



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

**Tuesday, December 4, 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 November 20, 2018 Committee of the Whole Meeting	1-2	Receive
6.2	Minutes of the November 20, 2018 Regular Council Meeting	3-8	Adopt
7. **Consent Agenda**
8. **Committee and Board Reports**
9. **Correspondence**
10. **Staff Reports:**

Forster	10.1 FireSmart Community Funding & Supports <i>Staff Recommendation: THAT Council support the application for grant funding of \$100,000 from the Union of BC Municipalities for FireSmart Community Funding &amp; Supports program within the City of Penticton.</i>	9-10	
Bauer	10.2 2018-2022 Five Year Financial Plan Amendment Bylaw No 2018-80 <i>Staff Recommendation: THAT Council give first, second and third reading to the "2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-80".</i>	11-18	
Bauer	10.3 Penticton Peach Festival Float Retrofit – Pre Budget Grant Request <i>Staff Recommendation: THAT Council approve a \$10,000 cash grant for 2019 as requested by the Penticton Peach Festival to be funded through the 2019 grant allocation.</i>	19-23	
Laven	10.4 Cannabis Regulations – Policy and Bylaws <i>Staff Recommendation: #1 Council Policy THAT Council approve "Cannabis Retail Stores Policy" which establishes the process and guidelines for obtaining local government support for a provincial 'cannabis retail store' licence in Penticton.</i>	24-47	

*#2 Zoning Amendment Bylaw*

*THAT Council give first reading to **Attachment B** "Zoning Amendment Bylaw 2018-66", a bylaw that adds a definition for 'cannabis retail store', includes the use in the C4, C5 and C6 and **prohibits cannabis stores on the 100, 200 or 300 blocks of Main or Front Street** and that the bylaw be forwarded to the December 18, 2018 Public Hearing.*

**OR**

*THAT Council give first reading to **Attachment C** "Zoning Amendment Bylaw 2018-66", a bylaw that adds a definition for 'cannabis retail store and, includes the use in the C4, C5 and C6 and that the bylaw be forwarded to the December 18, 2018 Public Hearing.*

*#3 Business Licence Amendment Bylaw*

*THAT "Business Licence Amendment Bylaw 2018-67", a bylaw that adds a definition for 'cannabis retail store' and regulates the operation of cannabis retail stores, be given first reading and referred to the December 18, 2018 Public Hearing to receive comment from the public.*

*#4 Smoking Regulations Bylaw*

*THAT Council give first, second and third reading to "Smoking Regulations Bylaw 2018-68", a bylaw that repeals and replaces "Smoking Bylaw 87-15", and includes a prohibition on the smoking and vaping of cannabis products in all public areas in Penticton.*

Laven	10.5	Zoning Amendment Bylaw No. 2018-81 Re: 310 Comox Street <i><u>Staff Recommendation:</u> THAT "Zoning Amendment Bylaw No. 2018-81", a bylaw to rezone Lot 7 District Lot 366 Similkameen Division Yale District Plan 5419, located at 310 Comox Street from R2 (Small Lot Residential) to C4 (General Commercial), be given first reading and be forwarded to the December 18, 2018 Public Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-81", a 5.0m x 5.0m northwest corner cut is registered with the Land Title Office.</i>	48-63
Haddad	10.6	Land Swap & Public Realm Improvements Re: 157 Abbott Street <i><u>Staff Recommendation:</u> THAT Council support the proposed land exchange, between the City and Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP81594 (157 Abbott Street) and Lot 1, District Lot 202, Similkameen Division Yale District, Plan KAP86539 (149 Van Horne Street) as follows: • City to receive 388.2m<sup>2</sup> of road right-of-way from 157 Abbott Street and 198 Van Horne Street; • 143.56m of current road right of way along Van Horne Street and Westminster Avenue be added to 198 Van Horne Street; • 250.28m of road right of way along Westminster Avenue and Abbott Street be added to 157 Abbot Street. AND THAT the land exchange agreement be subject to the following conditions: a. The developer being responsible for the construction of angled parking along the Westminster Avenue frontage to City standards; and b. The developer is responsible for all survey and legal registration costs. AND THAT staff be directed to prepare a Land Exchange Agreement applicable road closure bylaws and required public notification and land disposition in accordance with the Community Charter.</i>	64-76
Collison	10.7	Council Meeting Schedule for 2019 <i><u>Staff Recommendation:</u> THAT Council select the following dates for the 2019 Regular Meetings of Council: January 8, 22, February 5, 19, March 5, 19, April 2, 16, May 7, 21, June 4, 18, July 2, 16, August 6, 20, September 3, 17, October 1, 15, November 5, 19, and December 3, 17.</i>	77-78
Darcus	10.8	2019 Council Advisory Committees <i><u>Staff Recommendation:</u> THAT Council approve the following Council Advisory Committees (and Task Force) and Council Liaison appointments, subject to the Committee Terms of Reference in attachments A-G:</i>  <i><u>Advisory Committee/Task Force</u> Agricultural Advisory Committee Arts, Creative, Cultural Innovations, Heritage and Museum Committee</i>	79-98  <i><u>Council Liaison</u> Councillor Bloomfield Councillor Sentes</i>

*Development Services Advisory Committee  
Economic Development and Prosperity Advisory Committee  
Official Committee Plan (Task Force)*

*Councillor Watt  
Mayor Vassilaki  
Councillors Sentes, Robinson and  
Kimberley*

*Parks and Recreation Advisory Committee  
Penticton Creek and Ellis Creek Restoration Committee*

*Councillor Kimberley  
Councillor Regehr*

*AND THAT Council direct staff to advertise to fill the membership of the committees, inviting current members to reapply if interested;*

*AND THAT Council make the following appointments to outside boards and committees:*

<i>Library Board</i>	<i>Councillor Kimberley</i>
<i>Senior's Drop In Centre</i>	<i>Councillor Robinson</i>
<i>Senior's Wellness</i>	<i>Mayor Vassilaki</i>
<i>South Okanagan Immigrant &amp; Community Services</i>	<i>Councillor Bloomfield</i>
<i>Downtown Penticton Association</i>	<i>Councillor Sentes</i>
<i>Sicamous Society</i>	<i>Mayor Vassilaki</i>
<i>Museum Society</i>	<i>Councillor Sentes</i>
<i>Chamber of Commerce</i>	<i>Councillor Watt</i>
<i>Farmer's Market</i>	<i>Councillor Sentes</i>
<i>Penticton and District Community Arts Council</i>	<i>Councillor Sentes</i>
<i>Shatford Centre</i>	<i>Councillor Regehr</i>
<i>Penticton Art Gallery</i>	<i>TBD</i>

*THAT Council appoint Mayor John Vassilaki as the primary voting delegate and Councillor Jake Kimberley as alternate to the Municipal Insurance Association of British Columbia.*

Darcus 10.9 SILGA Committee Selected Charity 99  
*Staff Recommendation: THAT the proceeds from the Southern Interior Local Government Association Conference 50/50 raffle held in Penticton on April 30 – May 3, 2019 be donated to the Youth Engagement Strategy (YES) Project.*

11. **Public Question Period**

12. **Recess to 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:*

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

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

14. **Bylaws and Permits:**

14.1	Zoning Amendment Bylaw No. 2018-76 Re: 909 Government Street	100-101	2 <sup>nd</sup> /3 <sup>rd</sup>
14.2	Zoning Amendment Bylaw No. 2018-77 Re: 931 Government Street	102-103	2 <sup>nd</sup> /3 <sup>rd</sup>
14.3	Zoning Amendment Bylaw No. 2018-78 Re: 1473 Government Street	104-105	2 <sup>nd</sup> /3 <sup>rd</sup>
14.4	Zoning Amendment Bylaw No. 2018-79 Re: 463 Wade Avenue East	106-107	2 <sup>nd</sup> /3 <sup>rd</sup> /Adopt

15. **Land Matters:**

Haddad	15.1	Development Variance Permit PL2018-8377 Development Permit PL2018-8376 Re: 595 Van Horne Street <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8377" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit to: increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m; to decrease the minimum required parking spaces from 4 to 3; and to decrease the minimum front yard from 4.5m to 3.5m, to support a duplex development with suites; AND THAT staff be directed to issue "Development Variance Permit PL2018-8377". THAT Council approve "Development Permit PL2018-8376" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit that allows for the construction of a duplex with suites; AND THAT staff be directed to issue "Development Permit PL2018-8376."</i>	108-131	Del/Sub
Haddad	15.2	Development Variance Permit PL2018-8387 Re: 555 Wade Avenue East <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8387" for Lot 1 District Lot 202 Similkameen Division Yale District Plan 7142, located at 555 Wade Avenue East, a permit to reduce the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.0m, to waive the two required visitor parking spaces and to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m; AND THAT staff be directed to issue "Development Variance Permit PL2018-8387."</i>	132-156	Del/Sub

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, November 20, 2018**  
**Recessed from the Regular Council Meeting at 1:00 p.m.**

**Present:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Robinson  
Councillor Kimberley  
Councillor Regehr  
Councillor Sentes  
Councillor Watt

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

1. **Call to order**

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

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the agenda for the Committee of the Whole meeting held on November 20, 2018 be amended to add the delegation from Our Redeemer Lutheran Church Choir.

**CARRIED UNANIMOUSLY**

3. **Delegations and Community Recognition**

3.1 Our Redeemer Lutheran Church Choir

Council welcomed and congratulated Shayla Sipila, Choir Conductor and the Our Redeemer Lutheran Church Choir as they have been invited to perform at Carnegie Hall, New York on November 26, 2018.

3.2 Impact of Immigration in our Community

Tahira Saeed, Executive Director, on behalf of South Okanagan Immigrant & Community Services, and Nora Hunt-Haft, Project Coordinator, on behalf of South Okanagan Similkameen Local Immigration Partnership, provided Council with an update on the impact of immigration in our community and encouraged the continued partnership.

3.3 Figueira`s Park Deer Issue

Robert Cartwright, provided Council with finding from the residents of the Figueira Park regarding the efforts the neighbourhood has undertaken to address deer. Would like Council, RDOS and provincial government to work together to resolve the urban deer problem. Would like to start with Figueira Park as a test site and determine what initiatives will work.

3.4 Update on cannabis framework for retail sales and public consumption

Blake Laven, Planning Manager and JoAnne Kleb, Engagement Strategist, provided Council with an update on cannabis framework for retail sales and public consumption to date and the feedback that was received.

**It was MOVED and SECONDED**

THAT the Committee of the Whole receive into the record the report titled "Update on cannabis framework for retail sales and public consumption" and endorses the framework as presented;

AND THAT staff are directed to introduce policies and bylaws in-line with the framework at the December 4, 2018 Regular meeting of Council.

**CARRIED UNANIMOUSLY**

4. **Adjourn to Regular Meeting**

**It was MOVED and SECONDED**

THAT Council adjourn the Committee of the Whole meeting held November 20, 2018 at 2:27 p.m. and reconvene the Regular Meeting of Council.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Angie Collison  
Corporate Officer

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John Vassilaki  
Mayor

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

**Tuesday, November 20, 2018**  
**at 1:00 p.m.**

**Present:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Robinson  
Councillor Kimberley  
Councillor Regehr  
Councillor Sentes  
Councillor Watt

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

**1. Call to Order**

The Mayor called the Regular Council meeting to order at 12:59 p.m.

**2. Introduction of Late Items**

**3. Adoption of Agenda**

475/2018

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council meeting held on November 20, 2018 as amended to remove correspondence 9.1.

**CARRIED UNANIMOUSLY**

**4. Recess to Committee of the Whole**

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

**5. Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 2:36 p.m.

**6. Adoption of Minutes:**

6.1 Minutes of the October 30, 2018 Regular Council Meeting

476/2018

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the October 30, 2018 Regular Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

6.2 Minutes of the November 6, 2018 Inaugural Council Meeting

477/2018

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the November 6, 2018 Inaugural Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

6.3 Minutes of the November 14, 2018 Special Council Meeting

478/2018

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the November 14, 2018 Special Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

**7. Consent Agenda**

**8. Committee and Board Reports**

**9. Correspondence**

**10. Staff Reports:**

10.1 City Parking Exemption Permit Policy

479/2018

**It was MOVED and SECONDED**

THAT Council direct the Chief Administrative Officer to administer the issuance of City parking exemption permits.

**CARRIED UNANIMOUSLY**

10.2 New Liquor Primary License - Penticton Seniors Drop In Centre Society

Mayor Vassilaki declared a conflict of interest and left the meeting at 2:45 p.m.

480/2018

**It was MOVED and SECONDED**

THAT staff be directed to commence public notification of the proposed Liquor-Primary License for the Penticton Seniors Drop-In Centre, located at 2965 South Main Street; AND THAT staff report back to Council at their meeting on December 18, 2018 with the results of the public consultation for Council's consideration.

**CARRIED UNANIMOUSLY**

Mayor Vassilaki returned to the meeting at 2:50 p.m.

10.3 2018 Local Government Election Summary

481/2018

**It was MOVED and SECONDED**

THAT Council receive into the record the report titled "2018 Local Government Election Summary" dated November 20, 2018.

**CARRIED UNANIMOUSLY**

10.4 Signing officers and banker for 2018 and subsequent years

482/2018

**It was MOVED and SECONDED**

THAT Council approve signing authorities at VALLEY FIRST CREDIT UNION as follows:

**A Signers**

- Peter Weeber, Chief Administrative Officer
- Jim Bauer, Chief Financial Officer
- Angela Campbell, Controller
- Wes Renaud, Budget Analyst

**B Signers**

- John Vassilaki, Mayor
- Julius Bloomfield, Councillor
- Jake Kimberley, Councillor
- Frank Regehr, Councillor
- Katie Robinson, Councillor
- Judith Sentes, Councillor
- Campbell Watt, Councillor

Signing officers for memberships 727214 and 1319244 (City of Penticton) will be for the calendar year ended December 31, 2018 and subsequent years until changed.

AND THAT Council approve:

- Carla Relvas, Director of Finance, South Okanagan Events Centre
- Dean Clarke, General Manager, South Okanagan Events Centre
- Kevin Webb, SOEC Director of Events, South Okanagan Events Centre
- Paul O'Beirn, PTCC Director of Sales, Penticton Trade and Convention Centre
- Peter Weeber, Chief Administrative Officer
- Jim Bauer, Chief Financial Officer, City of Penticton
- Angela Campbell, Controller, City of Penticton

as signing officers for membership 727313 (South Okanagan Events Centre) for the calendar year ended December 31, 2018 and subsequent years until changed.

**CARRIED UNANIMOUSLY**

**11. Public Question Period**

**12. Recess to Closed Meeting**

483/2018

**It was MOVED and SECONDED**

THAT Council recess at 3:14 p.m. 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 expected to harm the interest of the municipality.*

**CARRIED UNANIMOUSLY**

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

Council reconvened the Regular Council Meeting at 6:00 p.m.

**14. Bylaws and Permits**

**15. Land Matters**

15.1 Development Variance Permit PL2018-8379  
Re: 304 Abbott Street, 326 Nanaimo Avenue East

Delegations/Submissions:

- Nil

484/2018

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2018-8379" for Lots 1 and 2, Block 30, District Lot 202 Similkameen Division Yale District Plan 479, located at 326 Nanaimo Avenue East and 304 Abbott Street, a permit to decrease the minimum front yard from 4.5m to 1.8m;

AND THAT approval of "Development Variance Permit PL2018-8379" be conditional on the following:

- That the subject properties be consolidated; and
- That the City boulevard area fronting the subject property is landscaped as per 'Attachment E' of this report at the cost of the developer, which includes three new City trees;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8379" after consolidation of the lots.

**CARRIED UNANIMOUSLY**

15.2 Development Variance Permit PL2018-8369  
Re: 4043 Lakeside Road

Mayor Vassilaki declared a conflict of interest and left the meeting at 6:10 p.m.

Delegations/Submissions:

- Nil

485/2018

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2018-8369" for Lot 24 Block 209 District Lot 190 Similkameen Division Yale District Plan 466, located at 4043 Lakeside Road, a permit to decrease the minimum front yard from 6.0m to 3.0m and to decrease the minimum interior yard of a principal building from 1.5m to 1.0m;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8369."

**CARRIED  
Councillor Sentes, Opposed**

Mayor Vassilaki returned to the meeting at 6:21 p.m.

15.3 Zoning Amendment Bylaw No. 2018-76  
Development Variance Permit PL2018-8340  
Development Permit PL2018-8339  
Re: 909 Government Street

486/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-76", a bylaw to rezone Lot 4, District Lot 249, Similkameen Division Yale District Plan 3392, located at 909 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the December 4, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-76", the following road dedications be registered with the Land Title Office:

1. An 8.5m x 8.5m corner cut the north east corner of the property; and
2. 2.0m from the east property line along Government Street.

THAT delegations and submissions for "Development Variance Permit PL2018-8340" for 909 Government Street, a permit to reduce the minimum rear yard from 6.0m to 3.0m, be heard at the December 4, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8340" following the adoption of "Zoning Amendment Bylaw No. 2018-76".

THAT Council approve "Development Permit PL2018-8339" for 909 Government street, a permit that allows for the construction of two side-by-side duplexes (total 4 units), subject to adoption of "Zoning Amendment Bylaw No.2018-76" and issuance of "Development Variance Permit PL2018-8340".

**CARRIED UNANIMOUSLY**

- 15.4 Zoning Amendment Bylaw No. 2018-77  
Development Variance Permit PL2018-8343  
Development Permit PL2018-8342  
Re: 931 Government Street

487/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-77", a bylaw to rezone Lot 3, District Lot 5, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3392, located at 9031 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the December 4, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-77", a 2.0m road dedication on Government Street be registered with the Land Title Office;

AND THAT delegations and submissions for "Development Variance Permit PL2018-8343" a permit to reduce the minimum rear yard from 6.0m to 3.0m, at 931 Government Street, be heard at the December 4, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8343" following the adoption of "Zoning Amendment Bylaw No. 2018-77".

THAT Council approve "Development Permit PL2018-8342" a permit that allows for the construction of two side-by-side duplexes (total 4 units) at 931 Government, subject to adoption of "Zoning Amendment Bylaw No.2018-77" and issuance of "Development Variance Permit PL2018-8343".

**CARRIED UNANIMOUSLY**

- 15.5 Zoning Amendment Bylaw No. 2018-78  
Development Variance Permit PL2018-8310  
Re: 1473 Government Street

488/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-78", a bylaw to rezone Lot 10 District Lot 250 Similkameen Division Yale District Plan 6505, located at 1473 Government Street from R1 (Large Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and forwarded to the December 4, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-78", a 1.5m road dedication along the east property line (Government Street) is registered with the Land Title Office;

AND THAT delegations and submissions for "Development Variance Permit PL2018-8310" for Lot 10 District Lot 250 Similkameen Division Yale District Plan 6505, located at 1473 Government Street, a permit to increase the maximum hard surfacing of a lot from 60% to 66%, be heard at the December 4, 2018 Public Hearing;

AND THAT Council consider "DVP PL2018-8310" following the adoption of "Zoning Amendment Bylaw No. 2018-78."

**CARRIED UNANIMOUSLY**

15.6 Zoning Amendment Bylaw No. 2018-79  
Re: 463 Wade Avenue East

489/2018

**It was MOVED and SECONDED**

THAT "Zoning Amendment Bylaw No. 2018-79", a bylaw to rezone Lot 15 District Lot 202 Similkameen Division Yale District Plan 933, located at 463 Wade Avenue East, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and be forwarded to the December 4, 2018 Public Hearing.

**CARRIED UNANIMOUSLY**

**16. Notice of Motion**

**17. Business Arising**

**18. Council Round Table**

**19. Public Question Period**

**20. Adjournment**

490/2018

**It was MOVED and SECONDED**

THAT Council adjourn the Regular Council meeting held on Tuesday, November 20, 2018 at 6:56 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

\_\_\_\_\_  
Angie Collison  
Corporate Officer

\_\_\_\_\_  
John Vassilaki  
Mayor

# Council Report

penticton.ca

**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Chris Forster, Deputy Fire Chief & Emergency Planning Coordinator  
**Subject:** **FireSmart Community Funding & Supports Grant**

File No:

## Staff Recommendation

THAT Council support the application for grant funding of \$100,000 from the Union of BC Municipalities for FireSmart Community Funding & Supports program within the City of Penticton.

## Background

The Community Resiliency Investment (CRI) program is a new provincial program intended to reduce the risk and impact of wildfire to communities in BC through community funding, supports and priority fuel management activities on provincial Crown land. The CRI program now provides 100% funding compared to the old program which only provided 90% funding.

The FireSmart Community Funding & Supports program is a grant available under the CRI program that provides funding to local governments and First Nations in BC to increase community resiliency by undertaking community-based FireSmart planning and activities that reduce the community's risk from wildfire.

The City has a Community Wildfire Protection Plan (CWPP) that was completed in 2016. The CWPP identified 14 areas within the city boundaries that make up the wildland urban interface fuels treatment strategy for the City of Penticton. The intent is to apply for funding each year and treat as many of these areas as possible with grant funding. This application is for 2019 funding to develop prescriptions & treatments for 3 of the 14 identified areas. Further, the requested funding will also be for continued FireSmart activities for new and existing FireSmart neighborhoods within the City of Penticton.

## Financial implication

The grant funding can contribute 100% of the cost of eligible activities to a maximum of \$100,000. Eligible expenditures include consultant costs, applicant staff and administration costs, and public information costs. As well, the funding allows for the development & promotion of local FireSmart activities as well as Fuel & Vegetation Management on publicly owned land.

A completed application will be submitted on December 7, 2018 given there is approval from Council.

**Deny/Refer Recommendations**

Should Council determine that additional information is required, it may refer requests back to Staff for additional research.

Respectfully submitted,

Chris Forster  
Deputy Fire Chief  
Emergency Planning Coordinator

Approvals

Fire Chief  LW.	Chief Financial Officer  <i>LWB</i>	Chief Administrative Officer  PW
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# Council Report

penticton.ca

**Date:** December 4, 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 2018-80**

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## Staff Recommendation

THAT Council give first, second and third reading to the “2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-80”.

## 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 presented in November of 2017, and during the year that has followed, emerging priorities have necessitated amendments to the original budget. This report outlines the financial plan amendments for Q3 of 2018, and it also amends the 2019 capital budget for specific projects that need to commence prior to the adoption of the 2019 financial plan anticipated in Q1 of 2019.

The City’s 2019 Financial Plan deliberations are anticipated to be held in Q1 of 2019. While most budget items are unaffected by this change, there are a few capital projects that require early approval to achieve tendering timelines and maximize value for the City.

Attachment A outlines the capital projects that staff are recommending to Council to move forward with prior to formal 2019 Financial Plan deliberations. If approved, these projects will be included in the 2019 Financial Plan.

The financial implication section which follows, along with attachment B to this report, outlines the impact to the City’s projected reserve and surplus balances as a result of the Q3 budget amendments.

Attachment C provides the revised Financial Plan Bylaw.

**Financial implication**

Third quarter budget amendments require a withdrawal from the **Public Amenity reserve** of \$2,000, leaving a projected balance of \$73,601.

Third quarter budget amendments require a withdrawal from the **Water Surplus** of \$3,377, leaving a projected balance of \$4,906,071.

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

The Q1 2019 capital projects listed in Attachment A total \$4,772,103 and have several funding sources. A complete listing of these funding sources will be presented to Council during 2019 Financial Plan deliberations.

**Alternate recommendations**

THAT Council direct staff with alternate direction on capital projects to be incorporated into the “2018-2022 Five Year Financial Plan Amendment Bylaw No. 2018-80”.

**Attachments**

Attachment A – 2019 Preliminary Capital Project Listing

Attachment B – Financial Plan Amendments for Q3 of 2018



Attachment C – 2018-2022 Five Year Financial Plan Amendment Bylaw No.2018- 80

Respectfully submitted,



Wesley Renaud  
Budget Analyst

Concurrence

Chief Financial Officer 	Director Recreation & Facilities BK	General Manager of Infrastructure 	Chief Administrative Officer PW
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## Attachment A - 2019 Preliminary Capital Project Listing

Staff are recommending to move forward with the following capital projects in Q1 of 2019:

Note	Project Name	Budget	Fund	Area
1	Voltage Conversion System Rebuild	249,116	Electrical	Electrical
2	New Underground Subdivisions	38,512	Electrical	Electrical
3	Flat Rate New/Upgrade Services	25,527	Electrical	Electrical
4	200 Block Main Street East Lane Rebuild	600,000	Electrical	Electrical
5	Estimated New/Upgrade Services	277,447	Electrical	Electrical
6	Server Infrastructure Upgrade	150,000	General	IT
7	Local Area Network Infrastructure	165,000	General	IT
8	Sewer Flush Truck to Replace Unit 42	350,000	General	Public Works Fleet
9	Self-Contained Breathing Apparatus	310,000	General	Fire
10	Memorial Arena Roof Replacement	500,000	General	Facilities
11	City Hall Envelope/HVAC	350,000	General	Facilities
12	Community Center Emergency Generator	75,000	General	Facilities
13	Penticton Trade & Convention Center Carpet	380,000	General	Facilities
14	Government Street Crosswalks	280,000	General	Traffic Control
15	Replace Spectrophotometer	18,000	Sewer	Engineering AWWTP
16	Replace Cake Pump	145,000	Sewer	Engineering AWWTP
17	Replace Bio Reactor Waste Pump	225,000	Sewer	Engineering AWWTP
18	On-Site Chlorine Generation System	633,500	Water	Engineering WTP
<b>Total</b>		<b>4,772,103</b>		

### Notes:

1. Need to complete preliminary works well in advance of the scheduled May conversion work.
2. The Electrical Department will be required to install Electrical Services in the early part of the year for the citizens of Penticton.
3. The Electrical Department will be required install Electrical Services in the early part of the year for the citizens of Penticton.
4. The Electrical Department needs to do their portion of the electrical rebuild so that the contractor who was hired in 2018 can complete the project and pave the lane by the spring of 2019.
5. The Electrical Department will be required to install Electrical Services in the early part of the year for the citizens of Penticton.
6. Early procurement required to achieve best pricing and to provide operational efficiency.
7. Replacement of core network infrastructure in Q1 of 2019 is optimal as it should be replaced prior to going live with software implementations scheduled for spring 2019. Waiting to upgrade the City's network infrastructure will introduce risks to these implementations and possibly delay other operational projects that are dependent on this replacement.
8. Current unit has operational concerns and this item will require a long delivery time so would like to tender as soon as possible to put into service by Q3 2019.
9. Self-contained breathing apparatus (SCBA) equipment is the lifeline for firefighters in terms of equipment. It is not equipment that we can afford to extend the life of. The current SCBA gear is over 10 years old and is overdue for replacement. As a result, we would like to make the actual purchase

sometime between Feb 15 and Mar 15 in order to protect our members and avoid increased pricing if we were to wait.

10. Early procurement required to achieve best pricing and to secure a roofing contractor.
11. This project is complex and will require detailed planning and coordination in order to get ready for full implementation in 2020. Additional cost of \$1,170,000 is required in 2020 (for a total project cost of \$1,520,000). Early procurement required to get a prime consultant on board. The HVAC and envelope will be combined into one project with one prime consultant and one general contractor.
12. Early design and procurement required due to lead times. A generator can take 12-16 weeks for fabrication and delivery.
13. Early procurement required due to lead times and to allow for scheduling of work around PTCC operations.
14. Concerns have come to light regarding safety issues with the type of pedestrian cross walks being used on Government Street at 3 locations: Forestbrook, Nelson and Penticton. In addition there is also a pedestrian crossing on Kinney Avenue at MacKenzie that needs upgrading with respect to overhead signage and down lighting.
15. This is a critical piece of lab equipment that is failing at the advanced waste water treatment plant. This needs advancing so we can avoid potential non-compliance with our monitoring and reporting obligations under our operating certificate.
16. This pump is a long lead delivery item which is critical for removing solids from the advanced waste water treatment plant – a fundamental process in the operation of the plant. Failure would cause non-compliance.
17. Both bio-reactors need to undergo modifications in 2019. One bio-reactor needs to be taken out of service for construction prior to high summer flows and the second bio-reactor is planned to be taken out of service in the fall after high summer flows to complete the upgrades. Detail design needs to be undertaken early in 2019 to allow for this schedule.
18. Water disinfection is a crucial process and our current system needs replacing from both an operational safety and equipment age basis. The work must be completed before the peak summer demand months and detailed design and equipment procurement must commence early in the year to meet that deadline.

**Attachment B - Financial Plan Amendments for Q3 of 2018**

The table below summarizes the Q3 2018 budget changes reflected on Schedule A of the Financial Plan Bylaw (Attachment C):

<b>Note</b>	<b>Schedule A Line Item Affected</b>	<b>\$ Change</b>
1	Storm Water Utility Fees	(172,729)
1	Other Revenues	172,729
2	Other Revenues	(75,000)
2	Storm Water Operating	75,000
3	General Operating	(168,967)
3	Storm Water Operating	168,967
4	Transfer from Reserve/Surplus	(2,000)
4	General Operating	2,000
5	Water Capital	3,377
5	Transfer from Reserve/Surplus	(3,377)
<b>Total</b>		<b>\$ -</b>

**Notes:**

1. In 2018 the City established a storm water utility. The exact user fee revenue wasn't known during 2018 Financial Plan deliberations held in November 2017, but it was known that there would be a corresponding credit to storm water users' property taxes. This amendment reflects the total 2018 storm water user fee revenue and the offsetting debit to property taxes.
2. A storm water administration fee of \$75,000 was calculated by the consultant who worked on the rate setting for the newly created storm water utility. This adjustment reflects the \$75,000 administration charge to the storm water utility and the offsetting credit to the general fund.
3. Previous to being its own utility, storm water operating expenses were borne by the roads and maintenance cost center in the general operating fund. These costs have now been transferred into the storm water utility.
4. A small transfer from the Public Amenity reserve was required to install trees at 216 Westminster Blvd. as per Council resolution 581/2017.
5. A small transfer from water surplus was required to complete consulting work to address the liquefaction potential of the dam.

**Bylaw No. 2018-80**

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

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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. 2018-80".

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

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John Vassilaki, Mayor

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Angie Collison, Corporate Officer

**Schedule A**

	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
	<b>Budget</b>	<b>Budget</b>	<b>Projection</b>	<b>Projection</b>	<b>Projection</b>
<b>Revenue</b>					
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)
Storm Water Utility Fees	(172,729)	(367,000)	(558,000)	(753,000)	(950,000)
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	(12,261,428)	(11,841,338)	(11,712,724)	(11,528,337)	(11,354,093)
Development Cost Charges	(600,000)	(600,000)	(600,000)	(600,000)	(600,000)
Donations	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)
	<b>(134,358,203)</b>	<b>(138,328,005)</b>	<b>(142,708,330)</b>	<b>(146,762,775)</b>	<b>(150,957,660)</b>
<b>Expense</b>					
General Operating	70,664,395	70,696,411	72,434,971	73,989,145	75,648,138
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
Storm Water Operating	243,967	425,300	407,864	468,990	376,178
	<b>116,866,905</b>	<b>116,163,867</b>	<b>119,423,272</b>	<b>122,611,820</b>	<b>125,047,036</b>
Annual Surplus	(17,491,298)	(22,164,139)	(23,285,058)	(24,150,955)	(25,910,624)
<b>Capital</b>					
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	3,410,627	5,543,335	8,198,500	4,389,600	3,246,300
	<b>21,142,789</b>	<b>25,745,780</b>	<b>36,730,567</b>	<b>36,659,175</b>	<b>27,943,710</b>
Debt Proceeds	(1,635,040)	(702,000)	(3,677,197)	-	-
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	(3,998,872)	(5,013,956)	(12,011,316)	(14,837,099)	(4,363,880)
<b>Financial Plan Balance</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Schedule B**

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

Taxation	31,540,871.01	23.48%
Grants in Lieu	254,519	0.19%
Business & Local Improvement Levy	403,875	0.30%
Collections for Other Governments	21,375,873	15.91%
Sale of Services	6,850,024	5.10%
Electric Utility Fees	42,075,442	31.32%
Sewer Utility Fees	5,615,077	4.18%
Water Utility Fees	8,466,692	6.30%
Storm Water Utility Fees	172,729	0.13%
Other Revenue	12,261,428	9.13%
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>134,358,203</u>	<u>100.00%</u>

Current Property Class Multiples:

<b>Ratio</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
Residential	1.000	1.000	1.000	1.000
Utilities	6.510	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:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Angela Campbell, Controller  
**Subject:** **Penticton Peach Festival Float Retrofit Pre Budget Grant Request**

File No:

## Staff Recommendation

THAT Council approve a \$10,000 cash grant for 2019 as requested by the Penticton Peach Festival to be funded through the 2019 grant allocation.

## Background

The City, as part of the annual municipal grant process, has received a grant application from the Penticton Peach Festival Society for \$10,000 of cash assistance to finance the retrofitting of the Peach Festival Float. Due to timing for the completion of the retrofit and the scheduled budget deliberations being in the first quarter of 2019 the Society requires commitment of the funds prior to adoption of the 2019-2023 financial plan.

Historically the City has provided a grant to the Society towards the festival of \$44,000 for 2017 and 2018 consisting of \$24,000 of in-kind and \$20,000 of cash assistance. The City has also contributed \$10,000 to the retrofitting of the Peach Festival Float in the past.

The total cost of the 2019 float retrofit is estimated at \$30,000. This will be funded by a \$10,000 grant from Travel Penticton, \$10,000 from the Penticton Peach Festival Society and the \$10,000 request from the City.

## Financial Implication

During the budget process the annual contribution for municipal grants will be determined; the pre-approval of this application will be allocated from those funds.

## Analysis

There is a requirement, in most cities that the float participates in, that a float must be changed every three years; the last retrofit for the Peach Festival float was 2016 which the City provided \$10,000 of assistance for. The updating of the float provides the opportunity to focus on a new aspect of the City to be promoted every three year cycle. The current float design has a stylized boat breaking through waves and towing a parasailing peach. In 2018 the float participated in 22 events in 20 different cities across British Columbia, Alberta, Washington and Oregon.

**Alternate Recommendation**

That Council provide alternate direction on granting funding for the Penticton Peach Festival float.

**Attachments**

Attachment A – Grant Application

Respectfully submitted,



Angela Campbell  
Controller

Chief Financial Officer  <i>JWB</i>	Chief Administrative Officer  PW
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# Application Form

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## **Organizational Information**

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### **Event/Program/Project Description\***

Briefly describe the organization's mission or purpose.

To promote the City of Penticton and the Peach Festival in communities throughout BC, AB, WA and OR

### **Change in Event/Program/Project?\***

Has there been any substantial change to the event/program/project for the application year?

Yes

If yes, please provide a description of the changes.

Every three years the City of Penticton / Travel Penticton / Peach Festival float must be revamped. This isn't a step taken just to "modernize" the float but more is a requirement of some cities that a float must change every three years to participate in their parades. Beyond that it does give us an opportunity to focus on an aspect of Penticton that we can promote. Our current float has a stylized boat, breaking through the waves, towing a parasailing peach!

### **Type of Grant\***

Was the organization granted a seed or sustainable grant?

Sustainable

### **Length of Years\***

1

### **Category**

Select one category that best captures the event/program/project

Arts, Culture & Heritage

## **Budget Information**

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### **What is your event/program/project budget?\***

Total expenses for the event/program/project

\$316,650.00

### **Partner Contributions\***

How much is being contributed by other partners?

\$255,950.00

### **Sponsor or granting agencies\***

How much is being contributed by sponsors or other granting agencies?

\$60,700.00

### **Organizational Contribution\***

How much is the organization contributing to the event/program/project?

\$0.00

2019 funding will be based on the amount granted in 2018 but will still require Council approval during budget deliberations and are subject to change.

### **Grant request - cash\***

Please put 0 if none

\$10,000.00

### **Grant request - in kind\***

Please put 0 if none

\$0.00

### **Request Increases**

Please note any sustainable or seed grant funding is based upon the funding approved in 2018, if the request includes an ask for any additional funds, please provide details as to why the request has increased. All current year funding including increases requires Council approval.

### **What is the in-kind request for?**

Rentals, PTCC, etc. Please provide specific details.

N/A

### **Have you contacted the City to verify the estimate of the in-kind services?**

Yes

### **Surplus/Deficit\***

Budgeted Surplus (Deficit) - this is the sum of all the revenues (contributions) less expenses.

## ***Financial Statements and Budget Documents***

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### **Financial Statements\***

Please attach the most recent financial statements of the organization.

2017 Financials.pdf

### **Budget\***

Please attach budget documents for the grant request year.

Anticipated Budget 2019.xlsx

### **Other**

Please attach any other relevant documents.

# Council Report

pentiction.ca

**Date:** December 4, 2018 File No: 4300-01  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Blake Laven, Planning Manager  
**Subject:** **Cannabis Retail Stores Policy and Associated Bylaws**

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## Staff Recommendations

### *#1 Council Policy*

THAT Council approve "Cannabis Retail Stores Policy" which establishes the process and guidelines for obtaining local government support for a provincial 'cannabis retail store' licence in Penticton.

### *#2 Zoning Amendment Bylaw*

THAT Council give first reading to **Attachment B** "Zoning Amendment Bylaw 2018-66", a bylaw that adds a definition for 'cannabis retail store', includes the use in the C4, C5 and C6 and **prohibits cannabis stores on the 100, 200 or 300 blocks of Main or Front Street** and that the bylaw be forwarded to the December 18, 2018 Public Hearing.

## OR

THAT Council give first reading to **Attachment C** "Zoning Amendment Bylaw 2018-66", a bylaw that adds a definition for 'cannabis retail store and, includes the use in the C4, C5 and C6 and that the bylaw be forwarded to the December 18, 2018 Public Hearing.

### *#3 Business Licence Amendment Bylaw*

THAT "Business Licence Amendment Bylaw 2018-67", a bylaw that adds a definition for 'cannabis retail store' and regulates the operation of cannabis retail stores, be given first reading and referred to the December 18, 2018 Public Hearing to receive comment from the public.

### *#4 Smoking Regulations Bylaw*

THAT Council give first, second and third reading to "Smoking Regulations Bylaw 2018-68", a bylaw that repeals and replaces "Smoking Bylaw 87-15", and includes a prohibition on the smoking and vaping of cannabis products in all public areas in Penticton.

## **Executive Summary**

This report establishes bylaws and procedures for dealing with cannabis retail store applications that are referred from the province and establishes rules regarding the public consumption (smoking and vaping) of cannabis in Penticton. The bylaw changes proposed herein were developed through an extensive public consultation process, legal review and best practices from other jurisdictions.

### **Strategic priority objective**

Creating regulations through public and stakeholder consultation for the safe distribution and consumption of cannabis products in Penticton is in keeping with the Council priorities of Good Governance.

### **Background**

In early 2018, City Council endorsed a four phase strategy to engage the residents of Penticton on the establishment of a framework to respond to cannabis legalization. A full review of the engagement plan and outcomes is attached to the November 20, 2018 Committee of the Whole Report. The main conclusions of that engagement work show that residents of Penticton:

- Strongly support allowing retail sales of cannabis, but favour a controlled retail environment with stores being located in established commercial areas;
- Support a prohibition of smoking and vaping of cannabis in public areas;
- Remain concerned about exposure to youth;
- Generally support the principles of the regulatory framework presented by staff at various open houses and on-line.

Given the outcome of the engagement work, stakeholder consultation and review of the applicable provincial legislation, staff have prepared a Council policy and several bylaw amendments for Council's consideration that establish an effective policy response to this new environment.

### **Proposal**

#### *Cannabis Retail Sales - Council Policy*

This policy outlines how staff will process applications for cannabis retail store licenses that are referred from the provincial government, establishing an application window, open until January 1, 2019, whereby prospective retailers may apply and are not subject to a first-come, first processed basis. Importantly, included in the policy is a list of cases where staff would recommend against approval of a cannabis retail store.

The policy includes locational guidelines, including that stores should not be located within 300m of a K-12 public or private school or within 300m of another cannabis retail store in the downtown, or within 750m of another cannabis retail store elsewhere in the City.

The policy also includes expected aesthetical standards for cannabis retail storefronts, such as restrictions on branding and imagery intended to appeal to youths and guidelines for window coverings, whereby window coverings are encouraged to include imagery and colour that display a positive and quality image to the street.

### *Zoning Amendment Bylaw No. 2018-66*

This bylaw amends the city's Zoning Bylaw to create a definition for the use 'cannabis retail store' and includes the use in the C4 (General Commercial), C5 (City Centre Commercial) and C6 (Urban Peripheral) zones. The bylaw amendment found in Attachment B also includes a prohibition of cannabis retail stores on Main Street in the downtown and Front Street.

### *Business Licence Amendment Bylaw No. 2018-67*

This bylaw amends the City's Business License Bylaw adding a definition for 'cannabis retail store' and including operational regulations. The regulations require the submission of a security and safety plan and require storefront elevations to form part of the license (requiring amendment to the license if changes to the storefront and or signage and branding are proposed). The bylaw also limits the hours of operation from 9AM to 8PM and restricts the use of roll shutters on the outside of the storefront. A municipality that wishes to exercise its authority to regulate businesses via bylaw must give notice of its intention and provide an opportunity for persons to make representations to the municipal council. This opportunity will be at the Public Hearing on December 18, 2018.

### *Smoking Regulations Bylaw No. 2018-68*

This bylaw revises and modernizes the City's 1987 smoking bylaw and includes rules restricting smoking and vaping of cannabis on all public roads, sidewalks, walkways and trails as well as all municipal open spaces.

## **Analysis**

The policy and bylaws under consideration were prepared and amended through extensive public and stakeholder consultation and legal review. Staff consider this approach towards policy development to be reflective of best practices and encourage Council to support the final stages of this process through the following recommendations:

- Endorsing the Council policy as attached;
- Giving first reading to the zoning amendment bylaw and Business License Amendment Bylaw and forwarding them to the December 18, 2018 Public Hearing for comment from the public; and
- Give first, second and third reading to the revised smoking bylaw and forwarding it to the December 18, 2018 Regular Meeting of Council for adoption.

The City was forwarded information from the Attorney General (Attachment providing recommendations for receiving provincial referrals and our responsibility for processing them. Staff consider the developed policy before Council to be in-line with the recommendations of the letter.

## **Alternatives**

Council may consider the following amendments to the framework prior to giving support or readings to the proposed policy or bylaws:

*Alternative 1:* THAT the framework be endorsed as presented, but the prohibition on cannabis retail sales for Main Street in the downtown and Front Street not be included in the zoning amendment bylaw that is forwarded to the Public Hearing.

Alternative 2: THAT the framework be endorsed as presented, but the zoning amendment bylaw include adding the use 'cannabis retail store' to the C7 zone as well as the C4, C5 and C6 zones.

Alternative 3: THAT Council directs other changes prior supporting the framework as Council finds appropriate.


**Attachments**

- Attachment A – Cannabis Retail Sales - Council Policy
- Attachment B – Zoning Amendment Bylaw No. 2018-66 (prohibits 100, 200, 300 blocks of Main or Front St.)
- Attachment C – Zoning Amendment Bylaw No. 2018-66
- Attachment D – Business License Amendment Bylaw No. 2018-67
- Attachment E – Smoking Regulations Bylaw No. 2018-68
- Attachment F – Correspondence from Attorney General
- Attachment G – Correspondence from Chamber of Commerce

Respectfully submitted,

Blake Laven, RPP, MCIP  
Planning Manager

Approvals

Director of Development Services  	Chief Administrative Officer  PW
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# Council Policy

Approval date:        Month, Day, 2018

**Resolution No.:**

**Subject: Cannabis Retail Stores**

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## Goal

The goal of this policy is to establish opportunities for limited retail sales of cannabis in Penticton in a regulated manner, reducing exposure to youth and ensuring that retail stores have a positive impact on the Penticton retail community.

## Scope

This policy outlines how the City will process requests for local government support for a provincial 'cannabis retail store licence' as required by Section 33 of the *Cannabis Control and Licensing Act*.

This policy also outlines Council's expectations for the visual appearance and location of cannabis retail stores in Penticton.

The policy should be used in conjunction with the provincial *Cannabis Control and Licensing Act* and any applicable sections regarding cannabis retail stores contained in the City's Business Licence Bylaw and Zoning Bylaw.

## Purpose

The purpose of this policy is to give City staff and Council a general framework to use in the fair evaluation of applications for 'local government support for a provincial Cannabis Retail Store Licence' in Penticton.

Furthermore, the policy is intended to outline the expected look and location of cannabis retail stores, ensuring successful integration of this new use into the existing commercial areas of the city.

## Roles and Responsibilities

The Planning Department is responsible for the receipt and processing of applications for 'local government support for a provincial Cannabis Retail Store Licence'. When an application is received, a file manager will be assigned by the Planning Department Manager to process the application.

City Council will be the ultimate decision maker on whether to provide a recommendation in support or recommendation against a provincial Cannabis Retail Store Licence for a particular location.

## Procedures

- Prior to consideration by City Council, a complete application with supporting documentation as required must be submitted to the Planning Department, with the application fee as determined by the City's Fees and Charges Bylaw.
- Applications will only be accepted for a location that has been referred to the municipality by the Liquor and Cannabis Licensing Branch (LCLB) for private retail stores or made on behalf of the Liquor Distribution Branch (LDB) for public retail stores.
- All other applications will not be accepted.
- When a complete application is received, the file manager will review the application for basic technical conformance to this policy and its guidelines and zoning and business licence bylaw requirements.
- In cases where there are conflicts between the application and any City bylaws or the guidelines contained within this policy, the file manager will notify the applicant and provide the applicant with the opportunity to provide additional information or otherwise revise the application.
- Prior to consideration of the application by City Council, public notification of the application shall be done by the Planning Department and will occur as follows:
  - A 'public notice sign' will be placed on the property, in a conspicuous location, for a minimum of 14 days. In the case where the property is double fronting or a corner lot, additional signs may be required, at the applicant's cost.
  - All owners and tenants of land within 45m of the subject application will be sent written notification.
  - The sign and written notice shall containing the following information:
    - In general terms, the purpose of the application
    - The land or lands that are subject to the application
    - The place and times where information on the application are available for viewing by the public; and,
    - The manner to which public comment will be accepted
  - Comments from the public will be directed to the file manager.
- Prior to consideration of the application by City Council, the file manager will submit a report for Council's consideration including the following:
  - A summary of the comments from the public and the technical review of the application.
  - A recommendation whether to support an application, support an application with certain conditions or to not-support an application and justification for the recommendation.
- In the case where staff are recommending Council deny an application, the applicant will have the opportunity to address Council directly at a Regular Meeting of Council where the application is being considered and prior to Council considering the application.
- Once Council has passed a resolution in respect to the application, notice shall be sent the LCRB, with a copy of the Council resolution.

## Guidelines

In considering whether to recommend support of a cannabis retail store in Penticton, the following guidelines will be considered:

- Stores shall not be located within 300m of a public or private elementary, middle or secondary school. This exclusionary zone will be measured as a buffer from the extent of the school property.
- Stores shall not be located within 300m of another cannabis retail store in the downtown, as defined as the area generally zoned C5 and C6, nor 750 m from another cannabis retail store in the rest of the city. This distance will be measured as a buffer from the footprint of the store.
- Adherence to the following storefront guidelines:
  - Storefronts must present a positive image to the street to which the store fronts (complete window coverings are discouraged)
  - Where window coverings are to be used, they shall include imagery and colour that display a positive and quality presentation to the street (blank window coverings are discouraged)
  - Store branding, signage and display material must not include words or graphics intended to appeal to minors, show the use of cannabis or promote intoxication (for example the words 'high', 'stoned', 'chronic' etc. should be avoided)

The following are grounds for staff to recommend Council deny local government support for a licence:

1. Strong public opposition to the location.
2. Proposed location is in a zone that does not include 'cannabis retail store' as a permitted use.
3. Proposed location is within 300m of a public or private elementary, middle or secondary (K-12) school.
4. Proposed location is in too close a proximity to another cannabis retail store.
5. Design of the storefront and branding do not adhere to the guidelines listed in this policy.

### **Application priority**

- Applications will processed as they are received.
- In the case where an application is made for a location that is in conflict with buffering guidelines from a location that is part of a previously submitted application, the file manager will notify the applicant of the second application and provide the opportunity to amend the location or to proceed with the risk of not having staff support.
- Applications submitted to the City prior to January 1, 2019 will be deemed to be received on January 1, 2019. In the case where conflicts with the buffering guidelines exist between applications received on January 1, 2019, applications will be reviewed based on merit, with staff's recommendation for support going to those applications more closely aligned to the intent of this policy.

### **Policy Review**

This policy should be reviewed within a two year period of cannabis retail stores operating in the city to determine if the policy is adequately serving the interests of the community.

### **Previous revisions**

N/A

Certified Correct:

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Angie Collison, Corporate Officer

## Bylaw No. 2018-66

### *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. 2018-66".

2. **Amendment:**

Zoning Bylaw 2017-08 is hereby amended as follows:

- 2.1 Amend section 3.2 Definitions and delete the definition **CANNABIS DISPENSARY** and replace with the following:

**CANNABIS RETAIL STORE** means a business selling cannabis products through a storefront with a 'cannabis retail store' license issued from the BC Liquor and Cannabis Regulation Branch.

- 2.2 Remove section 7.9 Cannabis Dispensary in its entirety.

- 2.3 Add the following to 11.4 C4 – General Commercial 11.4.1 Permitted Uses

.30 cannabis retail store

- 2.4 Add the following to 11.5 C5 – Urban Centre Commercial 11.5.1 Permitted Uses

.36 cannabis retail store (subject to 11.5.3.5)

- 2.5 Add the following to 11.5.3 Other Regulations

.5 Cannabis retail stores are not permitted on the 100, 200 or 300 Blocks of Main Street or Front Street.

- 2.6 Add the following to 11.6 C6 – Urban Peripheral Commercial 11.6.1 Permitted Uses

.31 cannabis retail store

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
RECEIVED the approval of the Ministry of Transportation on the	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*.

Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2018  _____ for Minister of Transportation & Infrastructure
---

\_\_\_\_\_  
John Vassilaki, Mayor

\_\_\_\_\_  
Angie Collison, Corporate Officer

## Bylaw No. 2018-66

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.30 cannabis retail store

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.36 cannabis retail store

- 2.5 Add the following to 11.6 C6 – Urban Peripheral Commercial 11.6.1 Permitted Uses

.31 cannabis retail store

READ A FIRST time this	day of	, 2018
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READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
RECEIVED the approval of the Ministry of Transportation on the	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*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*  
this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_

for Minister of Transportation & Infrastructure

\_\_\_\_\_  
John Vassilaki, Mayor

\_\_\_\_\_  
Angie Collison, Corporate Officer

**Bylaw No. 2018-67**

*A Bylaw to Amend City of Penticton Business Licence Bylaw No. 2012-5020*

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WHEREAS the Council of the City of Penticton has adopted a Business Licence Bylaw pursuant the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend City of Penticton Business Licence Bylaw No. 2012-5020;

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 "Business Licence Amendment Bylaw No. 2018-67".

2. **Amendment:**

Business Licence Bylaw No. 2012-5020 is hereby amended as follows:

2.1 Amend section 1.0 Definitions and add the following:

"Cannabis Retail Store" means a business selling cannabis products through a storefront with a 'cannabis retail store' license issued from the BC Liquor and Cannabis Regulation Branch.

2.2 Add the following to section 14.0 Regulations:

14.3 Cannabis Retail Store

14.3.1 Notwithstanding the application requirements outlined in Section 4.0 of this bylaw, the following items are required to be submitted with an application for a cannabis retail store and will form part of the licence:

14.3.1.1 A document providing an overview of the business, including proposed branding of the business;

14.3.1.2 A safety and security plan; and

14.3.1.3 Colour elevations of the storefront, approved by the province, including all signage.

14.3.2 Any proposed changes to the branding of the store, the store name or storefront elevations, are required to conform to the Council Policy on Cannabis Retail Stores and constitutes an amendment to the business licence and is subject to City approval.

14.3.3 Hours of operation of a cannabis retail store are limited to between 9 a.m. and 8 p.m.

14.3.4 Roll shutters or security bars are not permitted on the exterior of a cannabis retail store, except in the case of a window or door facing a lane where permitted by Building Code.

READ A FIRST time this	day of	, 2018
READ A SECOND time this	day of	, 2018
READ A THIRD time this	day of	, 2018
OPPORTUNITY for persons to make representation to Council	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*.

---

John Vassilaki, Mayor

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Angie Collison, Corporate Officer

**Bylaw No. 2018-68**

*A Bylaw regulating smoking and vaping in the City of Penticton.*

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WHEREAS the Municipal Council considers that second hand smoke and vapour from tobacco, cannabis and other like products is a health hazard;

AND WHEREAS Section 8(3)I of the *Community Charter* provides that a Council may regulate, prohibit and impose requirements in relation to public health;

AND WHEREAS the City of Penticton has satisfied the preconditions to adopting a Bylaw as set out in the *Public Health Bylaws Regulations, B.C. Reg. 42/2004*;

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

**1. Title**

This Bylaw may be cited for all purposes as "Smoking Regulations Bylaw No. 2018-68".

**2. Definitions**

In this Bylaw the following definitions have the following meanings:

"Bylaw Enforcement Officer" means the person duly appointed as such for the purpose of enforcement of one or more of the City Bylaws and shall include any *peace officer*.

"public facility" means a building, lands or recreation facility including but not limited to recreation centres, arenas, picnic shelters and other recreation facilities located in a Park or on any other land which the City owns or controls by means of a lease, licence or other legal instrument that is intended for athletic, social, cultural or recreational use by members or visitors to the community.

"public place" means an indoor or outdoor area, privately or publically owned, to which the public have access by right or by invitation, expressed or implied, whether by payment or not, but not a place when used exclusively by one or more individuals for a private gathering or other personal purpose.

"smoke" or "smoking" means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco, cannabis or any other similar substance.

"vape" or "vaping" means the operating of an electronic vaping device that heats up and/or otherwise vaporizes a liquid or solid into an aerosol mist intended to be inhaled and exhaled.

**3. Scope**

This Bylaw applies within the City of Penticton.

#### **4. Severability**

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

#### **5. Enforcement**

Bylaw Enforcement Officers and or delegates are authorized to enforce the provisions of this Bylaw.

#### **6. Prohibitions on Smoking**

6.1 No person shall smoke or vape in the following locations:

- a) In a fully or substantially enclosed public place or workplace;
- b) Within six (6) meters of a public place or workplace doorway, open window, or air intake;
- c) In a substantially enclosed transit shelter;
- d) In common areas of apartment buildings;
- e) On or within 30m of any public or private elementary, middle or secondary (K-12) school ground;
- f) On or within 30m of a children's playground;
- g) In any public facility;
- h) In any public place or municipal open space listed in Schedule A, attached to and forming part of this bylaw.

#### **7. Prohibitions on smoking or vaping of cannabis products**

7.1 In addition to the prohibitions on smoking or vaping identified in Section 6, smoking or vaping of cannabis products are prohibited in the following locations:

- a) All public roads, sidewalks, walkways and trails;
- b) All public municipal open spaces.

#### **8. Exceptions to this bylaw**

8.1 This bylaw shall not apply to the following:

- a) Traditional ceremonial purposes;
- b) Private social functions, on private property.



## **SCHEDULE "A"**

Public municipal open spaces where smoking is prohibited

The following areas have been designated by the Council of the City of Penticton as "no smoking areas":

1. Skaha Beach
2. Skaha Lake Walkway
3. Sudbury Beach (if leased by the City of Penticton)
4. Airport Beach (if leased by the City of Penticton)
5. Okanagan Beach
6. Okanagan Lake Park Beach
7. Marina Way Beach
8. Three Mile Beach
9. Dog Beach (Lakeside Road)
10. Behind the SS Sicamous
11. Behind the Penticton Tennis Club
12. Three Mile Boating Beach Area
13. Rotary Park Beach (north side of park)
14. Kiwanis Walking Pier Area
15. West Okanagan Lake Walkway from Winnipeg Street to the SS Sicamous



November 22, 2018

His Worship John Vassilaki  
Mayor of the City of Penticton  
171 Main Street  
Penticton BC V2A 5A9

Dear Mayor Vassilaki and Council:

The Province has started issuing licences for the retail sale of non-medical cannabis, and we are currently in the process of assessing the applications that have been submitted to us.

Our previous consultations with local governments before the recent municipal elections indicated local governments wanted to ensure that the needs of your communities were considered as part of the licensing process. We would like to take this opportunity to explain the important role local governments have in cannabis licensing.

It is up to each municipality to determine if and where non-medical cannabis can be sold, and whether it is sold in private or government stores, or a mixture of both.

Once an application is received by the provincial government and it is deemed to contain the required information, the Province will notify the respective local government of the area where the proposed store is located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the Province cannot issue a licence unless the local government gives a positive recommendation that the licence be issued)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence.

If the local government makes a recommendation to deny the application then the Province may not issue the licence, and if a recommendation in favour of the application is made, then the Province has discretion whether or not to issue the licence, but must consider the local government's recommendation in the decision whether to issue a licence.

.../2

Mayor and Council  
Page 2

The Province will notify local governments about applications in the order that they are confirmed as complete. This ensures that you will have all the information you need to begin your process of making a recommendation.

We would also like to remind local governments that they may delegate the recommendation decision to staff.

We invite you to review the enclosed Local Government's Role in Licensing Cannabis Retail Stores for detailed information that will help you navigate the recommendation process. If after reviewing this information you have any questions, please contact Joshua Huska, Licensing Manager, by email at [Joshua.Huska@gov.bc.ca](mailto:Joshua.Huska@gov.bc.ca).

Thank you for your consideration in this important new process.

Yours truly,



David Eby, QC  
Attorney General



Mike Farnworth  
Minister of Public Safety  
and Solicitor General

Enclosure

pc: Chief Administrative Officer



## Local Governments' Role in Licensing Non-Medical Cannabis Retail Stores

If you have any questions about this document, please contact the Liquor and Cannabis Regulation Branch toll-free at 1-866 209-2111, or email [cannabisregs@gov.bc.ca](mailto:cannabisregs@gov.bc.ca). NOTE: This document will be updated from time to time as additional information surrounding the regulatory framework for cannabis retail sales becomes available. (Last updated 28 September, 2018)

### Non-medical cannabis retail licence

The province will be issuing licences for non-medical cannabis retail stores. A cannabis retail store must be a standalone business. This licence requires input and a positive recommendation from a local government in whose area the proposed store is located.

The province recognizes the importance of ensuring carefully regulated access to non-medical cannabis in all areas of the province, including rural areas.

As a first step, the province will open opportunities to apply for regular retail licences. Once the regional distribution of retail non-medical cannabis stores is known, the province will consider issuing licences to service rural or remote areas that are not sufficiently served by existing retail cannabis stores.

### The role of local governments in the cannabis retail store licensing process

Applicants for a non-medical cannabis retail store licence must submit a licence application to the LCRB. When an application is received, the LCRB will notify the local government of the area where the proposed store will be located.

Upon receipt of notice, local governments can:

- choose not to make any recommendation in respect of the application for a cannabis retail store licence (Note: this would end a licence application in progress because the LCRB cannot issue a licence unless the local government gives the LCRB a positive recommendation that the licence be issue)
- choose to make comments and recommendations in respect of an application for a cannabis retail store licence. Note that:
  - if the local government chooses to make a comments and recommendation on the licensee's application to the LCRB, it must gather the views of residents
  - if it makes a recommendation to deny the application then the LCRB may not issue the licence
  - if it makes a recommendation in favour of the application, then the LCRB has discretion whether or not to issue the licence, but must consider the local government's recommendation.

Local Governments (municipalities, regional districts or Islands Trust local trust committees) have some or all of the following regulatory powers in respect of cannabis retail store licences:

- Impose restrictions in its zoning bylaws regarding the location of cannabis retail stores
- Regulation of business (municipalities only): by terms and conditions in its business licensing bylaw, a municipality may limit the hours that cannabis retail stores can operate or impose other conditions such specifications regarding signage
- Charge the applicant fees if choosing to assess an application.

The above process applies to all relocations of existing cannabis retail stores.

## **Gathering residents' views**

If the local government decides to consider the notice of application and to provide comments and recommendations as to the location of the proposed retail store, it must gather the views of residents of the area if the location of the proposed store may affect nearby residents. It may gather resident's views by using one or more of the following methods:

- Receiving written comment in response to a public notice of the application
- Conducting a public hearing in respect of the application
- Holding a referendum, or
- Using another method the local government considers appropriate.

It is up to the local government to determine the area, relative to the licensee's application, where resident's views must be gathered.

Please note: Gathering the views of residents of the area/providing a recommendation to the LCRB must be unique to each provincial licence application. In other words, past recommendations cannot be used in a new licensing process. Each individual application must be considered separately by the local government.

## **What must the local government's recommendation include?**

The recommendations and comments the local government provides to the LCRB must:

- be in writing (this may or may not be in the form of a resolution)
- show that the local government has considered the location of the proposed store
- include the views of the local government on the general impact on the community if the application is approved
- include the views of residents if the local government has gathered residents' views, and a description of how they were gathered
- include the local government's recommendation as to whether the application should be approved or rejected and provide the reasons upon which the recommendation is based.

The local government should also provide any supporting documents referenced in their comments.

## **What if the local government does not want to provide a recommendation?**

If a local government does not want to accept the notice of application and provide a recommendation for the proposed retail location, they should notify the LCRB. A licence for a cannabis retail store will not be issued without a positive recommendation from a local government. If a response is not received, LCRB will not consider the application any further.

## **What if the recommendation does not meet the regulatory requirements?**

If the recommendation does not meet the regulatory requirements, the LCRB will ask the local government to provide new or amended comments that address outstanding issues.

## **How long does the local government have to provide comments?**

Unlike in the process for liquor licensing, local governments are not required to provide a recommendation on a cannabis retail store application within a specific time period. Please note that delays in the application process can have a significant impact on the applicant. If the applicant is the reason for the delay, please notify the LCRB. If the applicant is not trying to move an application forward, the application can be cancelled.

## **Can the local government recommend approval subject to certain conditions?**

In some circumstances, the local government can recommend that the LCRB approve the application as long as certain restrictions (e.g. hours of operation) are placed on the licence. In these situations, the recommendation should clearly explain the rationale for placing restrictions.

If the local government intends to request that the LCRB impose terms and conditions on a licence, prior to sending such a recommendation the local government should consult with the LCRB so that the LCRB can determine whether it has the authority to impose the requested terms and conditions before finalizing their conditional recommendation.

The local government may also have the ability to impose other operating rules on the proposed store through the terms and conditions of the applicant's business licence, zoning or bylaw. The local government is responsible for enforcing these rules.

## **Floor Plans**

Applicants must submit a floor plan with their licence application for approval so the LCRB can identify store features such as sales, storage and delivery areas. Unlike for some kinds of liquor licence applications, local governments are not required to provide occupant load stamps or approve the applicant's floor plans as part of the provincial licensing process for cannabis retail stores.

## **A municipal council or regional district board can delegate authority to their staff to provide comments and a recommendation to the LCRB**

A municipal council or regional district board may delegate its powers and duties to provide comments and a recommendation to the LCRB regarding a cannabis retail store licence application. If a council or board has delegated this authority, a cannabis retail store applicant may ask for comments and recommendations made by delegated staff to be reconsidered by the local government.

**Council as defined in the Vancouver Charter:**

A Council, as defined in the *Vancouver Charter*, choosing to delegate to its staff must establish procedures for a reconsideration of comments and recommendations made by delegated staff, including how a cannabis retail store applicant may apply for reconsideration. In undertaking a reconsideration, the Council will have the same authority as it delegated to staff.

**Right of reconsideration:**

Delegated local government staff must advise the cannabis retail store licence applicant that the applicant has the right of reconsideration of the staff's recommendation by the council or board.

**How local governments inform the LCRB of delegation:**

A local government that has delegated authority to staff should send a copy of the delegation to the LCRB at [Cannabis.Licensing@gov.bc.ca](mailto:Cannabis.Licensing@gov.bc.ca).

Revised  
September  
2018

Penticton & Wine Country Chamber of Commerce  
102 Ellis St  
Penticton, BC V2A 4L3  
778-476-3111



**Re: cannabis framework for retail sales and public consumption Nov 20,  
2018 Committee of a Whole report**

File No: 4300-01

Dear Peter Weeber & City Council

The Penticton & Wine Country Chamber of Commerce stands behind the framework proposed by the previous Council surrounding cannabis retailers opening in Penticton.

As federal regulation has been in place since October 17, 2018, we encourage Council to move forward in a timely manner. We do not wish to discourage legal businesses from establishing themselves in our city.

We also recommend that Penticton City Council review the application and renewal fee to ensure it is in line with other BC municipalities.

Sincerely,

Penticton & Wine Country Chamber of Commerce  
Advocacy Committee

# Council Report

penticton.ca

**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 310 Comox Street  
**Subject:** **Zoning Amendment Bylaw No. 2018-81**

File No: 2018 PRJ-228

## Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2018-81", a bylaw to rezone Lot 7 District Lot 366 Similkameen Division Yale District Plan 5419, located at 310 Comox Street from R2 (Small Lot Residential) to C4 (General Commercial), be given first reading and be forwarded to the December 18, 2018 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2018-81", a 5.0m x 5.0m northwest corner cut is registered with the Land Title Office.

## Background

The subject property (Attachment A) is zoned R2 (Small Lot Residential) and designated by Official Community Plan (OCP) No. 2002-20 as GC (General Commercial). Photos of the site are included as Attachment D. The lot is 618 m<sup>2</sup> (6,655 ft<sup>2</sup>) in area and features an older single family dwelling which is intended to be converted into a commercial rental unit. Surrounding properties are primarily zoned single family and tourist commercial. Surrounding properties are similarly designated by the OCP as GC (General Commercial). The site is located in the North Gateway area, as described by the OCP and along the Westminster Avenue commercial corridor. It is in close proximity to the South Okanagan Events Centre and various car dealerships and motels.

## Proposal

The applicant is proposing to convert the existing dwelling into a commercial unit with a reception area, two offices and a staff room. Since the proposed use is not permitted in the current zone, a rezoning to C4 (General Commercial) is being requested by the proponents.

## Financial implication

Rezoning the property from residential to commercial will result in an increase in taxes for the City. Any costs associated with the development will be at the responsibility of the developer.

## Technical Review

This application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. Through the review process, a 5.0m by 5.0m northwest corner cut is required

on the subject property to help address safety and visibility concerns. All servicing and technical requirements will be addressed during the building permit stage. As per the Subdivision and Development Bylaw No. 2004-81, Section 9.3, every Owner making an application for a building permit with construction costs exceeding \$150,000 are required to upgrade the street frontage of the property. This can include curb, gutter and sidewalk. The exact design will be determined during the building permit stage. If the request for the zoning amendment is supported, BC Building Code and City bylaw provisions will apply, prior to occupation and use of the building as a commercial business.

## **New OCP**

While the current OCP identifies this area as GC (General Commercial), the draft OCP that is currently under development and anticipated to be adopted early in the new year, identifies this area for 'Tourist Commercial.' The proposed rezoning would not be in-line with the Tourist Commercial designation.

## **Analysis**

### ***Zoning Amendment***

#### *Support "Zoning Amendment Bylaw No. 2018-81"*

The proposed amendment from R2 (Small Lot Residential) to C4 (General Commercial) is in line with the GC (General Commercial) designation of OCP No. 2002-20. The new OCP will be in effect early next year and identifies this property as Tourist Commercial, which does not support the proposed use. That being said, given the current policy environment staff considers this development to be an appropriate use of the land for the following reasons:

- General commercial uses are best in areas located along major roadways. The subject property is located adjacent to Westminster Avenue, which is the main connection between the City's north entrance and downtown. The proposed commercial use will fit into the existing mix of commercial and tourist commercial uses in the area.
- The proposal is in line with the OCP's commercial policies as highlighted below:
  - Ensure sufficient land is designated for present and future commercial use.
  - Facilitate the provision of a range of commercial opportunities that will increase the overall self-sufficiency of the City and contribute to its employment and tax base growth.
  - Create a favourable economic climate which attracts new business and promotes the City as the prime business center in the South Okanagan region.
  - Work towards achieving a well-balanced economy that provides a range of economic and employment opportunities for the community.
- The property is located within the North Gateway Urban Village as identified by OCP No. 2002-20. Sites that are designated GC within this area may support mixed use commercial. The proposed rezoning will provide a gentle mix of commercial in a residential neighbourhood.

The C4 (General Commercial) zone has an extensive list of permitted uses including office, retail store, health service, financial service, day care centre, among others. At this time, the owner is unsure of the exact use to pursue, but is simply rezoning the property to align with the current OCP's vision for the property. Four

parking spaces will be provided on site, in addition to on-street parking spaces in front of the property. Should a future commercial use that is permitted in the C4 Zone require more parking than is able to be permitted on site, that issue would be dealt with in the future. Ultimately, the size of the existing building and the available parking on the site will determine the best use for the property.

It is important to analyze the negative impacts that the proposed rezoning from residential to commercial could have on the surrounding neighbourhood. The property to the west is Murray GM, and the property to the north is the Coast Hotel, which are unlikely to be affected by a small scale commercial use. To the east are two empty lots which are unlikely to be impacted. The biggest impact would be to the property to the south, which remains a residential property. The subject building sits approximately 2.44m from the common property line, with no entrances or changes to the south elevation of the building being proposed. Vehicular access to the subject property will remain unchanged.

Given the close proximity to various commercial uses, the alignment with the OCP's vision for this property as well as the limited impacts that a small scale commercial use will have on the surrounding neighborhood, it is reasonable to support the amendment. Staff recommends that Council support "Zoning Amendment Bylaw No. 2018-81" and forward the application to the December 18, 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 for single family development. Council may consider denying the application at this time since the OCP designation for this property may change with the adoption of the new OCP. Council may also consider requiring the applicant to provide screening along the south property line as a condition of approval.

Approval of the zoning amendment will result in a non-conforming situation if the existing house is retained and the applicant decides not to proceed with the development. This is because a dwelling unit on the ground floor is not a permitted use in the C4 (General Commercial) zone. This will limit any additions or significant upgrades to the existing dwelling. In the case that the house was damaged by more than 75%, it could not remain on the property. If this non-conforming situation is a concern for Council, Council may require that the dwelling unit be discontinued prior to final adoption of the zoning amendment bylaw, through removal of a cooking facility. The applicant is aware of the situation with the non-conforming use that would be created should the zoning amendment be supported.

If council has concerns with the proposal, then they should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

#### **Alternate Recommendations**

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2018-81"
2. THAT Council support first reading of the bylaw with a condition that the dwelling unit be removed prior to adoption.
3. THAT Council support first reading of the bylaw with a condition that screening is provided along the south property line.
4. THAT Council refer the bylaw 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: Conceptual Floor Plan
- Attachment G: Conceptual Building Elevations
- Attachment H: Letter of Intent
- Attachment I: Zoning Amendment Bylaw No. 2018-81

Respectfully submitted,

Randy Houle  
Planner I

Approvals

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



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

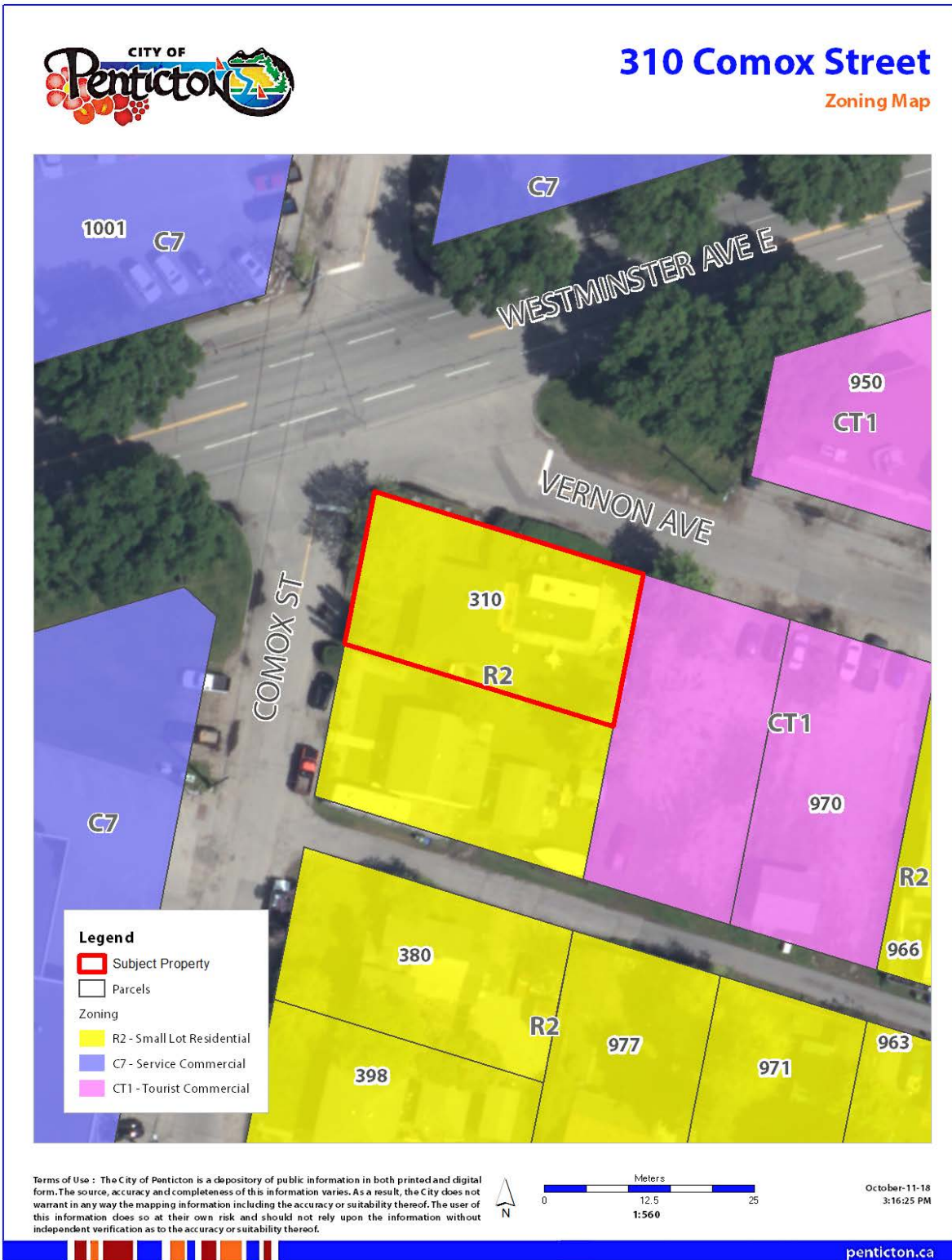


Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: North view of subject property (from Vernon Avenue)



Figure 5: West view of subject property (from Comox Street)



Figure 6: East view of subject property



Figure 7: East view showing proximity to south neighbour

Attachment E – Conceptual Site Plan

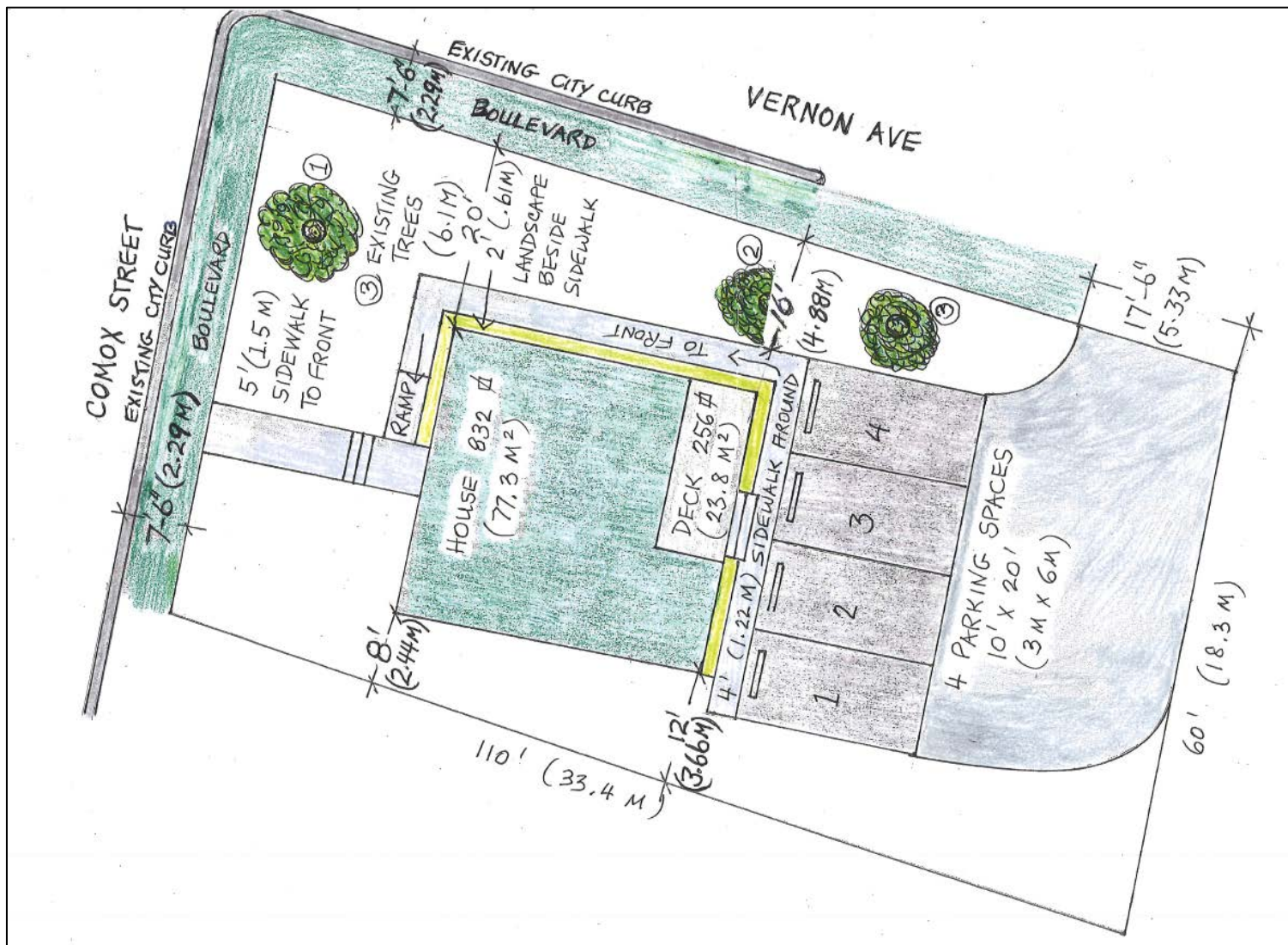


Figure 8: Conceptual Site Plan

Attachment F – Conceptual Floor Plan

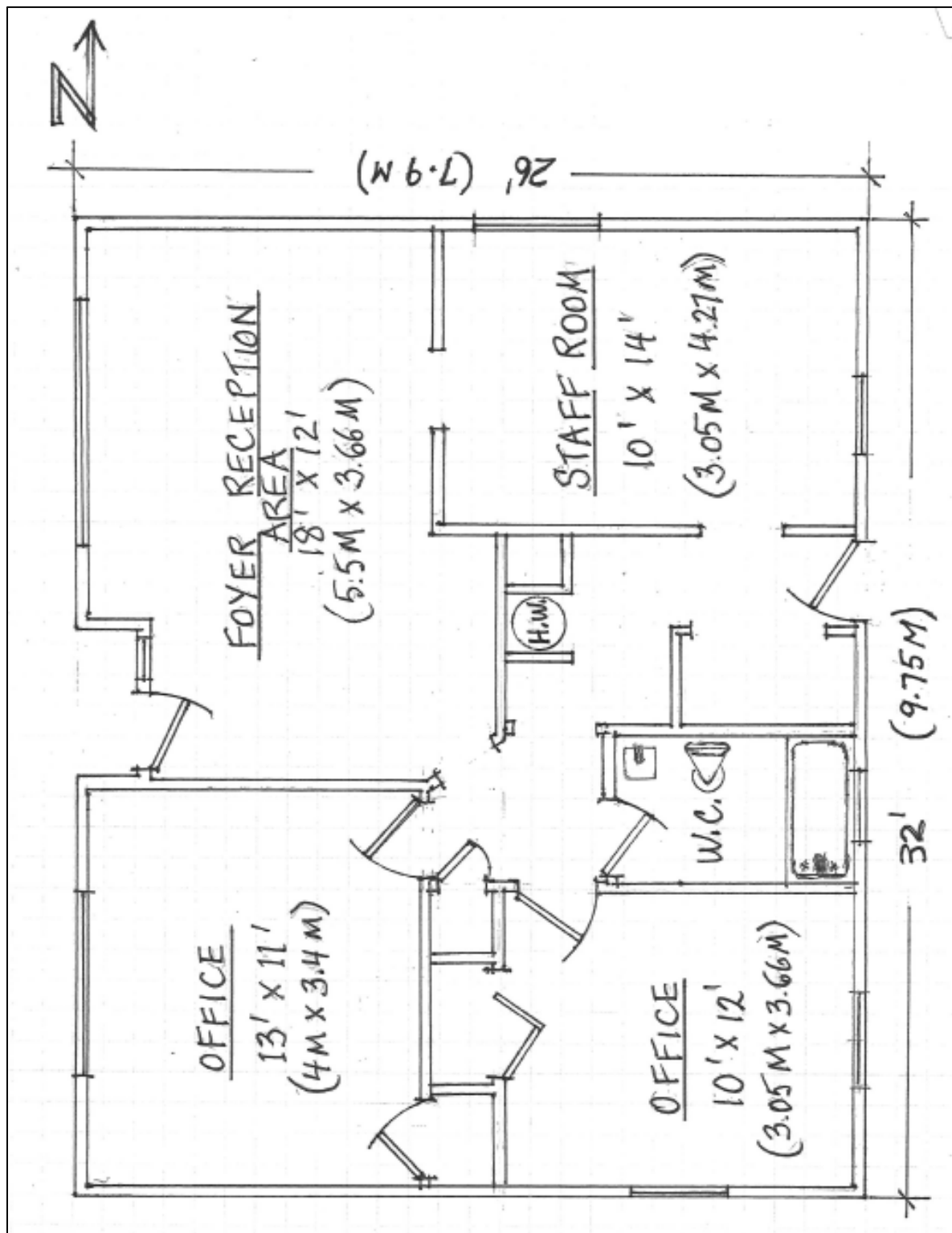


Figure 9: Conceptual Floor Plan

Attachment G – Conceptual Building Elevations



Figure 10: West Elevation of existing dwelling (facing Comox Street)



Figure 11: East Elevation of existing dwelling (towards empty lots at 970 & 976 Vernon Avenue)

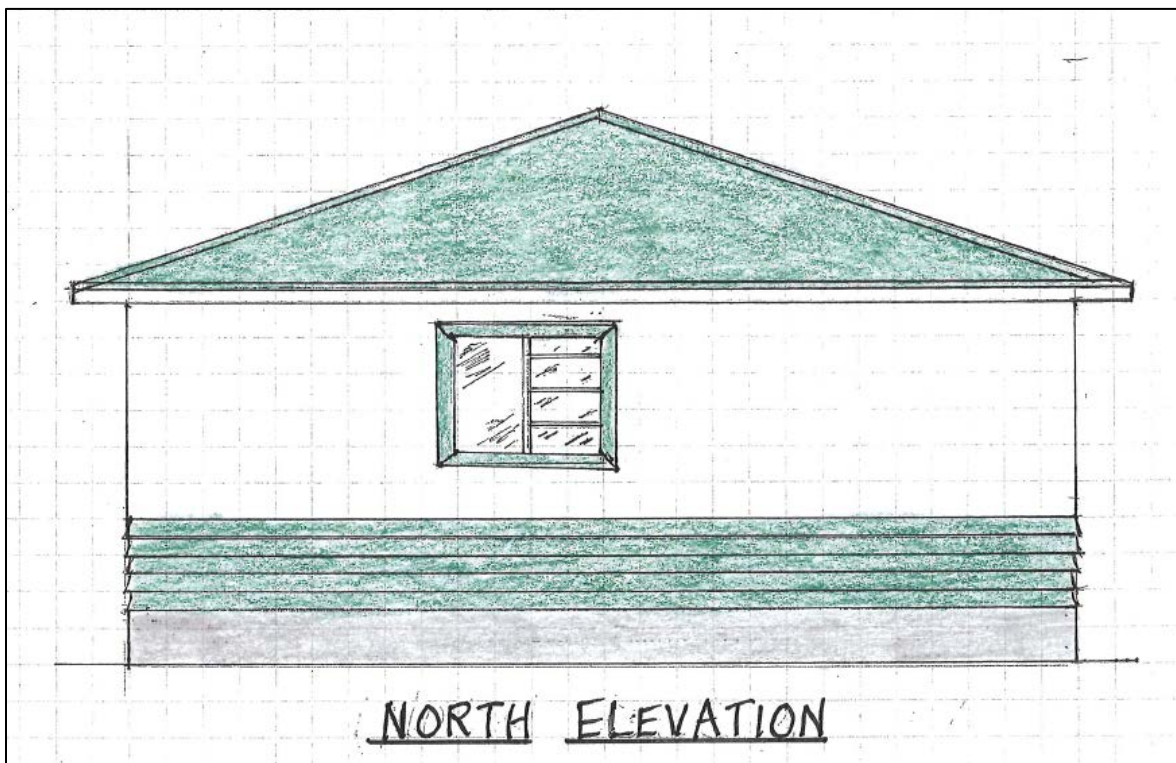


Figure 12: North Elevation of existing dwelling (facing Vernon Avenue)



Figure 13: South Elevation of proposed development (facing neighbours to the South)

Attachment H - Letter of Intent

To Whom It May Concern

Letter of Intent for Development Application for Subject Property

310 Comox Street, Penticton B C V2A 5Y1

Lot 7 District Lot 366 Similkameen Division Yale District Plan 5419

To be re-zoned to C-4 to allow opportunity for the owners to explore income possibilities for approved businesses that fall under C-4 zoning.

Owner Tim Coy

Signature 

Date Oct. 5 / 18

Figure 14: Letter of Intent

Bylaw No. 2018-81

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. 2018-81".

2. Amendment:

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

Rezone Lot 7, District Lot 366, Similkameen Division Yale District Plan 5419, located at 310 Comox Street from R2 (Small Lot Residential) to C4 (General Commercial).

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
RECEIVED the approval of the	day of	, 2018
Ministry of Transportation on the		
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.

\_\_\_\_\_  
John Vassilaki, Mayor

\_\_\_\_\_  
Angie Collison, Corporate Officer

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i>  this _____ day of _____, 2018</p> <p>_____</p> <p>for Minister of Transportation &amp; Infrastructure</p>
--

Rezone 310 Comox St

From R2 (Small Lot Residential)  
To C4 (General Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-81

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

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

**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Anthony Haddad, Director of Development Services  
**Subject:** **157 Abbott Street – Land Swap & Public Realm Improvements**

File No: Civic

### Staff Recommendation

1. THAT Council support the proposed land exchange, between the City and Lot A, District Lot 202, Similkameen Division Yale District, Plan KAP81594 (157 Abbott Street) and Lot 1, District Lot 202, Similkameen Division Yale District, Plan KAP86539 (149 Van Horne Street) as follows:
  - City to receive 388.2m<sup>2</sup> of road right-of-way from 157 Abbott Street and 198 Van Horne Street;
  - 143.56m of current road right of way along Van Horne Street and Westminster Avenue be added to 198 Van Horne Street;
  - 250.28m of road right of way along Westminster Avenue and Abbott Street be added to 157 Abbott Street.
2. AND THAT the land exchange agreement be subject to the following conditions:
  - a. The developer being responsible for the construction of angled parking along the Westminster Avenue frontage to City standards; and
  - b. The developer is responsible for all survey and legal registration costs.
3. AND THAT staff be directed to prepare a Land Exchange Agreement applicable road closure bylaws and required public notification and land disposition in accordance with the *Community Charter*.

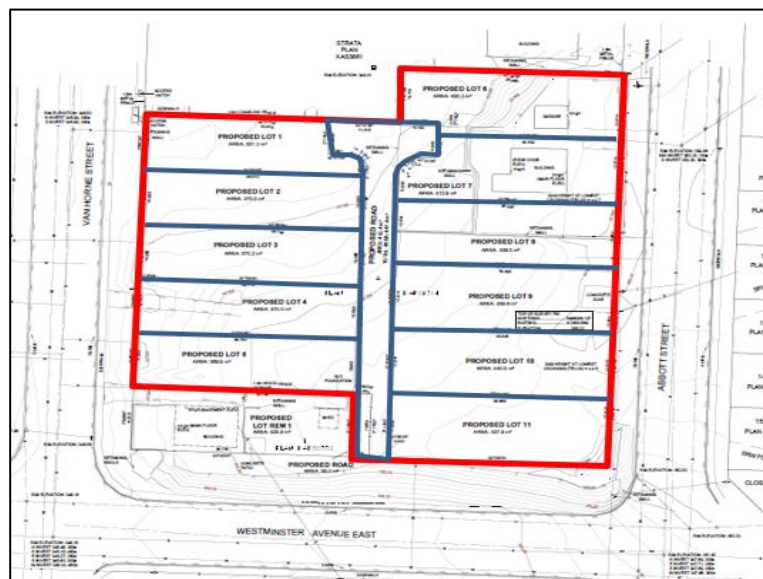
### Background

The subject properties (Attachment 'A') represent a large parcel of land and a small corner lot, which are currently designated by Official Community Plan 2002-20 (OCP) as MR (Medium Density Residential). The lands are zoned RD3 (Residential Infill) by City of Penticton Zoning Bylaw No. 2017-08. The site was rezoned to the RD3 Zone in the fall of 2018 and the OCP designation was changed from High Density Residential to Medium Residential at the same time.



This subject properties are bordered by an apartment building to the north (Kiwanis Van Horne), the Westminster Electric Substation to the east and a mix of single family and duplexes to the south and west. The lands are located one block east of the Ellis Street residential / commercial mixed use corridor and the property has three street frontages. The site slopes down towards Westminster Avenue East and contains a larger retaining wall at the intersection of Westminster and Abbott Street.

The developer intends to subdivide the larger parcel into 11 lots to allow a maximum of three dwelling units on each subdivided lot in accordance with the RD3 Zone. The applicant proposes a mixture of either single detached dwellings and or duplexes with secondary suites and or carriage houses, with a potential total of three units per lot. The maximum number of dwelling units on the development site is 33 units.



This development will be the first of its kind in Penticton whereby each parcel of land will be permitted to accommodate three different forms of residential dwelling units. The developer is looking to move forward with this approach in order to provide a more affordable range of housing types in a compact urban environment. As part of their approach to create this new development the following is being requested:



The laneway (blue area) proposed as part of the development will provide for access and amenity for the future residents of this development.

The existing City Boulevard (orange area) is currently unused land. The topography and location of the portion of city land proposed as part of this land swap is of no value to the City. No municipal infrastructure runs underneath the land and the land is not required for any future road widening.

The proposed angled parking (blue hatched area) is proposed to contain seventeen angled parking spaces that will be available to the public.

Typically, the dedication of roadway, such as the lane, can be obtained through the subdivision process – as a required right of way to accommodate the development. In this case, the facts are a bit more complicated. Prior to this lot becoming a large development site, it was actually 10 separate lots with a lane running in a similar location as the lane currently proposed. The lane was closed in 2006 and sold to the adjacent lands. The City received \$130,000 for the lane – based on market value at that time. The optics of receiving money for the lane and then requiring the lane to be dedicated back free of charge through development, seems unfair.

Furthermore, this development has frontage to Abbott Street and Van Horne Street, so a lane is not required to provide vehicle access to each lot. The lane access is seen as a desirable urban design element providing additional opportunities for parking at the rear of each lot. Having the lane improves the streetscape on both Abbott Street and Van Horne Street.

In addition, while technically the land value for the City boulevard likely exceeds the cost of the angled parking (if one were not to consider the laneway lands in this transaction), the land only has value to the developer. Staff consider that the \$60,000 worth of work for the additional parking that will be achieved is a fair exchange for the land.

While this is not a typical arrangement, staff are comfortable making the recommendation for the reasons listed above. Staff consider that the proposed land exchange will provide for an improved development site, more efficient use of land and promote a more desirable development proposal. While the developer would be obtaining more developable land along the Westminster Avenue West frontage, the following section of this report speaks to the costs savings and community benefit received from the additional developer contribution towards the area – over and above what is typically required for a development.

### **Public Infrastructure Improvements**

As with any development in the City, frontage upgrades are required to be built and paid for by the developer in accordance with the Subdivision & Development Bylaw such as a new sidewalk around the site from Abbott Street to Van Horn Street

As part of this development staff have worked with the developer to look at providing additional parking along Westminster Avenue and in response to concerns from properties along Ellis Street and residents around the area during the public consultation phase of this project. While the additional parking is not a required upgrade as part of the Subdivision & Development Bylaw, staff and the developer believe the additional parking will provide for a benefit for the surrounding area.

As part of the land swap and recognizing that the additional parking will have a positive contribution towards the development, staff have required that the developer be responsible for the full costs of the angled parking construction. The estimates for these works (retaining wall / asphalt / design / construction) is approximately \$60,000 and the design is shown below:



- Solid 4 meters of asphalt (or equivalent) on centre of lane dedication, with 1 meter of gravel on both sides of the asphalt.
- Asphalt edges will be defined with metal edging, which will keep the asphalt from sluffing.
- In the rock we are proposing to plant micro clover or creeping thyme, a ground cover that can tolerate vehicles traffic while providing unique, low maintenance curb appeal
- We would also lay down a wire mesh under the rock that will deter soil compaction from vehicles as well as help with drainage so the ground doesn't stay wet or become mushy
- The lane is currently planned to finish on the North end in a hammer head, which will be asphalt tapered up from 4 meters to 6 meters



In order to accommodate the developer's proposal a Variance to the design standard within the Subdivision & Development bylaw is required.

Staff have reviewed this request and support the developer's initiative to look at moving forward with an innovative development in the downtown and worked with them to create the RD3 Zone – allowing for the variety of dwelling units on each parcel within the project. Its lower density form is complementary to the surrounding area, but with the ability for three dwelling units on each parcel of land, supports increasing density close to the downtown core and providing for a range of housing types, which are in demand and much needed in our community. The location is extremely desirable and will open up opportunities for new residents to live close to downtown employment, services, amenities and activities.

The design standard proposed for the laneway however presents some challenges for the City in terms of operations and maintenance. The 6.0m paved lane design standard within the Bylaw allows for garbage trucks to maneuver efficiently without damaging adjacent property. While the City does not prioritize the snow clearing of laneways, should access be necessary during a heavy snowfall, the 6.0m width provides for adequate space for clearing to take place.

The design standard proposed includes a range of material types on the outer 1.0m edges of the laneway, improving the amenity of the space for the adjacent residents. The concern from the City's operational point of view is with potential damage that would occur during regular maintenance and the responsibility that the City may have to repair and replace this enhanced design standard – increasing costs for the City to look after this specific laneway. Staff have raised these concerns with the developer and are investigating ways to minimize any future City risk through design changes, bonding options, maintenance agreements and other approaches.

The above analysis is provided for Council's information as part of this land related report. Staff will continue to work with the developer on the design of the lane and what the conditions of an ultimate variance approval would look like. As mentioned above, this item will be presented to the public and Council at a future meeting, with a staff recommendation at that time.

## **Financial**

There is no financial transaction being proposed to accommodate this proposal. As outlined in the staff analysis above, irrespective of the difference in size of land to be transferred between the city and the developer, the additional cost savings resulting from the developers' construction of public infrastructure will result in a positive result for this area of our community. The City has already received funds (\$130,000 in 2006) for a similar amount of land during the previous road closure exercise.

The following provides a summary of the cost analysis completed as part of this proposal.

- Land area to be provided to the City (lane): 388.2m<sup>2</sup> (4,179sq/ft)
- Land area to be provided to the developer (boulevard): 393.84m<sup>2</sup> (4,239sq/ft)

The difference in the land area is approximately 60 square feet and with the requirement to ensure the developer builds the angled parking at their costs, which is over and above the typical design standard requirements, staff do not believe that the difference in land warrants any funds changing hands. Using the value in which the property at 157 Abbott Street was purchased for in 2018 (\$36.06 / sq ft), the value that would be owed to the City because of the difference in land area would be approximately \$2,000.

The cost to construction the angled parking area is approximately \$60,000, while the typical frontage upgrade required by the City's bylaw has been estimated at \$38,000.

## **Analysis**

*Alternative 1 – THAT Council support the proposed land exchange subject to the developer being responsible for the construction of angled parking along the Westminster Avenue frontage.*

Staff believe that the proposed land exchange and public infrastructure upgrades will provide for an improved development site for the east side of downtown, which is becoming a more and more desirable place to live. With the developer contributing to the construction of the angled parking area, staff believe that the proposed land exchange is a positive result for the surrounding area.

From a financial perspective, with the difference in land area accounting for approximately \$2,000 in land value owing to the City and the developer providing the additional parking spaces at a cost of close to \$20,000 more than what is typically required, staff believe that from a financial perspective, this is a positive result for the community.

If Council is in support of this proposal, staff will prepare a Land Exchange Agreement and begin the formal road closure process to close the road and proceed with land disposition requirements as required by the Community Charter. This will be presented to Council at a future meeting of Council.

*Alternative 2 – THAT Council not support the land exchange and direct staff to find alternative solutions to assist in moving this development forward.*

Should Council not support the proposed land exchange, staff will work with the developer to look at alternative design solutions to move the development forward. This could be working toward a strata development, where the developer would have more flexibility to design a unique laneway standard. This may impact the marketability of the development, however staff will work with the developer to pursue alternatives.

While denying the land exchange will still enable a development to occur, it would not facilitate a more innovative approach to achieving the desired density for these lands. It is also unlikely that the developer will fund the design and construction of the angled parking stalls that will provide benefit for the surrounding area.

**Attachments:**

Attachment A – Applicant’s Submission

Respectfully submitted,

Anthony Haddad, MCIP, RPP  
Director of Development Services

Approvals

<u>Director</u>	<u>CFO</u>	<u>CAO</u>
<i>AH</i>	<i>LWB</i>	PW

Attachment A – Applicant’s Submission

November 20, 2018

**City of Penticton Lane Dedication-Land Swap Proposal at 157 Abbott  
VanAbbott Holdings Inc.**

**Proposal:**

- We respectfully request that the City of Penticton consider a lane dedication of 388.2 sq.m. in exchange for City land between VanHorne & Abbott Street, north of Westminster of 393.84 sq.m. (area highlighted on pg. 2, Image #1). Essentially land considered boulevard and unusable, sloped side yard.

**Concept:**

- VanAbbott Holdings Inc. intends to create a ‘living lane’, unique to Penticton, inspired by lanes we have researched globally
- The newly created RD3 zoning welcomes a collection of freehold homes, carriage houses, duplexes, and rental suites
- The lane will connect 11 fully serviced lots which will be sold in the Spring 2019
- Some homes will have their main entrance from the lane, others may front on to Abbott and/or VanHorne respectively; once again creating a unique neighbourhood of access points and community touch points
- VanAbbott Holdings believes that this will be a unique neighbourhood in the city core that will attract a vibrant mix of; families looking for homes with the opportunity for mortgage helpers and granny-suites, those interested in building single family homes or duplexes, providing a broad range of rental units from basement suites, carriage houses to full home rentals all in one neighbourhood. An offering that is not widespread currently in this community.
  - South Okanagan Appraisals assisted with pricing of the lots; finding comparable properties was challenging for the appraisers.

**Benefits:**

- The lane is intended to be a vibrant community connector that in the future may connect through to the Kiwanis building located just north of the proper, and welcome the neighbours to the south to use it as part of their walking routes
- Attract people to move to Penticton that are looking for this type of housing opportunity
- Assist in further upgrading the neighbourhood
- 17 new parking stalls will be created in an already congested neighbourhood according to the Commercial & Residential neighbours alike
  - (as per the City Planning Departments suggestion, a community consultation session was hosted at the Cannery in June 2018, approximately 45 people attended the event)
- The lane is designed for neighbours to get out and meet each other and spend time together
- Create a new neighbourhood that the City as well as the landowners can be proud of

**Land Swap Details Proposed:**

A Lane dedication of 388.2 sq.m in exchange for land acquisition of:

- Westminster Area East of Lane: 128.45 sq.m.
- Westminster Area West of Lane: 128.55 sq.m.
- VanHorne Boulevard Area: 61.83 sq.m
- Abbott Boulevard Area: 75.04 sq.m.

Totalling: 393.84 sq.m.



- The lane is currently planned to finish on the North end in a hammer head, which will be asphalt tapered up from 4 meters to 6 meters

**Operational Considerations to be considered:**

- Garbage pick-up from lane (please reference Image #7; many lanes in Penticton are less than 6 metres, the image included is less than 4 metres. There are other lanes in the Windsor areas as well as the “K” Streets that are less than 6 metres well and appear to receive standard garbage pick-up.
- Maintenance of the clover and landscaping on the east and west sides of the asphalt lane was identified as a concern by City staff. VanAbbott Holding Inc. consulted with lawyers and determined that this is easily rectified with a Statutory Building Scheme identifying the 1 metre on either side of the lane as the owner’s responsibility to maintain.

Image #2: Lane Inspiration - Vancouver



Image #3: Lane Dimensions

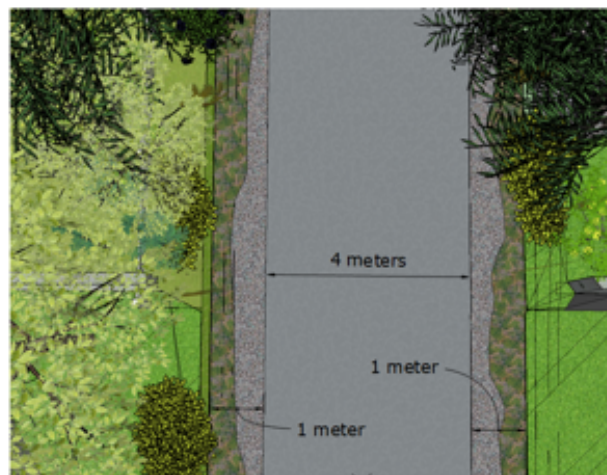


Image #4: Lane Viewing North; demonstrates how the asphalt, rock and groundcover will work together



Image #5: Lane Viewing South; demonstrates how the lane will interact with driveways



Image #6: Aerial view of Lane, showcasing hammerhead



Image #7: Image of 3.35 metre lane currently receiving garbage pick-up in Penticton; between Hastings & Douglas Avenues (photo taken Nov. 20<sup>th</sup>, 2018)



# Council Report



**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Angie Collison, Corporate Officer  
**Subject:** **Council Meeting Schedule for 2019**

File No:

## Staff Recommendation

THAT Council select the following dates for the 2019 Regular Meetings of Council: January 8, 22, February 5, 19, March 5, 19, April 2, 16, May 7, 21, June 4, 18, July 2, 16, August 6, 20, September 3, 17, October 1, 15, November 5, 19, and December 3, 17.

## Background

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

Regular meetings are to be held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month commencing at 1:00 p.m. at City Hall unless the meeting falls on a statutory holiday, or during a conference, in which case the regular Council meeting are moved (the shaded dates are the meeting days affected).

Month	Meeting Date	Meeting Date
January	8	22
February	5	19
March	5	19
April	2	16
May	7	21
June	4	18
July	2	16
August	6	20
September	3	17
October	1	15
November	5	19
December	3	17

**Alternate Recommendation**

Council could consider changing the number of meetings held in the summer.

Respectfully submitted,

Angie Collison  
Corporate Officer

Approvals

Director of Corporate Services	CAO
LD	PW

# Council Report

**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Laurie Darcus, Director of Corporate Services  
**Subject:** 2019 Council Advisory Committees

File No: 0360-01

## Staff Recommendation

#1 THAT Council approve the following Council Advisory Committees (and Task Force) and Council Liaison appointments, subject to the Committee Terms of Reference in attachments A-G:

<b>Advisory Committee/Task Force</b>	<b>Council Liaison</b>
Agricultural Advisory Committee	Councillor Bloomfield
Arts, Creative, Cultural Innovations, Heritage and Museum Committee	Councillor Sentes
Development Services Advisory Committee	Councillor Watt
Economic Development and Prosperity Advisory Committee	Mayor Vassilaki
Official Committee Plan (Task Force)	Councillors Sentes, Robinson and Kimberley
Parks and Recreation Advisory Committee	Councillor Kimberley
Penticton Creek and Ellis Creek Restoration Committee	Councillor Regehr

#2 AND THAT Council direct staff to advertise to fill the membership of the committees, inviting current members to reapply if interested;

#3 AND THAT Council make the following appointments to outside boards and committees:

Library Board	Councillor Kimberley
Senior's Drop In Centre	Councillor Robinson
Senior's Wellness	Mayor Vassilaki
South Okanagan Immigrant & Community Services	Councillor Bloomfield
Downtown Penticton Association	Councillor Sentes
Sicamous Society	Mayor Vassilaki
Museum Society	Councillor Sentes
Chamber of Commerce	Councillor Watt
Farmer's Market	Councillor Sentes
Penticton and District Community Arts Council	Councillor Sentes
Shatford Centre	Councillor Regehr
Penticton Art Gallery	TBD

#4 THAT Council appoint Mayor John Vassilaki as the primary voting delegate and Councillor Jake Kimberley as alternate to the Municipal Insurance Association of British Columbia.

## **Executive Summary**

As per the *Community Charter* S.142: *A council may establish and appoint a select committee to consider or inquire into any matter and to report its findings and opinion to the council.*

Under these types of advisory committees Council will refer items to the committees for consideration and findings would be reported back to Council to be considered for final Council decisions. Alternatively, these committees may consider staff prepared policies and other initiatives to provide feedback prior to the policies or initiatives moving forward to Council. Terms of Reference for the Committees include meetings quarterly or as required when items are referred by Council or introduced by staff for committee consideration.

The Community Charter also states under S. 142 that at least one member of the select committee must be a Council member. Council liaison appointments are noted in the recommendation above.

In addition, many community groups, associations and boards request that a Council liaison be appointed. Suggestions, based on interest shown by individual Councillors, are noted under the recommendation above. Note that for many of these requests there was interest shown by multiple Councillors.

Appointments are made for a two year period, but can be modified during the term through a Council resolution. At the end of 2020 there is an opportunity for Councillors to serve on alternate committees.

Finally, the City current retains the Municipal Insurance Association of British Columbia as its liability insurance provider. As a member of the association, the City has voting rights at annual general meetings. These voting rights are normally held by the Mayor and an alternate Council member. MIABC requires a resolution to update the Mayor and an alternate voting delegate.

## **Strategic priority objective**

Good Governance: Ensuring Council participation on such committees to achieve City goals and represent the interests of the City.

## **Alternate recommendations**

Council may amend any of the appointments in the recommendation above, or chose to not make appointments to specific outside bodies.

**Attachments**

- Attachment A Agricultural Advisory Committee Terms of Reference
- Attachment B Arts, Creative, Cultural Innovations, Heritage and Museum Committee Terms of Reference
- Attachment C Development Services Advisory Committee Terms of Reference
- Attachment D Economic Development and Prosperity Advisory Committee Terms of Reference
- Attachment E Official Committee Plan (Task Force) Terms of Reference
- Attachment F Parks and Recreation Advisory Committee Terms of Reference
- Attachment G Penticton Creek and Ellis Creek Restoration Committee Terms of Reference

Respectfully submitted,

Laurie Darcus  
Director of Corporate Services

Chief Administrative Officer  PW
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## 2019 – 2022 Terms of Reference Agriculture Advisory Committee

1. The Committee shall consist of **NINE (9)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:
  - Four (4) members of the following commodity groups, associations or interests:
    - Greenhouse and nursery products
    - Tree fruits
    - Wine/grapes
  - One (1) Penticton Community Gardens Society representative
  - Four (4) members of the community on the basis of their direct knowledge or interest or experience in agriculture including:
    - Students and Youth
    - Agricultural finance
    - Academia
    - Horticulture
    - Viticulture
    - Livestock/animal husbandry
    - Agricultural processing
    - Value-added processor (cheese, cider, preserves, oil, etc.)
    - Distribution, including farm retail sales/markets
    - Sustainable development
    - Agri-tourism

Where insufficient members can be identified to represent the specific commodity groups, associations or interests identified above, additional members may be appointed from the community at large.

2. The Committee Members shall appoint a Chair and Vice-Chair each year.
3. Role of Council Representative:
  - One (1) Representative
  - Non-Voting Member
  - Liaison to City Council
4. A majority of appointed voting members shall constitute a quorum.
5. City staff shall attend committee meetings to provide operational support to the Committee.

6. The Corporate Administration Department shall arrange for secretarial services to the Committee.
7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by council or staff requiring immediate action.
8. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
  - Making recommendations on all aspects of the agricultural industry, including land use, economic development and cultural matters;
  - Acts as a liaison between Council and the agricultural community;
  - Review and make recommendations on applications initiated under the Agricultural Land Commission Act, which are to be considered by Council;
  - Applications to amend the Official Community Plan and Zoning Bylaw where the subject property is zoned agricultural or has a direct impact on agriculturally zoned parcels;
  - As directed by Council, reviewing initiatives to enhance the agricultural economy and promote Agri-business and Agri-tourism opportunities;
  - As directed by Council, providing input on submissions to other levels of government;
  - As directed by Council or requested by staff, advising staff on issues related to the irrigation systems, draining, roads or other municipal services affecting agricultural lands;
  - As directed by Council, the Committee will undertake, research, develop or propose cultural tourism initiatives or potential partnerships in line with the City's vision and for consideration by the City's Tourism Committee. These initiatives may include (but are not limited to):
    - Agricultural heritage exhibit
    - Farm tours and farm demonstrations
    - Horse riding including cattle drive activities
    - Horse or other livestock shows
    - Hay, tractor and sleigh rides
    - Pumpkin patch tours and related activities
    - Picnicking
    - Farm related educational activities including cooking classes using farm products from the farm
    - Seasonal promotional events (e.g. harvest and Christmas fairs and activities)
    - Special promotional events (e.g. private or public special occasion events for the promotion of farm products)
    - Charitable fundraisers
    - Catered food and beverage service special events where farm products from the farm are promoted, but not a service requiring the use of a permanent commercial kitchen
    - Corn mazes
    - Bird and wildlife refuges and rescue services
  - The Committee, for any initiative it puts forward, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards, senior levels of government, and/or municipal funding.

- As directed by Council, the Committee undertakes to review and make recommendations on applications proposing community urban agriculture projects in passive areas of the City, including brownfields, pocket gardens, parks, green spaces, etc.
- Advise Council with respect to impacts of climate change and/or invasive species.
- Working with Council, at Council's request, on submissions related to agricultural issues with other levels of government;
- As directed by Council, recommend actions, education and marketing initiatives which promote increased public awareness and participation in residential and communal agriculture in the community.
- The committee will not participate in operational matters respecting the City of Penticton.

9. Disqualification from Office

If an advisory Task Force member is continuously absent from Task Force meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Task Force members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.

10. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

- Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.

11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

12. For certainty, the rules and procedures of Procedure Bylaw 2004-23 and all amendments thereto shall be observed as far as may be applicable.

## 2019 - 2022 Terms of Reference

### Arts, Creative, Cultural Innovations, Heritage and Museum Committee

1. The Committee shall consist of **THIRTEEN (13)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:
  - One (1) Shatford Centre and Okanagan School of the Arts
  - One (1) Penticton Art Gallery
  - One (1) Penticton & District Community Arts Council
  - One (1) South Okanagan Performing Arts Centre Society
  - One (1) Leir House representative
  - One (1) Penticton Library representative
  - One (1) Okanagan College representative
  - One (1) School District 67 representative
  - One (1) SS Sicamous Society representative
  - One (1) Penticton Indian Band representative
  - Three (3) at-large members of the community on the basis of their knowledge or an interest in arts, culture and heritage that could include, but is not limited to:
    - Students and Youth
    - Art professionals
    - Art collectives
    - Architects
    - Landscape designers
    - Urban designers
    - Wineries
    - Conservationist
    - Archivist
2. The Committee Members shall appoint a Chair and Vice-Chair each year. Until a committee is ready to select a chair, the Council Representative may serve as chair.
3. Role of Council Representatives:
  - One (1) Representative
  - Non-Voting Member
  - Liaison to City Council
4. A majority of appointed voting members shall constitute a quorum.

5. The Director of Recreation & Facilities and the Penticton Museum & Archives Curator/Manager or designates, shall attend committee meetings to provide operational and administrative support to the Committee.
6. The Corporate Administration Department shall arrange for secretarial services to the Committee.
7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by council or staff requiring immediate action.
8. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
  - The Committee uses the City's Public Art Policy and the City's Heritage Strategy as its basis for advising City Council and its boards, agencies, commissions, committees or staff, developers and citizens when reasonable and objective advice and guidance on public art is requested by Council or City Staff.
  - The Committee is responsible to ensure that the monies set aside for public art are spent to fulfill the directives of the Public Art Policy. Any expenditure must be pre-approved by City Council.
  - As directed by Council, the Committee will undertake, research, develop and propose an outdoor sculpture program to complement community revitalization efforts.
  - As directed by the Council, the Committee will undertake, research, develop and propose a Downtown mural partnership alongside private and non-profit sector partners.
  - As directed by Council, the Committee will undertake, research, develop and propose other creative and cultural programs in line with the City's vision.
  - As directed by the Council, the Committee will undertake, research, develop and propose a cultural and heritage tourism initiative or event in line with the City's vision and for consideration by the City.
  - The Committee, for each initiative it proposes to execute, will research, develop and propose funding source options for consideration, including, but not limited to, corporate sponsorship, community partnerships, grants, awards and municipal funding.
  - In relation to the above, the Committee will analyze current capacity, existing utilization, market demand and projected needs of City-owned arts, heritage and knowledge amenities in accordance with asset management plans for the City of Penticton, and make recommendations on achieving net neutrality on City operating budgets.
  - As directed by the Council, the Committee will review all requests for assistance from the community arts, cultural, heritage and museum groups and organizations and recommend appropriate actions to Council;
  - The Committee will recommend actions which promote increased collaboration and communication between arts, cultural, heritage and museum groups;
  - The Committee will recommend actions, education and marketing initiatives which promote increased public awareness and participation in arts, culture, heritage and museum in the community;
  - The committee will not participate in operational matters respecting the City of Penticton.

- In relation to the above, the Committee undertakes to support and promote the interests of the Penticton Museum & Archives, SS Sicamous Society, Shatford Centre and Okanagan School of the Arts, Leir House and other educational and knowledge-based sectors desiring support, such as the Penticton Library, Okanagan College and School District 67.
- The Committee will provide leadership and/or support to the Penticton Museum & Archives, SS Sicamous Marine Museum, the Shatford Centre, Leir House and other educational and knowledge-based sectors desiring leadership and input with respect to:
  - Planning and design of exhibits;
  - Programs and events;
  - Partnership and collaborative undertakings;
  - Promotions;
  - Long-range planning.
- The Committee will respect the existing governance and direction provided to the Penticton Library, Okanagan College and School District 67 and Penticton Indian Band, and will tap into their collective insight and expertise to better inform the community's arts, cultural, heritage and museum knowledge resources.
- Although not a design or planning committee (and will not be asked to make decisions around urban design or urban planning), the Committee will advise on guidelines and developments that pertain to or affect priority items on the arts, cultural, heritage and museum list.
- If required, the Committee will establish sub-committees as deemed necessary to research, develop and propose initiatives to the Committee concerning arts, cultural, heritage and museum knowledge-based activities. Sub-committees will not have secretarial support and will report findings back to the full committee.
- The Committee will make recommendations of additions to the approved street name list and review any proposed street name changes and make a recommendation to Council to support or deny.

#### 9. Disqualification from Office

If an advisory committee member is continuously absent from committee meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the committee members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.

10. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.
  - Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.
11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.

12. For certainty, the rules and procedures of Council Procedure Bylaws 2018-35 and all amendments thereto shall be observed as far as may be applicable.

## 2019 – 2022 Terms of Reference Development Services Advisory Committee

1. The Committee shall consist of **Eleven (11)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:
  - One (1) Canadian Home Builders Association Representative
  - Two (2) Development Community Representatives
  - One (1) Consulting Engineer
  - One (1) Industrial Business Representative
  - Six (6) Members of the Community on the basis of their knowledge or interest in the development process and student or youth
2. The Committee Members shall appoint a Chair and Vice-Chair each year.
3. Role of Council Representatives:
  - One (1) Representatives
  - Non-Voting Member
  - Liaison to City Council
4. A majority of appointed voting members shall constitute a quorum.
5. The Director of Development Services or designate, shall attend committee meetings to provide operational support to the Committee
6. The Corporate Administration Department shall arrange for secretarial services to the Committee.
7. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee by council or staff requiring immediate action.
8. The Committee mandate is to make recommendations to Council regarding all aspects of land development, land use and on all matters referred to the Committee, including:
  - As directed by Council or requested by staff, make recommendations on City policies, procedures and bylaws that affect development, such as: application fees, development cost charges, zoning bylaw amendments, servicing standards and other land use and building regulations;

- As directed by Council or requested by staff, reviewing matters affecting the operation of the Development Services Division, regarding development processes and procedures;
- Reviewing development statistics and other indicators pertinent to the development industry, which will be provided by staff at each meeting, and should be disseminated back to member organizations;
- As directed by Council or requested by staff, providing development industry perspective on existing or proposed provincial or federal policies that affect real estate development and providing advice to Council on the City's position in relation to such policies;

9. Disqualification from Office

If an advisory Task Force member is continuously absent from Task Force meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Task Force members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.

10. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.
- Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.
11. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.
12. For certainty, the rules and procedures of Procedure Bylaw 2004-23 and all amendments thereto shall be observed as far as may be applicable.

## 2019 – 2022 Terms of Reference Economic Development and Prosperity Advisory Committee

1. The Task Force shall consist of **Fourteen (14)** voting members appointed by City Council for a term ending December 31, 2022. Preference will be given for:
  - One (1) Mid-Size Business with regional, national or international reach
  - One (1) Small Business with regional, national or international reach
  - One (1) Investor, Venture Capital or Financial Sector senior management or owners
  - One (1) Post-Secondary Education representative (university or college)
  - One (1) Developer
  - One (1) Penticton Indian Band
  - One (1) Chamber of Commerce
  - Two (2) members of the community on the basis of their knowledge or an interest and experience in business, innovation or economic development
  - One (1) Student / Youth Representative
  - Four (4) Representatives – one (1) from each of the Priority Clusters;
    - Technology
    - Manufacturing
    - Tourism, Events, Arts & Culture
    - Beverage Industry – wine, beer, spirit production
2. The Task Force Members shall appoint a Chair and Vice-Chair each year.
3. Role of Council Representative:
  - Mayor
  - Voting Member
  - Liaison to Council
4. A majority of appointed voting members shall constitute a quorum.
5. The Mayor and upon request, the CAO and/or Economic Development staff shall attend Task Force meetings to provide advice and operational support to the Task Force.
6. The Corporate Administration Department shall arrange for secretarial services to the Task Force.
7. The Task Force shall meet quarterly, or as required when a new piece of business is referred to the Committee by Council or staff requiring immediate action.

8. The Task Force's mandate is to assist the Mayor and Council and the Penticton business community to create, a healthy, sustainable and dynamic economy.

The Task Force will provide recommendations on matters referred by Council.

The Task Force will identify no more than 5 key strategic priorities for driving economic growth and vitality within the City of Penticton as part of the South Okanagan Similkameen.

The Task Force will:

- Provide advice to the Mayor and Council as requested
- Review projects referred from Council for economic growth
- Review the Economic Development Strategic Plan as requested by Council or staff
- Identify revenue opportunities for the City
- Provide connections and advice to help develop, attract and retain business and economic activity

The Task Force will not participate in operational matters respecting the City of Penticton

9. Disqualification from Office

If an advisory Task Force member is continuously absent from Task Force meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Task Force members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory Task Force of the City of Penticton for a period of one year.

10. Should a Closed meeting be held by the Task Force, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.
  - Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.
11. The Mayor will sign all correspondence initiated by the Task Force on behalf of the City of Penticton.
12. For certainty, the rules and procedures of Procedure Bylaw 2004-23 and all amendments thereto shall be observed as far as may be applicable.

## 2017 – 2019 Terms of Reference Official Community Plan Task Force

1. The Committee shall consist of nineteen (19) voting members appointed by City Council.
  - One (1) Regional District of the Okanagan Similkameen
  - One (1) School District No. 67
  - One (1) Penticton Indian Band
  - One (1) Representative of the Chamber of Commerce
  - One (1) Representative of the Downtown Penticton Association
  - One (1) Representative of the industrial community or business that contributes to the growth of Penticton's economy
  - One (1) Representative of Interior Health
  - Twelve (12) At-large members of the community on the basis of commitment to the OCP and their knowledge or an interest in the following:
    - Agriculture and food systems and their respective supports, e.g., agricultural tech and agricultural manufacturing
    - Architecture/green architecture/urban design/landscape architecture
    - Land use planning
    - Environmental issues
    - Heritage, arts and culture
    - Housing, with an emphasis on affordable working family housing
    - Parks and recreation, sports, leisure activities
    - Youth/student
    - Seniors
    - Transportation
    - Infrastructure
2. The Committee Members shall appoint a Chair and Vice-Chair at the first meeting.
3. Role of Council Representative:
  - Three (3) Representatives
  - Non-Voting Members
  - Liaisons to City Council
4. A majority of appointed voting members shall constitute a quorum.

5. The Special Projects Manager, Director of Development Services and the Community Engagement Consultant shall attend the Committee meetings to provide operational support to the Committee. Other City staff may attend meetings by invitation to provide comments on their individual areas of expertise.
6. The Corporate Administration Department shall arrange for secretarial services to the Committee.
7. The Task Force shall meet on a regular basis but not less than four (4) times per year.
8. The Committee's mandate is to assist Mayor and Council in the creation of an updated Official Community Plan for Penticton and to advise City staff on technical, process and engagement issues relating to the creation of the Official Community Plan.
9. It is fundamental to the effectiveness of the Committee that the members recognize that they represent the citizens of the City of Penticton as a whole and not only special interests.
10. **Disqualification from Office**  
If a task force member is continuously absent from meetings for a period of three (3) regularly scheduled meetings, unless the absence is because of illness or with the leave of the task force members, the office of the member is deemed to be vacant and the person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.
11. The Mayor will sign all correspondence initiated by the task force on behalf of the City of Penticton.
12. For certainty, the rules and procedures of Council Procedure Bylaw 2016-35 and all amendments thereto shall be observed as far as may be applicable.

## Terms of Reference Parks & Recreation Advisory Committee

1. The Committee shall consist of **Thirteen (13)** voting members appointed by City Council for a term ending December 31, 2019. That half of the Parks & Recreation Advisory Committee's membership terms be staggered to allow for consistency and the opportunity for new members. Preference will be given for:
  - One (1) member from SD67
  - Twelve (12) members of the community on the basis of their knowledge, interest and/or experience in community parks and recreation. Preference will be given for:
    - Nature appreciation
    - Indoor recreation
    - Outdoor recreation
    - Organized sports
    - Trails
    - Health and fitness
    - Water based activities
    - Sports tourism and special events
2. The Committee Members shall appoint a Chair and Vice-Chair each year.
3. Council shall appoint one (1) voting Penticton Indian Band Representative and one (1) non-voting Regional District Okanagan Similkameen Representative to the committee.
4. Council shall appoint one (1) non-voting Council Representative to the committee.
5. Role of Council Representative
  - Non-Voting Member
  - Liaison to City Council
6. A majority of appointed voting members shall constitute a quorum.
7. The Public Works Manager/Parks Supervisor and Director, Recreation Facilities and or designate, shall attend committee meetings to provide operational support to the Committee. Other City staff will attend meetings as required to provide information and or comments on their individual areas of expertise.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.

9. The Committee shall meet on a regular basis but not less than four (4) times per year.
10. The Committee mandate is to make recommendations to Council on all matters referred to the Committee including:
  - Act as an Advisory Committee to the Council with respect to provision, protection and promotion of parks and recreation services;
  - Support and maintain the vision and values of the 2018 Parks and Recreation Master Plan;
  - Review and provide feedback or comments on Parks and Recreation proposed projects, initiatives or challenges;
  - Advise on the implementation of recommendations outlined in the 2018 Parks and Recreation Master Plan;
  - Review, evaluate and provide recommendations on park uses and protection as per the Parkland Protection and Use Policy;
  - Make recommendations on community engagement requirements related to Parkland Protection and Use Policy;
  - Make recommendations on proposals for any leasing of Park space;
  - Make recommendations on City policies and bylaws that affect Parks and Recreation Services.
  - The committee will not participate in operational matters respecting the City of Penticton.
11. Disqualification from Office

If an advisory committee member is continuously absent from committee meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the committee member, Council shall replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.
12. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.
  - Closed Meeting - No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.
13. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.
14. For certainty, the rules and procedures of Procedure Bylaw 2004-23 and all amendments thereto shall be observed as far as may be applicable.

## 2018 - 2020 Terms of Reference Penticton and Ellis Creek Restoration Select Committee

1. The Committee shall consist of **NINE** (9) voting members appointed by City Council for a term ending December 31, 2020 or at another date approved by Council. Preference will be given for:
  - One (1) representative and one (1) alternate of the Okanagan Nation Alliance
  - One (1) representative of the Penticton Indian Band
  - One (1) representative of the Fresh Water Fisheries Society of BC
  - One (1) representative and one (1) alternate of the Penticton Fly Fishers' Association
  - One (1) representative of the South Okanagan Conservation Program
  - One (1) downtown residential owner
  - One (1) downtown business owner
  - One (1) Penticton Industrial Development Association
  - One (1) member of the community based upon their interest in the Penticton Creek restoration
2. The Committee shall consist of **TWO** (2) non-voting members:
  - One(1) representative and one (1) alternate of the Ministry of Forests, Lands and Natural Resource Operations: Fish and Wildlife Division
  - One (1) Representative and one (1) alternate of the Ministry of Forests, Lands and Natural Resource Operations: Water Stewardship Division
3. The Committee Members shall appoint a Chair and Vice-Chair each year.
4. Council shall appoint one (1) non-voting Council Representatives to the Committee annually.
5. Role of Council Representative:
  - Non-Voting Member
  - Liaison to City Council
6. A majority of appointed voting members shall constitute a quorum.

7. The General Manager of Infrastructure and City Engineer or designates, shall attend committee meetings to provide operational and professional engineering support to the Committee.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.
9. The Committee shall meet quarterly, or as required when a new piece of business is referred to the Committee requiring immediate action.
10. The Committee's mandate is to make recommendations to the Council on all matters referred to the Committee, including:
  - The technical matters related to the restoration and redesign of the Penticton Creek and Ellis creek;
  - The principles and design parameters of redesign and restoration, including the recognition of what impacts may occur on adjacent commercial and residential properties;
  - Land use issues within the Penticton and Ellis Creek riparian area;
  - Technical input an assistance with framing content related to Request for Proposals and expressions of Interest;
  - Public engagement strategies related to the restoration of Penticton and Ellis Creek; and
  - Development and recommendations on funding alternatives and fund raising.

#### 11. Disqualification from Office

If an advisory Task Force member is continuously absent from Task Force meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the Task Force members, Council may choose to replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.

#### 12. Closed Meeting

Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.

- Closed Meeting – no meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.
13. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.
  14. For certainty, the rules and procedures of Council Procedure Bylaw No. 2018-35 and all amendments thereto shall be observed as far as may be applicable.

# Council Report

penticton.ca

**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Laurie Darcus, Director of Corporate Services

File No:

**Subject: Southern Interior Local Government Association (SILGA) Committee Selected Charity**

## Staff Recommendation

THAT the proceeds from the Southern Interior Local Government Association Conference 50/50 raffle held in Penticton on April 30 – May 3, 2019 be donated to the Youth Engagement Strategy (YES) Project.

## Background

SILGA is comprised of elected officials from thirty-seven cities, towns, villages, districts and regional districts in South Central British Columbia. The 2019 SILGA Annual General Meeting and Convention is being held on April 30, 2019 to May 3, 2019 at the Penticton Trade and Convention Centre in Penticton, British Columbia. The Penticton members of the host community have suggested the YES project as the charity of their choice. For SILGA to apply for their gaming license, they need a Council resolution to approve the proceeds to go to a charity.

## Alternate recommendation

THAT Council agree to donate proceeds from the Southern Interior Local Government Association (SILGA) Conference 50/50 to a charity of their choosing.

Respectfully submitted,

Laurie Darcus  
Director of Corporate Services

Chief Administrative  
Officer

PW

**Bylaw No. 2018-76**

*A Bylaw to Amend Zoning Bylaw 2017-08*

---

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-76".

2. **Amendment:**

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

Rezone Lot 4, District Lot 249, Similkameen Division Yale District Plan 3392, located at 909 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	20	day of	November, 2018
A PUBLIC HEARING was held this	4	day of	December, 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 23 day of November, 2018 and the 28 day of November, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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John Vassilaki, Mayor

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Angie Collison, Corporate Officer

# Rezone 909 Government Street

From R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-76

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

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

**Bylaw No. 2018-77**

*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. 2018-77".

2. **Amendment:**

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

Rezone Lot 3, District Lot 5, Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3392, located at 931 Government Street, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	20	day of	November, 2018
A PUBLIC HEARING was held this	4	day of	December, 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 23 day of November, 2018 and the 28 day of November, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

---

John Vassilaki, Mayor

---

Angie Collison, Corporate Officer



**Bylaw No. 2018-78**

*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. 2018-78".

2. **Amendment:**

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

Rezone Lot 10, District Lot 250, Similkameen Division Yale District Plan 6505, located at 1473 Government Street from R1 (Large Lot Residential) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	20	day of	November, 2018
A PUBLIC HEARING was held this	4	day of	December, 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 23 day of November, 2018 and the 28 day of November, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

---

John Vassilaki, Mayor

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Angie Collison, Corporate Officer

# Rezone 1473 Government Street

From R1 (Large Lot Residential) To RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-78

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

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

**Bylaw No. 2018-79**

*A Bylaw to Amend Zoning Bylaw 2017-08*

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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. 2018-79".

2. **Amendment:**

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

Rezone Lot 15, District Lot 202, Similkameen Division Yale District Plan 933, located at 463 Wade Avenue East, 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	20	day of	November, 2018
A PUBLIC HEARING was held this	4	day of	December, 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 23 day of November, 2018 and the 28 day of November, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

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John Vassilaki, Mayor

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Angie Collison, Corporate Officer

# Rezone 463 Wade Ave E

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



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-79

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

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

# Council Report

penticton.ca

**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 595 Van Horne Street  
**Subject:** **Development Variance Permit PL2018-8377**  
**Development Permit PL2018-8376**

File No: 2018 PRJ-210

## Staff Recommendation

### *Development Variance Permit*

THAT Council approve "Development Variance Permit PL2018-8377" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit to: increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m; to decrease the minimum required parking spaces from 4 to 3; and to decrease the minimum front yard from 4.5m to 3.5m, to support a duplex development with suites;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8377".

### *Development Permit*

THAT Council approve "Development Permit PL2018-8376" for Lot 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269, located at 595 Van Horne Street, a permit that allows for the construction of a duplex with suites;

AND THAT staff be directed to issue "Development Permit PL2018-8376."

## Strategic Objective

The subject application demonstrates that it is aligned with the *Council Priorities* of Community Building. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

## Background

The subject property (Attachment A) is zoned RD2 (Duplex Housing: Lane) and is designated by the City's Official Community Plan as HR (High Density Residential). Photos of the sites are included as Attachment D. The subject property is approximately 372m<sup>2</sup> (4,000ft<sup>2</sup>) and features a one-storey single family dwelling intended to be demolished. The surrounding properties are primarily zoned for commercial and multiple

family. The property borders a single family dwelling to the north. The property is located in the downtown periphery, in an area undergoing redevelopment.

Three duplexes with suites are currently under construction at 611, 615 and 619 Van Horne which are in close proximity to the subject property. Variances were approved for the front yard setback from 4.5m to 3.5m and the number of parking spaces from 4 to 3, for all three of those lots. The subject application is requesting similar relaxations.

## **Proposal**

The applicant is proposing to construct a duplex with a secondary suite in each unit for a total of four dwelling units. The principal residences will be two storeys, with a living area on the main floor and three bedrooms upstairs. The basement suites will be one bedroom units. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

- Section 5.6.2.1: to increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m.
- Section 6.5 (Table 6.5): to decrease the required number of parking spaces from 4 to 3.
- Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

Secondly, the property is located within the High Density Development Permit area and requires approval for the form and character of the proposed development and to address landscaping requirements.

## **Financial implication**

As part of the development, the City will gain an irrigated grass boulevard with two trees, paid for by the developer at a cost of \$472.50 per tree.

## **Technical Review**

This application has been assessed by the City's Technical Planning Committee and reviewed by the Engineering and Public Works Departments. As per City of Penticton Building Bylaw 94-95 section 7.1.5, storm water/drainage is to be maintained on site. As per the City's Subdivision and Development Bylaw No. 2004-81, Section 9.7, when a developer constructs a duplex they are required to pave the full width of the lane adjacent to the development. In this case, the lane has recently been upgraded by an adjacent developer. As per Section 508, Division 11 of the Local Government Act, latecomer charges will be paid by the applicant to the developer of 564, 576 and 580 Ellis Street. Servicing upgrades will be required based on fixture counts. Building permit requirements have been identified and forwarded to the developer, which includes the close review of the excavation along the north property line by a geotechnical engineer. If the requests for the variance and development permit are supported, BC Building Code and City bylaw provisions, such as height restrictions, will apply.

## **New OCP**

While the current OCP identifies this area as HR (High Density Residential), the draft OCP that is currently under development and anticipated to be adopted early in the new year, identifies this area for 'infill residential'. The infill residential designation is more reflective of the current development trends in the area,

which is seeing development of small lot subdivisions, duplexes, fourplexes and town house developments – providing for a wider variety of housing types as opposed to apartment units. The current proposal is more in-line with the draft OCP than the current OCP.

### Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the Development Variance and Development Permit applications:

Item	Requirement RD2 zone	Proposed
<b>Maximum Lot Coverage:</b>	40%	36%
<b>Maximum Density:</b>	0.95 FAR	0.68 FAR
<b>Vehicle Parking:</b>	1 space per unit + 1 per suite= 4 total required	3 spaces (variance required)
<b>Required Setbacks</b>		
Front yard (east, Van Horne Street):	4.5m	3.5m (variance required)
Rear yard (west, lane):	6.0m	8.4m
Interior yard (north):	1.5m	1.5m
Exterior yard (south, White Avenue East):	3.0m	3.45m
<b>Maximum Building Height:</b>	10.5m	8.23m
<b>Maximum Retaining Wall Height:</b>	1.2m	1.8m (variance required)
<b>Other Information:</b>	- The subject property is located within the High Density Development Permit Area, thus a development permit is required. It is staff-issuable, but has been included in this Council report to streamline the approval process.	

### Analysis

#### *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. Council should also put their mind to the benefit accrued with approval of the variances, such as improved livability for a property or community benefit (better designed building, high quality landscaping).

The variances below are required to construct a sizeable duplex with suites, thus creating four dwelling units in a location close to shops, schools and nearby services.

*Section 5.6.2.1: to increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m.*

- The maximum height for a retaining wall in a setback is put in place to reduce the visual impacts that a large wall would have on the surrounding neighbourhood. In this case, the 1.8m height of the wall is only visible from the subject property. From the neighbors’ point of view, less than a foot of the

wall will be exposed. The purpose of the wall is to address stability concerns for the stairs that provide access to the suites. Without the wall, access to the suites would need to be relocated resulting in removal of landscaping at the front of the building and a re-design of the building.

*Section 6.5 (Table 6.5): to decrease the required parking spaces from 4 to 3.*

- Although the proposed development falls one parking space short of the required number, there is enough space for five on-street parking spaces on Van Horne Street and White Avenue East. Variances have recently been approved in the area, which reduced the required number of parking spaces from 4 to 3 for the construction of duplexes with suites. The housing needs assessment, completed in 2017, recommends the development of smaller units to enhance the supply of affordable rental units. Staff consider that the proposed one-bedroom suites help to increase the housing stock in Penticton and add rental units in the downtown area which provide a high likelihood of reducing the need for parking given their location to downtown, transit and other services.

*Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.*

- The boulevard width fronting the subject property is 3.0m, meaning that the proposed duplex will sit approximately 6.5m from the street. This is an adequate distance and unlikely to cause a crowding effect on the street – in fact providing a closer orientation to the street provides for a more active frontage, more efficient use of the land and is consistent with providing a more urban form of development in this area. Variances have recently been approved in the area which reduced the front yard setbacks from 4.5m to 3.5m for the construction of duplexes with suites. (Attachment I). This proposal would provide for a consistent and uniform setback for the street.

Given the design of the building, staff conclude that the variance request is reasonable and does not unreasonably impact the adjacent area. Approval of the variances allow for four sizeable units to be built in the downtown area, close to schools and services. The retaining wall and front yard setback variance do not significantly impact the neighbouring properties. The parking variance will result in more cars parking on the street, but this can be accommodated by the large street frontage bordering the subject property. As such, staff are recommending that Council support the application.

#### *Deny/Refer Variance*

Council may consider that the proposed variance will negatively affect the neighborhood and the streetscape. If this is the case, Council should deny the variance. If Council were to deny the variance, it would require a redesign of the lot. Without a variance, four sizeable units will most likely not be able to be constructed. In addition, the enhanced boulevard landscaping and boulevard trees, which are seen as improvements to the public realm, would not be achieved without redevelopment of the lot. For these reasons, staff do not recommend denial of the variance.

#### *Development Permit*

##### *Support Development Permit*

The subject property is located within the High Density Development Permit Area. As a consequence, a Development Permit is required. Although this Development Permit can be staff-issued, it has been included in this report for Council's decision in order to streamline the approvals process. The Development Permit Area guidelines are intended to address the form and character of new multi-family buildings and ensure landscaping requirements are met. Staff feel that the proposed development meets the intent of the Development Permit Guidelines as explained below:

- The entrances have street orientation on both Van Horne and White Avenue East. The sidewalk entries create an aesthetically pleasing connection to the street.
- The landscape plan features a variety of different plants and trees.
- The current overgrown, weed filled boulevard will be replaced with irrigated grass and two new boulevard trees. This will make a substantial positive impact on beautification of the streetscape.
- The building material type will be comprised of hardi-board, with picture windows and covered entries, thus adding visual interest to the building.
- The decks and grass areas will provide valuable amenity space to future residents of the development.

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

*Deny/Refer Development Permit*

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

**Alternate Recommendations**

1. THAT Council support "DVP PL2018-8377" but deny support for "DP PL2018-8376."
2. THAT Council support "DVP PL2018-8377" and "DP PL2018-8376" with conditions.
3. THAT Council refer "DVP PL2018-8377" back to staff.

**Attachments**

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Landscape Plan
- Attachment G: Elevations
- Attachment H: Floor Plans
- Attachment I: Nearby Variances
- Attachment J: Letter of Intent
- Attachment K: Development Variance Permit PL2018-8377
- Attachment L: Development Permit PL2018-8376

Respectfully submitted,

Randy Houle  
Planner I

Approvals

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



Figure 1: Subject Property Location Map

Attachment B – Zoning Map



Figure 2: Zoning Map

Attachment C- OCP Map

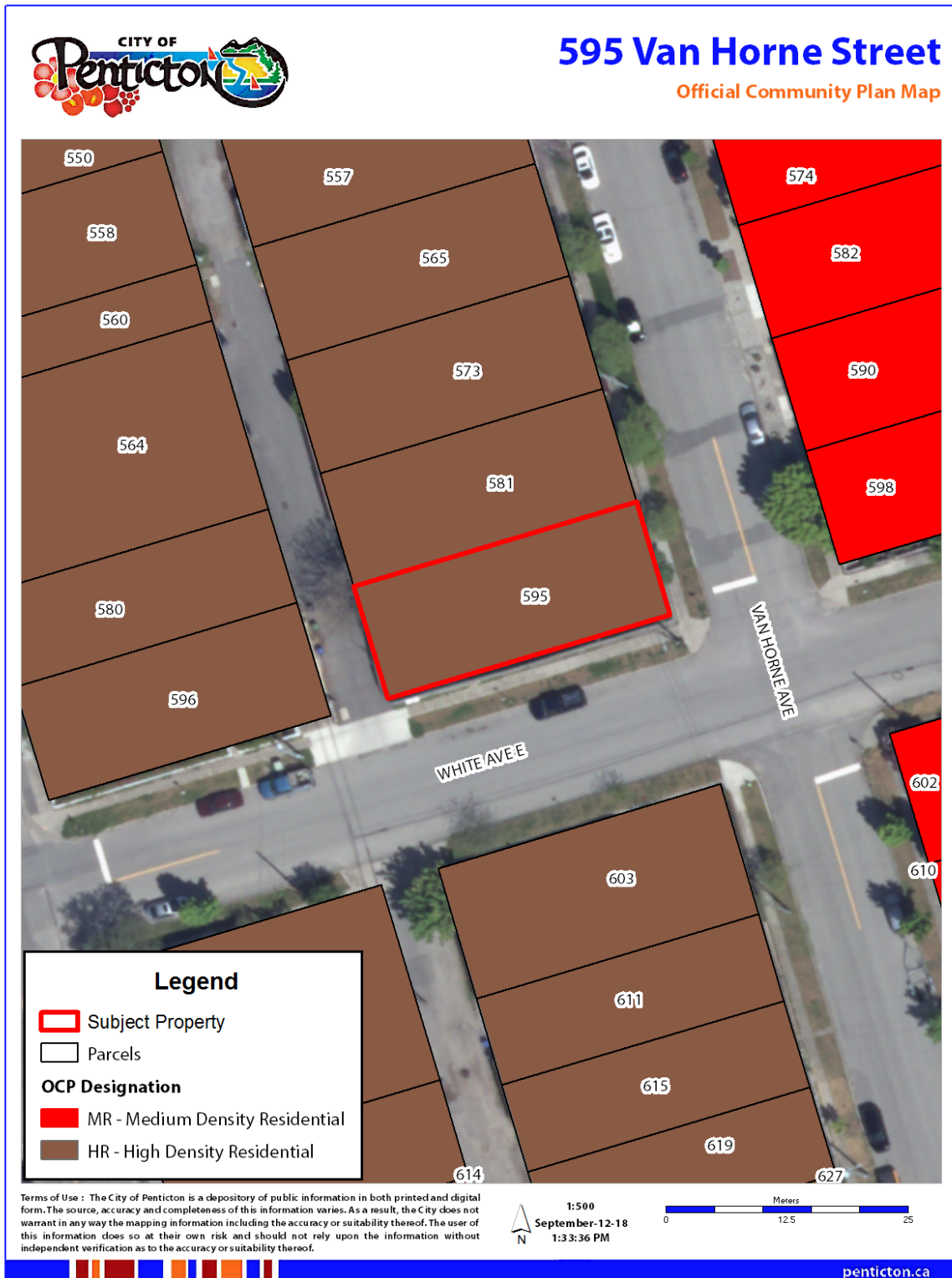


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View (from Van Horne Street)



Figure 5: South View (from White Avenue East)



Figure 6: East View of the front of existing dwelling to be demolished



Figure 7: East View showing proximity to north neighbour

Attachment E – Site Plan

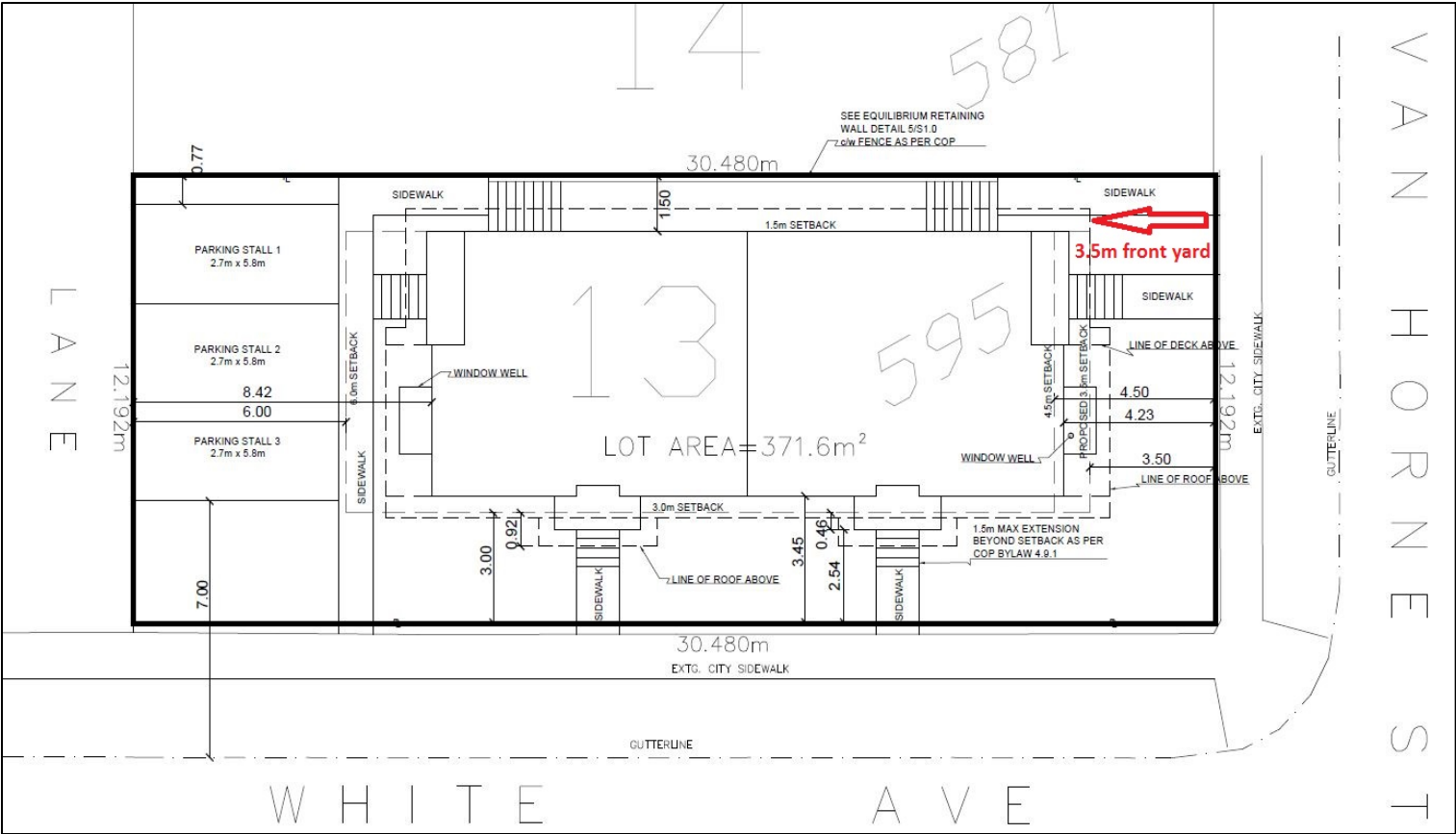


Figure 8: Site Plan

Attachment F – Landscape Plan

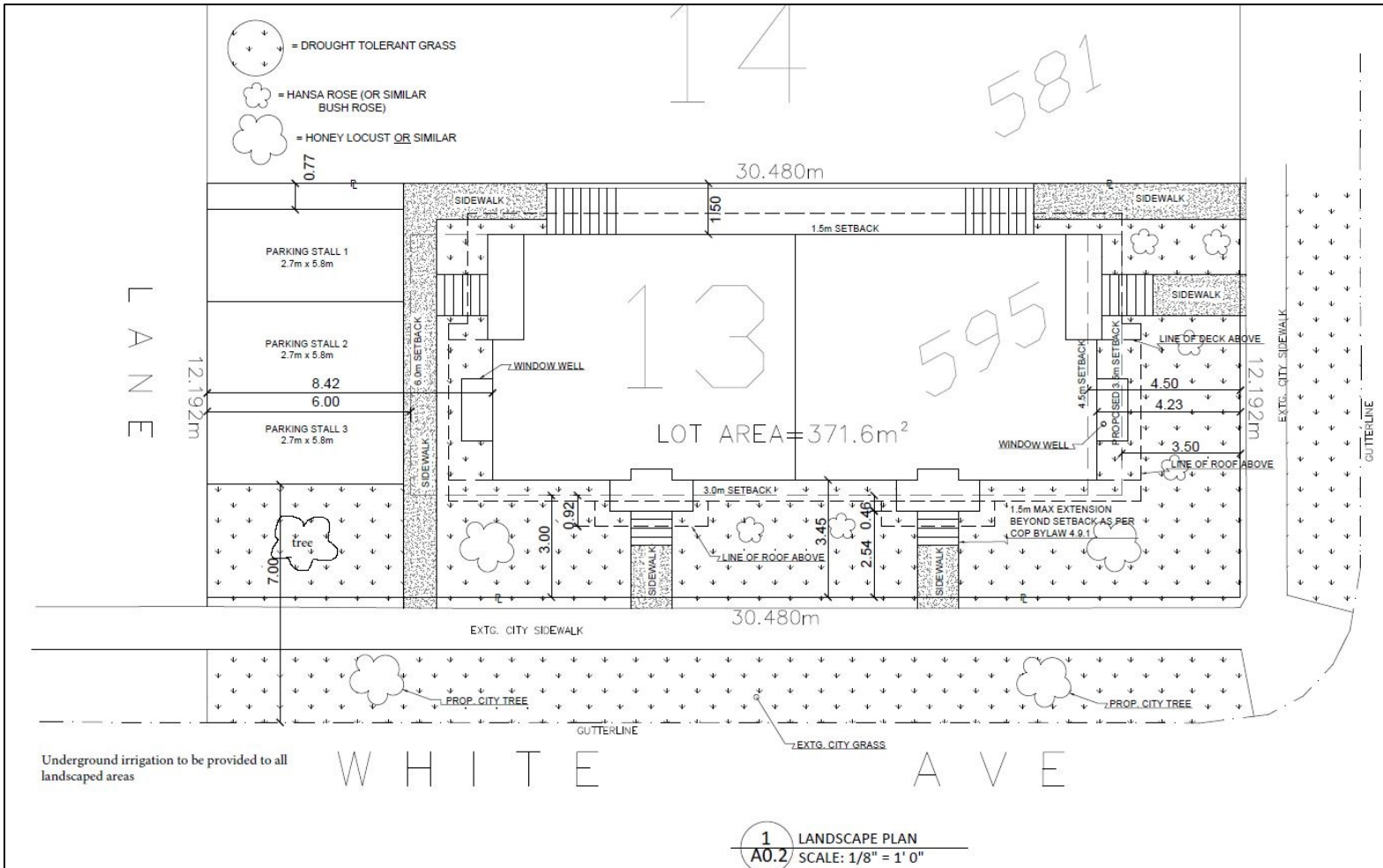


Figure 9: Landscape Plan

Attachment G – Elevations

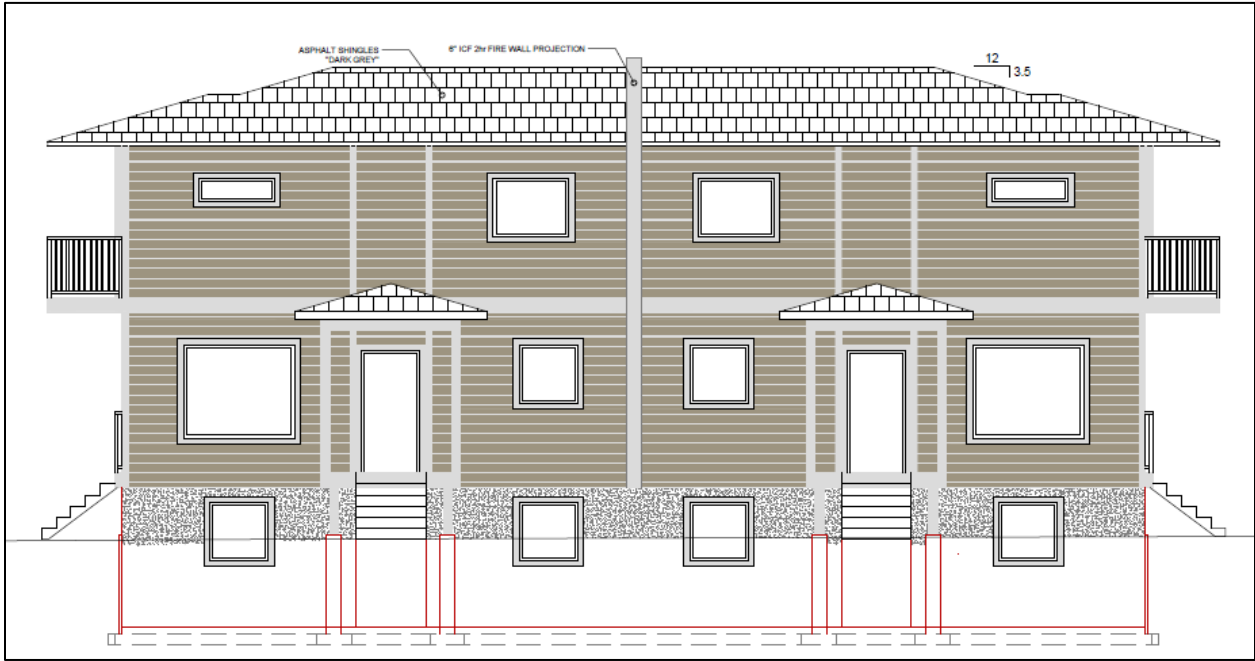


Figure 10: South Elevation (from White Avenue East)

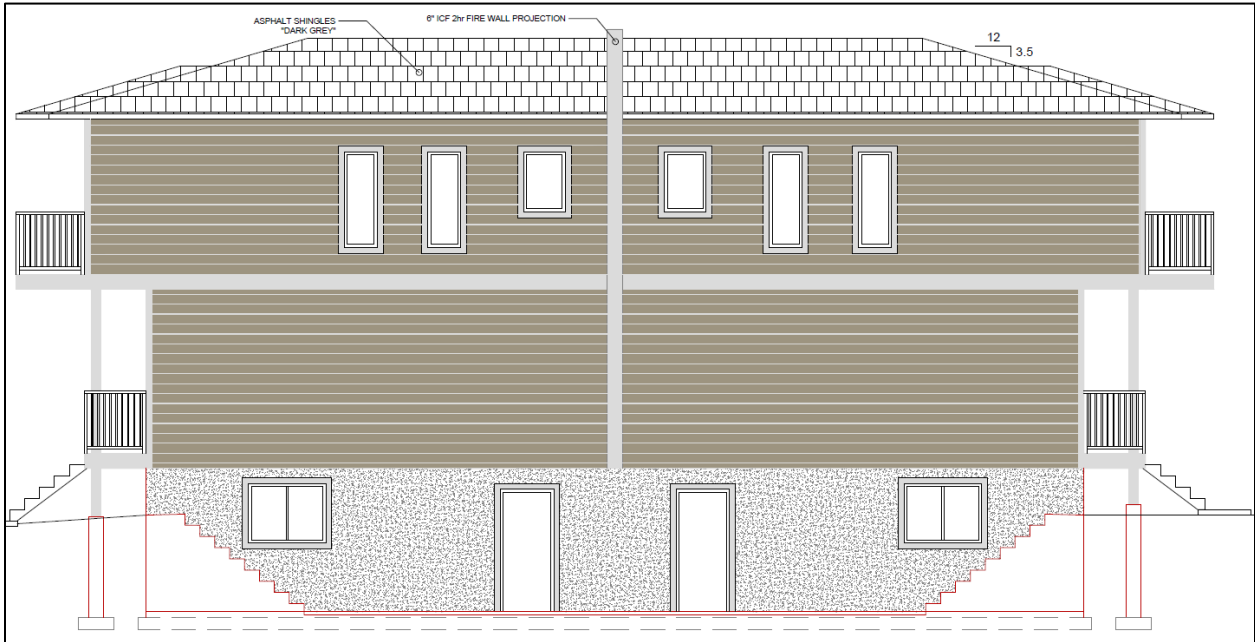


Figure 11: North Elevation

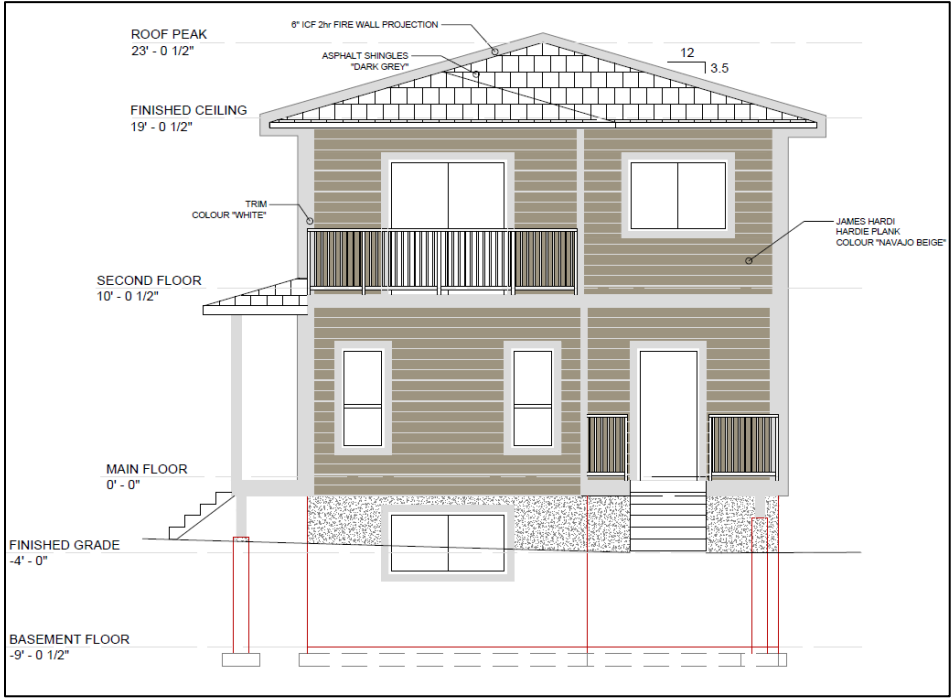


Figure 12: East Elevation (from Van Horne Street)

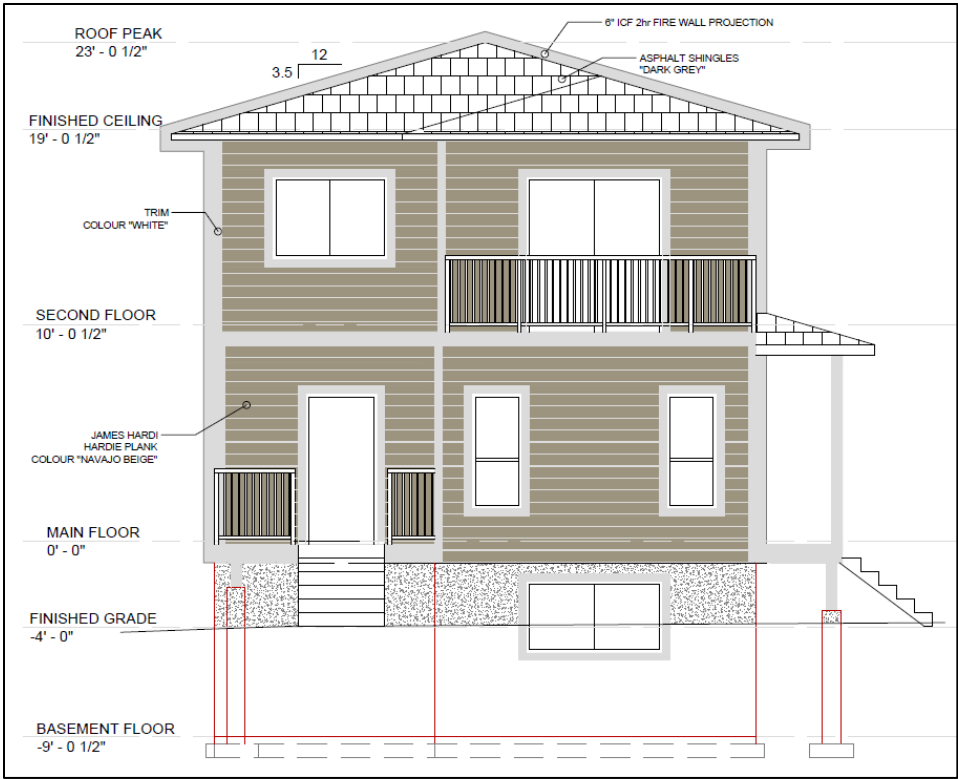


Figure 13: West Elevation (from the lane)

### Attachment H – Floor Plans

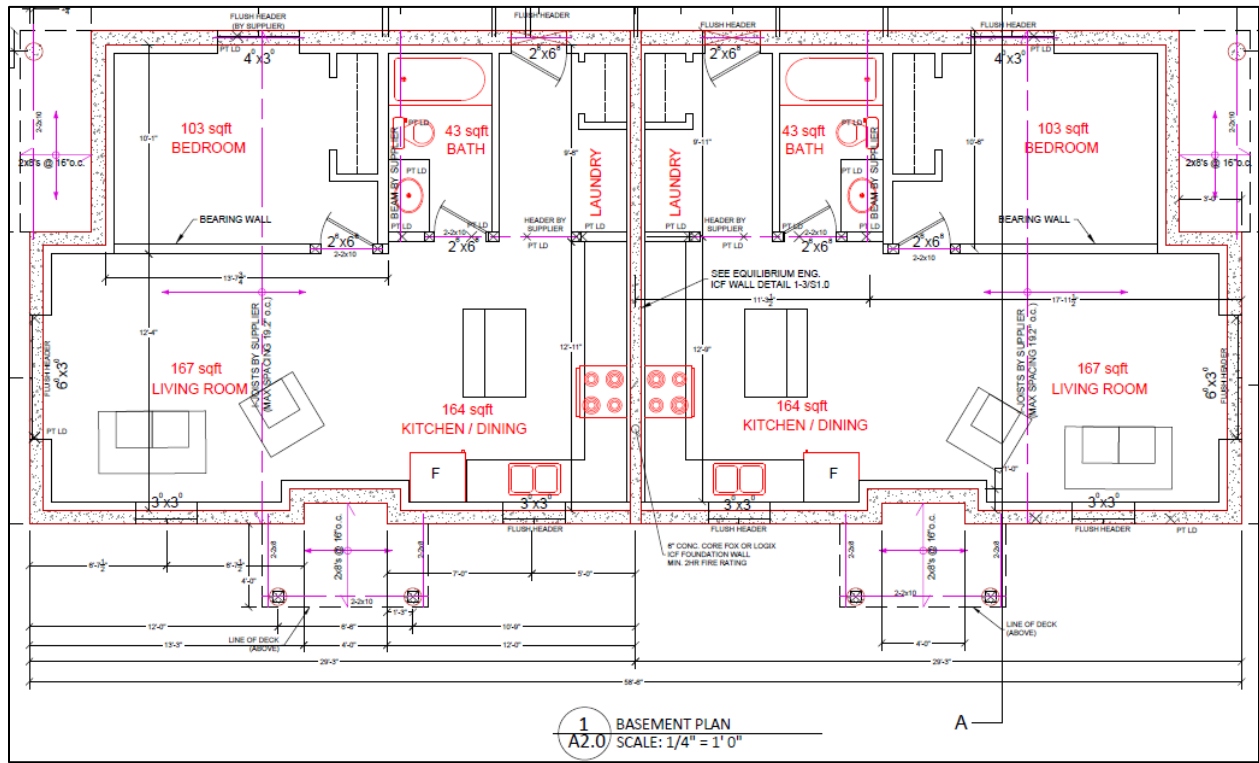


Figure 14: Basement Floor Plan (Duplex Suites)

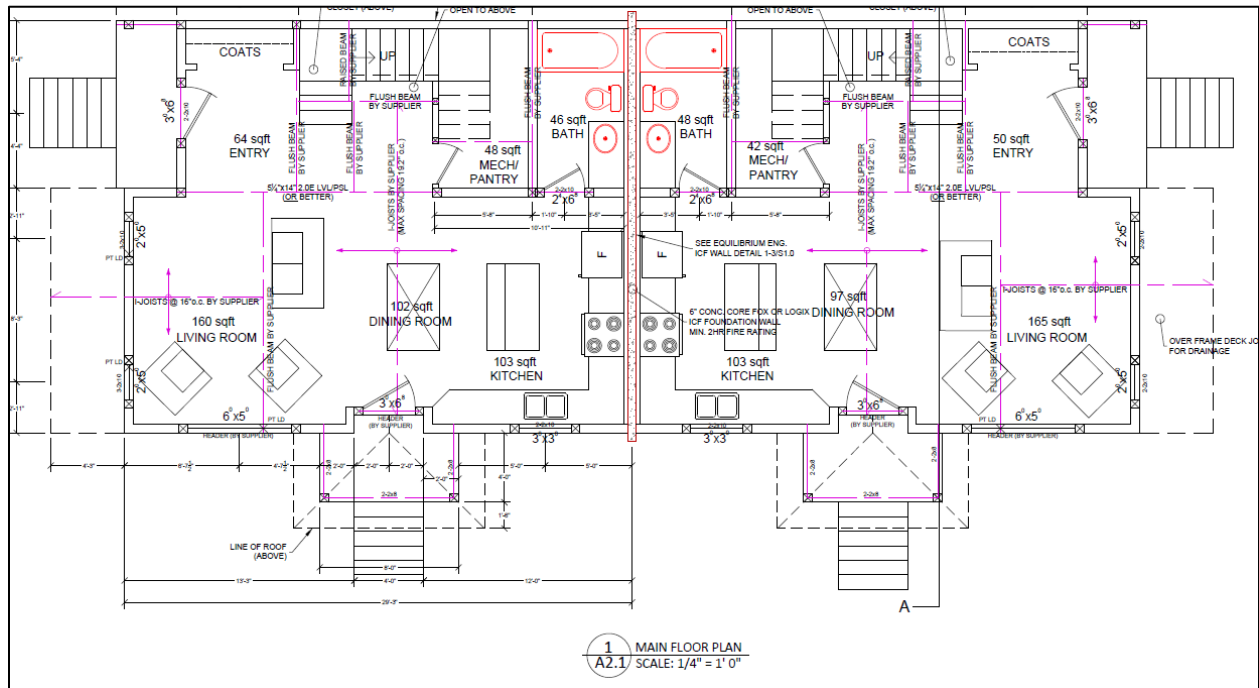


Figure 15: Main Floor Plan

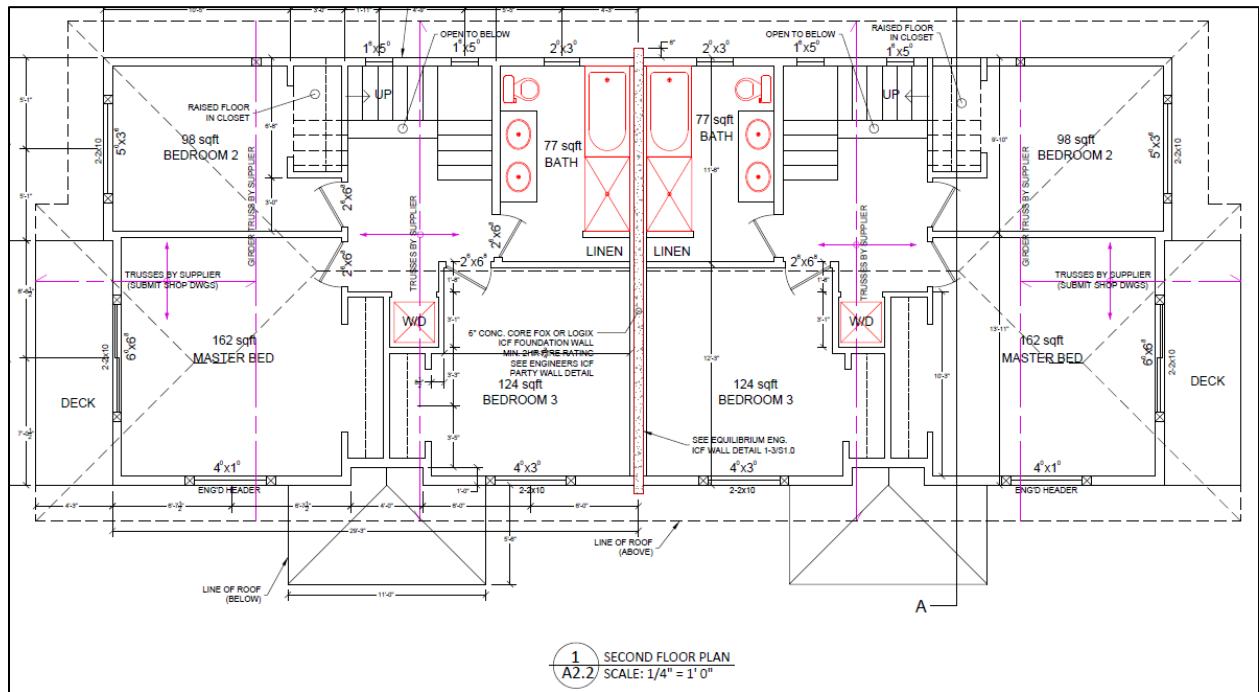


Figure 16: Second Floor Plan

Attachment I – Nearby Variances

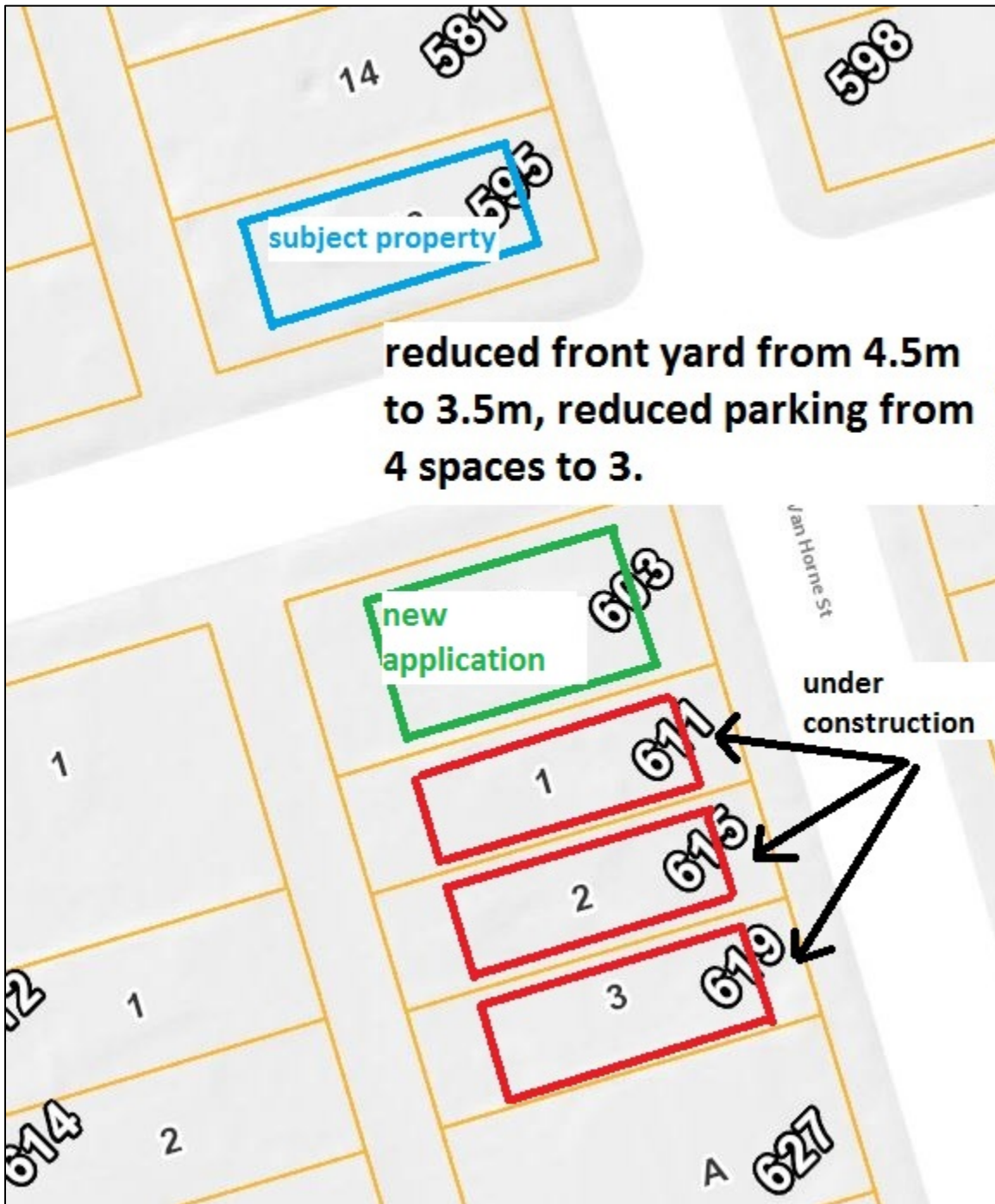


Figure 17: Nearby Variances

Attachment J - Letter of Intent

August 31<sup>st</sup>, 2018

Penticton City Hall  
Planning and Development Dept.  
171 Main Street  
Penticton, BC V2A 5A9

RE: Development Permit Application – Variance Request

ATTN: Planning Department

The intent of this project is to build a Quality 2-unit residential building (Duplex) located at 595 Van Horne Street in Penticton, BC. The design reflects the following objectives:

- Provide front and back duplex which is consistent with many of the newly constructed duplexes in the same area of Van Horne street to create continuity within the neighborhood.
- To provide basement suites in each of the front and back units of the duplex with separate side entrances to offer a return of investment for the prospective buyers and allow affordable rental suites for residences which is extremely high in demand in the downtown core.
- 3 of the 4 units will be accommodated with rear parking stalls to give the tenants/owners more of a detached dwelling feel.
- We plan to increase the landscape appeal by adding an assortment of shrubs and grass and two city trees to the boulevard.
- There also will be an irrigation system installed that will include the grass on the boulevards.

Furthermore, this letter of intent is to request zoning bylaw variances as follows:

- The bylaw states that the setback from the front yard should be 4.5 meters but we would like to request a setback of 3.5 meters.
- We would like to request a variance on the height of the retaining wall on the north side of the property from 1.2 meters up to 1.8 meters.
- A variance is also requested for the amount of parking stalls to go from the required number of 4 stalls to requested number of 3 stalls. Due to the abundance of street parking both on White Ave and Van Horne Street there should be no impact on residents.
- Approval of these requests would therefore allow for consistency within the neighborhood.

Our intent is to build a high-quality project which is consistent with the duplexes in the neighborhood to provide affordable housing and suites for those in the downtown core which is currently in critical demand.

Thank you in advance for considering this request and I hope that the information provided is suffice. If you need any further information, please don't hesitate to contact me directly at the phone number provided below.

Warm Regards,  
Byron Taylor  
BC Taylor Group Inc. 778 238 0269

Figure 18: Letter of Intent



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

## Development Variance Permit

**Permit Number: DVP PL2018-8377**

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 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269  
Civic: 595 Van Horne Street  
PID: 012-462-870
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a duplex with suites.
  - Section 5.6.2.1: to increase the maximum height of a retaining wall located within the north interior yard from 1.2m to 1.8m.
  - Section 6.5 (Table 6.5): to decrease the required parking spaces from 4 to 3.
  - Section 10.6.2.6: to decrease the minimum front yard from 4.5m to 3.5m.

### 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 4 day of December, 2018.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Angie Collison,  
Corporate Officer

Attachment L - Development Permit PL2018-8376



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

## Development Permit

**Permit Number: DP PL2018-8376**

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 13 Block 20 District Lot 202 Similkameen Division Yale District Plan 269  
Civic: 595 Van Horne Street  
PID: 012-462-870
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex with suites, as shown in the plans attached in Schedule A.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$4,800.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
  - a. correct an unsafe condition that has resulted from a contravention of this permit,
  - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
  - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
  - a. the permit has lapsed as described under Condition 8, or
  - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
  - c.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

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 4 day of December, 2018.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Angie Collison,  
Corporate Officer

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**From:** Public Hearings  
**Subject:** Development Variance Permit PL2018-8377 (595 Van Horne St)

**From:** Deborah Webb [  
**Sent:** November-29-18 12:41 PM  
**To:** Public Hearings  
**Subject:** Development Variance Permit PL2018-8377 (595 Van Horne St)

Our comments on this request follow.

***1. To increase the maximum height of a retaining wall located within the north interior yard:***

Why is it needed? Is this to replace a fence? Of what material will it be constructed? NOTE; the Developer has **dug out earth from under our sidewalk** on the south side of our lot, adjacent to the existing fencing. He was advised of this by telephone November 25 **but has done nothing to remediate to date.**

***2. To decrease the required number of parking spaces from 4 to 3:***

There are currently at least 5 on-street parking spaces (1 along Van Horne Street and 4 along White Ave). What is the planned alteration - 2 driveways along these areas? If there are 4 dwelling units, each should have at least one parking space, plus one guest space. Since this is obviously not possible, we cannot understand the request to reduce even further from what would seem to be total 8 needed to only 3. Unless, there will be two driveways that each can park 2 vehicles for a total of 4 parking spaces off-street, then we would agree.

Thank you very much.

Best regards,

Deborah and Mark Webb  
Owners of 581 Van Horne St  
(next door to subject property)

# Council Report

penticton.ca

**Date:** December 4, 2018  
**To:** Peter Weeber, Chief Administrative Officer  
**From:** Randy Houle, Planner I  
**Address:** 555 Wade Avenue East

File No: 2018 PRJ-218

**Subject: Development Variance Permit PL2018-8387**

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## Staff Recommendation

THAT Council approve "Development Variance Permit PL2018-8387" for Lot 1 District Lot 202 Similkameen Division Yale District Plan 7142, located at 555 Wade Avenue East, a permit to reduce the minimum width of a landscape buffer abutting a residential zone from 3.0m to 0.0m, to waive the two required visitor parking spaces and to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8387."

## Strategic Objective

The subject application demonstrates that it is aligned with the *Council Priorities* of Community Building and Economic Vitality. The application represents smart growth by increasing density in areas where existing services are in place, and in areas close to transit, commercial and employment centers.

## Background

The subject property (Attachment A) is zoned RM3 (Medium Density Multiple Housing) and designated by the City's Official Community Plan as MR (Medium Density Residential). Photos of the sites are included as Attachment D. The subject property is 1,410m<sup>2</sup> (15,177t<sup>2</sup>) in area that contained a single family dwelling demolished in 2016. The lot slopes gently upwards from Wade Avenue towards the toe of a steep clay embankment at the rear of the property. There is also a moderate grade drop from east to west.

A four-storey apartment building borders the subject property to the east, with single family dwellings located to the west, south and north. This property is located in an area slowly undergoing redevelopment and within walking distance of the downtown. Council recently approved a zoning amendment for a four-unit townhouse at 481 Townley Street and an application for another townhouse development at 463 Townley Street is in progress.

In March of 2008, a development variance permit and development permit was issued on the subject property for a four-storey 18-unit apartment building (Attachment K). The development variance permit was for a setback reduction from 3.5m to 0.0m to construct an over height retaining wall.

## Proposal

The applicant is proposing to construct a duplex and two three-unit townhouses for a total of eight dwelling units on the property. The dwellings will have a garage and flex space on the main level, living area with a patio and deck on the second storey and three bedrooms on the third storey. The proposed use is permitted under the current RM3 zoning.

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

- Table 5.2: to reduce the minimum width of landscape buffer abutting a residential zone from 3.0m to 0.0m.
- Section 6.5 (Table 6.5): to waive the two required visitor parking spaces.
- Section 5.6.2.1: to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.

## Financial implication

The City will receive development cost charges at a rate of \$5,548 per unit x 8 = \$44,384.00. All construction costs and servicing upgrades will be the responsibility of the developer. As part of the development, the City will gain an irrigated grass boulevard with two trees, paid for by the developer at a cost of \$472.50 per tree.

## Technical Review

This application was forwarded to the City's Technical Planning Committee (TPC) and reviewed by the Engineering and Public Works Departments. A geotechnical engineer will be involved during the construction process as close attention must be paid when excavating along property lines and the potential impacts on the neighbouring properties. Servicing and technical requirements and upgrades have been identified and will be addressed at the building permit stage. 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 variances are supported, BC Building Code and City bylaw provisions will apply.

## New OCP

The draft Official Community Plan, currently under development and anticipated to be adopted early next year, identifies this area for Urban Residential. This designation envisions built forms of 4 to 6 storey developments in areas with high amenity. Although the proposal is only for three-storeys, a townhouse building fits into this category as a desirable use for the future development of this property.

## Development Statistics

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

Item	Requirement RM3 zone	Proposed
<b>Maximum Lot Coverage:</b>	50%	34%
<b>Maximum Density:</b>	1.6 FAR	0.88 FAR

<b>Minimum Lot Width:</b>	25.0m	22.86m*
<b>Minimum Lot Area:</b>	1,400m <sup>2</sup>	1,410.0m <sup>2</sup>
<b>Vehicle Parking:</b>	1 space per dwelling unit (8) + 0.25 per unit for visitors (2) = 10 total	10 spaces (variance required)
<b>Required Setbacks</b>		
Front yard (south, Wade Avenue E):	3.0m	3.0m
Rear yard (north):	6.0m	11.0m
Interior yard (west):	4.5m	5.1m
Interior yard (east):	4.5m	4.5m
<b>Maximum Building Height:</b>	24.0m	12.6m
<b>Amenity Area:</b>	20m <sup>2</sup> per unit (160m <sup>2</sup> total)	361m <sup>2</sup>
<b>Landscape Buffer Width:</b>	3.0m (west property line)	0.0m (variance required)
<b>Retaining Wall Height within yard:</b>	1.2m	2.7m (variance required)
<b>Other Information:</b>	<p>- The subject property is located within the General Multiple Family Development Permit Area, thus a development permit is required. This is staff-issuable and will follow the DVP application.</p> <p>- <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i></p>	

### ***Development Variance Permit***

#### *Support Variances*

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. Council should also put their mind to the benefit accrued with approval of the variances, such as improved livability for a property or community benefit (better designed building, high quality landscaping).

The variances below are required to construct a townhouse development on a sloping lot, with site restrictions due to the unusable land in the back third of the property.

*Table 5.2: to reduce the minimum width of landscape buffer abutting a residential zone from 3.0m to 0.0m.*

- A landscape buffer is required from multi-family to single family developments to reduce the impacts that increased density can have on the adjacent neighbours. For the proposed development, a 3.0m wide buffer with multiple shrubs and 6 trees is required to be planted. Due to the topography of the site and design of the lot, the only logical space for a driveway is on the western portion of the property. To meet the minimum width required to turn in and out of the garages, the driveway must go right to the west property line, thus eliminating the buffer area. The proposed townhouses are setback 5.1m (16.5ft) from the west property line, with the driveway acting as a buffer in itself. Due to the significant variance request, the developer consulted the affected neighbour. A letter of support has been submitted by the neighbour at 511 Van Horne Street (Attachment I).

- Section 5.3.5 of the Zoning Bylaw will apply in this case, which states “where landscape buffers are being reduced in accordance with section 5.3.4, \$450.00 per tree not planted must be submitted to the City to be deposited in the Urban Forest Reserve Fund to be used for tree infilling in the City. In this case, 6 trees are required, thus  $6 \times \$450.00 = \$2,700$  will be paid by the developer to the City. In addition to that, the developer is prepared to install irrigated grass and pay the cost of installing two new City trees in the boulevard.
- Given that a fence and wall is being proposed along the west property line, the building is setback a fair distance from the property line, the developer is paying costs to make up for the reduced buffer and the affected neighbour has submitted a letter of support, staff are comfortable supporting the variance request.

*Section 6.5 (Table 6.5): to waive the two required visitor parking spaces.*

- Due to the unique topography of the site, and the inability for the use of the rear 11m of the property to provide parking spaces, the developer is proposing to waive the on-site visitor parking spaces. The proposed development is in an area with ample street parking available for residents. The road is a dead end to the east and does not see high traffic volumes. The 22.86m width of the property (minus the 5.1m driveway), allows for three on-street parking spaces along the frontage of the lot, which can be utilized by visitors. The unique design allows visitors to park on the street and use the pedestrian sidewalk entry, thus limiting the amount of traffic going in and out of the narrow driveway access.

*Section 5.6.2.1: to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.*

- The Zoning Bylaw’s maximum height for a retaining wall within a setback was put in place to reduce the visual impact that a large wall would have on the surrounding neighbourhood. The 2.7m height request is to replace an existing and older 3.0m stepped wall (*Figure 9*) in the northwest corner of the lot which is holding up the slope and hardly visible from the neighbouring properties once the lot is developed. The proposed retaining wall along the west property line increases in height from north to south as the slope in the driveway decreases (Attachment G). The wall is approximately 0.3m at the most northern point, and increases to 1.52m at the highest point. This wall is required to construct a level driveway on a lot that slopes from east to west. A fence will be constructed on top of the wall which will provide further buffering and privacy for the neighbour.

Staff consider that the proposed three-storey townhouse development with minor variances will have less impact than a four-storey apartment building such as the one proposed in 2008. Topographic challenges such as a sloping lot and unusable portions of the property as well as ample on-street parking in the area provide rationale for the variances proposed.

Turning an empty, underutilized lot, with a history of undesirable activity, into three bedroom residences for eleven families in an area in the periphery of the downtown is a positive outcome for the City. The Floor Area Ratio for the proposed development (0.88) is much less than the 1.6 FAR permitted, meaning that the

proposal is only half as dense as what could be built on the subject property. The proposal is in line with the zoning and current Official Community Plan. The draft OCP envisions a four to six storey apartment building on this property, which would have larger impacts on neighbouring properties.

The neighbouring property to the west is likely to be impacted by a reduced landscape buffer, but has provided a letter of support for the application given the fencing proposed. As the lot slopes from east to west, only two storeys are exposed on the east side, thus reducing the impacts to the apartment building to the east. For the reasons listed above, staff are recommending that Council support the application.

*Deny/Refer Variances*

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance. If Council were to deny the variance, it would require a redesign of the lot. The lot may then sit vacant for an extended period of time before another proposal comes forward. The enhanced boulevard landscaping and boulevard trees, which are seen as improvements to the public realm, would not be developed until that time. For these reasons, staff do not recommend denial of the variance.

**Alternate Recommendations**

1. THAT Council support DVP PL2018-8387 with conditions that Council feels are appropriate.
2. THAT DVP PL2018-8387 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/Landscape Plan
- Attachment F: Building Elevations
- Attachment G: Retaining Wall Height along west property line
- Attachment H: Floor Plans
- Attachment I: Letter of Intent
- Attachment J: Letter of Support re: Landscape Buffer
- Attachment K: Plans from 2008 Proposal
- Attachment L: Development Variance Permit PL2018-8387

Respectfully submitted,

Randy Houle  
Planner I

Approvals

DDS  	CAO  PW
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

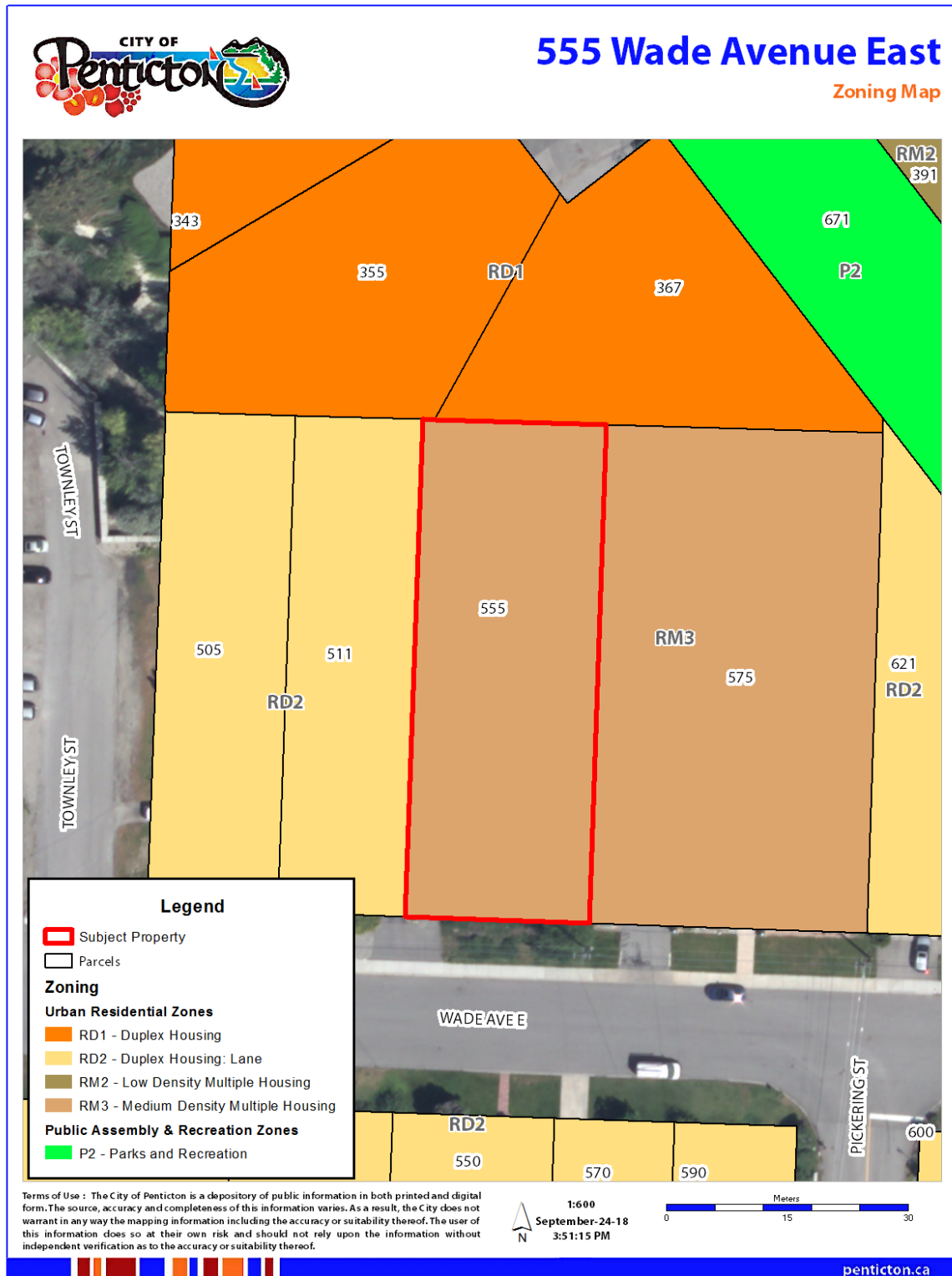


Figure 2: Zoning Map

Attachment C- OCP Map

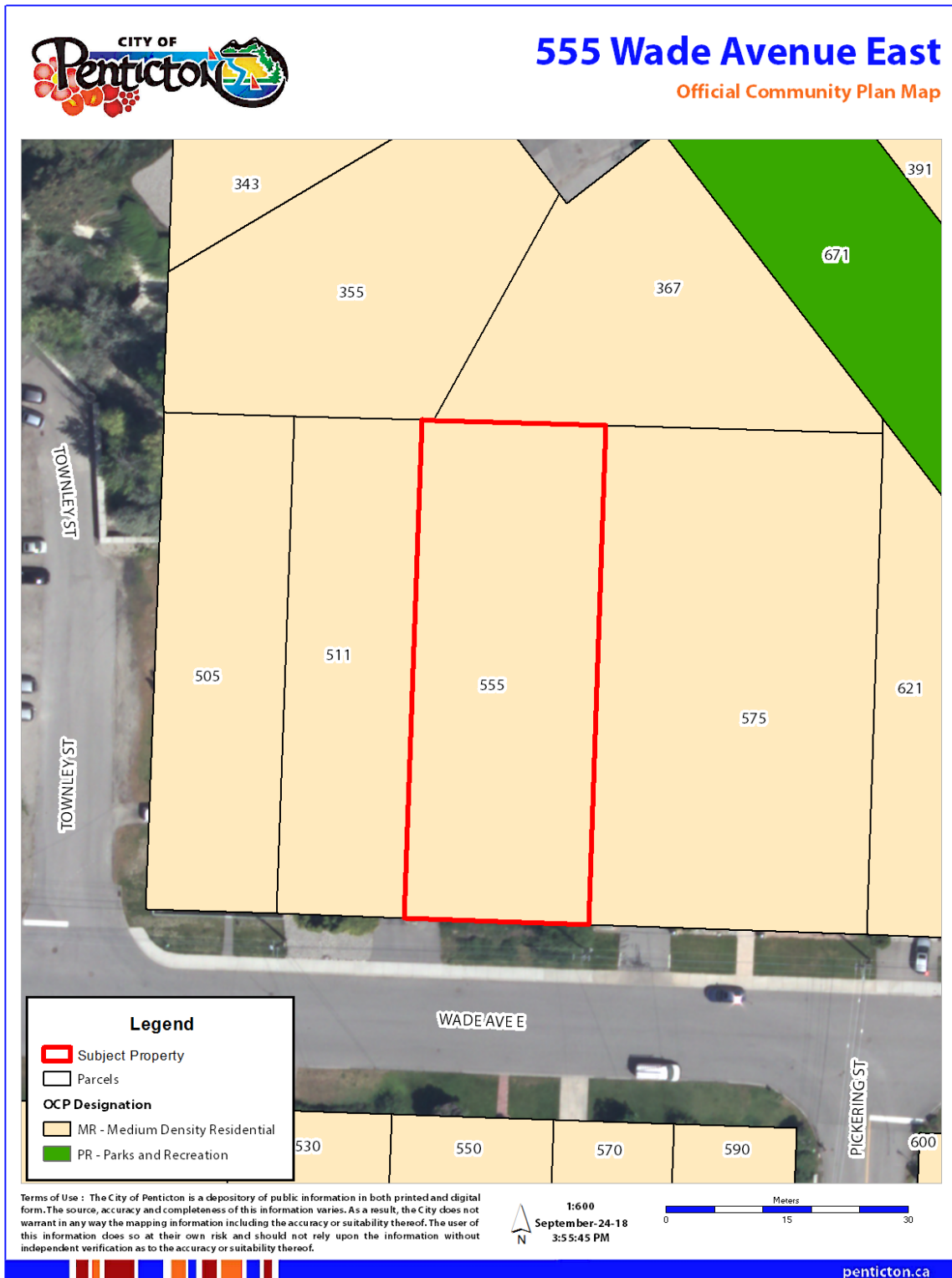


Figure 3: OCP Map

Attachment D – Photos of Subject Property



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



Figure 5: South View of Subject Property showing proximity to east neighbour



Figure 6: South View of Subject Property showing proximity to west neighbour



Figure 7: Rear Yard of Subject Property



Figure 8: North View of Subject Property



Figure 9: Existing Retaining Wall at rear of property

Attachment E- Site/Landscape Plan



Figure 10: Site/Landscape Plan





Attachment H- Floor Plans

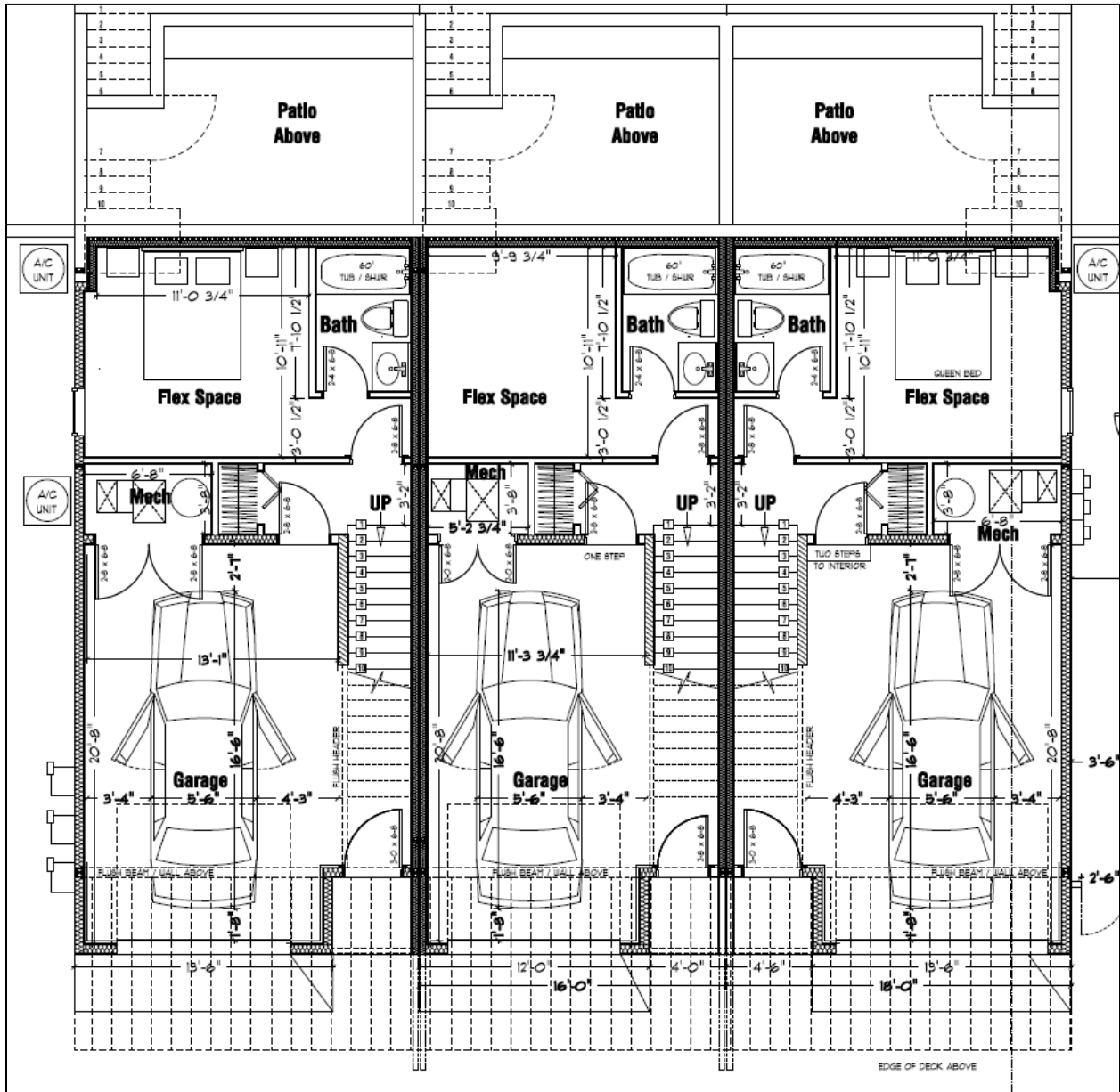


Figure 14: Garage Floor Plan

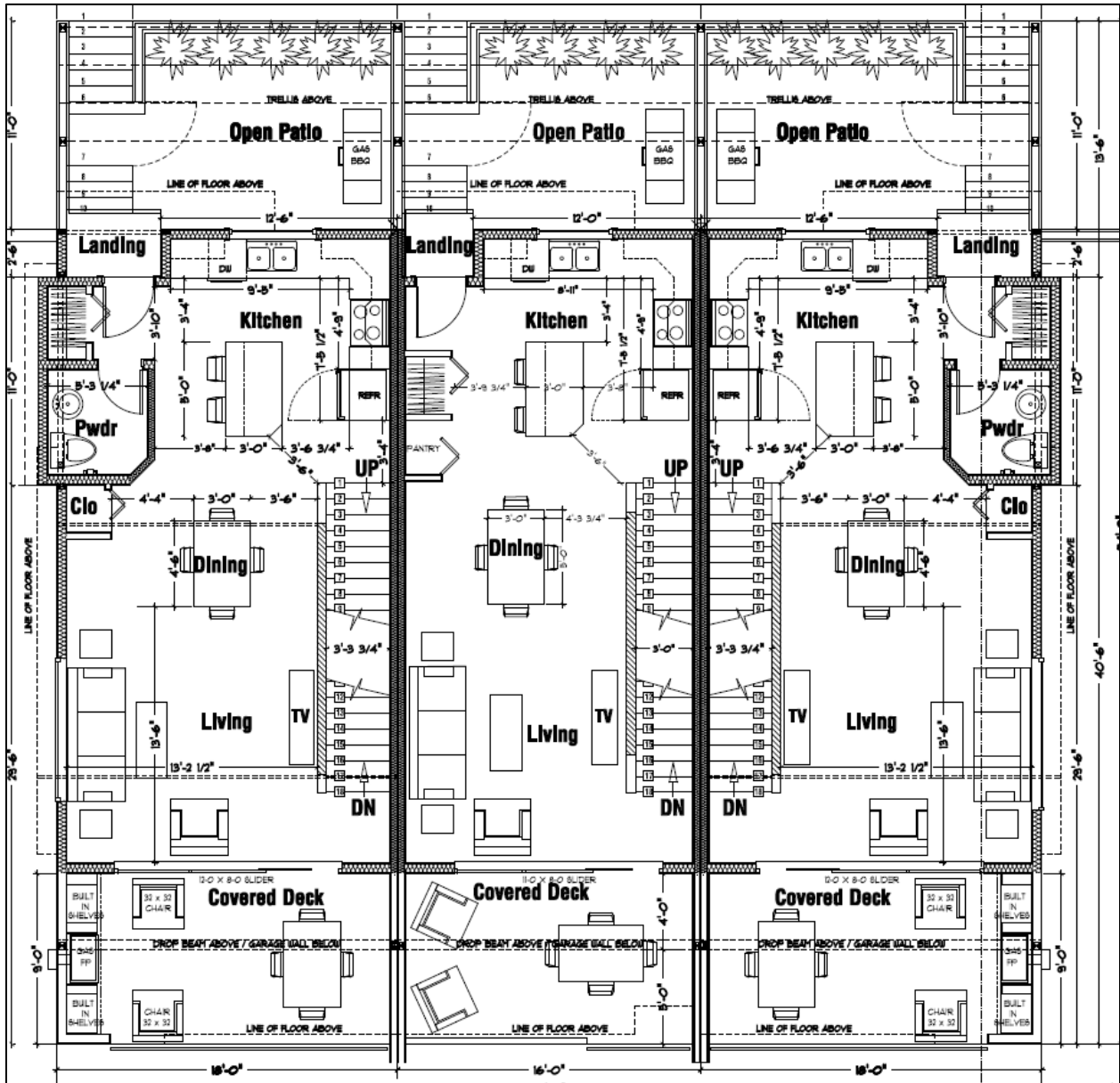


Figure 15: Main Floor Plan

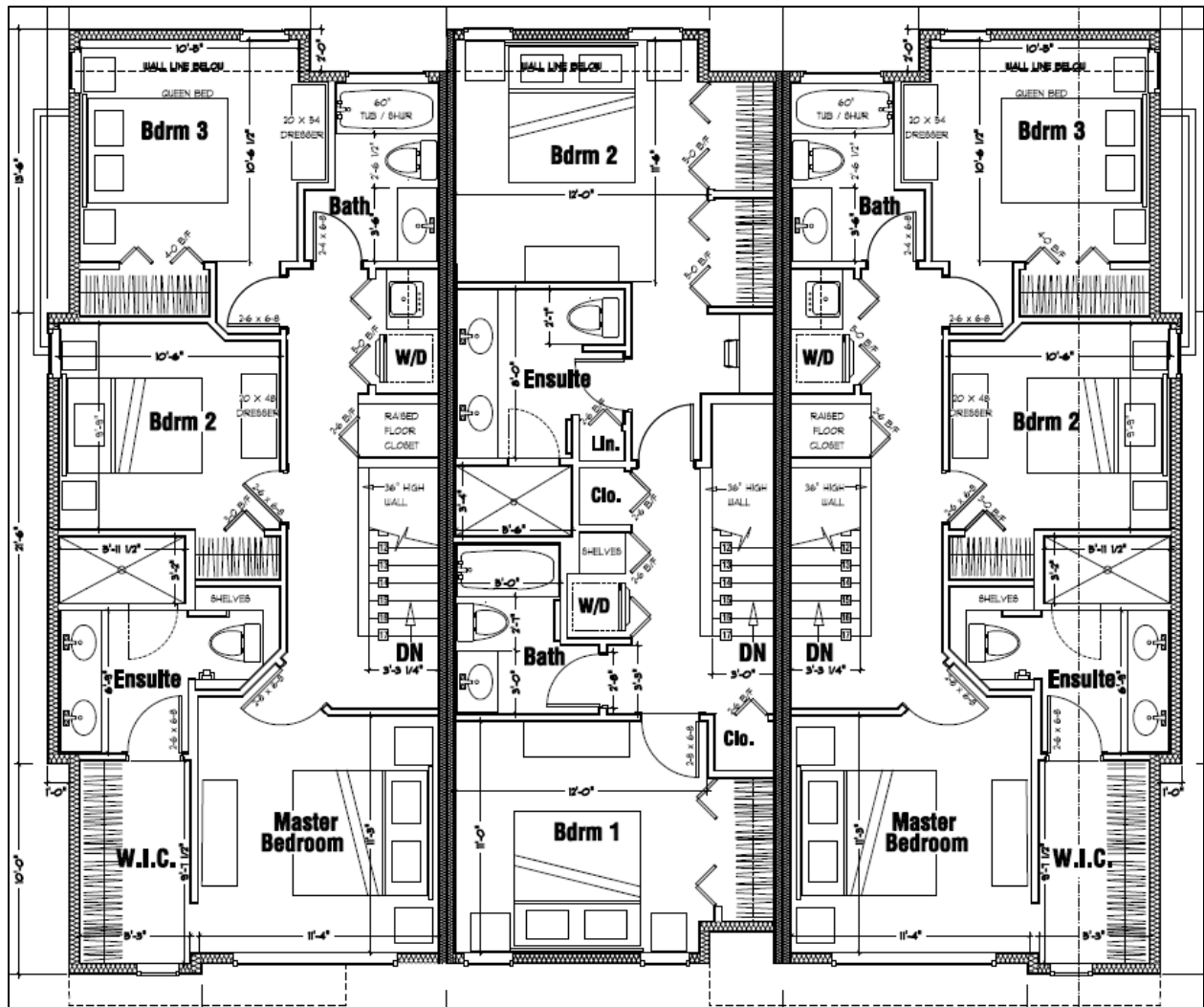


Figure 16: Upper Floor Plan

Attachment I- Letter of Intent

 <p><b>IRONWOOD</b> RESIDENTIAL DESIGN</p>	<b>Variance Rationale</b>	
	Physical Address: 203-69 Nanaimo Ave E., Penticton	Project # Date
PO BOX 22024 Penticton, B.C. V2A 8L1 250-276-6440 GST # 85363 8997 RT0001	Rationale for Variance Application 555 Wade Ave. East, Penticton, B.C.	
<p>This outline provides the supporting rationale for the attached Development Permit and Variance application.</p> <p>My client is proposing to construct three high end, contemporary styled buildings containing 8 units in total. Each of the units will be three storeys with garage and flex space at ground level, living on middle level and bedrooms on the upper storey. Great care has been taken to maximize views, living spaces and exceed the bylaw's outdoor amenity space requirements. Large, west facing, covered decks have been provided to take advantage of views toward Apex, while the east side yards have been given a large patio area with open trellis to enjoy shade from the evening sun. A unique feature of the buildings are their use of the site to allow for two entrances; building owners will typically enter at garage level, while a formal entry is provided at the mid level side yard to deter pedestrian traffic along the driveway. This feature is much more inviting, interesting and safer than the typical driveway entrance of this style of building.</p> <p>The building's finishes are clean, sharp and crisp, yet warm. The extensive use of wood siding will blend well into the natural surroundings of this quiet &amp; mature neighbourhood. This site has been vacant and in disrepair for some time and this building will breathe new life into an otherwise unsightly, empty lot. Again, great care has been taken in the design to satisfy the major bylaw requirements including building setbacks, site coverage, floor area ratio, building height and amenity space. Gas &amp; electrical meters are placed to be hidden from view and garbage &amp; recycling are in an enclosed compound out of sight. The front yard facing Wade Ave. will be full grass with Lavender &amp; tall grasses flanking the entrance pathway and concealing utility meters. Adjacent properties are also entirely grass which will allow this to blend more seamlessly into the existing streetscape. East patios will be both fenced and lined with tall grasses for the entire building length.</p> <p>The rear of the property contains a pair of unsightly, vandalized retaining walls which are in disrepair. With the exception of a small portion of wall at the north-west, these are to be removed. The hillside behind will be cleaned up and reshaped to suit the new building. A geotechnical team has provided recommendations on the removal of the walls to ensure maximum safety during deconstruction and regrading of the hillside. They are also engaged to provide design of on site surface &amp; roof water management.</p> <p>While all major bylaw requirements have been met, some variances are being requested. These will to allow us to make the best use of the site and improve the function of access to the units without deviating drastically from the intents of the bylaw.</p> <p><u>5.6.1.2 - Retaining walls not to exceed 1.2m height in required yard.</u></p> <p>We are requesting to have a maximum retaining wall height of 2.7m which will occur in only one area of the property. At the north west corner of the new driveway, our pavement will be lower than the existing yard in order to avoid a steep driveway. We must support the existing hillside with a retaining wall in this area. In this matter there is little other option. This wall will be hard to see at 56 m back from the Wade Ave sidewalk. This wall height tapers down along the west property line to support the adjacent property grade and some portions do rise to a max of 1.6m. All existing retaining on this property line will be replaced with a new wooden fence on top. (see 2.51 of DP plan submission)</p>		
		PG 1 OF 2

<b>Rationale for Variance Application 555 Wade Ave. East, Penticton, B.C.</b>	
<p><u>5.3.1 3.0m landscape buffer between multi family and single family.</u></p> <p>Typically a 3.0m wide landscape buffer is required with one tree per 10.0m of property length. The intent of this requirement is to avoid a large multi family building being close to a property line and overpowering the adjacent single family use. Trees placed in this 3.0m area provide an additional visual buffer. In our case, we have strived to provide an above average driveway width for easier access while meeting bylaw setbacks. As a result, the face of our lower level is 6.6m from property line and upper levels are 5.5m; each nearly double the required distance. In addition, we are providing a visual screen (new wall with wood fence) in excess of 2.0m high along the entire property length. While we will be not providing trees, we exceed the required distance and will be providing cash in lieu for the trees to be placed elsewhere.</p>	
<p><u>6.5 - Parking requirements / 0.25 visitor stalls required per unit (2 in total)</u></p> <p>We are requesting to waive the requirement for two visitor parking stalls on the property. In our initial design, we had allocated a large garbage &amp; recycle storage area at the rear of the property (retained into the hillside) and placed one visitor stall between each of the buildings. Upon geotechnical review, it was suggested to avoid this configuration to minimize disruption of the existing hillside. As a result, our buildings moved closer together and away from the hill, leaving our spaces too tight, although garbage storage is now tucked neatly between buildings. Ample space is available on the street directly in front of the property for 2-3 vehicles without disrupting driveway access. Ideally, visitors would be parking in front and walking to the side entrances via the entry path rather than the lower driveway area, therefore street parking is much preferred if possible.</p>	
<p>If you have any concerns on the above, please feel free to contact me (Dave Sutton, building designer) at (250) 276-6440 or by email :dave@ironwoodresidential.com.</p>	
Project #	018-18
PG 2 OF 2	

Figure 17: Letter of Intent

Attachment J - Letter of Support re: Landscape Buffer

**October 24, 2018**

Randy Houle  
Planner 1  
City of Penticton

**Dear Randy Houle:**

I am the owner of 511 Wade Avenue East which is the property directly west of 555 Wade Avenue East. I am aware that a Development Application has been made by the current property owner to Develop 8 townhomes on the property (2 triplexes and 1 duplex).

I have seen the plans and understand that there will be no trees buffering the property as required by the current bylaw which requires one (1) tree for every 10 linear meters.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Sunderman".

Sandra Sunderman

(250)492-3624

Figure 18: Letter of Support



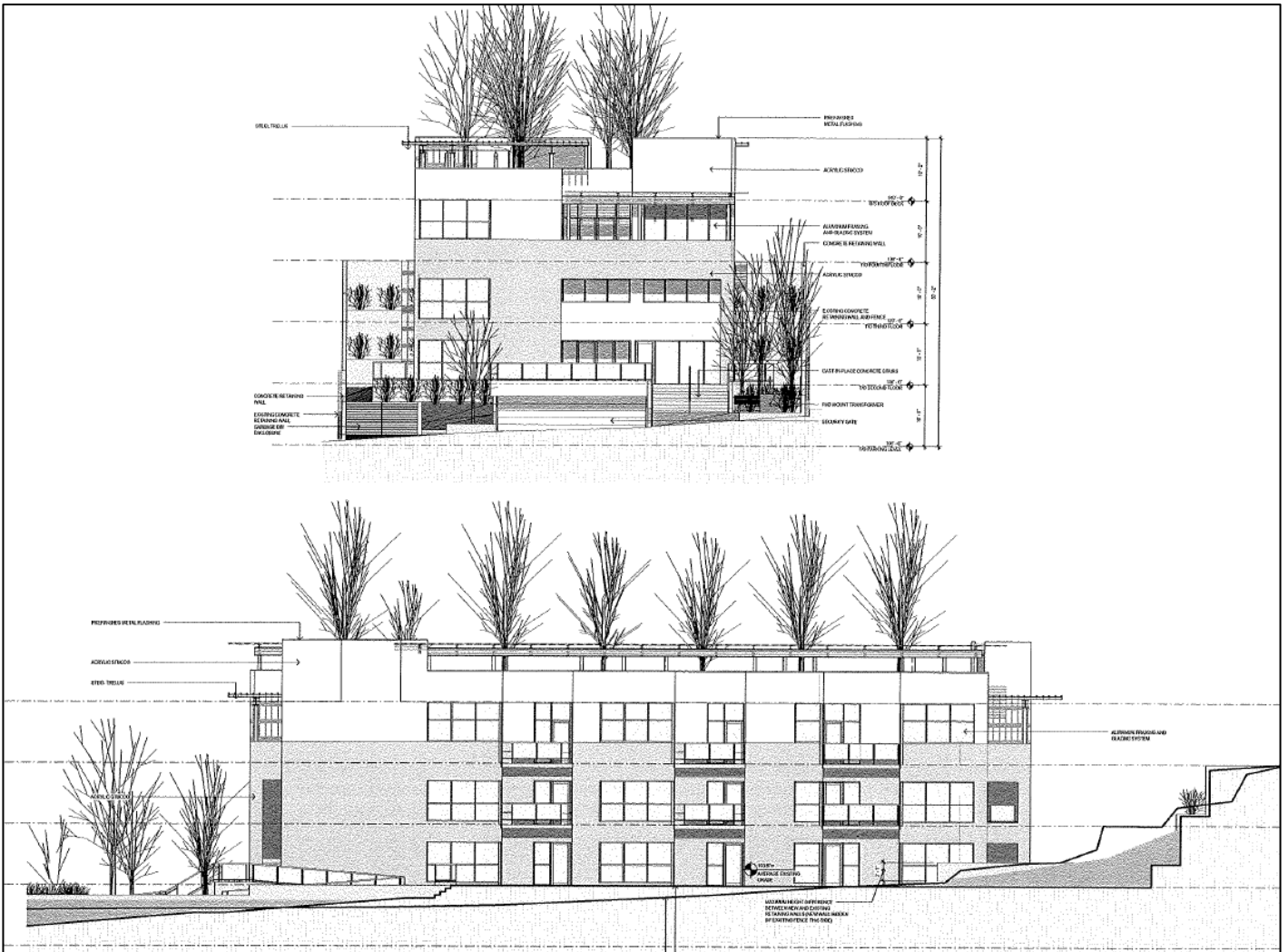


Figure 20: South and West Elevations

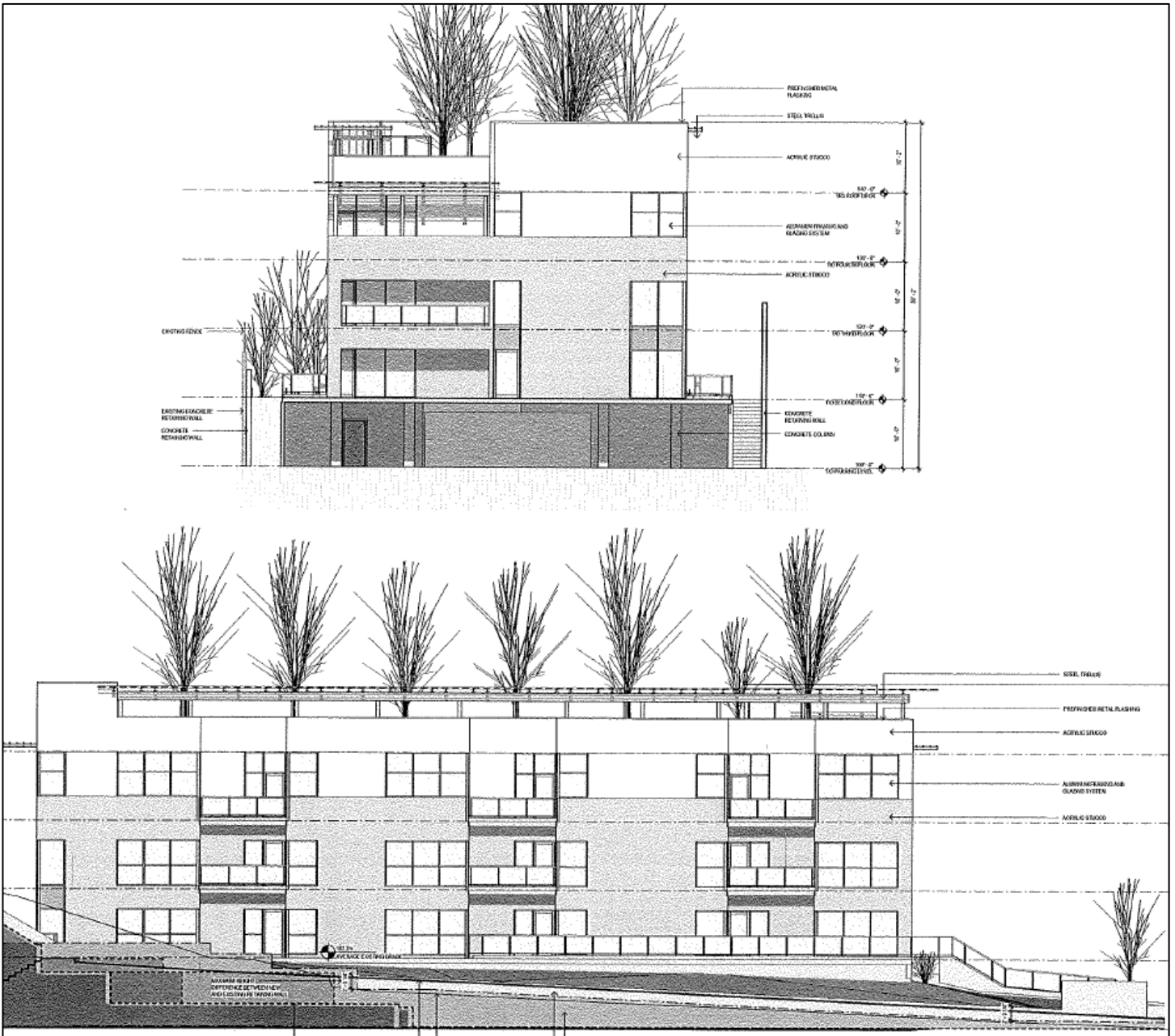


Figure 21: North and East Elevations

Attachment L - Development Variance Permit PL2018-8387



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

## Development Variance Permit

**Permit Number: DVP PL2018-8387**

Name:  
Address:

### Conditions of Permit

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

2. This permit applies to:

Legal: Lot 1 District Lot 202 Similkameen Division Yale District Plan 7142  
Civic: 555 Wade Avenue East  
PID: 010-010-173

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 multi-family development.

- Table 5.2: to reduce the minimum width of landscape buffer abutting a residential zone from 3.0m to 0.0m.
- Section 6.5 (Table 6.5): to waive the two required visitor parking spaces.
- Section 5.6.2.1: to increase the maximum permitted height of a retaining wall within a required yard from 1.2m to 2.7m.

### 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 4 day of December, 2018.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Angie Collison,  
Corporate Officer

DVP PL2018-8387

Page 2 of 2