

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

Tuesday, August 7, 2018
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**

6.1	Minutes of the July 17, 2018 Committee of the Whole	1-3	Receive
6.2	Minutes of the July 17, 2018 Public Hearing	4-6	Receive
6.3	Minutes of the July 17, 2018 Regular Council Meeting	7-11	Adopt
6.4	Minutes of the July 24, 2018 Special Council Meeting	12-13	Adopt
7. **Consent Agenda**

7.1	Committee Minutes:		
	<ul style="list-style-type: none"> • Economic Development and Prosperity Task Force Draft Minutes of July 25, 2018 		

Staff Recommendation: THAT Council approve the Consent Agenda.
8. **Committee and Board Reports:**

8.1	Penticton Creek and Ellis Creek Restoration Committee Minutes of July 18, 2018	17-20	
	<i>Recommendation: THAT Council receive the draft minutes of the Penticton Creek and Ellis Creek Restoration Committee meeting of July 18, 2018.</i>		
	<i>Committee Recommendation: THAT Council amend the Terms and Reference for the Penticton Creek & Ellis Creek Restoration Committee to include a member of the Penticton Industrial Development Association; AND THAT staff take steps to fill the position.</i>		
8.2	Arts, Creative and Cultural Innovations Committee Minutes of July 27, 2018	21-25	
	<i>Recommendation: THAT Council receive the draft minutes of the Arts, Creative and Cultural Innovations Committee meeting of July 27, 2018.</i>		
	<i>Committee Recommendation: THAT Council consider contributing towards an Arts Officer, a position that would facilitate the collaboration of all Arts organizations and promote arts, culture and creativity in the City of Penticton; AND THAT the Committee provide a job description prior to budget deliberations.</i>		

9. **Correspondence**

10. **Staff Reports:**

Renaud	10.1	2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-54 <i>Staff Recommendation: THAT Council give first, second and third reading to the "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-54".</i>	26-32
Houle	10.2	Zoning Amendment Bylaw No. 2018-55 Official Community Plan Amendment Bylaw No. 2018-56 Re: 241 Nelson Avenue <i>Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2018-55", a bylaw to rezone Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and to add Section 10.6.4.7: "In the case of Lot 2, DL 250, SDYD, Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street," be given first reading and forwarded to the August 21, 2018 Public Hearing; AND THAT prior to consideration of "OCP Amendment Bylaw No. 2018-56" and in accordance with Section 475 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:</i> <i>1. One or more persons, organizations or authorities;</i> <i>2. The Regional District of Okanagan Similkameen;</i> <i>3. Local First Nations;</i> <i>4. School District #67; and</i> <i>5. The provincial or federal government and their agencies.</i> <i>AND THAT it is determined that the public consultation conducted to date is sufficient;</i> <i>AND THAT "Official Community Plan Amendment Bylaw No. 2018-56," a bylaw to amend Schedule 'H' Development Permit Area Map of the City's OCP, to include the subject property in the Downtown Multiple Family Development Permit Area; be introduced, given first reading and forwarded to the August 21, 2018 Public Hearing.</i>	33-51
Tanguay	10.3	Official Community Plan Amendment Bylaw No. 2018-57 Zoning Amendment Bylaw No. 2018-58 Re: 1830 Ridgedale Avenue <i>Staff Recommendation: THAT prior to consideration of "OCP Amendment Bylaw No. 2018-57" and in accordance with Section 475 of Local Government Act, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:</i> <i>1. One or more persons, organizations or authorities;</i> <i>2. The Regional District of Okanagan Similkameen;</i> <i>3. Local First Nations;</i> <i>4. School District #67; and</i> <i>5. The provincial or federal government and their agencies;</i> <i>AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation;</i> <i>AND THAT "OCP Bylaw No. 2002-20" be amended by changing the OCP designation on portion of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103 Except Plan EPP74844 as shown on Attachment "D", located at 1830 Ridgedale Avenue from LR (Low Density Residential) to MR (Medium Density Residential), and amends Schedule 'H' of the bylaw, including the subject lands in the General Multiple Family Development Permit Area;</i> <i>AND THAT "Official Community Plan Amendment Bylaw No. 2018-57" be introduced, read a first time and forwarded to the August 21, 2018 Public Hearing.</i> <i>THAT "Zoning Amendment Bylaw No. 2018-58", a bylaw to rezone on portion of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103 Except Plan EPP74844, located at 1830 Ridgedale Avenue be rezoned from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing) as shown on Attachment "D", be given first reading and be forwarded to the August 21, 2018 Public Hearing.</i>	52-68

Haddad 10.4 Zoning Amendment Bylaw No. 2018-49 verbal update
 DVP PL2018-8297 & DP PL2016-7756
 Re: 236 Marina Way, 201, 203, 225, 247 Vancouver Avenue

11. **Public Question Period**

12. **Recess to a Closed Meeting**

Resolution: THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:

(e) *the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.*

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

14. **Bylaws and Permits:**

14.1	Bylaw Notice Enforcement Amendment Bylaw No. 2018-52 Re: Business Licence fees	69-70	Adopt
14.2	Zoning Amendment Bylaw No. 2017-67 Development Variance Permit PL2017-8041 Re: 641 Winnipeg Street	71-72 73-74	Adopt Approve
14.3	Zoning Amendment Bylaw No. 2018-26 Re: 500/512 Gahan Avenue	75-76	Adopt
14.4	Zoning Amendment Bylaw No. 2018-50 Development Variance Permit PL2018-8288 Re: 190 Vancouver Avenue	77-78 79-80	2 nd /3 rd /Adopt Approve
14.5	Zoning Amendment Bylaw No. 2018-53 Re: 2250 Camrose Street	81-82	2 nd /3 rd /Adopt

15. **Land Matters:**

Haddad 15.1 Development Variance Permit PL2018-8249 83-109 Del/Sub
 Re: 142 Kendall Crescent
Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8249" for Lot A, District Lot 2710 Similkameen Division Yale District Plan 22535, located at 142 Kendall Crescent, a permit to vary the following sections of Zoning Bylaw 2017-08:
 • *Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and*
 • *Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.*
AND THAT staff be directed to issue "DVP PL2018-8249" subject to all outstanding bylaw enforcement issues being brought into compliance.

Haddad 15.2 Development Variance Permit PL2018-8277 110-127 Del/Sub
 Re: 525 Vancouver Avenue
Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8277" for Lot 2 Block 4 District Lot 202 Similkameen Division Yale District Plan 479, located at 525 Vancouver Avenue, a permit to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.85m; AND THAT prior to issuance of "Development Variance Permit PL2018-8277," the following conditions are met: • Landscape screening measures are put in place with underground irrigation as per Attachment G of this report. AND THAT staff be directed to issue "Development Variance Permit PL2018-8277."

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

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

Tuesday, July 17, 2018
Recessed from the Regular Council Meeting at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Angela Campbell, Controller
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 July 17, 2018 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Community Recognition**

3.1 Downtown Security – DPA/Chamber of Commerce/City Working Group

Peter Weeber, Chief Administrative Officer, provided Council with a summary of the steps being taken to address inappropriate behaviors, crime, drug use and homelessness in the downtown area.

3.2 Proclamation & Delegation – Global Day of Inclusion – July 21, 2018

Mayor Jakubeit proclaimed July 21, 2018 as “Global Day of Inclusion” in the City of Penticton. Mona Hazell, Michelle Riches, Faye Hodgins, Coach/Volunteer and Jeri Lee Hodgins and Kelsey Huff, Athletes, provided Council with the history of Special Olympics athletes in Penticton and the day of inclusion activities planned for Saturday, July 21, 2018.

3.3 Super League Penticton Update

Michael Brown, Super League, provided Council with an update of the Super League triathlon event being held in Penticton on August 17 – 19, 2018.

3.4 Peach Festival Update

Don Kendall provided Council with an update on the 71st Peach Festival event being held on August 8 – 12, 2018.

3.5 Construction of Spawning Bed No. 4 in the Penticton Channel

Kari Alex and Natasha Lukey, Okanagan Nation Alliance, provided Council with an update on the construction of spawning bed No. 4 in the Penticton Channel, August 13 – September 30, 2018.

3.6 SS Sicamous – Wharf Project Update

Adolf Steffen, SS Sicamous Society, provided Council with an update on the recently completed wharf project and asked Council to consider finishing the sidewalk to the rose gardens.

3.7 Penticton Curling Club

Cathy Jones, Penticton Curling Club, requested Council agree to provide the necessary funding commitment for a grant application due July 31, 2018. The funds will be used to replace the brine chiller at a cost of \$94,255 or to revamp the entire plant at a cost of \$218,026.

It was MOVED and SECONDED

THAT the Committee of the Whole direct staff to prepare a report with options for the repair and / or replacement of Curling Rink equipment for Council consideration before July 31, 2018.

CARRIED UNANIMOUSLY

3.8 Economic Impact Assessment – 2018 Scotties Tournament of Hearts

Bregje Kozak, Director Recreation and Facilities, and Thom Tischuk, Travel Penticton, provided Council with the economic impact study resulting from the 2018 Scotties Tournament of Hearts curling event held in Penticton , January 27 – February 4, 2018.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held July 17, 2018 at 3:08 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, July 17, 2018
at 6:00 p.m.

- Present:** Mayor Jakubeit
Councillor Watt
Councillor Picton
Councillor Konanz
Councillor Sentes
Councillor Martin
- Absent:** Councillor Sayeed
- Staff:** Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Anthony Haddad, Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure
Blake Laven, Planning Manager
Angie Collison, Deputy Corporate Officer

1. Call to order

Mayor Jakubeit called the public hearing to order at 6:01 p.m. for Zoning Amendment Bylaw No. 2018-49. 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 bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws and related DVP 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. 2018-49" (201, 203, 225, 247 Vancouver Avenue, 236 Marina Way)

The purpose of "Zoning Amendment Bylaw No. 2018-49" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone That Part of Lot 1, Shown on Plan B5470, District Lot 202, Similkameen Division Yale District, Plan 3218, located at 201 Vancouver Avenue, from RD2 (Duplex Housing: Lane) to C9 (Marina Way Commercial).

Rezone Lot 3, District Lot 202, Similkameen Division Yale District, Plan 3219, located at 203 Vancouver Avenue, from RD2 (Duplex Housing: Lane) to C9 (Marina Way Commercial).

Rezone Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP85185, located at 247 Vancouver Avenue and 236 Marina Way, from CT1 (Tourist Commercial) and RD2 (Duplex Housing: Lane) to C9 (Marina Way Commercial).

And add the following site specific provisions to section 11.9.4: .1 In the case of Proposed Lots 2, 3 and 4 located at 203, 225 and 247 Vancouver Avenue, single detached housing is a permitted use.

The applicant is proposing to subdivide the properties to create a lot fronting Marina Way with the intent of constructing a 7 storey, 13 unit apartment building.

The Corporate Officer advised that three letters and a petition have been received since the printing of the agenda and distributed to Council.

DELEGATIONS

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

- Steve Thompson, realtor for developer, and Norman Goddard, architect, spoke to the reasons behind the design without terraces. Commercial space would increase the traffic. Each unit has two parking spots and building has four visitor parking spaces. Went through four different schemes to see what might be acceptable to neighbours. Building has good presence on street and will be a great looking building from the water. Fiona Barton, landscape architecture, working to develop landscape plan. There is an opportunity for landscaping on the east, south and roof.
- Dawn Hrycun, President of Lakeview Terraces Strata Corporation, Marina Way, read submission from the Strata Council.
- Laurie Philips, operator of hair salon, Marina Way, successful business, unique area, part of Front Street and Downtown Penticton Association. Should carry on some form of retail or business to connect to the rest of downtown.
- Judy Poole, Marina Way, welcome development that keeps the character of the neighbourhood. The area is a haven for transients. 2002 vision speaks to atmosphere and functionality of the community. This application does not conform to vision, no terracing, views compromised and no commercial on main floor. Tower does not preserve any view. Little effort to engage neighbours. Proposed green space will not be looked down on as it will be higher than some levels, direct access lot line to lot line, will be above decks on second floor, easy access. Unable to provide build date, said later than 2019 but will not commit to a year. Wait until building permit application has been made before adopting zoning.

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

- Jim Engleson, Marina Way, live on west side of building facing development, want to see development in neighbourhood, will change view, disagree with box tower, would like

terraces, peaks and valleys.

- Jim Cooper, OK Falls, applicant, live and work in area. The yard mess has been dealt with. Intent is to put up a building that the City will be proud of. Intend to live there. Three houses on Vancouver Avenue will be developed later on, row housing a possibility. Likely view from housing looking over and around the tower we are constructing. Access from Marina Way takes up much of the frontage. Vancouver Avenue access, no way to figure out how to get downhill for parking.
- Glynis Ogden, Marina Way, does proposed tower uphold the vision for the area? Would like the City to work with developer and architect to look for opportunities to preserve the current city developed plan for the area. Three homes on Vancouver hill, how will impact neighbourhood?
- Dawn Hrycun, parking on Marina Way is timed to eliminate overnight parking. Our lack of parking is encroaching on other neighbourhoods. 13 parking stalls on Marina Way, overflow is going to spread out further to other neighbourhoods.

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

- Laurie Philips, businesses have issues with parking and use art gallery parking lot.
- Jim Engleson, stairs on plan, exit Marina Way to amenity level, 14ft off ground level with my railing, zero lot line with fence? yes.
- Lori Goldstrand, Marina Way, land between developments looks like a driveway up to the three homes, car exhaust into our area, road way? Garage door at back of development, appears to be, Tiers could coincide with different levels and match neighbour, maximize profits of land and keep space between us.
- Applicants, clarified garage door location, sufficient parking, not 40% larger, not up zoned, zone same as neighbouring property, less impact than terraced building, recognize Marina Way is unique, provides viable option and deals with issues of west windows.

The public hearing for "Zoning Amendment Bylaw No. 2018-49" was terminated at 7:27 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, July 17, 2018
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Picton
Councillor Sentes
Councillor Konanz
Councillor Watt
Councillor Sayeed (left at 3:28 p.m.)
Councillor Martin

Staff: Peter Weeber, Chief Administrative Officer (left at 3:28 p.m.)
Dana Schmidt, Corporate Officer
Laurie Darcus, Director of Corporate Services
Angela Campbell, Controller (left at 3:28 p.m.)
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 Regular Council meeting to order at 1:01 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on July 17, 2018 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:02 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 3:08 p.m.

329/2018

6. Adoption of Minutes:

6.1 Minutes of the July 3, 2018 Committee of the Whole

330/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the July 3, 2018 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

6.2 Minutes of the July 3, 2018 Public Hearing

331/2018

It was MOVED and SECONDED

THAT Council receive the minutes of the July 3, 2018 Public Hearing as presented.

CARRIED UNANIMOUSLY

6.3 Minutes of the July 3, 2018 Regular Meeting of Council

332/2018

It was MOVED and SECONDED

THAT Council adopt the minutes of the July 3, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

Councillor Picton left the meeting at 3:09 p.m.

7. Consent Agenda

333/2018

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports:

8.1 Penticton Creek Restoration Committee Minutes of June 27, 2018

334/2018

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Penticton Creek Restoration Committee meeting of June 27, 2018.

CARRIED UNANIMOUSLY

335/2018

It was MOVED and SECONDED

THAT Council amend the Terms of Reference for the Penticton Creek Restoration Committee to include renaming the committee to "Penticton Creek and Ellis Creek Restoration Committee" and the expanded scope to reflect aspects of planning, restoration and flood protection issues for Ellis Creek.

CARRIED UNANIMOUSLY

Councillor Picton returned to the meeting at 3:11 p.m.

9. Correspondence

10. Staff Reports:

10.1 Bylaw Notice Enforcement Amendment Bylaw No. 2018-52

336/2018

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2018-52".

CARRIED UNANIMOUSLY

10.2 Skaha Bluffs Area Boundary Extension Completion

337/2018

It was MOVED and SECONDED

THAT Council receive confirmation that the Skaha Bluffs Area boundary extension process has concluded successfully and that the Letters Patent for the City of Penticton have been amended accordingly to include Lot 1, Plan KAP74449 Similkameen Division Yale District within the city boundary.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess Meeting

The Regular Meeting of Council recessed at 3:28 p.m.

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

Council reconvened the Regular Council Meeting at 7:28 p.m.

14. Bylaws and Permits:

- 14.1 Zoning Amendment Bylaw No. 2018-49
Development Variance Permit PL2018-8297
Re: 201, 203, 225, 247 Vancouver Avenue and 236 Marina Way

338/2018

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2018-49"; AND THAT adoption be subject to revised development permit drawings showing stronger conformance to the Development Permit Area Guidelines.

CARRIED UNANIMOUSLY

15. Land Matters:

- 15.1 Development Variance Permit PL2018-8290
Development Permit PL2018-8289
Re: 602 Eckhardt Avenue West

Delegations/Submissions: Lynn Kelsey, Oakville Street, spoke in support of the application.

- Sharon Otkey, would like the site used for housing for those who live here.

339/2018

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8290" for Lot A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan EPP74147, located at 602 Eckhardt Avenue West, a permit to increase the maximum height from 12.0m to 16.5m; AND THAT staff be directed to issue "Development Variance Permit PL2018-8290".

THAT Council approve "Development Permit PL2018-8289" for Lot A District Lots 2 and 4 Group 7 Similkameen (Formerly Yale-Lytton) Division Yale District Plan EPP74147, a permit that allows for the construction of a hotel;

AND THAT upon approval of the Ministry of Transportation, staff be directed to issue "Development Permit PL2018-8289."

CARRIED UNANIMOUSLY

15.2 Temporary Use Permit PL2018-8318
Re: 550 Eckhardt Avenue West

Delegations/Submissions: nil

340/2018

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit PL2018-8318", a permit to allow the use 'day care centre, major' for Parcel A, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District, Plan 299 located at 550 Eckhardt Avenue W, for a three-year period; AND THAT staff are directed to issue the permit.

CARRIED UNANIMOUSLY

15.3 Zoning Amendment Bylaw No. 2018-50
Development Variance Permit PL2018-8288
Development Permit PL2018-8260
Re: 190 Vancouver Avenue

341/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-50", a bylaw to rezone Lot 1, District Lot 202, Similkameen Division Yale District Plan 5429, located at 190 Vancouver Avenue, from RD2 (Duplex Housing: Lane) to RM5 (Urban Residential), be given first reading and be forwarded to the August 7, 2018 Public Hearing.

THAT delegations and submissions for "Development Variance Permit PL2018-8288" for Lot 1, District Lot 202, Similkameen Division Yale District Plan 5429, located at 190 Vancouver Avenue, a permit to allow vehicle access to be from both the lane and the street (Van Horne Street), be heard at the August 7, 2018 Public Hearing; AND THAT Council consider "DVP PL2018-8288" following the adoption of "Zoning Amendment Bylaw No. 2018-50".

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2018-50", approve Development Permit PL2018-8260 for Lot 1 District Lot 202, Similkameen Division Yale District Plan 5429, located at 190 Vancouver Avenue, a permit that allows for the construction of a 4 unit townhouse.

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the full construction of the lane along the rear of the property tying the works into Vancouver Avenue, representing an excess and extended service.

CARRIED UNANIMOUSLY

15.4 Zoning Amendment Bylaw No. 2018-53
Re: 2250 Camrose Street

342/2018

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2018-53", a bylaw to allow a site specific provision for Lot 1 District Lot 251 Similkameen Division Yale District Plan 12353, located at 2250 Camrose Street, inserted as Section 12.1.4.4 as follows: "On Lot 1, DL 251, SDYD, Plan 12353 located at 2250 Camrose Street, the use of the premises by a non-profit society:

- o Providing family service operations to include life skills training (may include cooking, budgeting, first aid), employment skills training, and work experience facilitation; and
- o Operating a second hand store which primarily sells donated used merchandise; and
- o Operating a food bank for the purposes of storing and distributing food products for non-profit and charitable purposes; and
- o Operating administrative offices

shall be a permitted use.”, be given first reading and be forwarded to the August 7, 2018 Public Hearing.

CARRIED UNANIMOUSLY

16. Notice of Motion

17. Business Arising

18. Council Round Table

19. Public Question Period

20. Adjournment

343/2018

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, July 17, 2018 at 8:26 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Dana Schmidt
Corporate Officer

Andrew Jakubeit
Mayor

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

Tuesday, July 24, 2018
at 4:30 p.m.

- Present:** Mayor Jakubeit
Councillor Martin
Councillor Sentes
Councillor Konanz
Councillor Picton
Councillor Watt
- Absent:** Councillor Sayeed
- Staff:** Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Bregje Kozak, Director, Recreation and Facilities
Mitch Moroziuk, General Manager of Infrastructure
Wes Renaud, Budget Analyst
Angie Collison, Deputy Corporate Officer

1. Call to Order

Mayor Jakubeit called the Special Meeting of Council to order at 4:30 p.m.

2. Adoption of Agenda

344/2018

It was MOVED and SECONDED

THAT Council adopt the agenda for the July 24, 2018 Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

3. Staff Reports:

Mayor Jakubeit declared a conflict of interest and left the meeting at 4:31 p.m. Deputy Mayor Martin chaired the meeting.

3.1 Penticton Curling Club, Request for financial assistance

345/2018

It was MOVED and SECONDED

THAT Council direct staff to negotiate an agreement with the Penticton Curling Club to provide an interest free loan, to a maximum of \$32,000 for repair or replacement of the brine chiller, which is required to maintain the ice surface; AND THAT upon completion of the statutory advertising, the Mayor and Corporate Officer be authorized to execute the loan document.

CARRIED UNANIMOUSLY

Mayor Jakubeit returned to the meeting at 4:43 p.m.

3.2 Public Washroom 300 Block of Main Street

346/2018

It was MOVED and SECONDED

THAT Council direct that the public washroom project for the 300 block of Main Street be considered as part of the 2019 budget process.

CARRIED UNANIMOUSLY

4. Public Question Period

5. Adjourn

347/2018

It was MOVED and SECONDED

THAT Council adjourn the Special Council meeting held on Tuesday, July 24, 2018 at 4:53 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Deputy Corporate Officer

Andrew Jakubeit
Mayor

Economic Development & Prosperity Task Force Meeting

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

Wednesday, July 25, 2018
at 8:00 a.m.

- Present:** Mayor Andrew Jakubeit, Chair
Andy Oakes, Member at Large
Danielle Robinson, Member at Large
Eric Corneau, Member at Large
Judy Richards, Member at Large
Kirk Marleau, Member at Large
Stephen Noton, Member at Large
- Staff:** Anthony Haddad, Director Development Services
Jennifer Vincent, Economic Development Services
Blake Laven, Planning Manager
Joanne Kleb, Engagement Officer
Caitlyn Anderson, Committee Clerk
Jo Benson, Committee Clerk
- Guests:** Hugh McClelland, Baird McClelland Inc., Economic Development Consultant

1. **Call to order**

The Economic Development & Prosperity Task Force was called to order by the Mayor at 8:00 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the agenda dated July 25, 2018 as circulated.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force adopt the minutes of the April 4, 2018 meeting as circulated.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

5. **New Business**

5.1 Cannabis Retail

The Planning Manager gave a presentation on Phase 1 of the City's engagement process for retail cannabis sales and shared the results from the Cannabis Survey that was conducted. Of the 1,151 responses received from the Cannabis Survey, the results showed a majority of Penticton residents agree that retail sales of non-medical cannabis should be allowed in Penticton once federal legalization occurs on October 17, 2018. The Committee expressed their desire to set a timelines to evaluate the engagement process for retail cannabis and the ability of making amendments to the program.

The Committee expressed concern that the application fee and/or business license should be higher as the industry is new and many unknowns with respect to staff time required exists.

The Planning Manager left the meeting at 9:00 a.m.

5.2 New Economic Development Website Review

The Economic Development Specialist announced that the City will be holding an event called "The Economic Outlook Forum" on November 8, 2018. Nicholas Badminton, a world-renowned Futurist Speaker, will be presenting at the forum.

The Economic Development Specialist updated the Task Force on the new website design and gave a demonstration on how to navigate through the various layers of the website. It is hoped that the new website will be fully functional by mid to late August. The Economic Development Specialist will provide links to Task Force members to review economic development dashboard sites. The Director of Development Services stated that the objective is to have the whole City website updated within 2 years.

The Engagement Officer left the meeting at 9:11 a.m.

5.3 Priority Industry Clusters Update

Hugh Mc Clelland of Baird McClelland Inc. presented the interim update on the business clusters in Penticton. 25 stakeholder interviews have been conducted to date and still looking to conduct another five to get some valuable feedback and insight into clusters' size and economic role they play in Penticton. The tech industry is here, however it is unevenly distributed and changes will have to be made. The interim draft projection of "Base" Clusters is still being developed and Common Economic Development issues among clusters was discussed. Going forward, the stakeholder interviews, recommendations and draft report needs to be finished and then presented to Council.

Andy Oakes left meeting at 9:30 a.m.

5.4 Strategic Plan Update – 1st Year Operational Plan Status

Economic Development Specialist provided the Task Force with the update that will be brought forth to Council on August 7, 2018.

5.5 Early Budget Considerations/Operational Focusses for 2019

Discussion on Early Budget Considerations/Operational Focusses for 2019 will be added to next meeting agenda.

6. **Next Meeting**

The next meeting of the Economic Development & Prosperity Task Force to be determined.

7. **Adjournment**

It was MOVED and SECONDED

THAT the Economic Development & Prosperity Task Force Meeting of July 25, 2018 adjourn at 9:34 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Jo Benson
Committee Clerk

Penticton Creek and Ellis Creek Restoration Committee Meeting

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

Wednesday, July 18, 2018
at 9:00 a.m.

- Present:** Bryn White, Chair and South Okanagan Similkameen Conservation Program Representative
Bruce McFarlane, Regional Water Engineer, Ministry of Forests, Lands and Natural Resource Operations Representative (Via conference call)
Hillary Ward, Province of BC Fisheries, Ministry of Forests, Lands and Natural Resource Operations Representative
Paul Askey, Freshwater Fisheries Society of BC
Bill Wickett, Penticton Fly Fishers Association Representative
Bruce Turnbull, Penticton Fly Fishers Association Representative
Doug Maxwell, Member at Large
Paul Truelove, Member at Large
- Staff:** Ian Chapman, City Engineer
Mitch Moroziuk, General Manager of Infrastructure
Jo Benson, Corporate Secretary – Committee Clerk
Caitlyn Anderson, Committee Clerk
- Guest:** Jim Arner, Eco Systems – Province of BC (Fisheries)
Jody Good, Mould Engineering
Joe Enns, Okanagan Nation Alliance Representative

1. **Call to Order**

The Penticton Creek and Ellis Creek Restoration Committee was called to order by the Chair at 9:03 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Penticton Creek and Ellis Creek Restoration Committee adopt the agenda for the meeting held on July 18, 2018 as circulated.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton Creek and Ellis Creek Restoration Committee adopt the minutes of the June 27, 2018 meeting as circulated.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

4.1 Penticton Creek Lower 3A Budget Update

The City Engineer confirmed the contract for Penticton Creek Lower 3A Project has been awarded to H & M Excavating with a start date of July 28, 2018. The City currently has \$350,000 for the project and another \$400,000 is expected from Habitat Conservation Trust Fund (HCTF) and Freshwater Fisheries BC (FWFBC). As the monitoring program is established, the group will need to identify how much annual funding is required for the budget and where the funds are to be allocated.

4.2 Flood Risk Assessment

The General Manager of Infrastructure reported grant funding for flood risk assessment has been received for the first part of a two part project. Part one is to determine where the risks of flooding are within the City and to create a flood risk map. Part two is to determine what mitigation measures can be taken to address the flood risks. This will be the subject of a separate report. The draft report from Tetrattech is expected October 18, 2018 with completion by October 22, 2018.

4.3 Monitoring Plan – Showcase and Lower 3A

The City Engineer and the Chair updated the Committee on the plans for monitoring the Showcase Project and Reach Lower 3A. Some catch up is required to collect more information and the City has surveying work to do to complete engineering commitments. Monitoring plans for Lower 3A and Showcase Project were done on separate approvals and plans, however, final report may be combine the results into one report. The monitoring documents will be distributed to the Committee so they are familiar with the plans and annual budgeting requirements. The report will be finalized and brought back to the Committee in the fall. The City Engineer will bring back monitoring results to the Committee in the fall of 2018.

4.4 199 Ellis Street Expression Of Interest Review Committee Meeting Date

The General Manager of Infrastructure reported that the Expression of Interest for 199 Ellis Street expires on August 7, 2018. No date set for document review and an invite will be sent out to the review panel by the Director of Development Services.

4.5 Ellis Creek Master Plan Request For Proposal Update

The General Manager of Infrastructure reported the Draft Ellis Creek Master Plan Request for Proposal draft was circulated to the Penticton Creek and Ellis Creek Restoration Subcommittee. All updates were received and the Request for Proposal was modified and issued July 18, 2018.

The draft report is scheduled to be finished August 1, 2019 and the final report to be finished September 1, 2019.

4.6 Lower 3A Construction Plan and Implementation Update

The City Engineer advised that a letter outlining the scope of the work is to be issued to the properties surrounding the Penticton Creek Project. The City Engineer will work with the Communications Manager to prepare a media release. The Committee discussed holding a ceremony with our key stakeholders once the project is complete. The Committee would like to see some representation from the Penticton Indian Band, media, and City of Penticton.

At the preconstruction meeting H & M Excavating, who were awarded the Penticton Creek Restoration contract, expressed their interest to start early. Given the amount of permissions it would take to make amendments to the clause the Committee agreed to stick with the July 28, 2018 start date.

4.7 Prioritizing next Penticton Creek Projects – Preparing for Budget 2019

The General Manager of Infrastructure spoke about budget and a design project that is expected for 2020. For budgeting purposes, the design for the 2020 work would be done in 2019. Priorities identified by the Committee are; Upper 3A, 3B, Nanaimo Avenue Bridge, 2A & B, , the rest of 3A & 3B. The Engineering Department will include in the 2019 Budget an item to undertake further Penticton Creek design based on the reaches identified at the July 18, 2018 committee meeting in consideration of the highest flood protection priorities, highest fisheries priorities and visual inspections. The City Engineer to budget for 2019 Penticton Creek design.

5. **New Business**

5.1 Penticton Industrial Development Association Representative

The General Manager of Infrastructure stated the motion from June 27, 2018 meeting to rename the committee to “Penticton Creek and Ellis Creek Restoration Committee” was carried unanimously by Council. With discussion a new recommendation was brought forward and the following recommendation was made:

THAT the Penticton Creek Restoration Committee recommend:

THAT Council amend the Terms and Reference for the Penticton Creek and Ellis Creek Restoration Committee to include a member of the Penticton Industrial Development Association;

AND THAT staff take steps to fill the position.

CARRIED UNANIMOUSLY

5.2 2018 Structural Flood Mitigation Grant

The General Manager of Infrastructure commented the City of Penticton received \$750,000 grant for a \$1,000,000 project to mitigate flood risks on Reach 12A of Penticton Creek.

The General Manager of Infrastructure left the meeting at 11:00 a.m.

Regional Water Engineer, Ministry of Forests, Lands and Natural Resource Operations, Bruce McFarlane left the meeting at 11:06 a.m.

6. **Next Meeting**

The Next meeting date is to be determined. The Penticton Creek Restoration Committee will hold a site visit of the Lower 3A project on August 15, 2018 at 9:30 a.m.

7. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton Creek Restoration Committee adjourn the meeting held on Wednesday, July 18, 2018 at 11:07 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Jo Benson
Committee Clerk

Arts, Creative & Cultural Innovations Committee Meeting

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

Friday, July 27, 2018
at 8:00 a.m.

Present: Robin Robertson, Chair
Gerald Kenyon, South Okanagan Performing Arts Centre Representative
Pat Field, Okanagan School of the Arts, Shatford Centre Representative
Timothy Tweed, Penticton & District Community Arts Council Representative
Murray Swales, Member at Large
Jose Hernandez, Penticton Indian Band Representative

Staff: Bregje Kozak, Director, Recreation and Facilities
Diane Persoon, Corporate Secretary

1. **Call to Order**

The Arts, Creative & Cultural Innovations Committee meeting was called to order by the Chair at 8:03 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Arts, Creative & Cultural Innovations Committee adopt the agenda for the July 27, 2018 meeting as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Arts, Creative & Cultural Innovations Committee adopt the minutes of the June 22, 2018 meeting as presented.

CARRIED UNANIMOUSLY

4. **Business Arising from Prior Meetings**

4.1 Consolidated Arts Events Schedule

Mr. Swales will invite a representative from Travel Penticton to come to the August 24, 2018 meeting to discuss how to increase marketing and publicity for the Arts and Culture events.

4.2 Report on status of Valley First Sculpture

The Chair reported that she attended the meeting at Valley First with Skyler Punnett. Meeting was an orientation type of meeting for the Committee which is made up of two people from Valley First, two from the City and a working artist from the community, who is yet to be selected. The goal for the next meeting is to have an artist identified to join the Committee which is a requirement as per the Terms of Reference.

The KISS sculpture, which has been loaned to the City for a year at no charge from the artist, will be temporarily installed August 1, 2018 in front of Valley First Credit Union. A call out to artists for entries to replace the KISS sculpture will begin in early fall.

5. **New Business**

5.1 BC Alliance for Arts & Culture

A website link for the BC Alliance for Arts and Culture was reviewed by Committee members prior to today's meeting. Open discussion was had on this topic. It was noted by several members that advocacy for the Arts was needed in Penticton and that a position of Arts Officer/Advisor be created.

It was MOVED and SECONDED

THAT the Arts, Creative & Cultural Innovations Committee recommend Council strongly consider contributing towards an Arts Officer, a position that would facilitate the collaboration of all Arts organizations and promote Arts, Culture and Creativity in the City of Penticton; AND THAT the Committee will provide a job description prior to budget deliberations.

CARRIED UNANIMOUSLY

Further discussion was had regarding the position of an Arts Officer with several thoughts brought forward:

- That there is need for strategic timing;
- That the City is lacking resources relative to culture and arts;
- That the Arts Officer position should be seen as supporting all arts groups within the City;
- That the Motion would need a business case for it and a clear, precise job description and title prior to Staff taking it to Council.

5.2 Arts Rising Festival – Video Presentation

The Chair provided a video presentation on the Arts Rising Festival and invited each person at the Committee level to share how they saw their groups in town supporting the Arts Rising Festival taking place September 21-23, 2018.

- Bregje Kozak, Director, Recreation and Facilities, reported that the City of Penticton made a \$5000 donation to the Festival and she will ensure the Festival information will be advertised on media sites to help promote it. Gyro park was donated, in kind, for this event as well.

- Gerald Kenyon from South Okanagan Performing Arts Centre reported that there is nothing that they are doing but that with the South Okanagan Performing Arts Centre Symposium happening on the following weekend of the Festival, that both events could help each other with getting information out to the public.
- Pat Field, OSO, Shatford Centre Representative, would be very happy to provide support in any way they can and will ensure that there is advertising at the Centre for this event.
- Jose Hernandez, Penticton Indian Band Representative, supports the program and will take the event information back to the Band. Mr. Hernandez feels that he would like to look at ways to bring the two different cultures together to celebrate events like Arts Rising Festival as one big event.
- Chair reports that the Sculpture Program will be present and will be doing two sculpture walks by donation. All monies raised goes into a Penticton Art Fund which is held by the Community Foundation of the South Okanagan Similkameen, an endowment fund to support public art in Penticton.

The Director, Recreation and Facilities left the meeting at 8:45 a.m.

6. **Representative Updates**

6.1 Penticton Art Gallery

The Penticton Art Gallery representative was not in attendance.

6.2 Penticton & District Community Arts Council

Timothy Tweed, Penticton & District Arts Council Representative, reported that Arts Rising Festival has an operating budget of approximately \$10,000 which consists of a \$5000 grant from the City of Penticton, a \$3000 grant from BC Arts Council which is to be used for musician fees and technicians and a small amount from the Community Foundation of Similkameen. This year's event will be a scaled back in comparison to last year and the goal is to stick within the existing budget. The theme this year is "Flow... where will art take you". Several of the successful acts from last year back have been asked back. Mr. Tweed will send a copy of the media release, which provides full details of the event, to the Corporate Secretary, who will forward it on to the Committee members.

Mr. Tweed reported that the City has nearly finished preparing the site for the Clint George public sculpture piece, "Bringing Back the Salmon King". The pad has been poured and cured, the round-a-bout has been back filled and a discussion will take place with the City as to whether the landscaping will take place after installation or next year. Now that the pad is poured and ready, Mr. Tweed will be in touch with the artist, Mr. George, to arrange for installation before the Arts Rising Festival. Mr. Tweed would like to incorporate a celebration of this art piece into the Arts Rising Festival.

6.3 South Okanagan Performing Arts Centre

Gerald Kenyon, the South Okanagan Performing Arts Centre Representative, reported that their Symposium will take place September 25-28, 2018 at the Lakeside Hotel. The goal of the Symposium is to come up with a frame work to creating and presenting the performing arts. The approach they are taking is to examine essentially, what is happening in this regard

around the world, not only in the theater design but basing the design of a new theater on how technology today is changing the performance side. They will be examining financial models to identify how to pay for a new facility and the operation costs of running it. The final part of the Symposium will be to determine how to manage the new facility. Full program details should be out in one to two weeks.

6.4 Okanagan School of Arts, Shatford Centre

Pat Field, Okanagan School of Arts Representative, reported that they had a meeting July 25, 2018 with the Art Gallery, Arts Council, Penticton Indian Band, South Okanagan Performing Arts Centre and the Creativity Committee all in attendance plus representatives from across the region and beyond. The outcome of the meeting was focusing on what the future for the Okanagan School of Arts will be, who their customers will be in the future and partnerships that may be made. By July 30, 2018, the outputs of this meeting will be released and the next step will be to make those partnerships. The objective in the short term is to fill the rooms. The objective mid-term is to set it up as some kind of regional creative innovation centre.

Okanagan School of Arts has just received their Facility Asset Management Report from the School District which reports a \$5.7 million dollar need to bring the building up to standards. Given the magnitude of the cost of repairs, they feel the City will have to be involved even though it is not a City owned building. They see the School as huge asset to provide operational resources for all the arts organizations. Currently, they are at 25% capacity. Moving forward, they want to look at how they would get a high enough paid Executive Director who would support all arts organizations, a social media person who would support all arts organizations and a paid volunteer coordinator who would support all arts organizations. This would be accomplished through the resourcing of making the School full to capacity. Their goal is to have a new Board in place by November 2018. They will be going to the public on October 10, 2018. After the public meeting, key decisions about which scenarios will be chosen and having a business model. The new Board's responsibility will be to ensure that once the scenario is implemented, the strategies of the business model are followed.

6.5 Penticton Indian Band Representative

Jose Hernandez, Penticton Indian Band Representative, reported that with today being his first attendance at the Arts, Creative & Cultural Innovations Committee, he has nothing to address with the Committee but he recognizes that there is a lot of work to be done and he will be taking his thoughts and ideas back to the band for discussion. Mr. Hernandez is looking forward to working closely together with the City and Penticton Indian Band to unite together in the future.

6.6 Members at Large

Mr. Swales had nothing to report today.

7. **Next Meeting**

The next meeting of the Arts, Creative & Cultural Innovations Committee is scheduled for Friday, August 24, 2018 at 8:00 am.

8. **Adjournment**

It was MOVED and SECONDED

THAT the Arts, Creative & Cultural Innovations Committee adjourn the meeting held on Friday, July 27, 2018 at 9:22 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

Diane Persoon
Corporate Secretary

Council Report

penticton.ca

Date: August 7, 2018 File No: 1715-05
To: Peter Weeber, Chief Administrative Officer
From: Wes Renaud, Budget Analyst

Subject: 2018-2022 Five Year Financial Plan Amendment Bylaw No 2018-54

Staff Recommendation

THAT Council give first, second and third reading to the “2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-54”.

Strategic priority objective

Fiscal Sustainability – Ensure City Services are delivered in an economical and sustainable way.

Good Governance – Enhance performance measurement and reporting to Council and the community.

Background

Section 165 of the *Community Charter* provides that a municipality may amend the Five Year Financial Plan at any time to reflect changes that occur during the year.

The 2018 budget was formulated in November of 2017, and during the 7 months that have followed, emerging priorities have necessitated amendments to the original budget. Council has endorsed several resolutions to amend the 2018 budget, and there have also been a few minor adjustments to the 2018 Budget made by Staff when required. As such, it is prudent to amend the 2018-2022 Five Year Financial Plan Bylaw to include these items.

The following section, along with attachment B to this report, outlines the impact to the City’s projected reserve and surplus balances as a result of the budget amendments in the first half of 2018. Amendments already noted in the previous budget amendment that came to Council in April have been included here for reference.

Financial implication

First and second quarter budget amendments require a withdrawal from the **asset emergency reserve** of \$295,000, leaving a projected balance of \$383,899. Projects funded include:

- Kiwanis Walking Pier

- Carmi Road detail design & drainage
- Detail design near Campbell Mountain Landfill

First and second quarter budget amendments require a withdrawal from the **General Capital Reserve** of \$253,575, leaving a projected balance of \$2,315,588. Projects funded include:

- Ellis Creek master plan, detail design & construction work
- Penticton Creek land swap/purchase (partial funding)

First and second quarter budget amendments require a withdrawal from the **Election Reserve** of \$70,952, leaving a projected balance of \$0. This reserve will be re-funded in non-election years.

First and second quarter budget amendments require a withdrawal from the **electrical surplus** of \$38,762, leaving a projected balance of \$15,374,170. This funding is required to perform additional meter testing and maintenance in 2018.

First and second quarter budget amendments required a withdrawal from **general surplus** of \$82,000, leaving a projected balance of \$5,944,011. Projects funded include:

- Penticton Creek land swap/purchase (partial funding)
- Ellis Creek flood prevention activities

First and second quarter budget amendments require a withdrawal from the **Land Acquisition Reserve** of \$2,380,550, leaving a projected balance of \$598,576. Land purchases include:

- 4 properties on Eckhardt Street
- 902 Creston Avenue
- 95 & 101 Ellis Street

The second quarter budget amendments require a withdrawal from the **public art reserve** of \$2,500 for the public sculpture program, leaving a projected balance of \$76,711.

First and second quarter budget amendments require a withdrawal from the **Water Surplus** of \$17,630 for the drought management plan, leaving a projected balance of \$6,086,005.

For additional information in regards to these transactions, please see Attachment A.

Alternate recommendations

THAT Council direct staff to provide them with further information prior to adopting the "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018- 54".

Attachments

Attachment A – Reserve and Surplus Amendment Listing

Attachment B – 2018-2022 Five Year Financial Plan Amendment Bylaw No.2018- 54.

Respectfully submitted,



Wesley Renaud
Budget Analyst

Concurrence

Chief Financial Officer <i>JWB</i>	Chief Administrative Officer PW
--	---

Attachment A – Reserve and Surplus Amendment Listing

Resolution #	Description	Funding Source	Amount
192/2018	Kiwanis Walking Pier Project	Asset Emergency Fund	\$ 200,000
221/2018	Carmi Road Detail Design and Drainage Improvements	Asset Emergency Fund	45,000
221/2018	Analysis & Detail Design near Campbell Mtn Landfill	Asset Emergency Fund	50,000
221/2018	Ellis Creek Master Plan & Detail Design for 2019 Work	Capital Reserve	400,000
221/2018	Ellis Creek 2018 Design and Construction Work	Capital Reserve	250,000
140/2018	Penticton Creek Land Swap/Purchase	Capital Reserve	28,000
Note 1	Deferral of Misc Capital Accounts	Capital Reserve	(424,425)
Note 2	Municipal Election	Election Reserve	70,952
Note 3	Meter Testing and Maintenance	Electric Surplus	38,762
Note 4	Flood Prevention - Ellis Creek	General Surplus	35,000
140/2018	Penticton Creek Land Swap/Purchase	General Surplus	47,000
139/2018	Land Acquisition - 4 Properties on Eckhardt St.	Land Acquisition Reserve	1,515,550
IC57/2018	Land Purchase - 902 Creston Ave.	Land Acquisition Reserve	480,000
IC47/2018	Land Purchase - 95 & 101 Ellis St.	Land Acquisition Reserve	385,000
218/2018	Public Sculpture Program	Public Arts Reserve	2,500
Note 5	Drought Management Plan	Water Surplus	17,630
Total Amendments affecting Reserve/Surplus accounts			\$ 3,140,969
Transfer to/from surplus reserve in original budget			\$ 852,526
Transfer to/from surplus reserve in amended budget			\$ 3,993,495

Notes:

1. Due to emergency work undertaken in the spring of 2018, the following capital works have been deferred to 2019:

Project	2018 Budget Reduction
Pavement/Sidewalk Condition Assessment	58,800
Rainfall Monitoring	16,000
Sidewalks, Curbs and Gutter Strategy	20,000
50% of Traffic Calming Program	59,625
Irrigation Upgrades - Kings Park	120,000
Parks Master Plan	100,000
Okanagan Lake Park - Concrete Replacement	50,000
Total Budget Reduction	424,425

2. Utilizing election reserve in order to fund upcoming 2018 municipal election. The total budget for the upcoming election is \$109,952.
3. Total cost is \$125,000; additional funds were required in 2018 as the metering audit was originally planned to take place over several years but was expedited due to initial findings of meter read errors.
4. Cost of sorting, hauling, and stock piling rip rap required for use at Ellis Creek to minimize flood impacts.
5. Received grant for drought management plan, funded City's portion from general surplus.

Bylaw No. 2018-54

A Bylaw to Amend 2018-2022 Five Year Financial Plan Bylaw No. 2017-79

WHEREAS the Council of the City of Penticton has adopted a Five Year Financial Plan Bylaw pursuant the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend 2018-2022 Five Year Financial Plan Bylaw No. 2017-79;

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 "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-54".

2. **Amendment:**

2.1 "2018-2022 Five Year Financial Plan Bylaw No. 2017-79" is hereby amended as follows:

Delete and replace Schedule 'A' and 'B' in their entirety with the attached Schedule 'A' and 'B'.

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

READ A FIRST time this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
ADOPTED this	day of	, 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule A

	2018 Budget	2019 Projection	2020 Projection	2021 Projection	2022 Projection
Revenue					
Taxation	(53,575,138)	(55,638,494)	(57,784,523)	(60,016,545)	(62,336,706)
Sale of Services	(6,850,024)	(6,881,903)	(6,896,816)	(6,932,683)	(6,969,499)
Electric Utility Fees	(42,075,442)	(43,335,543)	(44,633,405)	(45,970,158)	(47,346,968)
Sewer Utility Fees	(5,615,077)	(6,178,775)	(6,653,300)	(6,692,009)	(6,712,253)
Water Utility Fees	(8,466,692)	(8,817,919)	(9,201,250)	(9,601,446)	(10,019,248)
Fiscal Services	(3,036,330)	(3,033,713)	(3,034,991)	(3,035,278)	(3,035,573)
Grants	(1,695,343)	(1,623,320)	(1,623,320)	(1,623,320)	(1,623,320)
Other Revenues	(12,359,158)	(12,208,338)	(12,270,724)	(12,281,337)	(12,304,093)
Development Cost Charges	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
Donations	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
	<u>(134,283,203)</u>	<u>(138,328,005)</u>	<u>(142,708,330)</u>	<u>(146,762,775)</u>	<u>(150,957,660)</u>
Expense					
General Operating	70,831,362	71,121,711	72,842,835	74,458,134	76,024,316
Electric Operating	37,175,423	36,206,355	37,609,191	39,053,053	40,073,471
Sewer Operating	4,761,304	4,805,587	4,817,541	4,915,810	4,736,055
Water Operating	4,021,815	4,030,214	4,153,704	4,184,822	4,213,195
	<u>116,789,904</u>	<u>116,163,867</u>	<u>119,423,272</u>	<u>122,611,820</u>	<u>125,047,036</u>
Annual Surplus	(17,493,299)	(22,164,139)	(23,285,058)	(24,150,955)	(25,910,624)
Capital					
General Capital	11,784,876	11,881,565	24,654,518	23,359,241	18,728,821
Electric Capital	3,305,287	1,551,681	1,373,674	2,082,282	1,643,589
Sewer Capital	2,642,000	6,769,200	2,503,875	6,828,051	4,325,000
Water Capital	3,407,250	5,543,335	8,198,500	4,389,600	3,246,300
	<u>21,139,413</u>	<u>25,745,780</u>	<u>36,730,567</u>	<u>36,659,175</u>	<u>27,943,710</u>
Debt Proceeds	(1,635,040)	(702,000)	(3,677,197)	0	0
Land Proceeds	(1,000,000)	(200,000)	(200,000)	(200,000)	(200,000)
Principal repayments	2,982,421	2,334,314	2,443,004	2,528,880	2,530,793
Transfer to/from surplus/reserve	(3,993,495)	(5,013,956)	(12,011,316)	(14,837,099)	(4,363,880)
Financial Plan Balance	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>

Schedule B

Current Revenue Portions by Funding Source for Operating (excluding borrowing and transfers from reserve/surplus):

Taxation	31,540,871	23.49%
Grants in Lieu	254,519	0.19%
Business & Local Improvement Levy	403,875	0.30%
Collections for Other Governments	21,375,873	15.92%
Sale of Services	6,850,024	5.10%
Electric Utility Fees	42,075,442	31.33%
Sewer Utility Fees	5,615,077	4.18%
Water Utility Fees	8,466,692	6.31%
Other Revenue	12,359,158	9.20%
Fiscal Services	3,036,330	2.26%
Grants	1,695,343	1.26%
Donations	10,000	0.01%
Development Cost Charges	600,000	0.45%
	<u>134,283,203</u>	<u>100.00%</u>

Current Property Class Multiples:

Ratio	2018	2017	2016	2015
Residential	1.000	1.000	1.000	1.000
Utilities	7.330	5.930	5.000	4.028
Light Industry	1.670	1.580	1.580	1.524
Business	1.660	1.580	1.580	1.625
Rec/Non-Profit	1.420	1.390	1.350	1.350
Farm	3.260	2.060	2.250	2.760

Use of Permissive Tax Exemptions

In 2016, Council passed Bylaw 2016-57 to exempt certain properties from taxation in the next three years (2017-2019). In 2017, Council passed amending Bylaw 2017-61 to exempt certain properties from taxation in 2018. The Bylaw contains the list of properties and the estimated amount of tax revenue forgone (\$485,263). The list of properties includes religious institutions, historical societies, recreational facilities, and service organizations that form a valuable part of our community. These organizations have demonstrated to Council that their services support our residents and community.

Use of Revitalization Tax Exemptions

Revitalization tax exemption bylaws were introduced in Penticton in 2010 to provide economic incentives for specified key areas within the City. The specified areas include the downtown, the industrial areas, and other strategic areas of the city. Bylaws 2014-04, 2014-44, and 2015-52 provide for tax exemptions in the specified areas in the City.

Council Report

penticton.ca

Date: August 7, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 241 Nelson Avenue

File No: 2018 PRJ-126

**Subject: Zoning Amendment Bylaw No. 2018-55
Official Community Plan Amendment Bylaw No. 2018-56**

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2018-55", a bylaw to rezone Lot 2 District Lot 250 Similkameen Division Yale District Plan 4654, located at 241 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) and to add Section 10.6.4.7: "In the case of Lot 2, DL 250, SDYD, Plan 4654, located at 241 Nelson Avenue, if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street," be given first reading and forwarded to the August 21, 2018 Public Hearing;

AND THAT prior to consideration of "OCP Amendment Bylaw No. 2018-56" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the public consultation conducted to date is sufficient;

AND THAT "Official Community Plan Amendment Bylaw No. 2018-56," a bylaw to amend Schedule 'H' Development Permit Area Map of the City's OCP, to include the subject property in the Downtown Multiple Family Development Permit Area; be introduced, given first reading and forwarded to the August 21, 2018 Public Hearing.

Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and designated by the City's Official Community Plan (OCP) as LR (Low Density Residential). Photos of the site are included as Attachment D. The lot is 1,387m² (14,931ft²) in area and features an older single family dwelling which is intended to be demolished. Surrounding properties are primarily zoned for single and multi-family development. Surrounding properties are designated by the OCP as LR (Low Density Residential) and MR (Medium Density Residential). The site is located at the periphery of the downtown, close to the KVR trail and Pen-Hi school. The close proximity to commercial and multi-family properties creates the potential for more density.

Proposal

The proposed rezoning will facilitate the subdivision of the subject property into two lots. The applicant is proposing to construct two single family dwellings on each of the lots. On each lot, one dwelling with front the street and one will front the lane. Since the proposed use is not permitted in the current zone and vehicle access is restricted to the lane only, a rezoning to RD2 (Duplex Housing: Lane) is required with a site specific provision stating that if the property is subdivided into two lots, a maximum of two dwelling units are permitted per lot, while allowing vehicular access from the street. The conceptual renderings and letter of intent illustrate a two-storey building with a garage and living area on the main level, private amenity space in the back yard and three bedrooms on the second storey. The exact design will be thoroughly reviewed by staff through the development permit process after the rezoning and subdivision process is complete, although a more contemporary design approach is being presented at this time.

Financial implication

The City will receive Development Cost Charges of \$13,262.00 from the developer for the creation of the new lot in addition to the building permit fees, based on the cost of construction.

Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. A new water and sewer connection will be required to service the additional lot as well as possible upgrades to existing services. Sidewalk and lane upgrade will be required as part of subdivision approval. A demolition permit will be required for the existing structures on the property. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. If the request for the zoning amendment is 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 application:

Item	Requirement RD2 zone	Proposed Lot 1 and 2
Maximum Lot Coverage:	40%	38%
Minimum Lot Width:	9.1m	12.415m
Minimum Lot Area:	275.0m ²	693.6m ²
Vehicle Parking:	2 spaces per single family dwelling (4 total per lot)	8 spaces per lot
Required Setbacks		
Front yard (south, Nelson Avenue):	4.5m	6.0m
Rear yard (north, lane):	6.0m	6.0m
Interior yard (west):	1.5m	1.5m
Interior yard (east):	1.5m	1.5m
Maximum Building Height:	10.5m (three storeys)	two storeys
Other Information:	- The subject property is not located in a Development Permit Area, but staff are recommending that the property be included in the Downtown Multiple Family DPA to ensure the form and character of the buildings and landscaping are of high quality.	

Analysis

Zoning Amendment

Support "Zoning Amendment Bylaw No. 2018-55"

The proposed amendment from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) is in line with the LR (Low Density Residential) designation of the City's OCP. Staff considers this development to be an appropriate use of the land for the following reasons:

- According to the City's OCP, residential development should be accommodated through infill development. Set in an area with a combination of single family homes, multiple family homes, and small scale commercial uses, this application encourages a mixed range of housing, types, tenures and densities;
- The plan supports residential intensification near commercial activities and institutional facilities (for example, the Library and Museum) and supports densification in areas where existing services can accommodate higher densities; and
- The proposed dwellings will fit into the existing mix of housing in the area and the design of the buildings will lend positively to the overall character of the community.

Staff considers that it is reasonable to densify this property given the location's proximity to commercial nodes as well as the KVR trail and other transit routes. The proposed rezoning allows for two sizeable single family dwellings to be constructed with no variances to City bylaws. The increase in demand for parking that comes with densification is addressed by allowing for four parking spaces for each dwelling unit. In the RD2 zone, driveways are not permitted from the street but given the length of the lots and the fact that there are several existing driveways along Nelson Avenue, staff are comfortable with vehicular access from the street. The design of the driveways has limited their impact on the available street parking on Nelson Avenue. If the applicant does not follow through with the development, the existing dwelling will still conform to the RD2 (Duplex Housing: Lane) zone as a single family dwelling is a permitted use.

Given the information presented above, staff recommends that Council support "Zoning Amendment Bylaw No. 2018-55" and forward the application to the August 21, 2018 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 the zoning shall remain as single family in which a carriage house could be built. 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.

OCP Amendment

Support "OCP Amendment Bylaw No. 2018-56"

If the rezoning is approved by Council, the developer could completely change the design of the proposed duplex as long as it meets the zoning bylaw and building code requirements. Staff are recommending to include the property in the Downtown Multiple Family DP area to ensure the design is retained as proposed.

The Downtown Multiple Family 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.”

Deny/Refer OCP Amendment

Council may feel that it is not necessary to include the subject property in a DP area. If this is the case, Council should deny the bylaw amendment.

Alternate Recommendations

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2018-55” and deny first reading of “OCP Amendment Bylaw No. 2018-56.”
2. THAT Council support first reading of “Zoning Amendment Bylaw No. 2018-55,” but deny first reading of “OCP Amendment Bylaw No. 2018-56.”
3. THAT Council support first reading of the bylaws with conditions.
4. THAT Council refer the bylaws 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: Conceptual Site Plan
- Attachment F: Subdivision Plan
- Attachment G: Conceptual Renderings
- Attachment H: Letter of Intent
- Attachment I: Zoning Amendment Bylaw No. 2018-55
- Attachment J: Official Community Plan Amendment Bylaw No. 2018-56

Respectfully submitted,

Randy Houle
Planner I

Approvals

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

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

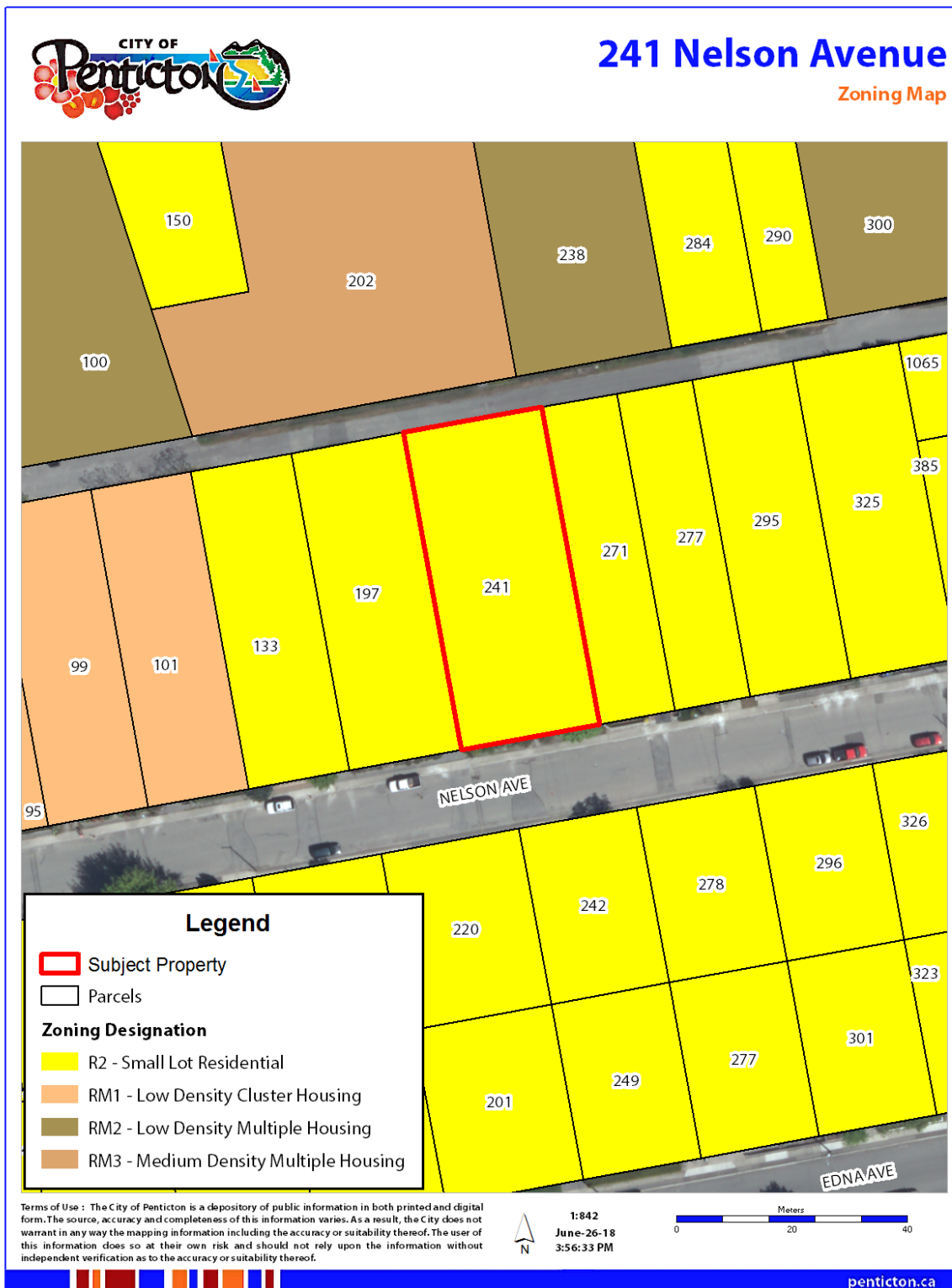


Figure 2: Zoning Map

Attachment C- OCP Map

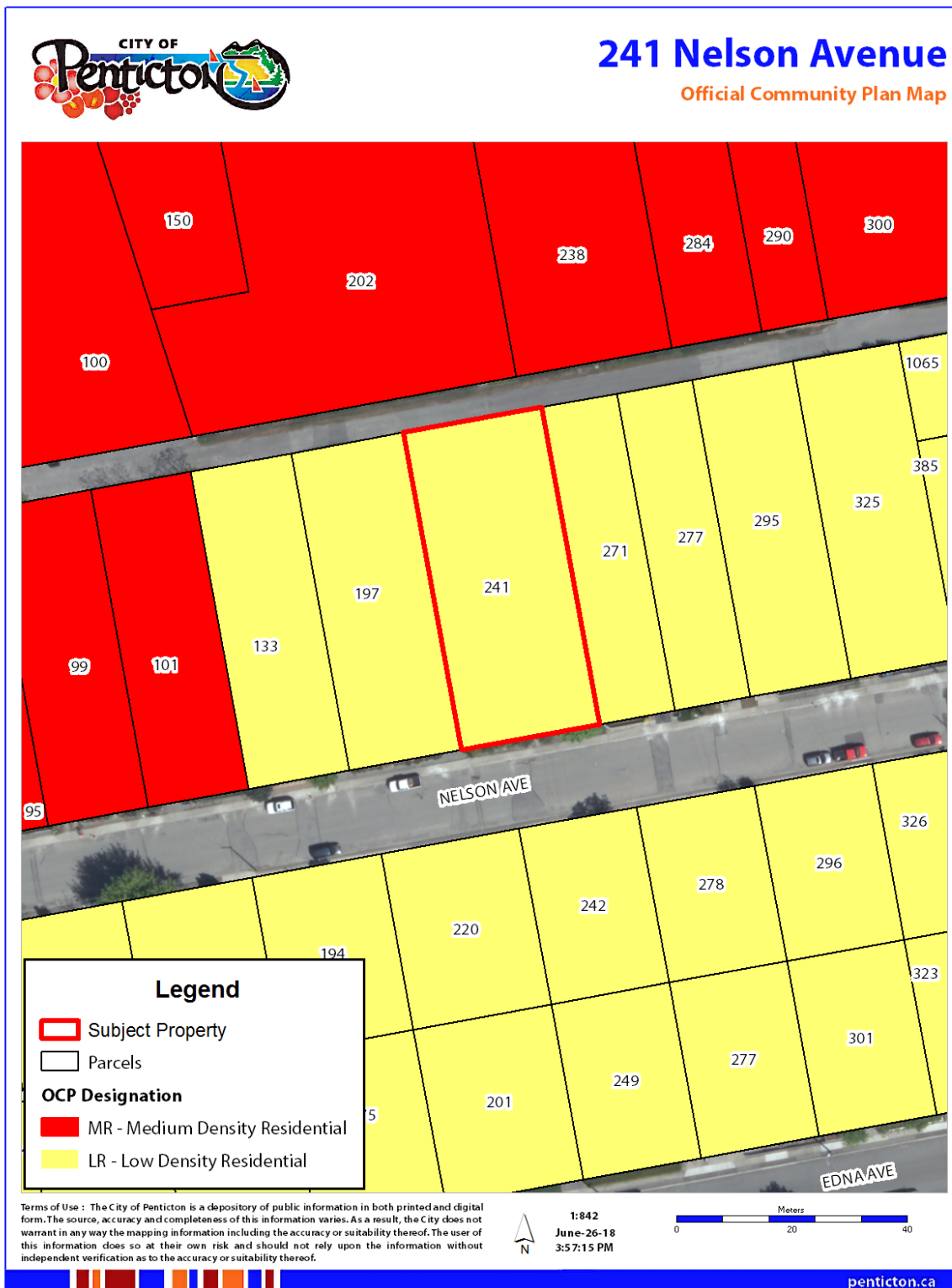


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South view of subject property (from Nelson Avenue)



Figure 5: South view showing eastern portion of property



Figure 6: North view of subject property (from the lane)



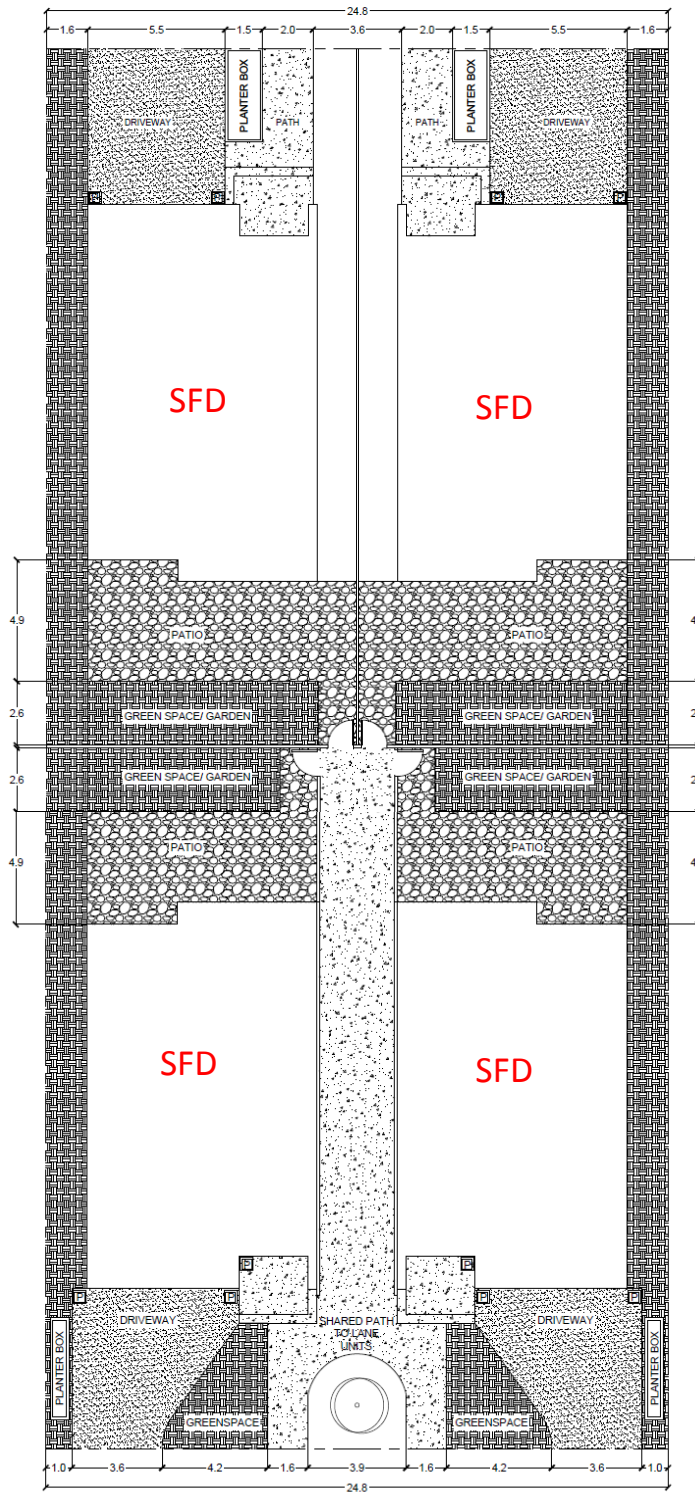
Figure 7: North view showing western portion of property



Figure 8: North view showing eastern portion of property

Attachment E – Conceptual Site Plan

LANE



NELSON AVENUE

Figure 9: Conceptual Site Plan

Attachment F – Subdivision Plan

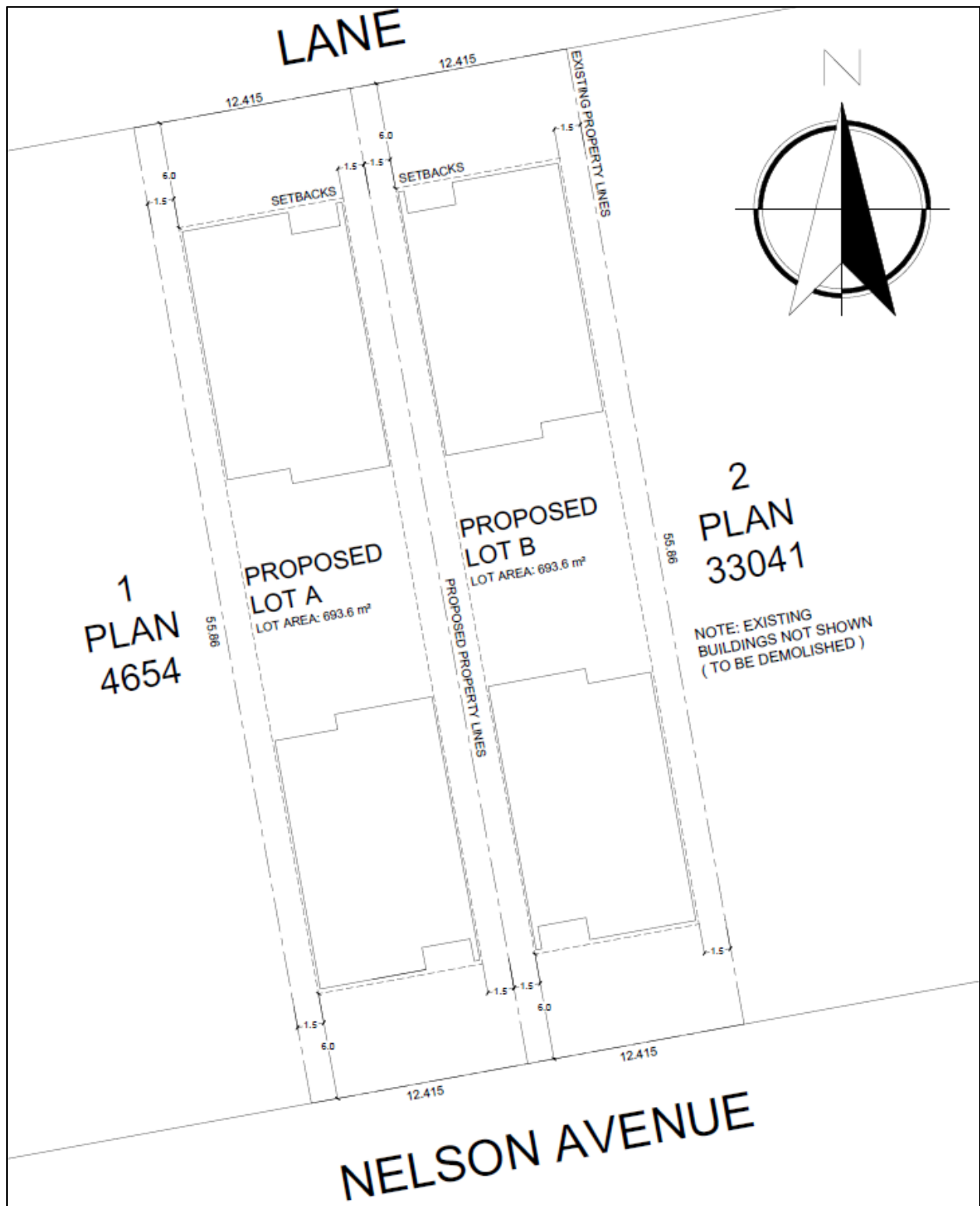


Figure 10: Subdivision Plan

Attachment G – Conceptual Renderings



Figure 11: South Elevation of proposed development (from Nelson Avenue)



Figure 12: Bird's eye view of proposed development



Figure 13: Back yards of proposed development



Figure 14: Rear elevation of proposed development

Attachment H - Letter of Intent

Lajora Holdings Ltd.

176 Fraser Court Penticton B.C. V2A 8B4
250-486-2926 landrkowalchuk@shaw.ca

To: Mayor, Council and Staff - City of Penticton
Sent By Email – development@penticton.ca

June 22, 2018

Re: 241 Nelson Avenue Rezoning & Subdivision Application

We are requesting 241 Nelson Avenue be rezoned from R2 to RD2 (Duplex Housing Lane). The subject parcel is very unique because of its extra depth +/- 55.85 m or 185 ft. and width of over 24.3 m /80 ft. This is nearly twice the depth as the homes directly across the street from 241 Nelson Ave or further east on Nelson Avenue.

The rezoning will facilitate the subdivision of each of the lots into two lots for a total of four single family detached homes. Each unit (roughly 2100 sq ft) will have a two car garage, living area and generous patio/gardens on the main floor with three bedrooms on the second floor.

Two homes will have access to their garage and front door from Nelson Avenue and two homes will have access from the back lane. The homes will be setback 6 meters from both the street and the rear property line to facilitate additional parking on private land bringing a total of 4 parking spots per home (two on the parking apron and two in the garage). After consultation with City Planning Staff, we revised and narrowed the driveway access to capture three on street parking stalls on Nelson Avenue. (See rendering)

The creation of the four single family homes on the flats will add increased density that is in close proximity to transit, shopping, downtown, schools and parks/trails, while preserving the form and character of the single family neighborhood.

We would respectfully request your support to our application.

Regards,

Randy Kowalchuk

Figure 15: Letter of Intent

Rezone 241 Nelson Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) with a site specific provision (RD2 Zone) that if the property is subdivided into two lots, a maximum of two dwelling units is permitted per lot, while allowing vehicular access from the street



City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2018-55

Date: _____

Corporate Officer: _____

Amend OCP Bylaw 2002-20,
Schedule 'H' Development
Permit Area Map to include 241
Nelson Avenue in the
Downtown Multiple Family
Development Permit Area



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-56

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: August 7, 2018
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 1830 Ridgedale Avenue

File No: 2018 PRJ-136

**Subject: OCP Amendment Bylaw 2018-57
Zoning Amendment Bylaw No. 2018-58**

Staff Recommendation

THAT prior to consideration of "OCP Amendment Bylaw No. 2018-57" and in accordance with Section 475 of *Local Government Act*, Council considers whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the public consultation completed to date and the Public Hearing is sufficient consultation;

AND THAT "OCP Bylaw No. 2002-20", be amended by changing the OCP designation on portion of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103 Except Plan EPP74844 as shown on Attachment "D", located at 1830 Ridgedale Avenue from LR (Low Density Residential) to MR (Medium Density Residential), and amends Schedule 'H' of the bylaw, including the subject lands in the General Multiple Family Development Permit Area;

AND THAT "Official Community Plan Amendment Bylaw No. 2018-57" be introduced, read a first time and forwarded to the August 21, 2018 Public Hearing.

THAT "Zoning Amendment Bylaw No. 2018-58", a bylaw to rezone on portion of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103 Except Plan EPP74844, located at 1830 Ridgedale Avenue be rezoned from RD1(Duplex Housing) to RM3 (Medium Density Multiple Housing) as shown on Attachment "D", be given first reading and be forwarded to the August 21, 2018 Public Hearing.

Strategic priority objective

The subject application is aligned with the Council Priorities of Community Building, Economic Vitality and Environmental Sustainability. The project represents smart growth by increasing density in areas where services already exist and in areas close to transit, commercial and employment centers.

Background

The subject development area is part of the Ridge subdivision, located to the west of the Sendero Canyon neighbourhood and uphill from the Duncan / Ridgedale neighbourhood. The area is included in the Columbia Heights Neighbourhood Plan – a plan created through an extensive comprehensive planning process and originally adopted by Council in 1996. The Plan forms part of the City's current Official Community Plan (OCP 2002-20). The plan features a mixture of land uses and was developed with a vision towards respect for the environment and a focus on community by offering a range of uses and a diversity of housing types, tenures and income levels.

In January of 2017, Council approved an OCP and Zoning Amendment for the site. The approval permitted the creation of a neighbourhood with a mixture of housing types, including 110 large and small lot single and two family residential properties, two lots for low/ mid density multiple family housing, two areas for parks and recreation and a large natural area all connected through an integrated trail network. The first phase of "The Ridge" development approved in January 2018 included the subdivision of 52 new single-family lots, one townhouse site and a park extension in the eastern area adjacent to the Sendero Canyon development.

Phase 2 of the development is currently zoned for 53 single family lots, 5 duplex lots, a park and a multifamily site. This application pertains to a small section of Phase 2, along the southern boundary that is currently zoned for duplexes. The developer intends to amend the 5 duplex lots to allow for a townhouse development. To accommodate the development, the developer intends to amend the OCP from LR (Low Density Residential) to MR (Medium Density Residential) and rezone the 4,499m² portion from RD1(Duplex) to RM3(Medium Density Multiple Housing) to allow the construction of 19 townhomes.

Proposal

To accommodate the proposal the applicant is proposing the following amendment to the Official Community Plan Bylaw 2002-20:

- `Schedule B: Future Land Use Map` to change the OCP designation on the portion of the subject lands from LR (Low Density Residential) to MR (Medium Density Residential); and,
- `Schedule H: Development Permit Area Map` including the property in the General Multiple Family Development Permit Area.

And secondly, the proponents are requesting the subject lands be rezoned from RD1(Duplex Housing) to RM3(Medium Density Multiple Housing) zone.

Consultation

In 2017, prior to the original OCP and rezoning application, neighborhood consultation took place. As this application is considered minor and meets the intent of the recent approved amendments the Columbia Height Neighborhood Plan, staff felt a public open house was not essential.

Financial implication

Approval of the subject proposal will allow for the increase in property value substantially, replacing 5 duplex lots to 19 new strata units. This increase in land value will have a positive impact on the City's tax base.

Technical Review

This proposal was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. The Engineering Department has reviewed this application and notes a number of servicing requirements to be addressed at the subdivision stage and that would form part of the Phase 2 approval.

Analysis

Support OCP and Zoning Bylaw Amendments

The proposed amendments for the subject lands generally conform with the Columbia Heights Neighbourhood Plan. The OCP provides a list of criteria when considering re-designating areas to Medium Density Residential. The OCP states that it will support the MR designation on a parcel where the proposed development will be compatible in character and scale with the adjoining uses. The development will be facilitating the provision of a variety of housing types, tenures and densities that will respond to the diverse needs, including income levels of individuals and families in Penticton at varying stages of their life. In addition, the site is located in close vicinity to a proposed park and a trail connection providing a buffer from the single family lots.

Overall, staff considers that the proposal is consistent with other medium density development in the area. The proposal is considered to provide an additional level of density and will provide a desirable building form in a desirable area of the city. The proposal is considered to provide an appropriate level of density and form and the proposed three storey height offers a smooth transition from the single family homes. Given that the development is in general conformance with the Columbia Heights Neighborhood Plan and represents good planning practice, staff are recommending that Council give first reading to the OCP and zoning amendment bylaws and refer the bylaws to the August 21, 2018 Public Hearing for comment from the public.

Deny / Refer OCP and Zoning Bylaw Amendments

Council may feel that the proposed development plan is not adequate for the lands in question. If that is the case Council may wish to deny first reading of the Bylaw. Alternatively, Council may feel that further conditions are warranted prior to approval.

Alternate Recommendations

1. THAT Council deny first reading of "OCP Bylaw No. 2018-57 and Zoning Amendment Bylaw No. 2018-58".
2. THAT Council send the application back to staff to work with the proponents on changes to the development scheme as directed by Council.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Map Showing the portion of the site affected
- Attachment E: Site Plan
- Attachment F: Photos of the Site
- Attachment G: Letter of Intent
- Attachment H: OCP Amendment Bylaw No. 2018-57
- Attachment I: Zoning Amendment Bylaw No. 2018-58

Respectfully submitted,

Audrey Tanguay
Senior Planner

DDS <i>AT</i>	CAO PW
------------------	-----------

Attachment A- Subject Property Location Map

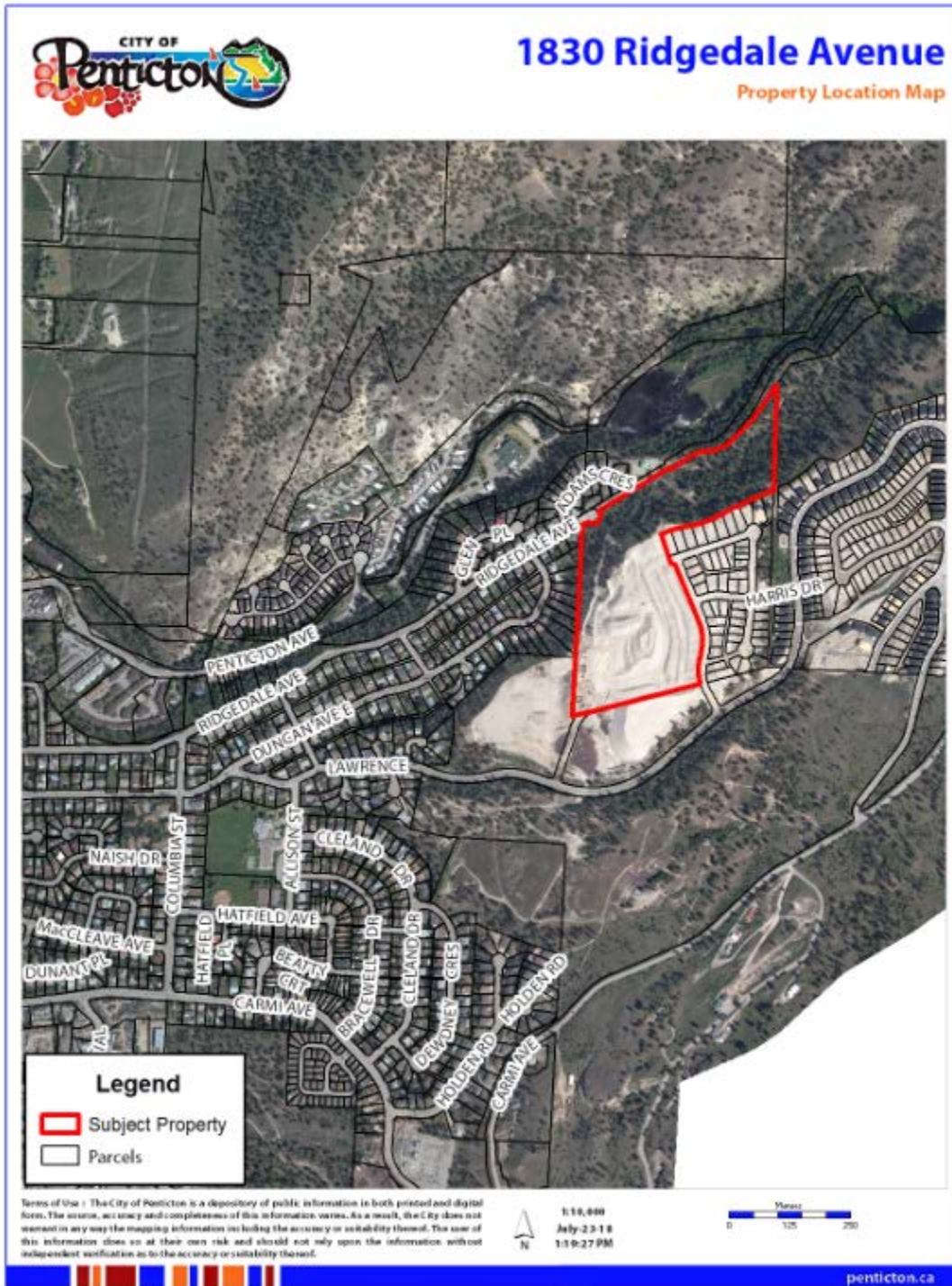


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

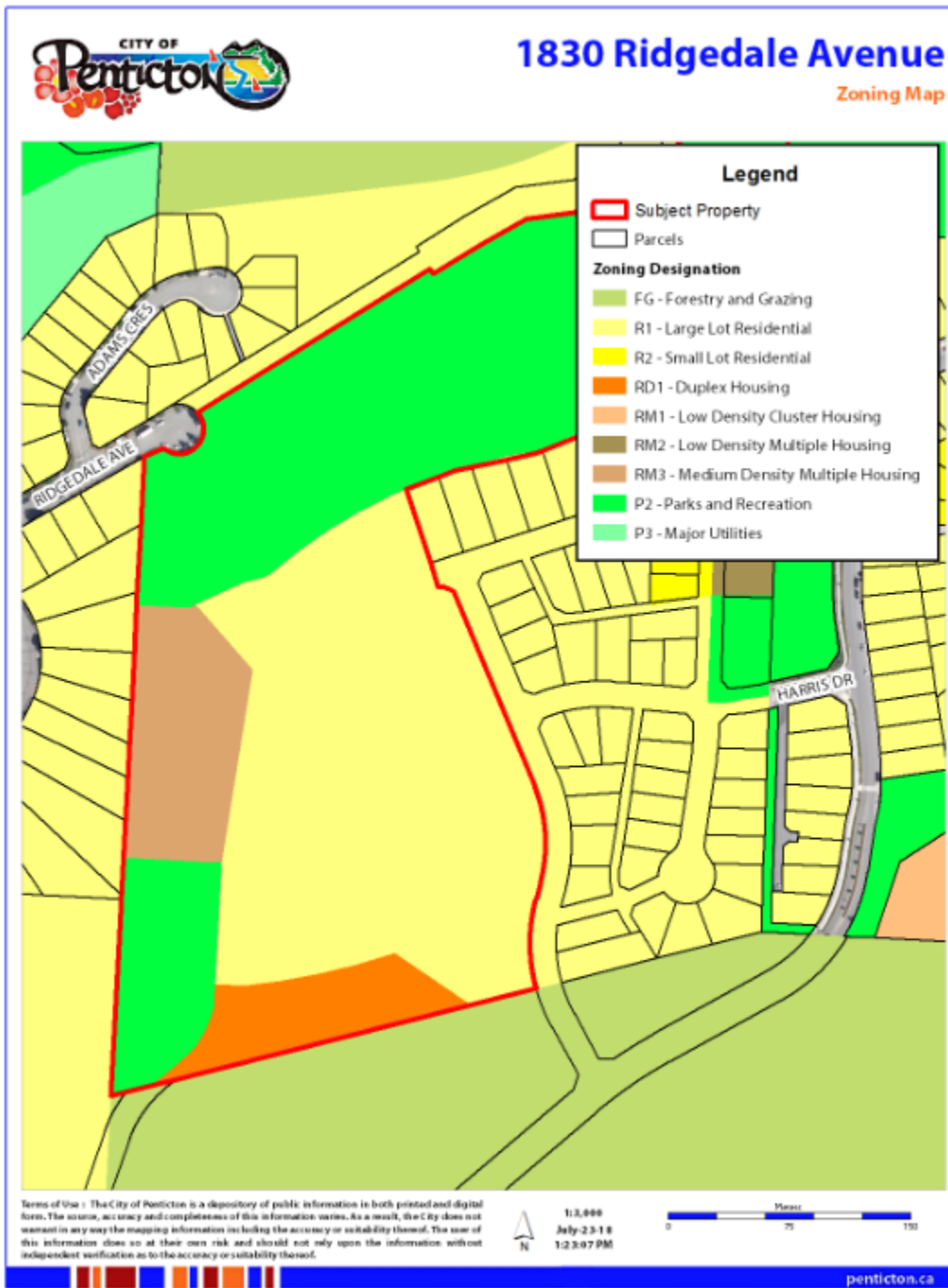


Figure 2: Zoning Map

Attachment C- OCP Map

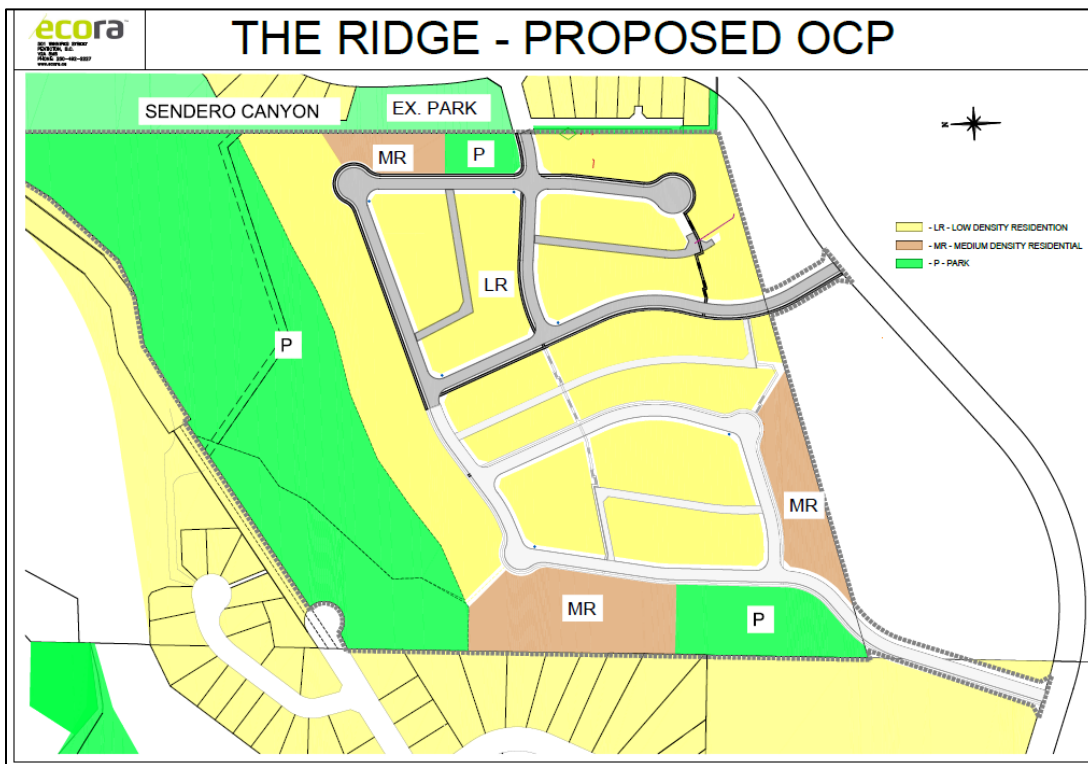


Figure 3: OCP Land Use Map

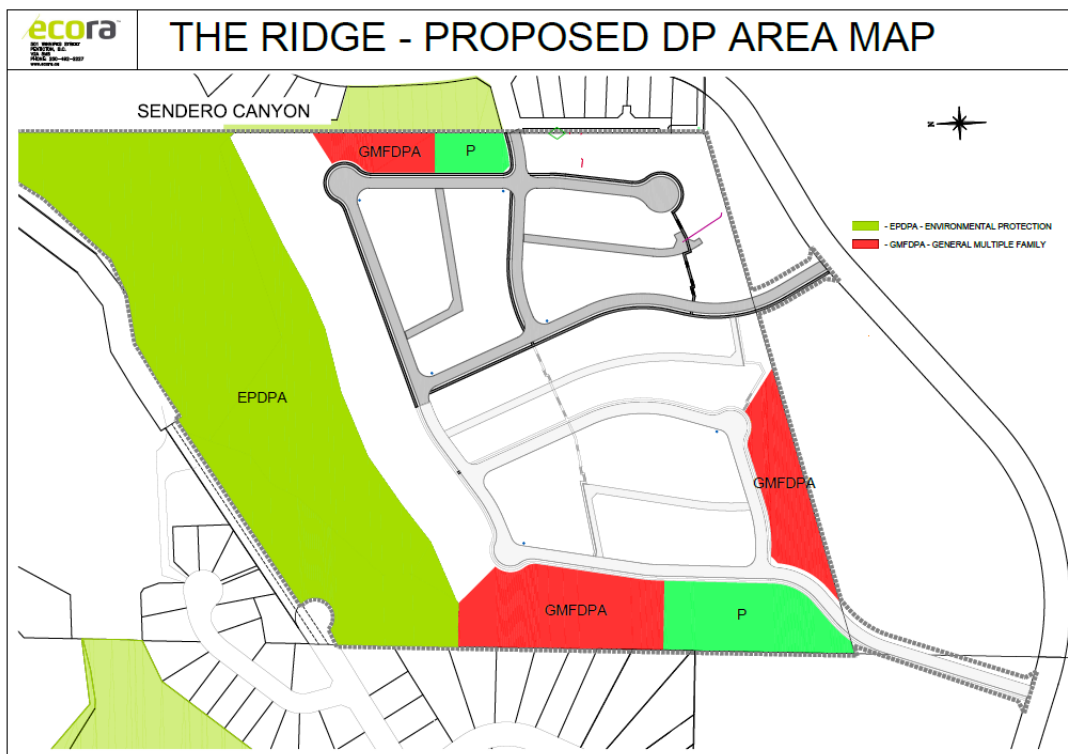


Figure 4: OCP Development Permit Map

Attachment D – Portion of the site affected with this application

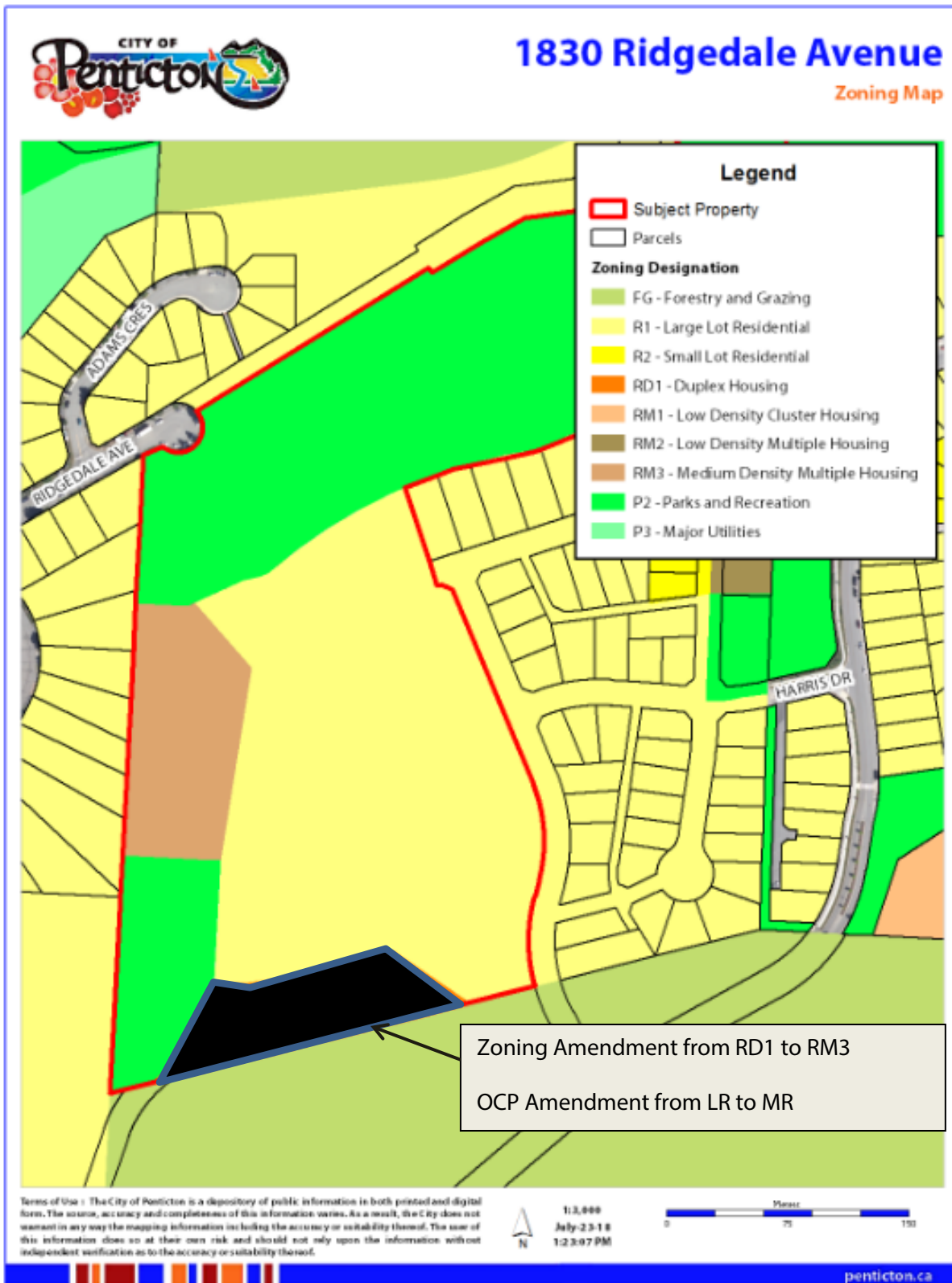


Figure 5: Zoning Map

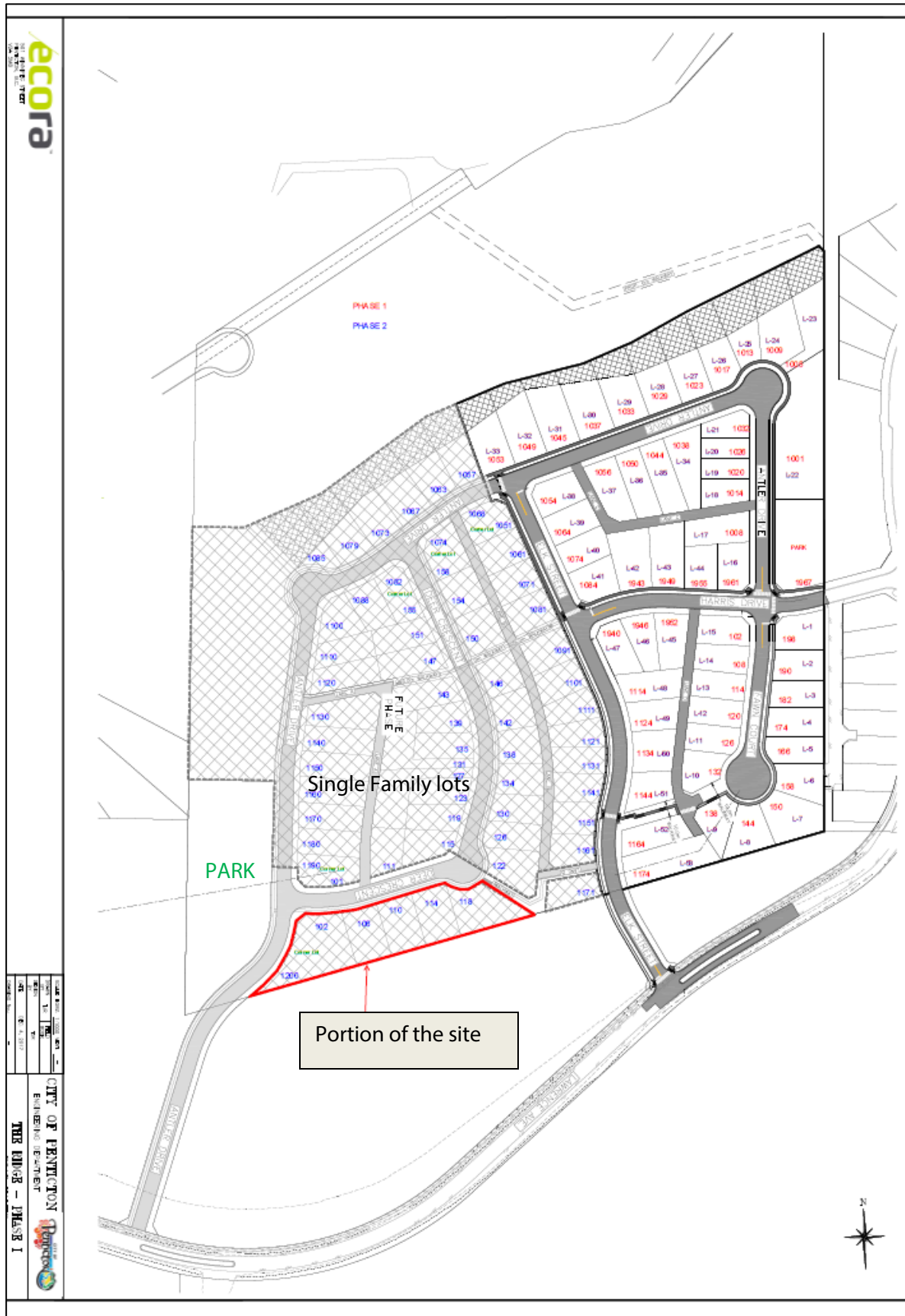


Figure 6: Image of Phase 2

Attachment E – Site Plan

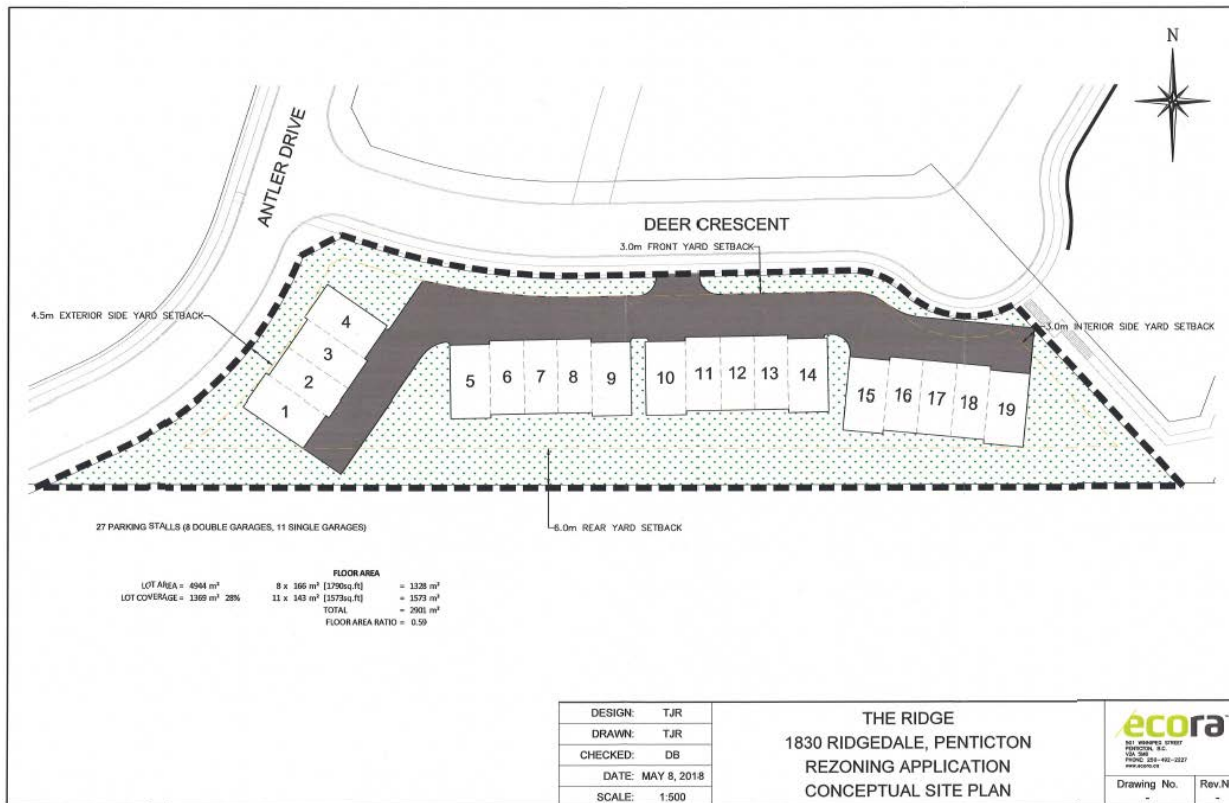


Figure 7: Site Plan

Attachment F–Photos of the site



Figure 8: Image of the site



Figure 9: Image of the site

Attachment G- Letter of Intent



May 8, 2018

Ecora File No.: CP-15-5287-CUZ

Development Services
City of Penticton
171 Main Street
Penticton, B.C V2A 5A9

Attention: Planning Department

Reference: Community Plan Amendment from LR to MR and Rezoning from RD1 to RM2 for the southern portion of Lot 1, DL 2710, Plan 21103, located at 1830 Ridgedale Drive (Phase 2 of The Ridge Development)

This letter is to accompany an application to rezone a portion of Lot 1, DL 2710, Plan 21103 from RD1 to RM2. The subject property is located in the Upper Columbia Heights Neighbourhood Plan Area in the eastern hillsides of Penticton. The property, a former gravel pit, is addressed from Ridgedale Drive, but is accessed from Lawrence Avenue.

Background:

The site is in the new development called The Ridge. Phase 1 of this development was approved in January 2018, creating 52 new single family lots and one townhouse site and park expansion in the eastern area adjacent to the Sendaro Canyon development. The second phase of The Ridge, not yet developed, is zoned for 53 R1 single family lots, and 5 duplex lots, and includes a Park and RM3 multiple family site in the south / western portion.

This application is for the 4944m² located along the southern boundary of Lot 1 that is currently zoned RD1.

Development Proposal:

It is proposed to zone the subject lands from RD1, Duplex Housing to RM3, Multi Family Housing for a 19 unit townhouse project. The owner is responding to increased market

Subject

File No: CP-15-5287-CUZ | May 2018

demand for townhomes in newly developing neighbourhoods. The proposed development features 3 storey 3 bedrooms units with parking in garages and an internal driveway system.

Planning Considerations:

The Upper Columbia Heights Neighbourhood Plan was adopted in 1996. This area of The Ridge is currently designated LR, Low Density Residential and it is proposed to amend the Plan to MR, Medium Density Residential as well as inclusion of the property in a Multiple Family Development Permit Area. This amendment is consistent with the Area Plan that:

- Supports a full range of housing options and diversity;
- Supports multiple family units beside the main road network and in close proximity to a Park; and
- Supports low density multiple family development up to 3 storeys in height

The subject site is across a road from a future park and an RM3 zoned multiple family property and is also close and has easy access to Lawrence Avenue.

Sincerely
Ecora Engineering & Resource Group



Donna M. Butler, MCIP, RPP
Senior Planner

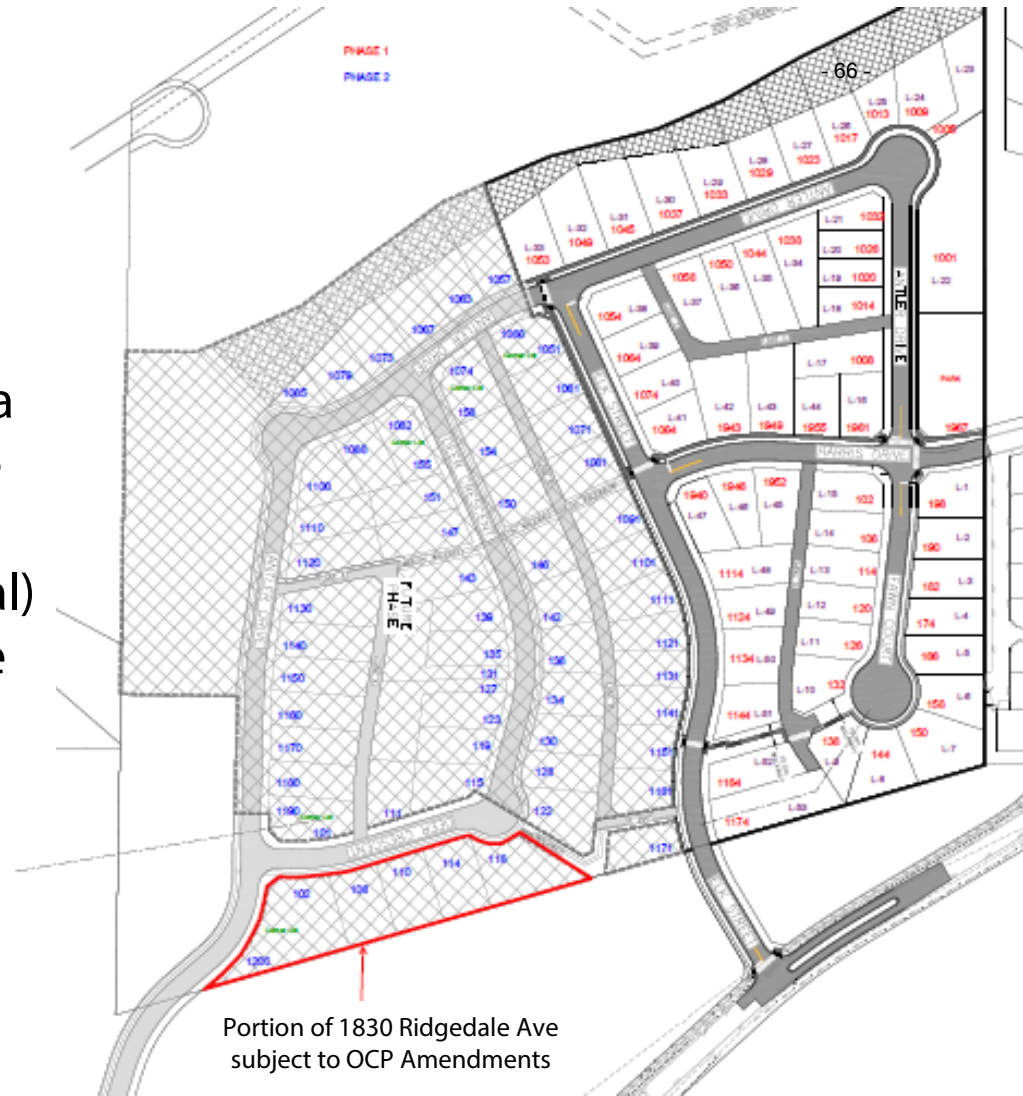


Kelowna | Penticton | Prince George | Vancouver | Victoria | Chilliwack

2

Figure 10: Letter of Intent

Amend OCP Bylaw 2002-20 by changing the OCP designation of a portion of 1830 Ridgedale Avenue from LR (Low Density Residential) to MR (Medium Density Residential) and amend Schedule 'H' to include the subject lands in the General Family Development Permit Area.



City of Penticton – Schedule 'A'

Official Community Plan Amendment Bylaw No. 2018-57

Date: _____

Corporate Officer: _____

Bylaw No. 2018-58

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. 2018-58".

2. **Amendment:**

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

Rezone that portion of Lot 1, District Lot 2710, Similkameen Division Yale District Plan 21103 Except Plan EPP74844, located at 1830 Ridgedale Avenue as shown on Schedule 'A' of this bylaw, from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing).

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

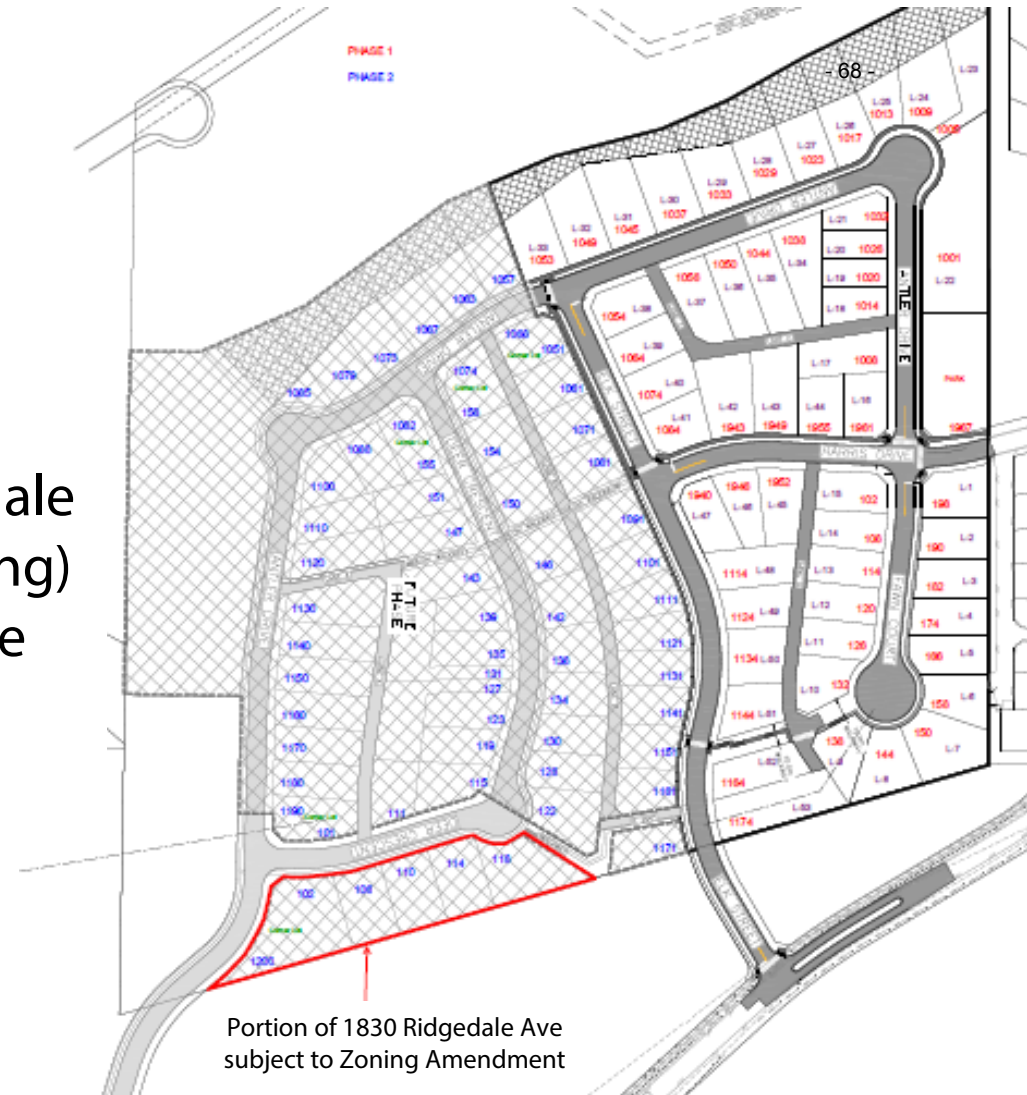
READ A FIRST time this	day of	, 2018
A PUBLIC HEARING was held this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
ADOPTED this	day of	, 2018

Notice of intention to proceed with this bylaw was published on the ___ day of ____, 2018 and the ___ day of ____, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone a portion of 1830 Ridgedale Avenue from RD1 (Duplex Housing) to RM3 (Medium Density Multiple Housing)



Portion of 1830 Ridgedale Ave subject to Zoning Amendment

City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2018-58

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2018-52

An amendment to regulate enforcement of bylaw notices

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

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

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

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

1. Title:

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2018-52."

2. Amendment:

2.1 Amend Schedule 'A' by replacing Appendix 4 – Business Licence Bylaw No. 2012-5020 in its entirety with the attached Appendix 4.

2.2 Appendix 4 attached hereto forms part of this bylaw.

READ A FIRST time this 17 day of July, 2018

READ A SECOND time this 17 day of July, 2018

READ A THIRD time this 17 day of July, 2018

ADOPTED this day of , 2018

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Schedule 'A'

APPENDIX 4

Business Licence Bylaw No. 2012-5020

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
Carry on business without a licence	5.1	\$450	\$400	\$500	No
Advertise, solicit or promote without a licence	5.2	\$450	\$400	\$500	No
Obstructing a Licence Inspector	6.1	\$150	\$130	\$170	No
Failure to notify the Manager prior to transfer, change or cancellation of a business licence	7.1	\$50	\$45	\$55	No
Fail to display the current business licence	10.2	\$75	\$65	\$85	Yes
Failure to renew a Business Licence	11.1	\$250	\$225	\$275	Yes
Carrying on business while licence is under suspension	12.5	\$250	\$225	\$275	No
Failure of builder or trades person to obtain required permits	16.2	\$150	\$130	\$110	No

Bylaw No. 2017-67

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. 2017-67".

2. **Amendment:**

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

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

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

READ A FIRST time this	3	day of	October, 2017
A PUBLIC HEARING was held this	17	day of	October, 2017
READ A SECOND time this	17	day of	October, 2017
READ A THIRD time this	17	day of	October, 2017
RECEIVED the approval of the	26	day of	October, 2017
Ministry of Transportation on the			
ADOPTED this		day of	, 2017

Notice of intention to proceed with this bylaw was published on the 6 day of October, 2017 and the 11 day of October, 2017 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

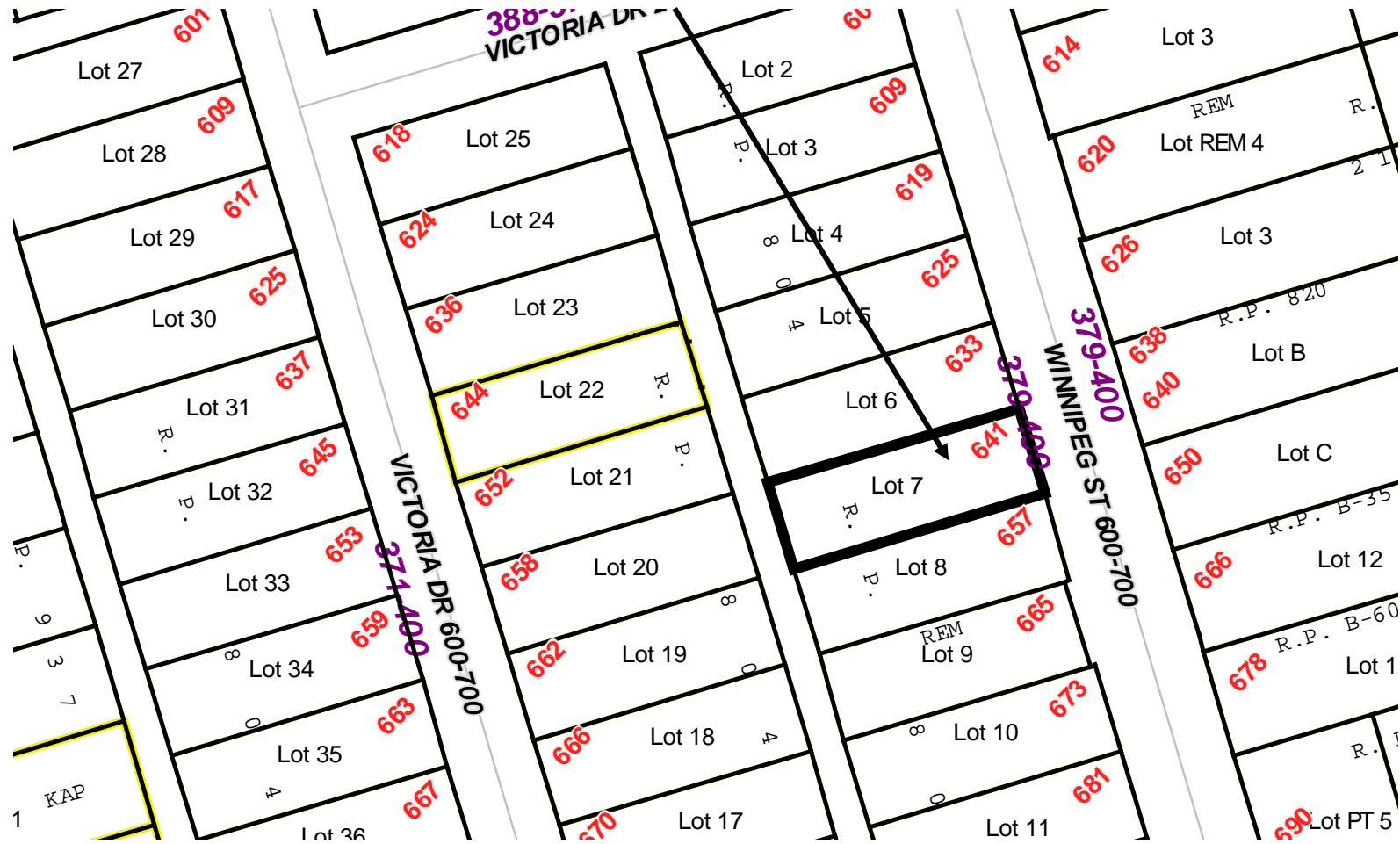
Approved pursuant to section 52(3)(a) of the *Transportation Act*
 this 26th day of OCTOBER, 2017

Mitchell BC
 for Minister of Transportation & Infrastructure

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 641 Winnipeg Street From RD2 (Duplex Housing: Lane) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2017-67

Date: _____

Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2017-8041

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 7 District Lot 4 Similkameen Division Yale District Plan 804
Civic: 641 Winnipeg Street
PID: 011-768-291
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 two duplexes.
 - 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

Bylaw No. 2018-26

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. 2018-26".

2. **Amendment:**

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

Rezone Lot 30, District Lot 202, Similkameen Division Yale District Plan 1122, and Lot 31, District Lot 202, Similkameen Division Yale District Plan 1122, located at 500 & 512 Gahan Avenue, from R2 (Small Lot Residential) to RM5 (Urban Residential).

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

READ A FIRST time this	8	day of	May, 2018
A PUBLIC HEARING was held this	22	day of	May, 2018
READ A SECOND time this	22	day of	May, 2018
READ A THIRD time this	22	day of	May, 2018
ADOPTED this		day of	, 2018

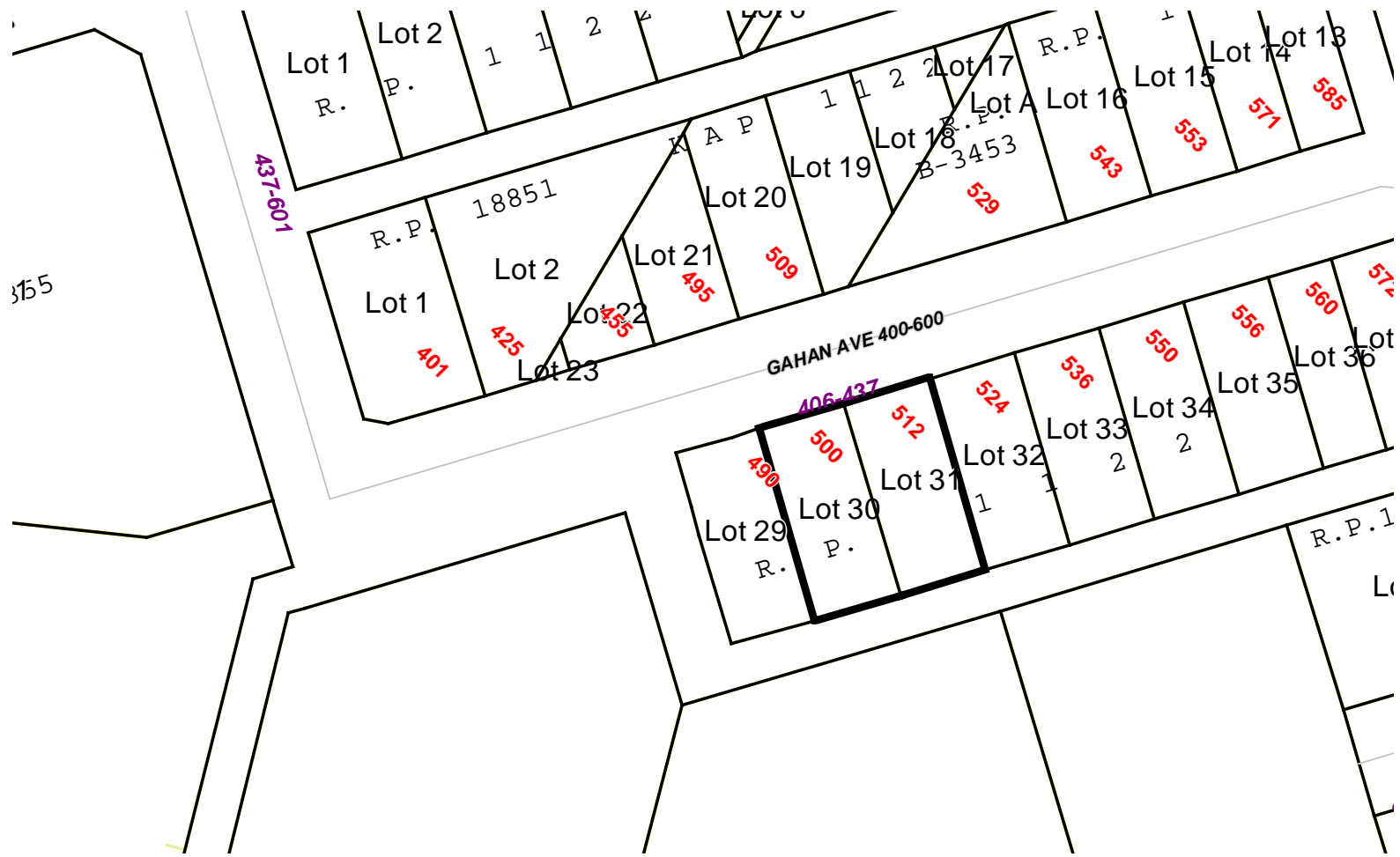
Notice of intention to proceed with this bylaw was published on the 11 day of May, 2018 and the 16 day of May, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone 500 and 512 Gahan Avenue From R2 (Small Lot Residential) to RM5 (Urban Residential)

ECK



City of Penticton – Schedule 'A' Zoning Amendment Bylaw No. 2018-26

Date: _____

Corporate Officer: _____

Bylaw No. 2018-50

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. 2018-50".

2. **Amendment:**

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

Rezone Lot 1, District Lot 202, Similkameen Division Yale District Plan 5429, located at 190 Vancouver Avenue, from RD2 (Duplex Housing: Lane) to RM5 (Urban Residential).

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

READ A FIRST time this	17	day of	July, 2018
A PUBLIC HEARING was held this	7	day of	August, 2018
READ A SECOND time this		day of	, 2018
READ A THIRD time this		day of	, 2018
ADOPTED this		day of	, 2018

Notice of intention to proceed with this bylaw was published on the 27 day of July, 2018 and the 1 day of August, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Rezone From RD2 (Duplex Housing: Lane) to RM5 (Urban Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-50

Date: _____

Corporate Officer: _____

Development Variance Permit

Permit Number: DVP PL2018-8288

Owner Name
Owner 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 202 Similkameen Division Yale District Plan 5429
Civic: 190 Vancouver Avenue
PID: 010-307-869
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 four-unit townhouse:
 - a. Section 10.11.3.1: to allow vehicular access to be from both the street and the lane.

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 _____, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

Bylaw No. 2018-53

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. 2018-53".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 12.1.4:

.4 In the case of Lot 1, District Lot 251 Similkameen Division Yale District Plan 12353, located at 2250 Camrose Street, the use of the premises by a non-profit society:

- Providing family service operations to include life skills training (may include cooking, budgeting, first aid), employment skills training, and work experience facilitation; and
- Operating a second hand store which primarily sells donated used merchandise; and
- Operating a food bank for the purposes of storing and distributing food products for non-profit and charitable purposes; and
- Operating administrative offices shall be permitted.

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

READ A FIRST time this	17	day of	July, 2018
A PUBLIC HEARING was held this	7	day of	August, 2018
READ A SECOND time this		day of	, 2018
READ A THIRD time this		day of	, 2018
ADOPTED this		day of	, 2018

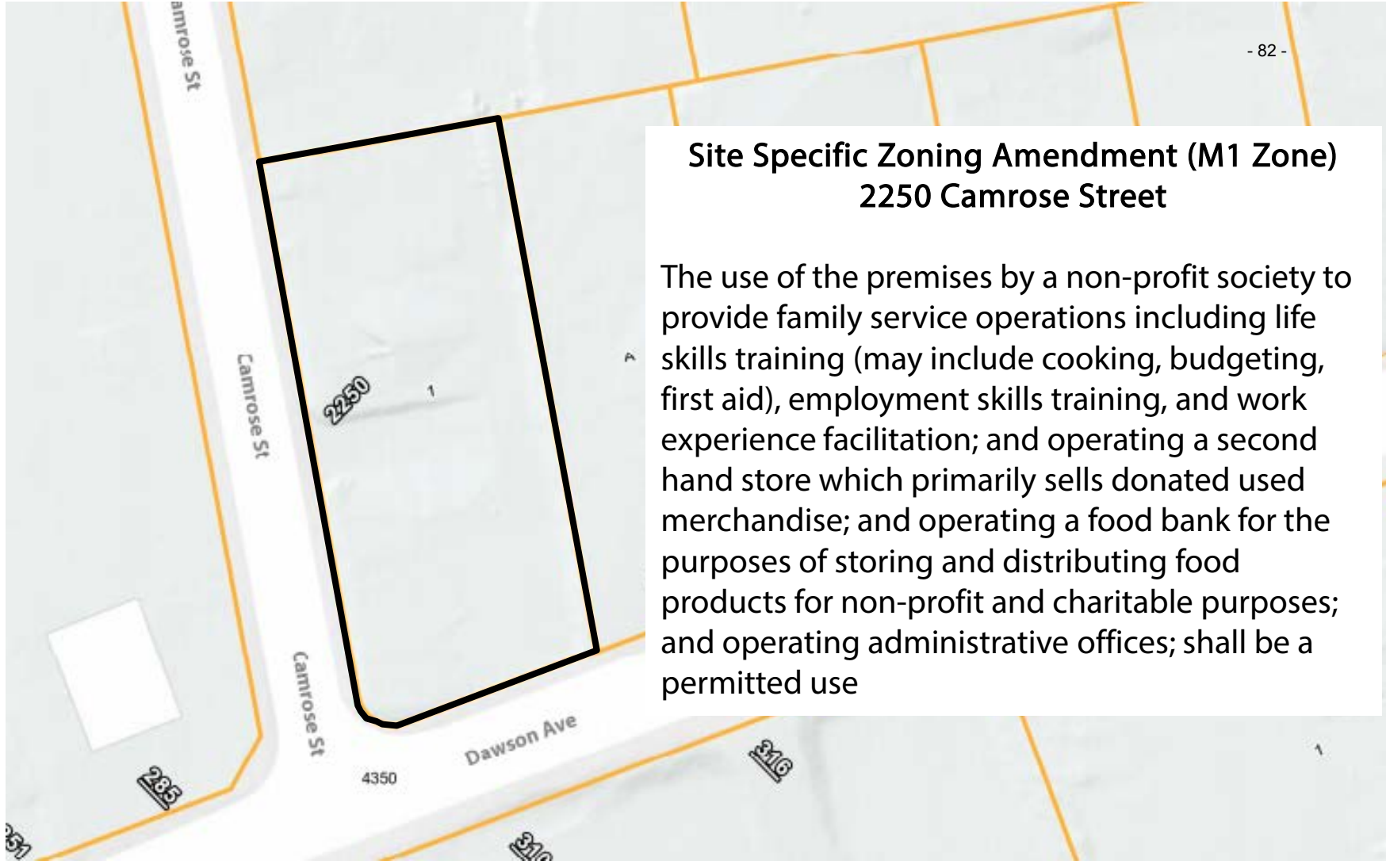
Notice of intention to proceed with this bylaw was published on the 27 day of July, 2018 and the 1 day of August, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

Site Specific Zoning Amendment (M1 Zone) 2250 Camrose Street

The use of the premises by a non-profit society to provide family service operations including life skills training (may include cooking, budgeting, first aid), employment skills training, and work experience facilitation; and operating a second hand store which primarily sells donated used merchandise; and operating a food bank for the purposes of storing and distributing food products for non-profit and charitable purposes; and operating administrative offices; shall be a permitted use



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-53

Date: _____

Corporate Officer: _____

Date: August 7, 2018
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 142 Kendall Crescent
Subject: **Development Variance Permit PL2018-8249**

File No: PRJ2018-120

Staff Recommendation

THAT Council approve “Development Variance Permit PL2018-8249” for Lot A, District Lot 2710 Similkameen Division Yale District Plan 22535, located at 142 Kendall Crescent, a permit to vary the following sections of Zoning Bylaw 2017-08:

- Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and
- Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

AND THAT staff be directed to issue “DVP PL2018-8249” subject to all outstanding bylaw enforcement issues being brought into compliance.

Background

The subject property (Attachment ‘A’) is a large lot located just off of Ridgedale Avenue on Kendall Crescent. It is currently zoned R1 (Large Lot Residential) and is designated for low density residential (LR) by the City’s Official Community Plan (OCP). The site is approximately 0.41 acres and currently has a single family house which was constructed in 1965. The property owner is intending to construct a carriage house. Carriage houses are a permitted use in the R1 zone, but a variance is being applied for to allow for a building that is taller and slightly larger than what is permitted by the Zoning Bylaw.

The surrounding neighbourhood consists of R1 (Large Lot Residential) zoned properties (Attachment ‘B’), and is also designated for low density residential (LR) by the City’s OCP (Attachment ‘C’). The Kendall Crescent neighbourhood features significantly larger lots than the surrounding area. The average lot size of properties on this street is 0.63 ac. The lots located on the northern side of Kendall Crescent extend up to 100m in depth, and are significantly sloped at the northern property line (See Figure 1

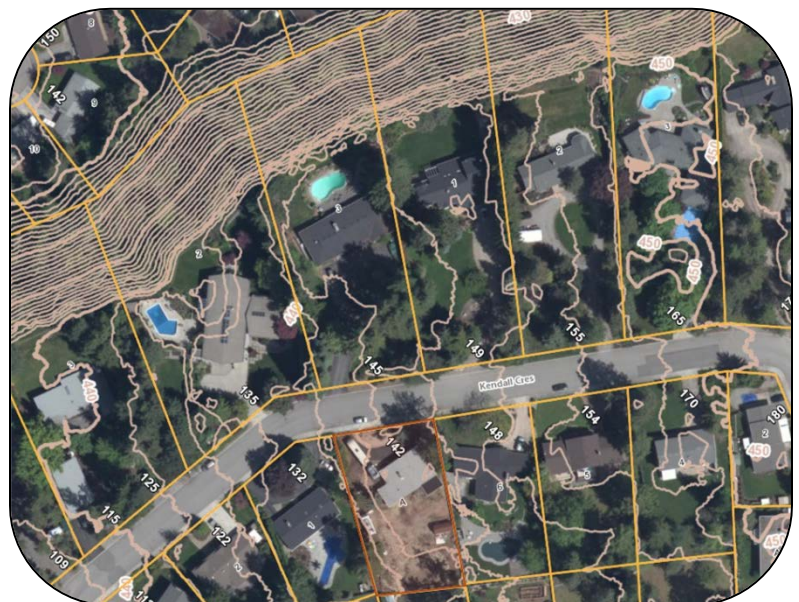


Figure 1 - Contours (1m intervals) on Kendall Crescent

– Contours on Kendall Crescent).

In July 2017, a bylaw complaint was received regarding the subject property. The two bylaw issues that were brought forward included:

1. Storage of mobile vending units (mobile food trucks); and
2. Secondary suite within single family dwelling (without existing Building Permit).

The City's Property Use and License Inspector has been corresponding with the property owner in an attempt to address these bylaw concerns. The property owner has been instructed to remove all mobile vending units from the property, and to apply for a Building Permit to decommission the previously existing secondary suite. As of the writing of this report, the property owners are continuing to work with staff to address the outstanding bylaw infractions.

Proposal

The applicant is proposing to construct a carriage house at the rear of their property at 142 Kendall Crescent. The proposed design does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested a variance to the following sections of Zoning Bylaw No. 2017-08:

- Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and
- Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

Financial Implication

This application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer.

Technical Review

This application was forwarded to the City's Technical Planning Committee and was reviewed by the Engineering and Public Works Departments. Servicing and building code requirements have been identified and will be addressed as part of the building permit process. It is the property owner's responsibility to provide services and/or upgrade existing services as required for the carriage house.

Development Statistics

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

	Requirement Carriage House R1 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	1,659 m ²
Maximum Lot Coverage:	40%	18.6%
Vehicle Parking:	4 (2 – Single Family Dwelling; 1 – Home Based Business; 1 – Carriage House)	4+
Maximum Building Footprint	90m ²	107.7m ² - Variance Requested
Required Setbacks		
Front Yard (north):	6.0 m	~40 m
Interior Side Yard (east):	1.5 m	2.79 m
Interior Side Yard (west):	1.5 m	~16 m
Rear Yard:	1.5 m	2.42 m
Maximum Building Height	7.0 m	7.33 m – Variance Requested

Analysis

When considering a variance to a City bylaw, staff consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. To construct the proposed carriage house, the applicant is requesting a variance to the following sections of Zoning Bylaw No. 2017-08:

1. Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Lot Residential) zone, from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²
2. Section 8.2.3.3: to increase the maximum height from 7.0m to 7.33m.

As indicated in the proposed plans (Attachment 'G'), the carriage house will have a basement, main floor and a loft. The proposed building will feature 5 bedrooms and 3 bathrooms. The building is designed so that the top floor (loft) is slightly smaller than the main floor, creating a visually appealing design. The total floor space of the proposed carriage house will be 256 m² (2,755.84 sq. ft.) (See Figure 2 – Carriage House Area Calculations). *[This calculation does not include the sunken patio or mechanical room, both located on the basement level.]*

Carriage House Area Calculations:	
Basement	
-Mech. Room-	21.5sq.ft.
-Patio-	196sq.ft.
-Stairs-	35.5sq.ft.
-Living Area-	905.67sq.ft.
-Total Footprint-	1,158.67sq.ft.
Main Floor	
-Stairs-	41sq.ft.
-Sun Deck-	196sq.ft.
-Living Area-	921.67sq.ft.
-Total Footprint-	1,158.67sq.ft.
Loft Floor	
-Stairs-	30sq.ft.
-Sun Deck-	106sq.ft.
-Living Area-	513.87sq.ft.
-Total Footprint-	656sq.ft.
Total Living Area-	2341.21sq.ft.
MAX Footprint-	968ft.sq. - (90m ²)
Proposed Footprint-	1,158.67ft.sq. - (107.6m ²)

Figure 2 - Carriage House Area Calculations

Some features of the carriage house that should be noted are the available sun deck and patio areas. There is outdoor space located on each level of the building. An 18m² (196 sq. ft.) sunken patio is located on the basement level, which is located underneath the sun deck of the main floor (Attachment 'G'). The sun deck located on the main floor is also 18m² (196 sq. ft.) and faces towards the western property line. On the upper loft level there is sun deck on the north side of the building which is 9.8m² (106 sq. ft.)

The request for the increase in building footprint can be partly attributed to the large sundeck located on the main floor. This is the approximate floor area that the carriage house is over in building footprint (17m² over the maximum building footprint permitted). The request for the increase in building height is caused by the decrease in grade along the western side of the building (Figure 3 – Rendering of Proposed Carriage House). At this side of the building, the grade will be decreased to accommodate the stairway access into the basement of the carriage house. To achieve this, the applicant is proposing to regrade the proposed location of the carriage house, and a large portion of the backyard. Images of the backyard currently are attached as Attachment 'D'.



Figure 3 - Rendering of Proposed Carriage House

Intent of Carriage House

The City's Zoning Bylaw currently permits carriage houses as accessory suites in most residential zones, provided that they meet the carriage house regulations. The carriage house regulations were put in place to minimize the negative impact that these houses may have on the neighbourhoods in which they are constructed. The City's Zoning Bylaw 2017-08 currently defines that a "Carriage House means a second dwelling unit located on a residential lot with an existing single detached dwelling. A carriage house may be a purpose-built structure, or a renovated garage or accessory building". The intent of this definition is that the carriage house should be subordinate to the principal residence.

The existing single family dwelling has a building footprint of approximately 148m² (1,599 sq. ft.), which includes the carport and a small addition that is currently being completed on the south side of the house. The proposed plans (Attachment 'G') for the carriage house indicate that the total building footprint would be 107.7m² (1,157 sq. ft.). It is also noted that the single family dwelling is a single storey bungalow (with a basement) and the proposed carriage house will be 2 storeys above grade, with a basement located below grade.

Neighbourhood Context

As previously mentioned, the Kendall Crescent neighbourhood features large lots. Aside from the steep slope displayed in Figure 1 (Contours on Kendall Crescent), there are minimal constraints that would impact building in this area. The subject property is relatively flat and is not considered hillside development.

In 2011, a Development Variance Permit was issued at 125 Kendall Crescent to allow a carriage house to be constructed. Aside from this permit, there have not been any other variances associated with carriage houses issued in this neighbourhood. The carriage house at 125 Kendall Crescent is also the only carriage house that the City has record of in this neighbourhood.

Within the report to Council for these variances at 125 Kendall Crescent, Staff discussed that the subject property was almost an acre in size, which is larger than most urban lots in the City. The large size of the property thus provided adequate space for a larger carriage house without negatively impacting the neighbourhood. The variance also permitted an increased building height (for the carriage house) of 7.5m, although the carriage house was only constructed to 6.7m high. It is important to note that this variance application was supported by a list of signatures from the surrounding neighbourhood.

Impacts of Requested Variance

In staff's consideration, the impact of the two requested variances are minor. The height variance will allow the property owner to increase the building height from 7.0m to 7.33m, which is not a significant increase. This minor height increase will allow for higher ceilings, and maintaining the current design of the building. As previously mentioned, the height variance can also be attributed to the grade change along the western side of the building to accommodate the stairway access. However, the additional 0.33m of height is not significantly greater than the currently permitted 7.0m height, and does not, in staff's consideration, pose any significant impacts to the neighbourhood.

The requested building footprint increase from 90m² to 107m² is also a minor variance, and is primarily to allow for the sun deck located on the main floor. The sun deck (on the main floor) is approximately (18m²), and will increase the livability of the carriage house for the future occupants, allowing them a large amenity space outdoors.

The proposed design of the carriage house includes a tiered loft floor, which is significantly smaller than the main floor. This design assists in mitigating the impact to the neighbours directly adjacent. It also assists in reducing the appearance of a large building mass.

Once making submission of the variance application, the applicant's contacted their neighbours to inform them of the requested variances. The City's Carriage House Bulletin recommends that property owners wishing to construct a carriage house speak with their neighbours to take into consideration any concerns that they may have. The applicant's received several signatures of support from neighbours in the area. This information can be made available by the applicant upon request.

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. In this case, staff considers that the requested variances are minimal in nature and will not directly have a negative impact on the neighbourhood.

OCP Policy

Carriage houses are an appropriate form of infill development within existing neighbourhoods. Increasing housing costs and the limited availability of land have created a demand for this type of housing. Carriage

houses are a permitted use in the R1 – Large Lot Residential Zone. There are many benefits associated with carriage houses including:

- Supporting aging in place;
- Providing a mortgage helper to property owners;
- Increasing density on existing infrastructure; and
- Increasing property value.

In general, the City supports carriage houses within existing neighbourhoods. The proposed development is supported by the following objectives of the City's Official Community Plan:

- Facilitate the provision of a variety of housing types, tenures and densities that will continue to respond to the diverse needs, including income levels, of individuals and families in Penticton at varying stages of their life.
- Maintain the character of existing single family neighbourhoods in Penticton.

Summary

In conclusion, the applicant is requesting a variance to increase both the building footprint and the height of a proposed carriage house at 142 Kendall Crescent. Staff consider that the proposed variances are minimal in nature, and do not negatively impact the neighbourhood. It is also noted that a property within this neighbourhood was previously (2011) granted a variance permit to increase the size and height of a carriage house. In reviewing variances, Council should consider the impact on the neighbourhood, and whether there is rationale and/or mitigation efforts to reduce the potential impacts of the variances being requested.

Given the above, there is policy to support the proposed variances and support is recommended for issuance of "Development Variance Permit PL2018-8249". Staff are recommending that issuance of the permit be subject to compliance with bylaw enforcement order decommissioning the secondary suite and removing all of the mobile vending carts from the property.

Deny Zoning Amendment Bylaw

Council may consider that the proposed variance could negatively affect the neighbourhood, in particular, the adjacent neighbours. The variances (building footprint and building height) could potentially not be required if the carriage house design was changed to remove the basement access. This would eliminate the stairway into the basement and allow the grade to be brought back up to the same grade as the rest of the carriage house (See Figure 3 – Rendering of Proposed Carriage House). In removing this stairway, and removing the sunken patio on the basement level, the sun deck on the main floor would then be located at grade. The Zoning Bylaw does not include decks that are less than 0.6m above grade in the calculation of building footprint. This design change could eliminate the requirement for both variances.

If Council decides that the proposed variances will negatively impact the neighbourhood, and that the design should be changed to meet the existing regulations for building footprint and height as set out in the City's Zoning Bylaw, Council should deny the variance.

Alternate Recommendations

1. THAT Council support "Development Variance Permit PL2018-8249" with conditions.
2. THAT "Development Permit PL2018-8249" be referred back to staff.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map of Subject Property
- Attachment C: Official Community Plan Map of Subject Property
- Attachment D: Images of Subject Property
- Attachment E: Letter of Intent
- Attachment F: Proposed Site Plan
- Attachment G: Proposed Floor Plans
- Attachment H: Proposed Building Elevations
- Attachment I: Proposed Renderings
- Attachment J: Draft Development Variance Permit (DVP)

Respectfully submitted,

Nicole Capewell
Planner 1

Approvals

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

Attachment A – Subject Property Location Map

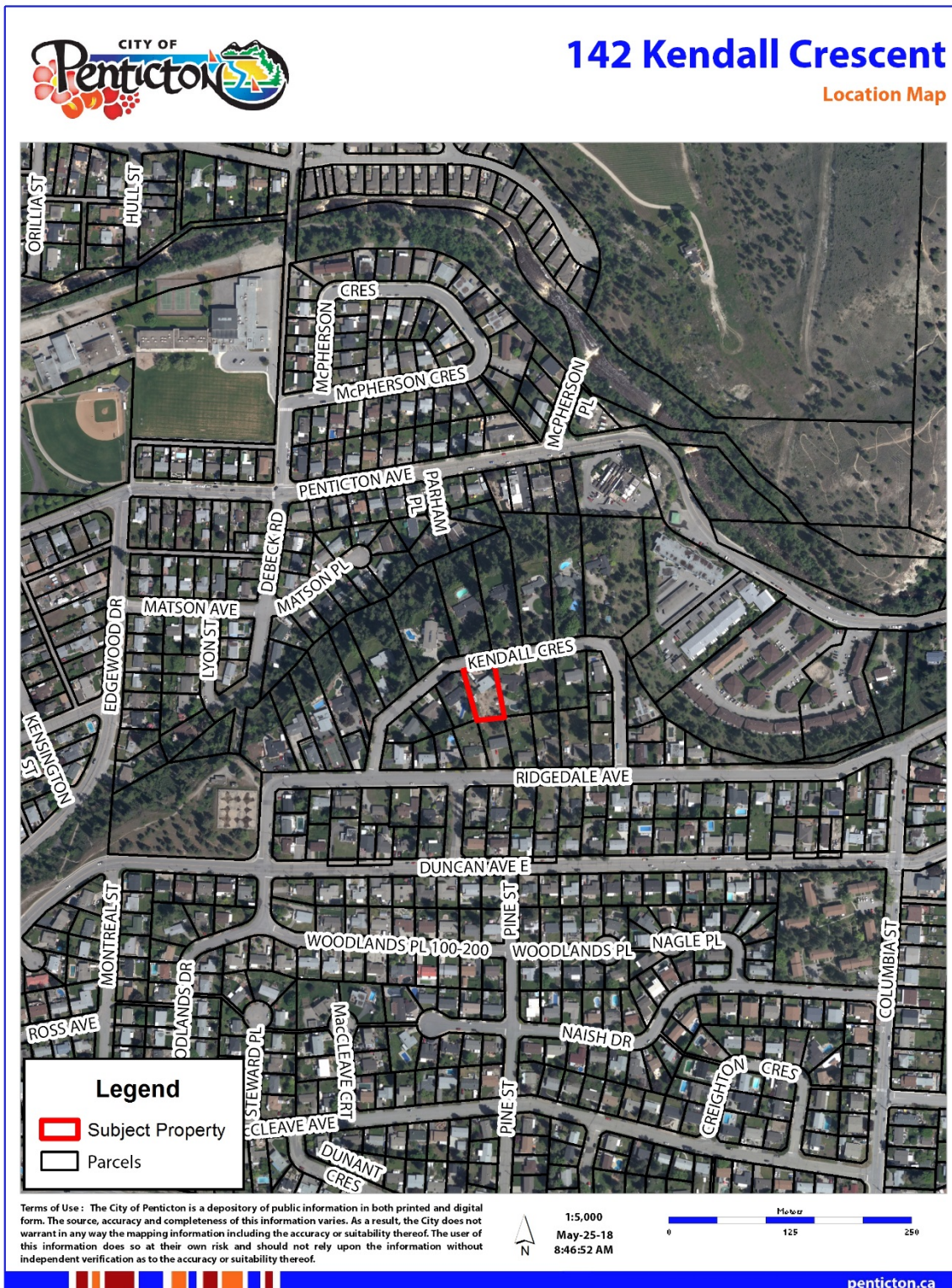
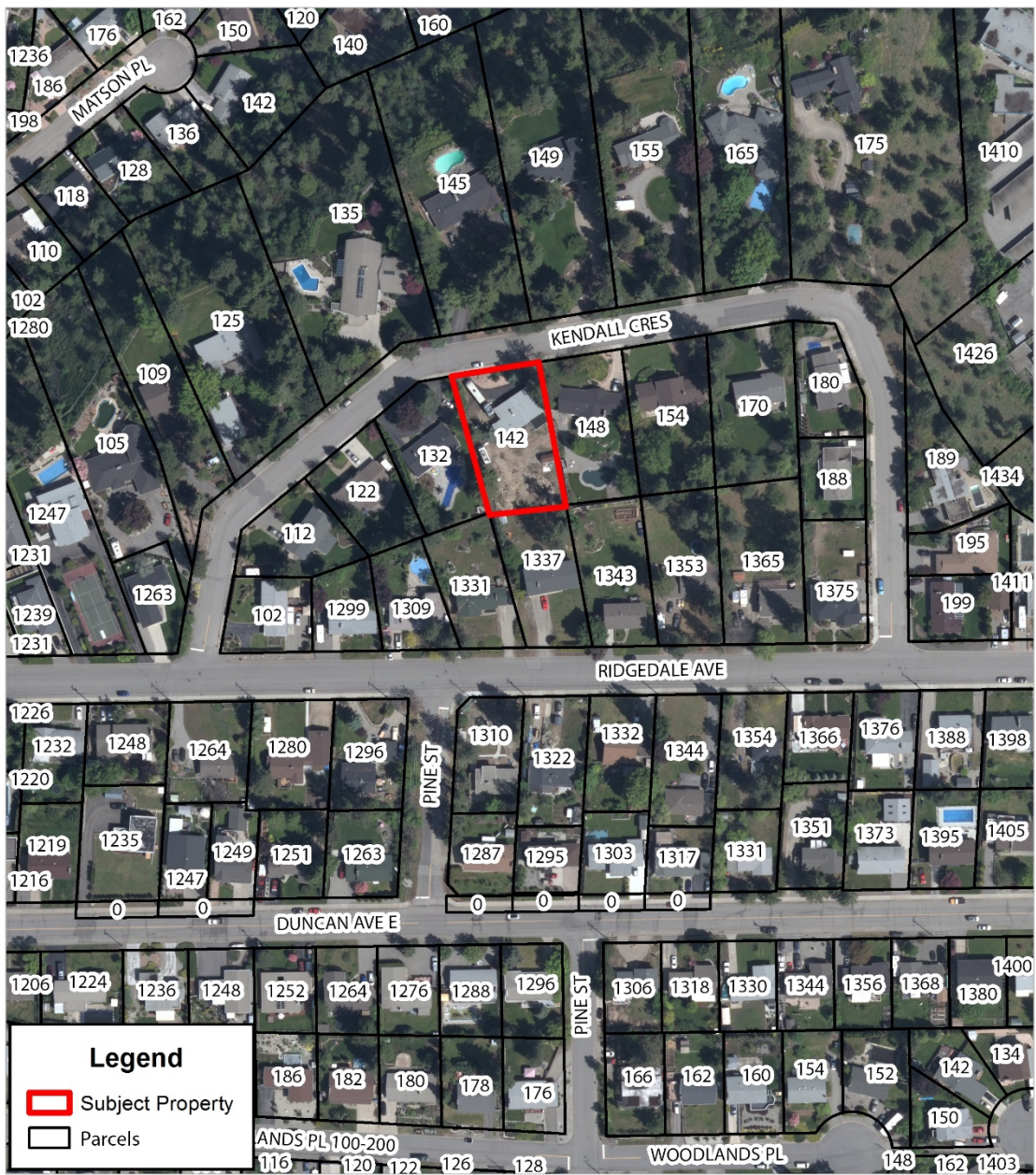


Figure 4 – Subject Property Highlighted in Red



142 Kendall Crescent

Location Map



Terms of Use: The City of Penticton is a depository of public information in both printed and digital form. The source, accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information including the accuracy or suitability thereof. The user of this information does so at their own risk and should not rely upon the information without independent verification as to the accuracy or suitability thereof.



1:2,000
May-25-18
8:47:30 AM



penticton.ca

Figure 5 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

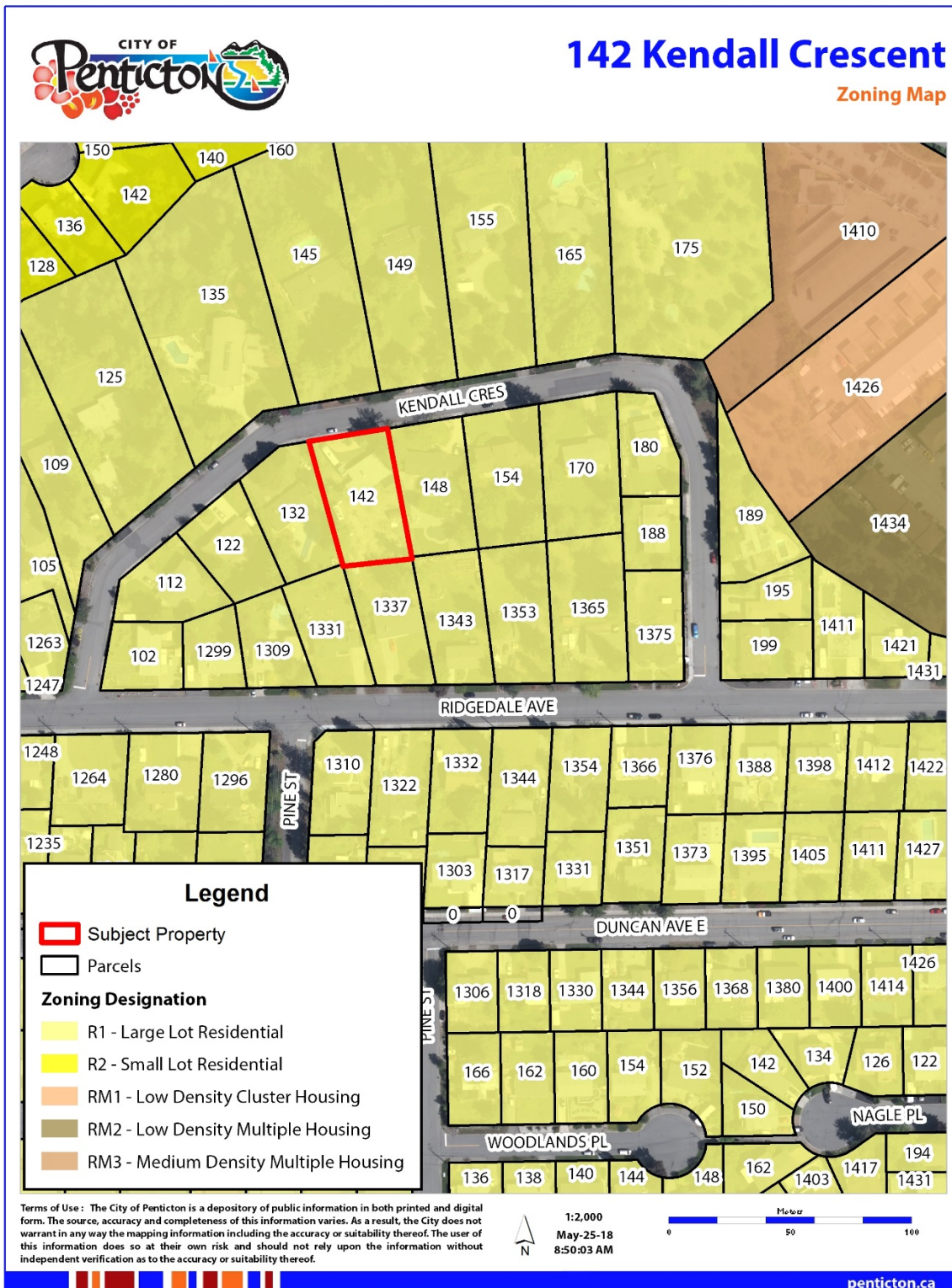


Figure 6 – Subject Property Currently Zoned R1 (Large Lot Residential)

Attachment C – Official Community Plan Map of Subject Property

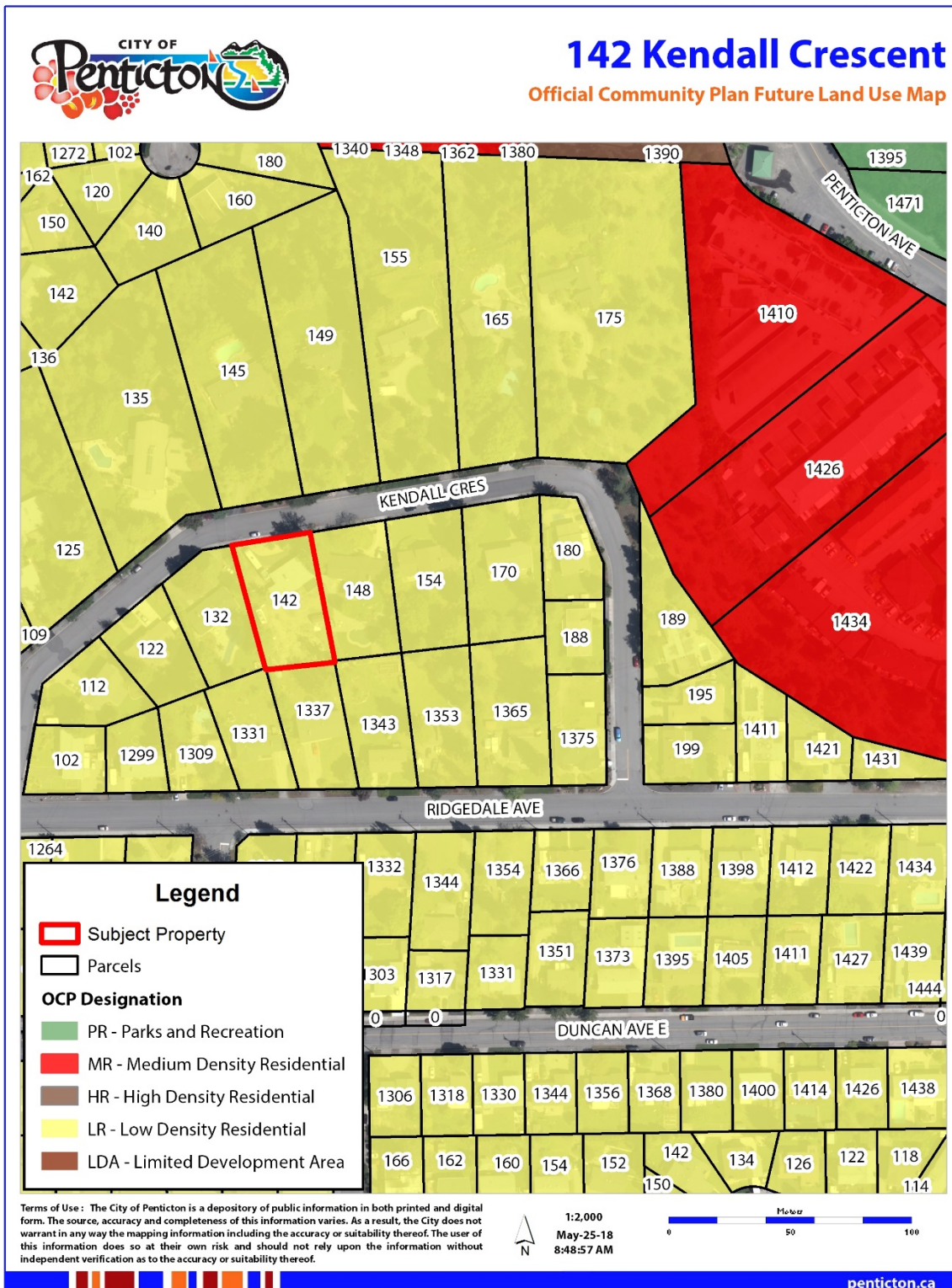


Figure 7 – Subject Property Currently Designated as LR (Low Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 8 – Looking toward proposed siting of carriage house in backyard of 142 Kendall Crescent



Figure 9 – Backyard to be re-graded to maintain same grade across the backyard



Figure 10 – Looking toward proposed siting of carriage house in backyard of 142 Kendall Crescent



Figure 11 – Looking toward west elevation of proposed carriage house in backyard of 142 Kendall Crescent



Figure 12 – Looking down southern property line (bordering 1337 Ridgedale Avenue) – Carriage house proposed at 2.42m from rear (south) property line

Attachment E – Letter of Intent

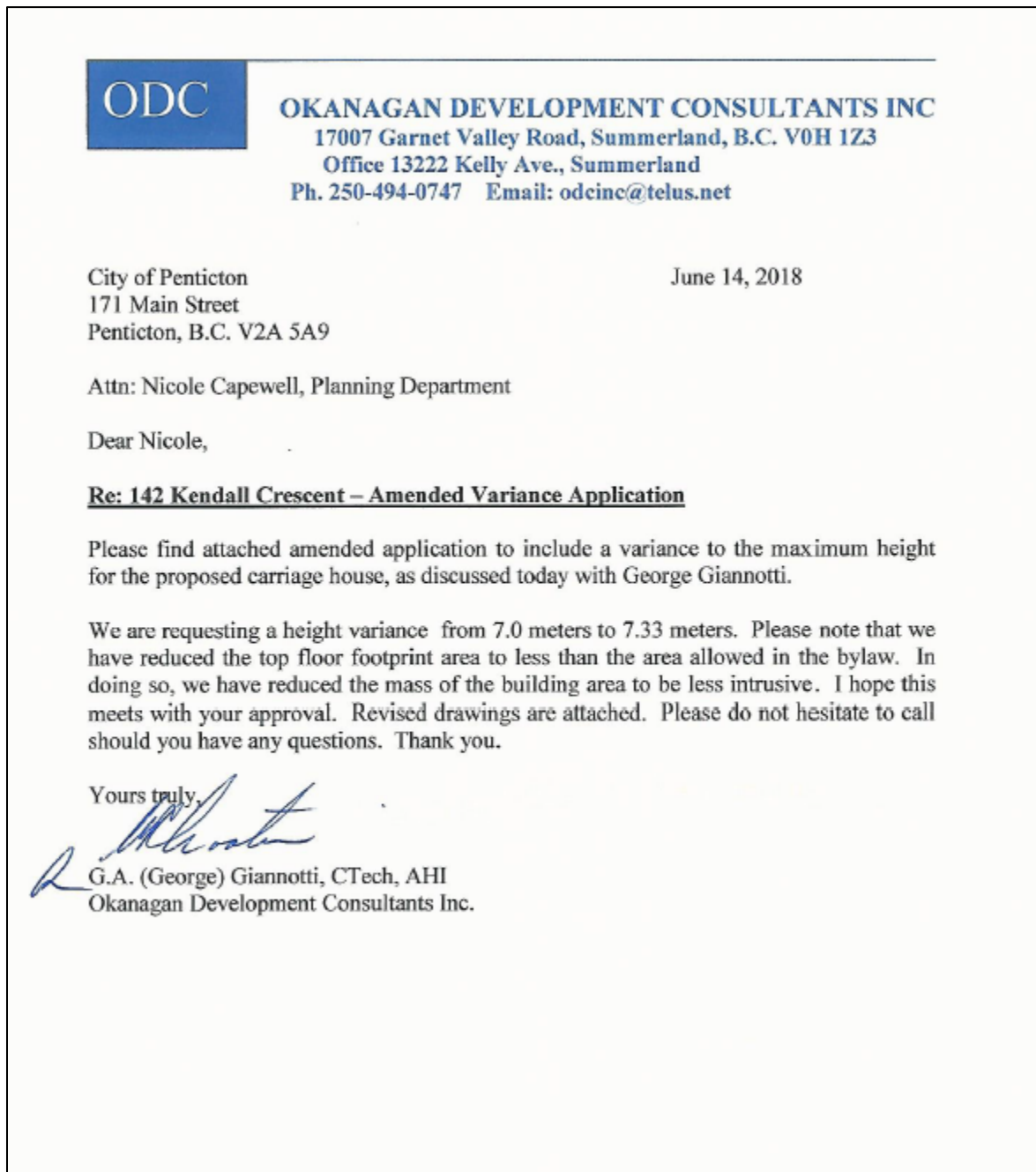


Figure 13 – Letter of Intent

Attachment F – Proposed Site Plan

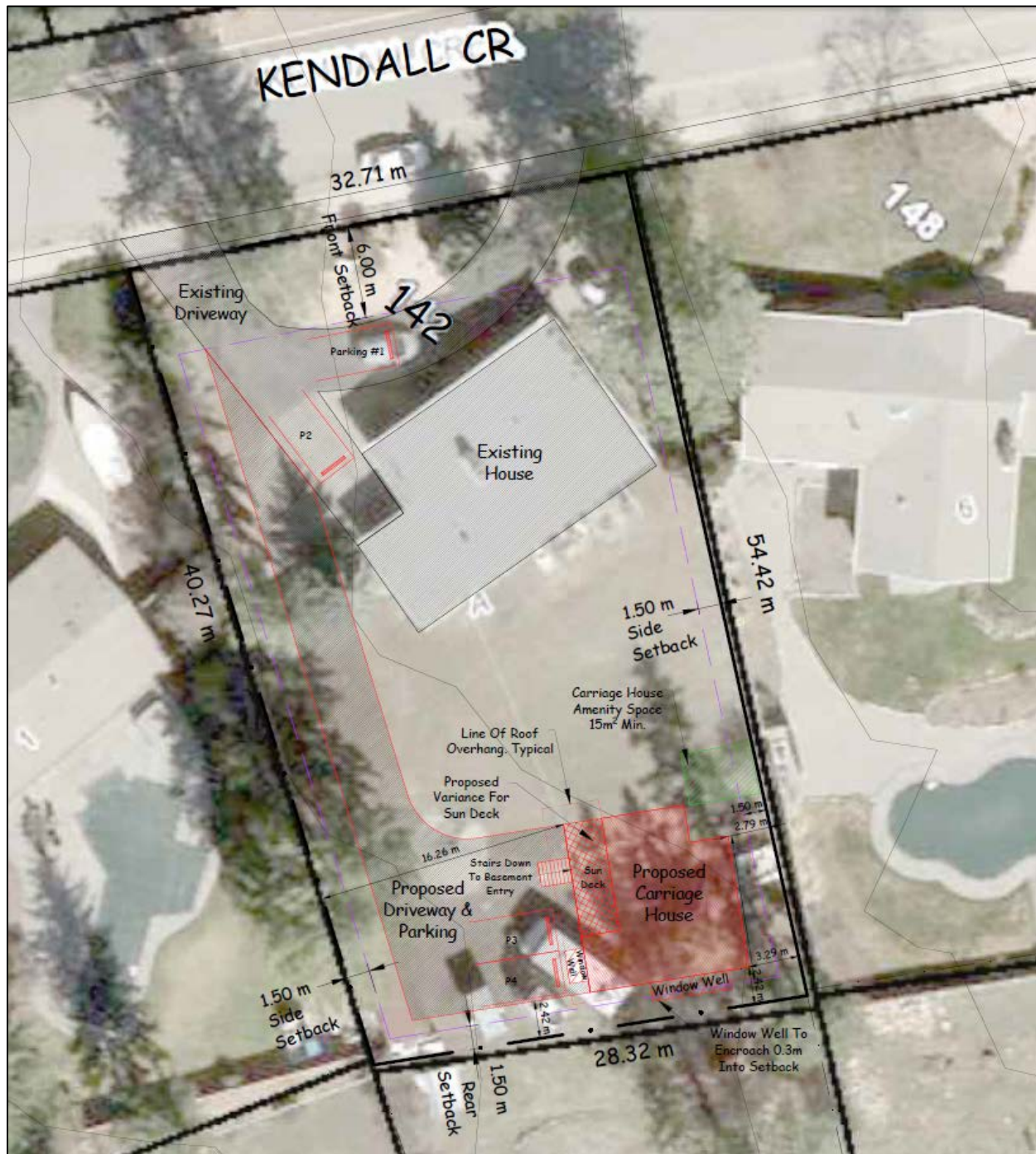


Figure 14 – Proposed Site Plan

Attachment G – Proposed Floor Plans

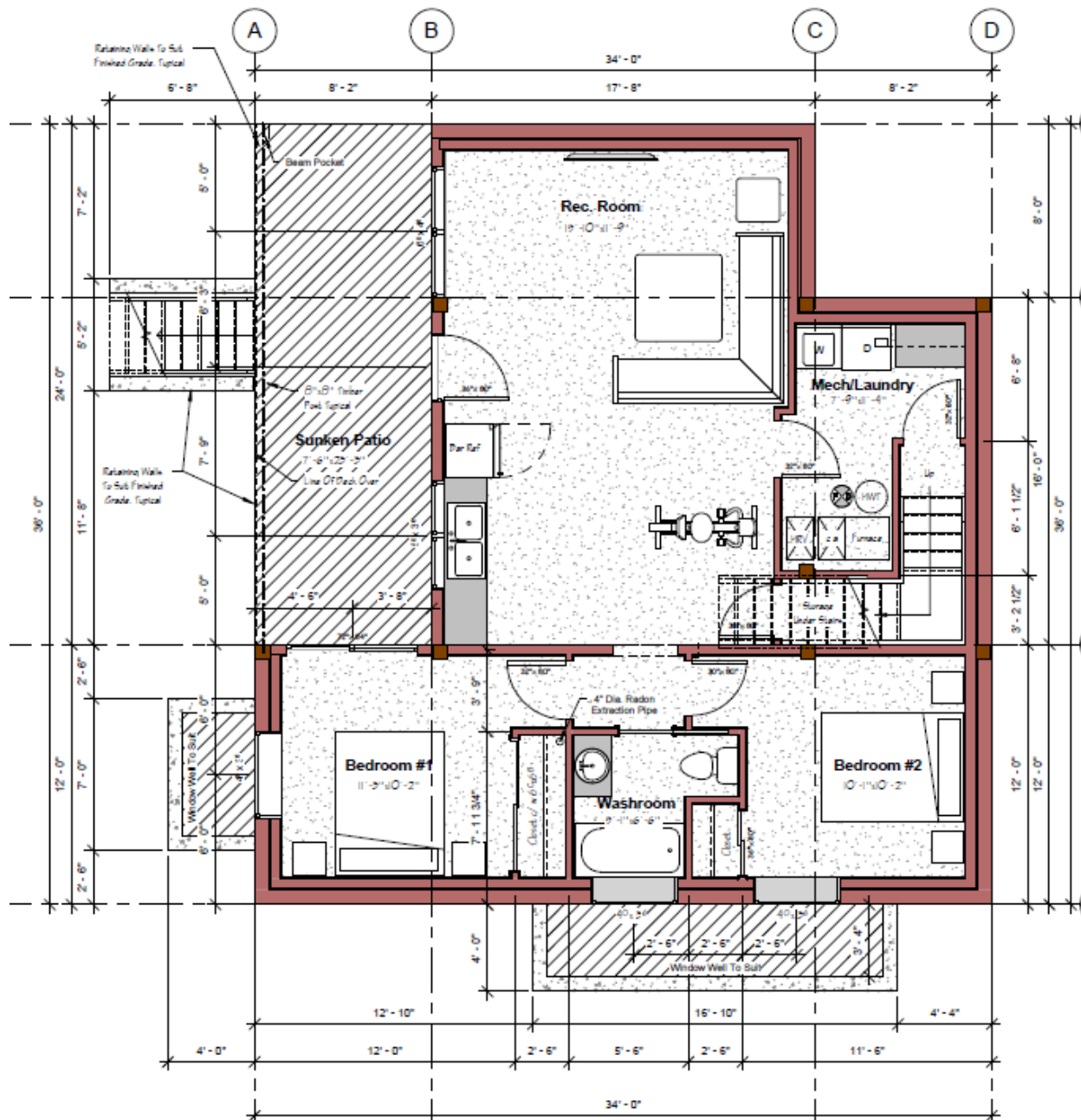


Figure 15 – Proposed Basement Floor Plan

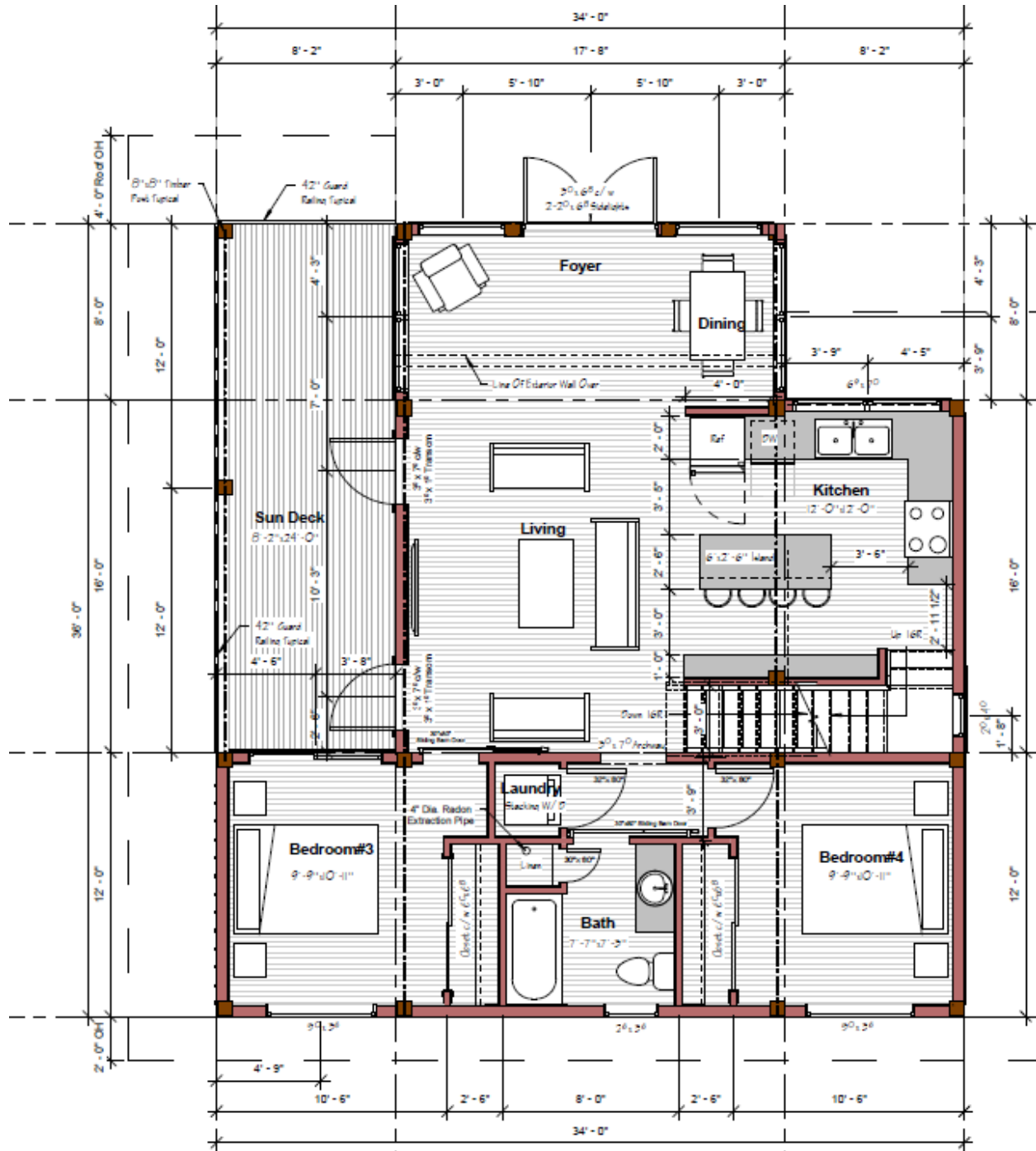


Figure 16 – Proposed Main Level Floor Plan

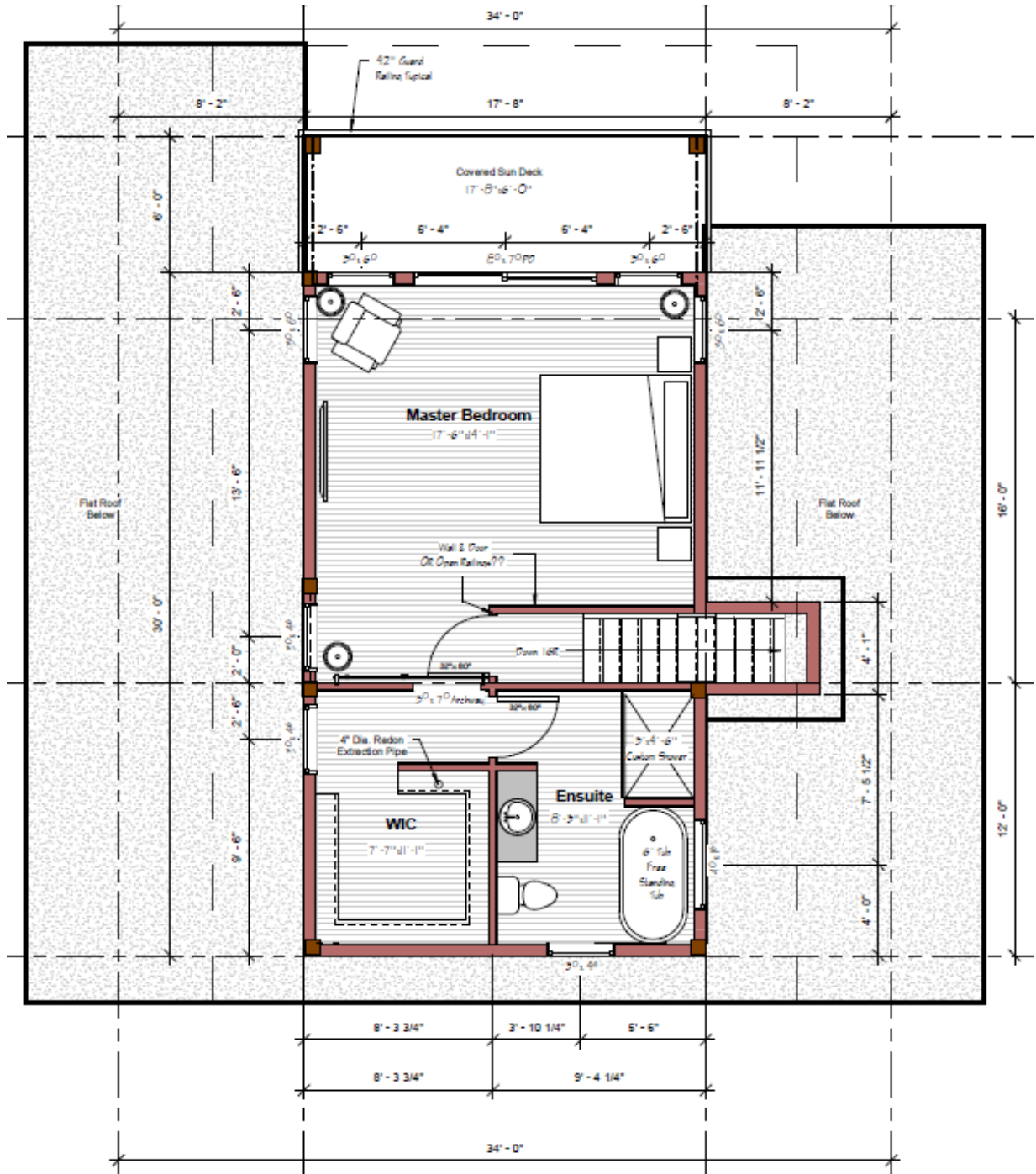


Figure 17 – Proposed Loft Floor Plan

Attachment H – Proposed Building Elevations



Figure 18 – Proposed North Elevation

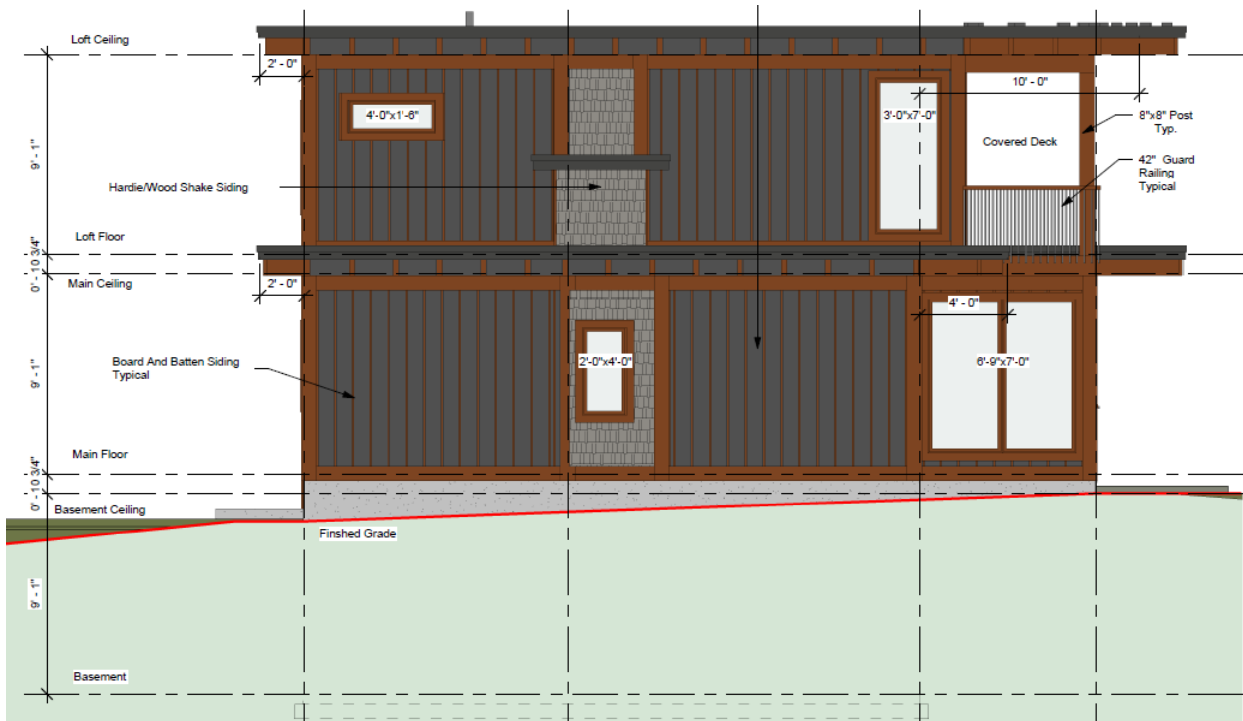


Figure 19 – Proposed East Elevation

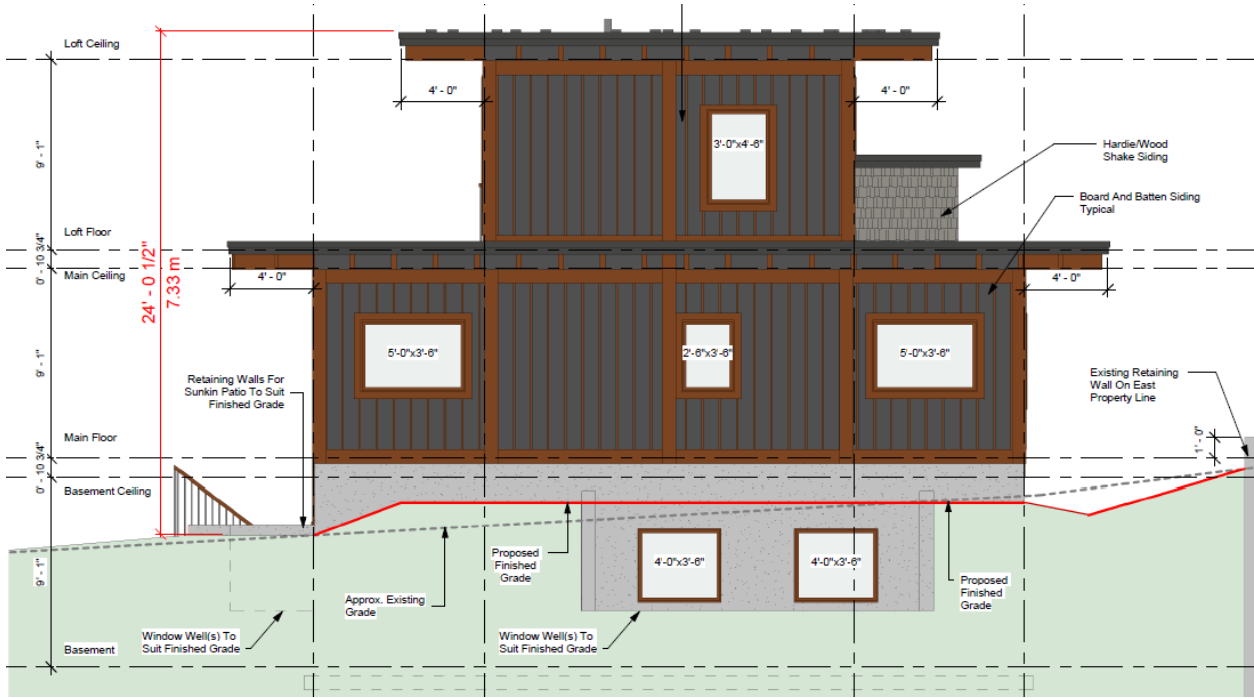


Figure 20 – Proposed South Elevation

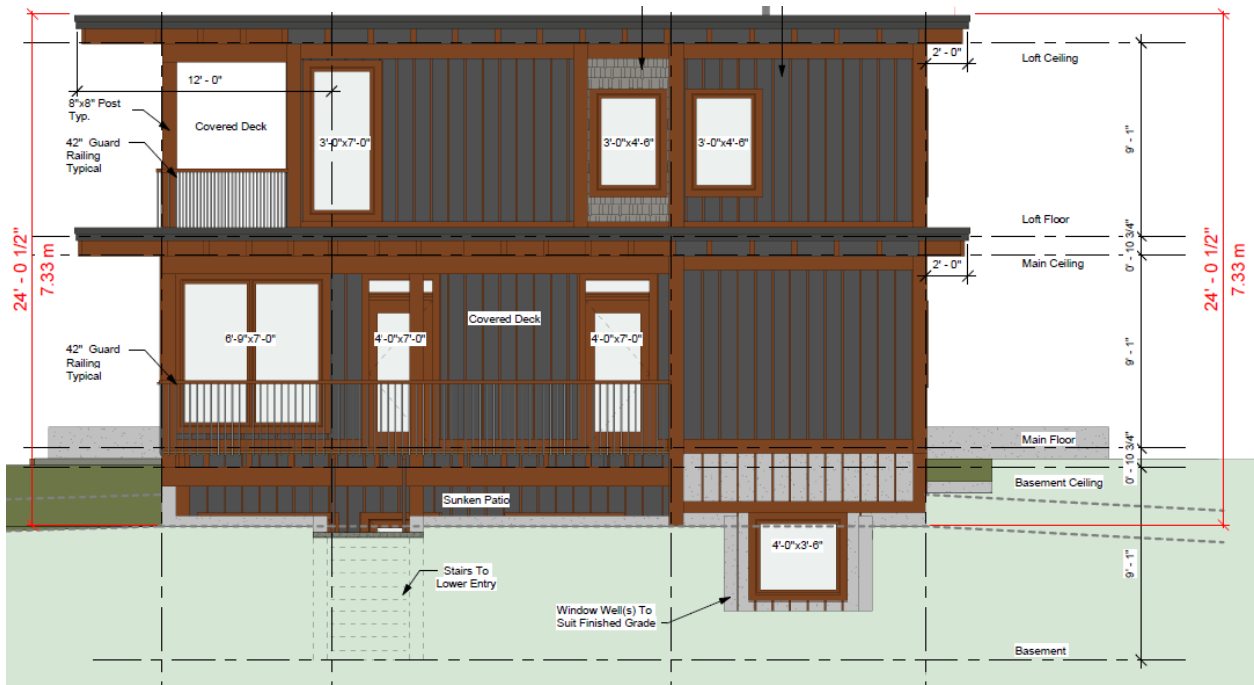


Figure 21 – Proposed West Elevation

Attachment I –Proposed Renderings



Figure 22 – North Elevation Rendering (1/2)



Figure 23 – North Elevation Rendering (2/2)



Figure 24 – West Elevation Rendering

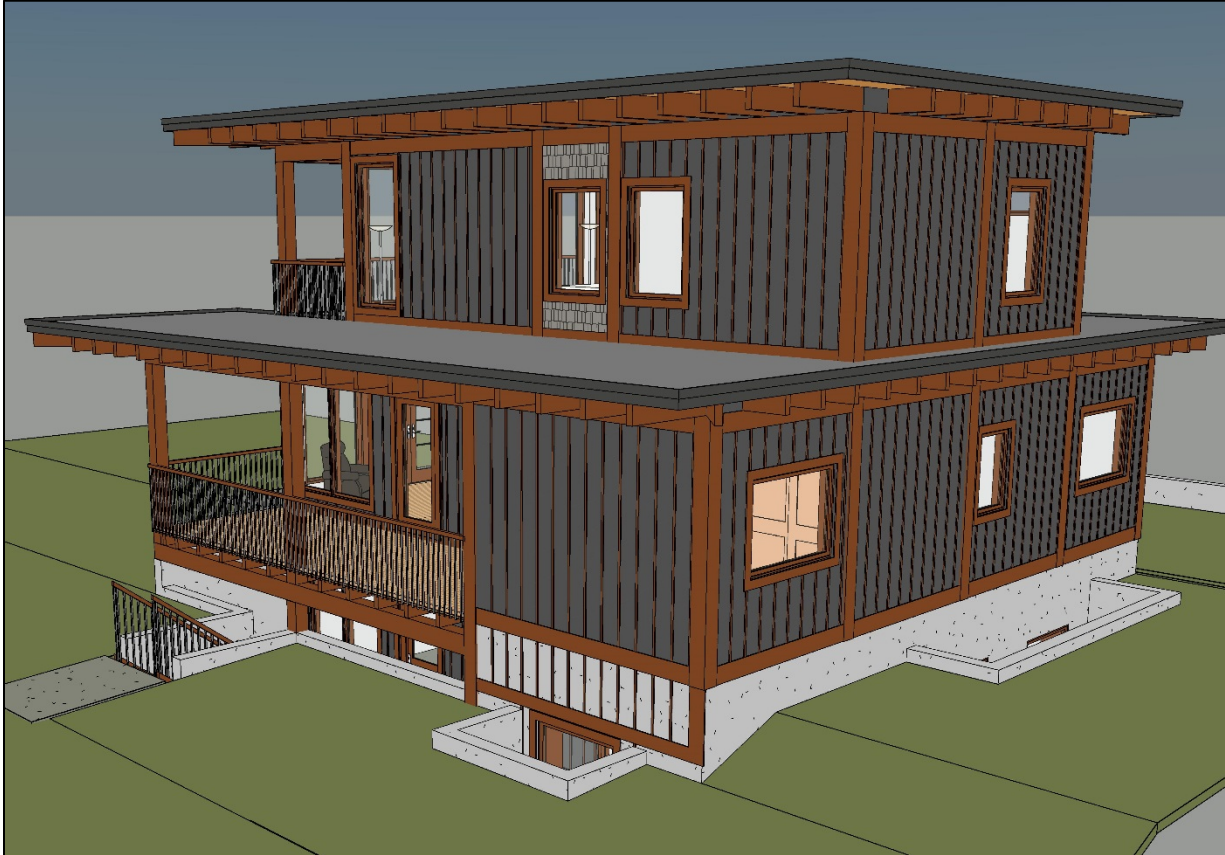


Figure 25 – Southwest Elevation Rendering



Figure 26 – Northeast Elevation Rendering

Attachment J – Draft Development Variance Permit (DVP)



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

Development Variance Permit

Permit Number: DVP PL2018-8249

Owner Name
Owner 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 A District Lot 2710 Similkameen Division Yale District Plan 22535
Civic: 142 Kendall Crescent
PID: 006-812-201
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 carriage house:
 - a. Section 8.2.3.2: to increase the maximum building footprint, in the R1 (Large Residential) zone from 90m², or 15% lot coverage, not including the principal residence, whichever is less, to 107.7m²; and
 - b. Section 8.2.3.3: to increase the maximum building height from 7.0m to 7.33m.

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 _____, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer

DRAFT

165 Kendall Crescent
Penticton, British Columbia
V2A 2S9

August 2, 2018

Mayor and Council
City of Penticton
171 Main Street
Penticton, British Columbia
V2A 5A9



Attention: Corporate Officer, City of Penticton

Development Variance Permit –PL2018-8249 (142 Kendall Crescent)

We object to the issuing of two variances proposed for a carriage house development at 142 Kendall Crescent. As well, we are concerned about parking issues that may arise. While we understand the issue of whether the carriage house will fit in with the character of the neighbourhood is not before Council, we suggest it is definitely out of character with the neighbourhood.

The Variances

City staff, when reviewing a variance, considers both the negative impact on neighbouring properties and whether the request is reasonable. We suggest a better approach is to consider whether the applicant will incur undue hardship. From reading the *Council Report*, we do not believe the applicant will incur undue hardship should the variances be denied.

Staff point out that the applicant can easily comply with the *Carriage Houses Regulations* by incorporating minor design changes. It appears to us that the variances hinge on maximizing income.

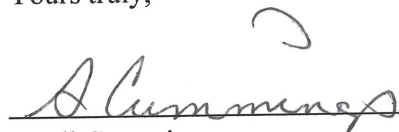
It should be recognized that each time a variance is granted to a bylaw, it weakens the City's legal position in the event it is called upon to defend its standards. Applicants should not consider variances a right but rather a means to minimize or eliminate undue hardship.

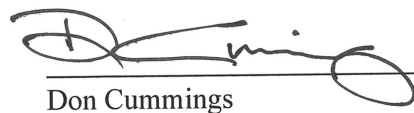
Parking

Based on the two laundry rooms shown in the plans, it is fair to assume there may be two families living in the carriage house. Clearly, two residences will mean at least two vehicles, if not more.

While the applicant appears to provide some vehicle parking, will it be enough? We have witnessed over the years vehicles parked on the street in front of the main residence at all hours of the day. Given what has happened in the past, we are concerned that our street will end up a parking lot.

Yours truly,


Sandi Cummings


Don Cummings

Council Report

penticton.ca

Date: August 7, 2018
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 525 Vancouver Avenue

File No: 2018 PRJ-138

Subject: Development Variance Permit PL2018-8277

Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8277" for Lot 2 Block 4 District Lot 202 Similkameen Division Yale District Plan 479, located at 525 Vancouver Avenue, a permit to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.85m;

AND THAT prior to issuance of "Development Variance Permit PL2018-8277," the following conditions are met:

- Landscape screening measures are put in place with underground irrigation as per Attachment G of this report.

AND THAT staff be directed to issue "Development Variance Permit PL2018-8277."

Background

The subject property (Attachment A) is 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 property is approximately 640m² (6,892ft²) in area with a single family dwelling currently under construction. The surrounding properties are primarily zoned R1 (Large Lot Residential), RD1 (Duplex Housing) and P2 (Parks and Recreation).

The property is located on Vancouver Hill, abutting the Esplanade. Vehicle access to the site is provided via easement through 567, 571, and 553 Vancouver Avenue. The property is part of a subdivision that occurred in the early 1900's (KAP479). Given the steepness and narrowness of these lots, retaining walls are often required to address slope stability issues and to create level yards or driveways.

As part of construction of the single family dwelling, a retaining wall was constructed along the south property line to provide a wider driveway for vehicle turn-around and to address storm water runoff into neighbouring properties. Although the wall was engineered, a retaining wall over 1.2m in height requires a building permit prior to construction. The subject wall was constructed without issuance of a City permit. Additionally, The City's zoning bylaw restricts the height of retaining walls to 1.2m within a required yard. In this case, the subject retaining wall is within the front yard setback.

Proposal

The applicant is proposing to legitimize the already constructed retaining wall along the south portion of the property. To do so, the applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

- Section 5.6.2.1: to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.85m.

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. The City has received as-built drawings from the applicant's Engineering firm for the constructed wall and have no concerns with structural integrity.

Analysis

Development Variance Permit

Support Variance

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

Section 5.6.2.1: to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.85m.

- The 1.2m (4ft) maximum allowable height of a retaining wall in a setback is intended to negate the visual impacts that a retaining wall could have on neighbouring properties. Staff feel that as it currently stands, the retaining wall is likely to have a negative impact on neighbouring properties. In saying that, the developer has worked extensively with the neighbouring property owner and City staff to come up with a plan to reduce the negative visual impacts. This includes installing white stucco on the wall along with planting cedars with irrigation along the wall to the satisfaction of the adjacent neighbour.
- Given that the property owner has taken initiative to rectify the situation and the affected neighbour has given their approval of the proposed landscape screening plan (Attachment G), Staff feel that the retaining wall height request is reasonable, does not unreasonably impact the adjacent area and recommend that Council support the application.

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 PL2018-8277 with conditions that Council feels are appropriate.
2. THAT DVP PL2018-8277 be referred back to staff to revise the application as directed by Council.

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: Typical Retaining Wall Design
- Attachment G: Proposed Landscape & Screening Plan
- Attachment H: Letter of Intent
- Attachment I: Letter of Support
- Attachment J: Development Variance Permit PL2018-8277

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
<i>HH</i>	PW

Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

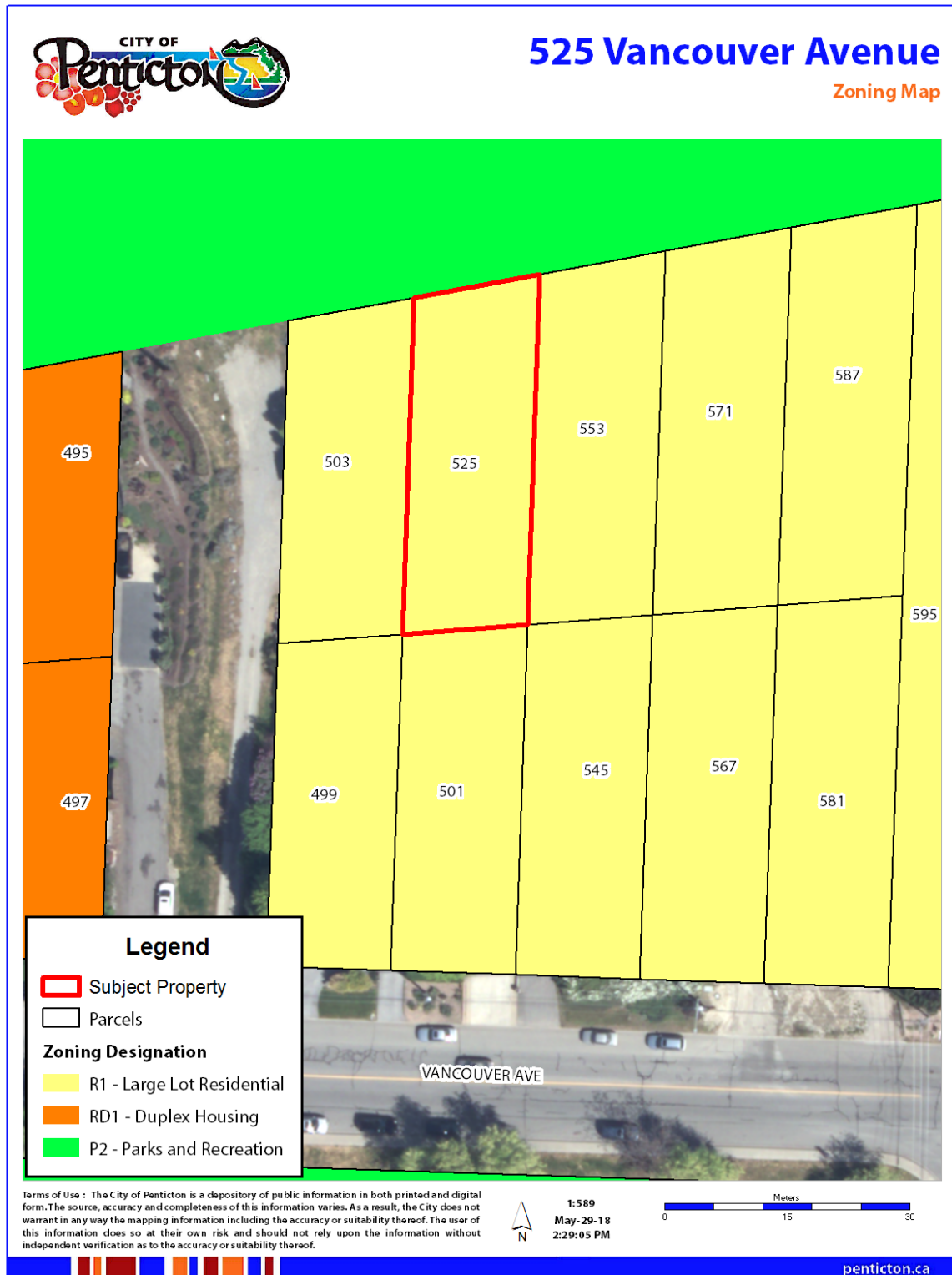


Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South Elevation (from 501 Vancouver Avenue)



Figure 5: South Elevation (from 501 Vancouver Avenue)



Figure 6: West Elevation of proposed retaining wall



Figure 7: West Elevation showing proposed landscape area

Attachment E- Site Plan

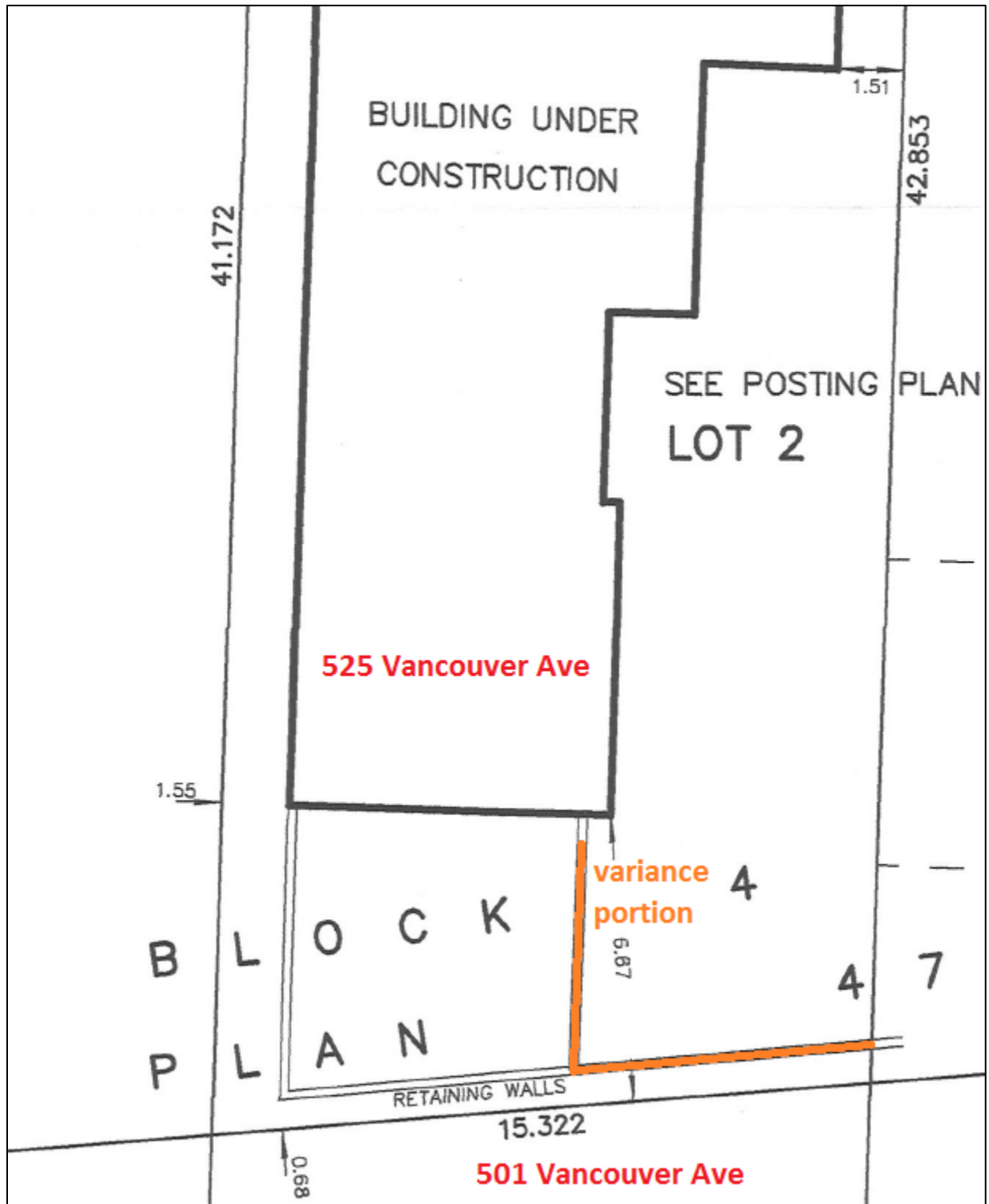


Figure 8: Site Plan

Attachment F- Typical Retaining Wall Design

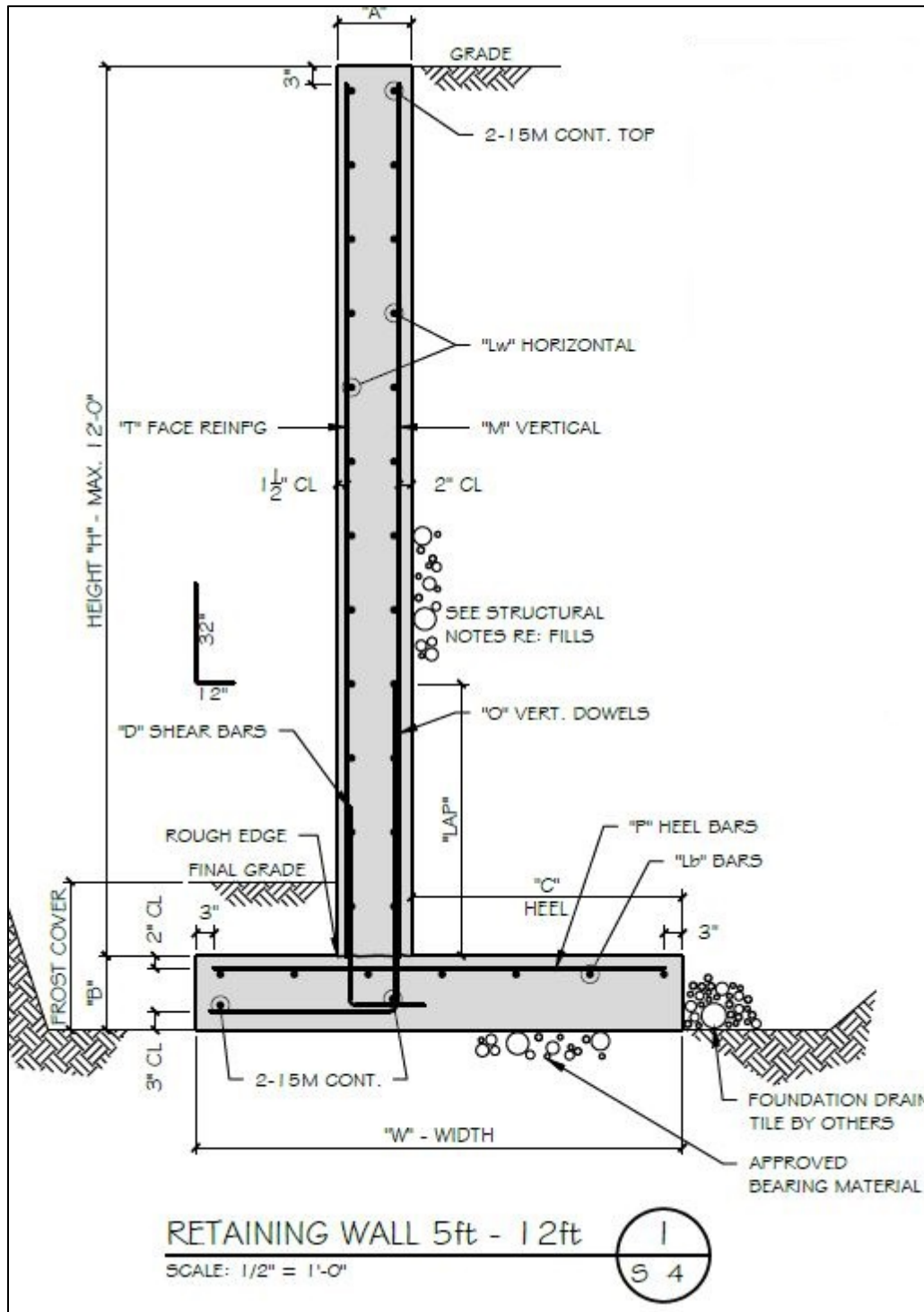


Figure 9: Typical Retaining Wall Design

Attachment G- Proposed Landscape & Screening Plan

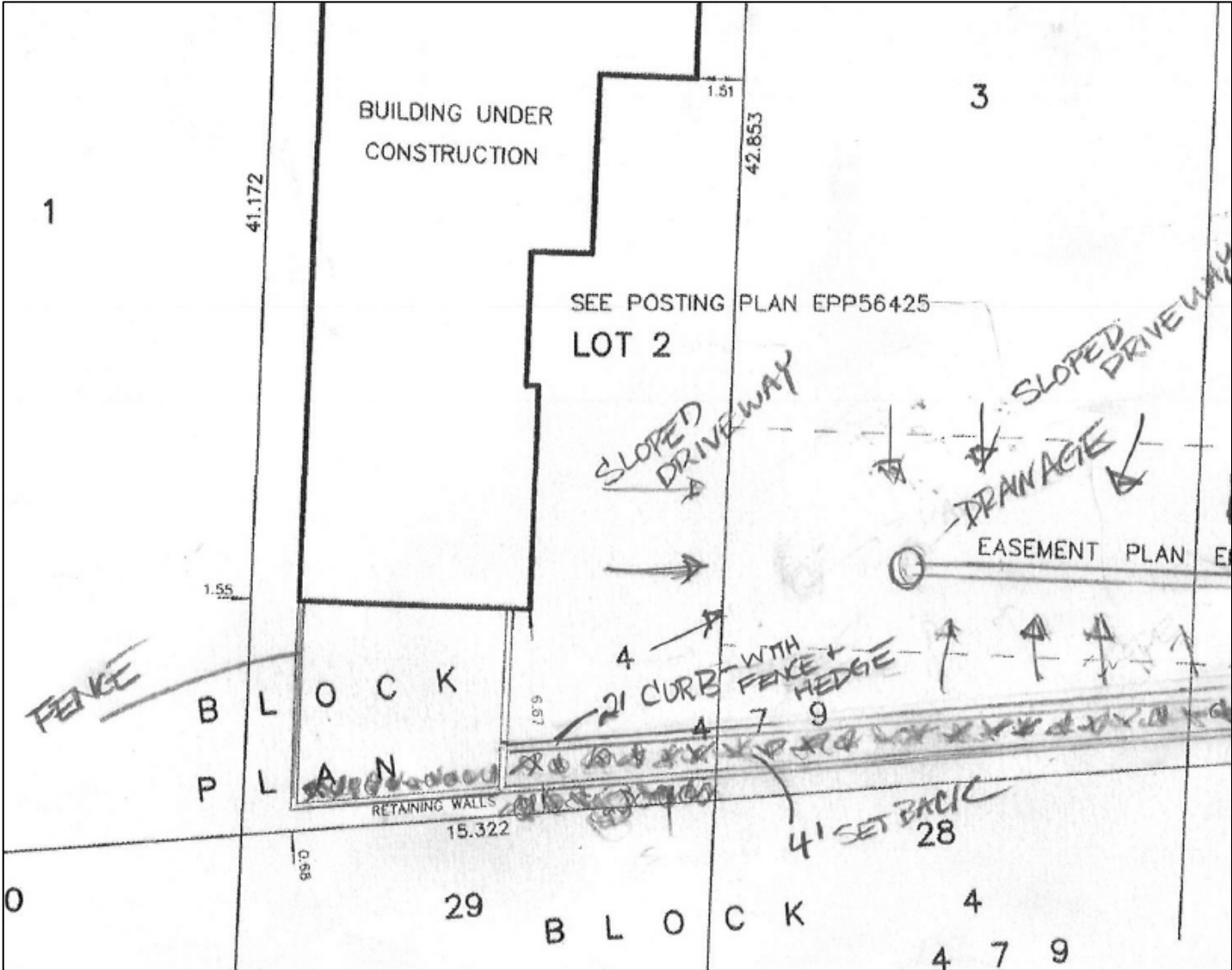


Figure 10: Landscape Plan

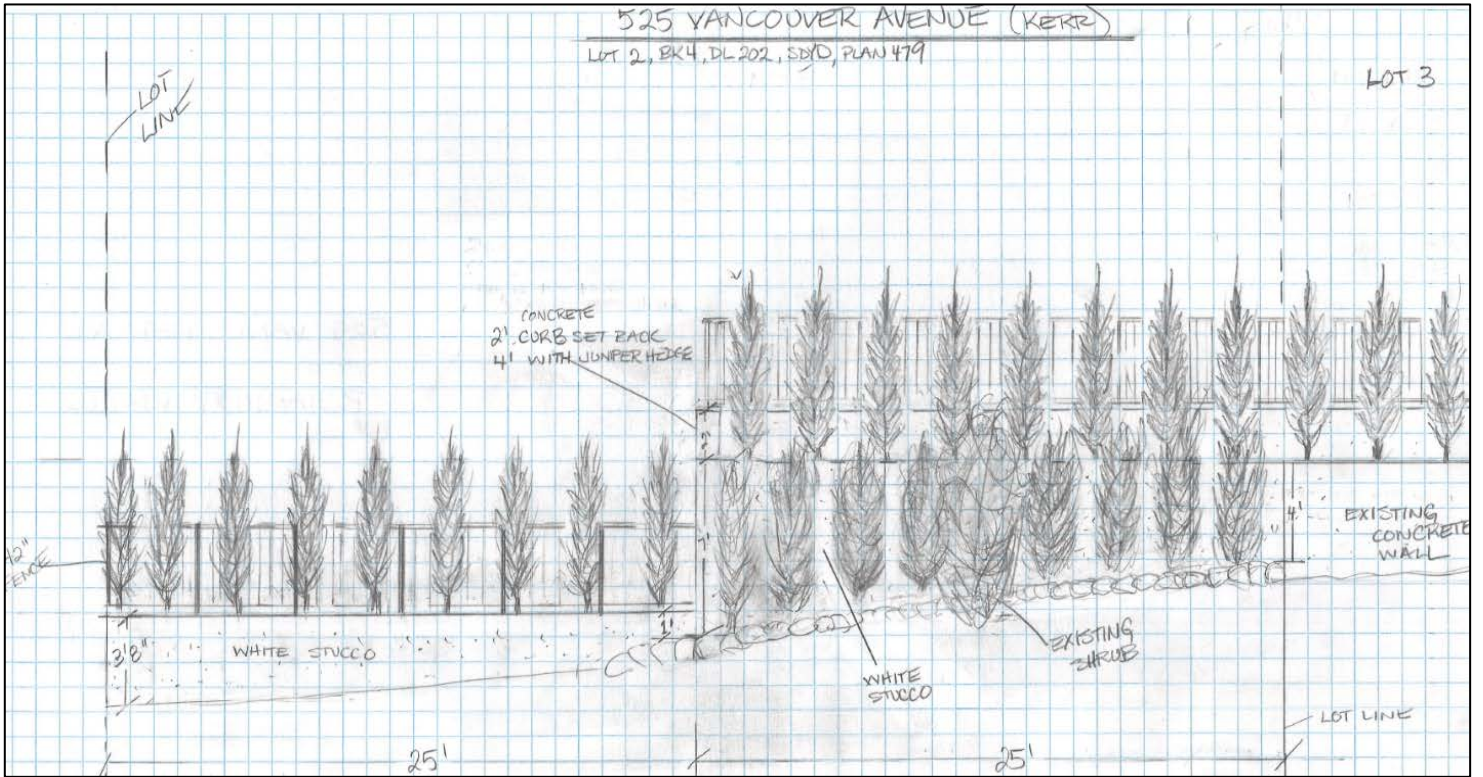


Figure 11: South Elevation showing landscape screening

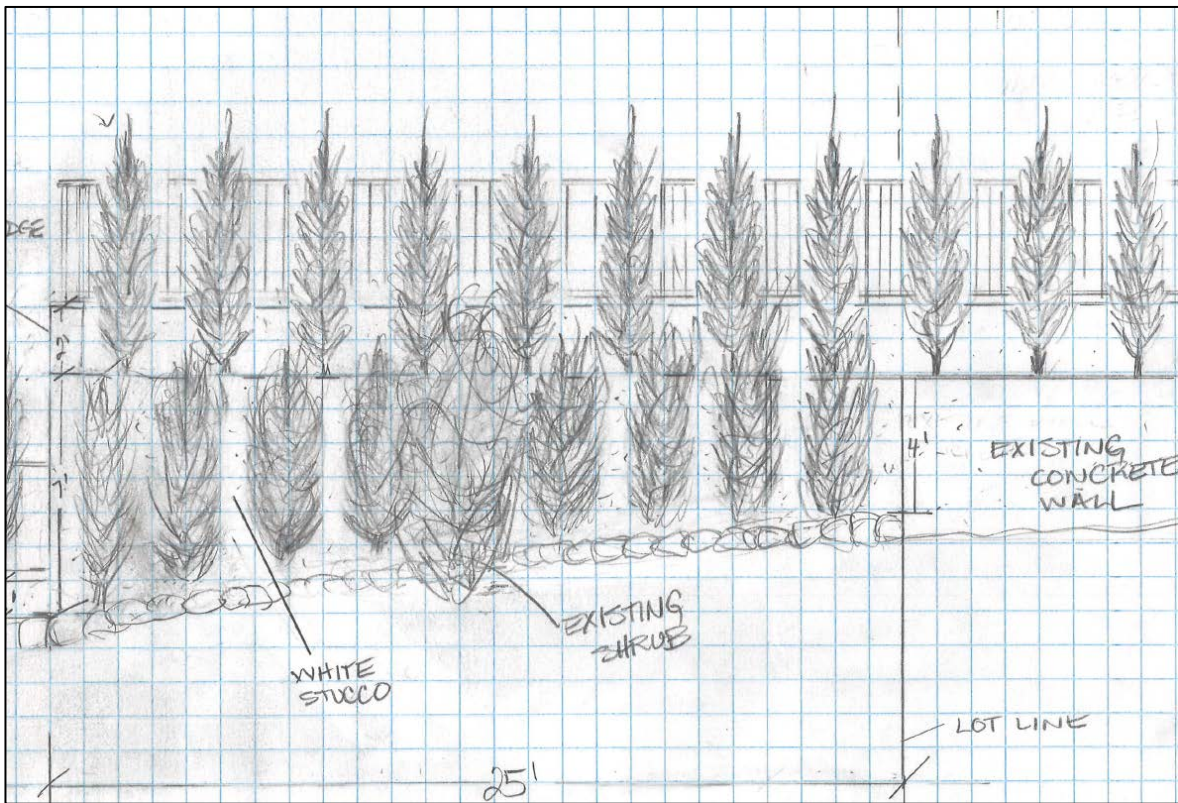


Figure 12: South Elevation showing landscape screening

Attachment H- Letter of Intent

Audrey Tanguay
Planning Department
City of Penticton

Dear Audrey,

It has been brought to our attention that our retaining wall on the South side of our 525 Vancouver Avenue lot exceeds the allotted height of 4 feet. It was our understanding that any retaining wall over 4 feet required engineering and a Geo Tech Schedule B, which we retained prior to the construction of the wall. We were unaware of any additional requirements or approvals required.

ROV consulting provided all the engineering & drawings required for our project including field progress reports. Rock Glen Consulting has provided the geotechnical Schedule B as well as numerous field reports of the excavation, footings, walls, drainage and structural materials.

All excavated materials were taken off site and structural material was brought in to replace what was removed.

The wall engineering required footings 6.6 feet wide, 6 inch centers on 15mm rebar both vertical and horizontal, wall 12 inches thick and tying into the house foundation.

The geo techs required that the footings were dug down to suitable material, backfilled and compacted with structural fill and having both internal and external drainage for the wall.

Here are some important points on why the wall was constructed and what has been done with the neighbor directly adjacent to the property to the south where the wall is constructed. Also included is a letter of support of the wall from the only neighbor affected by the wall. Joni agrees that there really wasn't any other feasible option.

1. The wall was constructed to maintain the original soil level of the lot. The wall on our side is exactly ground level. The natural soil level of the lot dropped off considerably to the south and west.
2. On the adjacent east side lot, an existing wall runs across the south side and stops at our property line. This was put in place to again maintain the soil lot level. Our wall is attached to this wall at the same height and continues another 24 feet before stepping down to a much lower wall that extends an additional 22 feet.

3. The height of the wall was dictated by the depth of the footings requirements by the geo tech and the natural slope of the property. In other words we were required to take out much more soil than we anticipated which increased the height of the wall. We shortened this portion of the wall by 10' from our original plans due to the depth of the footings and what of would be a much higher wall.
4. The neighbor to the south (Joni) had previously complained about soil and water erosion from both our lot and the lot to the east. Her concrete deck and lawn was getting covered in soil and water when it rained. The wall and drainage have rectified this issue.
5. Prior to building the wall we discussed options with the neighbor to the south to make the wall more attractive from her side. We decided that we would stucco the wall the same as the house so everything tied in. In preparation we damp proofed the inside of the wall to prevent any water seeping through and discoloring the stucco. We discussed putting in a hedge within our lot line again to make things more appealing. The lower wall that continues across the lot is going to have a landscaped courtyard. The final product will be very nice.
6. The lot itself is 50' x 160'. The set backs from the south lot line to the house are 19'6". There is only one corridor to drive past the neighbor's house into the garage. Without maintaining the original lot level with a wall two things will occur.

One is that it would be difficult to turn around after backing out of the garage without using a neighbor's driveway. This would result in backing down a long driveway onto Vancouver Avenue just below a corner creating a very dangerous situation.

The other issue is that we would have no place for visitors to park and would have to use Vancouver Avenue. This again creates a dangerous situation as cars parked along this part of the road block vision out of several driveways. Our side of Vancouver Ave does not have a sidewalk and is narrow with cars speeding at times down Vancouver hill. If visitors parked on the opposite side of the road there is a side walk and more room but are forced to cross a busy road without a cross walk.

The way we have constructed the wall is the proper way as the options are very limited. The lots in this are very challenging to build on and were put in place prior to today's regulations. What we didn't know was that there were additional requirements that should have been completed first. We took a proactive approach with the neighbor affected prior to knowing that other steps needed to be taken as our intentions were and are always good.

Both Jill and I appreciate your time on this matter.

Sincerely, Alan and Jill Kerr

Figure 13: Letter of Intent

Attachment I- Letter of Support

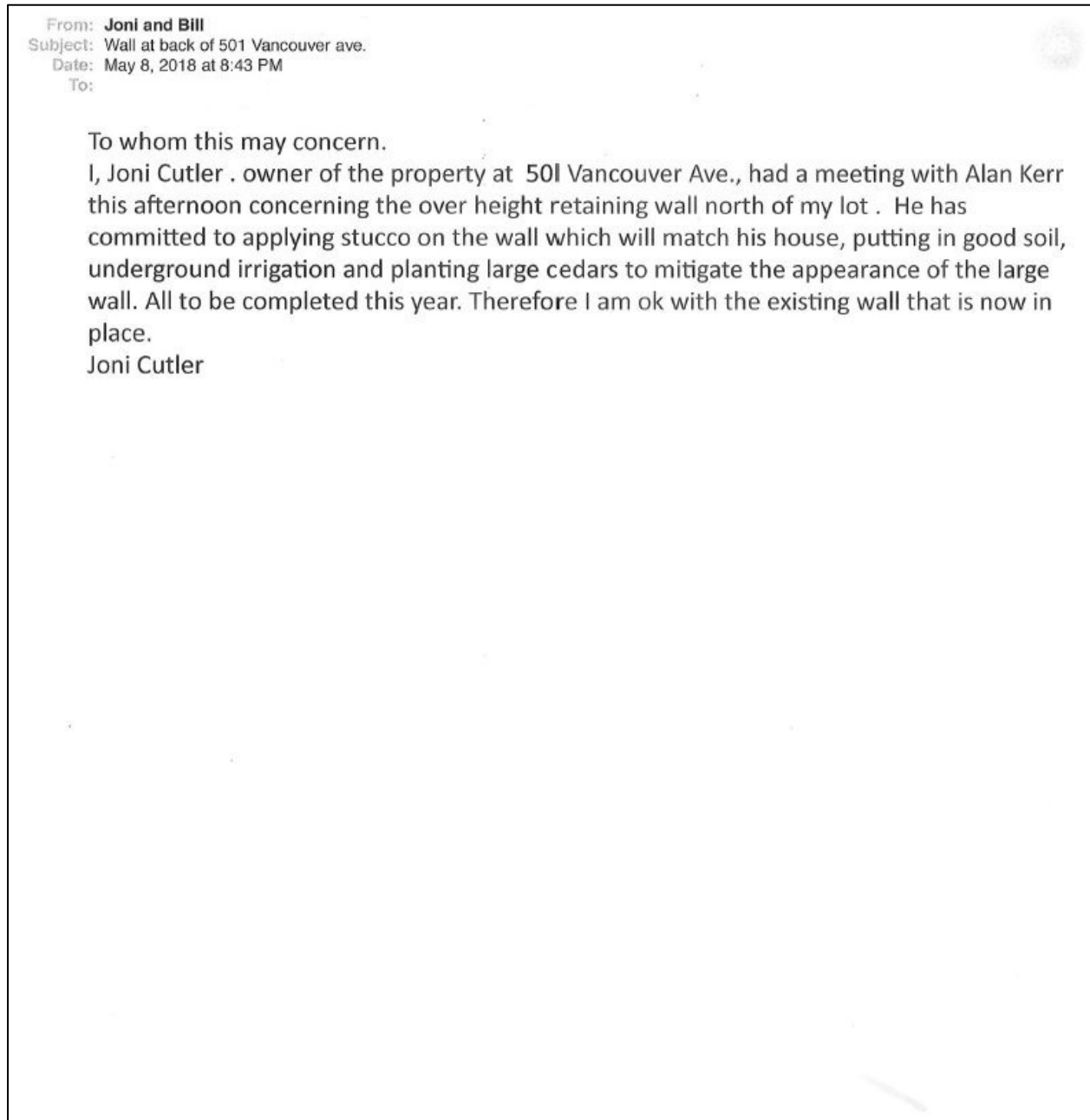


Figure 14: Letter of Support

Attachment J - Development Variance Permit PL2018-8277



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

Development Variance Permit

Permit Number: DVP PL2018-8277

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 2 Block 4 District Lot 202 Similkameen Division Yale District Plan 479
Civic: 525 Vancouver Avenue
PID: 012-302-805
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following section of Zoning Bylaw 2017-08 to allow for the construction of a retaining wall.
 - Section 5.6.2.1: to increase the maximum height of a retaining wall within a required yard from 1.2m to 2.85m.

General Conditions

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

Authorized by City Council, the 7 day of August, 2018

Issued this ____ day of _____, 2018

Dana Schmidt,
Corporate Officer