



Agenda

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

Tuesday, January 22, 2019
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 January 8, 2019 Regular Council Meeting 1-4 Adopt
7. **Consent Agenda:**
 - 7.1 Minutes:
 - Minutes of the January 2, 2019 Special Council Meeting
 - Minutes of the January 8, 2019 Committee of the Whole Meeting
 - Minutes of the January 8, 2019 Public Hearing Meeting
 - Staff Recommendation: THAT Council approve the Consent Agenda.* 5-10
8. **Committee and Board Reports**
9. **Correspondence:**
 - 9.1 BC Poverty Reduction Coalition 11-16
 - 9.2 South Okanagan Performing Arts Centre Society 17-18
10. **Staff Reports:**
 - Laven 10.1 Proposed Telecommunications Tower at 1953 Dartmouth Road 19-54 Applicant
Staff Recommendation: THAT Council receive the Request for Letter of Concurrence package as prepared by Cypress Land Services in regard to a proposed 18.0m telecommunications tower at 1953 Dartmouth Road;

*AND THAT Council direct staff to issue a letter of concurrence, stating that Freedom Mobile has satisfactorily completed the public consultation process as required by Innovation, Science and Economic Development (ISED) Canada;
AND FURTHER THAT staff are directed to prepare a policy and procedure for reviewing future telecommunication tower requests.*

Campbell	10.2	Reserve Transfers <i>Staff Recommendation: THAT Council approves a transfer of the existing funds in the Carbon Tax Credit Reserve of \$152,421.00 into the Climate Action Reserve Fund; THAT the existing funds in the Building Permit Stabilization Reserve of up to \$55,000.00 be transferred into the Financial Stabilization Reserve Fund; THAT the existing funds in the Liability Insurance Reserve of \$250,001.00 be transferred into the Financial Stabilization Reserve Fund; THAT the existing funds in the Rate Stabilization Reserve of \$200,000.00 be transferred into the Financial Stabilization Reserve Fund; THAT the existing funds in the Snow Clearing Stabilization Reserve of \$75,000.00 be transferred into the Financial Stabilization Reserve Fund; THAT the existing funds in the Special Events Site Reserve of \$21,165.65 be transferred into revenues for 2019; THAT the existing funds in the Wine/Info Centre Reserve of \$13,149.93 be transferred into revenues for 2019; AND THAT the existing funds in the Infrastructure Reserve of \$400,000.00 be split with \$200,000.00 transferred into each the Asset Sustainability and the Asset Emergency Reserves.</i>	55-58
Haddad	10.3	Temporary operator of the Skaha Lake Marina – 3895 Lakeside Road <i>Staff Recommendation: Alternative 1 THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a three year term. Alternative 2 THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a two year term. Alternative 3 THAT Council directs staff to not seek any operator for the Skaha Lake Marina and not have the Marina operational for the 2019 season. Alternative 4 THAT Council direct staff to invite the community to attend and speak to this matter at the February 5, 2019 Council meeting prior to a decision being made on this matter.</i>	59-88
Kassian	10.4	Love Food, Hate Waste Campaign <i>Staff Recommendation: THAT Council supports the City of Penticton’s participation in the provincial “Love Food, Hate Waste Campaign”.</i>	89-92
Lockwood	10.5	Southern Interior Municipal Employers’ Association (SIMEA) <i>Staff Recommendation: THAT Council appoint Councillor Jake Kimberley and Councillor Katie Robinson as Directors to the Southern Interior Municipal Employers Association (SIMEA) Administrative Committee; AND THAT Council appoint Kerri Lockwood, Human Resources Manager as Alternate Director.</i>	93
Laven	10.6	Zoning Amendment Bylaw No. 2019-02 Re: 1760 Carmi Avenue <i>Staff Recommendation: THAT “Zoning Amendment Bylaw No. 2019-02”, a bylaw that rezones “Proposed Strata Lot 1” of the subdivision of “Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850” (1760 Carmi Avenue), as shown on Schedule ‘A’ of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject property, be given first reading and be forwarded to the February 5, 2019 Public Hearing.</i>	94-106

Laven	10.7	<p>Zoning Amendment Bylaw No. 2019-03 Development Variance Permit PL2018-8274 Development Permit PL2018-8273 Re: 964 Dynes Avenue</p> <p><i>Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2019-03", a bylaw to rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 5, 2019 Public Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-03", the owner be required to consolidate all four lots; AND THAT delegations and submissions for "Development Variance Permit PL2018-8274" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit to vary Section 10.9.2.7.i to reduce the interior side yard from 4.5m to 3.0m, be heard at the February 5, 2019 Public Hearing; AND THAT Council consider "DVP PL2018-8274" following the adoption of "Zoning Amendment Bylaw No. 2019-03". THAT Council, in accordance with Section 507 of the Local Government Act, require the following excess and extended services:</i></p> <ul style="list-style-type: none"> <i>• Full construction of curb and sidewalk along the front of 988 and 994 Dynes Avenue, to create a pedestrian connection between the development and the existing sidewalk along Dynes and Sydney Avenue.</i> <p><i>THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2019-03", approve "Development Permit PL2018-8273" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit that allows for the construction of two rows of six-unit townhouses.</i></p>	107-135
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Laven	10.8	<p>Smoking Regulations Bylaw No. 2018-68</p> <p><i>Staff Recommendation:</i></p> <ol style="list-style-type: none"> <i>1. THAT Council rescind third reading and give third reading as amended to "Smoking Regulations Bylaw 2018-68."</i> <i>2. THAT Council give staff direction to begin public engagement on a full public smoking ban in all public places, as recommended by Interior Health, by January 1, 2022.</i> 	136-144
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11. **Public Question Period**

12. **Recess to a Closed Meeting:**

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

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment.

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

14. **Bylaws and Permits:**

14.1	<p>Zoning Amendment Bylaw No. 2019-01 Re: 3550 Valleyview Road</p>	145-146	2 nd /3 rd
14.2	<p>Zoning Amendment Bylaw No. 2018-66 Re: Cannabis Retail</p>	147-148	Adopt
14.3	<p>Business Licence Amendment Bylaw No. 2018-67 Re: Cannabis Retail</p>	149-150	Adopt

15. **Land Matters:**

Laven	15.1	Development Variance Permit PL2018-8418 Development Permit PL2018-8419 Re: 603 Van Horne Street <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2018-8418", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit to decrease the minimum front yard from 4.5m to 3.5m and to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line, to allow for the construction of a duplex with suites; AND THAT staff be directed to issue "Development Variance Permit PL2018-8418." THAT Council approve "Development Permit PL2018-8419", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit that allows for the construction of a duplex with suites; AND THAT staff be directed to issue "Development Permit PL2018-8419."</i>	151-173	Del/Sub
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16. **Notice of Motion**

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

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

Tuesday, January 8, 2019
at 1:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure (left the meeting at 3:18 p.m.)
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:02 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on January 8, 2019 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 2:04 p.m.

6. Adoption of Minutes:

6.1 Minutes of the December 18, 2018 Regular Meeting of Council

04/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the December 18, 2018 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda

05/2019

It was MOVED and SECONDED

THAT Council approve minutes of the December 13, 2018 Special Council Meeting, minutes of the December 18, 2018 Committee of the Whole Meeting and the minutes of the December 18, 2018 Public Hearing as amended.

CARRIED UNANIMOUSLY

06/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence:

9.1 SILGA – Call for Nominations 2019

Councillor Sentes will be seeking a position on the SILGA executive for 2019/2020.

9.2 SILGA – Call for Resolutions for 2019 Convention

Staff will bring back resolution topics for Council's consideration.

10. Staff Reports:

Council recessed the meeting at 2:16 p.m. and reconvened at 2:53 p.m.

10.1 Utility Bill Print Fee

07/2019

It was MOVED and SECONDED

THAT Council endorse maintaining the one dollar per paper utility bill fee and direct staff continue promotion and education of e-billing services.

**CARRIED
Mayor Vassilaki, Opposed**

10.2 Policy – Banning of Persons from City Facilities or Lands

08/2019

It was MOVED and SECONDED

THAT Council approve 'Banning of Persons from City Facilities or Lands' Policy.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess to Closed Meeting

09/2019

It was MOVED and SECONDED

THAT Council recess at 3:18 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

(c) *labour relations or other employee relations.*

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 6:12 p.m. with Acting Mayor Robinson as chair. Mayor Vassilaki declared a conflict of interest as he owns property on Main Street.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No. 2018-66
Re: Cannabis Retail

10/2019

It was MOVED and SECONDED

THAT Council give third reading to "Zoning Amendment Bylaw No. 2018-66".

CARRIED

Acting Mayor Robinson and Councillor Kimberley, Opposed

Mayor Vassilaki returned to the meeting at 6:32 p.m.

14.2 Civic Address and Street Naming Bylaw No. 2018-51

11/2019

It was MOVED and SECONDED

THAT Council adopt "Civic Address and Street Naming Bylaw No. 2018-51".

CARRIED UNANIMOUSLY

15. Land Matters

15.1 Zoning Amendment Bylaw No. 2019-01
Re: 3550 Valleyview Road

12/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-01", a bylaw to add Section 9.2.6.11: "In the case of Lot 206, DL 587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use," be given first reading and forwarded to the January 22, 2019 Public Hearing; AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-01", a road dedication is registered with the Land Title Office.

CARRIED UNANIMOUSLY

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

13/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, January 8, 2019 at 6:42 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Wednesday, January 2, 2019
at 10:00 a.m.

Present: Mayor Vassilaki
Councillor Robinson
Councillor Watt
Councillor Bloomfield
Councillor Regehr

Absent: Councillor Kimberley
Councillor Sentes

Staff: Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Angie Collison, Corporate Officer

1. Call to Order

Mayor Vassilaki called the Special Meeting of Council to order at 10:05 a.m.

2. Adoption of Agenda

01/2019

It was MOVED and SECONDED

THAT Council adopt the agenda for the January 2, 2019 Special Meeting of Council as presented.

CARRIED UNANIMOUSLY

3. Adjourn to a Closed Meeting

02/2019

It was MOVED and SECONDED

THAT Council adjourn at 10:06 a.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- (c) labour relations or other employee relations.*

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, January 8, 2019

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

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

Staff: Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure (left the meeting at 3:18 p.m.)
Caitlyn Anderson, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:02 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on January 8, 2019 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Community Recognition**

3.1 Coyote Cruise Lease/Licence

Mike Campol, Director of Projects and Partnerships, K'ul Group, presented Council with their vision for Coyote Cruise. They would like a long-term commitment of 20 years exclusive lease from the City as they are hoping to make a capital investment and improvements to the building.

It was MOVED and SECONDED

THAT Council refer the request from Coyote Cruise for a 20 year exclusive lease to staff.

CARRIED UNANIMOUSLY

3.2 Penticton and Area Cycling Association

Trisha Kaplan and Matt Hopkins presented Council with a summary of their summer bike valet program at the market and the future cycling needs in the community.

It was MOVED and SECONDED

THAT Council refer the cycling request from Penticton and Area Cycling Association to staff.

CARRIED UNANIMOUSLY

3.3 Discovery House Addiction Recovery Services

Jerome Abraham, Executive Director of the Penticton Recovery Resource Society (Discovery House) presented Council with an overview of the long term addiction recovery services they provide.

It was MOVED and SECONDED

THAT Council refer to budget the request from the Discovery House for \$8,500 subsidy for a bed and a review of the permissive tax exemption process.

CARRIED UNANIMOUSLY

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held January 8, 2019 at 2:04 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, January 8, 2019
at 6:00 p.m.

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

Staff: Peter Weeber, Chief Administrative Officer
Laurie Darcus, Director of Corporate Services
Angie Collison, Corporate Officer
Anthony Haddad, Director of Development Services
Jim Bauer, Chief Financial Officer
Blake Laven, Planning Manager
Caitlyn Anderson, Deputy Corporate Officer

1. Call to order

Mayor Vassilaki called the public hearing to order at 6:02 p.m., declared a conflict of interest as he owns property on Main Street, and left the meeting at 6:03 p.m. Acting Mayor Robinson chaired the meeting for Zoning Amendment Bylaw No. 2018-66. She explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

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

2. "Zoning Amendment Bylaw No. 2018-66" (Cannabis Retail)

The purpose of "Zoning Amendment Bylaw No. 2018-66" is to amend Zoning Bylaw No. 2017-08 as follows:

To remove the prohibition on cannabis retail sales, adding a definition for 'cannabis retail store' and including the use 'cannabis retail store' in the C4 (General Commercial), C5 (Urban Centre Commercial) and C6 (Urban Peripheral Commercial) zones.

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

DELEGATIONS

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

- William Legget, business owner on Main Street, good for business on Main Street and a positive thing.
- James and Allayne Clark, owner of Banks Travel, people who are intoxicated, and/or homeless come in every day, clientele is made up of seniors, problem with parking, against having a cannabis store next door.
- Daryl Clarke, Power Street, spoke in support of application, agreed concerns with homelessness downtown, retail stores are not going to be what everyone is fearing, parking is an issue and has to be worked on.

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

- Riley Goldstone, spoke in support of Main and Front Street, bring more business downtown, storefronts look professional.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2018-66" was terminated at 6:12 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Subject: Preventing and Reducing Poverty in our Communities

From: Katrina McKeown [mailto:director@accesscentre.org]
Sent: January-07-19 2:31 PM
To: John Vassilaki <John.Vassilaki@penticton.ca>
Subject: Preventing and Reducing Poverty in our Communities

Dear John Vassilaki,

Congratulations on being elected to represent our community. I'm sure you share my concerns about the levels of homelessness and poverty in our community.

Municipal governments can take some important actions such as revoking laws that penalize people for being homeless and helping to build and protect affordable housing. However, municipal councils cannot address these pressing social issues alone and municipal commitments need the support of provincial and federal strategies.

This is why I am writing to you and your fellow councillors to ask that you pass a resolution supporting the BC Poverty Reduction Coalition's call for an accountable, bold and comprehensive (ABC) poverty reduction plan. The Poverty Reduction Coalition has kindly prepared a template that can be used to develop such a resolution here: http://www.abcplan.ca/wp-content/uploads/2018/11/BCPRC_Municipal-resolution_Nov162018.docx

A brief about what is included in the Poverty Reduction Coalition's ABC plan can be found here: <https://www.abcplan.ca/wp-content/uploads/2018/07/Policy-Brief.pdf>

I look forward to hearing how you plan to address poverty in our community.

Sincerely,
Katrina McKeown
director@accesscentre.org

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Municipal resolution: Call for the ABC Plan for an Accountable, Bold and Comprehensive poverty reduction plan for British Columbia

WHEREAS:

1. The poverty rate in British Columbia continues to be among the highest in Canada at approximately 1 in 8 using Canada's official poverty line (Market Basket Measure), and child poverty rates in BC are still 1 in 5;
2. Many impacts of poverty are experienced at the local level, and local residents pay for poverty in increased health care costs, higher crime, higher demand for community, social and charitable services, lack of school readiness, reduced school success, and lower economic productivity;
3. 4 people are dying every day in BC due to the opioid epidemic that the Provincial Health Officer of BC has declared a Public Health Emergency. Many more are sick from poverty with cancer, heart disease, diabetes, depression or other health issue; and the health of everyone is worse from living in such an unequal society;
4. A poverty reduction plan will save lives and money as it is a social and economic investment in our province;
5. There was unanimous support from all three provincial parties for legislated targets and timelines to reduce poverty in Bill 39: Poverty Reduction Strategy Act when it was passed on November 5, 2018;
6. BC is the last province in Canada to have a poverty reduction plan and is now developing a plan to be launched in March 2019;
7. The BC Poverty Reduction Coalition (the "Coalition") is a broad-based network of over 400 organizations including community and non-profit groups, faith groups, health organizations, indigenous organizations, businesses, labour organizations, and social policy groups;
8. The Coalition has renewed its call for a strong poverty reduction plan for BC by launching the ABC Plan, which outlines an accountable, bold and comprehensive poverty reduction plan to prevent and reduce poverty in BC.

THEREFORE BE IT RESOLVED:

THAT this council support the Coalition's ABC Plan for an accountable, bold and comprehensive poverty reduction plan for BC; and

BE IT FURTHER RESOLVED:

THAT this council advocate to the provincial government to develop and implement a provincial poverty reduction strategy that includes the measures within the ABC Plan before February 2019, with the commitment that this council will work with the provincial government in implementing this plan.

For more information:

Contact: Trish Garner, Community Organizer, BC Poverty Reduction Coalition

Email: trish@bcpovertyreduction.ca

Phone: 604-877-4553

Website: bcpovertyreduction.ca / ABCplan.ca



An Effective Poverty Reduction Plan: It's as simple as ABC

First Steps for an Accountable, Bold and Comprehensive Poverty Reduction Plan for BC

Over half a million British Columbians live in poverty: from youth aging out of care to sleeping on the streets to seniors struggling to buy food; from low-wage workers having to commute hours every day to people on income assistance trying to survive day by day; from newcomers to indigenous people who we welcome and acknowledge with words but not with enough financial support; from the homeless to those living one paycheque away from joining them; and from people with disabilities facing a lifetime of poverty to families trying to give their children the lives they never had.

In a wealthy province like BC, we can do better.

And the good news is that British Columbians want to do better. The majority of voters in BC's 2017 provincial election voted for bold action on poverty; and with all three major political parties now publicly committed to a poverty reduction plan, British Columbians can finally look forward to action to tackle poverty and the increasing levels of homelessness and inequality that we see in our communities.

This is a crisis that requires urgent action. 4 people are dying every day in BC due to the opioid epidemic that the Provincial Health Officer of BC has declared a Public Health Emergency. Many more are sick from poverty with cancer, heart disease, diabetes, depression or other health issue; and the health of all of us is worse from living in such an unequal society.

A poverty reduction plan will save lives.

It will also save money. It's an economic investment in our province. Initial funding should be provided by restoring tax fairness. Then, over the long term, a poverty reduction plan that puts in place strong, preventative measures to tackle both the depth and breadth of poverty costs far less than the cost of poverty, at \$8 to 9 billion per year for health and criminal justice costs, as well as lost tax revenue. Let's stop mopping the floor and fix the roof.

An Accountable, Bold and Comprehensive poverty reduction plan for BC is the solution to save lives and promote equality.

So far, the government has undertaken a poverty reduction consultation from October 2017 to March 2018. They visited communities throughout the province and heard consistent themes about the issues and the necessary solutions. They now plan to table legislation in the fall and launch the full plan in February 2019.

Now British Columbians expect action with an accountable, bold and comprehensive poverty reduction plan that reflects those themes. A plan needs to tackle immediate affordability challenges but, more importantly, go upstream to enhance our universal basic services to prevent these challenges in the first place and ensure healthy people and healthy communities throughout our province.

The over-arching vision and first steps matter in leading in the right direction.

That is why the BC Poverty Reduction Coalition with over 400 supporting organizations recommend the following first steps for the government's legislation and plan:

✓ **A is for Accountable.**

Embed strong accountability measures

- ◆ **Ensure long-term sustainability through legislated targets, timelines and accountability measures:**
 - ◆ Reduce BC's poverty rate by 30% within four years, and by 75% within 10 years.
 - ◆ Recognize that poverty is concentrated in particular marginalized groups and ensure concurrent declines in the poverty rates for these groups by 30% in four years, and by 75% in ten years.
 - ◆ Within two years, ensure that every British Columbian has an income that reaches at least 75% of the poverty line.
 - ◆ Within two years, ensure no one has to sleep outside, and end all homelessness within eight years (ensuring all homeless people have good quality, appropriate housing).
 - ◆ Commit to United Nations Sustainable Development Goal #1: "End poverty in all its forms everywhere" by 2030.
 - ◆ Create an independent, funded Office/Advocate to monitor the plan's implementation.
- ◆ **Make sure all Ministries are working together, including:**
 - ◆ Legislate a Poverty/Equity Lens at Treasury Board to ensure no Ministry can make decisions that will hurt people in poverty.
 - ◆ The Minister of Social Development and Poverty Reduction should present mandatory annual reports (including reports from all relevant Ministries) to the Legislature and to the public about actions taken, outcomes and advocacy to other levels of government.
- ◆ **Embed strong fundamental principles in the legislation and plan:**
 - ◆ Respect the human rights of people living in poverty.
 - ◆ Upstream approach focusing on the social determinants of health.
 - ◆ Poverty reduction as a social and economic investment for our province.

✓ **B is for Bold.**

Take bold, immediate action

- ◆ **Increase income supports, including raising welfare and disability rates to 75% of the poverty line (Market Basket Measure) immediately and to 100% of the MBM in 2 years.**

The first step would cost \$365 million while lifting everyone on income assistance to the poverty line would cost \$1.16 billion, only 2% of the provincial budget
- ◆ **Tie rent control to the unit (not the tenant), and build and protect affordable social and rental housing.**

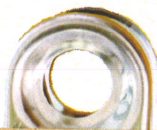
Affordable is defined as 30% of income. An appropriate percentage of the housing to be built should be at welfare shelter rates and another set target should be tied to the senior shelter level.

✓ **C is for Comprehensive.**

Develop a comprehensive poverty reduction plan with short, medium and long-term actions in 7 policy areas:

- ◆ **Income assistance:** Provide adequate and accessible income support for the non-employed.
 - ◆ Increase and index income and disability assistance.
 - ◆ Increase earnings exemptions, and remove clawbacks and arbitrary barriers that discourage, delay and deny people in need.
- ◆ **Employment:** Improve the earnings & working conditions of those in the low-wage workforce.
 - ◆ Increase the minimum wage to \$15 an hour for all workers with no exemptions and index it to the cost of living.
 - ◆ Enhance and restore the coverage and enforcement of employment standards.
- ◆ **Equity:** Address the needs of those most likely to be living in poverty, including:
 - ◆ Restructure federal and provincial funding to better address the needs of all Indigenous people, including the large off-reserve population.
 - ◆ Guarantee access to income assistance for all regardless of citizenship status.
 - ◆ Provide free transit for children 0-18 years of age and a low-income transit pass for adults.
- ◆ **Housing:** End homelessness and adopt a comprehensive affordable housing and supportive housing plan.
 - ◆ Build 10,000 new social & co-op housing units per year that low income people can afford.
 - ◆ Introduce stronger tenant protections, including rent control on the unit (not the tenant), tighter limits on annual rent increases, adequately enforcing the Residential Tenancy Act (RTA) and the Manufactured Home Park Tenancy Act, and extending tenant rights to include all non-profit social housing currently exempt from the RTA.
- ◆ **Child care:** Provide universal, high quality, publicly-funded child care.
 - ◆ Improve the wages of early childhood educators.
 - ◆ Continue to increase the number of licensed spaces.
 - ◆ Prioritize expanding the fee reduction program so that the affordable child care benefit can be reduced over time, and ensure that low income families have access to free, high quality child care.
- ◆ **Education and training:** Enhance support for training and education for low-income people.
 - ◆ Reduce tuition fees by 50% and increase the availability of post-secondary grants for low-income students; allow welfare recipients to attend post-secondary education and get apprenticeships.
 - ◆ Adequately fund K-12 education to mitigate inequalities and to ensure adequate library staff and resources, and special needs assessment and support
- ◆ **Health and food security:** Enhance community mental health and home support services, and expand integrated approaches to prevention and health promotion services.
 - ◆ Expand essential health services in the public system, such as dental and optical care and community mental health services.

More information and take action at ABCplan.ca



For more information, visit:

ABCplan.ca

The **BC Poverty Reduction Coalition** is a coalition that includes community and non-profit groups, faith groups, health organizations, indigenous organizations, immigrant service agencies, businesses, labour organizations, and social policy groups. We have come together around a campaign aimed at seeing the introduction of a bold and comprehensive poverty reduction plan from the government of British Columbia that would include legislated targets and timelines to significantly reduce poverty, inequality and homelessness. We have over **80 Coalition Members** and over **400 supporting organizations** that have joined the call for a poverty reduction plan.

Vancity



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Community Foundation



TO MAYOR AND COUNCIL

CITY OF PENTICTON

January 10, 2019

On behalf of the South Okanagan Performing Arts Centre Society, I am pleased to provide you with a brief summary of SOPAC'S work to date, including an explanation of why we had to cancel the symposium that we had planned for September, 2018. We had to make this decision when it became apparent that we would be unable to raise sufficient funds to cover costs. If we had proceeded we would have placed SOPAC Directors in a position of significant personal financial liability.

Much was achieved prior to cancellation. A comprehensive symposium program was developed, with enthusiastic participation by key representatives of the Canadian arts world. Many of these individuals expressed profound disappointment when we informed them of the cancellation. However, some of these leaders from Canada's arts sector and leading architectural firms specializing in theatre design and management stand ready to assist if the symposium project were to continue. The overall aspirations of the symposium and the SOPAC vision, to create a new kind of purpose-built creative and performing arts centre in downtown Penticton remains valid today.

It is unfortunate that the tight timelines imposed on us did not give us enough time to fully explain our mission and plans to all major stakeholders and to the community in general. However, we do not regard the symposium cancellation as a failure of the plan we presented to the City, but a consequence of a tight timeline from the moment of the City's formal expression of support for our plan in April, 2018 to the September 2018 symposium date. The September completion date was imposed on us by the terms of a \$30,000 grant from CREATIVE BC. This completion date was inflexible. As we worked on the project we were mindful of the March 31, 2019 date as well, at which time Council would consider other options for use of the Nanaimo Ave. property.

It must be noted that the City and the Lakeside Hotel were generous in providing in kind support. Beyond this the minimum cash required to meet program costs was determined at approximately \$60,000.

We did our very best to seek out many other funding sources; both public and private opportunities were explored. We discovered that a number of government funding sources for the Arts do not fund symposiums. We contacted several others only to learn that our short timeline placed us outside their budget cycle. That left us trying to raise funds in the

community for a symposium designed to help community leaders understand the value of a purpose built performing arts facility, and point to the planning and design next steps that would lead to the construction of an iconic creative and performing arts centre in downtown Penticton. Suffice it to say, we were not successful in achieving our financial objectives.

I am pleased to report that the SOPAC Society has elected new directors and we expect that they will bring an infusion of energy, creative ideas and vision that will breathe new life into the Society, enabling it to continue building on the work that SOPAC has done to date, and to develop a realistic plan that will engage our citizens and arouse their excitement about the value of a purpose-built creative and performing arts facility to our quality of life and to our economy.

We therefore urge the City to enact a restrictive covenant that will secure the Nanaimo Avenue land that was designated for the SOPAC project, and to work with the 2019 SOPAC Board of Directors to ensure that this land fulfills its potential to anchor an imaginative Ellis/Creekside creative corridor for the City.

It is our belief that a purpose-built creative and performing arts facility on this land would, in the context of this cultural corridor, represent the highest and best use of this land.

Thanks you in advance for your anticipated support.

Sincerely,

Allan Markin, PhD
Past President
SOPAC SOCIETY

South Okanagan Performing Arts Centre Society

765-650 Duncan Avenue West
Penticton BC V2A 7N1

www.sopac.ca

Council Report

penticton.ca

Date: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 1953 Dartmouth Road
Subject: **Proposed Telecommunications Tower at 1953 Dartmouth Road**

Staff Recommendation

THAT Council receive the *Request for Letter of Concurrence package* as prepared by Cypress Land Services in regard to a proposed 18.0m telecommunications tower at 1953 Dartmouth Road;

AND THAT Council direct staff to issue a letter of concurrence, stating that Freedom Mobile has satisfactorily completed the public consultation process as required by Innovation, Science and Economic Development (ISED) Canada;

AND FURTHER THAT staff are directed to prepare a policy and procedure for reviewing future telecommunication tower requests.

Background

Cypress Land Services is acting as an agent for Freedom Mobile who are proposing to install an 18.0m (60 foot) telecommunication tower at 1953 Dartmouth Road. The subject property is located within the industrial area of the City, with an auto electric repair service operating on-site. The proposed tower will be located on the south west corner of the property within a fenced compound, occupying an area of 5.0m x 7.0m. The monopole tower will have four flush mounted panel antennas and four microwaves (Attachment C).

Telecommunication tower approval is one of the items, such as aviation, that is beyond the jurisdiction of local government - it falls under the authority of Innovation, Science and Economic Development Canada (ISED), formerly known as Industry Canada.

ISED Canada requires public consultation prior to approval and installation of a telecommunication tower. Since the City of Penticton does not have an established and documented public consultation process applicable to tower siting, applicants must follow ISED Canada's default public consultation process.

This process involves three steps:

1. First, the applicant provides written notification to the public, the land-use authority and ISED Canada of the proposed antenna system.

2. Secondly, the applicant must engage the public and the land-use authority in order to address relevant questions, comments and concerns.
3. Lastly, the applicant must provide an opportunity to the public and the land-use authority to formally respond with questions or concerns.

The default process involves providing notices to the “local public”, which includes: residents, businesses and property owners, located within a radius of three times the tower height. In this case, the tower height is 18.0m, thus the radius is 54.0m. In cases where the tower is greater than 30m in height, notice must be placed in the local newspaper as well (that is not the case with this tower, as it is only 18.0m in height).

In the case of the proposed tower, public notification letters were sent out to neighbours, ISED Canada and the City of Penticton in early November. The public consultation period was conducted from November 6th till December 7th. To date, no concerns or comments have been received. The final step in the default consultation process involves receiving a “Letter of Concurrence” from the local government, which is outlined in the staff recommendation.

Financial implication

As the City does not currently have a policy or procedure for dealing with these types of requests, there is no application fee established. Staff time to process this request and present this information to City Council is estimated at 20 hours. If Council supports the creation of a policy dealing with telecommunication tower requests, an application fee will be established to off-set the costs of processing these requests.

The development of a policy will be done in house and involved some legal review, but will have a budget of less than \$2,000.

Technical Review

A building permit will be required prior to construction of the proposed telecommunication tower which will address any code requirements. Electrical service requirements will also be addressed at this time.

Analysis

Support Request for Letter of Concurrence

According to Section 4.12.2 of City of Penticton Zoning Bylaw No. 2017-08, *Utility Services*, such as the proposed telecommunication tower, are permitted in all zones. As per Section 4.4.1 of City of Penticton Zoning Bylaw No. 2017-08, an antenna or similar structure shall not exceed twice the maximum allowable height permitted in that zone. In this case, the subject property is zoned M1 (General Industrial) and the maximum allowable height for a structure is 15.0m, thus a tower could be up to 30.0m in height. The proposed telecommunication tower is 18.0m in height and is a permitted use, thus meeting the requirements of the zoning bylaw.

Although cellular communication towers are deemed by many to be unsightly, they serve an important role in ensuring a safe and reliable communication network. The location of the proposed tower is in an industrial area; thus it will not be obtrusively visible. The default consultation process has allowed for those that are directly affected by the tower (immediate neighbours) to provide their comments. Health Canada’s Safety Code 6 regulations are applicable to this tower, which limits the public’s exposure to radiofrequency electromagnetic fields and ensures public safety.

Staff are recommending that Council receive the request for concurrence prepared by Cypress Land Services, conclude that the public consultation conducted to date is adequate and direct staff to issue a letter of concurrence.

Development of a Telecommunication Tower Policy

While the authority to approve a telecommunications tower is outside of the jurisdiction of a local government, ISED Canada has established a process whereby local governments can be involved in the approval process. To date, the City has relied upon the default consultation process established ISED Canada. The problem with this approach is, the municipality does not have control over the method in which notification is done, nor does the municipality have a cost recovery method for staff time in processing requests. Also, not having a policy leaves the companies that construct these towers unable to predict where cell towers will be located. To deal with these issues, many municipalities have created local consultation processes that engage the public in a more meaningful way than the default process.

Staff are anticipating several more similar tower requests as cell phone companies are now looking at smaller markets to expand their coverage. Having an established policy will ensure tower locations and designs are serving the best interests of the community. Given this, staff are recommending Council direct staff to create such a policy.

Deny Request for Letter of Concurrence

Council may feel that the consultation radius (roughly 54.0m) was not large enough, and may wish to have Cypress Land Services conduct a greater amount of public consultation. If that is the case, Council should receive the report and direct staff to work with Cypress Land Services with direction that they desire to provide additional opportunities for community feedback prior to Council considering this request.

Alternative Recommendations

1. THAT Council receive the report and require a greater amount of public consultation prior to issuance of a Letter of Concurrence.
2. THAT Council not direct staff to prepare a local telecommunication tower policy and that Penticton continue to rely on the default consultation policy.

Attachments

- Attachment A – Subject Property Location Map
- Attachment B – Site Plan
- Attachment C – Tower Design
- Attachment D – Request for Letter of Concurrence Package

Approvals

DDS <i>RH</i>	CAO PW
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Randy Houle
Planner I

Attachment A - Subject Property Location Map



Figure 1: Property Location Map

Attachment B – Site Plan



Figure 2: Site Plan

Attachment C – Tower Design

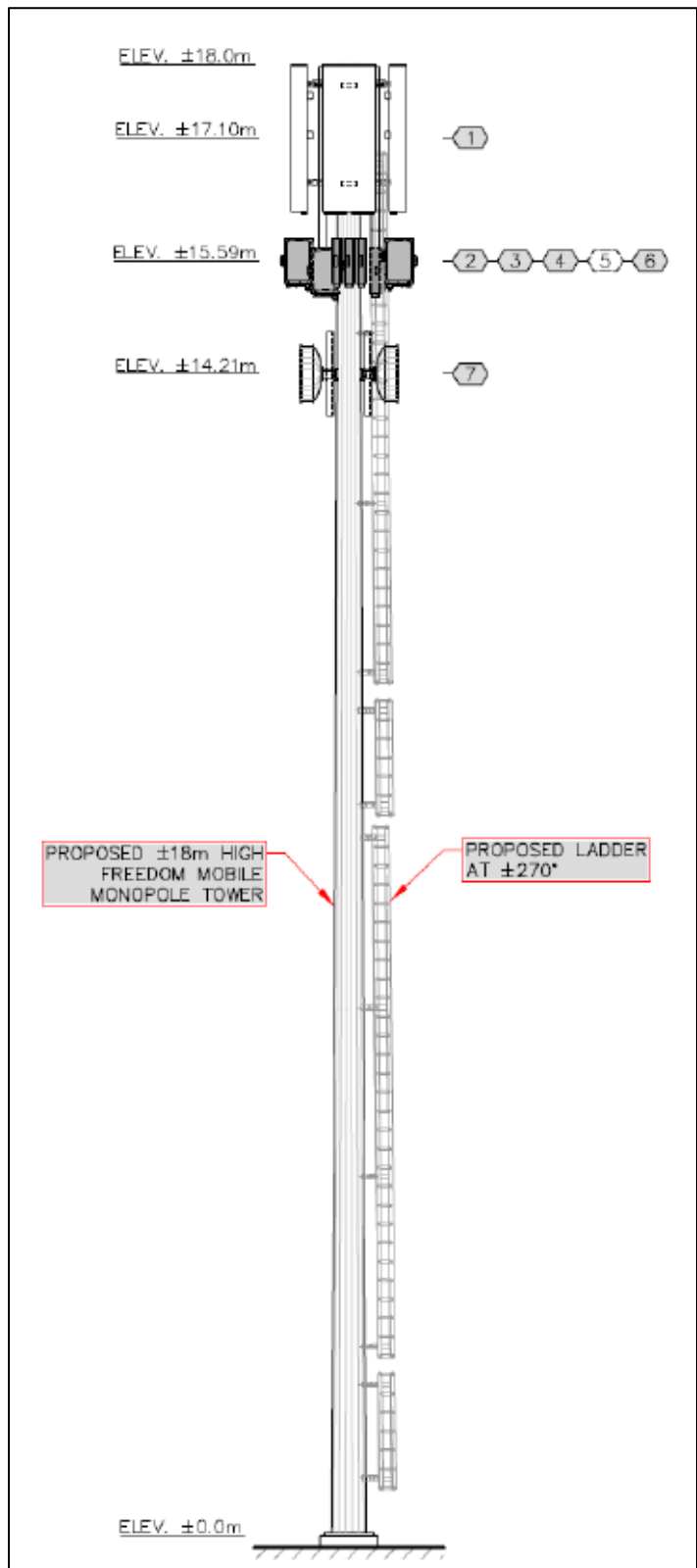


Figure 3: Tower Profile

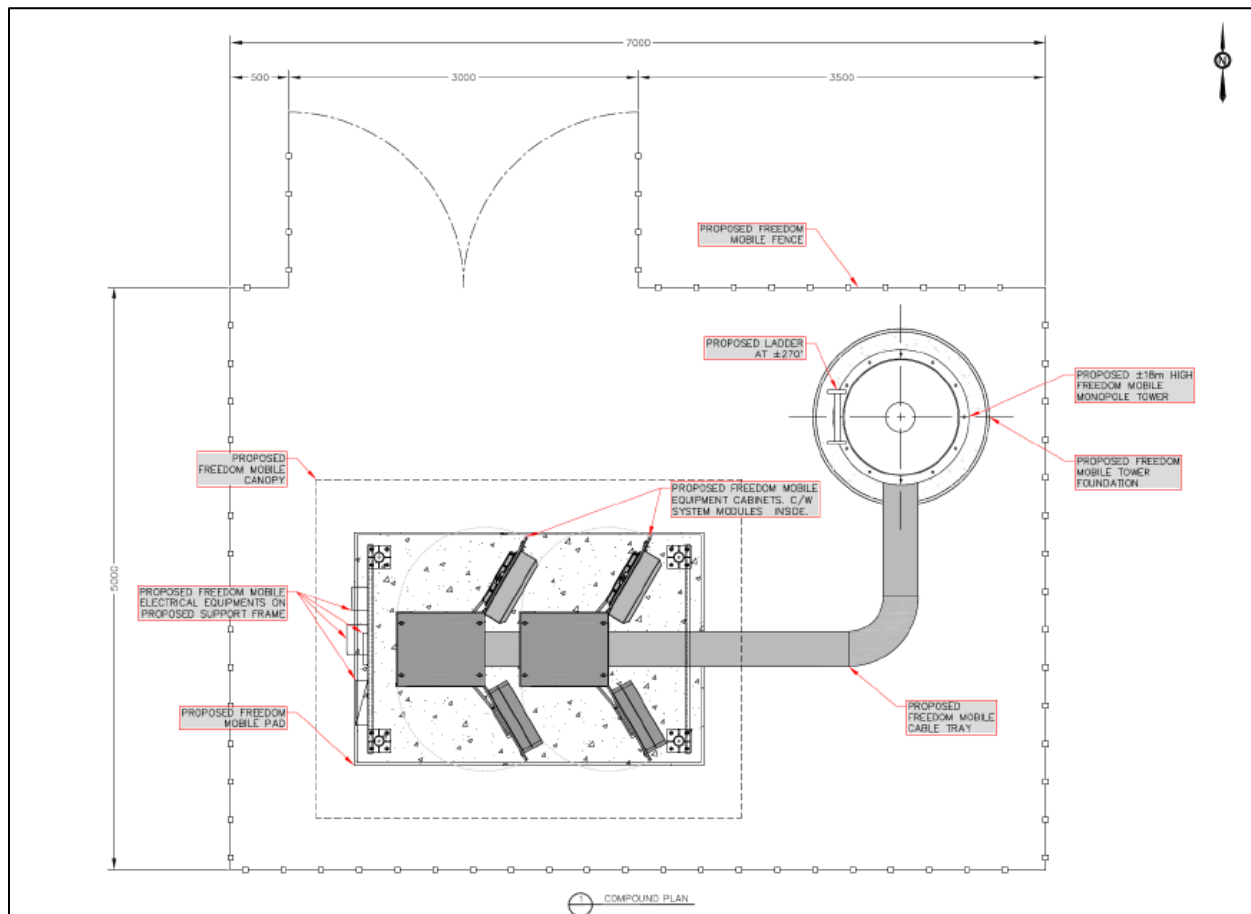


Figure 4: Compound Plan

Attachment D – Request for Letter of Concurrence Package

[2018-12-07 Request for Letter of Concurrence Package.pdf](#)

December 7, 2018

Via Email

Randy Houle
Planning Department
City of Penticton
171 Main Street Penticton, BC V2A 5A9

Dear Mr. Houle:

Subject: Request for Concurrence for a Freedom Mobile Telecommunications Facility

Freedom Mobile Site:	BPE0005E
Proposed Location:	1953 Dartmouth Road, Penticton, BC
Description:	18.0 metre monopole structure

Please be advised that Freedom Mobile has completed the public consultation process, following Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada's, CPC Procedures as it relates the proposed wireless antenna installations in the above noted subject line. Freedom Mobile is respectfully requesting, from the City of Penticton, concurrence for the proposal to build a 18-metre monopole structure for a telecommunication facility. The facility will provide the community with Freedom Mobile telecommunication services. Enclosed please find evidence of the following efforts regarding this public consultation process.

On October 19, 2018 an Information Package was submitted to the City to formalizing the initiation of the consultation process. Please see **Appendix 1: Information Package**.

On November 1, 2018 notification packages were mailed to property owners within a radius of three times the tower height (approximately 54.0 metres) to advise them of the proposal. Please see **Appendix 2: Affidavit of Notification Package**.

On December 7, 2018, the consultation period ended. During the consultation period no comments were received.

Freedom Mobile looks forward to supplying wireless services to the Penticton area. If the City of Penticton concurs with the proposed wireless communications facility project, please find in **Appendix 3: Sample Resolution**, a sample resolution which may be used. As an alternative Staff may wish to provide concurrence via letter indicating that the consultation process as required by ISED was completed and that the City have no further outstanding concerns with the proposal. Should you require any additional information, please do not hesitate to contact us 604-620-0877 or by e-mail at tawny@cypresslandservices.com.

Tawny Verigin
Municipal Affairs Specialist

A handwritten signature in blue ink that reads "Tawny Verigin". The signature is written in a cursive style with a large, stylized initial 'T'.

Cypress Land Services
Agents for FREEDOM MOBILE

Appendix 1: Information Package



Cypress Land Services
Suite 1051 – 409 Granville Street
Vancouver, BC V6C 1T2

Telephone: 604.620.0877
Facsimile: 604.620.0876
Website : www.cypresslandservices.com

October 19, 2018

Via Email

Randy Houle
Planning Department
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Mr. Houle:

**Subject: Freedom Mobile Telecommunications Facility Proposal
Information Package**
Address: 1953 Dartmouth Road, Penticton, BC
Legal: PID: 009-406-468
Coordinates: N 49.477797°, W 119.570891°
Freedom Mobile Site: BPE0005E

Overview

Cypress Land Services, in our capacity as agent to Freedom Mobile, is submitting this information package to formalize the consultation process related to the installation and operation of a telecommunications facility. Freedom Mobile plans to launch its wireless services in the Penticton area and is proposing this installation in order to provide dependable wireless services. This information package is intended to formalize the consultation process.

Proposed Site

The subject property is located at **1953 Dartmouth Road, Penticton, BC**. The property is zoned M-1. The proposed installation consists of an 18.0 metre monopole structure with four (4) flush mounted panel antennas and four (4) microwaves. The facility is proposed to be installed in the southwest corner of the lot within fenced compound, occupying an area of 5.0 metres by 7.0 metres. Please see **Schedule A: Tower Site Location**. The installation is required to services the immediate area.

Rationale for Site Selection

Freedom Mobile seeks to provide high quality, dependable wireless communications services through the launch of its network. When a telecommunications carrier is determining a location for new wireless installation it must consider a number of factors to ensure the new installation

operates effectively and results in reliable wireless services for the immediate community. Some of the considerations include frequency of operation, local topography, patterns of wireless users, building heights, road patterns, availability of land and existing structures. Freedom Mobile investigated collocation although there are no towers in the area. Typically, towers are situated in industrial areas such as the proposed site. As such, this industrial property is appropriately zoned to permit a wireless installation.

Availability of a willing property owner is a major consideration; Freedom Mobile has entered into a long-term agreement with the property owner to permit the installation.

Tower Proposal Details

A slim line monopole design with flush mounted panel antennas is proposed in order to create a monopole with minimal visual impact. Freedom Mobile has completed preliminary design plans (**Schedule B: Preliminary Plans**). These preliminary design plans are subject to final engineered design, land survey and approval of Transport Canada. Transport Canada approval may require tower lighting and/or marking; comments are pending.

Consultation Process with the City of Penticton

It is our understanding that the City does not have an adopted Telecommunications policy. Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, requires all proponents to consult with the local land use authority and public, notwithstanding that ISED has exclusive jurisdiction in the licensing of telecommunication sites, such as the proposed tower. Following ISED's requirements, Freedom Mobile would like to initiate Default Public Consultation Process (as described in the Industry Canada circular, CPC-2-0-03, issue 5, commonly referred to as the "CPC"). Information on the "CPC" consultation process may be found on-line at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>.

In order to obtain comments, concerns or questions in regard to the proposed tower site, the CPC requires Freedom Mobile to send out notification packages to all properties located within three times the height of the proposed tower (54 metres). This comment period is a minimum of 30 days. We expect the public consultation process to commence before the end of October 2018.

At the conclusion of the consultation process, Freedom Mobile will prepare a summary of comments received from the community as well as the replies provided by Freedom Mobile. Freedom Mobile is requesting that, subsequent to the completed consultation process a letter or resolution of concurrence will be issued by the City.

Health and Safety

Health Canada's Safety Code 6 regulations are applicable to this, and all, telecommunications sites. Safety Code 6 seeks to limit the public's exposure to radiofrequency electromagnetic fields and ensures public safety. Additional information on health and safety may be found on-line at: Health Canada: http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php

Concurrence Requirements

In order to complete the consultation process, Freedom Mobile will be requesting concurrence from the City in a form acceptable to both the City and to ISED.

Conclusion

Please consider this information package as the official commencement CPC default consultation process. Freedom Mobile is committed to working with the City in determining an appropriate location and design for a telecommunications tower that will provide wireless communication services.

We look forward to working together during this process. Please do not hesitate to contact us by phone at 604-620-0877 or by email at tawny@cypresslandservices.com.

Thank you in advance for your assistance and consideration.

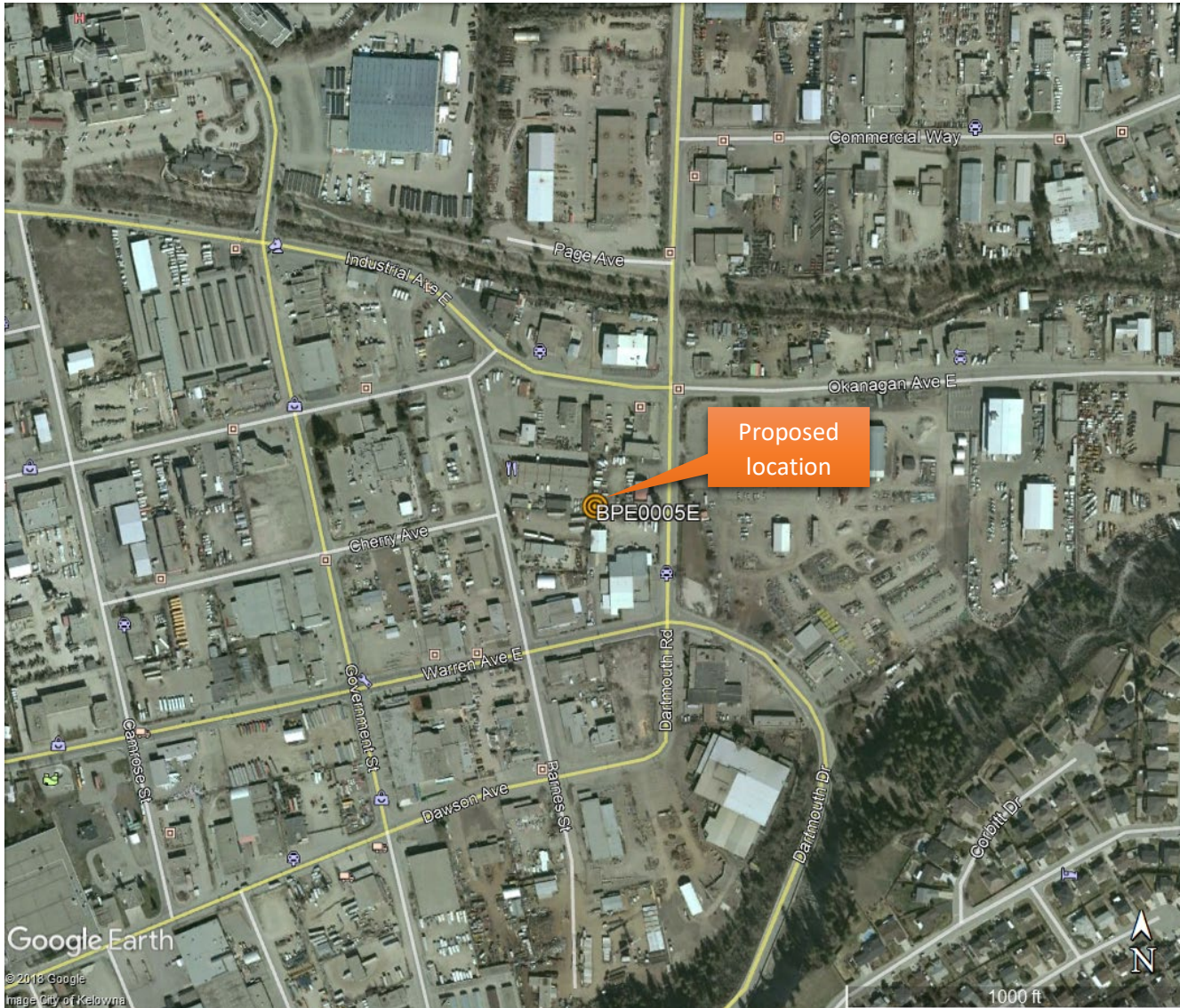
Sincerely,
CYPRESS LAND SERVICES
Agents for Freedom Mobile



Tawny Verigin
Municipal Affairs Specialist

cc: Pascal Dubé, Supervisor, Real Estate, Freedom Mobile

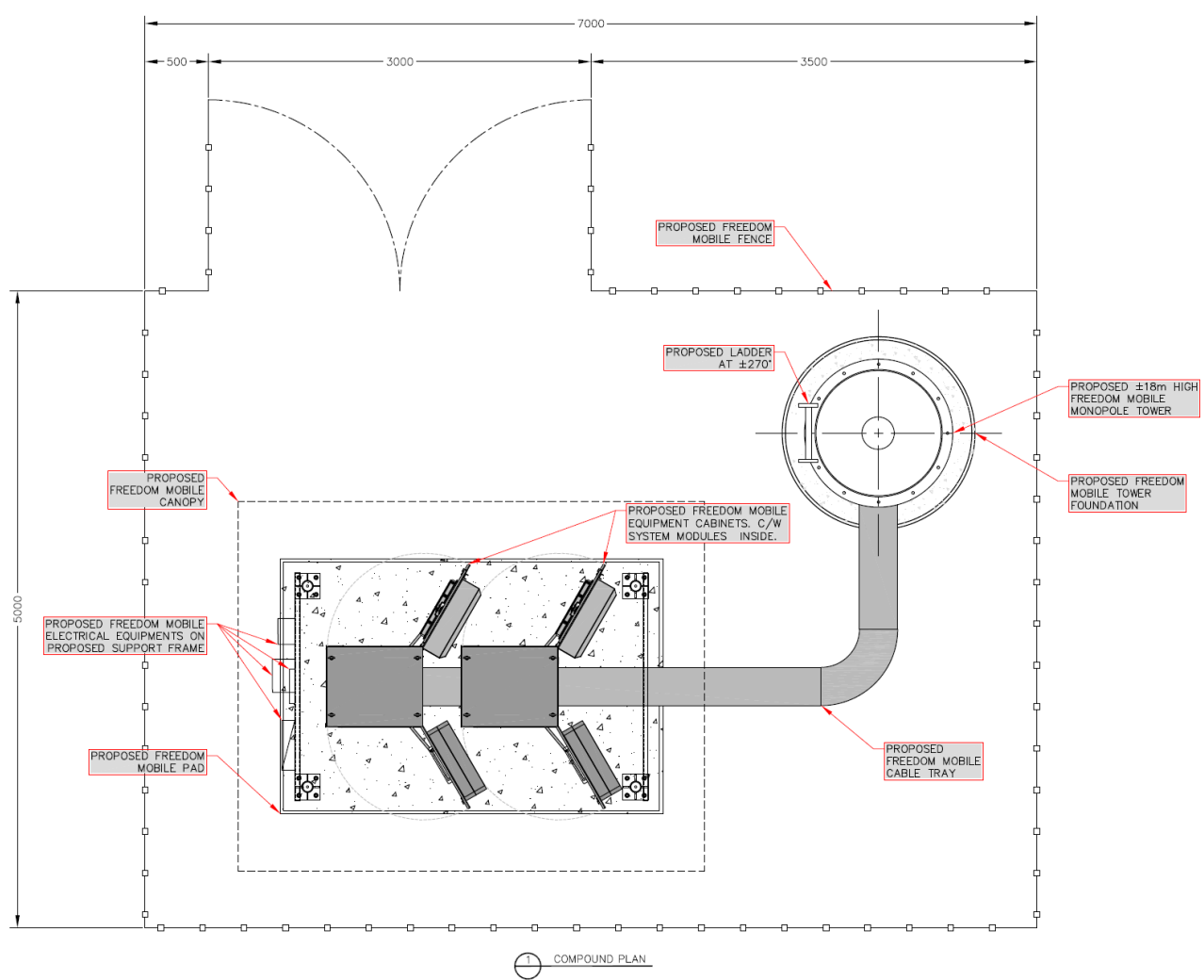
SCHEDULE A TOWER SITE LOCATION



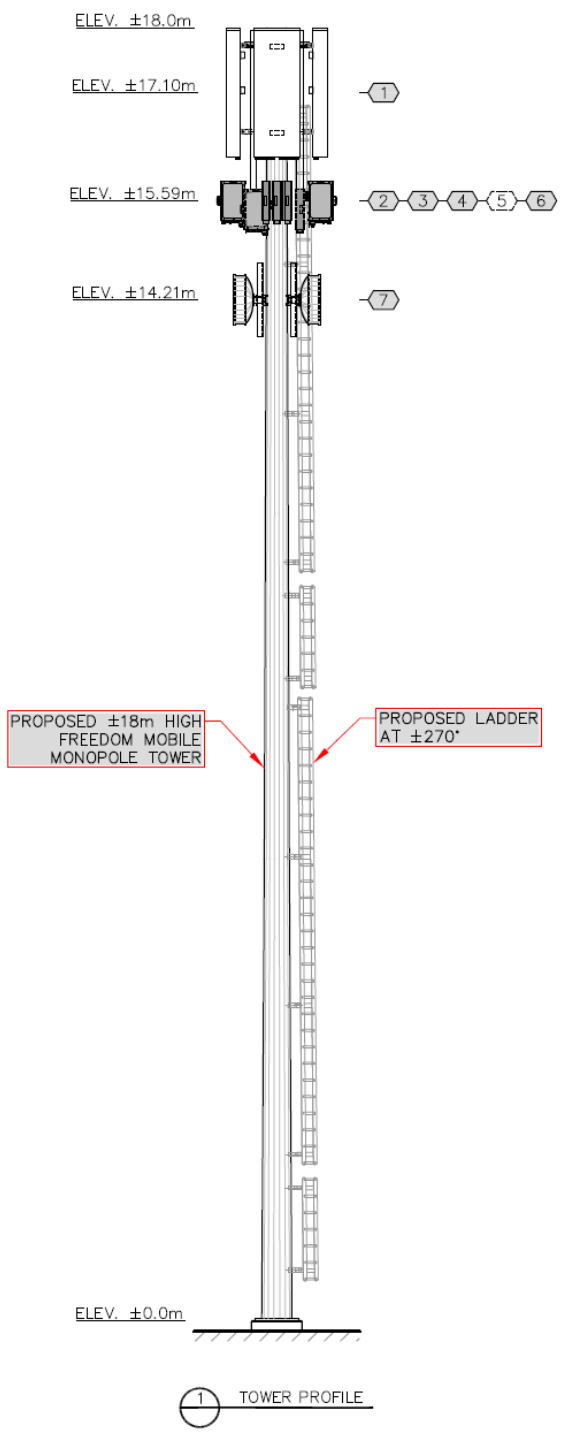
SCHEDULE B PRELIMINARY PLANS – SITE PLAN



SCHEDULE B PRELIMINARY PLANS – COMPOUND LAYOUT



SCHEDULE B PRELIMINARY PLANS – TOWER PROFILE



Appendix 2: Affidavit of Notification Package

Affidavit of Cypress Land Services

I, Tawny Verigin, Municipal Affairs Specialist, in the City of Vancouver in the Province of B.C., make an Oath and say:

- 1. THAT I caused to be sent by regular mail, a notification letter, as included in Appendix A, to property owners, occupants and other recipients, as listed in Appendix B, on November 6, 2018.



 Tawny Verigin, Municipal Affairs Specialist
 Cypress Land Services

Sworn/Affirmed/Declared before me at the City of Vancouver, in the Province of B.C., this 6th day of November 2018.



 (Commissioner's Signature)

A Commissioner for Taking Affidavits for the Province of B.C.

Arthur Zen Chan
A Commissioner for Taking Affidavits
For British Columbia
Cypress Land Services Inc.
1051 - 409 Granville Street
Vancouver, BC V6C 1T2
Tel: 604-620-0877
Expires on: December 31, 2020

(Commissioner's stamp or printed name and expiry date)

Appendix A: Notification Letter

Invitation for Public Input
Proposed Freedom Mobile 18.0 Metre Monopole Wireless Communications
Facility Located at 1953 Dartmouth Road, Penticton, BC

Dear Neighbour,

Freedom Mobile (“Freedom”) is striving to provide high quality wireless communications services to Canadians. Increasingly, Canadians depend on wireless voice, data and internet communications for business, personal enjoyment and personal security reasons. Freedom is actively planning its network build for the launch of Freedom wireless services in Penticton, BC. In order to launch its network Freedom requires the installation of new wireless communication facilities whether on existing infrastructure or purpose built. One of the new sites is proposed to be installed on industrial lands at **1953 Dartmouth Road, Penticton, BC**. Freedom has commenced consultation in accordance with Innovation, Science and Economic Development Canada (ISED’s), formerly Industry Canada’s, CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular.

PROPOSAL DETAILS:

Freedom is proposing to install a monopole tower at **1953 Dartmouth Road, Penticton, BC**. The subject property is zoned M-1 (General Industrial) and consists of Glenn’s Auto Electrical Service. The land uses immediately adjacent to the subject site are similar in use. The proposed installation consists of a monopole 18.0 metres in height, with four (4) flush mounted panel antennas and a four (4) microwave dishes. The equipment compound containing two (2) accessory equipment cabinets on a concrete equipment pad will be located at the base of the monopole enclosed in chain-link fence and will occupy an area of 5.0 metres x 7.0 metres. The monopole is required to support Freedom’s antennas in order to provide wireless communication network service within a few kilometres of the proposed location.

REGULATORY AUTHORITY:

Telecommunication providers are required by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, to consult with the local municipality and the general public regarding new installations. ISED does have exclusive jurisdiction over the approval and placement of telecommunications installations. The City of Penticton does not have a telecommunications policy. Therefore, Freedom will be following the CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, as mandated by ISED.

The consultation process will provide an opportunity for residents, stakeholders and landowners to obtain detailed information regarding the proposal and to provide comments for consideration. Any inquiries that are received as a result of this notification will be logged and submitted to the City of Penticton and ISED as part of our application for concurrence.

This letter provides written notification to adjacent landowners and stakeholders within a radius of three (3) times the height of the proposed structure with an opportunity to engage in reasonable, relevant, and timely communication regarding this proposal. You have received a copy of this notification package because your property, or a property you have an interest in, is located within 54.0 metres or less from the proposed installation. The closing period for written comments regarding the proposal is December 7, 2018. Any inquiries that are received as a result of this notification will be logged and submitted to the City of Penticton.

For additional and detailed information regarding CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, please go on-line to: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

Purpose

The purpose of the proposed facility is to help Freedom provide wireless coverage in eastern Penticton. Currently, there are no existing antenna support structures or other feasible infrastructure that can be utilized; as a result, this new antenna support structure is required. An aerial photo of the proposed location and a photo-simulation of the proposed tower is included as part of this notification package.

Location

The tower will be located at the coordinates **N 49.477797°, W 119.570891°**. It is proposed to be located at **1953 Dartmouth Road, Penticton, BC** (PID: 009-406-468) in the southwest corner of the property.

Health & Safety of Wireless Facilities

ISED manages the radio communications spectrum in Canada and requires cellular telecommunications facilities to comply within the guidelines set by Health Canada in order to protect people who live or work near these facilities. These Health Canada safety guidelines are outlined in their 'Safety Code 6' document and are among the most stringent in the world. All Freedom facilities adhere to and are generally well within these standards. Freedom attests that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6 for the protection of the general public including any combined effects of nearby installations within the local radio environment.

Site Access

Access is existing through the property. Construction is anticipated to take 30 to 45 days. Once complete, the site will only be accessed for routine maintenance visits which typically occur once or twice a month. To safeguard the site from the general public, the tower base and equipment shelter will be enclosed by a fence.

Environment

Freedom confirms that the installation is excluded from environmental assessment under the Canadian Environmental Assessment Act.

Design

This proposal is for an 18.0 metre monopole with four (4) flush mounted antennas, four (4) microwave dishes and two (2) accessory equipment cabinets on a concrete pad within a chain-link fenced compound area, occupying an area of 5.0 metres x 7.0 metres. A preliminary design of the site plan, compound plan and monopole profile are included in this notification for your reference.

Transport Canada

The pole will be marked in accordance with the Transportation Canada and NAV Canada requirements. Comments are pending.

Structural Considerations

Freedom confirms that the antenna structure described in this notification package will apply good engineering practices including, structural adequacy during construction. The facility will be built to the National Building Code as well as the BC Building Code.

Local Municipality

The City of Penticton does not have a telecommunications policy. Therefore, Freedom will be following the CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, as mandated by ISED.

General Information

General information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website:

http://www.ic.gc.ca/eic/site/smt-gst.nsf/en/h_sf01702e.html

Contacts

Freedom Mobile

c/o Tawny Verigin of Cypress Land Services Inc.

Agents for Freedom Mobile

Suite 1051, 409 Granville Street

Vancouver, BC V6C 1T2

Telephone: 1-855-301-1520

Fax: 604-620-0876

Email: publicconsultation@cypresslandservices.com

City of Penticton

Randy Houle

Planning Department

City of Penticton

171 Main Street

Penticton, BC V2A 5A9

Phone: 250-490-2507

Email: Randy.Houle@penticton.ca

ISED

Interior British Columbia

Okanagan-Kootenay Office

1726 Dolphin Avenue, Room 603

Kelowna BC V1Y 9R9

Telephone: 250-470-5026 or 1-800-667-3780

Fax: 250-470-5045

Email: ic.spectrumkelowna-kelownaspectre.ic@canada.ca

(By appointment only)

Aerial Photo



Photo Simulations

BEFORE



AFTER



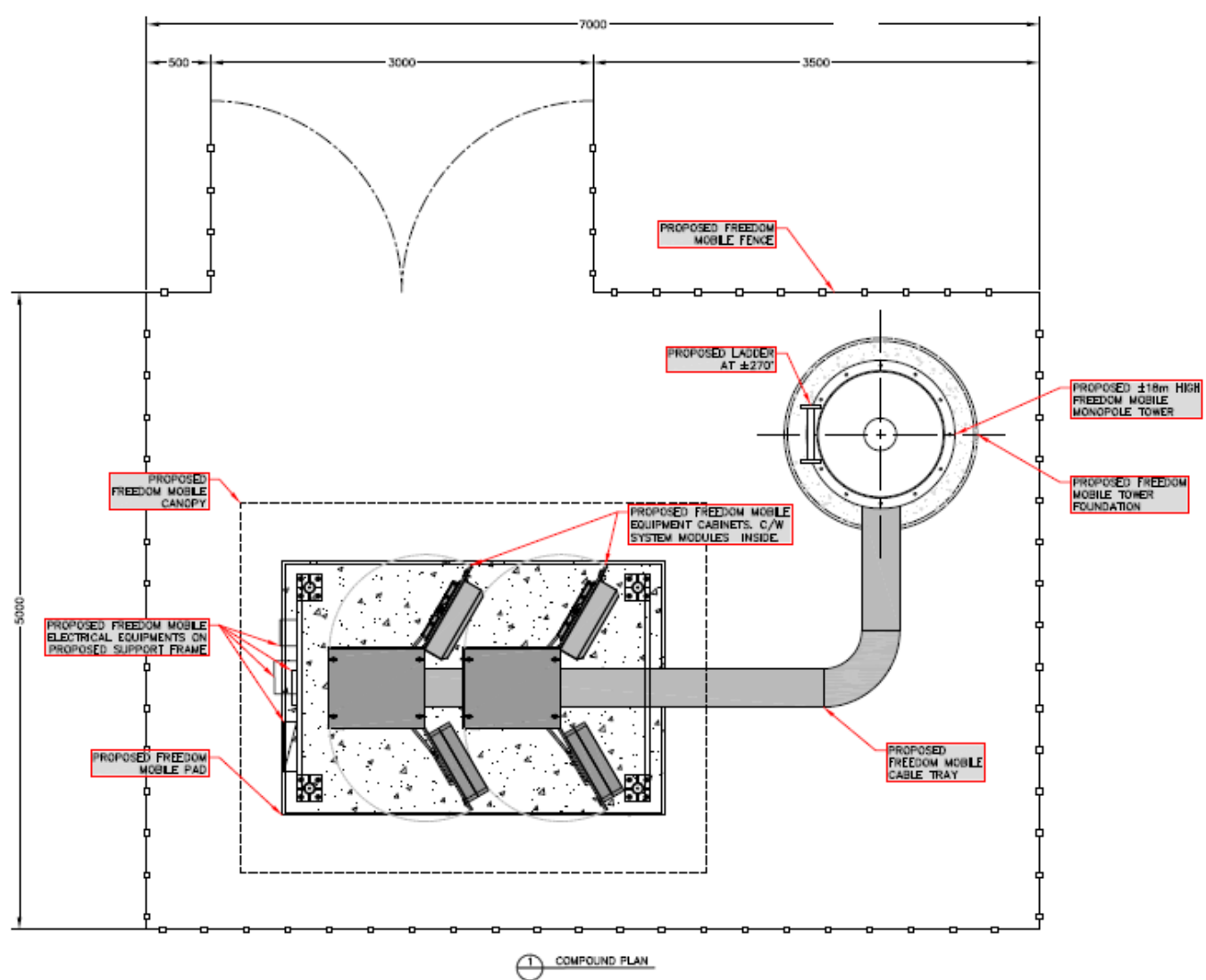
View: Looking southwest from Dartmouth Road.

Site Plan

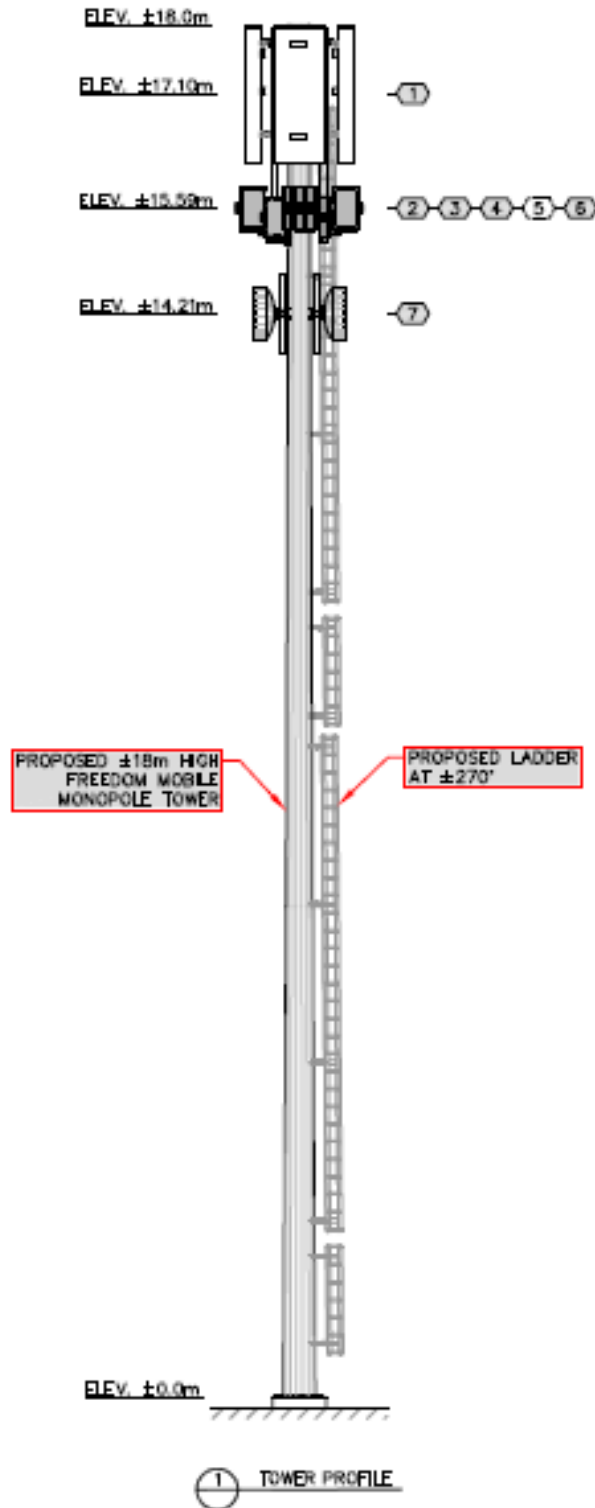


1 SITE PLAN

Compound Plan



Tower Profile



**COMMENT SHEET
PROPOSED RADIOCOMMUNICATIONS TOWER
1953 DARTMOUTH ROAD, PENTICTON, BC
FREEDOM MOBILE SITE: BPE0005E**

1. Do you feel this is an appropriate location for the proposed facility?

- Yes
- No

Comments _____

2. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

- Yes
- No

Comments _____

3. Additional Comments

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes; however, your comments will only be used by Freedom Mobile in satisfying Innovation, Science, and Economic Development Canada (ISED)'s CPC 2-0-03 default consultation process. The closing period for comments to be received by Freedom Mobile is December 7, 2018.

Name _____
(Please print clearly)
Email Address _____
Mailing Address _____

**Freedom Mobile c/o Cypress Land Services Inc.
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Attention: Tawny Verigin, Municipal Affairs Specialist**

Thank you for your input.



Appendix B: List of Property Owners, Occupants and Other Recipients

GLENN MARTIN
1953 DARTMOUTH RD
PENTICTON BC V2A 4C1

G L E HOLDINGS LTD
101-1960 BARNES ST
PENTICTON BC V2A 4C3

OCCUPANT
2000 BARNES ST
PENTICTON BC V2A 4C3

BERDICK MFG (PACIFIC) LTD
595 WARREN AVE E
PENTICTON BC V2A 3M5

AFFORDABLE STORAGE CENTRE INC
650 DUNCAN AVE W
PENTICTON BC V2A 7N1

OCCUPANT
1980 BARNES ST
PENTICTON BC V2A 4C3

WALTER PHILIP SIMENOFF & KATHLEEN ALICE
SIMENOFF
192 CORRY PL
PENTICTON BC V2A 3S1

FEHLING'S SHEET METAL LTD
560 OKANAGAN AVE E
PENTICTON BC V2A 3K5

OCCUPANT
1960 BARNES ST
PENTICTON BC V2A 4C3

BERRY & SMITH TRUCKING LTD
301 WARREN AVE E
PENTICTON BC V2A 3M1

MODERN MILLWORK (VANCOUVER) LTD
580 OKANAGAN AVE E
PENTICTON BC V2A 3K5

OCCUPANT
530 OKANAGAN AVE E
PENTICTON BC V2A 3K5

CITY OF PENTICTON
RANDY HOULE, PLANNING DEPARTMENT
CITY OF PENTICTON
171 MAIN STREET
PENTICTON, BC V2A 5A9

ISED
INTERIOR BRITISH COLUMBIA
OKANAGAN-KOOTENAY OFFICE
1726 DOLPHIN AVENUE, ROOM 603
KELOWNA BC V1Y 9R9

CYPRESS LAND SERVICES INC.
AGENTS FOR FREEDOM MOBILE
SUITE 1051, 409 GRANVILLE STREET
VANCOUVER, BC V6C 1T2

FREEDOM MOBILE
PASCAL DUBE
REAL ESTATE & MUN AFFRS W LEAD
209-221 WEST ESPLANADE
NORTH VANCOUVER, BC V7M 3J3

Total – 16
BPE0005E

Appendix C: Envelope



c/o Cypress Land Services Inc.
Suite 1051 – 409 Granville Street
Vancouver, BC V6C 1T2

**IMPORTANT INFORMATION ENCLOSED REGARDING A PROPOSED TELECOMMUNICATIONS FACILITY WITHIN
APPROX. 54 METRES OF A PROPERTY YOU HAVE AN INTEREST IN**

Appendix 3: Sample Resolution

Resolution

WHEREAS Freedom Mobile proposes to erect a wireless communications facility at the location of 1953 Dartmouth Road, Penticton, BC.

AND WHEREAS proponents of telecommunication towers are regulated by Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada on behalf of the Government of Canada and as part of their approval, ISED requires proponents to consult with land use authorities as provided for in CPC-2-0-03;

AND WHEREAS Freedom Mobile has consulted with the City of Penticton following the CPC-2-0-03 and the City of Penticton planning staff have no objection to the proposed telecommunications tower;

AND WHEREAS Freedom Mobile has consulted with the public by notifying properties within three times the tower height, and has provided a 30-day period for written public comment;

AND WHEREAS there are no significant land use issues identified by the consultation;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Clerk be instructed to advise Freedom Mobile that:
 - a) Freedom Mobile has satisfactorily completed its consultation with the City of Penticton;
 - b) The City of Penticton is satisfied with Freedom Mobile's public consultation process and does not require any further consultation with the public; and
 - c) The City of Penticton concurs with Freedom Mobile's proposal to construct a wireless telecommunications facility provided it is constructed substantially in accordance with the plans submitted to the City of Penticton.

Council Report

penticton.ca

Date: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: Angela Campbell, Controller
Subject: **Reserve Transfers**

File No:

Staff Recommendation

THAT Council approves a transfer of the existing funds in the Carbon Tax Credit Reserve of \$152,421.00 into the Climate Action Reserve Fund;

THAT the existing funds in the Building Permit Stabilization Reserve of up to \$55,000.00 be transferred into the Financial Stabilization Reserve Fund;

THAT the existing funds in the Liability Insurance Reserve of \$250,001.00 be transferred into the Financial Stabilization Reserve Fund;

THAT the existing funds in the Rate Stabilization Reserve of \$200,000.00 be transferred into the Financial Stabilization Reserve Fund;

THAT the existing funds in the Snow Clearing Stabilization Reserve of \$75,000.00 be transferred into the Financial Stabilization Reserve Fund;

THAT the existing funds in the Special Events Site Reserve of \$21,165.65 be transferred into revenues for 2019;

THAT the existing funds in the Wine/Info Centre Reserve of \$13,149.93 be transferred into revenues for 2019;

AND THAT the existing funds in the Infrastructure Reserve of \$400,000.00 be split with \$200,000.00 transferred into each the Asset Sustainability and the Asset Emergency Reserves.

Background

The City last updated its Reserve policy in 2002 via a Council memorandum. Staff has been drafting a new comprehensive Reserve policy for Council's consideration which will be brought forward at an upcoming meeting. During the process of creating the Reserve policy, staff identified a number of reserves that are no longer required or had redundant purposes.

Financial Implication

With the exception of the transfers from the Wine/Info Centre Reserve of \$13,149.93 and Special Events Site Reserve of \$21,165.65 into revenues, all other transfers are within the reserves creating no financial impact.

Analysis

Carbon Tax Credit Reserve:

The Carbon Tax Credit Reserve was created with the same purpose and funding source as the Climate Action reserve. Staff would like to transfer the balance of this reserve into the Climate Action reserve to amalgamate the funds and close the duplicate reserve account.

Building Permit Stabilization:

This reserve was created in 2010 to assist with any fluctuation in building permit revenues in the event of an economic downturn. The funds currently held in the reserve are being utilized for process improvement projects within the Building department. With the creation of the Financial Stabilization fund this purpose is also met and there is no longer a need to have a specific reserve for the building permit revenues. The Year End Surplus policy states that any excess revenues over budget during the year for building permits will go into the Financial Stabilization Reserve.

Liability Insurance:

This reserve was created to buffer the impacts of any large claims meeting the City's deductible amount. This reserve has not been utilized since 2010 and with the creation of the Financial Stabilization Reserve the purpose of stabilizing impacts of unforeseen budget items is being met.

Rate Stabilization:

This reserve was created as a contingency for an increase in unbudgeted labor benefits. The creation of the Financial Stabilization Reserve ensures the purpose of stabilizing impacts of unforeseen budget items is being met.

Snow Clearing Stabilization Reserve:

This reserve was created as a contingency for an increase in snow clearing efforts that is unbudgeted. The creation of the Financial Stabilization Reserve ensures the purpose of stabilizing impacts of unforeseen budget items is being met.

Special Events Site Reserve:

This reserve was created to fund cultural, sport policy and tourism objectives which was funded by special events licensing through the business license program. In 2003 there was a bylaw fee structure change and this funding source was no longer available; this reserve has not had any financial activity since the funding source was changed. Due to the planning requirements for large events, the Recreation department can utilize these funds in 2019 for project related work.

Wine/Info Centre Reserve:

This reserve was created in 1997 to be used for specific capital projects relating to the Wine/Info Centre building. As the building has now been incorporated into the casino and the City reimbursed certain building costs to the Centre in 2017, these funds are proposed to be reallocated into general revenues and the reserve closed.

Infrastructure Reserve:

During the 2015 year end this reserve was created to transfer surplus funds for infrastructure purposes and as the Asset Sustainability reserve had yet to be established by bylaw. The purpose of this reserve was to fund any either asset management or unforeseen asset expenditures. Subsequently both the Asset Sustainability and Asset Emergency reserves were created meeting the same purpose as this reserve, making it redundant.

Alternate recommendations

THAT Council provide alternate direction to staff regarding the identified reserves.

Attachments

Attachment A – 2017 Reserves Statement of Changes in Fund Balances

Respectfully submitted,



Angela Campbell
Controller

Approvals

CFO <i>LWB</i>	Acting CAO AH
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**THE CITY OF PENTICTON
RESERVES
STATEMENT OF CHANGES IN FUND BALANCES
YEAR ENDED DECEMBER 31, 2017
(UNAUDITED)**

	Balance, Beginning of Year	Transfer From Funds	Transfer To Fund	Interest	Inter-reserve Transfers	2017 Total
Non-Statutory						
Asset Emergency	\$ 800,000	\$ 263,203	\$ (104,729)	\$ -	\$ -	\$ 958,474
Building Permit Stabilization	100,000	-	-	-	-	100,000
Carbon Tax Credit Reserve	152,421	-	-	-	-	152,421
Cemetery Land	133,000	-	-	-	-	133,000
Climate Action	131,247	48,073	-	-	-	179,320
Election	47,599	23,353	-	-	-	70,952
Electric Surplus	14,500,932	2,321,687	-	-	-	16,822,619
Financial Stabilization	-	78,568	-	-	-	78,568
Gaming	7,350,533	1,982,787	(3,172,441)	-	-	6,160,879
General Surplus	5,711,737	314,273	-	-	-	6,026,010
Infrastructure	400,000	-	-	-	-	400,000
Investment Income	973,435	-	-	-	396,507	1,369,942
Liability Insurance	250,001	-	-	-	-	250,001
Marinas	489,681	57,923	-	-	-	547,604
Multi-Material BC	-	467,109	-	-	(396,507)	70,602
Northgate	52,000	-	-	-	-	52,000
Parking & Revitalization	51,765	-	-	-	-	51,765
Public Art	35,011	32,000	(19,740)	-	-	47,271
Rate Stabilization	200,000	-	-	-	-	200,000
RCMP	359,999	-	-	-	-	359,999
Sewer Equipment Replacement	108,022	-	-	-	-	108,022
Sewer Surplus	6,901,389	-	(1,689,712)	-	-	5,211,677
Snow Clearing Stabilization	75,000	-	-	-	-	75,000
Special Events Site	21,166	-	-	-	-	21,166
Water Surplus	3,913,262	996,186	-	-	-	4,909,448
West Bench Capital	1,185,185	-	-	-	-	1,185,185
West Bench Water	1,723,392	-	(78,336)	-	-	1,645,056
Wine/Info	13,150	-	-	-	-	13,150
	<u>45,679,927</u>	<u>6,585,162</u>	<u>(5,064,958)</u>	<u>-</u>	<u>-</u>	<u>47,200,131</u>
Statutory	10,815,928	3,650,159	(69,103)	142,216	-	14,539,200
DCC	10,275,074	4,463,347	(307,694)	159,240	-	14,589,967
	<u>\$ 66,770,929</u>	<u>\$ 14,698,668</u>	<u>\$ (5,441,755)</u>	<u>\$ 301,456</u>	<u>\$ -</u>	<u>\$ 76,329,298</u>

Council Report

penticton.ca

Date: January 22, 2019 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

Subject: Temporary operator of the Skaha Lake Marina – 3895 Lakeside Road

THAT Council select from one of the following four Alternatives:

Alternative 1

THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a three year term.

Alternative 2

THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a two year term.

Alternative 3

THAT Council directs staff to not seek any operator for the Skaha Lake Marina and not have the Marina operational for the 2019 season.

Alternative 4

THAT Council direct staff to invite the community to attend and speak to this matter at the February 5, 2019 Council meeting prior to a decision being made on this matter.

Background

The City has had a sole operator of the Skaha Lake Marina since 2014 when it was selected through a competitive expression of interest/request for proposal process. Initially the agreements included a four year License to Use, a Sub-License of Occupation and a long term Lease Agreement. In the fall of 2017 the long term Lease Agreement was terminated. The License to Use and Sub-License of Occupation Agreement expired December 31, 2018.

During the term of the License to Use Agreement and Sub-license of Occupation, the operator has operated the unlicensed restaurant, the gas bar, and the docks for short term and long term moorage.

During the 2018 budget process, Council deliberations ensued regarding major upgrades to the docks. Council's direction to staff was to undertake an engineering assessment and complete necessary repairs to ensure the safety and security of the docks for continued public use. In spring of 2018 an engineering report was completed which identified a number of immediate repairs and upgrades required to keep the marina safe and operational. The scope of repairs was valued at \$80,000 and was tendered under a competitive process. The contract was awarded in July and work completed in the fall of 2018. These repairs will enable the docks to remain safe over the next several years; however ongoing minor repairs to maintain appropriate health and safety requirements are estimated at up to \$50,000 annually may be necessary to ensure the continued safety of the docks, building repairs and minor upgrades.

Analysis

The Skaha Lake Marina is the only marina on Skaha Lake where one can secure short term and long term moorage and purchase gas. Currently there are 94 slips and a wait list of approximately 30 people.

The recently completed Parks and Recreation Master Plan identified Skaha Park, including the marina, as an area where the development of a master plan, through a community engagement process, is required to define the future parkland aspirations and community values for the entire park area. While the marina's docks are nearing the end of their useful life, minor repairs will enable the operation of the marina in the short term, until a master plan of the park land area is completed. Until this master plan is completed no substantial changes should be made to Skaha Lake Marina and as a result, the proposed RFP seeks a temporary operator. As part of the 2019 budget process, staff will be bringing forward a budget proposal for completion of a Skaha Lake Park Master Plan for Council's consideration. The timeline for completion of the master plan is currently proposed for the end of 2019, at which time the long term future of the marina will be known.

As the Master plan for Skaha Park and the Marina will commence in early 2019, staff recommends entering into a short term Agreement for a period of three years with a temporary operator until the status of the marina has been determined.

Staff believes that the three year timeframe will allow for a more viable operation to occur at the marina. Should the results of the Skaha Master Plan determine that a marina is not the most appropriate use for these lands, then the agreement would not be renewed at the end of the three year period.

Financial Implications

The City currently collects annually \$33,000 in lease revenue and \$3,300 for taxes. The City currently pays to the Province \$4,550 annually for the License of Occupation. Revenues are expected to be similar, however, until the RFP process is concluded the specific amounts cannot be confirmed.

As noted above, expenses to ensure the appropriate maintenance and health and safety requirements for the facility are kept to an appropriate standard are estimated at up to \$50,000 per year. These repairs and maintenance will be funded from the Marina Reserve.

Alternate Recommendations for Consideration

Alternative 1 - THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a three year term.

This is the staff recommended alternative as it will provide sufficient time to complete the Skaha Lake Master Plan and should the plan include a marina there will also be enough time to enter into a public procurement process for a temporary operator. The RFP process will allow for a fair and transparent process for the short term use of the marina, recognizing that no substantial upgrades would be considered as part of the RFP process. The temporary use of the facility will keep the facility in operation, as opposed to the building remaining vacant and docks unused – while the community engagement process for the master plan gets underway.

Alternative 2 – THAT Council direct staff to issue the Request for Proposal to seek a temporary operator of the Skaha Marina for a two year term.

Should Council support moving ahead with a licence but are opposed to a three year term, a two year term could be proposed. This would provide a shorter timeframe for the temporary use of the marina lands and may not provide enough time to secure an operator at the end of the Skaha Lake Master Plan process should the Master Plan still include a marina.

Alternative 3 – THAT Council directs staff to not seek any operator for the Skaha Lake Marina and not have the Marina operational for the 2019 season.

Should Council decide not to move ahead with leasing the space, staff will need to decommission the building and the docks for the period of time needed to complete the Skaha Master Plan, which will determine the most appropriate next steps for the marina lands. Staff would need to budget approximately \$15,000 annually to decommission and provide ongoing security for the building and the docks. As well the City would still be responsible for annual Provincial Lease costs of \$4,550.

The risk associated with having the building and docks sit vacant for a period of time is that they could deteriorate quite quickly, so should Council support this alternative staff will need to ensure the building and docks are secured appropriately.

Alternative 4 – THAT Council direct staff to invite the community to attend and speak to this matter at the February 5, 2019 Council meeting prior to a decision being made on this matter.

Council may feel as though further input from the community is required prior to making a decision on the short term licence being brought forward for the Skaha Marina. To facilitate community input on this, Council could delay making a decision on this matter and invite the community to speak at the February 5, 2019 Council meeting, prior to a decision being made. Input received would only relate to this specific item and the short term use of the marina, recognising the master plan process that will be undertaken.

Staff believe that the upcoming Master Planning process will involve a robust and inclusive community engagement process. The process being proposed through the 2019 budget process will provide numerous opportunities for the community to get involved in the master planning process, which will look at the future use of the park and marina lands in and around Skaha Lake.

One of the issues with delaying decision on the short term use of the marina we will be the tight timeline to complete the RFP process to secure an operator for the 2019 season.

The proposal in front of Council is to look at a short term licence to use the marina, ultimately keeping the existing facility open and operating for a maximum of 3 years. The long term future after that time period will be ultimately be determined through a significant community engagement process attached to the Skaha Lake Master Plan process that will be brought forward as part of the 2019 Budget process.




Attachments

Attachment #1 – RFP

Respectfully submitted,

Anthony Haddad, MCIP, RPP
Director of Development Services

Approvals

Director of Development Services 	Director, Recreation and Facilities 	Chief Financial Officer 	Acting Chief Administrative Officer AH
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REQUEST FOR PROPOSALS

FOR

OPERATION OF SKAHA MARINA

RFP #: 2019-RFP-03

ISSUED ON: XXX XX, 2019

CLOSING DATE AND TIME: XXX XX, 201X AT X:XXPM

MANDATORY SITE MEETING: A **mandatory** site meeting will be held on XXX at XXX PM at the building at Skaha Marina located at 3895 Lakeside Road, Penticton, B.C.

Summary, Contents & Instructions:

Summary:

Through this Request for Proposals, the City of Penticton invites Proposals to operate the Skaha Lake Marina (the “Services”), commencing on March 1, 2019 and continuing until December 31, 2021.

This RFP document sets-out: the details of the Services required; the process for submission, evaluation and award of the Contract; plus forms which outline the information a Respondent to this RFP should submit in their Proposal.

Contents:

This Request for Proposals (the “RFP”) is organized into the following parts:

- **Part A: The Services** – full details of the Services required
- **Part B: The RFP Process** – the process for submissions, evaluation and award of the Contract
- **Part C: Submission Forms** – the forms a Respondent should submit in their Proposal

Instructions:

Whenever you see the following symbol and box throughout this document, this box is providing instructions to a Respondent on what this section means and/or what a Respondent must do:

Example:



Whenever you see this box throughout the RFP document, the text is providing instructions or information on what this section means and/or what a Respondent must do.

Part A: The Services



This Part A provides details on the Operation of Skaha Marina required by the City of Penticton. Respondents should ensure they are fully capable of providing all of the requirements outlined, as this section will form the scope of work in the final Contract.

1. Background & Summary

The City of Penticton (the “City”) is looking for a Proponent to maintain and operate the Skaha Marina and associated improvements for a 3-year term through a Licence to Use of City owned lands and a Sub-Licence of Occupation with the Province of BC for the marina area.

This Request for Proposal is designed to provide the information and understanding needed to allow for the selection of a Successful Proponent. The end result of the process will be for the City to negotiate with one successful Proponent and execute a Licence to Use Agreement and Sub-licence of Occupation.

2. Details of Sub-Licence

Sub-Licence Area:

The City is prepared to issue a Licence to Use for 1.00 acre of land plus a Sub-licence of Occupation for 2.29 acres of water lot including a 94 marina slips as outlined in blue and red in Figure 1.

The City holds a head lease from the Province of BC for the portion west of the high water mark and will use a Sub-Licence of Occupation of that area to the Successful Proponent. Prior to granting the Sub-Licence of Occupation the consent of the Province will be required. The Successful Proponent will be bound by the terms and conditions of the Head Lease with the Province attached as Schedule 1.

Please contact Sheri Raposo, Land Administrator at sheri.raposo@penticton.ca if further details on the head lease are required.



Figure 1 – Sub-Licence of Occupation Area and License to Use Area

Sub-Licence of Occupation area and License to Use area consists of the following:

Marina

- 94 boat docking slips (4 spots are currently reserved for the Fire Department and Dragon Boat Society – no compensation will be received for these slips). Initial slip rates as well as any increase in slip rates during the term to be discussed with the City of Penticton.
- two gas pumps

Building

The general condition of the building is adequate and consists of the following:

- Potential for a Restaurant - kitchen area which includes counter and sink
- 600 ft² central area comprised of two 2-piece washrooms, an office and front counter
- 1,600 ft² open area;
- Potential for a snack bar which includes sink
- Back storage- 1,800 ft² with 14' ceilings and two (2) large overhead doors at the south end of the building for access
- Paved parking area for boat storage (0.43 acres) is perimeter fenced with 6' chain link fencing.

All measurements are approximate.

Landlord Responsibilities:

The City will be responsible for the maintenance, inspection and repairs of the major building systems including building envelope, roof, HVAC, life safety systems, exterior lighting and security system, dock replacement or major dock repair.

Tenant Responsibilities:

The Tenant, at its own expense, will be responsible for the repair, maintenance and day to day upkeep and security of the building, grounds and docks, to ensure a safe operation condition. This will include, nailing down boards, cleaning docks, winter ice jams and ensuring safety and security is maintained throughout the year.

Any licensing requirements will be the sole responsibility of the successful Proponent.

Any and all regulatory requirements must be maintained and upheld.

Mandatory operational training and fire safety planning will be required.

Building Permits will be required for any alterations/additions made throughout the term of the Agreement.



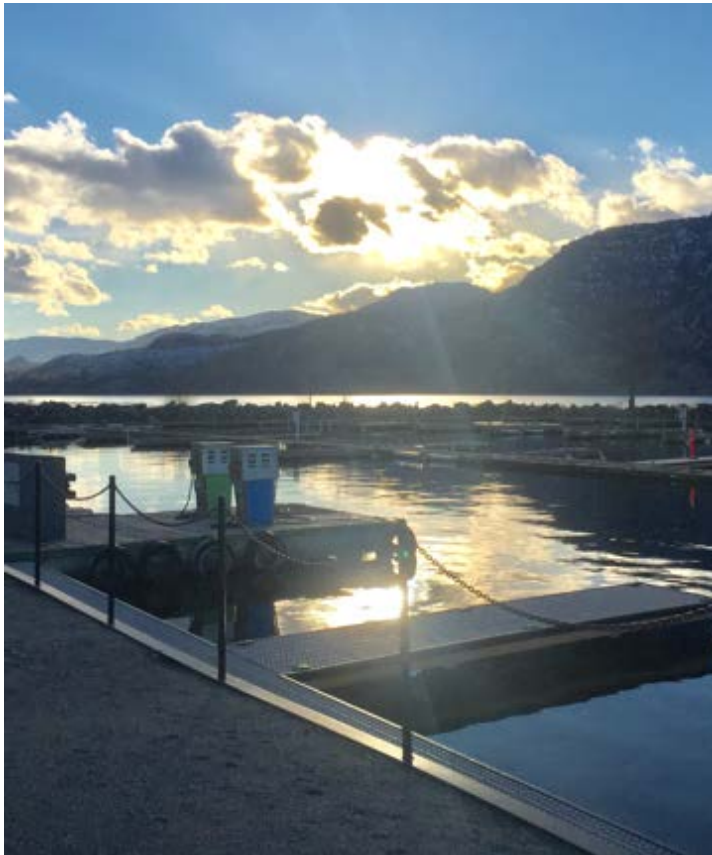
Large open spaces



Kitchen counter



Potential kitchen area



Gas pumps



Back storage



Storage

2019-RFP-03
Operation of Skaha Marina

The moorage season typically runs from April 1 to October 31 inclusive (7 months) with the storage season from October 1 to March 31 inclusive (6 months).

All slips are currently reserved and there is a potential waiting list.

In the summer of 2018, 10 shore connection/pivoting points were replaced or repaired, 10 finger docks and a section of the main dock was replaced.



Figure 2 - North West side of the Building



Figure 3 - back of the Building



Figure 4 – Front and side of building, Storage and Parking Area

2019-RFP-03
 Operation of Skaha Marina

Access, Egress and Parking

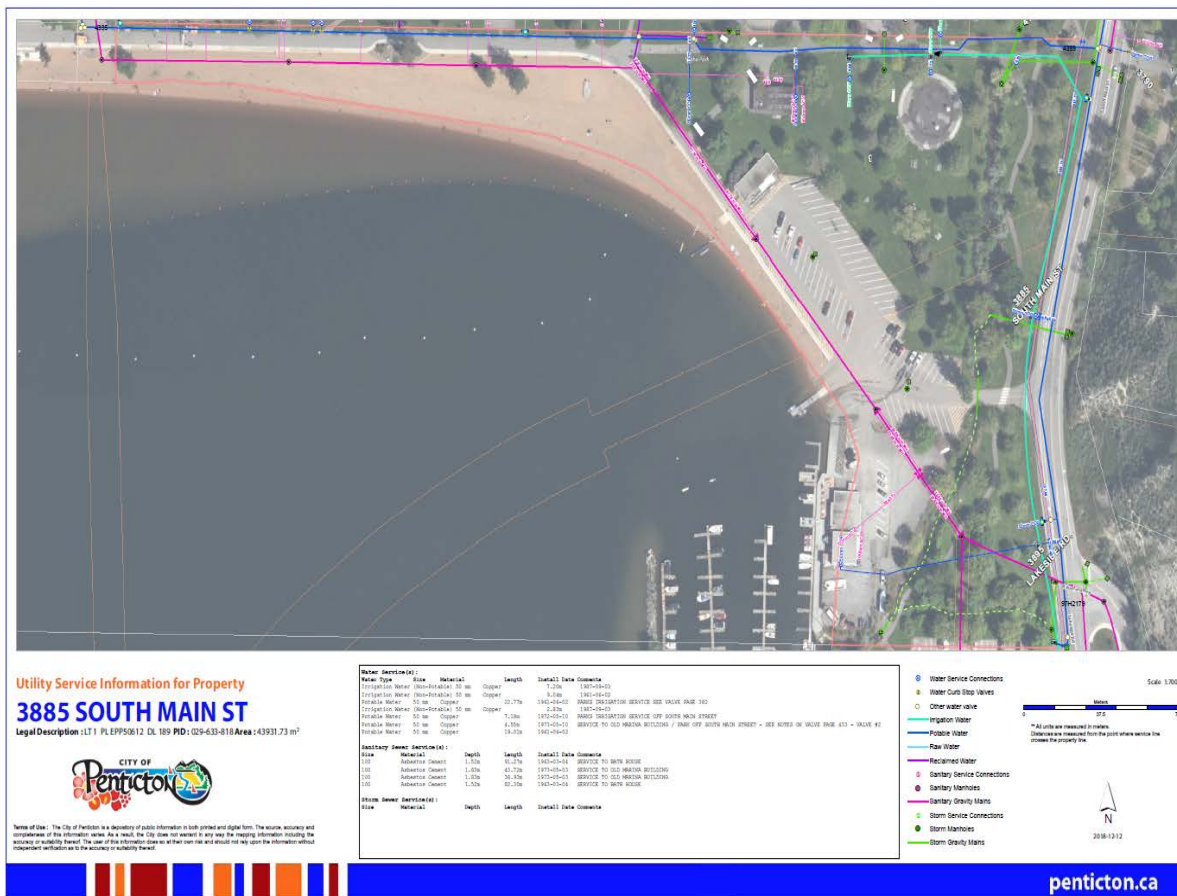
Access and egress is available by boat or by vehicle from South Main Street. There is a boat launch and a day parking lot for vehicle with boat trailer parking adjacent to the Marina.

Services

All services are available in the area. Electric power is available by way of overhead lines.

Natural gas is provided to the site.

The site is connected to sanitary sewer and water.



Part B: The RFP Process



This Part B details the terms and conditions of how this RFP process will be run by the City, and how the Contractor will be selected. Respondents to this RFP must ensure they follow all the terms detailed below. Failure to follow the terms of this Part B may result in a Proposal being rejected.

1. Key Details:

1.1. RFP Contact Person:

The sole point of contact at the City of Penticton for any queries or questions related to this RFP is:

- Cathy Ingram, Procurement and Inventory Services Manager
cathy.ingram@penticton.ca

The above-named RFP Contact Person is the only person that any Respondent to this RFP may contact during this RFP process. Information obtained from any source other than the RFP Contact Person is unofficial and must not be relied upon as part of this RFP. Respondents must not contact any other employees, officers, consultants, agents, elected officials or other representatives of the City of Penticton regarding matters related to this RFP. Any Respondent found to have contacted persons other than the RFP Contact Person, may be disqualified from submitting a Proposal, or have their Proposal rejected.

All questions regarding this RFP must be submitted through the Bonfire portal prior to the Deadline for Questions detailed under Section 1.2 of this Part B. The Respondent is solely responsible for seeking any clarification required regarding this RFP, and the City shall not be held responsible for any misunderstanding by the Respondent.

1.2. Timetable:

This RFP process will run to the following timetable. This timetable may be amended at the City's discretion through the issuance of an addendum to this RFP.

Event:	Date:
Issue Date of this RFP	XXX
Mandatory Site Meeting Date	XXX
Deadline for Questions	XXX
Last Day for Issue of Addenda	XXX
RFP Closing Date and Time:	XXX at 00:00 PM
Notice of Award Date (estimated)	XXX

1.3. Site Meeting Details:

A mandatory site meeting will be held at the following time and place to answer any questions Respondents may have before submitting a Proposal:

- 3895 Lakeside Road, Penticton, BC at 00:00AM on Day Month Year

1.4. Submission of Proposals (Date & Time, Format):

RFP Closing Date and Time: Proposals must be submitted and finalized no later than the time and date detailed in section 1.2.

Refer to Part D for submission instructions.

2. Definitions Used in this RFP:



The following are definitions used in this RFP document. Whenever one of the following terms is used with a capitalized first letter, the term shall have the meaning as set out in this section.

- 2.1. "Addenda" or "Addendum" means additional information or amendments to this RFP, issued by the City in accordance with Section 5 of this Part B.
- 2.2. "City" means the City of Penticton
- 2.3. "Contract" means a written agreement for the provision of the Services that may result from this RFP, executed between the City and the successful Respondent to this RFP.
- 2.4. "Contractor" means the successful Respondent to this RFP who enters into a Contract with the City.
- 2.5. "Closing Date and Time" means the date and time that Proposals to this RFP must be received by in accordance with Section 1.4 of this Part B.
- 2.6. "Proposal" means a Proposal submitted by a Respondent in response to this RFP.
- 2.7. "Respondent" means a person or entity that submits a Proposal to this RFP.
- 2.8. "RFP" means this Request For Proposals # 2019-RFP-03 including all Parts A to D.
- 2.9. "Section" means the numbered section of the referenced part of this RFP.
- 2.10. "Services" means the Services which the City seeks to be provided by the Contractor, as outlined in Part A.
- 2.11. "Subcontractor" means a person, partnership, firm or corporation that the Respondent proposes to contract with to deliver part of the Services, in a subordinate relationship to the Respondent.

3. Amendment of a Proposal by Respondent:

A Respondent may amend a Proposal at any time up until the RFP Closing Date and Time. Amendments must be submitted in the same way as the original Proposal, as detailed in Section 1.4 of this Part B. Amendments to a Proposal must be clearly labelled as such, must contain the RFP reference number and title, and the full legal name and legal address of the Respondent. Amendments must clearly detail which part(s) of the Proposal is being amended or replaced.

4. Withdrawal of a Proposal by Respondent:

A Respondent may withdraw a Proposal that is already submitted at any time throughout the RFP process, including after the Closing Date and Time.

5. Addenda Issued by City:

This RFP may only be amended by way of an Addendum issued in accordance with this Section. At any time up until the Closing Date and Time, the City may issue an Addendum in order to

amend, clarify, or answer questions to this RFP. Each Addendum will be issued at the same location and in the same manner as this RFP document (at the Project on <https://penticton.bonfirehub.ca/portal>). Each Addendum will form an integral part of this RFP. Respondents are solely responsible for checking for Addenda up until the Closing Date and Time. If the City deems it necessary to issue an Addendum after the Last Day for Issue of Addenda, as detailed in Section 1.2 of this Part B, then the City may extend the Closing Date and Time in order to provide Respondents with more time to complete their Proposal.

Proposals should confirm receipt of all Addenda in Appendix A – Certification Form of their Proposal.

6. Evaluation of Proposals & Award of Contract:

The City will conduct the evaluation of Proposals and selection of a successful Respondent in accordance with the process detailed in this Section. Evaluation of Proposals will be by an evaluation committee which will include the City’s employees and Purchasing Consultant. The City’s intent is to enter into a Contract with the Respondent who has met all mandatory criteria and minimum scores, and who has the highest overall ranking based on this evaluation process.

6.1. Mandatory Criteria:

Proposals not clearly demonstrating that they meet the following mandatory criteria will be excluded from further consideration in the evaluation process.

Mandatory Criteria:	
1	The Respondent, or their representative., must have attended the mandatory site meeting
2	The Proposal must include the following completed form: <ul style="list-style-type: none"> • Appendix A – Certification Form

6.2. Scored Criteria:

Proposals that meet all of the Mandatory Criteria will be further assessed against the following scored criteria.

Scored Criteria	Weighting
Business Plan (based on Appendix B submission)	30%
Experience (based on Appendix C submission)	30%
Financial Proposal (based on Appendix D submission)	30%
Business References (based on Appendix E submission)	10%
TOTAL	100%

6.3. Clarifications & Remedy Period:

Notwithstanding the requirements for mandatory criteria and scored criteria detailed in this Section 6, the City will allow the following remedies and clarifications at its sole discretion:

- Remedy for missing Mandatory Criteria: If the City finds that a Proposal fails to meet all of the mandatory requirements detailed in Section 6.1, then the City may provide written notification to a Respondent which identifies the requirements not met and provides the Respondent with 5 calendar days to remedy and supply the requirements. The 5 calendar days shall commence upon notification by the City to the Respondent. This option to remedy missing requirements shall not apply to Proposals not received by the Closing Date and Time.
- Clarification of Proposals: During evaluation of the scored criteria, the City may at its sole option, request further details or clarification from the Respondent and/or third parties, on aspects of a Proposal by way of a written request for clarification. The written request shall clearly state the required clarification and time limit to supply the information requested. Following receipt of the clarification information, the City may use this information to reassess and/or re-score the Proposal according to the scored criteria.

6.4. Ranking of Respondents:

Following completion of the evaluation against the scored criteria, the weighted scores for each Proposal will be added together, and Proposals will be ranked according to their total weighted scores. The Respondent with the highest-ranked Proposal will be invited to conclude a Contract with the City. In the event that two or more Proposals have an equal total weighted-scored, then the Respondent with the Lowest Total Price will be invited to enter into a Contract with the City.

6.5. Conclusion and Execution of a Contract

Neither the City nor any Respondent will be legally bound to provide or purchase the Services until the execution of a written Contract. Following an invitation to a Respondent, by the City, to conclude a Contract, it is expected that the City and that Respondent would enter into discussions which may include, among other things:

- Clarification or amendment to the scope of work, plus any resulting price adjustments, based on items submitted in the Proposal.

The City would seek to execute a Contract within 30 days of issuing an invitation to the Respondent to conclude a Contract. If the City and Respondent do not, for any reason, execute a Contract within this time-period, the City may discontinue the process with that Respondent and invite the Respondent with the next-highest-ranked Proposal to conclude a Contract. The City may then continue this process until a Contract is executed, or there are no further Respondents, or the City otherwise elects to cancel the RFP process entirely. For clarity, the City may discontinue discussions with a Respondent if at any time the City is of the view that it will not be able to conclude a Contract with that Respondent.

7. Other Terms & Conditions of this RFP Process:

The following terms and conditions shall also apply to this RFP:

7.1. Proposals in English:

All Proposals are to be in the English language only.

7.2. Only One Entity as Respondent:

The City will accept Proposals where more than one organization or individual is proposed to deliver the Services, so long as the Proposal identifies only one entity that will be the lead entity and will be the Respondent with the sole responsibility to perform the Contract if executed. The City will only enter into a Contract with that one Respondent. Any other entity involved in delivering the Service should be listed as a Subcontractor. The Respondent may include the Subcontractor and its resources as part of the Proposal and the City will accept this, as presented in the Proposal, in order to perform the evaluation. All Subcontractors to be used in the Service must be clearly identified in the Proposal.

7.3. Proposals to Contain All Content in Prescribed Forms:

All information that Respondents wish to be evaluated must be contained within the submitted Proposal. Proposals should not reference external content in other documents or websites. The City may not consider any information which is not submitted within the Proposal or within the pre-prescribed forms set-out in this RFP.

7.4. References and Experience:

In evaluating a Respondent's experience, as per the scored criteria, the City may consider information provided by the Respondent's clients on the projects submitted in the Proposal, and may also consider the City's own experience with the Respondent.

7.5. RFP Scope of Work is an Estimate Only:

While the City has made every effort to ensure the accuracy of the Services described in this RFP, the City makes no guarantees as to the accuracy of the information provided. Any quantities or measurements provided are estimates only and are provided to describe the general nature and scale of the Services. Respondents must obtain all information they deem necessary, including verification of quantities or measurements in order to complete a Proposal.

7.6. Respondent's Expenses:

Respondents are solely responsible for their own expenses in participating in this RFP process, including costs in preparing a Proposal and for subsequent finalizations of an agreement with the City, if required. The City will not be liable to any Respondent for any claims, whether for costs, expenses, damages or losses incurred by the Respondent in preparing its Proposal, loss of anticipated profit in connection with any final Contract, or any matter whatsoever.

7.7. Retention of Proposals and FOIPPA:

All Proposals submitted to the City will not be returned and will be retained in accordance with the Freedom of Information and Protection of Privacy Act ("FOIPPA"). Respondents should note that in accordance with the provisions of FOIPPA, certain details of this RFP

and any executed Contract may be made public, including the Contractor's Name and total Contract price. Respondents should identify with their Proposal any information which is supplied in confidence, however, Respondents should be aware of and review the City's obligations under FOIPPA and the City's limited ability to refuse to disclose third party information pursuant to section 21 of FOIPPA.

7.8. Notification and Feedback to Unsuccessful Respondents:

At any time up until or after the execution of a written Contract with the Contractor, the City may notify unsuccessful Respondents in writing that they have not been selected to conclude a Contract. Unsuccessful Respondents may then request a feedback email or telephone call with the City's Purchasing Department in order to obtain feedback on how their Proposal fared in the evaluation. Such requests for feedback must be made within 30 days of notification of the RFP results to the unsuccessful Respondent. Details of feedback provided will be at the City's sole discretion in order to protect the confidentiality of other Respondents and the City's commercial interest.

7.9. Conflict of Interest:

All Respondents must disclose an actual or potential conflict of interest, as set-out in Appendix A – Certification Form. The City may, at its sole discretion, disqualify any Respondent from this RFP process, if it determines that the Respondent's conduct, situation, relationship (including relationships of the Respondent's employees and City employees) create or could be perceived to create a conflict of interest.

The City may rescind or terminate a Contract entered into if it subsequently determines that the Respondent failed to declare an actual or potential conflict of interest during this RFP process, as required under Appendix A – Certification Form.

7.10. Confidentiality:

All information provided to Respondents by the City as part of this RFP process is the sole property of the City and must not be disclosed further without the written permission of the City.

7.11. No Contract A and No Claims:

This RFP process is not intended to create and no contractual obligations whatsoever (including what is commonly referred to as 'Contract A') shall arise between the City and any Respondent upon the submission of a Proposal in response to this RFP. For extra clarity, both the Respondent and the City are free to cancel their participation in this RFP process at any time up until the execution of a written Contract for the Services.

Without limiting the above paragraph, no Respondent shall have any claim whatsoever against the City for any damage or other loss resulting from a Respondent's participation in this RFP, including where the City does not comply with any aspect of this RFP and including any claim for loss of profits or Proposal preparation costs should the City not execute a Contract with the Respondent for any reason whatsoever.

7.12. Right to Cancel RFP:

Although the City fully intends to conclude a Contract as a result of this RFP, the City may at its sole discretion, cancel or amend this RFP process at any time without any liability to any Respondent.

7.13. Governing Law and Trade Agreements:

This RFP is governed by the laws of the Province of British Columbia and any other agreements which exist between the Province of British Columbia and other jurisdictions.

Part C: Submission Instructions and Forms



This Part D contains forms detailing the information that should be included in a Proposal, as detailed under Section 6 of Part B.

Part C Contents:

This Part D contains the submission process and the following forms:

- Appendix A – Certification Form
- Appendix B – Business Plan
- Appendix C – Experience
- Appendix D – Financial Proposal
- Appendix E – Business References

SUBMISSION OF PROPOSALS

Please follow these instructions to view all files and submit via our Public Portal.

Log in to Bonfire or register your company on the portal. Please note that the email address you register with will be the email address all notifications will be sent to.

<https://penticton.bonfirehub.ca/portal>

Prepare your submission materials:

Requested Information:

Name	Type	Requirement
Appendix A – Certification Form	File Type: PDF (.pdf)	Required
Appendix B - Business Plan	File Type: PDF (.pdf)	Required
Appendix C – Experience	File Type: PDF (.pdf)	Required
Appendix D– Financial Proposal	File Type: PDF (.pdf)	Required
Appendix E– Business References	File Type: PDF (.pdf)	Required

Please note the type and number of files allowed. The maximum upload file size is 100MB.

Please do not embed any documents within your loaded files, as they will not be assessable or evaluated.

UPLOAD YOUR SUBMISSION AT:

<https://penticton.bonfirehub.ca/portal>

2019-RFP-03
Operation of Skaha Marina

Your submission must be uploaded, submitted and finalized prior to the Closing Time. We strongly recommend that you give yourself sufficient time and at least ONE (1) day before Closing Time to begin the uploading process and to finalize your submission.

Important Notes:

Each item of Requested Information will only be visible to the City after the Closing Time.

Uploading large documents may take significant time, depending on the size of the file(s) and your internet connection speed.

You will receive an email confirmation receipt with a unique confirmation number once you finalize your submission.

Minimum system requirements: Internet Explorer 8/9/10+, Google Chrome, or Mozilla Firefox. Javascript must be enabled. Browser cookies must be enabled.

NEED HELP?

City of Penticton uses a Bonfire portal for accepting and evaluating proposal digitally. Please contact Bonfire at Support@GoBonfire.Com for technical questions related to your submission. You can also visit their help forum at <https://bonfirehub.zendesk.com/hc>

Amendments of Proposals

Respondents may amend their Proposals prior to the Closing Time by submitting the amendment in the same manner as the original Proposal. Amendments must be marked with the RFP title and number and the full legal name and return address of the respondent and must clearly indicate which part of the Proposal the amendment is intended to amend or replace.

APPENDIX A – CERTIFICATION FORM



Respondents must complete all details requested in this Appendix A – Certification Form and include this completed form in the Proposal, as detailed under Section 6.1 (Mandatory Criteria) of Part B. No changes to this form must be made, except for completing the requested information in the spaces provided.

1. Respondent Details:

Full Legal Name of Respondent:	
Other “DBA” Names the Respondent Uses:	
Registered Address:	
Respondent Contact Person Name & Title:	
Contact Person Phone No.:	
Contact Person Email:	

2. Certification & Acknowledgement of RFP Process:

By signing this Appendix A – Certification Form, we the Respondent, certify and acknowledge the following:

- a. We have carefully read and examined this RFP document, including all Parts and Appendices, and have conducted such other investigations as were prudent and reasonable in preparing this Proposal. We are able to provide the Services detailed in Part A for the pricing submitted in this Proposal.
- b. We certify that the statements made in this Proposal are true and submitted in good faith.
- c. We acknowledge and understand that the RFP process and the submission of this Proposal do not give rise to any contractual obligations whatsoever (including what is commonly referred to as ‘Contract A’) between the City and us, the Respondent, and that no contractual obligations shall arise between the City and us, the Respondent, until and unless we execute a written Contract with the City.
- d. We certify that in relation to this RFP process, we have not engaged in any conduct which would constitute a conflict of interest and we understand that a conflict of interest would include the following situations:
 - i. The Respondent has an unfair advantage or engages in conduct which may give it an unfair advantage;
 - ii. The Respondent has had access to confidential information of the City which is not available to other Respondents to this RFP.

2019-RFP-03
Operation of Skaha Marina

- iii. The Respondent has influence over an employee of the City who is a decision-maker involved in this RFP process, which could reasonably be perceived as giving the Respondent an unfair advantage or preferential treatment.

3. Confirmation of Addenda Received:

We confirm receipt of the following addenda that were issued by the City up until the Closing Date and Time:

Addendum #	Issued On Date:

4. Certification Signature:

The Respondent hereby certifies that the above statements are true and that the individual signing below has the authority to bind the Respondent:

Signature of Respondent Representative

Name of Respondent Representative

Title of Respondent Representative

Date

APPENDIX B – BUSINESS PLAN FORM



Proposals must include the details requested in this Appendix B – Business Plan, as detailed under Section 6.2 (Scored Criteria) of Part B.

Provide a business plan, including but not limited to, the following information:

- Short corporate background, history, overview and experience of the Company
- Details on how the Proponent will manage and staff the Marina including the slips, kitchen (if applicable) and/or snack bar
- Details on what upgrades will be needed/required to operate
- Demonstrate ability to deliver on Financial Proposal
- Sufficient Start up financing
- Planned daily operating hours. What months you propose to be operational
- Details on how you will manage the off season maintenance (ice jams etc.)

APPENDIX C – EXPERIENCE FORM



Proposals must include the details requested in this Appendix C – Experience, as detailed under Section 6.2 (Scored Criteria) of Part B.

Experience:

Please provide details of company history and financial well-being, history of past performance, operating a marina, operating a restaurant, operating retail, dealing with Interior Health, Fire Department and City of Penticton (i.e. business licence) to deliver the Services outlined in Part A.

APPENDIX D – FINANCIAL PROPOSAL FORM



Proposals must include the details requested in this Appendix E – Financial Proposal, as detailed under Section 6.2 (Scored Criteria) of Part B.

Financial Proposal:

Please provide details of proposed Fee Structure of the Marina. Please provide, the proposed License to Use /Sub-License of Occupation fee that will be payable to the City.

APPENDIX E – REFERENCES FORM



Proposals must include the details requested in this Appendix F – References Form, as detailed under Section 6.2 (Scored Criteria) of Part B. Respondents should provide details on 3 business references over the past 3 years which are of a similar nature and scope to the Services. Respondents should note that the City may the references listed (including amending scoring in the evaluation based on the client’s feedback).

Company Name:
Contact Person:
Contact Person’s Title:
Telephone No. (including area code):
Contact Email Address:

Company Name:
Contact Person:
Contact Person’s Title:
Telephone No. (including area code):
Contact Email Address:

Company Name:
Contact Person:
Contact Person’s Title:
Telephone No. (including area code):
Contact Email Address:

Council Report

penticton.ca

Date: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: David Kassian, Community Sustainability Coordinator
Subject: **Love Food, Hate Waste Campaign**

File No: RMS 5370

Staff Recommendation

THAT Council supports the City of Penticton's participation in the provincial "Love Food, Hate Waste Campaign".

Strategic priority objective

Participation in the 'Love Food Hate Waste' campaign is aligned with the *Council Priority* of Environmental Sustainability:

- Ensure the sustainability of the environment and the ecosystems within our community
- Establish energy monitoring systems and emissions reduction strategies in line with direction from the City's Corporate and Community Climate Action Plans

Background

The Ministry of Environment and Climate Change Strategy (the Ministry) is undertaking a campaign titled 'Love Food Hate Waste' (LFHW). The goal of this campaign is to encourage consumers to reduce food waste by providing simple and actionable tips to reduce food waste in the home. The Ministry is providing the opportunity for local governments to have access to materials being developed for the national LFHW campaign through a provincial partnership model with the Ministry.

The Penticton Community Climate Action Plan (2010) identifies the necessity to reduce the waste of food and to divert waste from landfills. The production of food that is ultimately wasted is also a large producer of greenhouse gas emissions, including carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons. In addition, diverting organic materials from the landfill reduces greenhouse gas emissions by up to 30%, as food waste that decomposes in landfills releases methane.

The Ministry has adopted a regional target of 50% food waste reduction by 2030 to help reduce greenhouse gas emissions and the wasted resources and environmental impacts associated with food waste. The average Canadian household disposes of approximately 140kg of food per year, totaling 2.2 million tonnes per year of food waste for the country as a whole. Preventing food from being wasted reduces the overall impact on the environment, from land used to grow food to local landfills storing the materials for disposal.

Recent waste audits at multifamily buildings in Penticton identified that by weight, compostable materials accounted for over 20% of the Penticton garbage stream. This is material that could otherwise be composted or diverted from entering the landfill. The Regional Solid Waste Management Plan (SWMP - 2011) identifies that by weight, organic materials account for as much as 40% of landfilled waste. SWMP identifies a plan to increase waste diversion from 51% to 73%, and educating the public on preventing food waste is aligned with this goal.

Reducing the amount of food disposed of in landfills will support local and provincial goals of lowering carbon emissions.

Program participation requirements

According to the provincial information, in order to join the Love Food Hate Waste campaign local governments must:

- develop an activation plan for a minimum of one-year outlining expected campaign activation activities and resources available;
- provide resources that the provincial partners determine as sufficient to activate and develop recognition of the campaign within their community;
- participate in regularly scheduled conference calls between the Ministry and local government partners;
- share stories and lessons learned from use of the campaign materials; and
- track usage of the campaign materials and inform progress.

The Ministry will provide local governments with resource packages that focus on social media, community outreach, and other materials that can be used for promotion and outreach in places such as offices, community centres and workplaces.

Financial implication

There is no financial obligation for local governments to participate in the LFHW campaign, other than staff time and some small advertising funds (<\$500), which come from within existing budgets. It is the intention of the Community Sustainability Coordinator to engage the summer students in the outreach associated with the program, with the Community Sustainability Coordinator being the lead provincial contact.

The Ministry has paid the annual service fee for licensing rights for the outreach materials. There will be a small cost involved with any paid advertising that will be paid for by the City. Many forms of outreach involve little or no cost, such as internet campaigns including social media posts and webpage notices.

Analysis

Participating in the Love Food Hate Waste campaign will support Council priorities, the Regional Solid Waste Master Plan, and goals outlined by the Ministry in reducing the amount of food that is disposed of in the landfill. Measures that reduce landfill emissions also support the City's commitment to the Climate Action Charter by reducing emissions and creating complete, compact, and efficient communities.

For these reasons, staff are recommending that Council support participation in the program by committing to the requirements of the program.

Attachments

Attachment A – Provincial Partnership Terms of Use for the Love Food Hate Waste Canada Campaign Materials

Respectfully submitted,

David Kassian
Community Sustainability Coordinator

Concurrence

Director <i>AH</i>	Acting Chief Administrative Officer AH
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Attachment A: Provincial Partnership Terms of Use for the Love Food Hate Waste Canada Campaign Materials



PROVINCIAL PARTNERSHIP TERMS OF USE FOR THE LOVE FOOD HATE WASTE CANADA CAMPAIGN MATERIALS

Version 1, December 2018

Local governments who wish to participate in and support the Love Food Hate Waste Canada campaign as a “provincial partner” must ensure they act in accordance with the conditions set out in this Terms of Use. By accessing and using the BC Ministry of Environment and Climate Change Strategy’s Love Food Hate Waste campaign materials, you are agreeing to these Terms of Use.

1. BACKGROUND

- a) The National Zero Waste Council has initiated the Love Food Hate Waste campaign, a Canada-wide consumer behaviour change campaign (“campaign”) developed by the UK’s Waste and Resources Action Plan (WRAP). The campaign encourages consumers to reduce food waste by providing simple and actionable tips to reduce food waste in the home.
- b) The National Zero Waste Council has entered into a licence agreement with WRAP that permits the National Zero Waste Council to sub-licence the brand ‘Love Food Hate Waste Canada’ to campaign partners across Canada.
- c) The Ministry of Environment and Climate Change Strategy (“Ministry”) is a founding campaign partner and is providing access to campaign materials and support to local government provincial partners wishing to activate campaigns in their communities.

2. CAMPAIGN MATERIAL ACCESS AND USE

The provincial partner in accordance with the Brand Guidelines:

- a) may copy, download and publish the campaign materials that are provided by the Ministry;
- b) must only use the campaign materials for the purposes of the campaign;
- c) must not edit or customize campaign materials, and must not add any logos, branding or a corporate seal on the campaign materials;
- d) must not use the campaign materials in connection with the sale or advertising of meat products; and
- e) must not use the campaign materials for purposes that are illegal, derogatory or otherwise objectionable and that bring the Ministry and The National Zero Waste Council into disrepute.

3. SERVICES

The Ministry will:

- a) pay the annual service fee as a Partner to the Love Food Hate Waste national campaign;
- b) provide provincial partners with provincially branded Love Food Hate Waste campaign materials;
- c) co-ordinate regularly scheduled conference calls between the Ministry and all provincial partners;
- d) provide guidance and support to assist provincial partners in activating the Love Food Hate Waste campaign;
- e) collect and share data and information from all provincial partners and other sources to track progress, and assess impacts and results of the campaign; and
- f) ensure appropriate application and use of the Love Food Hate Waste Canada campaign materials.

4. PROVINCIAL PARTNER OBLIGATIONS

The provincial partner will:

- a) develop an activation plan for a minimum of one-year outlining expected campaign activation activities and resources available;
- b) provide resources that the provincial partners determine as sufficient to activate and develop recognition of the campaign within their community;
- c) participate in regularly scheduled conference calls between the Ministry and local government partners;
- d) share stories and lessons learned from use of the campaign materials; and
- e) track usage of the campaign materials and inform progress.

Council Report



Date: January 22, 2019 **File No:**
To: Peter Weeber, Chief Administrative Officer
From: Kerri Lockwood, Human Resources Manager
Subject: Southern Interior Municipal Employers Association (SIMEA)

Staff Recommendation:

THAT Council appoint Councillor Jake Kimberley and Councillor Katie Robinson as Directors to the Southern Interior Municipal Employers Association (SIMEA) Administrative Committee;

AND THAT Council appoint Kerri Lockwood, Human Resources Manager as Alternate Director.

Background:

SIMEA is an association of six (6) member municipalities: the City of Kelowna, the City of Penticton, the Town of Princeton, the City of Revelstoke, the District of Summerland and the Regional District of Okanagan-Similkameen.

SIMEA operates under the direction of the SIMEA Constitution and Bylaws. SIMEA’s main objective is to secure benefit plan coverage and administration related services for its municipal employee members, as well as to foster positive labour relations for its members through regular legal review.

SIMEA holds between 3-4 board meetings a year with one being in-person at the AGM held in Kelowna in April 2019.

The Directors must oversee or supervise the management of the affairs of the Association and may exercise all of the powers of the Association that are not directed by the Bylaws or by statute, or otherwise directed to be exercised or done by the Association in a general meeting.

Analysis:

The City of Penticton is a long-term member municipality of SIMEA and gains considerable benefit from being part of this Association. With the appointment of two (2) members of Council to fill the roles of Directors representing the City of Penticton on the Southern Interior Municipal Employers Association (SIMEA) Administrative Committee, the City will continue to obtain these benefits for City employees.

Respectfully submitted,

Kerri Lockwood
Human Resources Manager

Chief Financial Officer	Acting Chief Administrative Officer
<i>JWB</i>	AH

Council Report

penticton.ca

Date: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: Audrey Tanguay, Senior Planner
Address: 1760 Carmi Avenue
Subject: **Zoning Amendment Bylaw No. 2019-02**

File No: RZ PL2018-7301

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-02", a bylaw that rezones "Proposed Strata Lot 1" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850" (1760 Carmi Avenue), as shown on Schedule 'A' of the bylaw, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing) and includes a site specific provision to the RM1 zone prohibiting townhouses on the subject property, be given first reading and be forwarded to the February 5, 2019 Public Hearing.

Strategic priority objective

This application is aligned with the *Council Priorities* of Community Building and Economic Vitality, creating five new single family housing sites.

Background

City Council, in late 2017, supported the rezoning of the subject property to allow a, five (5) lot, bareland strata subdivision on portion of the lot (9,000 m²). At that time, the existing single family house was not included in the original rezoning application. The intent of the property owner is now to carry on with the bareland strata on the entire parcel, incorporating the existing house. This will allow the owner to create six strata lots. The existing house will remain on the property and would be serviced with water and sanitary services from the proposed bareland strata. At present, the single family dwelling has City water service only.

The subject property (Attachment 'A') is split zoned RM1 (Bareland Strata Housing) and RC (Country Residential Housing). The property is also designated in the City's Official Community Plan (OCP) as LR (Low Density Residential). The site is 4.06 acres in area and is characterized by rocky outcrops and relatively steep topography. The subject property is located on the east side of Carmi Road at the city's limit with the Regional District Okanagan Similkameen (RDOS) and comprises one single family dwelling and two accessory structures.

Proposal

The applicant is requesting that Zoning Bylaw 2017-08 be amended to change the zoning of the newly created lot, "Proposed Strata Lot 1" of the subdivision of "Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850", from RC (Country Residential Housing) to RM1 (Bareland Strata Housing). The remainder parcel already has the RM1 designation.

The bylaw will also include a site specific provision as follows:

Replace Section 10.7.3 Site Specific Provisions with:

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

Technical Review

This application was reviewed by the City's Technical Planning Committee. This is a complex development given that the subject land is serviced with City water only and not sanitary sewer. Additionally, the presence of bedrock and irregular topography make providing adequate access to the proposed strata lots challenging. Nevertheless, the applicant consulting engineers has worked through the majority of the servicing issues to the satisfaction of City staff. A road dedication is identified along Carmi Avenue. The dedication will occur as part of the subdivision process.

Financial implications

If approved, the development anticipated by this application will create in total 5 new development sites for the construction of single family housing, hence contributing to an increase in the City's tax base. As part of the subdivision process, a small land exchange will take place and provide the city with land to access its adjacent water reservoir at minimal cost.

Draft Official Community Plan – Future Land Use Designation

While the current OCP identifies this area as LR (Low Density Residential), the draft OCP that is currently under development and anticipated to be adopted early in 2019, identifies this area for 'Ground Oriented Residential'. The proposed rezoning would be in line with the proposed designation.

Analysis

When considering a zoning amendment application, staff and Council look toward the Official Community Plan's future land use map and designation for guidance, including all relevant planning policy. As indicated by the Future Land Use Map (Attachment 'C'), this property is identified for low density residential (LR) development and future development is envisioned to support single family and duplex development as well as limited commercial and institutional use. The City's draft Official Community Plan (anticipated to be adopted in early 2019) identifies the future land use of this property as Ground Oriented Residential, which is defined as medium-density residential areas where each unit has an exterior door and construction is primarily wood frame, or bareland strata. The proposal for the site provides single detached housing, at an acceptable scale for the current area. The existing house on the property zoned RC (Country Residential Housing), represents less development density than is contemplated by the existing or new OCP. The proposed RM1 zone, which is the zone that is specifically designed for bareland strata development, would allow for the proposed 6-lot bareland strata subdivision therefore meets the intent of the future Ground Oriented Designation.

Nevertheless, the RM1 zone allows townhouses, which are not a use contemplated in the low density residential of the current OCP land use designation. Even though the new OCP anticipates ground oriented residential on the site and include townhouses, staff are recommending that if Council supports the zoning change that a site specific amendment be included in the zoning bylaw prohibiting townhouse development on the subject land. All the other uses of the RM1 zone (single detached housing, duplex housing, home based business etc.) are uses that are envisioned in the low density residential land use designation.

The proposed zoning amendment will generate five new development strata lots in a desirable area of the city and is in keeping with the intent of the OCP. As such staff are recommending that Council give first reading to the bylaw and forward it to the February 5, 2019 Public Hearing for comment from the public.

Alternate recommendations


1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-02".
2. THAT Council refer the application back to staff for further discussions with the applicants.

Attachments

- Attachment A – Location Map
- Attachment B – OCP Map
- Attachment C – Zoning Map
- Attachment D – Images of Subject Property
- Attachment E – Site and Subdivision Plan
- Attachment F – Letter of Intent
- Attachment G – Proposed Road Widening
- Attachment H – Zoning Amendment Bylaw No. 2019-02

Respectfully submitted

Audrey Tanguay
Senior Planner

Director Development Services 	Acting Chief Administrative Officer AH
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Attachment A – Location Map

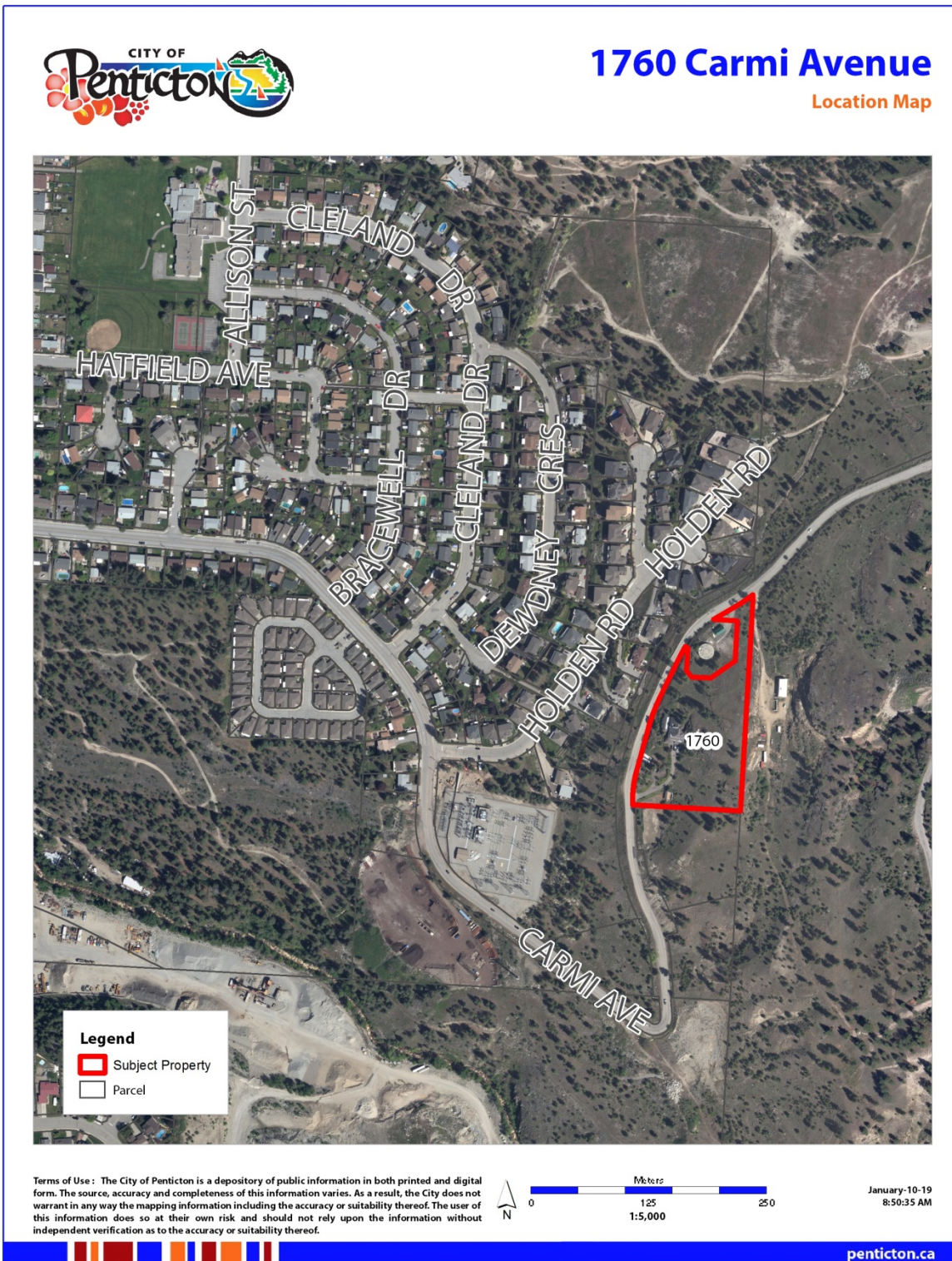


Figure 1: Location Map

Attachment B – OCP Map

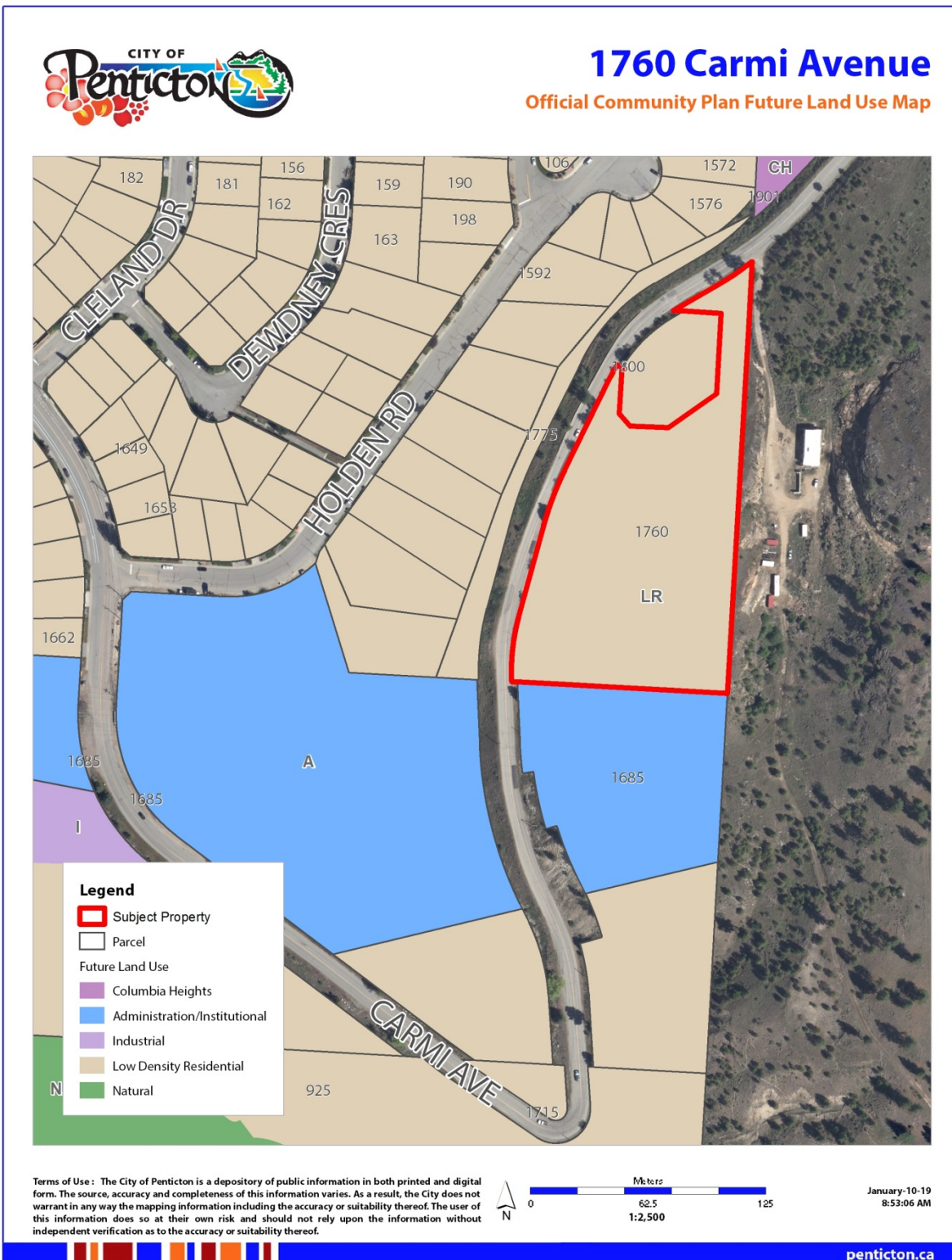


Figure 2: OCP Map

Attachment C – Zoning Map

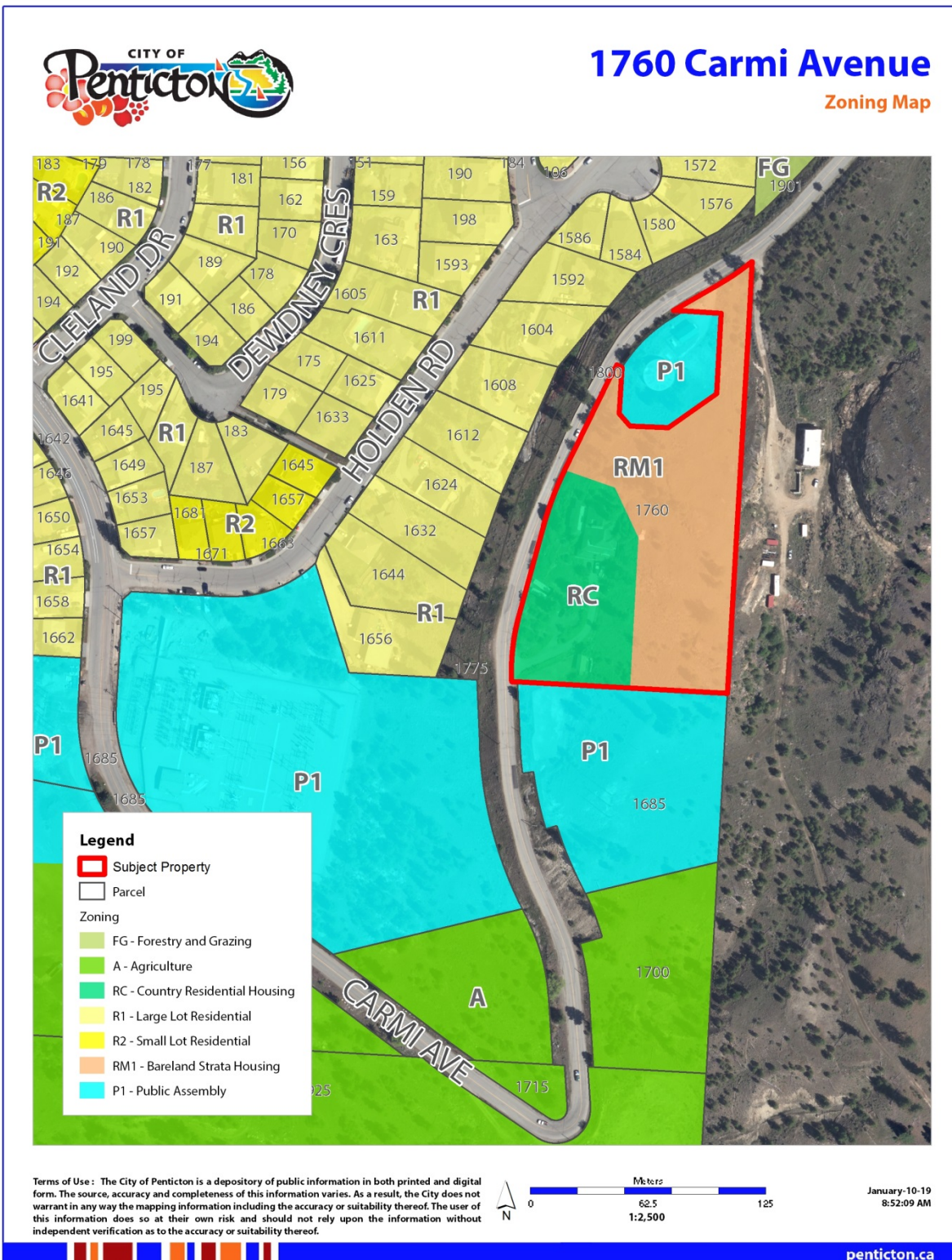


Figure 3: Zoning Map

Attachment D - Images of Subject Property



Figure 4: Image of subject lands from Carmi Avenue looking east, with current driveway shown



Figure 5: Image of subject land from Carmi Avenue looking east



Figure 6: Looking west with water pump house in mid-ground



Figure 7: Looking towards downtown Penticton over pump house and reservoir

Attachment E - Site and Subdivision Plans

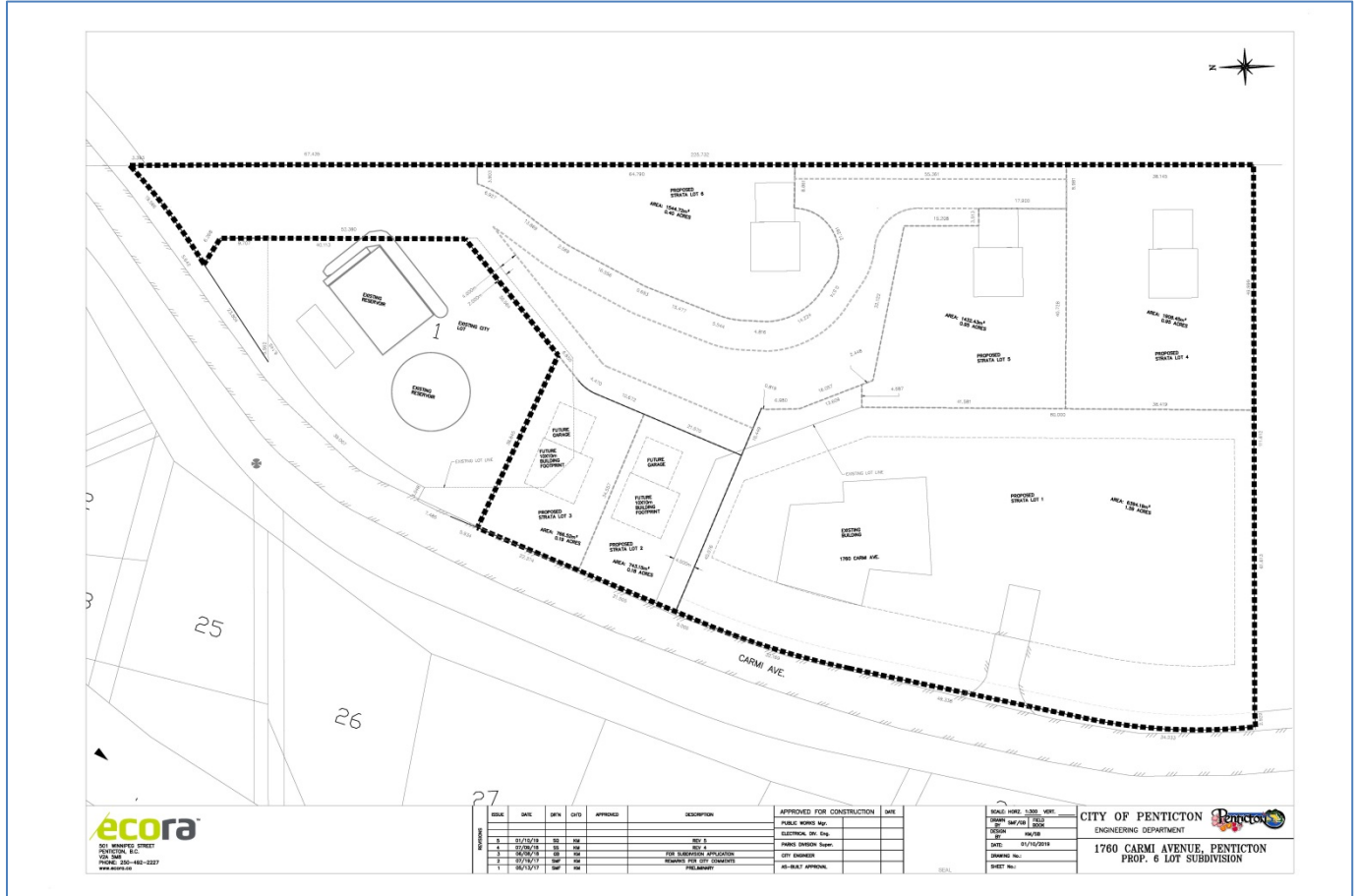


Figure 8: Site Plan

Attachment F - Letter of Intent



June 21, 2018

Ecora File No.: CP-17-208-ODC

Blake Laven, RPP, MCIP
Planning Manager
City of Penticton
171 Main Street
Penticton, BC, V2A 5A9

Attention: Blake Laven, Planning Manager

Reference: Letter of Intent – 1760 Carmi Avenue- Rezone Application

Please accept this Letter of Intent for the proposed Rezoning and Subdivision Application for the property at 1760 Carmi Avenue. The owners of the noted property would like to rezone the existing house from Country Residential Housing (RC) to Low Density Cluster Housing (RM1). The proposed amendment to rezone the entire property to RM1 will include the existing house in the development which will now have six strata lots. The rezoning is desired for the following reasons:

1. The existing house is only serviced by the City of Penticton's water utility. The owners would like the existing house to be serviced by all of the City of Penticton utilities.
2. The existing house can be serviced with sanitary sewer from the strata subdivision which will enable the owners to decommission their old septic system; and
3. During the design development for the originally Proposed 4 – Lot Strata Subdivision on only the RM1 zoned portion of the property, it was determined that the servicing costs for subdivision exceeded the recoverable costs from the sale of lots. The servicing costs are high due to the presence of bedrock which has to be mechanically hammered rather than blasted due to the proximity to reservoir.

We trust this information meets your present requirements. If you have any questions or comments, please contact the undersigned.

Sincerely

Ecora Engineering & Resource Group Ltd.



Kelly Mercer, ASCT
Penticton Branch Manager
kelly.mercer@ecora.ca



501 Winnipeg Street Street, Penticton, BC V2A 5M8 P: 250.492.2227 | F: 250.492.2135 | www.ecora.ca

Attachment G - Road Dedication Map

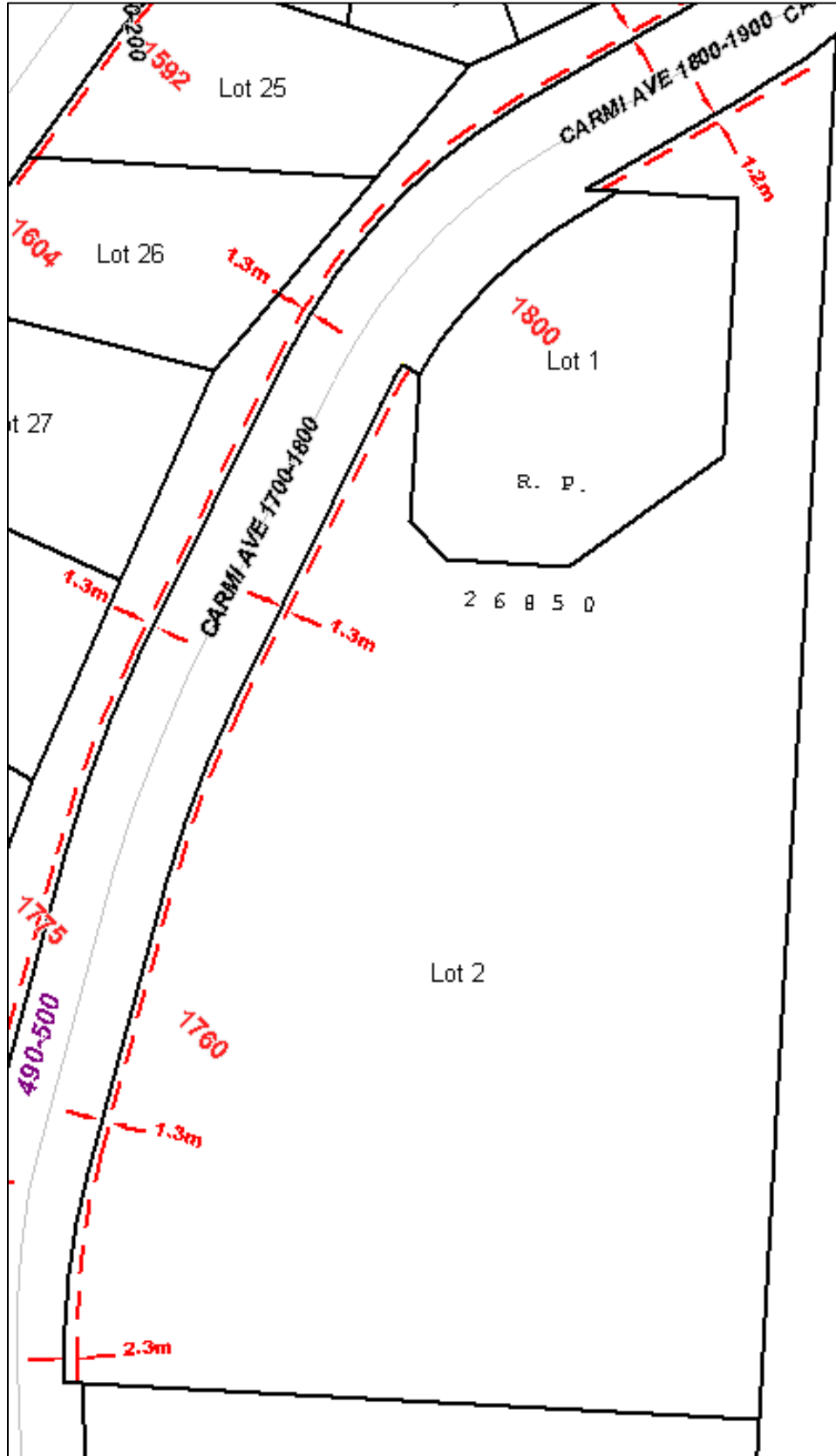


Figure 9: Road Dedication

Bylaw No. 2019-02

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. 2019-02".

2. **Amendment:**

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

Rezone "Proposed Strata Lot 1" of the subdivision of Lot 2, District Lots 2710 and 3821S, Similkameen Division Yale District, Plan 26850, located at 1760 Carmi Avenue, from RC (Country Residential Housing) to RM1 (Bareland Strata Housing).

2.2 Delete and replace Section 10.7.3 SITE SPECIFIC PROVISIONS with the following:

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

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

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
ADOPTED this	day of	, 2019

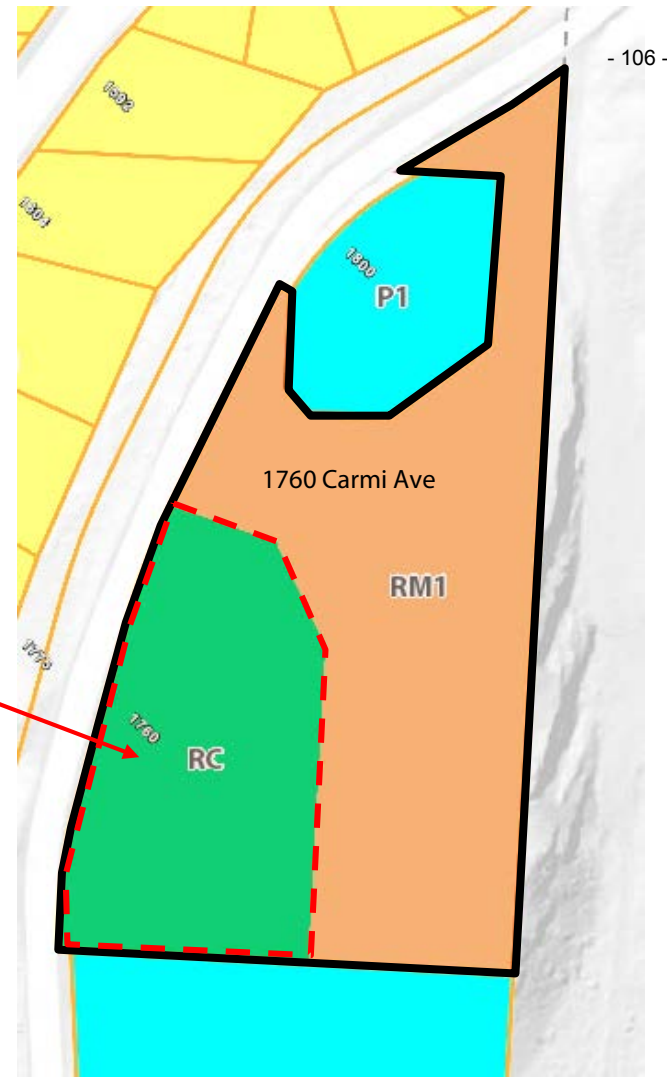
Notice of intention to proceed with this bylaw was published on the __ day of ____, 2019 and the __ day of ____, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

1760 Carmi Avenue

- Rezone the portion of 1760 Carmi Avenue currently zoned as RC (Country Residential) to RM1 (Bareland Strata Housing).
- Add a site specific provision to the RM1 Zone prohibiting townhomes on the property



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-02

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 964 Dynes Avenue
Subject: **Zoning Amendment Bylaw No. 2019-03 and
Development Variance Permit PL2018-8274
Development Permit PL2018-8273**

File No: PRJ2018-134

Staff Recommendation

Zoning Amendment Bylaw

THAT "Zoning Amendment Bylaw No. 2019-03", a bylaw to rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), be given first reading and be forwarded to the February 5, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-03", the owner be required to consolidate all four lots;

Development Variance Permit

AND THAT delegations and submissions for "Development Variance Permit PL2018-8274" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit to vary Section 10.9.2.7.i to reduce the interior side yard from 4.5m to 3.0m, be heard at the February 5, 2019 Public Hearing;

AND THAT Council consider "DVP PL2018-8274" following the adoption of "Zoning Amendment Bylaw No. 2019-03".

Excess and Extended Service

THAT Council, in accordance with Section 507 of the *Local Government Act*, require the following excess and extended services:

- Full construction of curb and sidewalk along the front of 988 and 994 Dynes Avenue, to create a pedestrian connection between the development and the existing sidewalk along Dynes and Sydney Avenue.

Development Permit

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2019-03", approve "Development Permit PL2018-8273" for the consolidated parcel of 964, 970, 976 and 982 Dynes Avenue, a permit that allows for the construction of two rows of six-unit townhouses.

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 applicant is requesting to rezone 964, 970, 976 and 982 Dynes Avenue from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing). This rezoning will facilitate the consolidation of four parcels into one large parcel, which will allow for the construction of 12 townhouse units, 6 facing Dynes Avenue and 6 facing the rear lane. Each unit is intended to have garage parking and is four storeys in height. To support the development, the applicant is also requesting a variance to the RM3 zone to reduce the required side yards from a minimum side yard of 4.5m to 3.0m.

The subject property (Attachment 'A') is currently zoned R2 (Small Lot Residential) and is designated for medium density residential by the City's Official Community Plan (OCP). There are currently two existing single family homes on the properties, which were constructed in the 1930's. As indicated in the Zoning Map (Attachment 'B'), the surrounding neighbourhood currently contains a diverse mix of residential zones, ranging from R2 (Small Lot Residential), to RM4 (High Density Residential). There are housing types including a mobile home park, single family homes, duplexes, townhouses, apartments, and tourist accommodations (hotels/motels). This area has been slowly transitioning from a low density neighbourhood to accommodate medium to high density units, as directed by the OCP.

Draft Official Community Plan

The Official Community Plan review currently underway includes the subject property within the Future Land Use category called 'ground oriented residential'. The draft Official Community Plan describes the ground oriented residential designation as "medium-density residential areas where each unit has an exterior door and construction is primarily wood frame." Compatible types of development include duplexes with or without suites; cluster housing; higher-density rowhouses; townhouses and stacked townhouses; and bareland strata developments. This OCP designation supports building heights up to 3 ½ storeys.

Proposal

The applicant is proposing to construct two rows of six-unit townhouses at 964 and 982 Dynes Avenue (to be consolidated into one large lot). To facilitate this development, the applicant is requesting to rezone the property from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

The applicant is also requesting a variance to reduce the required side yard from 4.5m to 3.0m.

The applicant is required to attain a Development Permit for the form and character of the building, as the properties are located within the Downtown Multiple Family Development Permit Area. This has been included in this report for Council's consideration.

Technical Review

This application was reviewed by the City's Technical Planning Committee. No significant issues arose in the process. Typical frontage upgrades and servicing requirements have been identified for the Building Permit stage of the project, if rezoning and variance permit applications are supported by Council. Any servicing

upgrades required for the development are the responsibility of the applicant. The development is required to conform to the BC Building Code. These items have been communicated to the applicant.

Staff are recommending that the applicant be required to construct and extend curb, sidewalk and boulevard landscaping on Dynes Avenue from the front of the development to the west, to connect to Sydney Avenue. This scope of work is not within the authority of the Subdivision and Development Bylaw, which only requires infrastructure upgrades along the frontage of a property up to the centre line of the road. The *Local Government Act*, however, does give Council the authority to require these works through the excess or extended service sections of the legislation. When Council utilizes this power, a developer is eligible for 'latecomer' payments when a property that benefits from the works redevelops within a 15 year period. In this case, the two benefitting properties are 994 and 988 Dynes Avenue. If those lots were to redevelop the City would be responsible for collecting funds from the developers and forwarding them back to the persons who completed the excess or extended service works. This has been communicated to the developer, who is in agreement with the proposal.

Financial Implication

The application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer. The developer will be paying for the extension of the sidewalk in front of the development along Dynes Avenue to create better pedestrian connections.

Development Statistics

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

	Requirement RM3 Zone	Provided on Plans
Minimum Lot Width:	25 m	36.588 m
Minimum Lot Area:	1,400 m ²	1,692.53 m ²
Maximum Lot Coverage:	50 %	37%
Maximum Hard Surfacing	60%	60%
Maximum Density:	1.6 Floor Area Ratio (FAR)	1.25 Floor Area Ratio (FAR) (text amendment)
Vehicle Parking:	15 (1 per unit, plus 0.25/unit for visitor parking)	24 (2 per unit)
Required Setbacks		
Front Yard (Dynes Ave):	3.0 m	6.0 m
Side Yard (east):	4.5 m	3.0m – Variance Requested
Side Yard (west):	4.5 m	3.0m – Variance Requested
Rear Yard (lane):	6.0 m	6.0 m
Maximum Building Height	24 m	12.5 m (4 storeys)

Analysis

Support Zoning Amendment Bylaw

The 2002 Official Community Plan (OCP) designation for the subject property is MFMD (Multi-Family Medium Density Residential), which supports townhouses, cluster housing, condominiums and other forms of increased density. The applicant is proposing to consolidate four legal parcels into one large parcel, which will allow for 12 townhouse units to be constructed. The proposed development is following the OCP vision for the neighbourhood of a multi-family medium density. Staff consider that the proposed zoning amendments will allow for a development that is supported through the following City Policies:

- OCP goal to facilitate the provision of a variety of housing types, tenures and densities that will continue to respond to the diverse needs, including income levels, of individuals and families in Penticton in varying stages of their life.
- OCP goal to strive to achieve a housing stock that includes high quality, luxury housing.
- OCP policy which promotes residential infill development as an appropriate method of maximizing the use of land and increasing housing choices for Penticton residents.
- The subject property is in an appropriate location for density being near existing transit services and other amenities, like parks and grocery. The subject property is within close proximity to Okanagan Lake, Riverside Plaza, the South Okanagan Events Center, the Penticton Community Center, and the City's downtown core, which encourages more walking and active forms of transportation.

In addition to the properties being within the MFMD (Multi-Family Medium Density) OCP designation, the properties are also located within the Downtown Multiple Family Development Permit Area. Prior to any development on the properties, the applicant must receive development permit approval. The Development Permit has been included for Council consideration as part of this application (see below section on Development Permit).

Given the above, there is adequate policy through the OCP to support the proposal to rezone the subject properties from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing), and support is recommended for First Reading of "Zoning Amendment Bylaw No. 2019-03".

Deny Zoning Amendment Bylaw

Council may consider that the proposed development is not appropriate for the subject properties. If this is the case, Council should deny First Reading of Zoning Amendment Bylaw No. 2019-03".

Support Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance is to reduce the minimum interior side yards from 4.5m to 3.0m.

Section 10.9.2.7: to reduce the minimum interior side yard from 4.5m to 3.0m.

- The applicant is requesting a variance to reduce the minimum interior side yard from 4.5m to 3.0m. The RM3 zone has larger setback requirements in place:
 - Increased setbacks are in place to require taller buildings to be setback further from the neighbouring properties;
 - The RM3 zoning allows for buildings up to 24m in height, the 4.5m setback assists in reducing the impact of such a tall building on the neighbours;
 - The space created by these setbacks is often used to accommodate landscaping buffers between properties and differing uses.

- While there are benefits to requiring a 4.5m setback, the proposed development is minimizing the impacts of the requested variance by:
 - Limiting the height of the proposed building to 12.5m, although the RM3 zone allows for a 24m building.
 - Integrating a significant amount of landscaping throughout the property, including along the side yards to create a buffer between the uses.
 - Limiting the number and size of windows on the sides of buildings that would overlook into neighbouring properties, respecting the privacy of adjacent properties.

The requested variance would allow for an increased building envelope available onsite, which allows for larger, more desirable units with 3 bedrooms.

Given the above, staff find that the proposed design successfully integrates a medium density development into the existing neighbourhood. Staff find the variance request reasonable and recommend that Council support the application.

Deny Development Variance Permit

Council may consider that the buildings should be reduced to meet the 4.5m side yard setback for both interior side yards. If this is the case, Council should refer the permit back to staff to work with the developer as directed by Council. The result of this approach would likely result in the redesign of the units with potential loss of density. Staff do not support denial of the variance request, as the rationale provided by the applicant and high quality design proposed will result in a positive contribution to this area of the community.

Support Development Permit

The subject property is located within the Downtown Multiple Family Development Permit Area (DPA), as such a Development Permit (DP) is required prior to application for a building permit. The DP, once approved, will be listed on title of the property and 'locks-in' the form and character of the building, giving some assurance that the building will look as was presented to Council.

The objective of the Downtown Multiple Family DPA guidelines are to ensure that the siting, form, character and landscaping of new development and exterior renovations and additions to existing buildings in the downtown area, are compatible with the context of the traditional neighbourhood character in some downtown neighbourhoods. In this DPA, there is emphasis on the following design considerations:

The mass and façade of buildings should be articulated with variations in materials and detailing to emulate the scale of the existing neighbourhood.

- The proposed buildings have been designed with sufficient variations to both the front and the back of the buildings. As shown on the proposed elevations (Attachment 'I'), the front façade of the buildings have jogs and off-sets, which create visual interest. The façade also incorporates an adequate variation of building materials, using an abundance of windows, varied colours of stucco, brick, and other accent materials.

Multiple dwelling buildings should have street orientation to all adjacent streets.

- The proposed development proposes to build two six-unit townhouse buildings. The proposed site plan places the front building facing onto Dynes Avenue, and the second building will face onto the lane at the rear of the property. This development will help to increase security and safety on the lane behind the development by increasing 'eyes on the street' at all times of the day.

Building shape, roof lines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.

- As described above, the proposed development has used architectural features, variation to the façade, as well as a mixture of exterior building materials to ensure sufficient variation to the building and create an architecturally appealing design.

Where a site is to contain several buildings, careful attention should be given to the provision of usable private open space, trail linkages between buildings and potential other development enclaves. On-site walkways and trails and connections to external walkways and trails should be indicated on the site plan.

- The proposed landscape plan demonstrates where outside space will be available to the occupant(s) of the development. There is ample usable, private open space for each of the proposed units, provided through decks and ground level green space between the two proposed buildings. The landscape plan also features pathways along both sides of the proposed buildings creating direct connections to the street.

All waste disposal bins should be completely screened within an enclosure.

- The proposed design places all waste and recycling bins inside the garages provided for each unit. Garbage collection will be curbside, collected from the lane and from the street on the designated collection day.

Large buildings should be designed in a way that creates the impression of smaller units and less imposing massing, by using building jogs and irregular faces.

- As previously noted, the building uses jogs and irregular faces to assist in breaking down the appearance of one large building. This helps in using the development to transition the neighbourhood to a medium density area, as desired by the Official Community Plan.

Mechanical/Utility cabinets and transformer pads are to be located at the rear of the property, behind the building. Where this is unachievable, the located may be permitted at the edge of the front yard and must be incorporated into landscaped area and screened from the street.

- The proposed development locates the mechanical/utility cabinets and transformer pads at the front of the property. Although this is not the desired location, the applicant has proposed to incorporate landscaping around the mechanical equipment, as well as placing a decorative wrap onto the utility boxes.

For apartment or condominium developments, large surface parking areas should be broken down into smaller parking evenly dispersed throughout the development and integrated with planted landscaping areas. Tree planting and landscaping is required in parking areas.

- The proposed site plan does not have one large parking area for the entire site. Rather, each unit has parking located directly in front of it. The driveways are broken down further with landscaping breaks between units, which include both shrubbery and trees.

Landscaping shall comprise of plant material that has a high decorative value and drought tolerant, cedar trees and hedges are discouraged in all landscaping plans.

- The proposed landscaping plan incorporates a significant amount of trees and shrubs throughout the site. The plan has included a 3m wide landscaping buffer along both side yards, which includes trees and shrubs as well as a walking path to connect the units at the rear of the property to the street.

Landscaped areas should include an underground irrigation system, which should be programmed to maximize efficient water use.

- The proposed landscaping plan has noted that all landscaping areas will be equipped with an automatic, underground, efficient irrigation system.

Landscape areas, boulevards and setback areas adjacent to streets should be planted with boulevard trees and use plantings and techniques that conserve water through xeriscaping and incorporation of drought resistant species.

- The proposed landscaping plan includes landscaped boulevard areas. The boulevard landscaping will be completed by the City (developer to provide funds for work). The landscaping plan also incorporates a number of trees near the boulevard on the private property.

The design presented by the applicant has been created with street presentation and architectural interest in mind. There is sufficient landscaping incorporated throughout the entire site, with attention given to the side yards buffering the neighbours. The proposed development is supported through OCP Policy to increase density within established areas, where servicing exists and through staff's review, the plans adhere to the DP guidelines for this area. As such, Staff recommend that Council approve the Development Permit.

Deny Development Permit

Council may consider that the developer can change the design to more accurately reflect the guidelines for the Downtown Multiple Family Development Permit Area. If this is the case, Council should refer the permit back to staff to work with the developer as directed by Council. Staff have been working with the applicants and their architects over the past few months on small improvements to ensure full alignment with the development permit area guidelines. Given the work and negotiation to get the point where the plans are currently at, staff do not recommend this course of action. Staff consider that the plans reflect the intent of the development permit area guidelines and that the project will be a positive addition to the site.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-03" and deny support for DVP PL2018-8274 and DP PL2018-8273.
2. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-03", but deny support for DVP PL2018-8274 and DP PL2018-8273.
3. THAT Council give first reading to "Zoning Amendment Bylaw No. 2019-03", and give support for DVP PL2018-8274 and DP PL2018-8273 with conditions that Council feels are appropriate.

Attachments

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

Attachment K: Draft Development Variance Permit (DVP)
Attachment L: Draft Development Permit (DP)
Attachment M: Zoning Amendment Bylaw No. 2019-03

Respectfully submitted

Nicole Capewell
Planner 1

Approvals

Director Development Services <i>AH</i>	Acting Chief Administrative Officer AH
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Attachment A – Subject Property Location Map



Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property



Figure 2 – Subject Property Currently Zoned R2 (Small Lot Residential)

Attachment C – Official Community Plan Map of Subject Property



Figure 3 – Subject Property Currently Designated as MFMD (Multi-Family Medium Density Residential) within Official Community Plan

Attachment D – Images of Subject Property



Figure 4 – Looking at front of 964 and 982 Dynes Avenue from Dynes Avenue



Figure 5 – Looking down eastern property line from Dynes Avenue



Subject Property:
982 Dynes Avenue

988 Dynes Avenue
Single family dwelling

Figure 6 – Looking down the western property line from Dynes Avenue



Dynes Avenue

Subject Property:
964/982 Dynes
Avenue

Figure 7 – Looking along the boulevard of Dynes Avenue in front of subject property (to be constructed with curb and sidewalk)

Attachment E – Letter of Intent



Proposal for Rezoning, Development Permit, and Development Variance Permit 964 & 982 Dynes Ave (Version2)

Introduction

This application is for a Rezoning, Development Permit, and Development Variance Permit to facilitate the construction of a 12 unit townhome enclave.



Site Context and Land Use

The subject site consists of 2 parcels. Both are currently zoned R2 with a "Multi Family Medium Density" Land Use Designation. Both lots have existing single family homes on them.



Site Location
Source: Google Map



Site Context
Source: City of Penticton

Figure 8 – Letter of Intent (1/2)



Proposal Overview

The owner of these properties would like to rezone the site to RM₃ "Medium Density Multiple Housing" and undertake a Development Permit to construct a series of three storey townhomes.

The units have been designed with significant contemporary influences and host a very modern appearance. Exceptionally well-appointed rooftop patios are provided for each home to increase livability and useable space. Exterior materials include acrylic stucco, architectural brick, and fiber cement siding. These high quality materials will create durable and low maintenance buildings. Parking is provided in a mixture of surface driveway stalls and garages.



Variances Requested

- 1) *Reduce Side yard Setback from 4.5m to 3.0m.*
Reducing the side yard setback from 4.5m to 3.0m allows for 6 units to fit in each building, which also allows the concept to get much closer to the allowable FAR under the RM₃ zone. Maximizing FAR potential is important to help ensure orderly and predictable development in accordance with the Official Community Plan and Zoning Bylaw. Furthermore, the max height under the RM₃ zone is 24m, so the 4.5m side setback was formulated with a much larger building in mind. Given that the proposed homes are only 12.5m high (half of bylaw maximum), it seems reasonable that the side yard setback could be reduced accordingly. Honoring the site coverage and the height constraints, the proposed development is scoring FAR of 1.25, whereas 1.6 is permitted for the site.

Figure 9 – Letter of Intent (2/3)



Conclusion

This project will provide a series of new townhomes within walking/biking distance of jobs, shopping, and services. Focusing this type of low impact medium density on the periphery of the downtown core enhances the variety of housing stock available in the City. The variances requested are minor in nature and are mitigated with functional, creative design elements. The applicant kindly requests support from staff and council on this application.

Figure 10 – Letter of Intent (3/3)

Attachment F – Proposed Site Plan

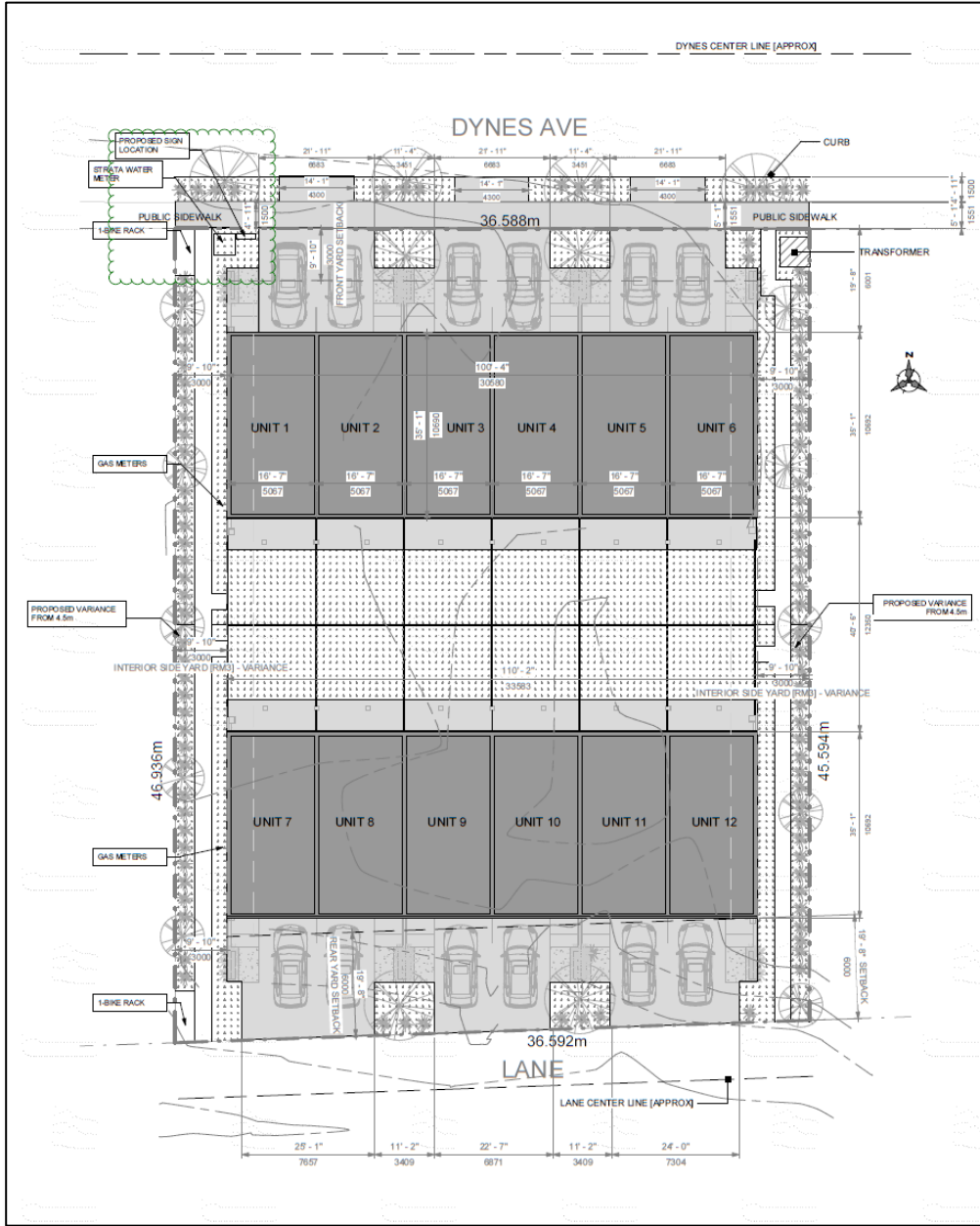


Figure 11 – Conceptual Site Plan

Attachment G – Proposed Landscape Plan

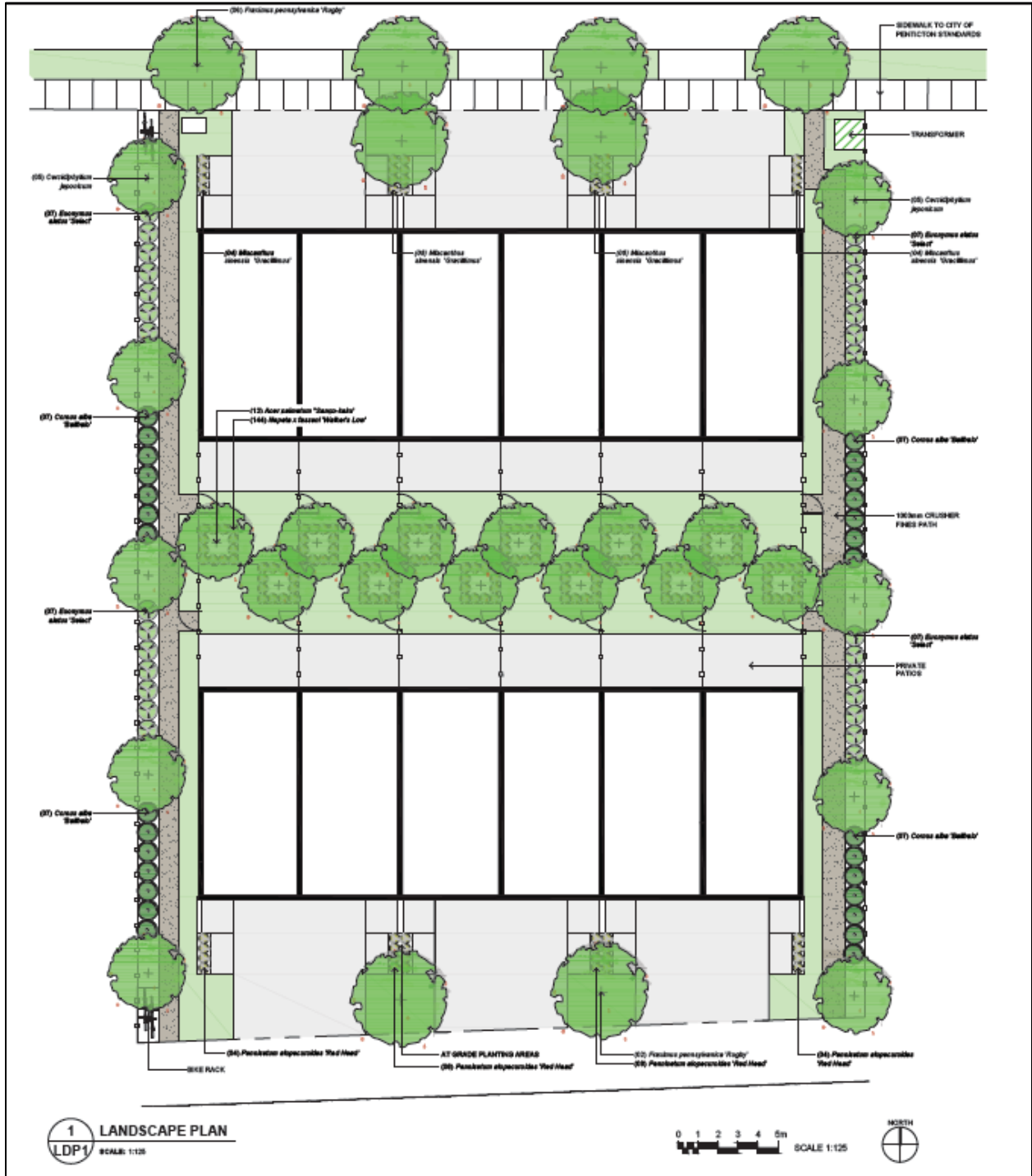


Figure 12 – Conceptual North Elevation

Attachment H – Proposed Floor Plans

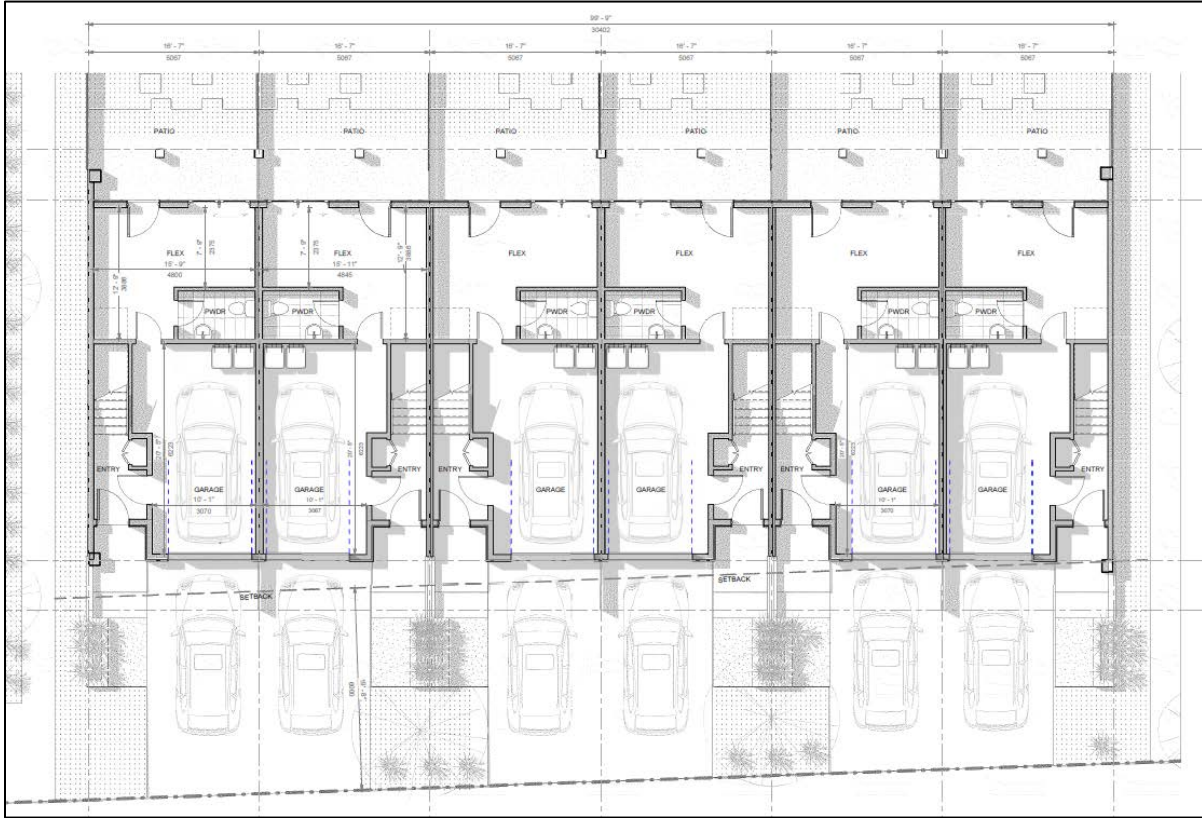


Figure 13 – Main Floor Plan

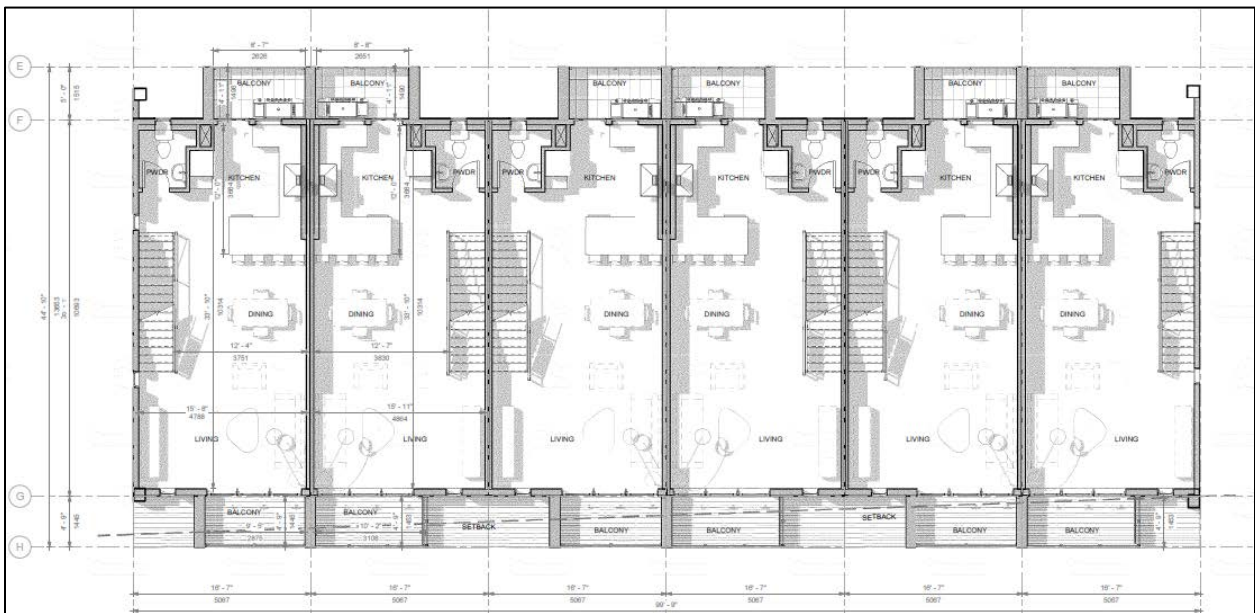


Figure 14 – Second Floor Plan

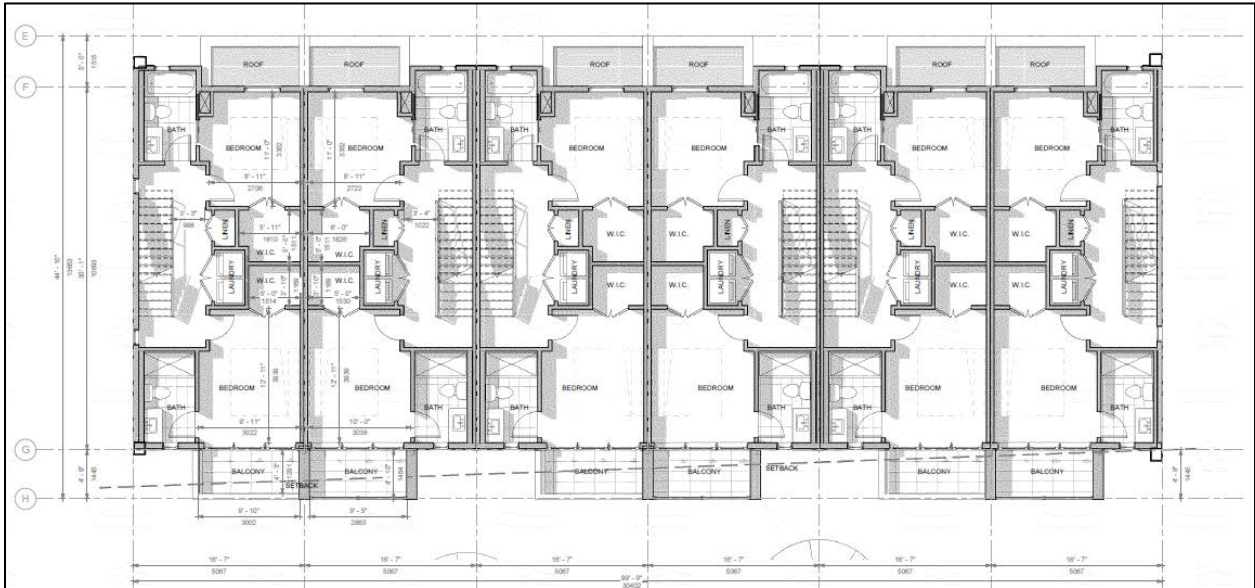


Figure 15 – Third Floor Plan

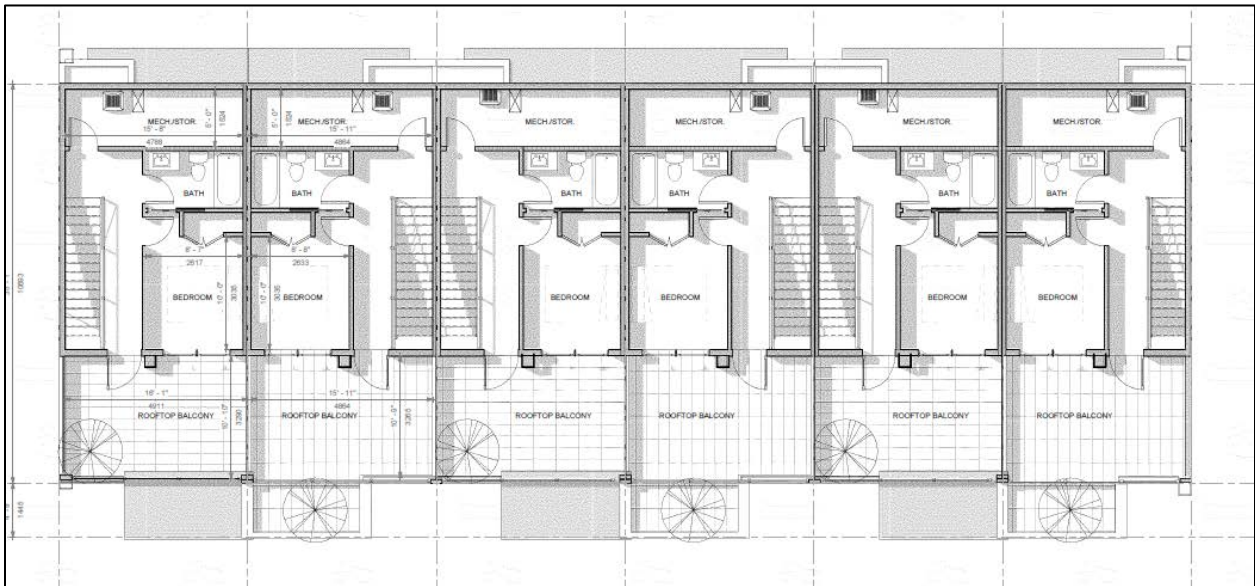


Figure 16 – Fourth Floor Plan

Attachment J – Proposed Renderings





Attachment K – Draft Development Variance Permit (DVP)



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

Development Variance Permit

Permit Number: DVP PL2018-8274

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: TBD after consolidation of lots
Civic: TBD after consolidation of lots
PID: TBD after consolidation of lots
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of two rows of six-unit townhouses:
 - a. Section 109.2.7.i: to reduce the minimum interior side yard setback from 4.5m to 3.0m.

General Conditions

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

Authorized by City Council, the _____ day of _____, 2018

Issued this _____ day of _____, 2018

Angela Collison,
Corporate Officer

DRAFT

Attachment L – Draft Development Permit (DP)



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

Development Permit

Permit Number: DP PL2018-8273

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: TBD after consolidation of lots
Civic: TBD after consolidation of lots
PID: TBD after consolidation of lots
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two rows of six-unit townhouses 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 \$104,711.00 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 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

- 6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

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

General Conditions

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

Authorized by City Council, the ____ day of _____, 2018

Issued this ____ day of _____, 2018 _____

Angela Collison
Corporate Officer

Bylaw No. 2019-03

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. 2019-03".

2. Amendment:

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

Rezone Lots 43, 44, 45 and 46 of District Lot 3 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 929, located at 964, 970, 976 and 982 Dynes Avenue, from R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing).

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

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
RECEIVED the approval of the Ministry of Transportation on the	day of	, 2019
ADOPTED this	day of	, 2019

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2019 and the __ day of ____, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

John Vassilaki, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2019</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure</p>
--

Angie Collison, Corporate Officer

Rezone 964, 970, 976 and 982 Dynes Avenue
From R2 (Small Lot Residential) to RM3 (Medium Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-03

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: Blake Laven, Planning Manager
Subject: **Smoking Regulations Bylaw 2018-68**

File No: RMS 4300-01

Staff Recommendations

1. THAT Council rescind third reading and give third reading as amended to "Smoking Regulations Bylaw 2018-68."
2. THAT Council give staff direction to begin public engagement on a full public smoking ban in all public places, as recommended by Interior Health, by January 1, 2022.

Strategic Priority

Adoption of the bylaw is in line with the *Council Priorities* of Good Governance and Social Development, promoting a healthy community.

Background

City Council on December 4, 2018 gave first, second and third reading to Smoking Regulations Bylaw 2018-68, a bylaw that will, upon adoption, repeal and replace the current 1987 smoking regulations bylaw. Bylaw 2018-68 includes a ban on smoking and vaping of cannabis in all public places in Penticton, including all streets and sidewalks. The bylaw, however, does not change the current approach of restricting cigarette smoking only in specified areas.

Prior to adoption of a smoking regulations bylaw, the *Community Charter*, the enabling legislation that allows a municipality to pass such a bylaw, requires comment from the relevant health authority. In this case, the bylaw was forwarded to Interior Health's Tobacco Reduction Coordinator for comment. In response to the referral, a letter was received from Interior Health (Attachment A) with some suggested improvements to the bylaw. The letter also highlighted that 34 communities in BC have passed 'smoke-free bylaws', effectively banning cigarette and all other forms of smoking in public places. The letter recommends that Penticton follow this lead and strengthen the regulations around cigarette smoking by banning cigarette smoking in all public places.

Staff have made some of the minor changes suggested in the letter, but did not feel that the public engagement around cannabis gave the City license to propose a full ban of all forms of smoking at this time. As such staff are recommending that Council give support to the minor bylaw amendments and then begin

the public education and engagement process on a more complete smoking ban in public places, prior to 2022.

Implications of recommendation

- Organizational: Staff time in Planning and Community Engagement
- Financial: Staff time and miscellaneous legal reviews (<\$2,000)
- Engagement: To be determined, based on direction from Council
- Authority: *Community Charter, Section 8(3)*

Analysis

While Interior Health is recommending a smoking bylaw that prohibits all smoking in public places, staff do not consider that enough public education and consultation has been done on this issue to move forward with such a bylaw at this time. Staff are recommending that a date be selected (January 1, 2022) when a full smoking ban can take place. Having the date a few years in the future will allow for sufficient public education and city residents being prepared for the new regulations.

Alternatively, Council could direct staff to make all of some of the recommended changes to the bylaw at this time. Ultimately, staff are not recommending this approach as proper policy development would require a period of public consultation and engagement and there is an imminent need to have effective controls over cannabis consumption at this time. Cannabis smoke is not covered by the current 1987 smoking regulations bylaw, which would remain in effect until a replacement is adopted. Staff’s recommendation is to move forward with the changes identified now and look toward further changes and strengthening of the tobacco smoking provisions at some time in the future.

Alternate recommendations

1. THAT Smoking Regulations Bylaw 2018-68, is referred back to staff to explore a wider smoking ban at a sooner date than January 1, 2022.
2. THAT Smoking Regulations Bylaw 2018-68 is given third reading and amended, without staff direction to look at a wider smoking ban.

Attachments


Attachment A – Letter from Interior Health commenting on “Smoking Regulations Bylaw 2018-68”

Attachment B – Amended “Smoking Regulations Bylaw 2018-68”

Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Approvals

Director 	Acting Chief Administrative Officer AH
--	--

Attachment A

Letter from Interior Health commenting on first version of Smoking regulations Bylaw 2018-68



December 14, 2018

City of Penticton
171 Main St
Penticton BC
V2A 5A9

Attention: Angie Collison

RE: New Smoking Regulation Bylaw - Review

Thank you for the opportunity to comment on your new "Smoking Regulation Bylaw No. 2018-68". Within the Interior Health region, we are currently sitting at 34 smoke-free bylaws, and this new Bylaw includes some welcome improvements from existing Bylaw 87-15. Smoke-free bylaws continue to become more comprehensive as smoking continues to be de-normalized and smoking rates continue to decrease.

Many of the smoking prohibitions, mentioned in Smoking Regulation Bylaw No. 2018-68 are also covered by the Tobacco and Vapour Products Control Act and Regulation. It is advantageous to duplicate prohibitions covered by the Provincial legislation as it gives your local bylaw enforcement officer the power to enforce these prohibitions. There are also some areas in which this bylaw could be strengthened, to better protect the public from the dangers of second hand smoke and vapour. Here is a list of some suggested improvements:

Section	Suggestions or Comments
2. Definitions "smoke"	Under "smoke", add hookah
2. Definitions "public place"	This definition is limited to areas that are designated by schedule A which is restrictive.
2. Definitions "public facility"	This definition is vague. Would this definition cover the entire grounds of Kings Park, Lions Park, skateparks, the rec centre, the poplar grove pump track? If so, does it cover a smoking ban for the entire property or only where there is a recreation facility, picnic shelter etc? How would the boundaries be determined if it's not the entire property?
6.1 Prohibitions on Smoking	b. increased buffer zones to 7.5m

Bus: (250) 770-5540 Fax:(250) 493-0041
jacqueline.duncan@interiorhealth.ca
www.interiorhealth.ca

POPULATION HEALTH
3090 Skaha Lake Road
Penticton, BC V2A 7H2

	recommended
6.1 Prohibitions on Smoking	c. remove "substantially enclosed" as all transit shelters prohibit smoking as per section 4.22(2) of the TVPCR. Consider including a buffer zone around a transit shelter.
Schedule "A"	Preference is given to replacing the Schedule with a definition that would cover all of these types of places so it is not restricted to particular locations. For example, Gyro Park, parades, farmer's market, kings park, Munson mountain are not included in Schedule A

This bylaw could be strengthened by covering all outdoor public gathering places and parks, by redefining "public place" and removing Schedule A. As mentioned, there are some specific parks that appear to be missing, as well as outdoor events like the farmer's market. Another key area that should be included is the KVR trail and other bike and hiking trails, especially with risk of forest fire in dry trail areas. It is also recommended to add a section which discusses your signage requirements. We commend your strict prohibitions for the smoking and vaping of cannabis products. It is also great to see a 30m buffer zone around schools and playgrounds!

If you have any further questions or comments, please don't hesitate to contact me at via phone or email.

Sincerely,



Jacqueline Duncan
Tobacco Reduction Coordinator

JD/jd

Bylaw No. 2018-68

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

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 **enclosed** buildings or recreation facilities 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, **hookah** 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~~ **seven and a half meters (7.5m)** of a public place or workplace doorway, open window, or air intake;
- c) ~~In a substantially enclosed transit shelters~~ **or within 7.5m of a transit stop;**
- 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.

9. Posting of Signs

- 9.1 A responsible person must display, or ensure the display of, a sign at all times, in the form established under paragraph 10(1):
- (a) at the main entrances to a park;
 - (b) at the main entrances to a designated public place;
 - (c) at the main entrances to a school yard.

10. Signs

- 10.1 A no-smoking sign shall state, (a) the phrase "no smoking", or (b) a graphic symbol which shall be a minimum of six centimetres in diameter.
- 10.2 No person shall remove, alter, conceal, deface, write upon or destroy any sign posted pursuant to this Bylaw.

11. Penalties

- 11.1 Except as otherwise provided in this Bylaw, any person who violates any of the provision of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this Bylaw commits an offence and is liable on summary conviction to a fine of not more than \$10,000.
- 11.2 In addition to any other penalty, the Licence Inspector or the Bylaw Officer may issue a Bylaw Offence Notice or Municipal Ticket Information to a person for a violation of this Bylaw.
- 11.3 Each day during which an offence is continued shall be deemed to constitute a new and separate offence.

12. Repeal

12.1 "The City of Penticton Smoking Regulation Bylaw No. 87-15" and all amendments thereto are hereby repealed upon adoption of this bylaw.

READ A FIRST time this	4	day of	December, 2018
READ A SECOND time this	4	day of	December, 2018
READ A THIRD time this	4	day of	December, 2018
RESCIND THIRD and READ a THIRD time as AMENDED		day of	, 2019
DEPOSITED with the Minister of Health		day of	, 2019
ADOPTED this		day of	, 2019

John Vassilaki, Mayor

Angie Collison, Corporate Officer

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
16. Outside Grounds and Parking Areas of South Okanagan Event Centre Complex

Bylaw No. 2019-01

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. 2019-01".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to section 9.2.6:

.11 In the case of Lot 206, DL587, SDYD, Plan 466, located at 3550 Valleyview Road, agri-tourism accommodation is a permitted use.

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

READ A FIRST time this	8	day of	January, 2019
A PUBLIC HEARING was held this	22	day of	January, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 11 day of January, 2019 and the 18 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Agriculture (A) Zone – Site Specific Zoning Amendment

Add agri-tourism as a permitted use at 3550 Valleyview Rd



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-01

Date: _____

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

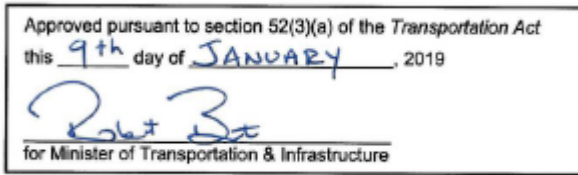
- 2.5 Add the following to 11.6 C6 – Urban Peripheral Commercial 11.6.1 Permitted Uses

.31 cannabis retail store

READ A FIRST time this	4	day of	December, 2018
A PUBLIC HEARING was held this	18	day of	December, 2018
READ A SECOND time AS AMENDED this	18	day of	December, 2018
A SECOND PUBLIC HEARING was held this	8	day of	January, 2019
READ A THIRD time this	8	day of	January, 2019
RECEIVED the approval of the Ministry of Transportation on the	9	day of	January, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 7 day of December, 2018 and the 12 day of December, 2018 and the 28 day of December, 2018 and 2 day of January, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor



Angie Collison, Corporate Officer

Bylaw No. 2018-67

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

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	4	day of	December, 2018
READ A SECOND time this	18	day of	December, 2018
READ A THIRD time this	18	day of	December, 2018
OPPORTUNITY for persons to make representation to Council	18	day of	December, 2018
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 7 day of December, 2018 and the 12 day of December, 2018 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: January 22, 2019
To: Peter Weeber, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 603 Van Horne Street
Subject: **Development Variance Permit PL2018-8418**
Development Permit PL2018-8419

File No: 2018 PRJ-243

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2018-8418", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit to decrease the minimum front yard from 4.5m to 3.5m and to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line, to allow for the construction of a duplex with suites;

AND THAT staff be directed to issue "Development Variance Permit PL2018-8418."

Development Permit

THAT Council approve "Development Permit PL2018-8419", for Lot 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269, located at 603 Van Horne Street, a permit that allows for the construction of a duplex with suites;

AND THAT staff be directed to issue "Development Permit PL2018-8419."

Strategic Objective

The subject application demonstrates alignment with the *Council Priority* 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 427.4m² (4,600ft²) and is currently vacant, with a single family dwelling being demolished in the summer of 2018. The surrounding properties are primarily zoned for commercial and duplex/multiple family. The property is located in the downtown periphery, in an area undergoing redevelopment.

Three duplex buildings with suites are currently under construction at 611, 615 and 619 Van Horne which are located to the south of the subject property. A duplex with suites has recently been approved by Council at 595 Van Horne Street, which is of similar design to the proposed duplex. On all four of these lots, variances were approved for the front yard setbacks from 4.5m to 3.5m and the number of parking spaces from 4 to 3. In the case of the subject property, four parking spaces are able to be achieved. To achieve this, however, the 0.5m required setback for a parking space from the south property line cannot be accommodated.

Proposal

The applicant is proposing to construct a duplex with a 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 section of Zoning Bylaw No. 2017-08:

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

Secondly, the applicant is requesting to vary Section 12.8 of Subdivision and Development Bylaw No. 2004-81, which decreases the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line.

Lastly, 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 at the cost of the developer.

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 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. As per the City's Subdivision and Development Bylaw No. 2004-81, Section 9.7, construction of a duplex results in the full width of the lane will need to be paved at the cost of the developer. Servicing upgrades will be required based on fixture counts. Building permit requirements have been identified and forwarded to the developer. 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 Official Community Plan (2019)

While the City's current Official Community Plan (2002) identifies this area as HR (High Density Residential), the draft OCP that is currently under development and anticipated to be adopted this spring, 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, four-plexes 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
Maximum Lot Coverage:	40%	33%
Maximum Density:	0.95 FAR	0.62 FAR
Vehicle Parking:	1 space per unit + 1 per suite= 4 total required	4 spaces
Required Setbacks		
Front yard (east, Van Horne Street):	4.5m	3.5m (variance required)
Rear yard (west, lane):	6.0m	8.4m
Exterior yard (north, White Avenue East):	3.0m	3.16m
Interior yard (south):	1.5m	2.0m
Maximum Building Height:	10.5m	8.23m
Other Information:	- 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 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.

Section 12.8: to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line.

- Section 12.8 of the Subdivision and Development Bylaw requires a driveway to be located 0.5m from a property line. This is to avoid trespassing into the neighbouring lot by either a vehicle or by persons exiting a vehicle. In the current proposal, there is a fence proposed along the south property line, which will prevent trespassing of vehicles and persons exiting a vehicle. Approval of the variance will provide enough width for four parking spaces on the lot which is a benefit to the neighbourhood. For this reason, it is reasonable to support the variance.

Given the design of the building, staff conclude that the variance requests are reasonable and do 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 front yard setback variance request is minimal and does not significantly impact the streetscape. The fence along the south property line eliminates the negative impacts of reducing the driveway buffer requirement. As such, staff are recommending that Council support the application.

Deny/Refer Variance

Council may consider that the proposed variances will negatively affect the neighborhood and the streetscape. If this is the case, Council should deny the variances. If Council were to deny the variances, it would require a redesign of the lot, resulting in a front setback that is not aligned with the neighbouring duplexes. Denial of the variance to the Subdivision and Development Bylaw for a driveway setback will result in three parking spaces proposed on the lot in which the applicant will most likely re-apply to vary that requirement which has been approved by Council in the past. The enhanced boulevard landscaping, 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 permit.

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. 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 Street 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 as well as grass and landscape rock.
- The current weed filled boulevard will be replaced with irrigated grass. This area is not irrigated adequately in the summer months and results in dead grass. Underground irrigation and new turf or seeded grass 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 PL2018-8418" but deny support for "DP PL2018-8419."
2. THAT Council support "DVP PL2018-8418" and "DP PL2018-8419" with conditions.
3. THAT Council refer "DVP PL2018-8418" 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 PL2018-8418
- Attachment L: Development Permit PL2018-8419

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS 	Acting CAO AH
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Attachment A – Subject Property Location Map



Figure 1: Subject Property Location Map

Attachment B – Zoning Map

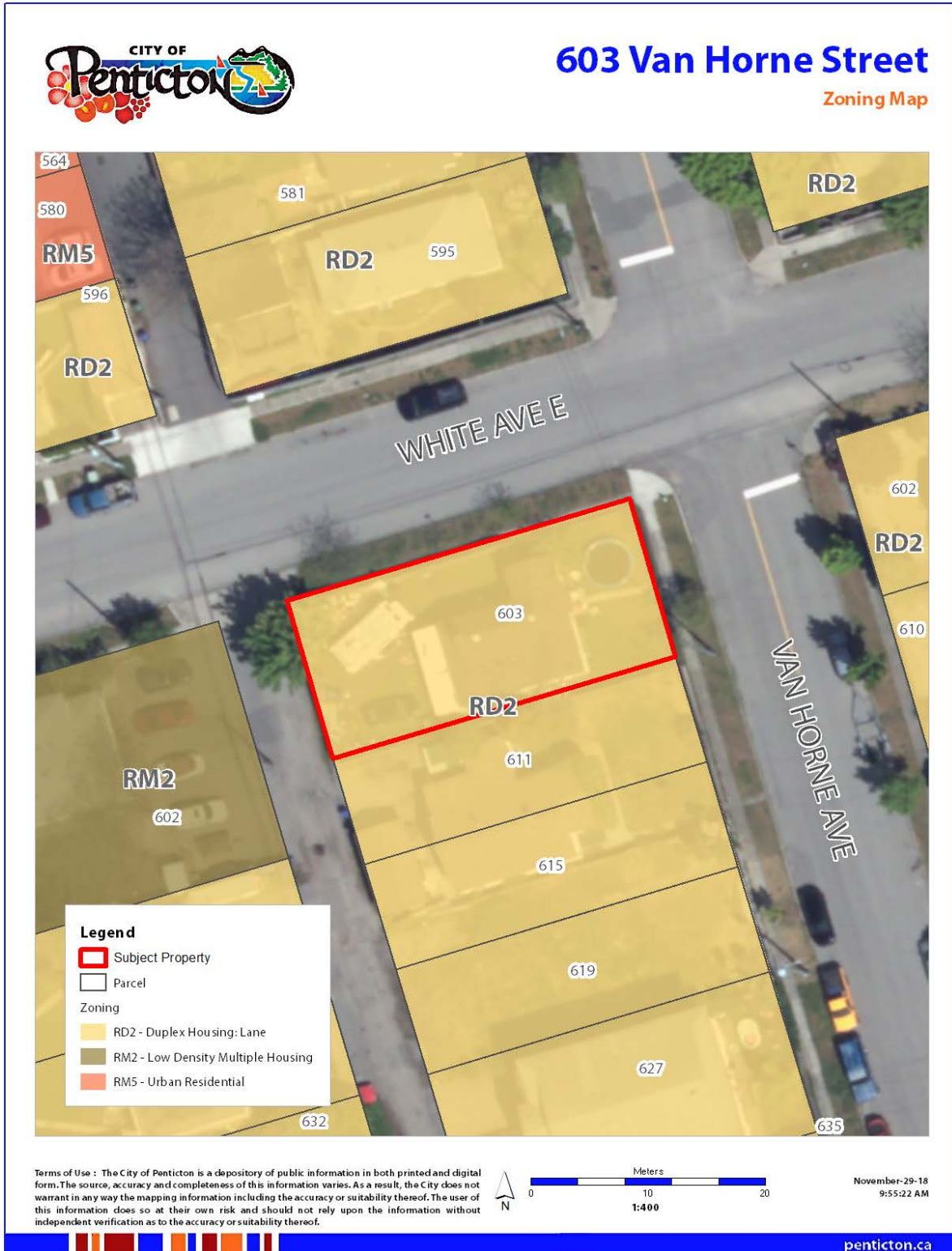


Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: East View (from Van Horne Street)



Figure 5: North View (from White Avenue East)



Figure 6: West View (from the lane)



Figure 7: West View (showing proximity to new duplex to the south)



Figure 8: Boulevard along White Avenue East



Figure 9: Duplexes to the south (similar design)

Attachment E – Site Plan

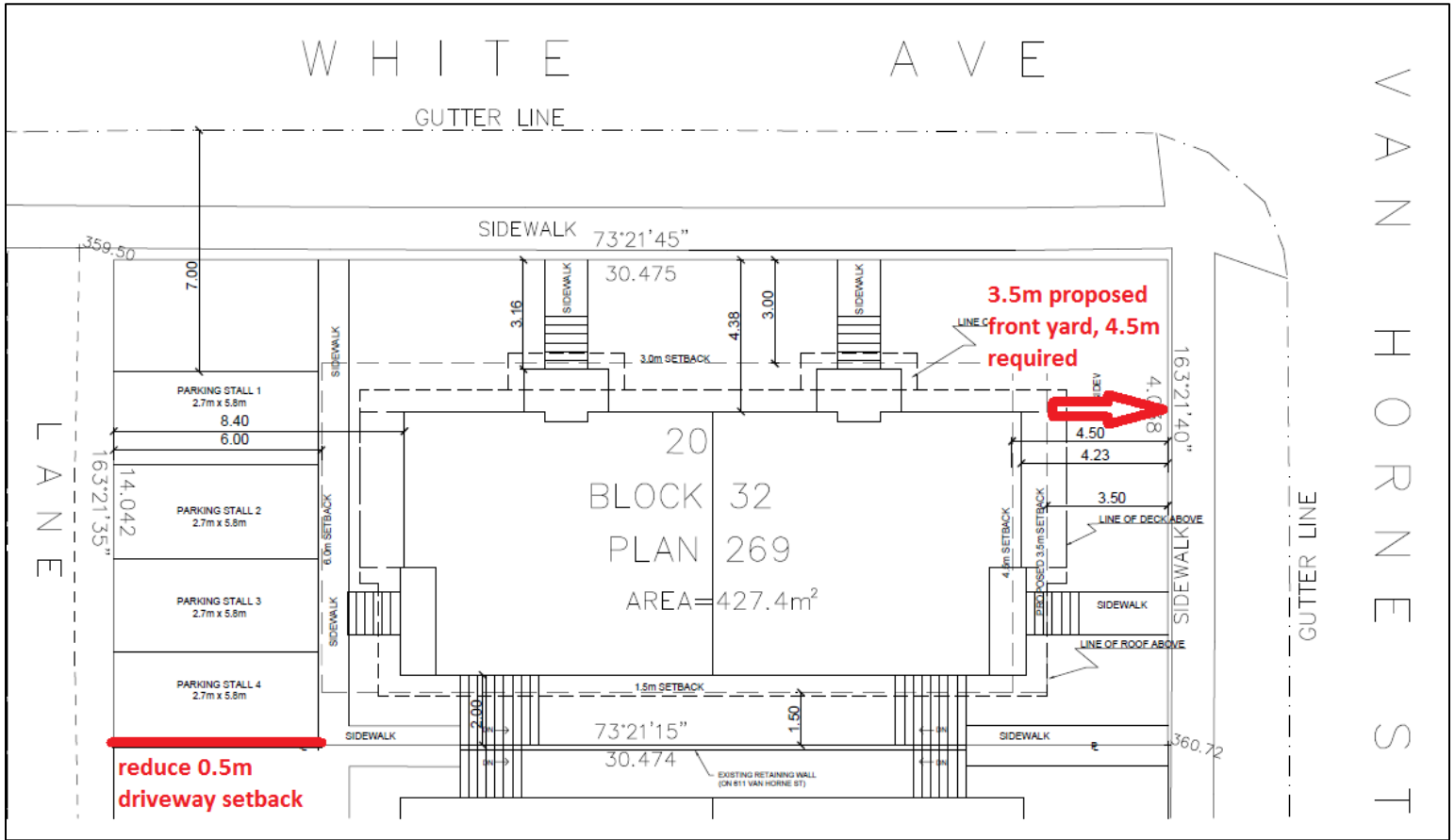


Figure 10: Site Plan

Attachment F – Landscape Plan

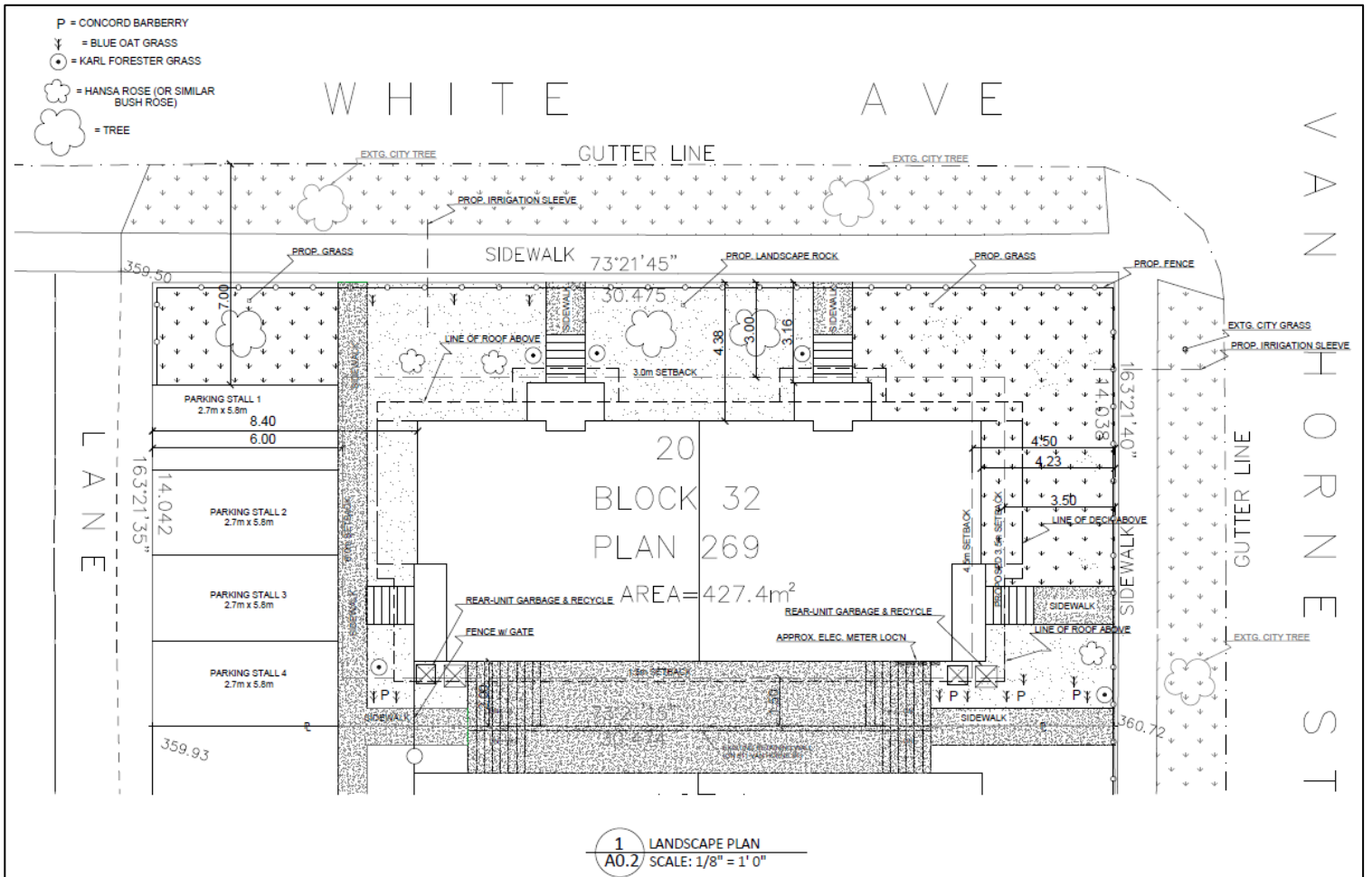


Figure 11: Landscape Plan

Attachment G – Elevations

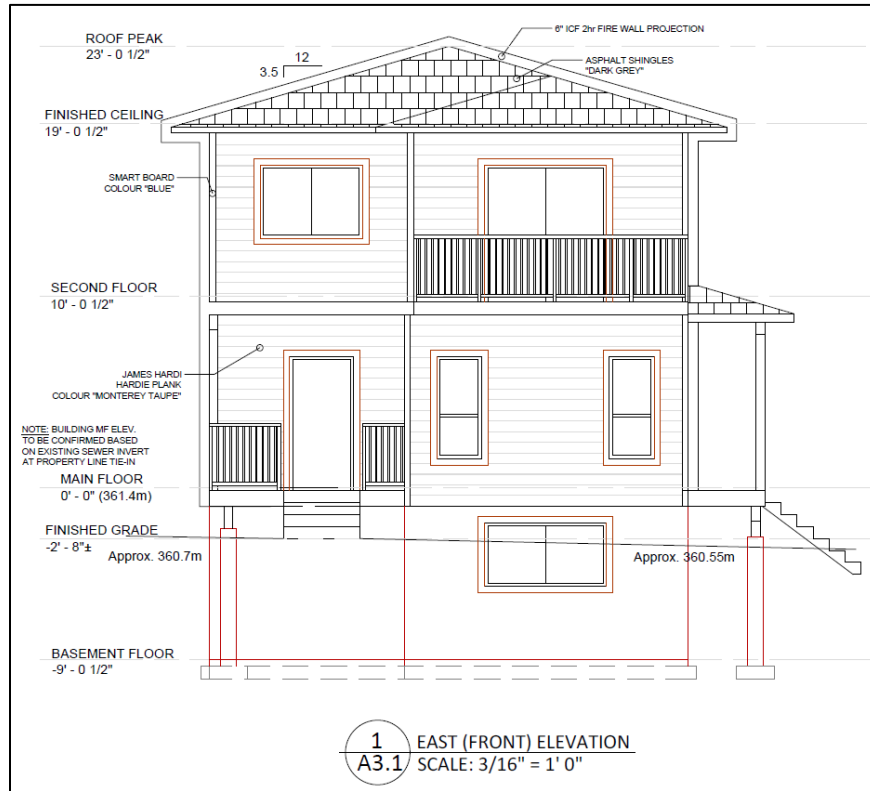


Figure 12: East Elevation (from Van Horne Street)

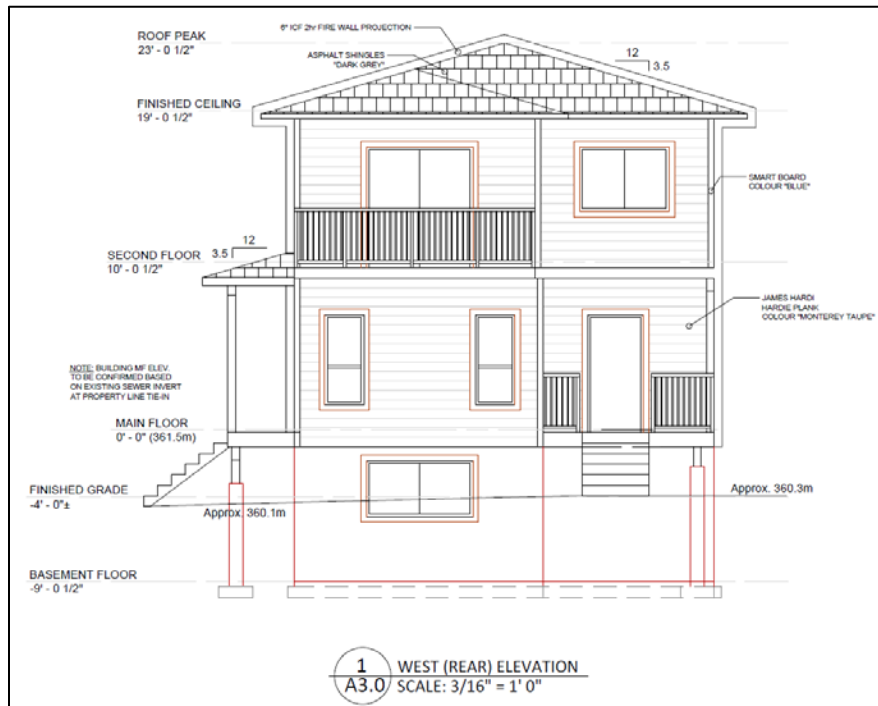


Figure 13: West Elevation (from the lane)



Figure 14: North Elevation (from White Avenue East)

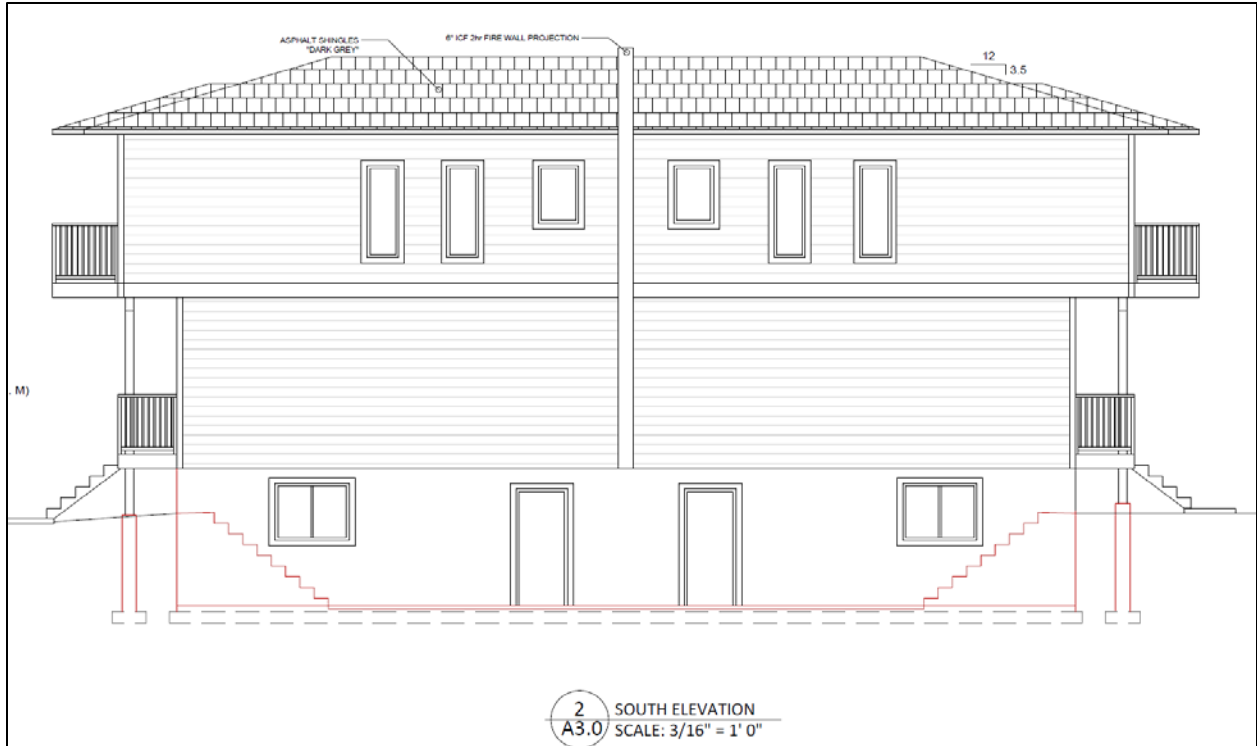


Figure 15: South Elevation

Attachment H – Floor Plans

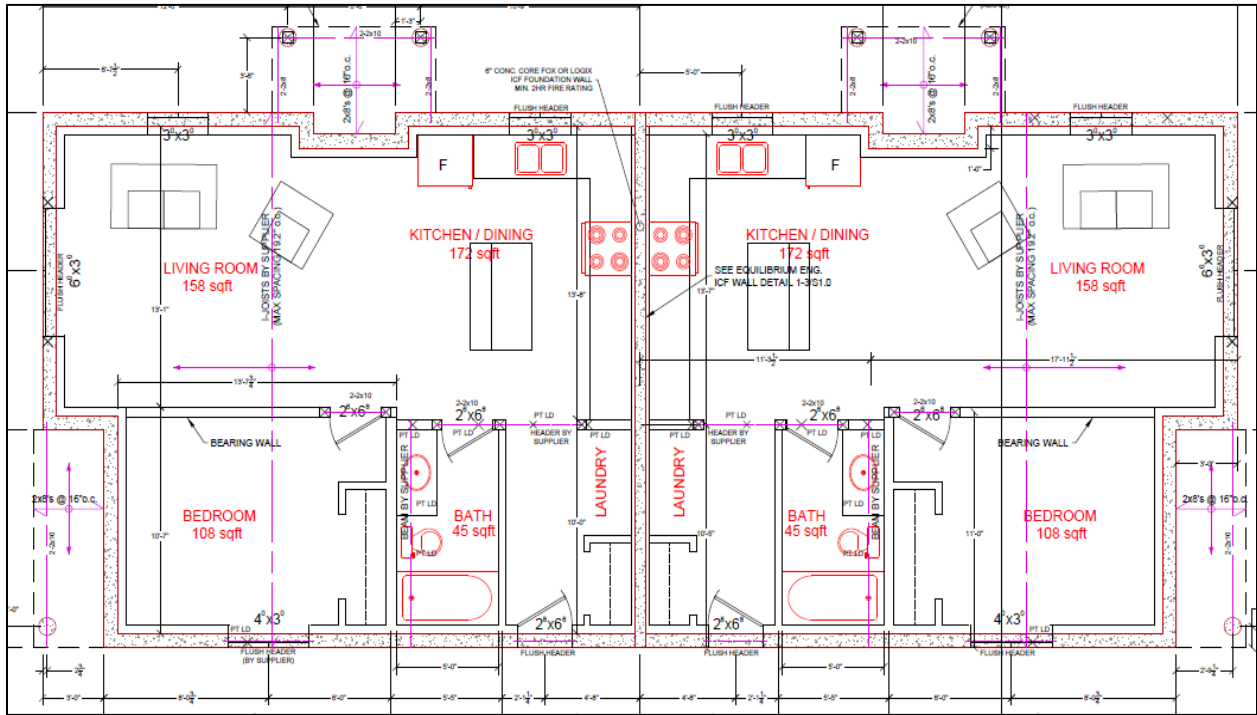


Figure 16: Basement Floor Plan (Duplex Suites)

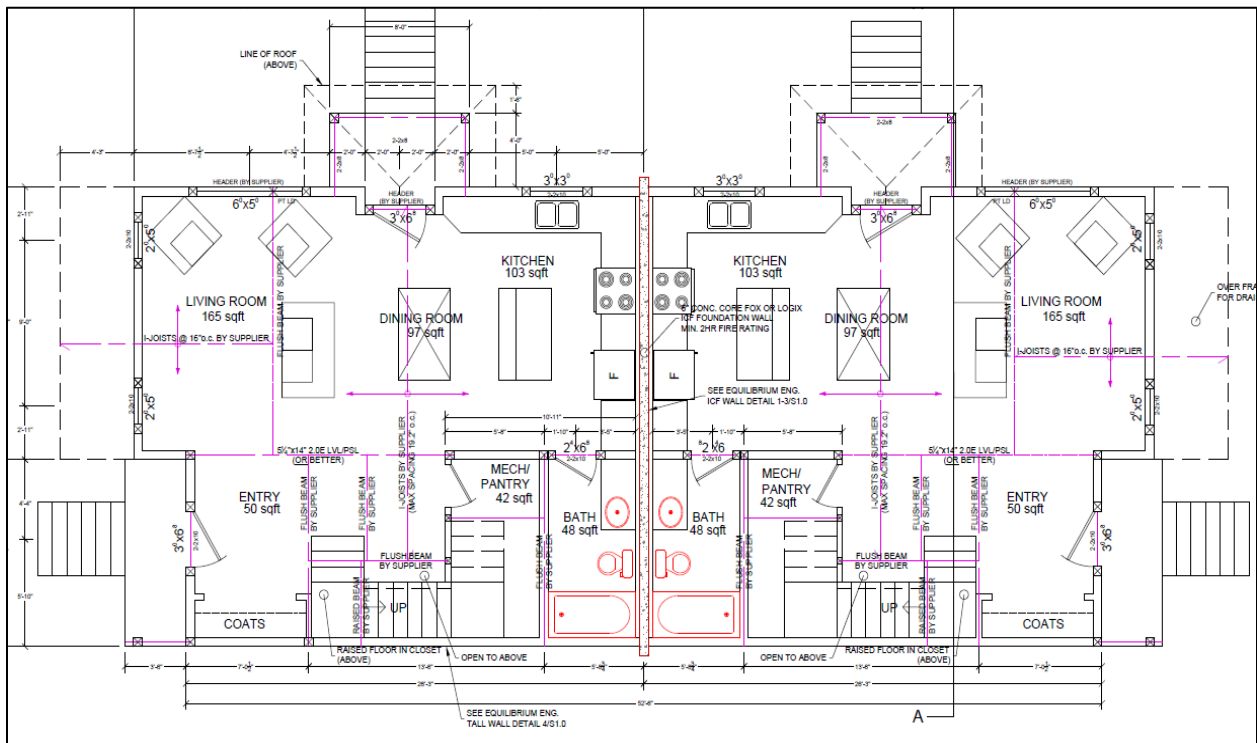


Figure 17: Main Floor Plan

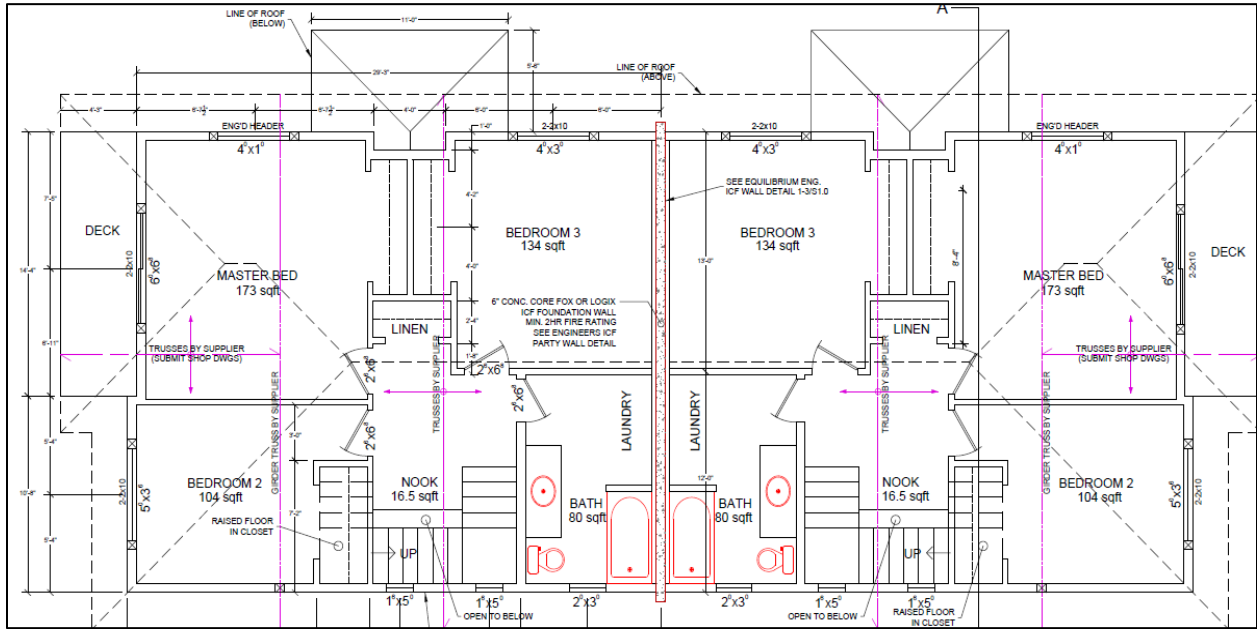


Figure 18: Second Floor Plan

Attachment I – Nearby Variances

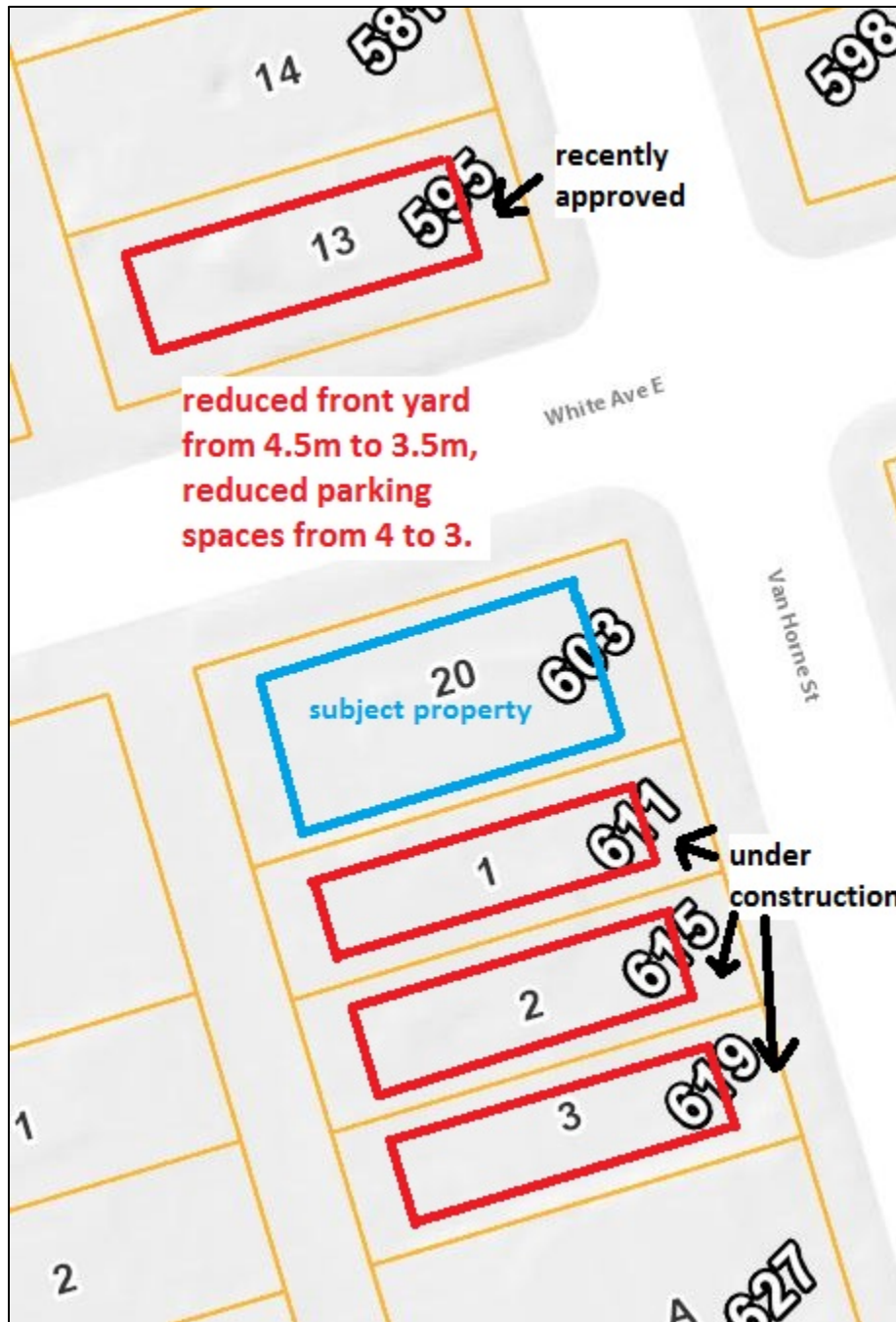


Figure 19: Nearby Variances

Attachment J - Letter of Intent

603 Van Horne Street Development Application

The intent of the development is to provide front to back duplex zoning consistent with many of the new developments in the area, and some of the older developments on the same block of Van Horne Street to create continuity within the neighbourhood.

The OCP bylaw encourages the increased densification of the area, which is our intent, while ensuring the finished product also has curb appeal, and is consistent with the developments in the neighbourhood. Consistent with the development to the south we would like to propose that the front set back be reduced to 3.5m from 4.5m this would bring the building in line with the buildings to the south. Also increasing the space in the alley. Zoning bylaw No 2017-08 10.6.2.6.

We also intend to provide basement suites in each of the front and back units of the duplex, with separate side entrances, and to provide a reasonable return on investment for those units which will be kept for rentals. Furthermore, the addition of basement suites provides affordable units in the downtown core which at this time is in extremely high demand (and has been in a critical shortage for sometime). Also, the addition of basement suites provides a finished product that is more in-line with the current OCP bylaw as this area is slated for 'High Density' - ignoring the potential for basement units would under utilize the space.

Access to the basements is to be located at the side of the units to reduce the overall building height, and to reach an aesthetically pleasing height to width ratio when viewed from street level. Further more locating the access to the basements at the side of the building allows for a larger green belt between the entrance of the units and the street / rear parking. Having the entrance at the sides also ensures the main units in both the front and back feel more like detached dwellings for the owners and/or tenants.

We would like to apply for a variance contrary to subdivision & development bylaw No 2004-81 section 12:8 moving the driveway form a minimum of .05m to .0m. facilitating an extra parking space to bring the total parking spaces to 4 from 3. We feel this is in line with the other development to the south which has full parking in the alley, and also be in line with a proposed development across White Ave. This would allow the required number of parking spaces for the units proposed.

Jack Reems

Figure 20: Letter of Intent

Attachment K - Development Variance Permit PL2018-8418



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

Development Variance Permit

Permit Number: DVP PL2018-8418

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 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269
Civic: 603 Van Horne Street
PID: 012-463-060
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 and Subdivision and Development Bylaw No. 2004-81 to allow for the construction of a duplex with suites.

Zoning Bylaw No. 2017-08:

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

Subdivision and Development Bylaw No. 2004-81:

- Section 12.8: to decrease the requirement for a driveway to be located 0.5m from a property line to 0.0m from a property line.

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 22 day of January, 2019.

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer

Attachment L - Development Permit PL2018-8419



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

Development Permit

Permit Number: DP PL2018-8419

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 20 Block 32 District Lot 202 Similkameen Division Yale District Plan 269
Civic: 603 Van Horne Street
PID: 012-463-060
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 \$5,521.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule A or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
 - a. the permit has lapsed as described under Condition 8, or
 - b. a completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security as follows:

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

General Conditions

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

Authorized by City Council, the 22 day of January, 2019

Issued this ____ day of _____, 2019

 Angie Collison,
 Corporate Officer