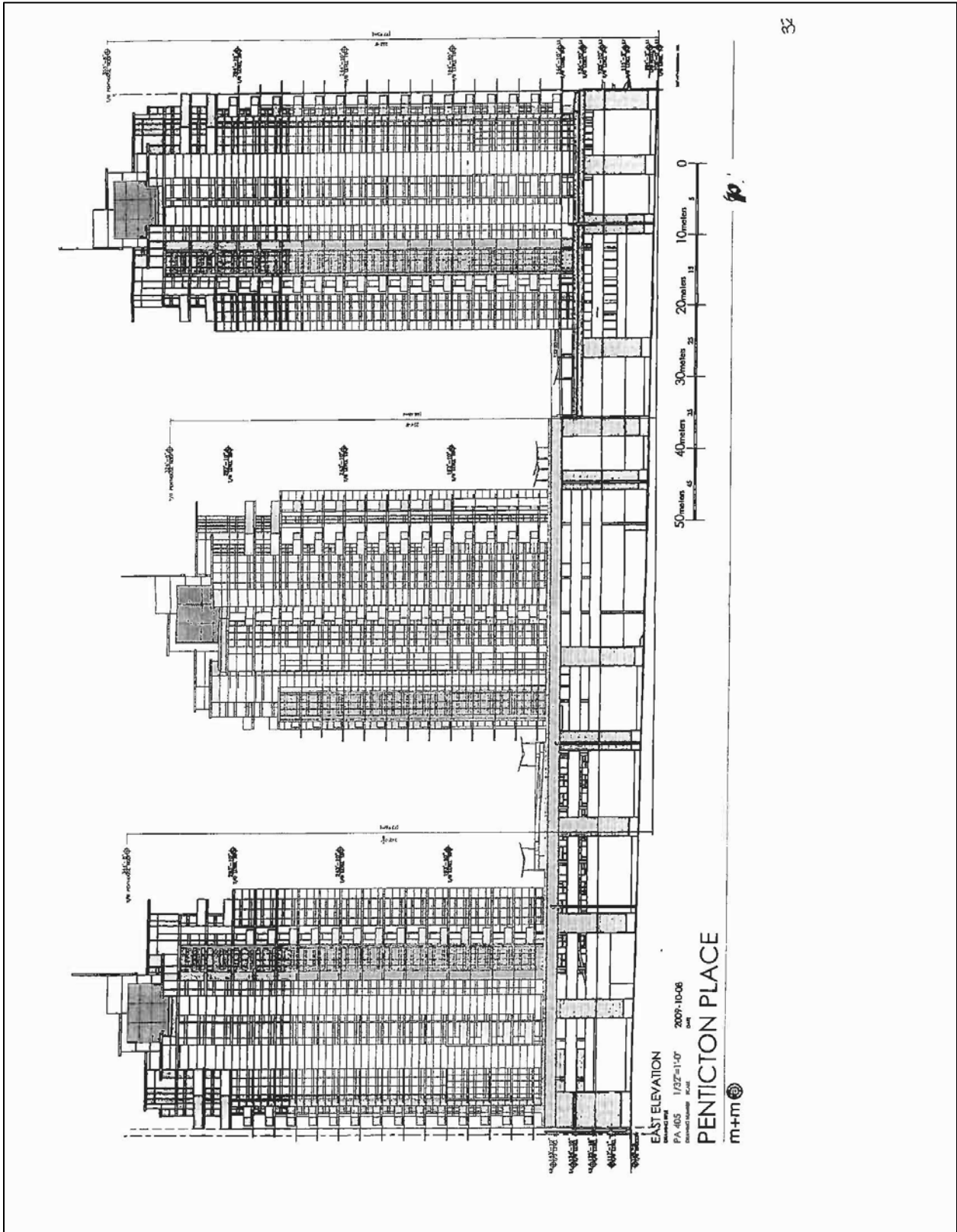


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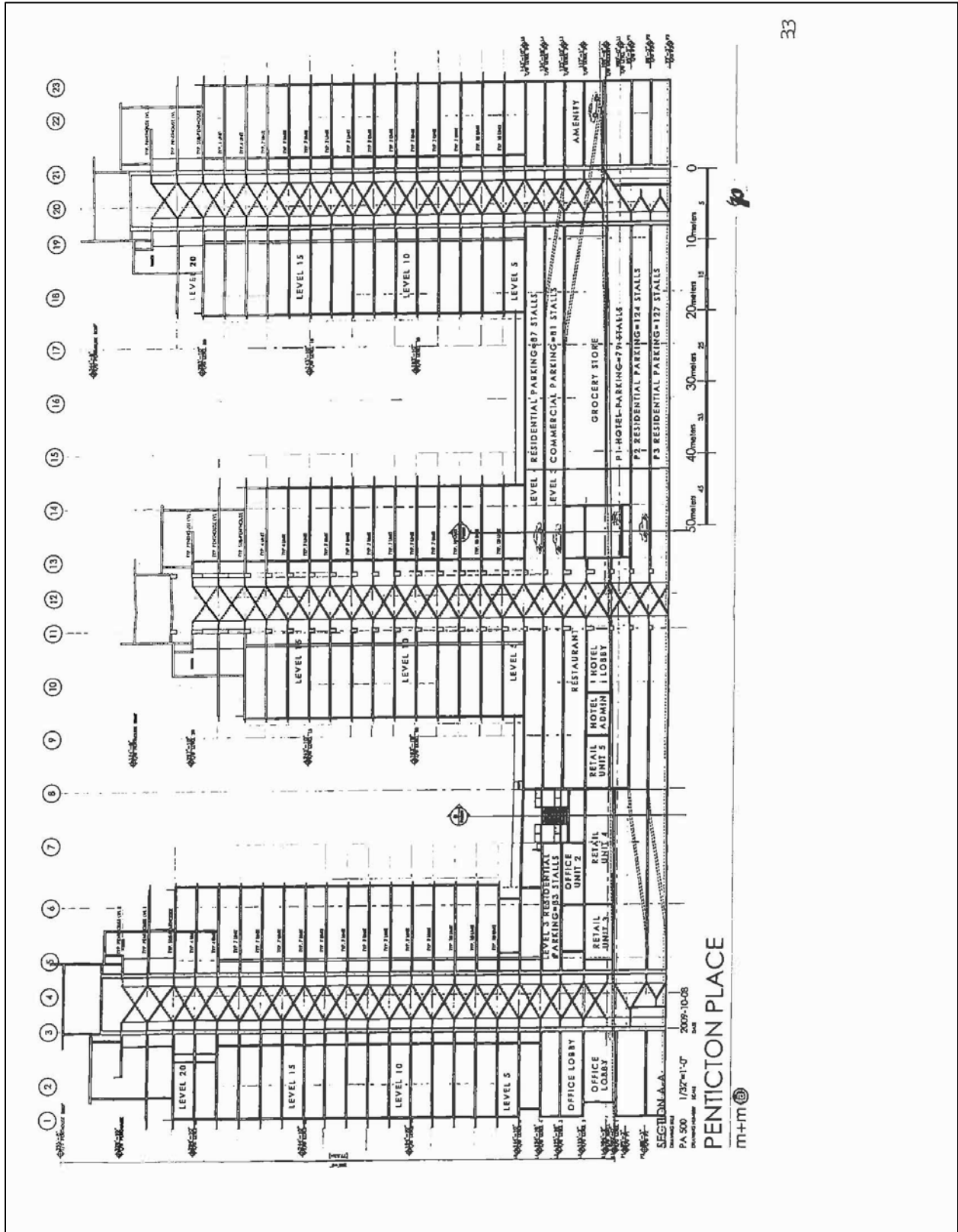




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32



END OF DOCUMENT

Council Report

penticton.ca

Date: December 5, 2017
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 453 Eckhardt Avenue West

File Nos: RZ PL2017-8092
DVP PL2017-8093
& DP PL2017-8094

Subject: **Zoning Amendment Bylaw No. 2017-75**
Development Variance Permit PL2017-8093
Development Permit PL2017-8094

Staff Recommendation

Zoning Amendment

THAT "Zoning Amendment Bylaw No. 2017-75", a bylaw to rezone Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the December 19, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-75", a 3.0m road dedication along the south property line (Eckhardt Avenue West) is registered with the Land Title Office.

Development Variance Permit

THAT delegations and submissions for "Development Variance Permit PL2017-8093" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard of a principal building from 3.0m to 1.5m, be heard at the December 19, 2017 Public Hearing.;

AND THAT Council consider "DVP PL2017-8093" following the adoption of "Zoning Amendment Bylaw No. 2017-75."

Development Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-75," approve "Development Permit PL2017-8094" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West, a permit that allows for the construction of a second duplex on a lot.

Background

The subject property (Attachment A) is zoned RD2 (Duplex Housing: Lane) and designated by the City's Official Community Plan as MFLD (Multi Family Low Density). Photos of the sites are included as Attachment D. The subject property is approximately 696.8m² (7,500ft²) and features an existing duplex fronting the street, undergoing extensive renovation. The surrounding properties are primarily zoned RD2 (Duplex Housing: Lane), RM1 (Bareland Strata Housing), R2 (Small Lot Residential) and P2 (Parks and Recreation). Surrounding properties are designated by the OCP as MFLD (Multi Family Low Density) and LR (Low Density Residential).

The property to the west (461 Eckhardt Avenue W) recently went through a similar rezoning and variance process. The application is sitting at third reading, awaiting the road dedication to be completed prior to adoption by Council.

Proposal

The applicant is proposing to construct a second duplex on the property. The existing duplex fronts Eckhardt Avenue West and the new duplex will front the lane. Since two duplexes are not permitted in the RD2 (Duplex Housing: Lane) zone, a rezoning to RM2 (Low Density Multiple Housing) is required.

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

- Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.
- Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

Lastly, the property is located within the Downtown Multiple Family Development Permit area and requires approval for the form and character of the proposed development and to address landscaping requirements.

Financial implication

The City will receive Development Cost Charges from the developer at a rate of \$5,548 per additional dwelling unit for a total of \$11,096.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. The existing sidewalk letdown along Eckhardt Avenue West is required to be re-instated at an approximate cost of \$3,000 to the developer. The lane may require some minor repair and resurfacing during driveway construction. It has been determined that a 3.0m road widening on the subject property will help to achieve the ultimate desired 20.0m width of Eckhardt Avenue West. Servicing upgrades will be required based on sizing requirements. If the requests for the zoning amendment, variances and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

Development Statistics

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

Item	Requirement RM2 zone	Proposed
Maximum Lot Coverage:	40%	30%
Maximum Density:	0.8 FAR	0.60 FAR
Minimum Lot Width:	18.0m	15.24* (see below)
Minimum Lot Area:	540m ²	696.8m ²
Vehicle Parking:	1 space per dwelling unit + 0.25 per unit for visitors (5 total)	5 spaces
Required Setbacks		
Front yard (south, Eckhardt Avenue W):	3.0m	6.4m
Rear yard (north, Lane):	6.0m	6.0m
Interior yard (west):	3.0m	1.5m (variance required)
Interior yard (east):	3.0m	1.5m (variance required)
Maximum Building Height:	12.0m	7.8m
Amenity Area:	20m ² per unit (80m ² total)	80m ² +
Other Information:	- The subject property is located within the Downtown Multiple Family Development Permit Area, thus a development permit is required. - *The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.	

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2017-75"

The OCP designation for this site is MFLD (Multi Family Low Density), which supports duplex development. Although this area is only starting to see densification, it was envisioned by the OCP for more density. Staff consider that the zoning amendment to allow for the proposed development represents best use of the land for the following reasons:

- The proposal is consistent with the OCP's view that infill residential development is an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The OCP encourages densification in areas where existing services can accommodate higher densities, which is the case here.

- The proximity to downtown, schools, events center and nearby services encourages more walking and active forms of transportation.
- The current proposal will add two more units to the housing stock in a central location.

Staff considers that the design is suitable and consistent with the redevelopment trends in the area. The location of the site and characteristics of the surrounding neighbourhood make it appropriate for residential densification. The number of parking spaces for the proposed development meets the requirements of the zoning bylaw. Given the above, staff recommends that Council support "Zoning Amendment Bylaw No. 2017-75" and forward the application to the December 19, 2017 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

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

Development Variance Permit

Support Variances

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 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area.

- Landscape buffering is required between multi-family development and single family development. Since the property to the west is being rezoned to multi-family, the buffering requirements apply along the east property line only. The reduced 1.5m setback is not enough space to plant sizeable trees. The developer is proposing to plant trees and multiple shrubs throughout the rest of the development to make up for the reduced landscaping in the buffer area. To reduce the impacts on the neighbour, a six-foot privacy fence will be installed. Council has approved similar variances in the past for duplex development, more specifically for 461 Eckhardt Avenue W.*NOTE this variance is not to waive the requirement to provide landscaping in the entire development, but only in the buffer area.

Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

- The developer is proposing to reduce the interior yards from 3.0m to 1.5m. The City is seeing a trend of developers constructing two duplexes with similar configurations, thus Council has recently approved variances reducing the interior yards to 1.5m. As mentioned above, the six-foot fence along the east property line will help to mitigate privacy concerns for the neighbor property with the reduced setback. Under the current zoning, a three-storey duplex could be constructed at 1.5m from the side property lines.

Staff consider that the variances requested will have little impact on the neighbourhood and recommend that Council, after hearing from any affected neighbours, support the application.

Deny/Refer Variances

Council may consider that the proposed variances will negatively affect the adjacent properties. Council may consider requiring the developer to reduce the width of the buildings to meet the 3.0m setback and provide the adequate number of trees and shrubs. If this is the case, Council should deny the variances.

Development Permit

Support Development Permit

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

- The building shape and architectural features such as window and door detailing are sufficiently varied and create visual interest.
- The landscape plan features a variety of different plants, flowers and trees.
- The garbage and recycling cart storage areas are screened and hidden from the street.
- The walkways to the sidewalk provide a pleasant connection to the street.
- The outdoor patio and grass amenity areas will enhance the livability of the units.

Staff consider that the plans submitted meet the intent of the DPA guidelines and generally conform to the zoning bylaw. With the renovations occurring to the existing duplex that fronts onto Eckhardt Avenue West, the proposed development will be a great addition to this area of the community. The redevelopment of this property will also eliminate the existing driveway from Eckhardt Avenue West and redirect the traffic down the lane. This will improve pedestrian safety and enhance the aesthetic value of the property by replacing asphalt with landscaping in the front yard. As such, staff recommend that Council approve the Development Permit application.

Deny/Refer Development Permit

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

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-75" and deny support for DVP PL2017-8093 & DP PL2017-8094.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-75" but deny support for DVP PL2017-8093 & DP PL2017-8094.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2017-75" and support DVP PL2017-8093 & DP PL2017-8094 with conditions that Council feels are appropriate.


Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site/Landscape Plan
- Attachment F: Elevations
- Attachment G: Proposed Renderings
- Attachment H: Floor Plans
- Attachment I: Letter of Intent
- Attachment J: Development Variance Permit PL2017-8093
- Attachment K: Development Permit PL2017-8094
- Attachment L: Zoning Amendment Bylaw No. 2017-75

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	CAO PW
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

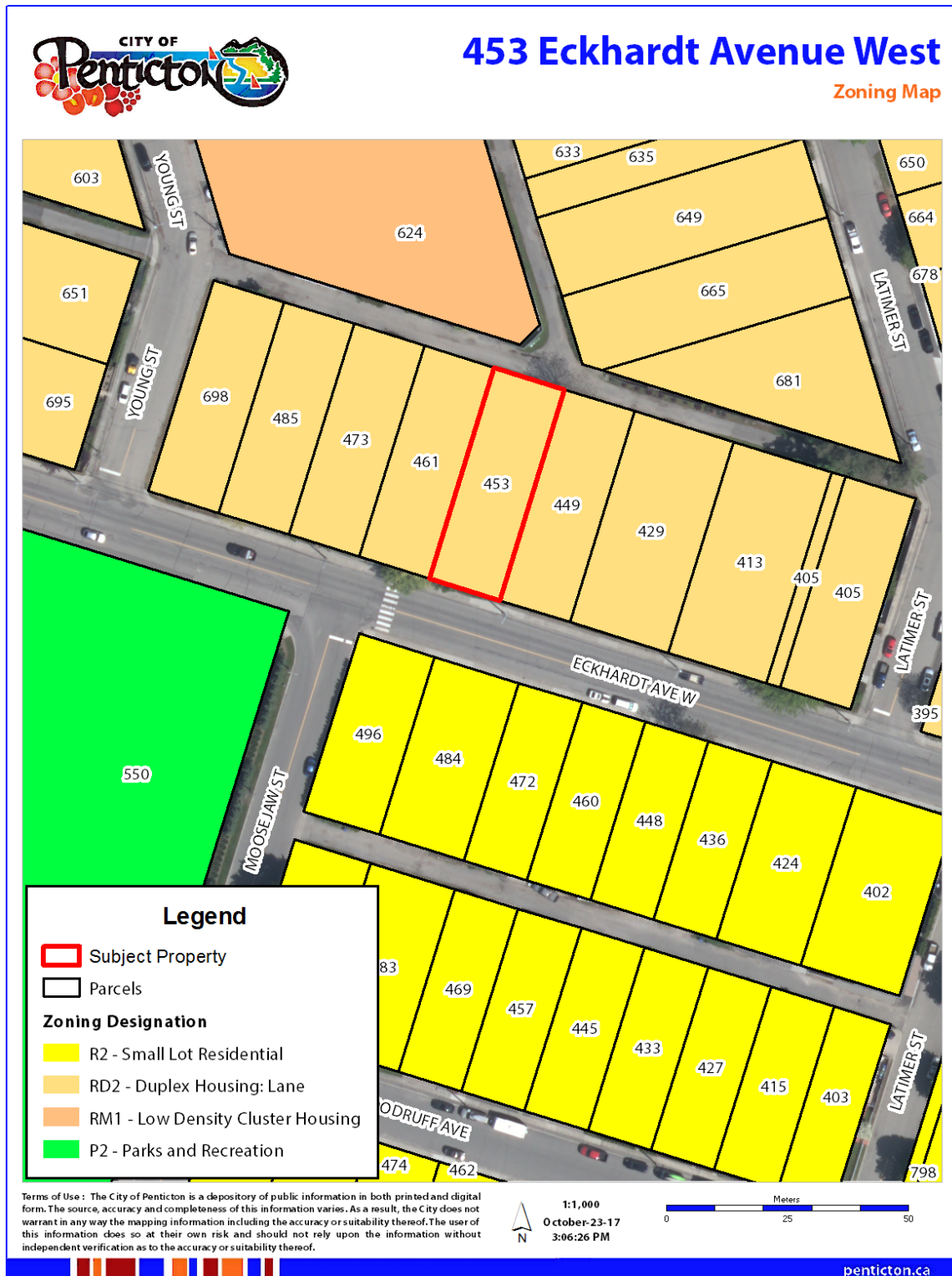


Figure 2: Zoning Map

Attachment C- OCP Map

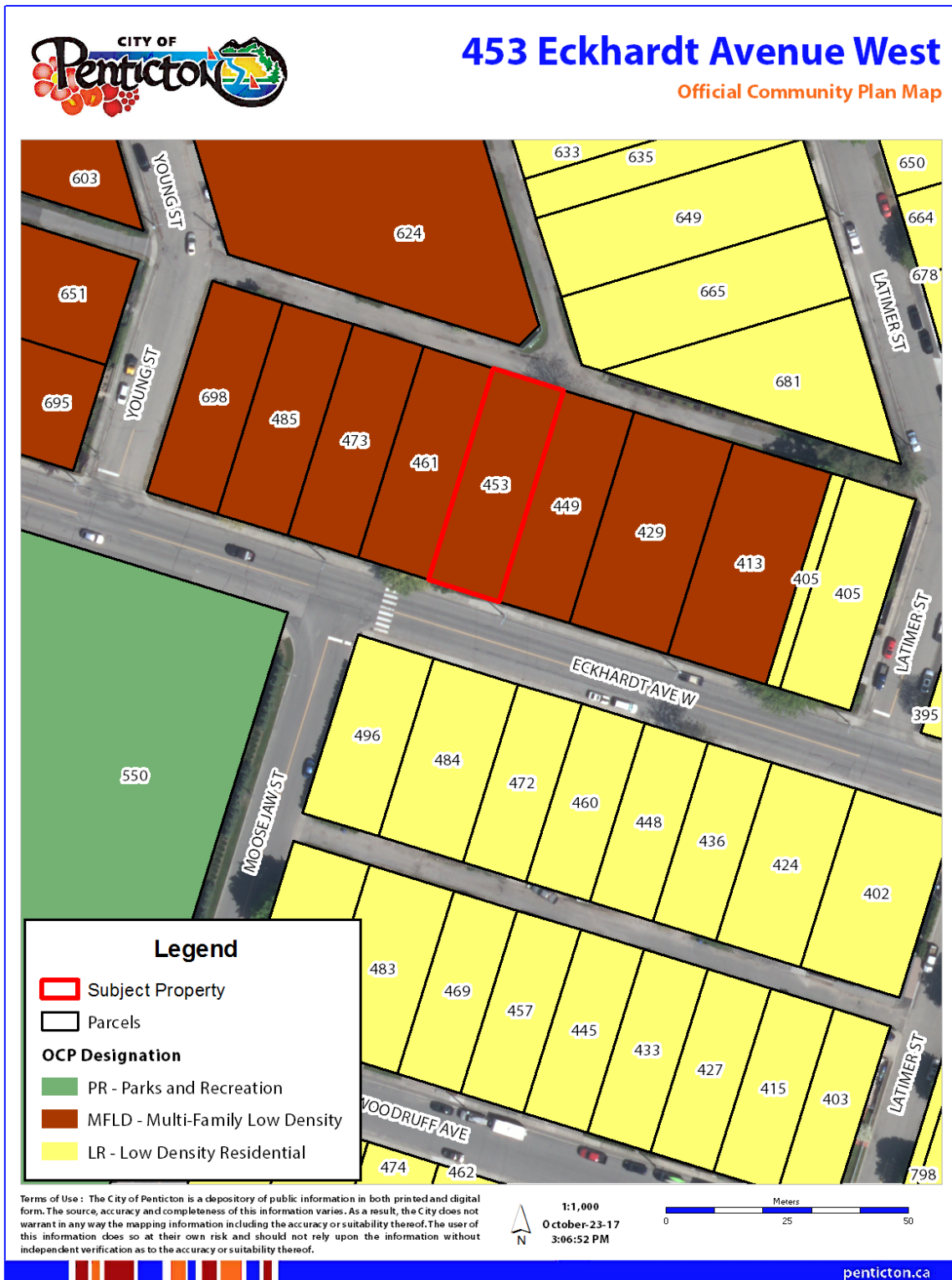


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View (from Eckhardt Avenue West)



Figure 5: North View (from lane)



Figure 6: North View showing proximity to east residence



Figure 7: North View showing proximity to west residence

Attachment E – Site/Landscape Plan

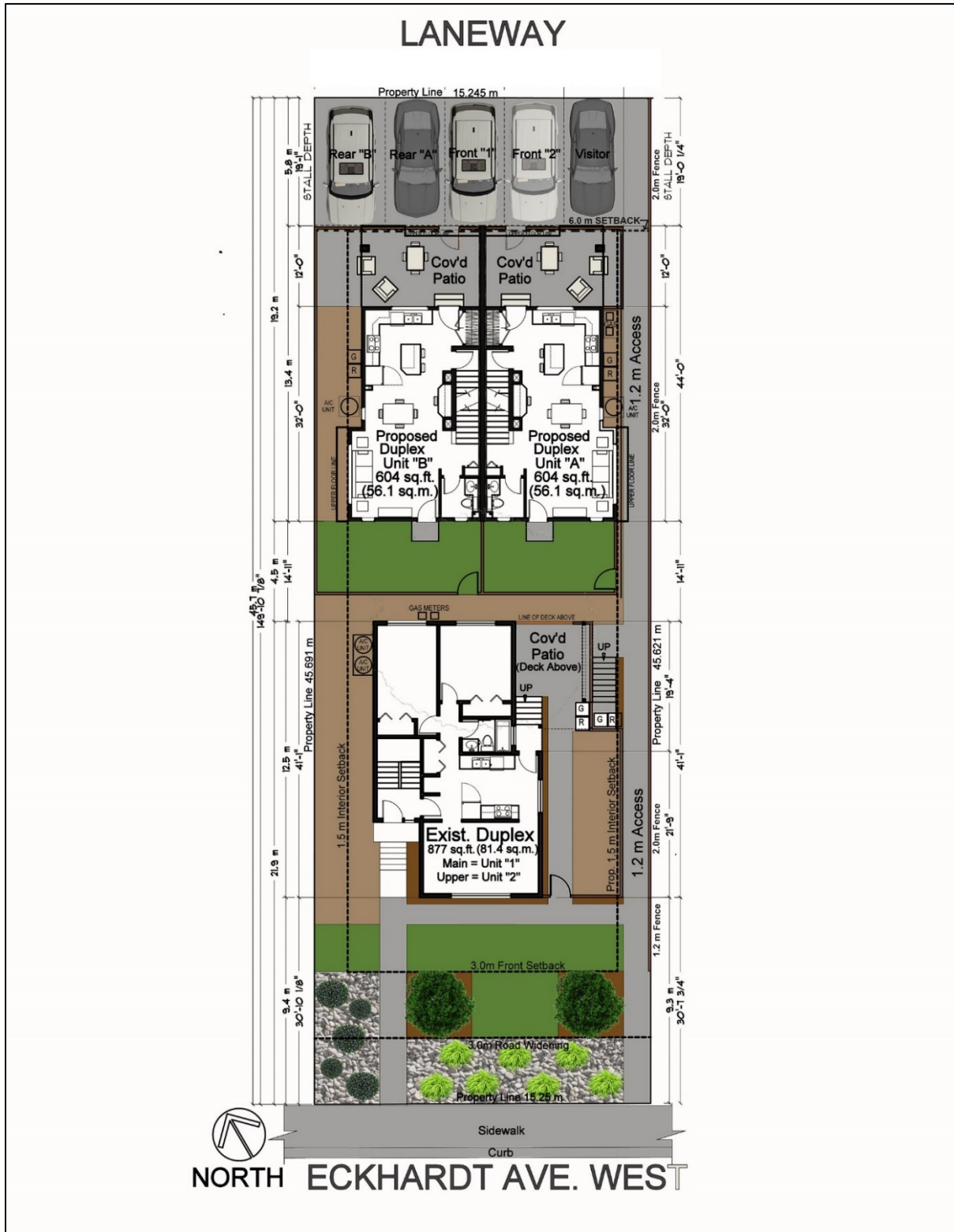


Figure 8: Site/Landscape Plan

Attachment F – Elevations

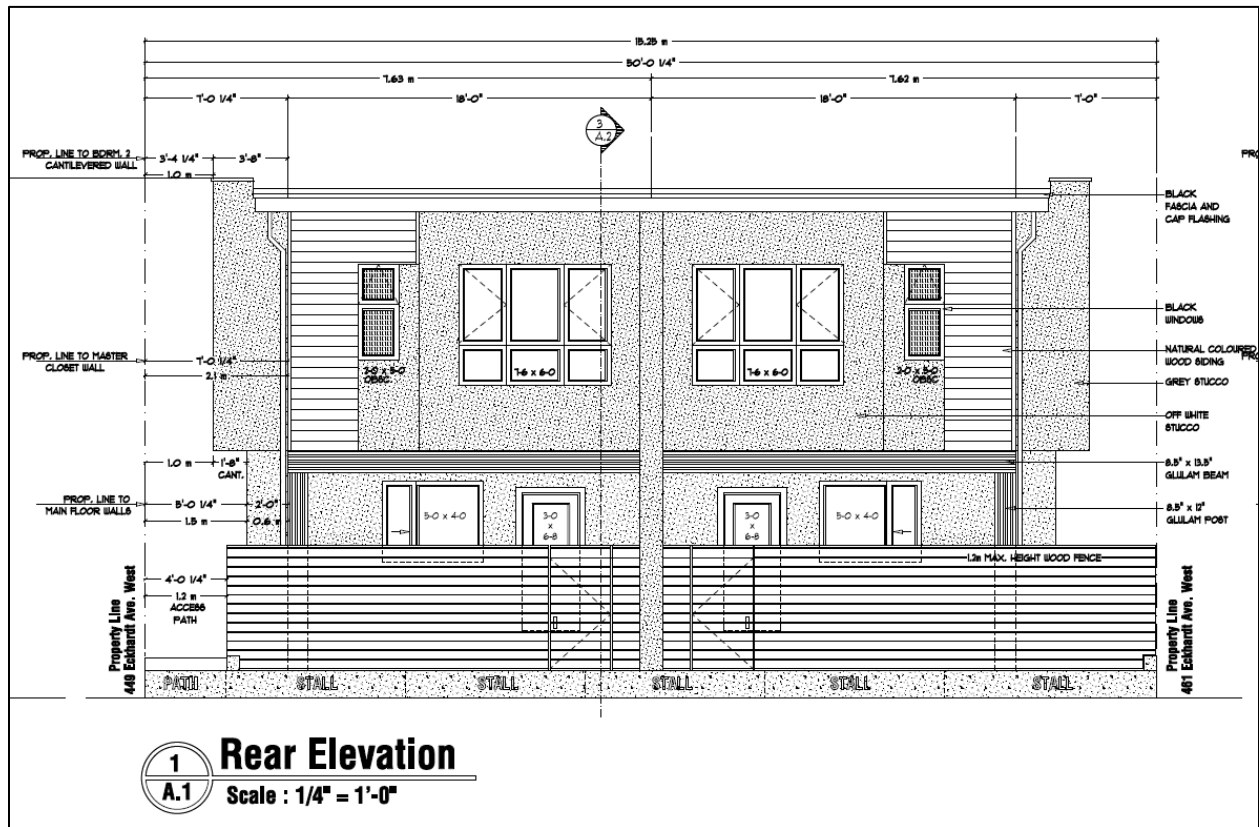


Figure 9: North Elevation of proposed Duplex (from lane)

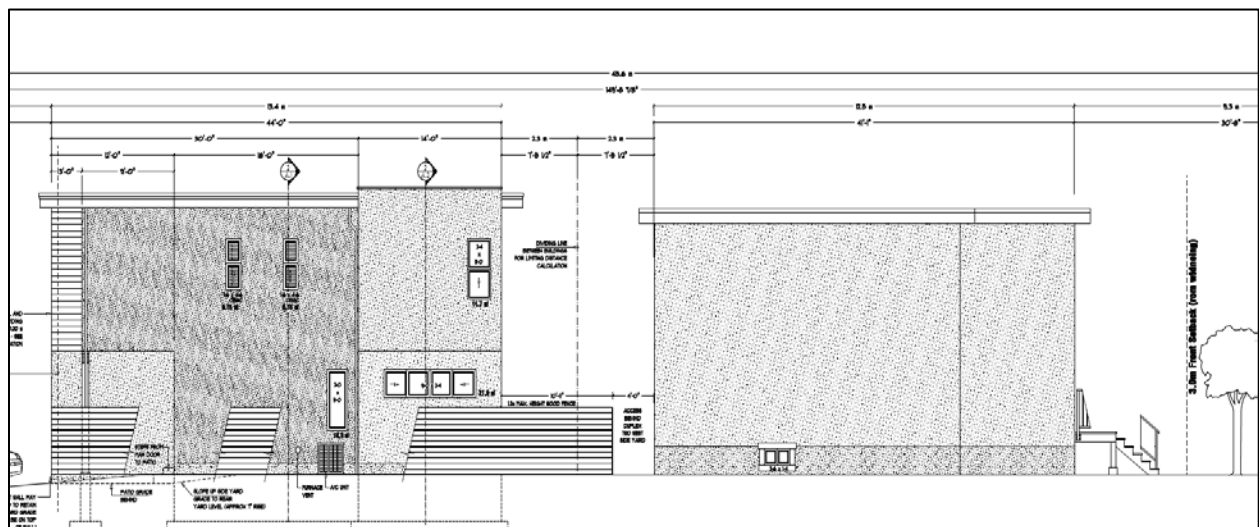


Figure 10: West Elevation

Attachment G – Proposed Renderings



Figure 11: Rear Rendering (from lane)



Figure 12: East Rendering

Attachment H - Floor Plans

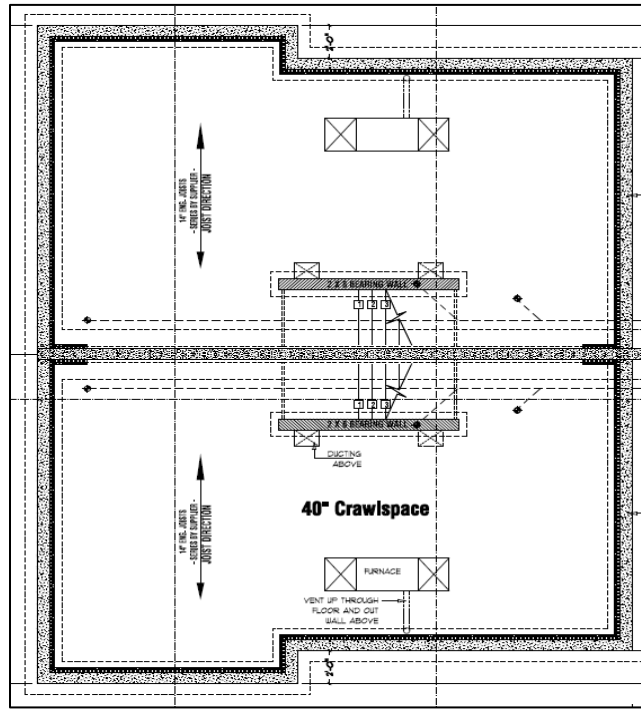


Figure 13: Crawspace

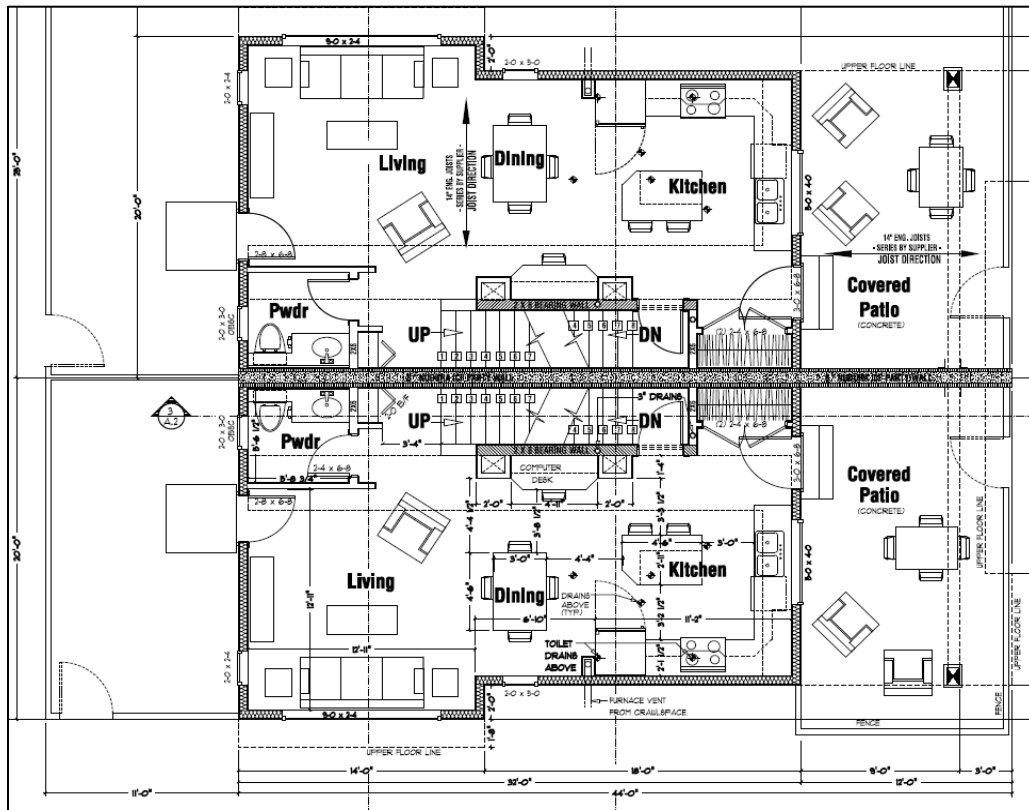


Figure 14: Main Floor Plan

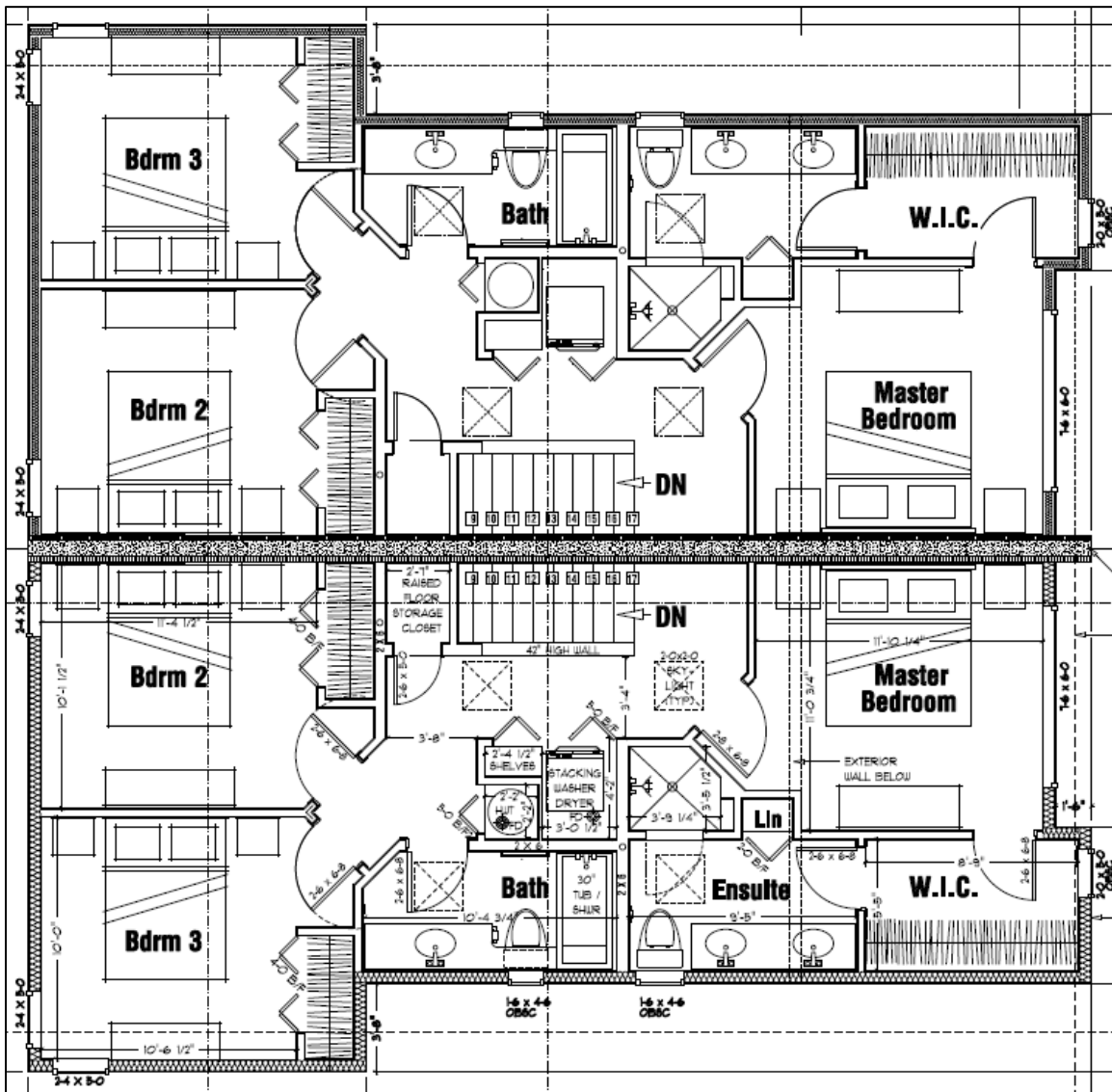


Figure 15: Second Storey Plan

Attachment I - Letter of Intent


 <p>IRONWOOD RESIDENTIAL DESIGN</p>	Variance Rationale	
	Physical Address: 203-69 Nanaimo Ave E., Penticton	Project # Date
PO BOX 22024 Penticton, B.C. V2A 8L1 250-276-6440 GST # 85363 8997 RT0001		
Rationale for Rezoning & Variance Application 453 Eckhardt Ave. West, Penticton, B.C.		
<p>This outline provides the supporting rationale requested for the attached rezoning bylaw amendment application.</p> <p>My client is proposing to construct a 3 bedroom, two storey, contemporary styled duplex in the rear of his property (facing the lane) at 453 Eckhardt Ave. W. An up/down duplex is currently located at the front of the property facing Eckhardt. This is an older, contemporary styled building which is being completely updated & brought back to life. It's a bit of a fixture which I have always admired (and hoped it would never be torn town) and I'm thrilled see it come back better than before.</p> <p>The lot's OCP designation is MFLD (multi family low density) allowing for duplex, townhouse, tri-plex, townhouse etc. It is currently zoned RD2 (duplex housing - lane) and would require to be rezoned to RM2 (low density multiple). Our proposal for two duplex buildings is well suited to this large depth lot and is within the OCP guidelines. The design meets requirements for parking, is under the maximum height, site coverage and floor area ratios. Each unit has large dedicated amenity areas which far exceed bylaw requirements.</p> <p>While the proposed development fits within the OCP and meets many bylaw requirements, two variances are required to accommodate the proposed design; a reduction in interior side setbacks (from 3.0m / 10ft to 1.5m / 5ft) and waiving the requirement for trees and shrubs in the landscape buffer area.</p> <p>Because the existing duplex is set so far back from Eckhardt Ave., (9.0m / 30ft), it leaves us 3.0m (10ft) less lot depth to work with than if a new building were put in it's place. In addition, there are 4 large bedroom windows in the existing building facing the rear yard. To meet building code requirements (to prevent fire spread) we have kept the buildings an additional 1.0m (3ft) apart. In simple terms, we've lost 4.0m (13ft) of depth to these items which required us to create a shorter, wider duplex in the rear yard. Without this reduction in setback, it wouldn't be possible to construct another duplex building in the rear. This created a unique design challenge but also maintains the oversized landscaped front yard on Eckhardt. A new building here would require only half the front yard.</p> <p>Requiring trees within the landscape buffer area would not be possible due to the limited amount of lot width remaining, along with the requirement for a 1.2m path from front to rear. The intent of the landscape buffer would be to shield smaller residential properties from for larger, multi family developments. In our case we are constructing two, small scale buildings which will not dominate the adjacent properties. As mentioned above, we have twice the required front yard which is well landscaped with trees, plantings and a grassed area for use by tenants. The existing duplex is 4.9m from the east interior property line and will remain visibly the same as it has for decades with the exception of vastly improved landscaping.</p> <p>Careful thought has been given to the design of the proposed building to be added at the rear. It is similar in style & height to the existing duplex, with slightly more up to date finishes. Both myself and the owner feel very strongly about creating well thought out, functional & quality design which is reflected in the attached set of development drawings.</p> <p>If you have any questions on the above, please feel free to contact me (Dave Sutton, building designer) at (250) 276-6440, or by email :dave@ironwoodresidential.com.</p>		

Figure 16: Letter of Intent

Attachment J - Development Variance Permit PL2017-8093



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

Development Variance Permit

Permit Number: DVP PL2017-8093

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 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 937
Civic: 453 Eckhardt Avenue West
PID: 011-956-925
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a 2nd duplex on a property.
 - Section 5.3.1: to waive the requirements to provide trees and shrubs in the landscape buffer area]
 - Section 10.8.2.7.i: to reduce the minimum interior side yard of a principal building from 3.0m to 1.5m.

General Conditions

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

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

Authorized by City Council, the ___ day of _____ 2017

Issued this ___ day of _____, 2017

Dana Schmidt,
Corporate Officer

Attachment K - Development Permit PL2017-8094



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

Development Permit

Permit Number: DP PL2017-8094

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 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 937
Civic: 453 Eckhardt Avenue West
PID: 011-956-925
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a second duplex on a single lot, as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$9000.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

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

General Conditions

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

Authorized by City Council, the __ day of _____, 2017

Issued this ____ day of _____, 2017

Dana Schmidt,
Corporate Officer

Bylaw No. 2017-75

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. 2017-75".

2. Amendment:

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

Rezone Lot 11, District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this day of , 2017
A PUBLIC HEARING was held this day of , 2017
READ A SECOND time this day of , 2017
READ A THIRD time this day of , 2017
RECEIVED the approval of the 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.

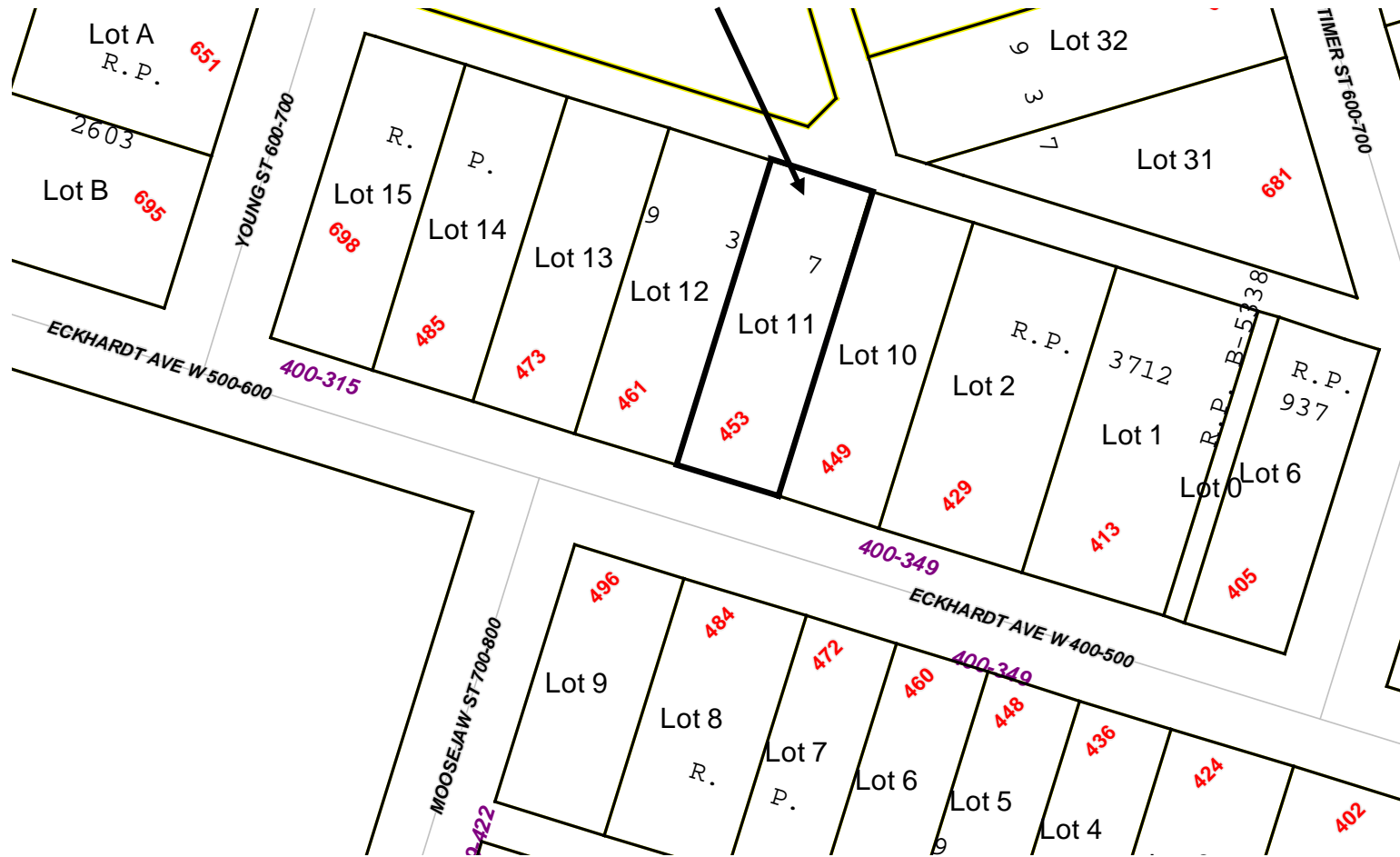
Approved pursuant to section 52(3)(a) of the Transportation Act
this day of , 2017
for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 453 Eckhardt Ave W

From RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-75

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: December 5, 2017
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Address: 935 Forestbrook Drive

File No: RZ PL2017-8067

Subject: Zoning Amendment Bylaw 2017-78

Staff Recommendation

THAT "Zoning Amendment Bylaw 2017-78", bylaw that rezones Lot A, District Lot 294, Similkameen Division Yale District, Plan 14463, located at 935 Forestbrook Drive, from R2 (Small Lot Residential) to P2 (Parks and Recreation) and RM3 (Medium Density Multiple Housing) as shown on Schedule 'A' of the Bylaw, be given first reading and forwarded to the December 19th, 2017 Public Hearing.

Strategic priority objective

Approval of the subject rezoning application will assist in the creation of a creekside walkway and acquire land required for creek revitalization in the area, adding to a more livable, connected and sustainable community.

Background

The subject property was purchased by the City in 1993 for the purpose of trail works along Penticton Creek. The subject property has been a rental house since the City took ownership of it and is currently vacant. The dwelling would require extensive upgrading to rent.

A proposed land swap between the subject and neighbouring lands, if agreed to and approved, will provide access through three of six (6) properties that the proposed trail will cross between the Forestbrook Drive trailhead and Eckhardt Avenue. The proposed sale and swap of the property will be brought before Council for approval.

To facilitate the proposed exchange, the City would like to match the zoning of the lot to the current zoning of the adjacent properties and to put park zoning on the portion of the lands that will become trail.

Proposal

This proposal will see the subject lands rezoned from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing) and P2 (Parks and Recreation) as shown on the schedule attached to the bylaw.

Financial implication

Support for the zoning amendment will contribute towards securing lands for creek works and a long planned trail, which would otherwise have to be purchased. There will be some minimal costs (less than \$5000) associated with the transfer including survey and legal fees.

Technical Review

Penticton Creek is going through a naturalization process with the first 'showcase' section completed in 2016. The section where the subject and neighbouring properties are located is included in the creek master plan. The creekside trail will be installed as part of the creek naturalization. This section of the creek is estimated to be completed in less than 10 years.

A 2.4m road dedication is identified on the City's road widening map. As the City owns the subject property, actions to dedicate the lands, if widening is still considered necessary prior to the transfer of ownership will be undertaken.

Analysis

Support "Zoning Amendment Bylaw No.2017-78"

The City's Official Community Plan (OCP) designates the subject property as MR Medium Density Residential. The proposed RM3 zone for the majority of the property is in-line with the OCP designation. The OCP also includes the subject lands in the General Multiple Family Development Permit Area and the Riparian Development Permit Area. What this means is that any building proposed on the lands would have to meet certain guidelines for architectural form and character as well as environmental protection.

The subject property, once the road dedication and trail portion is subdivided from the remainder will be 1,232m² in area. The minimum lot size in the RM3 zone is 1,400m². Council, though, can decide to place the lands in the RM3 zone if they feel that the purpose of the RM3 zone can still be met. In this case, staff feel that an apartment or townhouse could be constructed on the property even though it is slightly smaller than the minimum required size. Similarly, the lot size for the portion of the property zoned as P2 will not meet the minimum lot size for a park. Eventually though, those lands will be amalgamated with neighbouring park lands and be of sufficient area. Council has the discretion to rezone the lands even though the lot size is not of the minimum lot size for the zone.

Support for this zoning amendment, and ultimate land exchange, will allow for the securing of land for both the Penticton Creek works and for a creekside trail. This important active transportation connection will link the K streets and the upper Penticton Avenue area with the downtown.

Support for the zoning amendment also allows for the disposition of land that is not deemed necessary for City purposes. The funds from the sale will be used for strategic City objectives.

Given that this project will have multiple community benefits and that it is consistent with City land use policy, staff are recommending that Council support the zoning amendment by giving first reading of the bylaw and sending it to the December 19th, 2017, Public Hearing for comment from the public.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2017-78"

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Draft "Zoning Amendment Bylaw No. 2017-78"

Respectfully submitted,

Blake Laven, RPP, MCIP
Planning Manager

Approvals

DDS <i>BL</i>	CAO PW
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Attachment B
Images of Subject Property



Attachment C
RM3 (Medium Density Multiple Housing) zoning regulations

Schedule A

Zoning Bylaw No. 2017-08

10.9 RM3 – Medium Density Multiple Housing

PURPOSE

The purpose of this zone is to provide a zone for **medium density multiple housing** up to six (6) **storeys** above grade on urban services.

10.9.1 PERMITTED USES

The *permitted uses* in this zone are:

- .1 **accessory use, building or structure**
- .2 **apartment**
- .3 **congregate housing**
- .4 **day care centre, major**
- .5 **day care centre, minor**
- .6 **extended care residence**
- .7 **minor home occupation** (subject to specific use regulation 7.3)
- .8 **townhouse**
- .9 **vacation rental** (subject to specific use regulation 7.6)

10.9.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum **lot width**: 25 m
- .2 Minimum **lot area**: 1400 m²
- .3 Maximum **lot coverage**: 50%
- .4 Maximum **density**: 1.6 FAR
- .5 Maximum **height**:
 - i. **principal building** 24 m
 - ii. **accessory building or structure** 4.5 m
- .6 Minimum **front yard** (subject to general development regulation 4.2.5): 3.0 m
- .7 Minimum **side yard**:
 - i. **interior side yard** 4.5m
 - ii. **exterior side yard** 4.5 m
- .8 Minimum **rear yard**: 6.0 m

10.9.3 AMENITY SPACE

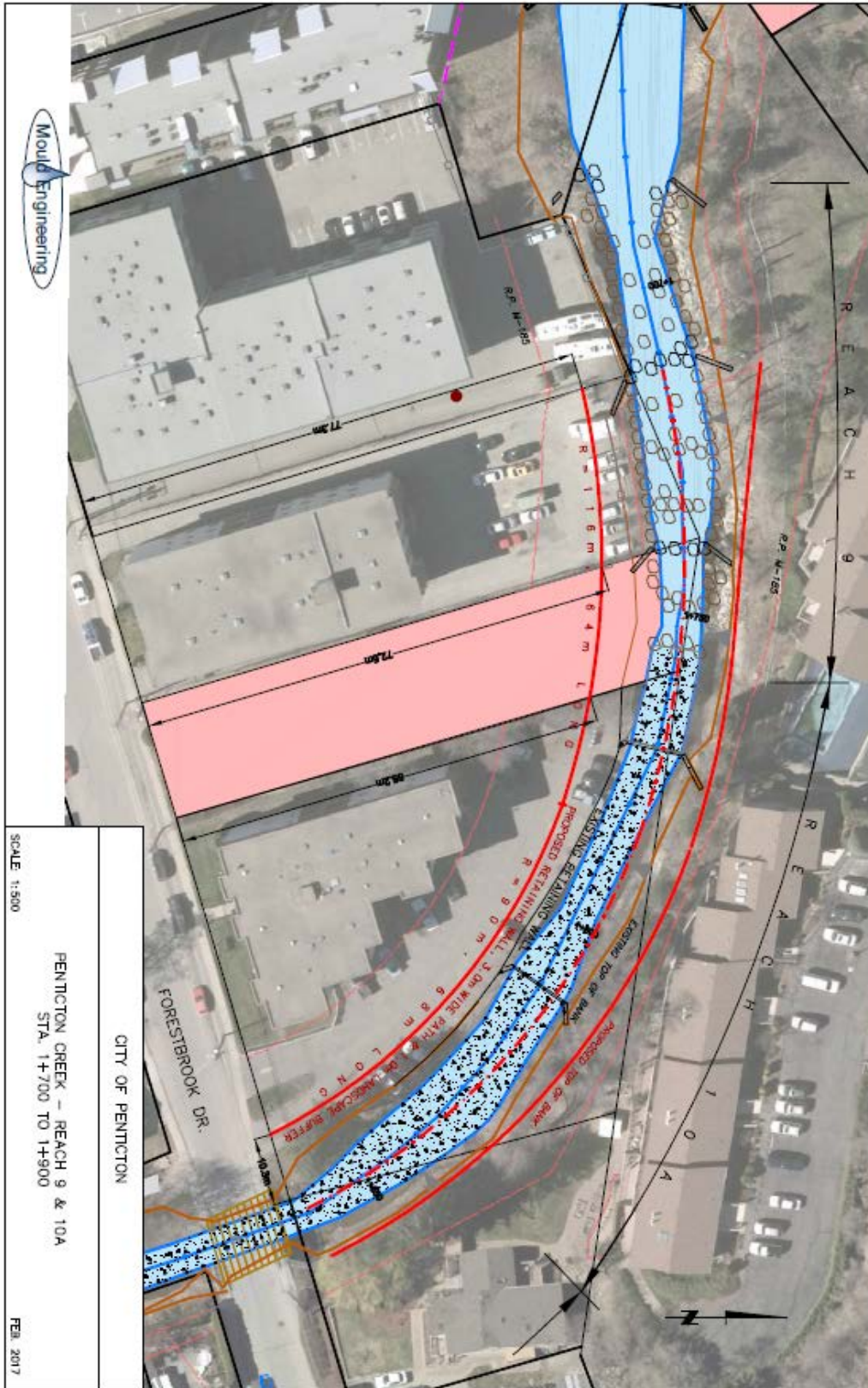
- .1 **Amenity space** shall be provided at the rate of 20 m² for each **dwelling unit**.
- .2 25% of the required **amenity space** must be provided at the ground floor level.

10.9.4 OTHER REGULATIONS

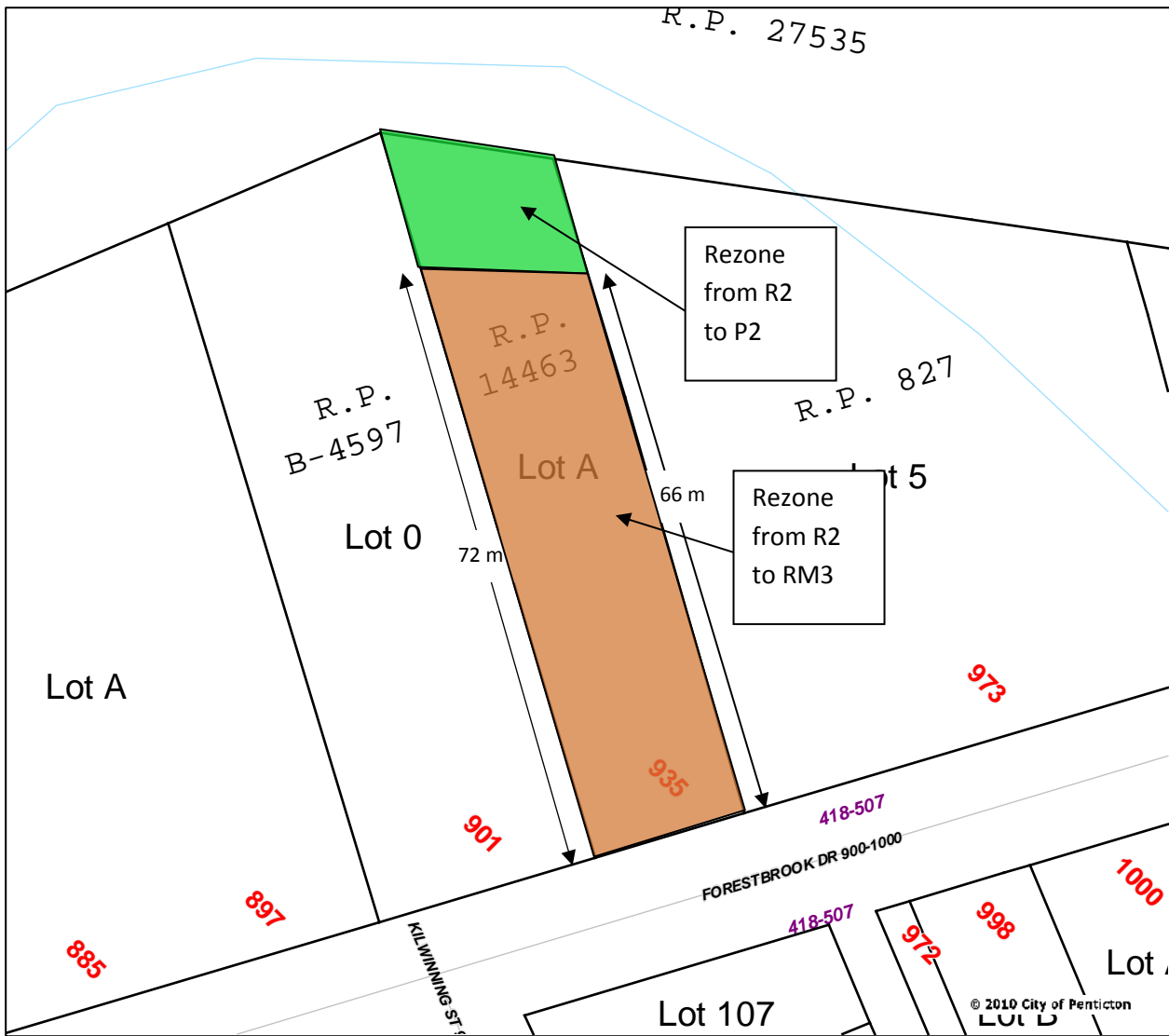
- .1 A maximum of 60% of the **lot** shall be covered with **hard surfacing**, including **buildings, structures**, parking areas, driveways, **walkways, patios** and similar construction.

10.9.5 SITE SPECIFIC PROVISIONS

Attachment D
Preliminary creek naturalization and trail design



Attachment E
Bylaw 2017-78



Bylaw No. 2017-78

A Bylaw to Amend Zoning Bylaw 2017-08

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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. 2017-78".

2. **Amendment:**

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

Rezone Lot A, District Lot 294, Similkameen Division Yale District, Plan 14463, located at 935 Forestbrook Drive, from R2 (Small Lot Residential) to P2 (Parks and Recreation) and RM2 (Medium Density Multiple Housing) as shown on Schedule A.

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

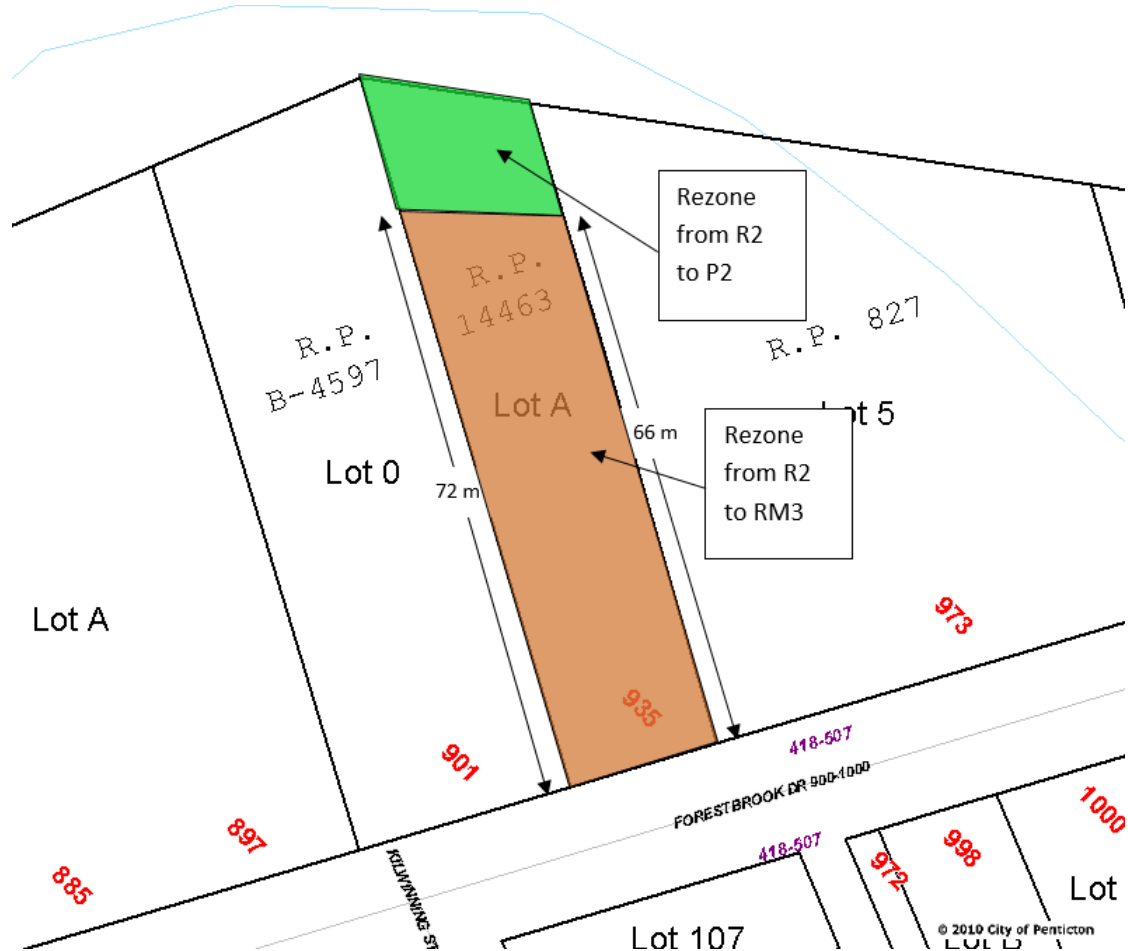
READ A FIRST time this	day of	, 2017
A PUBLIC HEARING was held this	day of	, 2017
READ A SECOND time this	day of	, 2017
READ A THIRD time this	day of	, 2017
ADOPTED this	day of	, 2017

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

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 935 Forestbrook Drive From RS (Small Lot Residential) To P2 (Parks and Recreation) and RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-78

Date: _____

Corporate Officer: _____