



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

Tuesday, May 21, 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 May 7, 2019 Regular Council Meeting 1-5 Adopt
7. **Consent Agenda:**
 - 7.1 Minutes:
 - Minutes of the May 7, 2019 Committee of the Whole Meeting
 - Penticton Creek and Ellis Creek Restoration Select Committee Draft Minutes of April 29, 2019
 - 7.2 Release of Items from Closed Meeting:
 - THAT Council accept the resignation from Jesse Martin;
AND THAT Council appoint Drew Barnes to the Parks and Recreation Advisory Committee as a member at large;
AND THAT Council appoint Julia Barbour to the Parks and Recreation Advisory Committee as a Penticton Indian Band Representative.

Staff Recommendation: THAT Council approve the Consent Agenda. 6-12
8. **Committee and Board Reports**
9. **Correspondence**
10. **Staff Reports:**
 - Chudiak 10.1 Open Data Policy - Open Penticton 13-16
Staff Recommendation: THAT Council approve "Open Data Hub – Open Penticton", a policy that establishes the principles and practices the City will follow to enable the open sharing of data.

Haddad	10.2	Downtown Public Space & Economic Vitality Opportunities <i>Staff Recommendation: THAT Council authorize staff to initiate opportunities for downtown public space improvement such as:</i> <ul style="list-style-type: none"> - Pop-up event space; - Local artist and musician space; - Storefront use expansion; - Public space beautification; - Vending opportunities; and - Other innovative opportunities. <i>AND THAT opportunities be created for these to take place in 2019.</i>	17-19
Siebert	10.3	Good Neighbour Amendment Bylaw No.2019-20 Bylaw Notice Enforcement Amendment Bylaw No. 2019-21 <i>Staff Recommendation: THAT Council give first, second and third reading to "Good Neighbour Amendment Bylaw No. 2019-20";</i> <i>AND THAT Council give first, second, and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2019-21".</i>	20-29
Siebert	10.4	Bylaw Notice Enforcement Amendment Bylaw No. 2019-18 Municipal Ticketing Information Amendment Bylaw No. 2019-19 <i>Staff Recommendation: THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2019-18";</i> <i>AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2019-19".</i>	30-35
Laven	10.5	Cannabis Retail Sales Policy - Amendments <i>Staff Recommendation: THAT Council after consideration of this report, give direction from the following options:</i> <ul style="list-style-type: none"> • Option 1: Maintain the status quo approach • Option 2: Approve the 'Cannabis Retail Sales Policy' as amended, moving to a cap system 	36-44
Capewell	10.6	Zoning Amendment Bylaw No. 2019-17 Re: 1652 Fairview Road <i>Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2019-17", a bylaw that adds as a site specific use 'cannabis retail store' to the C7 zone for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, be given first reading and be forwarded to the June 4, 2019 Public Hearing;</i> <i>AND THAT the public comment period for 'local government support' for the provincial cannabis retail store license application be done concurrently with the advertising for the zoning amendment Public Hearing;</i> <i>AND FURTHER THAT Council consider 'local government support' for the provincial cannabis retail store application after adoption of Zoning Amendment Bylaw No. 2019-17.</i>	45-54
Houle	10.7	Zoning Amendment Bylaw No. 2019-16 Re: 595 Carmi Avenue <i>Staff Recommendation: THAT "Zoning Amendment Bylaw No. 2019-16", a bylaw to rezone Lot 13 District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial), be given first reading and forwarded to the June 4, 2019 Public Hearing;</i> <i>AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-16", a 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue is registered with the Land Title Office.</i>	55-72

Collison 10.8 LGMA 100 Years – Commemorative Tree Planting 73
Staff Recommendation: THAT Council authorize staff to proceed with selecting a tree to plant in a location recommended by staff and hold a commemorative tree planting ceremony on May 23, 2019 in recognition of the local government profession and ongoing commitment to the community.

11. **Public Question Period**

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

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

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

(g) *litigation or potential litigation affecting the municipality;*

(j) *information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;*

90(2)(b) *the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.*

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

14. **Bylaws and Permits:**

Laven	14.1	Zoning Amendment Bylaw No.2018-81 Re: 310 Comox Street	74-75	Adopt
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Laven	14.2	Zoning Amendment Bylaw No. 2019-15 Re: 856 Carder Road	76-77	2 nd /3 rd /Adopt
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15. **Land Matters:**

Laven	15.1	Development Variance Permit PL2019-8483 Re: 3935 Lakeside Road	78-92	Del/Sub
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*Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8483" for Lot 1 District Lot 190 and 3105 Similkameen Division Yale District Plan 27215, located at 3935 Lakeside Road, a permit to vary section 8.2.3.5 of Zoning Bylaw 2017-08 to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling;
AND THAT staff be directed to issue "DVP PL2019-8483".*

Laven	15.2	Temporary Use Permit PL2019-8515 Re: 813 Westminster Avenue West	93-103	Del/Sub
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*Staff Recommendation: THAT Council approve "Temporary Use Permit PL2019-8515", a permit to allow the use 'motor vehicles sales and rentals' for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 13891, located at 813 Westminster Avenue West, for a one-year period;
AND THAT staff be directed to issue the permit.*

16. **Notice of Motion**

16.1 From Mayor Vassilaki on May 7, 2019:

THAT Council agree to send the Mayor, Chief Administrative Officer and three alternating members of Council to the Union of BC Municipalities (UBCM) Annual Convention for 2019-2022.

- 16.2 Notice of Motion from Councillor Regehr for Council consideration at the Regular Council Meeting on June 4, 2019:

*THAT Council direct Staff to review the Development Cost Charges for Public Open Spaces and compare to similar sized municipalities in the Okanagan;
AND THAT Staff review the cost of living increases that might be applied to all classifications within the Development Cost Charges Bylaw;
AND THAT Staff provide Council with an amending Development Cost Charges bylaw that addresses Public Open Spaces within six months.*

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

Regular Council Meeting
held at Penticton Secondary School Library
158 Eckhardt Avenue East, Penticton, B.C.
and
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 7, 2019
at 1:00 p.m.

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

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure
Bregje Kozak, Director Recreation & Facilities
Caitlyn Anderson, Deputy Corporate Officer

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:01 p.m.

2. Introduction of Late Items

3. Adoption of Agenda

235/2019

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on May 7, 2019 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

Council recessed to a Committee of the Whole Meeting at 1:16 p.m.

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 3:36 p.m.

6. Recess to a Closed Meeting at City Hall

236/2019

It was MOVED and SECONDED

THAT Council recess at 3:37 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* section 90 (1) as follows:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
 - (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

7. Reconvene the Regular Council Meeting at City Hall at 6:00 p.m.

Council reconvened the Regular Council Meeting at 6:01 p.m.

8. Adoption of Minutes:

8.1 Minutes of the April 16, 2019 Regular Meeting of Council

237/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the April 16, 2019 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

9. Consent Agenda:

238/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

10. Committee and Board Reports

11. Correspondence

12. Staff Reports:

12.1 Liquor Primary – Permanent Amendment and Structural Change
Re: Slackwater Brewing, 218 Martin Street

Delegations/Submissions:

- Bob E., Lakeshore Towers, the Blue Mule created noise regularly, other restaurants have an earlier closure and this should be the same.
- Paul Buchard, Smythe Drive, spoke in support of the application. This is a leading edge tourism business and the operators have lots of experience.
- Lee Agur, owner Bad Tattoo, spoke in support of the application. Tourist town and lack of late night venues.

- Renee Matheson, owner of Matheson and Grove Fine Art Gallery, business located across the street from the applicant and a family establishment. She spoke in support of the application.
- Kim Laughton, Cannery Brewing, spoke in support of the application. Been in conversation with the applicants and it is a good solution for Penticton.
- Liam Payton, Slackwater Brewing, spoke in support of the application.

239/2019

It was MOVED and SECONDED

THAT Council recommend to the Liquor and Cannabis Regulation Branch (LCRB) to support the request from Slackwater Brewing located at 218 Martin Street, for a Permanent Amendment to the Liquor Primary Licence for service hours from 12:00pm to 3:00am (Monday to Sunday) to 9:00am to 2:00am (Monday to Sunday); AND THAT Council also supports the request from Slackwater Brewing for a Liquor Primary Structural change to add a 30 person outdoor sidewalk patio with the condition of no outdoor operations past 10:00pm for both the new and existing patios as well as no outdoor amplified music.

CARRIED UNANIMOUSLY

12.2 Development Variance Permit PL2018-8414
Re: 596 Eckhardt Avenue East

Delegations/Submissions:

- Binh and Thong Nguyen, owner, in attendance to answer questions.

240/2019

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2018-8414" for Lot A, District Lots 202 and 249 Similkameen Division Yale District, Plan KAP64417, located at 596 Eckhardt Ave East, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 8.2.3.3: to increase the maximum height of a carriage house in the RD1 zone where no lane exists from 5.0 m and one floor to 7.0 m and two floors; and
2. Section 10.5.2.6.i: to reduce the minimum exterior side yard from 3.0m to 2.2m.

AND THAT staff be directed to issue "DVP PL2018-8414".

CARRIED UNANIMOUSLY

12.3 2018 Audited Financial Statements

241/2019

It was MOVED and SECONDED

THAT Council receive into the record the Financial Statements as co-presented by BDO Canada LLP and the Controller for the year ending December 31, 2018.

CARRIED UNANIMOUSLY

12.4 Triathlon Strategy

242/2019

It was MOVED and SECONDED

THAT Council direct staff to negotiate a 5-year agreement to host IRONMAN Canada, a full distance triathlon race, held annually and on the last weekend in August, from 2020-2024, requiring an estimated annual City commitment of \$410,000 (including \$299,000 cash and \$111,000 of value in-kind contributions).

CARRIED UNANIMOUSLY

243/2019

It was MOVED and SECONDED

THAT Council direct staff to explore opportunities for hosting a future multi-sport event, and return to Council with options.

CARRIED UNANIMOUSLY

12.5 2019 Capital Works Projects –Eckhardt Avenue and Westminster Avenue Traffic Pattern Changes

244/2019

It was MOVED and SECONDED

THAT Council approve an amended project scope to the Westminster Avenue project and Winnipeg Street project and reallocate \$145,000 from the Winnipeg Street Pavement Rehabilitation project to fund this change.

CARRIED UNANIMOUSLY

12.6 Okanagan Lake Marina Boat Launch

245/2019

It was MOVED and SECONDED

THAT Council authorize staff access up to \$100,000 from the Marinas Reserve to be used for the 2019 Okanagan Lake Marina Boat Ramp Project and the 2019-2023 Financial Plan be amended accordingly.

CARRIED UNANIMOUSLY

12.7 2019 Facilities Capital – Demolition Work

246/2019

It was MOVED and SECONDED

THAT Council approve an amended project scope to include two additional City-owned properties (95 Ellis Street and 977 Eckhardt Avenue) for demolition and reallocate \$48,000 from various 2019 Facilities capital budgets to this project.

CARRIED UNANIMOUSLY

12.8 City of Penticton and Penticton Indian Band Council to Council Forum Initiatives

247/2019

It was MOVED and SECONDED

THAT Council direct staff to work with Penticton Indian Band (PIB) and staff to investigate the issues identified in Attachment A to the report titled “City of Penticton and Penticton Indian Band Council to Council Forum Initiatives” dated May 7, 2019.

CARRIED UNANIMOUSLY

12.9 Zoning Amendment Bylaw No. 2019-15
Re: 856 Carder Road

248/2019

It was MOVED and SECONDED

THAT Council give “Zoning Amendment Bylaw No. 2019-15”, a bylaw to add Section 9.2.6.12: “In the case of Lot B, DL 187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation is a permitted use with a maximum of six sleeping units,” first reading and forwarded to the May 21, 2019 Public Hearing.

CARRIED UNANIMOUSLY

13. Bylaws and Permits

13.1 Tax Rate Bylaw No. 2019-11

249/2019

It was MOVED and SECONDED

THAT Council adopt "Tax Rate Bylaw No. 2019-11".

CARRIED UNANIMOUSLY

13.2 Zoning Amendment Bylaw No. 2019-14
Re: Funeral Services

250/2019

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2019-14".

CARRIED UNANIMOUSLY

14. Notice of Motion

14.1 Mayor Vassilaki provided the following Notice of Motion for consideration at the May 21, 2019 Regular Meeting of Council:

THAT Council agree to send the Mayor, Chief Administrative Officer and three alternating members of Council to the Union of BC Municipalities (UBCM) Annual Convention for 2019-2022.

15. Business Arising

15.1 Federation of Canadian Municipalities Annual Conference May 30 – June 2, 2019

251/2019

It was MOVED and SECONDED

THAT Council send Councillor Julius Bloomfield to the Federation of Canadian Municipalities (FCM) Annual Conference being held in Quebec City, Quebec, May 30 - June 2, 2019.

CARRIED UNANIMOUSLY

16. Council Round Table

17. Public Question Period

18. Adjournment

252/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, May 7, 2019 at 8:43 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Committee of the Whole
held at Penticton Secondary School Library
158 Eckhardt Avenue East, Penticton, B.C.

Tuesday, May 7, 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: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Jim Bauer, Chief Financial Officer
Anthony Haddad, Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure
Bregje Kozak, Director Recreation & Facilities
Caitlyn Anderson, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:16 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on May 7, 2019 as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Staff Presentations:**

3.1 Proclamation – National Child & Youth Mental Health Day

Mayor Vassilaki presented Sharon Evans, Mental Wellness Centre with a proclamation for May 7, 2019 as National Child & Youth Mental Health Day.

3.2 RCMP – Youth Engagement and Police Service Dog Demonstration

Supt. Ted De Jager and S/Sgt. Kirsten Marshall provided Council with an overview of the priorities, recruitment and opportunities for a career with the Royal Canadian Mounted Police.

3.3 Coyote Cruises request for 20 year lease – 215 Riverside Drive

Anthony Haddad, Director of Development Services provided Council with an overview of the process to grant a twenty year lease.
Diana Sterling, Mike Campol and Derek George provided Council with the Coyote Cruises building upgrade plans and supporting reasons for a 20 year lease.

3.4 Economic Development: First Quarter Update

Jennifer Vincent, Economic Development Specialist provided Council with the Q1 update and introduced local business owners: Walter Hryniewicz, Polish Bistro and Julie Turner, Ogofloat. Anthony Haddad, Director of Development Services provided Council with an update on the economic indicators.

Council agreed by consensus to alter the order of the agenda.

3.6 Student Delegation – Eliminating the use of single use plastic bags at stores

Claire Taylor, student at Penticton Secondary School provided Council with the urgency to eliminate the use of single use plastic bags in our City.

3.7 Student Delegation – Safety in the downtown region through the eyes of a student

Emily Oakes, student at Penticton Secondary School provided Council with the impact on the safety downtown and how to address the issues from a student's perspective.

3.5 IRONMAN Canada

Dave Christen, Regional Director of Northwest United States and Western Canada, provided Council with an overview and possible return of IRONMAN Canada to Penticton.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held May 7, 2019 at 3:36 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Penticton and Ellis Creek Restoration Select Committee Meeting

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

Monday, April 29, 2019
at 9:00 a.m.

Present: Councillor Regehr
Paul Askey, Freshwater Fisheries Society of BC
Bruce Turnbull, Penticton Fly Fisheries Association
Bryn White, South Okanagan Similkameen Conservation Program
Doug Maxwell, Member at Large
Bill Wickett, Penticton Fly Fishers Association
Zoe Eyjolfson, Okanagan Nation Alliance
Frank Conci, Penticton Industrial Development Association

Staff: Mitch Moroziuk, General Manager of Infrastructure
Ian Chapman, City Engineer
Paula McKinnon, Legislative Assistant

Guests: Shawn Kilpatrick, Stantec Consulting Ltd.
Dave Parker, Stantec Consulting Ltd.

1. **Call to Order**

The Penticton and Ellis Creek Restoration Select Committee was called to order by the Chair at 9:01 a.m.

2. **Introduction of Late Items**

The Chair requested to add the following items to the agenda:

- Update on Vice Chair Nomination
- Update on Walk and Talk

3. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the agenda for the meeting held on April 29, 2019 as amended to include item 5.2 and 5.3.

CARRIED UNANIMOUSLY

4. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the March 12, 2019 meeting as circulated.

CARRIED UNANIMOUSLY

5. **Business Arising from Prior Meetings**

5.1 Update on External Funding Sources: 2018 RFCPP/HCTF Reporting and Letter of Intent Submitted to BCSRIF

The chair noted that an invitation for funding was received from the federal government and a letter of intent was prepared by a contractor engaged by the City Engineer and submitted through Freshwater Fisheries Society of BC, being a non-government organization. The scope of the funding will be provided to the Committee at a future meeting for further details as it has not been officially proposed at this time.

5.2 Vice Chair Nomination Update

The Committee was notified that as per the Okanagan Nation Alliance's new policy, before Zoe Eyjolfson can accept the role of Vice Chair as per the Committee's nomination, the decision must first be approved by the Okanagan Nation Alliance's Chief and Council at their next meeting held on June 13, 2019.

5.3 Walk and Talk Update

The Committee was notified that the City of Penticton's Planning Department is organizing an urban planners walk the afternoon of May 4. Members were advised that Committee representation is important for restoration purposes and the Committee was asked if any members were interested in attending.

6. **New Business**

6.1 Ellis Creek Master Plan

6.1.1 Safety Moment

Shawn Kilpatrick of Stantec Consulting Ltd. reminded the Committee that fire season is approaching and the importance of clearing all yard brush to keep yards less susceptible to burning, especially for those who live in rural areas. The Committee was also reminded for those who suffer from respiratory issues or have young children and pets to plan accordingly in advance to spend time outside of the valley to avoid smoke inhalation.

6.1.2 Task 2.6 Infrastructure & Creek Evaluation for Risk

Shawn Kilpatrick presented to the Committee the objectives set out for Task 2.6 as follows

1. Characterize the Ellis Creek Condition;
2. Identify Hazards to the Infrastructure; and
3. Evaluate Associated Risk Rating.

The Committee was provided with a brief history overview of Ellis Creek including

- Available flow routes to the channel;
- Breaches of EC No. 4 Dam in May 1941 followed by May 1942;
- Channel excavation for flood control in 1950 and 1957; and
- Diversion structure was built in 1966.

A review was provided on bridge inspection reports along with their key findings. Members at large inquired on what has been causing the high flows of water resulting in flooding and what order the sediment basins were installed.

A review of the infrastructure along Ellis Creek was provided which resulted in the following key observations:

- Seven bridge sized culverts and four clear-span bridges;
- Notable reduction in opening area at Government Street;
- Notable erosion at Dartmouth Road bridge;
- Three exposed/collapsed utility crossings adjacent to Dartmouth Road bridge; and
- Numerous damaged/non-functional storm water outfalls.

The Committee was informed that the final report will include more information than being presented at the meeting on infrastructure. The General Manager of Infrastructure inquired if utilities will be included in the final report and the Committee was assured that it would. A member at large inquired about exposed utility infrastructure that does not belong to the City and the Committee was informed that it is the responsibility of the owner to maintain.

A brief overview of the geomorphic site review was provided. Members at large inquired about the non-operational storm drains as well as Athens and Troy Creek Spring storm water management more specifically, where the water is discharging and what the possible solutions are in managing them.

Technical assessments were presented for the hydraulic model, utility exposure potential, bank stability and aggradation and degradation.

A member at large inquired whether Reaches 12 and 13 are part of a development program or if they are in good shape and do not require any work. Shawn Kilpatrick informed the Committee that they are of less concern. The Committee was informed that if a reach is showing a negative clearance number it means the crown is above the bridge and velocities in excess of 2.7 are categorized as problematic situations making them susceptible to flooding.

Risk evaluations were presented and reviewed for buried utilities, overland flooding, bank stability and reach risk rankings. The Committee was informed that this is the point which consequences are introduced into the situation.

6.1.3 Task 2.10 Culvert Crossings Analysis & Recommendations

Dave Parker of Stantec Consulting Ltd. presented Culvert Creek Crossing Options and recommendations for the hospital reach. The following Accesses were assessed

- Access I1 servicing a Wholesale Club grocery store and truck deliveries;
- Access I2 servicing the Department of Psychiatry; and

- Access I3 servicing the Penticton Regional Hospital.

The Committee was informed that the culverts at Accesses I1, I2 and I3 between Main Street and Government Street are vulnerable to high water events which was observed in 2018. It was also mentioned that Industrial Avenue is classified as a two-lane minor collector roadway and that providing three accesses on the road is not typical. The three accesses were assessed and options to mitigate future flooding in this area have been provided as follows

1. Option 1: Maintain all three existing accesses and complete channel works.
2. Option 2: Remove Access I1 culvert crossing diverting the traffic to Main Street and Carmi Avenue, improve parking lot at Access M1 and maintain Access I2 and I3.
3. Option 3: Remove Access I2 culvert crossing, divert Department of Psychiatry traffic to Access I3, build service road connection between Access I3 and the Department of Psychiatry and maintain Accesses I1 and I3.

Doug Maxwell left the meeting at 11:18 a.m. and did not return.

Discussion took place regarding the advantages and disadvantages of each option followed by an overview of a relative cost/liability comparison for each of the options. The final recommendation provided by Stantec Consulting Ltd. is to proceed with Option 1 and to monitor the performance.

A member at large inquired how decisions on options will incorporate information from the entire length of stream and flow data in the full Masterplan. The chair agreed with this point of view in that several other options might be considered prior or in conjunction with the access options being outlined (i.e. an overall prioritization from the Masterplan might change how we view these specific 3 options).

The Committee was asked to provide their feedback regarding the two topics being presented at the meeting specifically, what requires revision and further consideration prior to submission of the final report.

Brief discussions took place regarding potential channel works and the capital costs associated with them, where on the priority Reach 12 falls compared to the other reaches, water retention and the possibility of adding more dam structures.

The Chair inquired whether there was any interest from the Committee to arrange a walk-along of the mentioned sites. The General Manager of Infrastructure agreed that a walk-along would be beneficial to the Committee and that a tour will take place at the next Committee meeting.

7. **Council Outcome**

8. **Next Meeting**

The next meeting is scheduled for Monday, May 27, 2019 at 9:00 a.m.

9. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on Monday, April 29, 2019 at 12:12 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

Council Report

pentiction.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Dave Polvere, IT Manager; Jessey Chudiak, GIS Coordinator
Subject: Open Data Policy - Open Penticton

File No:

Staff Recommendation

THAT Council approve "Open Data Hub – Open Penticton", a policy that establishes the principles and practices the City will follow to enable the open sharing of data.

Strategic priority objective

Good Governance: The City of Penticton is committed to providing enhanced community service and transparency through the use of technology.

Background

Requests for raw data are a common occurrence affecting all municipalities in Canada and abroad. The City of Penticton receives over 30 requests a year from Provincial organizations such as Interior Health, Educational Institutions such as UBC Okanagan, as well as various contracting and consulting firms. Access to this data is very important to the decisions these groups make and the services they provide.

The current process to provide this data is manual and takes on average 1 hour and 50 minutes for each request. A solution to this inefficiency was identified in the 2017 Geographical Information Systems (GIS) Strategic Plan to create an Open Data Hub, however, enhancements to the City systems were required before implementation of this Hub could begin. With the completion of a number of investments into our geographic information system, the City of Penticton is poised to implement a new Open Data Hub (referred to as Open Penticton) to allow the community to access and download publicly available data in a self-serve manner.

Financial implication

The Open Data Hub is a part of our existing GIS Enterprise Software License agreement and so there are no additional costs to make use of this platform.

Analysis

Many municipalities and other government agencies have established Open Data Hubs to more openly share data. The proposed Open Data Policy provides guidance on the principles, practices, and responsibilities the City will follow regarding open data.

Specifically, the policy provides clarity through definitions, and the guiding principle that the City will take a proactive role in making information and data routinely available for no charge, recognizing the need to conform with the requirements of the *Freedom of Information and Protection of Privacy Act*.

Alternate Recommendation

THAT Council provide alternate direction.

Attachments



Attachment A –Open Data Hub – Open Penticton Policy

Respectfully submitted,

Jessey Chudiak,
GIS Coordinator

Dave Polvere,
IT Manager

Concurrence

Chief Financial Officer 	Chief Administrative Officer 
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Council Policy

Approval date:

Resolution No.

Subject: Open Data Hub - Open Penticton

Goal

The City of Penticton is committed to providing enhanced community service and transparency with “Open Penticton”, an Open Data Hub that provides access to information and data in an easy and accessible way, free of charge.

Definitions

City means the City of Penticton.

Open Penticton means a self-serve web hub committed to enhancing transparency and accountability through community access to City information and data.

Data means raw facts and figures that have not been organized or easily interpreted without additional processing to provide context.

Datasets means a collection of related sets of information that is composed of separate elements but can be manipulated as a unit by a computer.

Data Owner means the department responsible for a particular piece of information or dataset’s integrity and accuracy.

Department Heads mean the General Managers and Directors.

GIS Team means the Geographical Information System Analysts within the Information Technology department.

Information means data that has been organized or transformed in such a way that it becomes useful to the user.

Policy

City staff will ensure the public information and data provided through “Open Penticton” is current, accurate, and in a format that is publicly accessible and easy to use. Information and data, where available in a suitable electronic format, will be open and available to the public by default and private or confidential

where appropriate as defined by the *Freedom of Information and Protection of Privacy Act (FOIPPA)* and any other legislation.

The guiding principle of this policy is that the City will take a proactive role in making information and data routinely available subject to legislation, and where applicable disclose this information and data through an automatic process (e.g. electronic means) whenever possible.

Information and data made available through “Open Penticton” will be licensed under the Open Government License - Canada (<https://open.canada.ca/en>) and will be free of charge unless there are bylaws or policies requiring a fee be charged, or where legislation allows for or requires fees be charge (e.g. the FOIPPA). Third parties who use this information and data to make decisions, produce applications, or produce public information accept any errors and omissions.

“Open Penticton” is a web hub designed for convenience, the City will not be held responsible for errors and omissions.

Responsibilities

Department Heads	Provide direction to staff to be open and transparent with information and data.
Data Owners	Ensure the integrity and accuracy of the information or data that they are responsible for. Be proactive in identifying information and datasets that are of value to the public and submit to Corporate Administration and Department Heads for review and approval.
Corporate Administration in cooperation with Department Heads	Review and approve information or data to identify any privacy or confidentiality issues as defined by FOIPPA, and any other legislation before the release of new information or data through “Open Penticton”.
GIS Team	Determine whether the approved information or data can be made available through “Open Penticton” or if other means are necessary; publish the approved information or data for access through “Open Penticton” when applicable.
All Staff	Direct individuals to “Open Penticton” for obtaining information and data where applicable and provide support on how to navigate to the information and data that they are looking for.

Certified Correct

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services

File No: RMS

Subject: Downtown Public Space & Economic Vitality Opportunities

Staff Recommendation

THAT Council authorize staff to initiate opportunities for downtown public space improvement such as:

- Pop-up event space;
- Local artist and musician space;
- Storefront use expansion;
- Public space beautification;
- Vending opportunities; and
- Other innovative opportunities.

AND THAT opportunities be created for these to take place in 2019.

Strategic priority objective

Enhancing the vibrancy of our downtown is supported by the Downtown Plan and Council's strategic priorities of enhancing Economic Vitality and Community Building. Continually improving and innovating in our downtown will lead to a successful downtown community and build upon recent public and private investment into the downtown core.

Penticton's Community Safety Framework seeks to create a liveable and safe community, working with community partners to assist in achieving the goal of improving the quality of health and wellness in our city. Work is already underway with many local partners to create opportunities and contribute positively to our downtown.

Background

The use of downtown public space has occurred in a variety of ways over the years from festivals and events to the vibrancy created by downtown businesses with expansion onto the City sidewalk space. The Farmer's and Community Market has raised the bar for events in the downtown core and provided significant positivity around the benefit of using public space in a variety of innovative forms. Downtown Revitalization projects such as the Nanaimo Square enhancements, Martin and Main Street improvement projects and

creek walkway and revitalization have all contributed to enhancing the atmosphere and experience downtown.

Public space downtown is for the benefit of the entire community and building on the success of recent projects, staff are now seeking direction from Council to look at innovative ways to further enhance the downtown experience for local residents, our business and visitors. Public space downtown should be available for all Penticton residents and visitors, and with the downtown resident population increasing through recent developments, demand for increase activities and opportunities to enjoy the outdoors will increase.

Proposal

Staff are seeking direction from Council to develop initiatives to continue to enhance the vibrancy and increase public usage of public space downtown. The following concepts are being brought forward for Council consideration and should there be support for moving these initiatives forward, staff will work with the Downtown Penticton Association, downtown businesses and community stakeholders to commence these initiatives immediately where appropriate.

- *Pop-up event space* can be short term event that enables the community to gather in a public space for a short period of time. It may take the form of a small theatrical performance, a small market, community gaming space or community gathering opportunity to enhance to vitality of a public space for the benefit of the entire community.
- *Local artist and musician space* would provide opportunity for local artists to perform and express their artistic values in a variety of different forms. This could take place in larger public spaces downtown or on sidewalk spaces in front of vacant buildings, ensuring that the vacant spaces are activated.
- *Storefront use expansion* already exists in the downtown through the existing Storefront Use Bylaws, however staff will review existing bylaws and investigate ways to enhance the ability for the space in front of businesses to be used effectively – ultimately enhancing the vitality of storefronts downtown and through public spaces.
- *Public space beautification projects* would take the form of simple infrastructure enhancements, Crime Prevention Through Environmental Design (CPTED) assessments and implementation and strategic enhancement projects.
- *Vending opportunities* are currently available in certain locations downtown as part of the City's Vending Program. Staff will work with local stakeholders to assess the potential for expansion of this program where deemed appropriate and not in conflict with permanent businesses.
- *Other innovative opportunities* may exist to continue enhancing the vibrancy of the downtown core and staff will work with the community to identify these opportunities as they become available.

Approval for these types of activities and uses would be completed by the City's Land Department, and in consultation with the Downtown Penticton Association, including licence agreements and liability insurance where appropriate. Where any significant budget items are required, staff will bring these forward to Council for approval.

Projects could apply to spaces along the public sidewalk, out the front of vacant storefronts, Nanaimo Square, Gyro Park, vacant parking lots and other spaces in and around the downtown. Opportunities may also exist for the use of vacant private property in the downtown for any of these initiatives.

Financial implication

Should Council provide support for moving forward with these initiatives, where any financial implications are identified through implementation, staff will bring back budget requests, where appropriate for Council consideration before moving forward.

Analysis

A successful and positive community relies heavily on having a vibrant and entertaining downtown. With significant new investment taking place downtown in support of existing and established businesses, staff believe that adding to an already vibrant downtown community will continue to build on the positive momentum seen over recent years.

With the range of approaches proposed, staff believe there will be a positive response from the community and those willing to participate in the various initiatives. Whether they be business looking to innovate outside of their buildings, local artists wishing to entertain the community, or locals in the community wishing to create a new pop-up event in a public space downtown, all of these activities will continue to enhance the incredible downtown our businesses and residents have created.



Alternate recommendations

Should Council not support moving this initiative forward, the appropriate direction should be provided.

Respectfully submitted,

Anthony Haddad

Director of Development Services

Director 	Chief Administrative Officer 
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Council Report

penticton.ca

Date: May 21, 2019 File No: 4020-30
To: Donny van Dyk, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor

Subject: Good Neighbor Amendment Bylaw No. 2019-20
Bylaw Notice Enforcement Amendment Bylaw No. 2019-21

Staff Recommendation

THAT Council give first, second and third reading to "Good Neighbour Amendment Bylaw No. 2019-20";
AND THAT Council give first, second, and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2019-21".

Strategic priority objective

Good governance is a Council priority that supports quality of life and enhances public safety in our community. The proposed amendments align with ensuring public expectations are met around being a good neighbor in our community.

Background

The Bylaw Services department responds to approximately 6,000 enquiries per year. Over the past few years there has been a steady increase in calls for service directed to the Bylaw Services department related to social nuisance issues in our community. Social issues have always existed, but have evolved and are becoming more complex. While bylaws have historically been set up to deter unwanted social activity, the complexity of the recent issues has caused the need to revisit and assess the appropriateness of existing bylaws and how they can better address the needs of the community.

Over the past few years, the Bylaw Services Department was dealing with a wide range of issues involving unregulated marijuana dispensaries, transients damaging our parks, panhandling, smoking and drinking in public, unsafe camping sites, drug use, and cleaning up used needles from parks, pathways and beaches. The Bylaw Services Department received so many public complaints of this behavior over the past summer that department operational changes were made to alleviate calls for service from the public. With the two new Community Safety Bylaw Officers starting May 1, 2019 the Bylaw team's goal is to provide a more focused approach to addressing the current issues our community is facing.

There has been an evident increase in complaints coming from downtown businesses, and through the Downtown Penticton Association. Downtown business owners and operators have indicated that they have

seen an increase in social nuisance issues over the past year. Issues not typically criminal in nature, ranging from smoking near doorway entrances, obstruction of sidewalks for the purpose of loitering/panhandling, camping on city sidewalks, increased abandoned property in public spaces, persons occupying vacant store fronts – all detracting from the vibrant and positive business and community environment demanded by our businesses and residents.

The City's Good Neighbour Bylaw now requires attention to support the needs of our community and the following amendments are proposed to address the recent issues in an effort to manage these unwanted social activities and continue to create a desirable and positive place for people to work, do business, start a new business, live and experience our wonderful community.

Good Neighbour Bylaw Amendments

The Good Neighbour Bylaw allows the Council for the City of Penticton to protect the quality of life for its citizens, and endeavors to promote civic responsibility, and further, strives to encourage good relationships between neighbors. The Bylaw Services department receives thousands of public enquiries from citizens around concerns related to quality of life and being a good neighbor (2,888 Calls for service in 2018, 1,055 in 2019 year to date- April 30th).

The proposed amendments include:

- 1) Amend definition of "STREET" to include in a structure a vacant store front. We receive public complaints and often observe groups of people gathering, loitering, and often panhandling in front of vacant store fronts and require legal authority to address the issue especially when there is no visible property owner on the premise. To date, vacant store owners in the downtown provide in writing to the Bylaw Services department to assist them with 'evicting' persons occupying their vacant store fronts.
- 2) Add Add to Schedule B- Obstruction means to:
 - (o) Sit or lie on a street located between:
 - i) the 100 block, 200 block and 300 block of Ellis Street;
 - ii) the 200 block, 300 block and 400 block of Martin Street; or
 - iii) the 100 block, 200 block, 300 block, 400 block, 500 block, 600 block and the 700 block of Main Street;

between May 1st and September 30th inclusive

In considering the addition of a 'zoned' approach restriction to obstructing for the purpose of panhandling, we evaluated to what proportion of the sidewalks this prohibition would apply. We calculated how many feet of sidewalks are present in the proposed restricted area (100-300 Ellis Street, 200-400 Martin Street, and the 100-700 block of Main Street= 11,912 feet total), all downtown core, and City as a whole (503,818 feet total). (Attachment A- Map of Restricted Zone) The map identifies the proposed restricted zones.

The following measurements were used to determine the proportion of the restricted related the entire downtown sidewalks explained further in the Legal review.

Location:	Measurement in feet:
All of Downtown	68,669
All city sidewalks	503,818
100-300 Ellis St	2, 844
100-700 block Main St	6,801
200-400 Martin St	2,267

3) Add Regulations, Section 7.2

(m) **Light filtration:** No owners shall allow, cause or permit lighting to shine into nearby/adjacent Real Property. Lighting must be positioned towards the ground and in such a manner that light falling onto abutting properties is minimized.

The purpose of this section is to ensure that when a property owner is installing lighting, that they consider the filtration to neighboring properties. Typically, the goal is to light up a property to prevent crime and social disorder, however it must be balanced with being a good neighbor and considering the impact of the lights position on nearby properties.

4) Add Regulations, Section 7.2 (h)

Recreational Vehicles:

(b) In any zone, a recreational vehicle cannot be connected to the city’s sewer system

The accumulation of several recreational vehicles on a private property often generates public complaints, and as such no more than one (1) is permitted to be parked per dwelling unit. As a result of neighborhood concerns and negative sewer impacts, this additional section would prohibit a recreational vehicle to be connected to the city’s sewer system.

The proposed amendments will give bylaw authority to address these concerns and identify behaviors that question the perception of safety and enhance resident’s quality of life. With significant investment occurring in the local business community and new development activity taking place in these areas of the downtown, addressing these concerns will support those who have invested significantly in the community and those wishing to contribute positively to the future of our city.

As part of the proposed amendments and in order to ensure the appropriate implementation of the changes, amendments to the City’s Bylaw Notice Enforcement Bylaw is required to create fines that will act as a penalty and ultimately a deterrent for the unwanted activities. The following amendments are required:

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
Allow, cause or permit lighting to shine onto abutting properties.	7.2(m)	\$100	\$90	\$110	Yes
Allow, cause or permit a recreational vehicle to connect to the City's sewer system.	7.2(h)(b)	\$100	\$90	\$110	Yes

Each enforcement section penalty is consistent to other bylaw enforcement sections throughout the Good Neighbor Bylaw, as well as to other municipalities. Further, there is an option to work with the property owner through the Compliance Agreement process whereby penalties may be reduced in order to obtain the ultimate goal of compliance.

Legal Review

In preparation for a busy 2019 spring and summer season, staff had Dominion GovLaw review our existing Good Neighbor Bylaw. The review began around discussions about continued public complaints and bylaw enforcement challenges. With the Downtown Community market commencement, which brings between 5,000 and 8,000 people (significantly more during peak tourist season) to our downtown from May 4th- Sept 28th, 2019, the review was very timely. It is important that our public sidewalks, breezeways, roads, etc. are not causing an inconvenience for the safe passage of vehicles and pedestrians. The concern is elevated during tourist season when a larger volume of people and vehicles are in Penticton's downtown area. Staff have consulted with the Downtown Penticton Association Board and received their concerns with a request for a stronger approach to regulating obstructed sidewalks in the downtown core. (Attachment - Letter of Support from Downtown Penticton Association).

The goal of the legal review was to ensure the bylaw is charter proofed and vetted for any potential Canadian Charter of Rights and Freedoms scrutiny. We understand all Canadians have protection under the freedom of expression provisions. We want to ensure our bylaw enforcement practices are reasonable and fair with minimal impairment, while establishing a rational connection to the bylaw violations reported and observed.

The legal review suggested it would be most ideal in having a 'zone' which covers a small proportion of the downtown sidewalks, and an even smaller proportion of the City-wide sidewalks (i.e. Less than 5%). We discovered the proposed restriction to panhandling would apply to only 17% of the entire downtown core, and only 2.4% of all city wide sidewalks. As such, the proposed 'zone' restrictions offer a *minimal impairment* (in effect from May 1st- to September 30th inclusive), but yet the ability for a Bylaw Enforcement Officer to effectively address the bylaw violation.

Analysis

The proposed bylaw amendments will offer legal authority to address the latest community concerns knowing there is always the ability to exercise enforcement discretion. Downtown is the heart of our

community and with over 700 small businesses investing in the City’s success, a response to the concerns identified is being proposed through these Good Neighbour Bylaw amendments. In concert with the positive activity and atmosphere being provided through vibrant activities that take place and will continue to take place downtown, staff are recommending that Council support the proposed amendments.

Alternatives

That Council support only some of the proposed bylaw amendments.

That Council does not support any of the proposed bylaw amendments.

Attachments

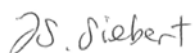
Attachment A – Map of Restricted Zone

Attachment B –Letter of Support from Downtown Penticton Association

Attachment C- Good Neighbour Amendment Bylaw No. 2019-20



Attachment D – Bylaw Notice Enforcement Amendment Bylaw No. 2019-21

Respectfully submitted,

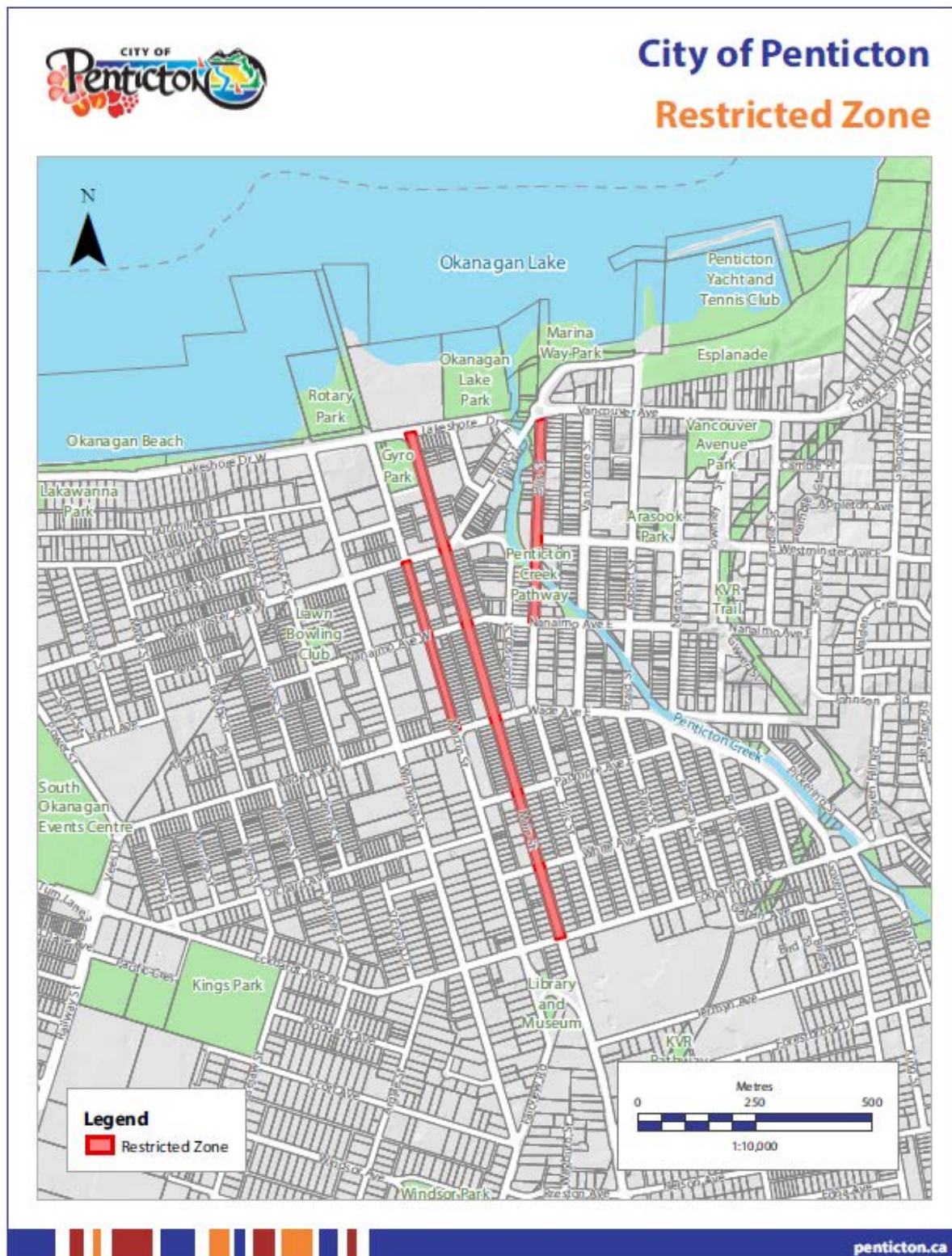


Tina Siebert
Bylaw Services Supervisor

Concurrence

<p>Director</p> 	<p>Chief Administrative Officer</p> 
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Attachment A- Map of Restricted Zone



Attachment B- Letter of Support from Downtown Penticton Association



May 15, 2019

City of Penticton Bylaw Services Department
Attention: Tina Siebert, Bylaw Services Supervisor

RE: Downtown Penticton Association's Letter of Support for the amendments of the Good Neighbour Bylaw No. 2012-5030

Recognizing that the strategic priority objective of the Bylaw Services Department is to support quality of life and enhance public safety in our community, the Downtown Penticton Association believes the revisions will be beneficial to the downtown businesses.

The amended definition of "Street" to include any highway, roadway, sidewalk, boulevard, place of right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure (vacant store front) located in any of those areas will allow for bylaw supervision of unwanted social behaviours and activities therefore creating an environment more conducive to a more welcoming and positive experience for people in the downtown area.

As our downtown sidewalks and breezeways have become obstructed with panhandlers and loitering, this revision will permit the Bylaw officers the authority to keep the pedestrian areas clear which will result in a more vibrant and welcoming downtown.

The DPA agrees with the Bylaw Services Department's recommendations of the blocks on Main Street, Martin Street and Ellis Street as these areas have experienced increased obstruction on the sidewalks by panhandling, transients sitting or laying on sidewalks, unleashed dogs, smoking and alcohol issues. With providing our Bylaw Officers legal authority to address these issues in these areas, we would expect a significant reduction of calls to the DPA complaining of inappropriate activities in our business area.

The Downtown Penticton Association Board of Directors is in support of the revision to the Good Neighbour Bylaw No. 2012-5030.

Respectfully Submitted by the Downtown Penticton Association

Bylaw No. 2019-20

A Bylaw to Amend Good Neighbour Bylaw 2012-5030

WHEREAS the Council of the City of Penticton has adopted a Good Neighbour Bylaw pursuant the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend Good Neighbour Bylaw 2012-5030;

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 "Good Neighbour Amendment Bylaw No. 2019-20".

2. **Amendment:**

Good Neighbour Bylaw No. 2012-5030 is hereby amended as follows:

2.1 Add the following to Regulations 7.2:

(m) No owners shall allow, cause or permit lighting to shine into nearby/adjacent Real Property. Lighting must be positioned towards the ground and in such a manner that light falling onto abutting properties in minimized.

2.2 Delete and replace Regulations 7.2 (h) with the following:

(h) **Recreational Vehicles:** (a) In residential zones no more than one (1) recreational vehicle may be parked per dwelling unit. Additional recreational vehicles may be parked or stored on the property such that the vehicle is entirely enclosed within a building.
(b) In any zone, a recreational vehicle cannot be connected to the City's sewer system.

2.3 Amend Schedule "B" definitions and delete and replace with the following:

"STREET" means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure (ie. vacant store front) located in any of those areas.

2.4 Add the following to Schedule "B" OBSTRUCTION means to:

(o) sit or lie on a Street located between:
i. the 100 block, 200 block and 300 block of Ellis Street;
ii. the 200 block, 300 block and 400 block of Martin Street; or
iii. the 100 block, 200 block, 300 block, 400 block, 500 block, 600 block and 700 block of Main Street;
between May 1st and September 30th inclusive.

READ A FIRST time 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

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: May 21, 2019 **File No:**
To: Donny van Dyk, Chief Administrative Officer
From: Tina Siebert, Bylaw Services Supervisor
Subject: **Bylaw Notice Enforcement Amendment Bylaw No. 2019-18**
Municipal Ticketing Information Amendment Bylaw No. 2019-19

Staff Recommendation

THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2019-18";
AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2019-19".

Strategic priority objective

Good governance is a Council priority that supports quality of life and enhances public safety in our community. The proposed amendments align with ensuring public expectations are met and enforced.

Background

Bylaw Notice Enforcement Bylaw No. 2012-5037 was established with the authority of the *Local Government Bylaw Notice Enforcement Act* to set fine amounts for contravention of City bylaws. This bylaw allows for early payment, late payment and a cost effective adjudication system.

Municipal Ticketing Information Bylaw No. 2012-5021 authorizes the use of Municipal Ticketing Information System as per the *Community Charter* and can have penalties for continuing offences for each day the offence continues.

With the new Smoking Regulations Bylaw No. 2018-68, the Bylaw Services department is proposing the enforcement sections of the Bylaw Notice Enforcement Bylaw, Schedule 'A', Appendix 19 and Schedule B20 of the MTI Bylaw be updated to allow for the issuance of tickets.

Analysis

Second hand smoke and vapour from tobacco, cannabis and other like products is a health hazard. As such, Bylaw Enforcement Officers are proposing the following enforcement sections to the Bylaw Notice Enforcement Bylaw and Municipal Ticketing Information Bylaw:

Section 6.1

- a) Smoking in a public place or workplace
- b) Smoking within 7.5m of a public place or workplace doorway, open window, or air intake
- c) Smoking at transit shelter or within 7.5m of a transit stop
- d) Smoking in common area of apartment building
- e) Smoking on or within 30m of public or private elementary, middle or secondary (K-12) school ground
- f) Smoking on or within 30m of a children’s playground
- g) Smoking in any public facility
- h) Smoking in any public municipal open space listed in Schedule A

Section 7.1

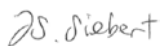
- a) Smoking or vaping cannabis on public roads, sidewalks, walkways and trails
- b) Smoking or vaping cannabis in any public municipal open space

Section 10

- 1) Improper Signage
- 2) Remove, alter, conceal, deface, write upon or destroy any no-smoking sign

To ensure fairness and consistency in enforcement, keeping the fines at \$100 is recommended and keeping an option for a compliance agreement to be made available.

Respectfully submitted,



Tina Siebert
Bylaw Services Supervisor

Concurrence

Director of Development Services 	Chief Administrative Officer 
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The Corporation of the City of Penticton

Bylaw No. 2019-18

An amendment to regulate enforcement of bylaw notices

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

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

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

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

1. Title:

This Bylaw may be cited as the "Bylaw Notice Enforcement Amendment Bylaw No. 2019-18."

2. Amendment:

2.1 Amend Schedule 'A' by updating Appendices Index and by deleting and replacing in its entirety:

Appendix 19 – Smoking Regulations Bylaw No. 2018-68

2.2 Appendix 19 attached hereto forms part of this bylaw.

READ A FIRST time 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

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Schedule 'A'

APPENDIX 19

SMOKING REGULATIONS BYLAW NO. 2018-68

Description of Offence	Bylaw Section	Column A1 Fine	Column A2 Early Payment Penalty	Column A3 Late Payment Penalty	Column A4 Compliance Agreement Available
Smoke or vape in in a public place or workplace	6.1.a	\$100	\$90	\$110	Yes (for first time offence)
Smoke or vape within 7.5m of a public place or workplace doorway, open window, or air intake	6.1.b	\$100	\$90	\$110	Yes (for first time offence)
Smoke or vape at transit shelter or within 7.5m of a transit stop	6.1.c	\$100	\$90	\$110	Yes (for first time offence)
Smoke or vape in common area of apartment building	6.1.d	\$100	\$90	\$110	Yes (for first time offence)
Smoke or vape on or within 30m of any public or private elementary, middle or secondary (K-12) school ground	6.1.e	\$100	\$90	\$110	Yes (for first time offence)
Smoke or vape on or within 30m of a children's playground	6.1.f	\$100	\$90	\$110	Yes (for first time offence)
Smoke or vape in any public facility	6.1.g	\$100	\$90	\$110	Yes (for first time offence)
Smoke or vape in any public place or municipal open space listed in Schedule A of Smoking Regulations Bylaw No. 2018-68	6.1.h	\$100	\$90	\$110	Yes (for first time offence)
Smoking or vaping cannabis on public roads, sidewalks, walkways and trails	7.1.a	\$100	\$90	\$110	Yes (for first time offence)
Smoking or vaping cannabis in any public municipal open space	7.1.b	\$100	\$90	\$110	Yes (for first time offence)
Improper signage	10.1	\$100	\$90	\$110	Yes (for first time offence)
Remove, alter, conceal, deface, write upon or destroy any no-smoking sign	10.2	\$100	\$90	\$110	Yes (for first time offence)

Bylaw No. 2019-19

A bylaw to amend the Municipal Ticketing Information Bylaw No. 2012-5021

WHEREAS the Council of the City of Penticton has adopted a Municipal Ticketing Information Bylaw pursuant to the *Community Charter*;

AND WHEREAS the Council of the City of Penticton wishes to amend the “Municipal Ticketing Information Bylaw No. 2012-5021”;

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

1. Title:

This Bylaw may be cited as “Municipal Ticketing Information Amendment Bylaw No. 2019-19”.

2. Amendment:

i. Amend “Municipal Ticketing Information Bylaw No. 2012-5021” by updating titles in column 1 of Schedule A and deleting and replacing the following Schedule in its entirety:

- Schedule B20 – Smoking Regulations Bylaw No. 2018-68

ii. Schedule B20 attached hereto forms part of this bylaw.

READ A FIRST time 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

John Vassilaki, Mayor

Angie Collison, Corporate Officer

SCHEDULE B20 to BYLAW 5021

SMOKING REGULATIONS BYLAW NO. 2018-68

	<u>SECTION</u>	<u>FINE</u>
Smoke or vape in in a public place or workplace	6.1.a	\$100
Smoke or vape within 7.5m of a public place or workplace doorway, open window, or air intake	6.1.b	\$100
Smoke or vape at transit shelter or within 7.5m of a transit stop	6.1.c	\$100
Smoke or vape in common area of apartment building	6.1.d	\$100
Smoke or vape on or within 30m of any public or private elementary, middle or secondary (K-12) school ground	6.1.e	\$100
Smoke or vape on or within 30m of a children’s playground	6.1.f	\$100
Smoke or vape in any public facility	6.1.g	\$100
Smoke or vape in any public place or municipal open space listed in Schedule A of Smoking Regulations Bylaw No. 2018-68	6.1.h	\$100
Smoking or vaping cannabis on public roads, sidewalks, walkways and trails	7.1.a	\$100
Smoking or vaping cannabis in any public municipal open space	7.1.b	\$100
Improper signage	10.1	\$100
Remove, alter, conceal, deface, write upon or destroy any no-smoking sign	10.2	\$100

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Planning Manager

File No: RMS 4300-01

Subject: Cannabis Retail Sales Policy - Amendments

Staff Recommendation

THAT Council after consideration of this report, give direction from the following options:

- Option 1: Maintain the status quo approach
- Option 2: Approve the 'Cannabis Retail Sales Policy' as amended, moving to a cap system

Background

Council, at their regular meeting of April 16, 2019, gave support to four (4) locations for provincial cannabis retail store licenses – three private stores and one government run store (BC Cannabis Store). Letters have been sent to the applicable agencies continuing the processing of those applications at the provincial level.

Council, at that meeting, also deferred decision on four other applications. Staff had originally recommended that the four applications that were put on hold, be denied. Council though, after hearing from the proponents of those businesses, made a motion to defer a decision rather than deny them. There are five (5) other applications in various stages of processing, for a total of 13 applications in the city, so far.

Based on the Council deliberations / discussion during the April 16 meeting, it seemed as if there was some unease from Council regarding the approved Cannabis Retail Store policy now that it is in effect. The reality and quality of the types of retail stores that came through the application process may not have been envisioned as part of the community engagement process and subsequent policy development – for the most part, all of the applications were very strong and included well thought out business strategies and positive branding.

Furthermore, there was a sense that perhaps the policy as currently drafted is too restrictive and does not foster enough competition amongst the prospective businesses. Also, there seemed a perception that the policy does not create a clear enough way of comparing stores that were in conflict with the buffering rules, setting up a situation where those storefronts that were being recommended against did not feel they were treated fairly.

Given these considerations, while not captured in the ultimate Council resolution, there seemed to be openness for some minor amendments to the policy amongst the majority of Council. This is reflected in the fact the applications were put on hold rather than denied.

With that direction in mind, staff have prepared an amended policy for Council's consideration, with the intent of creating more opportunities for competition amongst stores, making the application process as transparent and fair as possible (for the prospective stores operators), and importantly, continuing to reflect the community engagement work completed to date.

Staff are now asking Council to give direction on two options. Option 1 is to continue moving forward with the policy as it is currently adopted, which would result in the continued recommended denial of the 4 applications previously recommended for denial. Option 2 would see adoption of the draft policy (attached), which removes the buffer rules between stores and moves to a system whereby the overall number of stores in the community would be capped at 14 stores. There would also be a cap on the number of stores in the downtown set at 7 stores.

Policy amendments

The amended policy is attached for Council's approval. The policy remains very similar, including the 300m setback from schools and guidelines on storefront look and feel, with the following changes:

- Removal of the buffers between the stores, and the associated merit based comparison system
- Addition of a cap system, whereby the overall number of stores in the community would be capped at 14, with a maximum of 7 permitted in the downtown
- Sunset clause added, whereby the cap system is removed in its entirety by June 30, 2022.

Financial implication

Changes to the Cannabis Retail Store Policy are not expected to have any implications on City finances.

Analysis

During the public consultation process to create the cannabis framework, there was a strong desire to limit the overall number of cannabis stores in Penticton and ensure that stores were dispersed throughout the community, as opposed to grouped in one area. The approach taken was to limit the zones that the use could occur in to the C4, C5 and C6 zones and to adopt a policy creating buffer distances between stores.

The challenge with this approach has been the starting point: Who gets the first location to establish the exclusionary buffer? The policy deals with this through a 'merit based approach'. However, the method to evaluate stores against each other has a certain amount of subjectivity too it, which has created a lack of confidence in the process and opened the City up to some amount of criticism. In the application of this approach, Council is being asked to deny strong applications, as they did not conform to the buffer requirements and approve others that may not be as strong in locations that do conform to the buffer rules - perhaps not an ideal outcome, but one that allows for the desired limited number of stores and spatial separation.

With those points in mind, staff are presenting Council with the opportunity to either continue with the current approach or look at an amended approach, which would remove the buffers and place an overall cap on the number of stores in the community. The following is analysis on each approach:

Option 1: Maintain the status quo

This approach would see the continued processing of all applications under the current policy framework and the recommended denial of the 4 applications currently deferred.

While there are some issues with the current policy and process, all applicants made an application under that framework and knew the risks that another store may be chosen over their store. All applications that the City is currently considering for a cannabis licenses have applied with the assumption that they would have an exclusionary zone around their location. Removing this buffer at this late stage may be seen by some stores, especially those that have already received approval, as unfair.

The advantage to this approach is it follows the process developed through the public consultation and adopted by Council. This is the framework / system that all prospective applicants applied under.

The disadvantage of this approach is it requires staff and Council to employ the merit based approach that will leave the City open to some criticism. This merit based approach means that some stores with strong applications may get denied based on their location and stores with weaker applications may be given support. This approach also does not create the market based competition that seemed to be favoured by the majority of Council.

Option 2: Approve the amended Cannabis Retail Store Policy

Under this scenario, the Cannabis Retail Store policy would be amended to remove the buffer rules and move to a system where an overall cap would be established for the community, which is set at 14 stores and a maximum of 7 in the downtown. Even though this may seem like a high number, given that there are currently no stores in Penticton, staff consider that this approach is still in keeping with the public consultation done on cannabis legalization, in that it creates a limit on the number of stores and encourages spatial separation of stores.

This approach allows a greater amount of competition between stores, by removing the artificial buffer, without overwhelming the community. Stores would still be limited to the commercial zones (C4, C5, C6) that currently allow them and the setback from school properties of 300m would remain in effect.

If the full cap of 14 stores is reached the result will likely be more stores than the public may have originally been comfortable with. However, under the adopted policy, the potential was likely for 7-9 stores throughout the community, so the maximum of 14 is not a substantially greater number. Likely the market will ultimately determine the ultimate and appropriate amount of stores in the community, within those zones where the use is permitted.

The main drawback to revising the policy at this point is the question of procedural fairness to those that have already been approved under the previous approach. With that, though, staff consider that there has

been a large amount of evolution as the legalization process has unfolded, from all levels of government, that some additional 'minor' changes as we are refining our approach, should be expected.

Importantly, this alternate approach removes all subjectivity from the process removing the need for a merit based comparison of stores. All stores who meet the intent of the Council policy and are not faced with significant negative public feedback, will receive local government support (no need for a staff led merit based approach). This does not mean that every application that comes forward will be approved. The policy still has expectations on storefront look and feel and a public input process, whereby staff can recommend against approval of a store where clearly in conflict with the Policy.

Alternate recommendations

While staff consider that both of the options outlined above are in-line with the public consultation completed to-date and provide viable options for moving forward, there are other approaches that Council may wish to take.

Alternative 1: Amend the policy to add the scoring matrix, better outlining how the 'merit based' comparisons would be conducted

Under this scenario, Council would direct staff to continue to process the applications with the buffers in place. Council though, would give staff direction to amend the policy to more clearly show how the merit based approach would take place in the comparison of stores against each other. Likely this would mean the scoring matrix developed by the cannabis review panel would be attached to the policy and provided to all applicants as they apply.

The drawback to this approach is the fact that there are already four stores who have received local government support establishing the buffer areas around themselves. Those four stores in conflict with the buffers – the ones staff originally recommended for denial - would still be in conflict with the policy.

Alternative 2: Amend the policy to: reduce the buffers; add the matrix; and, establish an overall cap

Council could look at an approach whereby the buffers are reduced in size to 200 m or 100 m and the matrix could be added to the policy. This would allow for some – not all – of the stores originally denied, to be able to be reconsidered. Under this scenario, staff are recommending adding a cap to the overall number of stores in the community as well. The reason for this would be with the reduction of buffers, there would likely be opportunities for several more stores than the community may be comfortable with.

This approach though, is quite complicated and still requires staff to utilize a merit based approach in the case where stores are in conflict with the buffers. Reducing the buffers to 100m or 150m, does not seem to have much of a purpose as there would still be a clear 'line of sight' between stores at those distances. The intent of the buffers is to separate stores. Staff do not feel that such a small buffer would be worthwhile. This is why staff prefer removing the buffer altogether over a reduction.

Alternative 3: Conduct additional public consultation on the options

The current policy was developed through extensive public and stakeholder consultation and Council may feel that any changes to the policy should also be done with the opportunity for the public to provide additional comment. Staff are not recommending this at this time, as staff considers that all of the options put before Council are reflective of the consultation work done to date. Likely, the opinions on cannabis retail sales have not changed much since legalization and we would be in a similar position we are in today a few months down the road if we were to pursue additional engagement. As a reminder, the public are able to comment on each location prior to Council making a decision on approval or denial.

Attachments



Attachment A – Map of all current applications

Attachment B – DRAFT amended Cannabis Retail Store Policy

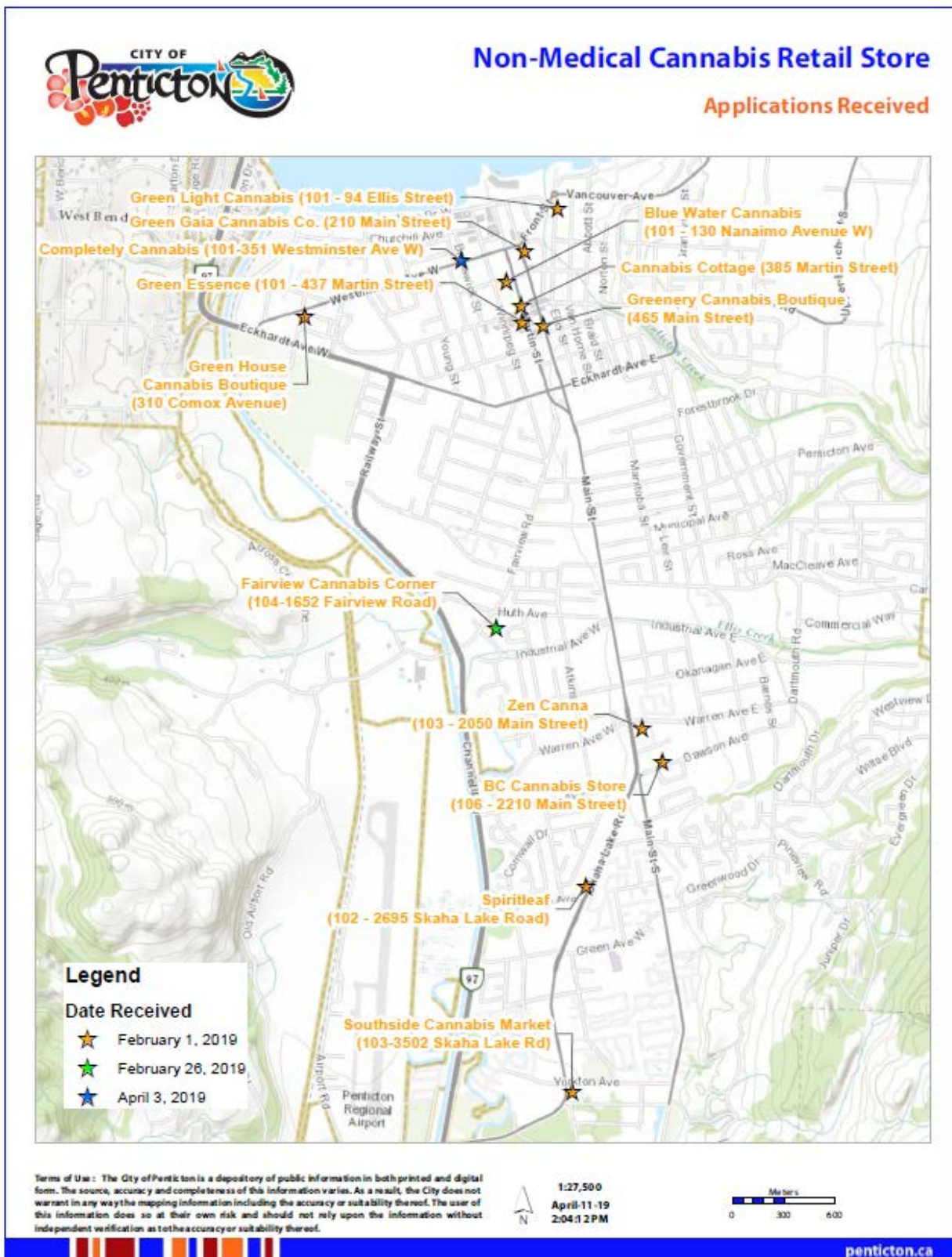
Respectfully submitted,

Blake Laven, MCIP, RPP
Planning Manager

Concurrence

Director 	Chief Administrative Officer 
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Attachment A
Map of all prospective Cannabis Retail Stores being considered by City



Approval date:

Resolution No.:

Subject: Cannabis Retail Stores

Goal

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

Scope

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

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

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

Purpose

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

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

Number of stores and store location

This policy establishes a maximum number of stores in Penticton at 14 stores and a maximum cap within the downtown of 7 stores. If not renewed, this cap on the number of stores will remain in place until June 30, 2022, upon which time, there will no longer be a maximum number of stores.

Roles and Responsibilities

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

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

Procedures

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

- Once Council has passed a resolution in respect to the application, notice shall be sent the LCRB, with a copy of the Council resolution.

Guidelines

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

- Stores shall not be located within 300m of a public or private elementary, middle or secondary school. This exclusionary zone will be measured as a buffer from the extent of the school property.
- Adherence to the following storefront guidelines:
 - Storefronts must present a positive image to the street to which the store fronts (complete window coverings are discouraged)
 - Where window coverings are to be used, they shall include imagery and colour that display a positive and quality presentation to the street (blank window coverings are discouraged)
 - Store branding, signage and display material must not include words or graphics intended to appeal to minors, show the use of cannabis or promote intoxication (for example the words 'high', 'stoned', 'chronic' etc. should be avoided)

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

1. Proposed location is in a zone that does not include 'cannabis retail store' as a permitted use
2. Proposed location is within 300m of a public or private elementary, middle or secondary (K-12) school
3. In the case where there are already 14 licenses issued for Penticton
4. Strong public opposition to the location

Application priority

- Applications will processed as they are received.
- Applications submitted to the City prior to February 1, 2019 will be deemed to be received on February 1, 2019.

Policy Review

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

Previous revisions

Approval date: December 4, 2018
Council Resolution: 498/2018

Certified Correct:

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 1652 Fairview Road

File No: 2019 PRJ-054

Subject: Zoning Amendment Bylaw No. 2019-17

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-17", a bylaw that adds as a site specific use 'cannabis retail store' to the C7 zone for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, be given first reading and be forwarded to the June 4, 2019 Public Hearing;

AND THAT the public comment period for 'local government support' for the provincial cannabis retail store license application be done concurrently with the advertising for the zoning amendment Public Hearing;

AND FURTHER THAT Council consider 'local government support' for the provincial cannabis retail store application after adoption of Zoning Amendment Bylaw No. 2019-17.

Background

The subject property (Attachment 'A') is zoned C7 (Service Commercial) and is designated by the City's Official Community Plan (OCP) as SC (Service Commercial). Photos of the site are included as Attachment 'D'. The lot is 13,556 m² (3.35 ac) in area and contains two separate strip mall style buildings, which contain stores such as Cloverdale Paint, Fairview Liquor Store, Trellis and Vine Crafthouse and Ellis Creek Kitchens & Baths, among others. The surrounding area contains other commercially zoned properties and backs onto residential zoned lands (Attachment 'B').

The intent of this application is to put zoning in place for a cannabis retail store. In 2018, the City's Zoning Bylaw was amended to allow 'cannabis retail stores' as a permitted use within the C4 (General Commercial), C5 (Urban Centre Commercial) and C6 (Urban Peripheral Commercial) zones. The subject property at 1652 Fairview Road is zoned C7 (Service Commercial), which is not one of the zones that allow for a cannabis retail store.

During the decision making process determine which zones would accommodate cannabis retail sales as a permitted use, the C7 zone was considered as a potential area, given that there were several commercial plazas within the C7 zone. Ultimately though, the decision was made to not include the C7 zone as it had too many properties that did not lend themselves well to the use. Council in their discussion, seemed to keep

the door open for specific properties to come forward with an application to consider these types of locations on a site by site basis.

As such, the applicant is requesting a site specific amendment to allow for a cannabis retail store to be operated at 1652 Fairview Road.

Draft 2019 Official Community Plan

The Official Community Plan review currently underway designates the subject property within the Future Land Use Category as 'commercial'. In the draft Official Community Plan, 'commercial' is described as areas with a wide range of commercial uses including office, retail, goods and services. Compatible types of development include retail, service, office, restaurants, grocery stores and residential (in specific zones). Therefore, the Draft 2019 OCP is supportive of retail opportunities at the subject property.

Proposal

The applicant is proposing to amend Zoning Bylaw 2017-08 as follows:

Add section 11.7.4.3

"On Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, 'cannabis retail store' shall be permitted."

Note: Cannabis Retail Store applicants are still required to proceed through Provincial and Municipal approval processes prior to a business license being approved to operate a Cannabis Retail Store at this location. Those approvals will be considered under a separate process.

Financial implication

This application does not pose any financial implications to the City. All development costs are the responsibility of the applicant.

Analysis

The proposal is for a site-specific zoning amendment, which will allow the property to retain the current C7 (Service Commercial) zoning, while also allowing for the use cannabis retail store. The request for a retail store is in line with the SC (Service Commercial) designation of OCP No. 2002-20. The Draft 2019 OCP also designates this property as 'commercial', which would support the proposed use of a Cannabis Retail Store.

The subject property contains adequate parking onsite for the existing commercial retail units and lends itself well to the type of activity expected with the cannabis retail sales business. In addition, this property is not located in close proximity to any other prospective cannabis retail store locations.

While the C7 zone does not permit cannabis retail sales, there was an acknowledgment in the development of the cannabis framework that there were appropriate properties in the C7 zone for this use. In staff's consideration this commercial plaza is an appropriate location for this use, however as noted above, there will be a separate application process required before any decision is made on the cannabis retail store being approved for this property.

Further, if the amendment bylaw is successful and a cannabis retail store becomes a permitted use at 1652 Fairview Road, any cannabis retailers would still be required to proceed through the Provincial and

Municipal processes for attaining a license. Such licenses are reviewed by Council to receive support on a case-by-case basis, meaning that Council would still be able to review which cannabis retail store moves into the location at 1652 Fairview Road.

Given that the subject property is within a well-established commercial area, and is in line with the current and Draft OCP Future Land Uses, staff recommend that Council support "Zoning Amendment Bylaw No. 2019-17" to allow a cannabis retail store at 1652 Fairview Road, and that the application be forwarded to the June 4, 2019 Public Hearing for comment from the public.

Staff are also recommending that the public comment period for the related licensing process to happen concurrently to the Public Hearing notification and that consideration of the provincial license occur after the associated zoning bylaw is adopted, likely on June 18, 2019.

Deny/Refer Zoning Amendment

Council may consider that the proposed use is not suitable for this site, or that the surrounding land uses are not an appropriate fit for the proposed use. If Council has concerns with the proposal, they should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate recommendations



1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-17".
2. THAT Council support first reading of "Zoning Amendment Bylaw No. 2019-17" with conditions that Council considers appropriate.
3. THAT Council refer "Zoning Amendment Bylaw No. 2019-17" back to staff.

Attachments

- Attachment A – Subject Property Location Map
- Attachment B – Zoning Map of Subject Property
- Attachment C – Official Community Plan Map of Subject Property
- Attachment D – Images of Subject Property
- Attachment E – Letter of Intent
- Attachment F – Zoning Amendment Bylaw No. 2019-17

Respectfully submitted,

Nicole Capewell
Planner 1

<p>Director</p> 	<p>Chief Administrative Officer</p> 
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Attachment A – Subject Property Location Map



Figure 1 – Subject property identified in red

Attachment B – Zoning Map of Subject Property

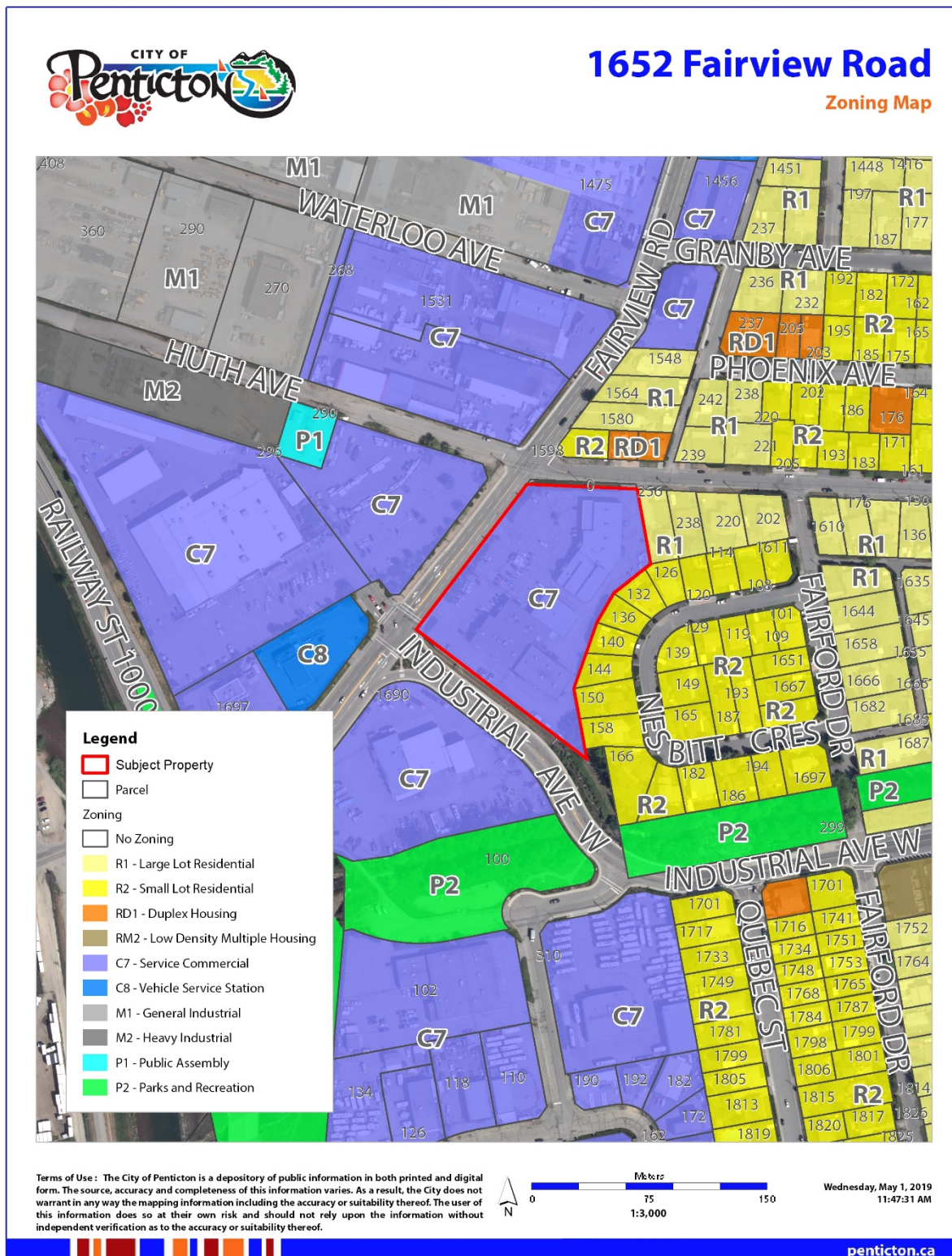


Figure 2 – Subject property currently zoned C7 (Service Commercial)

Attachment C – Official Community Plan Map of Subject Property

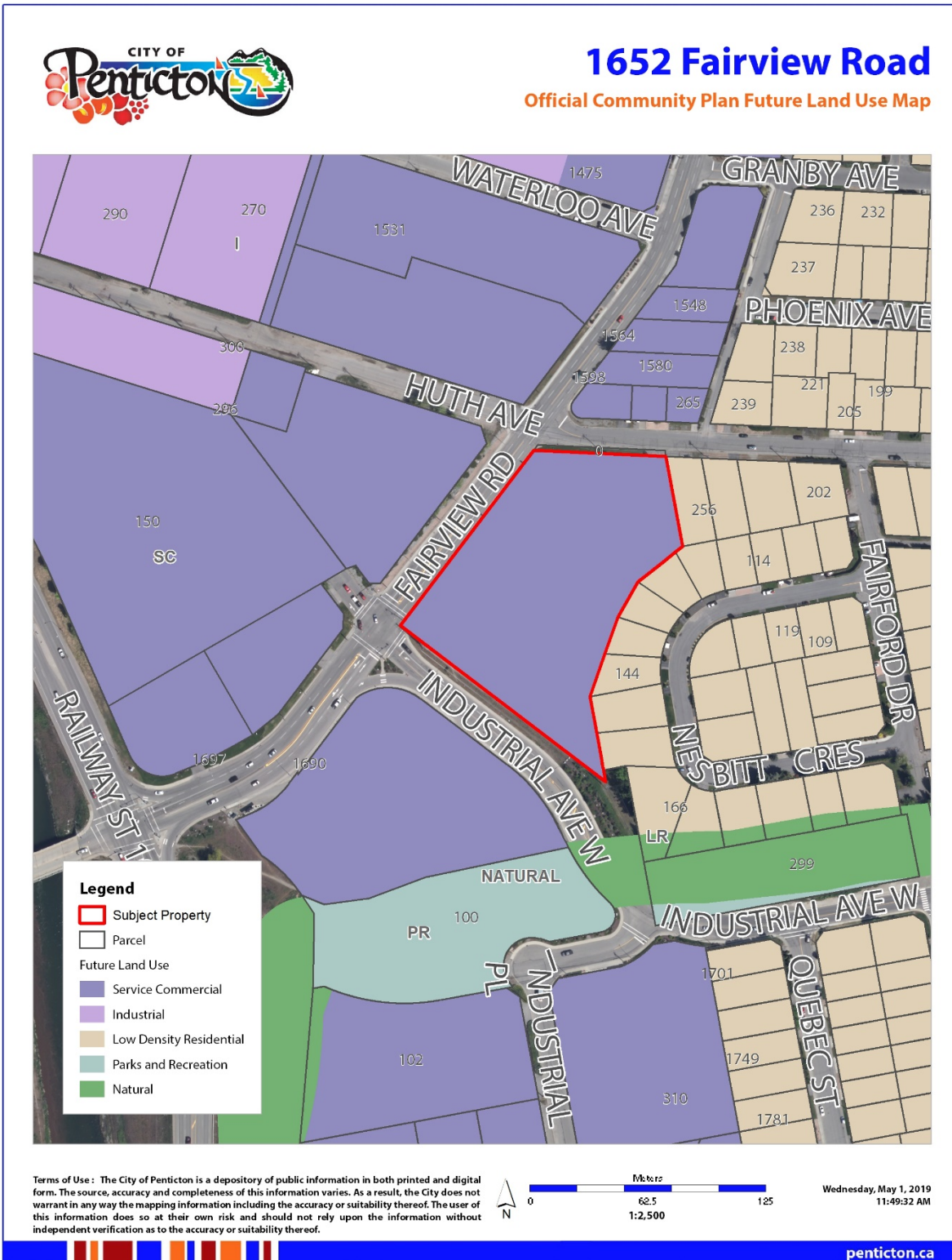


Figure 3 – Subject property designated as Service Commercial (SC)

Attachment D – Images of Subject Property



Figure 4 – Looking east towards strip mall building on subject property



Figure 5 – Looking east towards strip mall buildings on subject property

Attachment E – Letter of Intent

FAIRVIEW CANNABIS CORNER

Fairview Cannabis Corner
#104-1652 Fairview Rd,
Penticton, BC, V2A 6A7

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

Penticton Planning Department,

I would like to be considered for approval by the City of Penticton to open a Cannabis Retail Store located at #104-1652 Fairview Rd. The store will be called *Fairview Cannabis Corner* and will sell legally regulated cannabis products and cannabis accessories.

The location of my proposed store is currently zoned Service Commercial (C7), which is not included in the zoning bylaw 2018-66 as a place where a Cannabis Retail Store may be located. I would like to be approved for a temporary use permit for this location, considering Fairview Liquor Store is located in the same zone and address. These two types of business compliment one-another and an ideal scenario locates a cannabis retail stores close to a liquor store as both are regulated by the LCLB and supplied by the LDB.

Fairview Cannabis Market's neighboring businesses are zoned C7 as well which is ideal because it will reduce the probability of minors spending time in this area of town. It is located outside of any school or park buffer zone and has a very large parking lot. Promoting a Cannabis Retail Store at this location will offer brand recognition for neighboring businesses as the parking lot will receive much more traffic. This biproduct will have a positive impact on the Penticton retail community.

I feel that if given the opportunity, my experience in commerce and compliance would allow me the opportunity to successfully promote a positive image of the Cannabis Industry and help me remove the fears and hesitations of the community about cannabis. I believe strongly that Fairview Cannabis Corner will succeed in this venture and will become an industry standard for compliance and profitability.

Cordially,



Darren Moffatt, CPA, CMA

Bylaw No. 2019-17

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. 2019-17".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to 11.7 C7 – Service Commercial section 11.7.4:

.5 In the case of Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, 'cannabis retail store' shall be permitted.

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 day of , 2019
Ministry of Transportation on the
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

Approved pursuant to section 52(3)(a) of the Transportation Act
this day of , 2019
for Minister of Transportation & Infrastructure

Angie Collison, Corporate Officer

1652 Fairview Road

Add 'cannabis retail store' to the C7 zone as a site specific use for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077 (1652 Fairview Rd)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-17

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 595 Carmi Avenue
Subject: **Zoning Amendment Bylaw No. 2019-16**

File No: 2019 PRJ-068

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-16", a bylaw to rezone Lot 13 District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial), be given first reading and forwarded to the June 4, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-16", a 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue is registered with the Land Title Office.

Background

The subject property (Attachment A) is zoned C2 (Neighbourhood Commercial) and designated by the City's Official Community Plan (OCP) as MR (Medium Density Residential). The property is located directly across Carmi Avenue to the north of the Penticton Regional Hospital. Photos of the site are included as Attachment D. The lot is approximately 886.0m² (9,537ft²) in area and features a small commercial building with a residence on the 2nd floor. An older building is constructed on-site, with a commercial unit on the main floor and a dwelling unit on the second storey. Historically, a corner store operated on-site until it was converted to a coffee shop in the early 2000s. It continued to operate as a coffee/ice cream shop until its present day unoccupied state. The subject property is in close proximity to several institutional uses (hospital and churches), small-scale commercial buildings (medical offices) and single and multiple family developments. The site is located in a high profile area, at the intersection of Government Street and Carmi Avenue right across from the Hospital.

Proposal

The applicant is proposing to renovate an existing commercial building into a pharmacy which is not a permitted use in the C2 (Neighbourhood Commercial) zone. Thus, the applicant is proposing to rezone the subject property to C3 (Mixed Use Commercial) to allow for a retail store, which includes the pharmacy use. The pharmacy will be approximately 1200ft² in area, with the main entrance on the west side of the building facing the parking lot that can accommodate 9 vehicles. Vehicle access will be relocated from the existing driveway entrances along Government Street and Carmi Avenue to the lane instead. Landscaping will replace asphalt around the frontage of the property. The building will undergo significant façade improvements, making the building more modern with fibre cement panel cladding, and glass entry canopies.

Financial implication

N/A

Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works departments. It has been determined that the existing driveway along Government Street shall be closed due to safety concerns. The existing driveway along Carmi Avenue will be narrowed down to a 3.0m width to serve as an exit for vehicles leaving the site which will also provide enhanced safety. The costs of re-instating curb, gutter and sidewalk will be charged to the developer. The rear lane has been re-surfaced over the past few years but it has been identified by the City’s Engineering Department that the entry ways to the lane should be widened to allow for easier access to the lane.

A 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue will be obtained by the City as a condition of rezoning to help achieve the desired width of the streets (20.0m) to accommodate traffic lanes, bike lanes, sidewalks and utilities. The existing water and sewer connections may require upgrading, depending on fixture counts and conditions of services.

As part of the development permit process, the developer will be required to landscape the entire frontage of the property, which will significantly benefit the property and the area. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. If the request for the zoning amendment is supported, BC Building Code and City bylaw provisions will apply.

New OCP

While the current OCP identifies this area as MR (Medium Density Residential), the draft OCP that is currently under development and anticipated to be adopted this spring, identifies this area for ‘Commercial.’ This designation allows for a wide range of commercial uses including office, retail, goods and services. This also includes mixed use buildings with residential units on the second floor and above. The proposed zoning amendment is in line with this future designation.

Development Statistics

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

Item	Requirement C3 zone	Proposed
Maximum Lot Coverage:	50%	12.3%
Minimum Lot Width:	18.0m	22.0m
Minimum Lot Area:	1000.0m ²	886.26m ² *
Maximum Density:	2.0 FAR	0.25 FAR
Vehicle Parking:	1 space per 50m ² Floor Area (2) + 1 per dwelling unit = 3 total	9 spaces

Required Setbacks		
Front yard (east, Government Street):	3.0m	5.45m
Rear yard (west, lane):	6.0m	25.05m
Interior yard (north):	4.5m	3.94m (non-conforming)
Exterior yard (south, Carmi Avenue):	4.5m	8.55m
Maximum Building Height:	18.0m	7.2m
Other Information:	<p>- The subject property is located in a Development Permit Area. Since the site is undergoing significant renovation, a development permit is required. This permit is staff-issuable and will be addressed following the rezoning application.</p> <p>- <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i></p>	

Analysis

Zoning Amendment

Support Zoning Amendment Bylaw No. 2019-16

The MR (Medium Density Residential) OCP designation allows for small scale neighbourhood commercial uses such as convenience stores and small scale retail stores such as the pharmacy proposed. A number of guidelines for consideration of rezoning applications and staff's comments are as follows:

- *The size, scale, and scope of the proposed commercial use is compatible with the character of the area:*
 - The small scale, two storey nature of the building with sufficient parking will not change the character of the area. The proposed pharmacy is within walking distance to several compatible uses (medical offices and the hospital), as well as neighbouring residential dwellings.
- *The proposed commercial use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on adjacent uses:*
 - The building is existing; no additions or increases in floor area are being proposed at this time. The proposed pharmacy would increase the number of vehicles that could access the lane, but widening the lane access from Carmi Avenue will make it easier for vehicles to enter and exit at the same time. The parking lot for the proposed pharmacy is designed for vehicles to enter from the lane and exit onto Carmi Avenue by making a right hand turn. Closing the driveway accesses in close proximity to the intersection will improve safety in the area. There is a medical office to the west of the subject property that uses the lane as a primary means of vehicular access. Pharmacy's operate regular hours and are unlikely to generate additional noise or traffic beyond a typical commercial use. The parking lot will be reconfigured to properly park up to 9 vehicles.
- *Commercial uses are best in areas located along major roadways:*

- The subject property is located in a high profile area, along Government Street and across from the Penticton Regional Hospital.

Although the current OCP identifies this property for medium density residential, a rezoning to allow for a wider range of commercial uses, while maintaining the residential use on the second floor is still considered to be consistent with the guidelines. The subject property is already commercial zoned, which allows for a convenience store, personal service establishments (photo studio, dry cleaners, shoe repair, etc.) and other small scale commercial uses up to 125m² in area. The proposed C3 zone adds other uses such as retail stores and offices as permitted uses with no limits on the size. The current C2 zone places a maximum of 1 residential unit within a commercial building while no maximum exists in the C3 zone. This could mean that the developer could expand the commercial use or add more residential density to the lot as desired. Given that this is an area in close proximity to the hospital, IGA, and nearby services, additional density or a wider range of commercial uses is not seen as a concern.

As part of the project, a staff-issuable development permit is required. A detailed landscape plan will be submitted which will highlight the conversion of the existing asphalt frontage into landscaping. The required parking spaces for the current size of retail space and one dwelling unit is 3 total. The developer is proposing 9 parking spaces.

Closing the existing driveways and directing traffic through the lane is ultimately consolidating multiple accesses into one location, which will enhance safety to the site. This also enables landscaping to replace existing asphalt, which will help to beautify the area in a high profile corner next to the brand new hospital expansion.

Given the information presented above, staff recommends that Council support "Zoning Amendment Bylaw No. 2019-16" and forward the application to the June 4, 2019 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain as C2 (Neighbourhood Commercial), permitted small scale commercial uses and a maximum of one residential dwelling unit. Council may also feel that a small apartment building would be a better fit for the property, given the current MR (Medium Density Residential) OCP designation. If this is the case, Council should deny the bylaw amendment.

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

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-16."
2. THAT Council support first reading of the "Zoning Amendment Bylaw No. 2019-16" with conditions.
3. THAT Council refer "Zoning Amendment Bylaw No. 2019-16" 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: Building Elevations
- Attachment G: Floor Plans
- Attachment H: Letter of Intent
- Attachment I: Zoning Amendment Bylaw No. 2019-16

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS <i>PH</i>	CAO DvD
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Attachment A – Subject Property Location Map

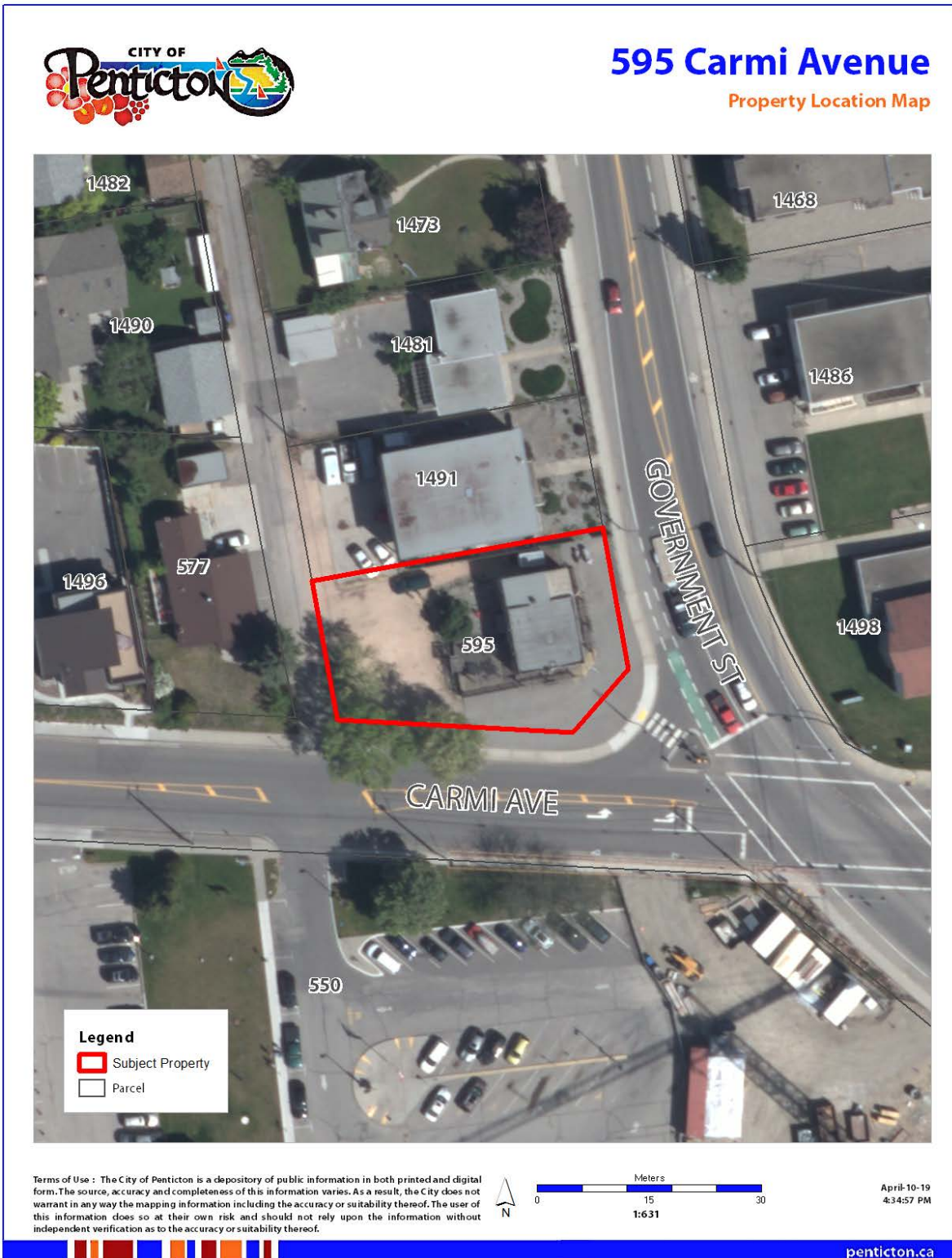


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

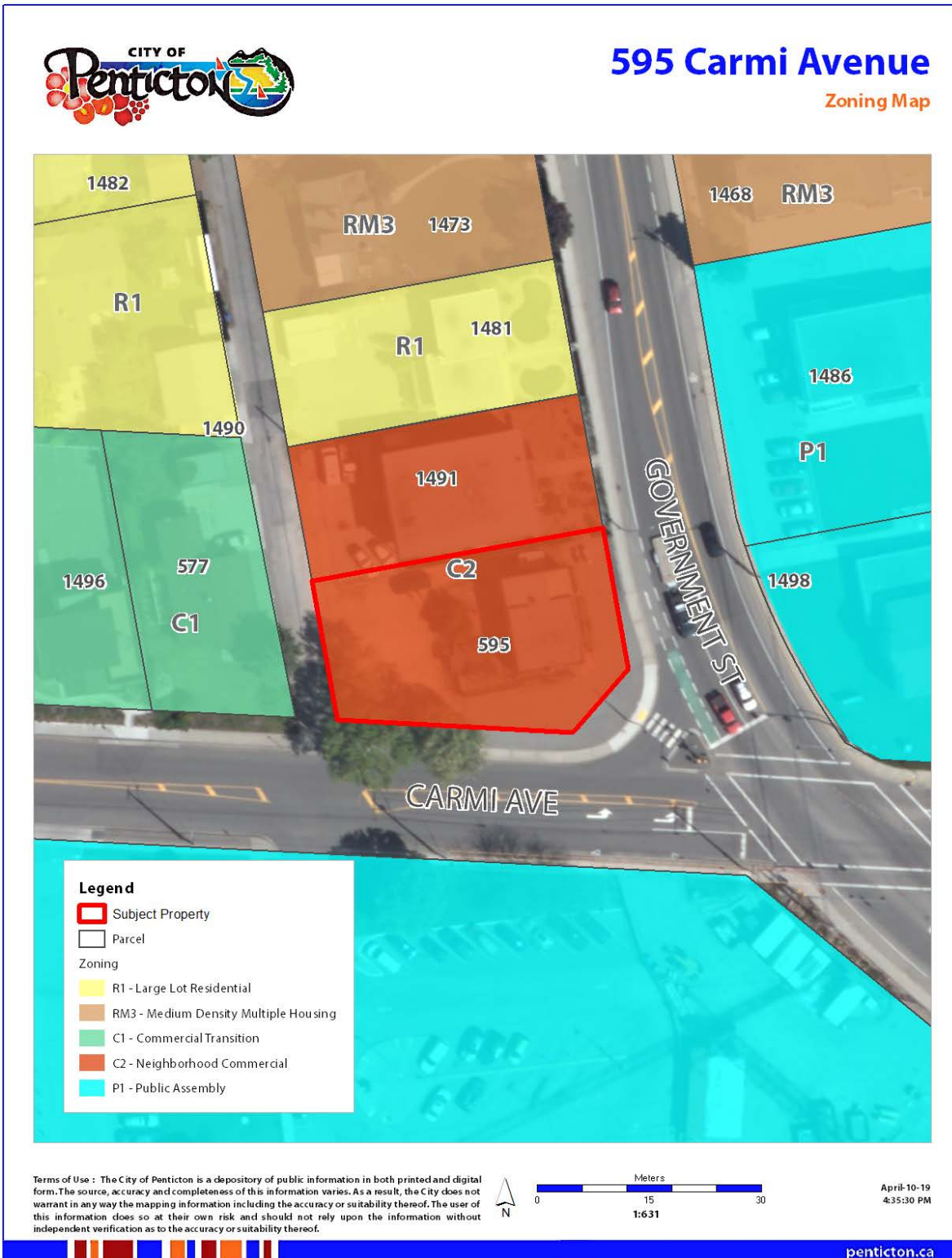


Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



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



Figure 5: South view showing eastern portion of property (along Government Street)



Figure 6: South view showing western portion of property



Figure 7: South view showing western portion of property (lane access)



Figure 8: West view (from the lane)



Figure 9: North side of subject property (looking from Government Street)

Attachment E – Site Plan

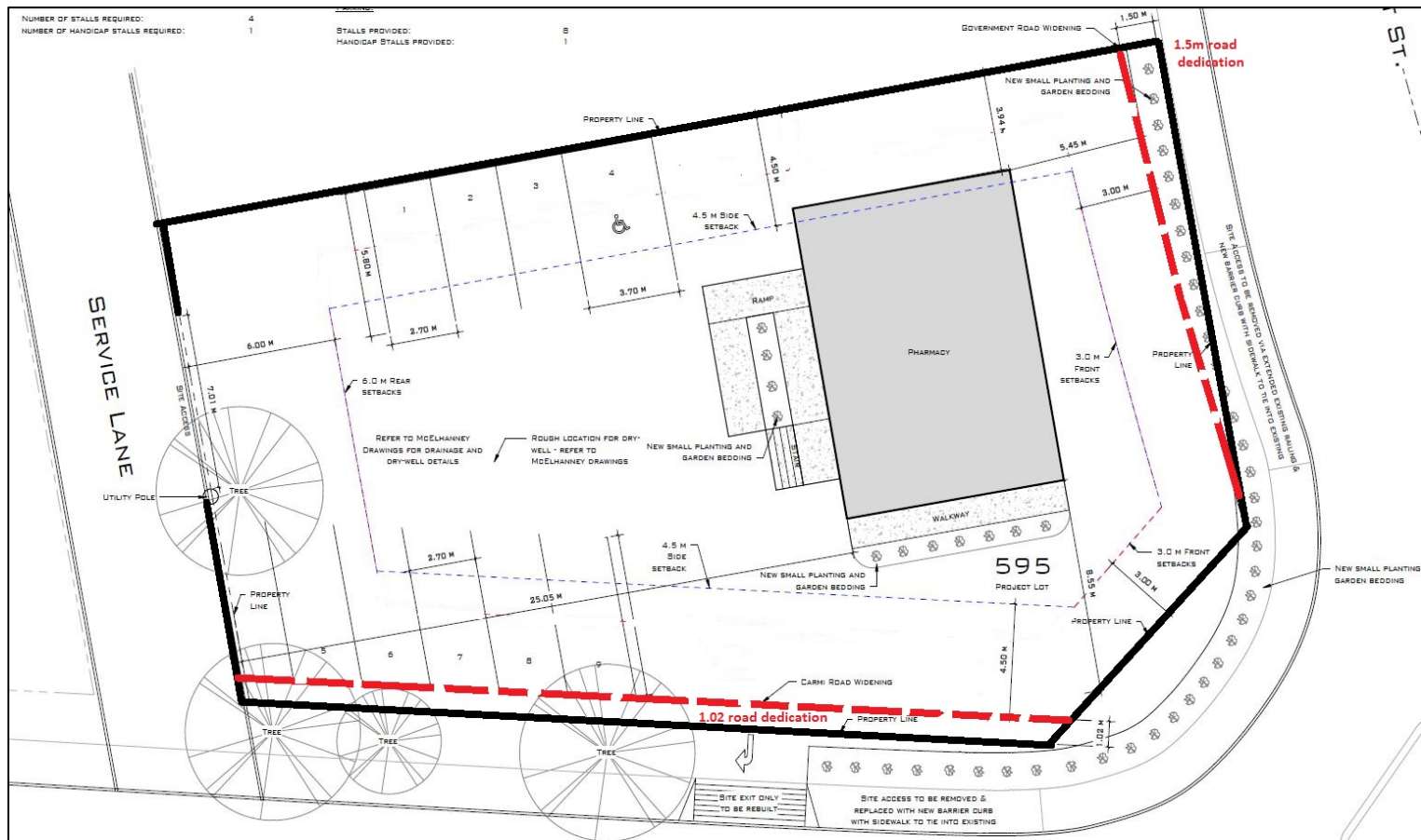


Figure 10: Site Plan

Attachment F – Building Elevations

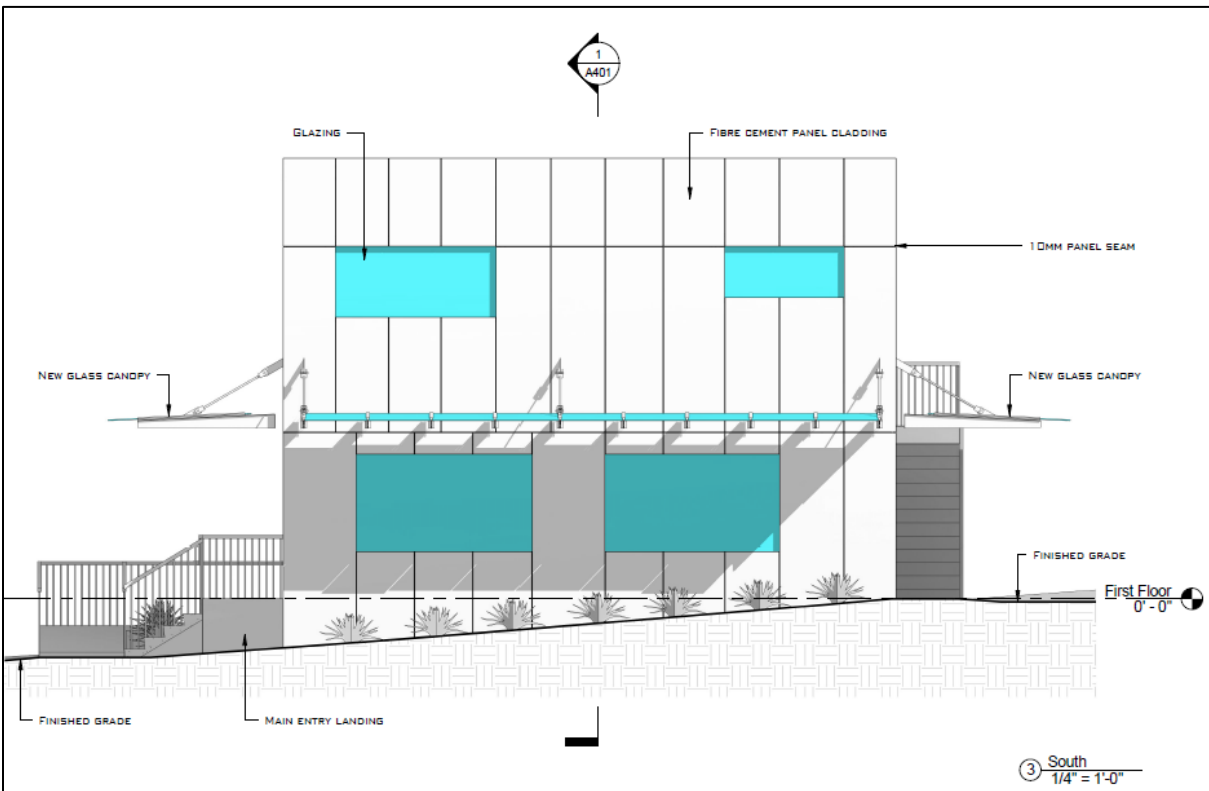


Figure 11: South Elevation (from Carmi Avenue)

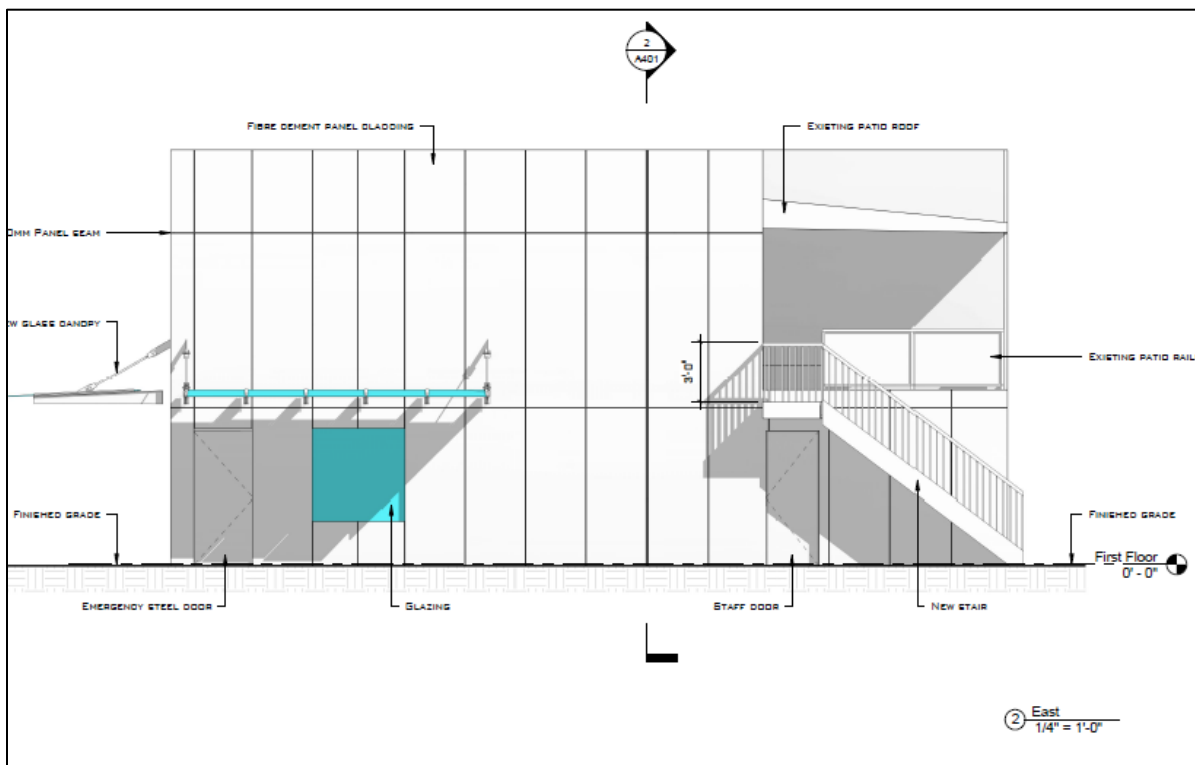


Figure 12: East Elevation (from Government Street)

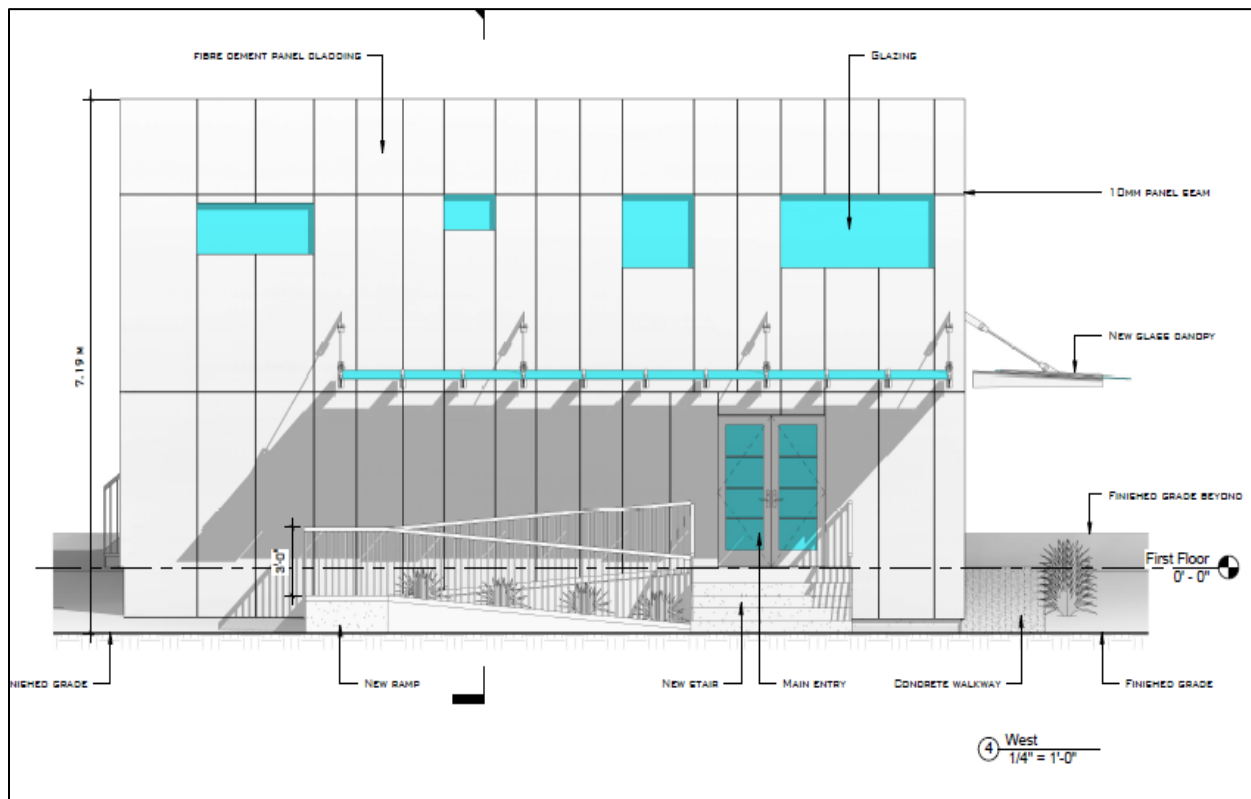


Figure 13: West Elevation (from the lane)

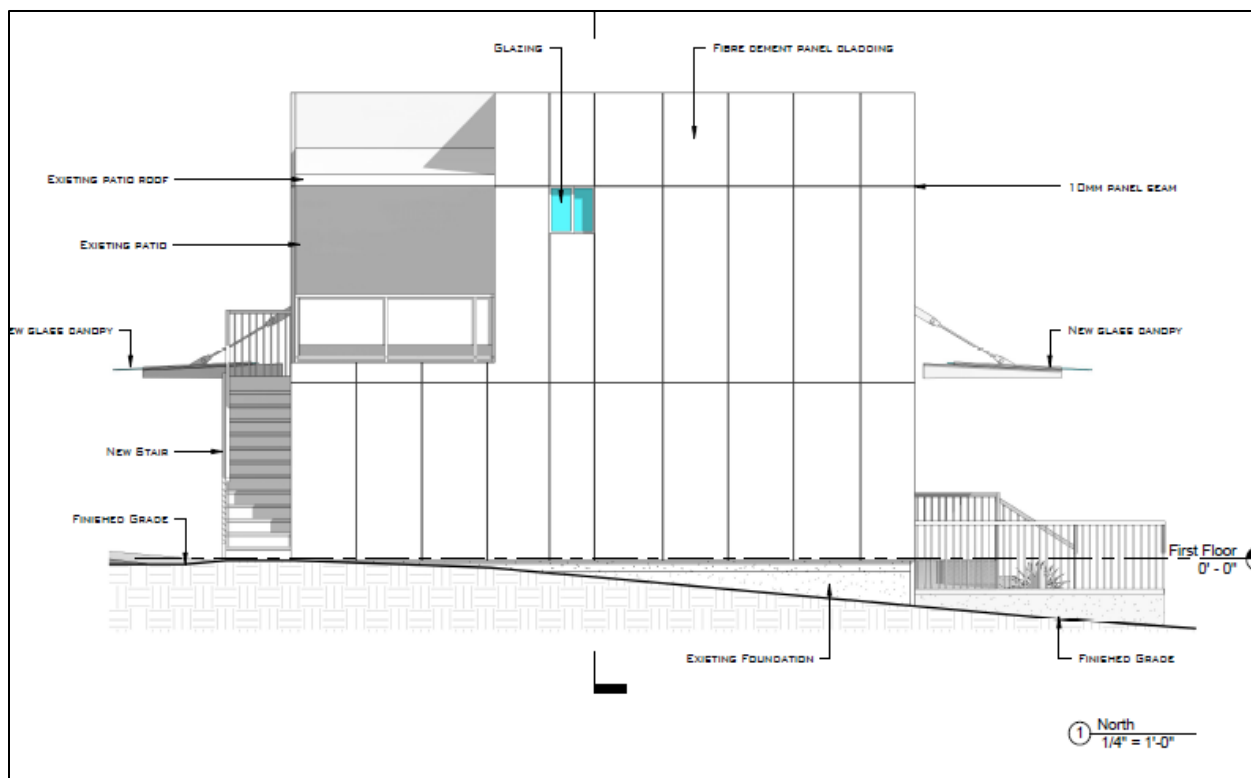


Figure 14: North Elevation

Attachment G –Floor Plans

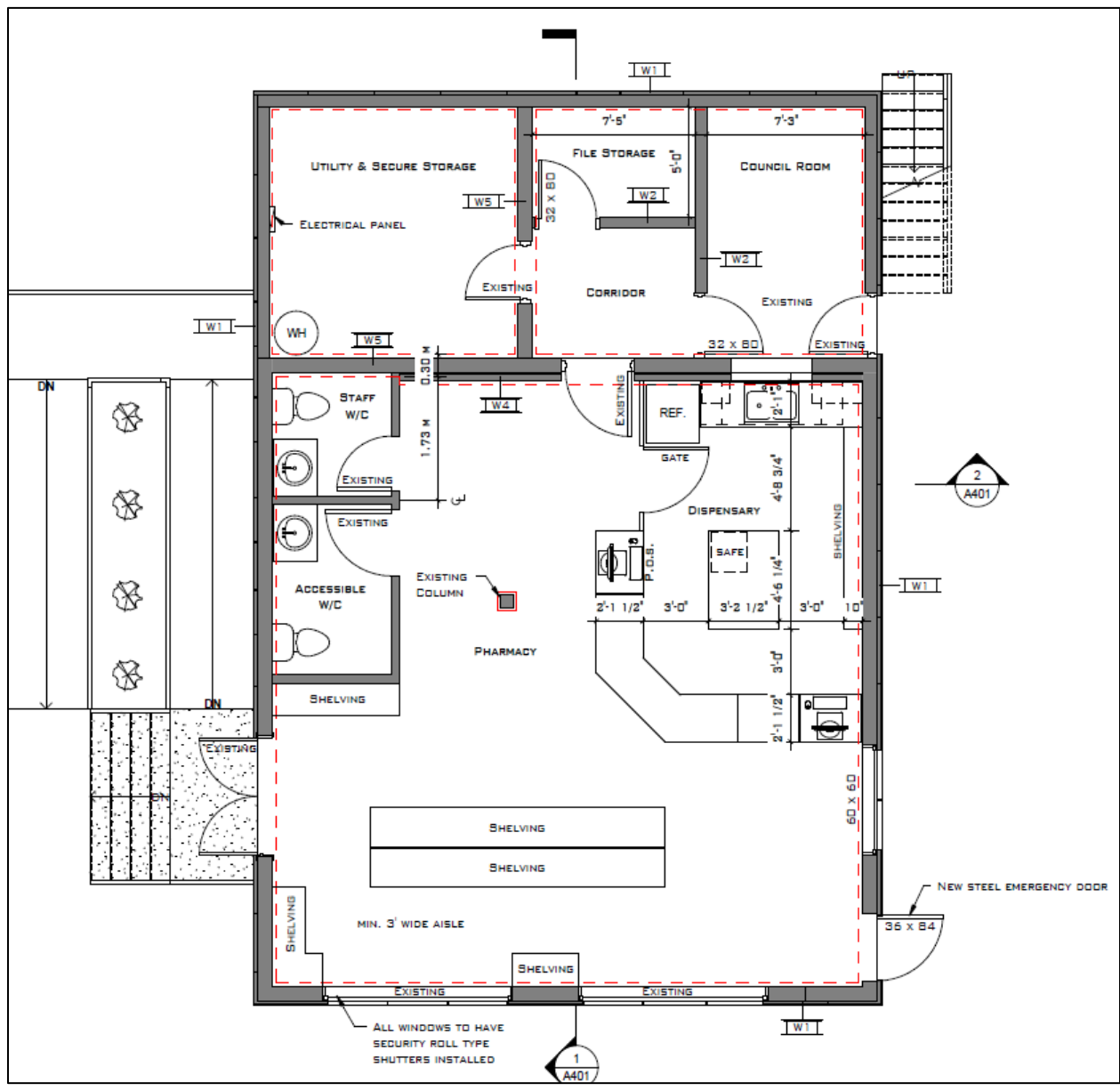


Figure 15: Main Floor Plan

Attachment H - Letter of Intent

Gartners Custom House Designs

Casey Gartner
2380 Wiltse Drive
Penticton, BC, V2A 7Y9



Date: April 10, 2019

City of Penticton
Rezoning letter of Intent for 595 Carmi Avenue
171 Main Street
Penticton, BC, V2A 5A9

Dear, Sir or Madam,

I am writing to provide you a letter of intent to express our interest in rezoning 595 Carmi Avenue from a C2, neighborhood commercial zone, to a C3, mixed use Commercial zone, to allow for a renovation of the existing buildings lower floor from a coffee house to a licensed pharmacy.

The scope of the project includes the renovation as noted above, as well as re-cladding with fiber cement panels with 10mm joints to bring the aesthetic to a clean modern look.

We are also expanding the building footprint by 4.5 square feet to square off the south east doorway. We will be adding stairs and a wheelchair ramp on the west entry to allow easier access from the proposed parking lot. Beyond that expansion, the rest of the footprint will remain.

When considering the impact on neighboring properties, this change will update the outdated and worn down look the building has fallen into, without altering the size of it. Therefore, it will not expand closer to any property lines, or abstract any views one may have from the neighboring properties. Furthermore, the building finish will be inspired from the newly added hospital tower across the street, and with existing hospital, doctor's office and health centre nearby, the pharmacy will fit the area appropriately. Additionally, it allows closer access to the community member to fill prescriptions upon discharge from the hospital. Thank- you for your consideration.

Sincerely,



Casey Gartner

Bylaw No. 2019-16

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. 2019-16".

2. **Amendment:**

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

Rezone Lot 13, District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial).

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
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

Rezone 595 Carmi Ave

From from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-16

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Angie Collison, Corporate Officer
Subject: **LGMA 100 Years – Commemorative Tree Planting**

File No: 0550-02

Staff Recommendation

THAT Council authorize staff to proceed with selecting a tree to plant in a location recommended by staff and hold a commemorative tree planting ceremony on May 23, 2019 in recognition of the local government profession and ongoing commitment to the community.

Background

The City of Penticton and the Regional District of Okanagan-Similkameen (RDOS), along with other local governments across BC will plant a commemorative tree in recognition of local government professionals and their ongoing commitment to serve their communities.

At the 1919 Union of BC Municipalities Conference, a resolution was adopted establishing the Local Government Management Association of BC (then called the "Municipal Officers Association of BC"). For the past 100 years, the Local Government Management Association (LGMA) has worked to support the learning, leadership, and growth of local government professionals across the province.

To mark its 100th anniversary, the LGMA is encouraging all local governments in BC to plant a tree in celebration of a century of dedication, hard work, and innovation by local government professionals during Local Government Awareness Week, May 19-25, 2019.

On May 7, 2019, the City of Penticton held their Regular Council Meeting at Penticton Secondary School Library to promote local government awareness and to engage with the youth. We had two student delegations and it was an overall success.

The City of Penticton together with the board and staff from RDOS will be dedicating a tree with a plaque, at the green space beside City Hall. There will be cake and a tree planting ceremony on Thursday, May 23, 2019 at 3:00 p.m.

Respectfully submitted,

Angie Collison
Corporate Officer

Chief Administrative
Officer

DvD

Bylaw No. 2018-81

A Bylaw to Amend Zoning Bylaw 2017-08

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2018-81".

2. **Amendment:**

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

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

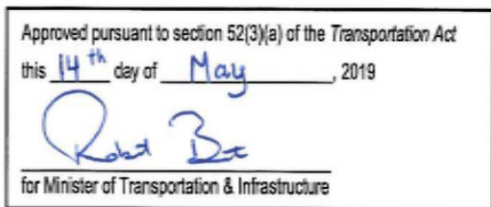
2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	4	day of	December, 2018
A PUBLIC HEARING was held this	18	day of	December, 2018
READ A SECOND time this	18	day of	December, 2018
READ A THIRD time this	18	day of	December, 2018
RECEIVED the approval of the	14	day of	May, 2019
Ministry of Transportation on the			
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



Rezone 310 Comox St

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



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2018-81

Date: _____

Corporate Officer: _____

Bylaw No. 2019-15

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. 2019-15".

2. **Amendment:**

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

.12 In the case of Lot B, DL187, SDYD, Plan 38091, located at 856 Carder Road, agri-tourism accommodation is a permitted use with a maximum of six (6) sleeping units.

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

READ A FIRST time this	7	day of	May, 2019
A PUBLIC HEARING was held this	21	day of	May, 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 10 day of May, 2019 and the 15 day of May, 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 to add agri-tourism accommodation as a permitted use with a maximum of six sleeping units at 856 Carder Road



City of Penticton – Schedule ‘A’

Zoning Amendment Bylaw No. 2019-15

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: May 21, 2019 **File No:** PRJ2019-043
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 3935 Lakeside Road
Subject: **Development Variance Permit PL2019-8483**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8483" for Lot 1 District Lot 190 and 3105 Similkameen Division Yale District Plan 27215, located at 3935 Lakeside Road, a permit to vary section 8.2.3.5 of Zoning Bylaw 2017-08 to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling;

AND THAT staff be directed to issue "DVP PL2019-8483".

Background

The subject property (Attachment 'A') is currently zoned R1 (Large Lot Residential) and is designated within the City's Official Community Plan (OCP) as LR (Low Density Residential). The property fronts onto Lakeside Road and has lake frontage onto Skaha Lake. The property currently has a single family dwelling and an accessory building. The intent of the property owner is to convert the existing, one storey, 720 sq.ft, accessory building into a dwelling unit (carriage house). All of the works proposed are outside of any riparian and easement/right-of-way areas on the property. The accessory building, however, is located closer than the main house to Lakeside Road. This is in conflict with the zoning bylaw regulations for carriage houses, which requires the principal dwelling to be located closer to the road.

Proposal

The proposed siting of the building (as a carriage house) does not meet the regulations of the City's Zoning Bylaw, and therefore the applicant has requested the following variance to Zoning Bylaw No. 2017-08:

- Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

Financial Implication

This application does not pose any significant financial implications to the City. Development costs are the responsibility of the developer. Once operating as a carriage house, the owner will be required to pay a yearly license fee to the City.

Technical Review

This application was forwarded to the City's Technical Planning Committee and was reviewed by the Engineering and Public Works Departments. Servicing and building code requirements have been identified

and will be addressed as part of the building permit process. It is the property owner’s responsibility to provide services and/or upgrade existing services as required for the carriage house.

Development Statistics

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

	Requirement Carriage House R1 Zone	Provided on Plans
Minimum Lot Area for Carriage House:	370 m ²	850 m ²
Maximum Lot Coverage:	40%	20% (no change, as structure is existing)
Vehicle Parking:	3 (2 – Single Family Dwelling; 1 – Carriage House)	3+ There is ample parking on site
Maximum Building Footprint	90m ²	67.7 m ²
Required Setbacks		
Front Yard (east):	6.0 m	10.58 m
Interior Side Yard (north):	1.5 m	2.14 m
Interior Side Yard (east):	1.5 m	~17m
Rear Yard:	1.5 m	~50 m
Maximum Building Height	5.0 m and one floor	3.7 m and one floors
Comments	<ul style="list-style-type: none"> • The applicant is requesting a variance to allow the carriage house to be located closer to the front lot line than the principal building. • The accessory building is 2.14 m from property line, and does not require windows on the north elevation to be opaque. 	

Analysis

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

Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

The intent of the applicant is to convert an existing accessory building to a carriage house. The accessory building was originally constructed in 1954 (with permits). The conversion of the building does not include any expansion of the building footprint, nor an increase in height. Rather, the inside of the building will be converted to a dwelling unit, with some patio space included outside to provide amenity space for the dwelling unit. The subject property has adequate parking, which exceeds the required 3 parking spaces (2 required for single family dwelling; 1 additional required for carriage house). Within the site there is ample turn-around area so that vehicles do not have to back out onto Lakeside Road.

The following analysis reviews the request to have a carriage house in front of the principal residence on a lakefront property:

- Due to the waterfront nature of this lot, the carriage house is being proposed to be located closer to the front lot line than the principal dwelling. Technically, the rear lot line of this lot would be located against Skaha Lake, but the principal dwelling is sited so as to make the most of views and is thus, sited on the beachfront.
- As a result, the carriage house is located to the 'rear' of the house (as the house faces towards the lake), but it is located closer to the front lot line (which is along the street) than the principal house.
- The riparian area regulations require a certain setback from the lake, making it impossible to locate the carriage house on the west side of the main house.
- In the past, planning staff have considered this to be a reasonable request for lakeside properties which desire to have a carriage house, and have supported such variances.
- The carriage house is located outside of the required 6.0m front yard setback for the R1 zoning.
- The proposal is to convert an existing accessory building to a carriage house. There will be no additional building footprint expansion as part of the application.

Given the above, staff consider this request reasonable and do not anticipate any negative impacts on neighbouring properties. As such staff are recommending that Council support the variances and direct staff to issue the permit.

Deny Development Variance Permit

Council may consider that the proposed variance could negatively affect the neighbourhood, in particular, the adjacent neighbours. If this is the case, Council should deny the height variance.

Alternate Recommendations

1. THAT Council approve the "Development Variance Permit PL2019-8483" with conditions
2. THAT "Development Permit PL2019-8483" be referred back to staff.



Attachments

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

Respectfully submitted,

Nicole Capewell
Planner 1

Approvals

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



Figure 1 – Subject Property Highlighted in Red

Attachment B – Zoning Map of Subject Property

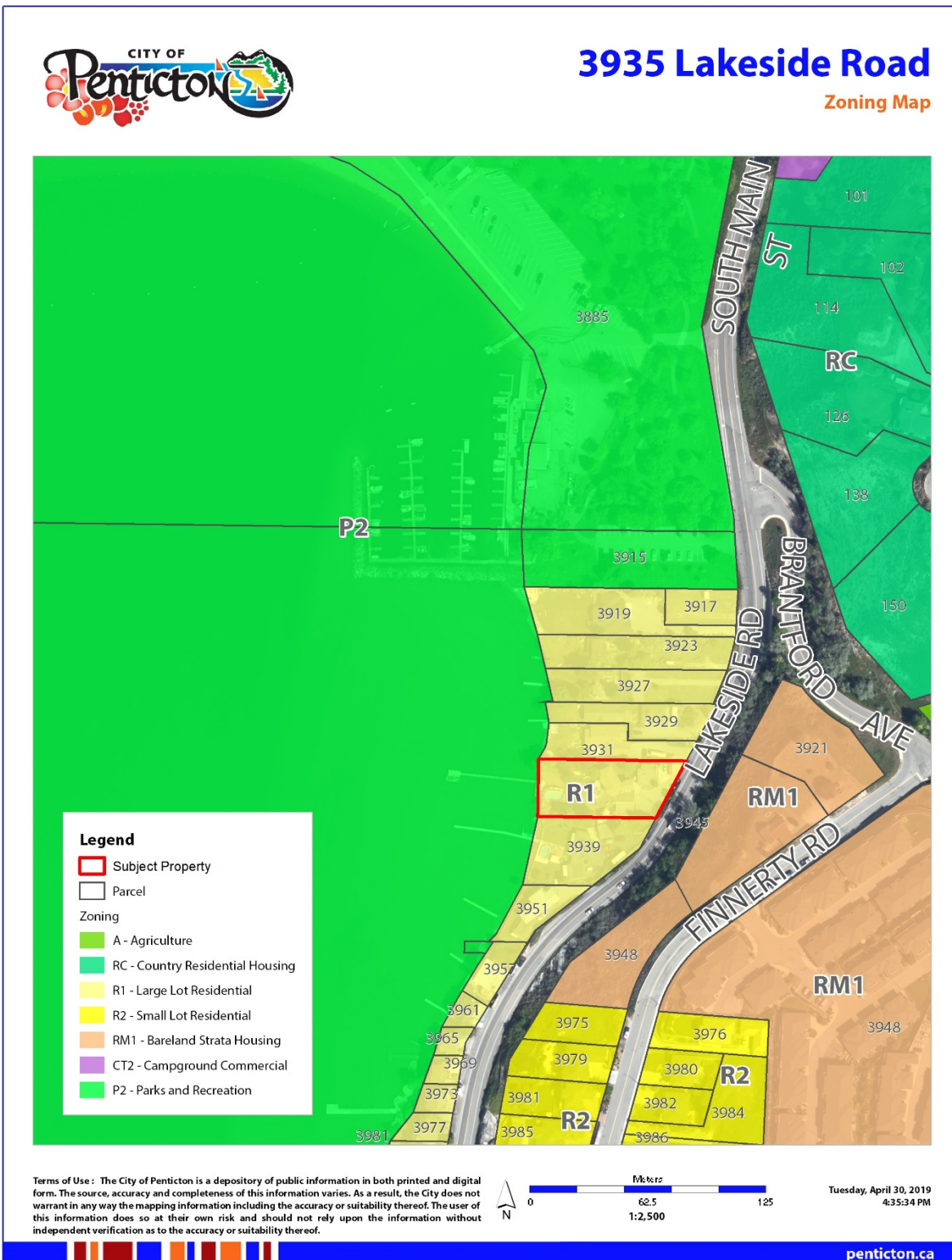


Figure 2 – Subject Property Currently Zoned R1 (Large Lot Residential)

Attachment C – Official Community Plan Map of Subject Property



Figure 3 – Subject Property Currently Designated as LR (Low Density Residential) within Official Community Plan

Attachment D – Images of Subject Property

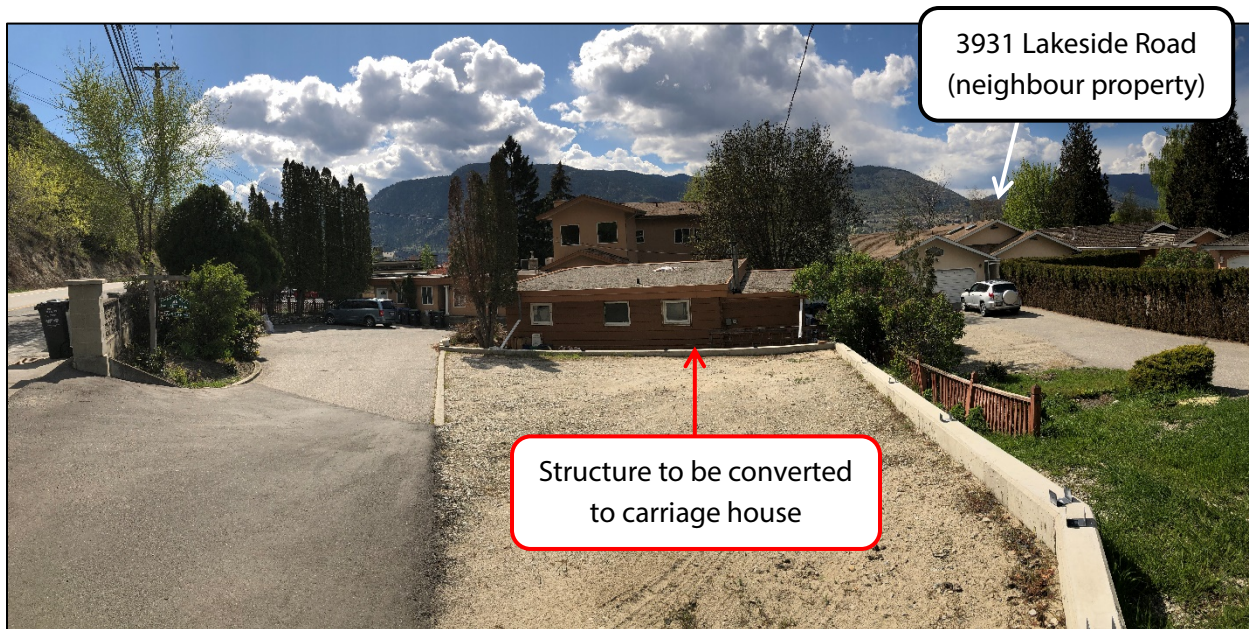


Figure 4 – Looking west toward subject property from Lakeside Road



Figure 5 – Looking north at accessory building to be converted to carriage house



Figure 6 – Looking south at available parking area on property



Figure 7 – Looking west toward subject property along northern property line

Attachment E – Letter of Intent



February 26, 2019

Ecora File No.: CP-19-028-VAS

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

Attention: Development Services

Reference: 3935 Lakeside Road – Garage to Carriage House Conversion

Ecora Engineering and Resource Group Ltd. (Ecora) has been requested to undertake the design of the renovation of an accessory existing building with the intent of transforming the building to a Vacation rental.

The existing building, located on 3935 Lakeside Road, it is an accessory building to the main residence. The building sits on the front of the property, between the main residence and the street (Lakeside Road). Both buildings sit within the building setback lines.

Based on discussions with the City, apparently the accessory building in question was originally the main residence for this lot. When the new residence was constructed, this building was to be converted into a garage for the new residence and was not to be used as living space.

The purpose of this Development Variance Permit is to allow for this accessory building to be converted into a carriage house. We are proposing to make significant interior renovations to bring the building up to current codes as well as create a 2 bedroom vacation rental suite. Renovations will be confined to the interior, aside from alterations to window configurations. There is also an existing shed to the west of the accessory building. This will be removed and a slab-on-grade patio with planters will be added. Upgrades to the exterior have not been proposed at this time.

Currently, the main residence does not have a garage. However, there are 2 separate parking areas located on the site. The paved driveway slopes down into the site from Lakeside Road. As you first enter the site, there is a gravel parking area to the north of the driveway and east of the accessory building. This location has approximately 2-3 gravel parking spots which will be used for the proposed carriage house. As the driveway meets the house, to the south there are 3 parking spots allocated for the main residence. This will all be staying as is and should provide adequate parking for the carriage house needs.

We believe there is also precedence for what we are proposing in this particular area. Along this stretch of road, home owners are unable to build in the rear of their lot due to restrictions from the riparian area created by Skaha Lake. Because of this, other owners have constructed carriage houses on the front of their property (between the front lot line and principle dwelling).

Ecora Engineering & Resource Group Ltd.
 Select office location from dropdown
www.ecora.ca



Figure 8 – Letter of Intent (Page 1/2)

We anticipate minimal impact to the neighbouring properties. The building is existing currently and work will be mostly confined to the interior of the building.

The intent of this building is to create a new vacation rental suite. We feel these types of projects are a benefit to our community and helps encourage tourism to the Southern half of the City.

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.



Kyle Doiron, ASCT
Sr. Civil Engineering Technologist
Direct Line: 250.492.2227 x1027
kyle.doiron@ecora.ca

Figure 9 – Letter of Intent (Page 2/2)

Attachment F – Proposed Floor Plans

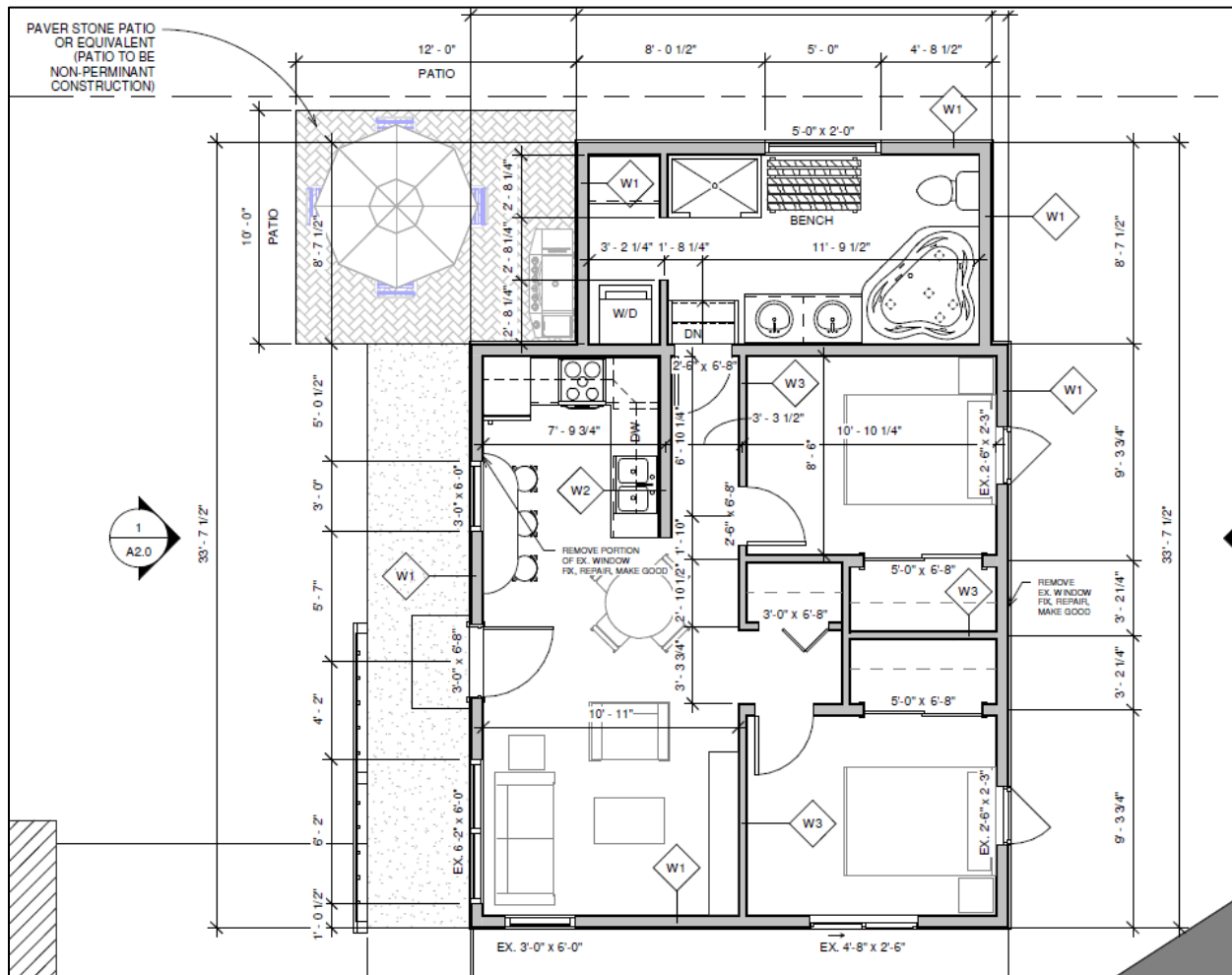


Figure 10 – Proposed Floor Plan

Attachment G – Proposed Building Elevations

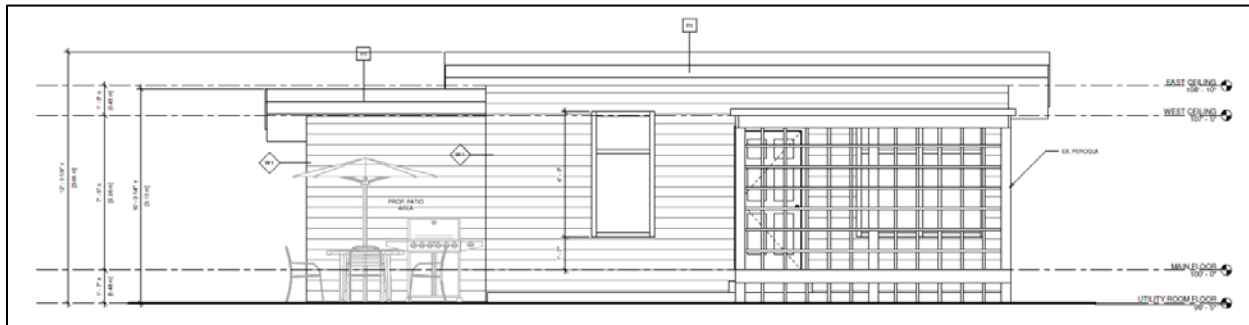


Figure 11 – West Elevation

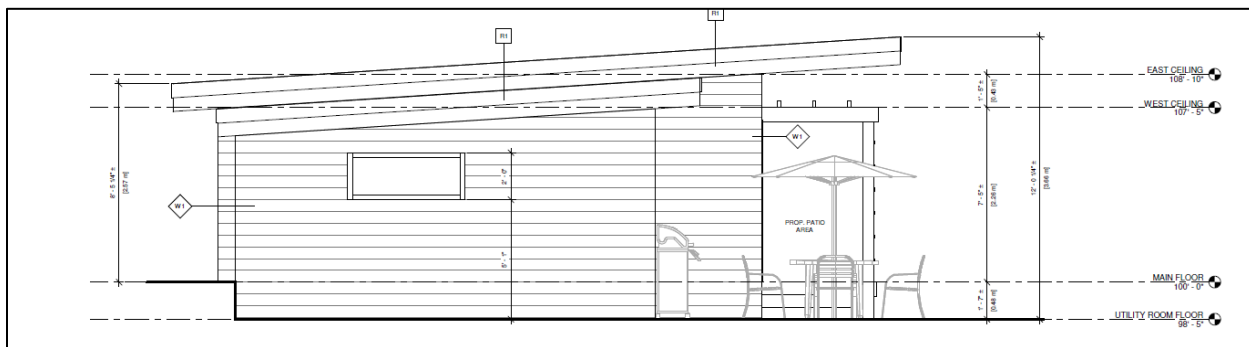


Figure 12 – North Elevation

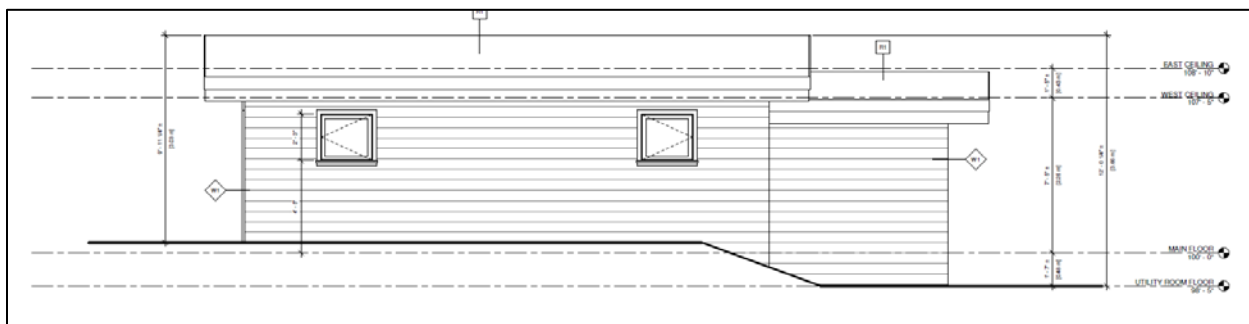


Figure 13 – East Elevation

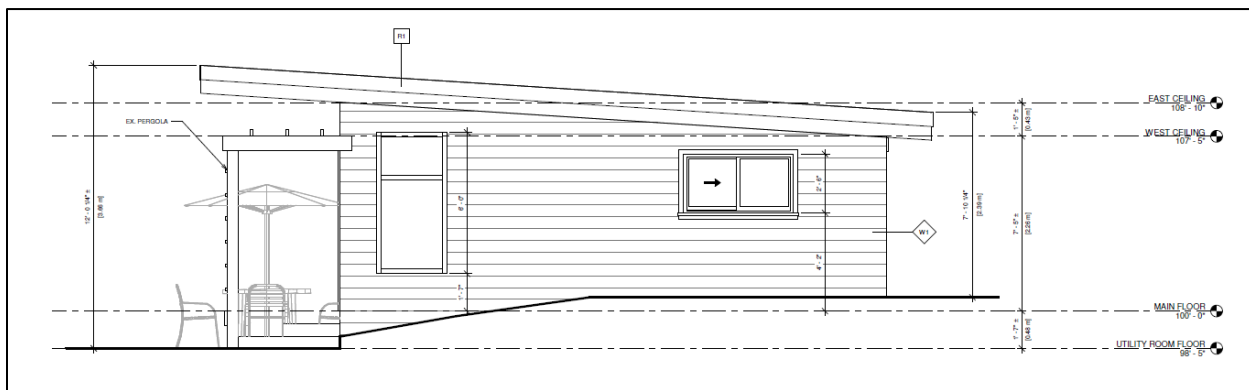


Figure 14 – South Elevation

Attachment H – Draft Development Variance Permit



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

Development Variance Permit

Permit Number: DVP PL2019-8483

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot 1 District Lot 190 and 310S Similkameen Division Yale District Plan 27215
Civic: 3935 Lakeside Road
PID: 004-854-055
3. This permit has been issued in accordance with Section 498 of the *Local Government Act* to vary the following sections of Zoning Bylaw 2017-08 to allow for the construction of a carriage house:
 - a. Section 8.2.3.5: to allow the siting of a carriage house in the R1 zone to be located closer to the front lot line than the principal dwelling.

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 _____, 2019

Issued this ____ day of _____, 2019

Angela Collison,
Corporate Officer

DRAFT

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 813 Westminster Avenue West

File No: 2019 PRJ-069

Subject: Temporary Use Permit PL 2019-8515

Staff Recommendation

THAT Council approve "Temporary Use Permit PL2019-8515", a permit to allow the use 'motor vehicles sales and rentals' for Lot 1, District Lot 2, Group 7, Similkameen Division Yale (Formerly Yale-Lytton) District, Plan 13891, located at 813 Westminster Avenue West, for a one-year period;

AND THAT staff be directed to issue the permit.

Background and Proposal

The subject property (Attachment A) is zoned C8 (Vehicle Service Station) and designated by the City's Official Community Plan (OCP) as TC (Tourist Commercial). The subject property is one of three lots that form part of the El Rancho Hotel Site. The proposed use will be situated on the 1200m² (13,000ft²) parcel in the SE corner of the site which comprises the east half of the existing commercial building. Photos of the site are included as Attachment D. Surrounding properties are primarily zoned Tourist Commercial and Public Assembly. The property is located at the corner of Westminster Avenue West and Power Street.

The site was originally developed as a restaurant in the 1950's with the Hotel constructed in the early 1960's. The site has seen several uses over the years, including a vehicle service station, auto repair shop, used auto sales, café, offices and several restaurants.

On June 5, 2018, City Council approved a temporary use permit on the subject property to permit "motor vehicle sales and rental" for a one-year period. This permit expires on June 5, 2019. As a condition of the permit, multiple driveway crossings were closed to enhance safety on the site. National Car Rental has been operating on the site for the past year.

The applicant is requesting to extend the motor vehicle sales and rental use for three years, but City Staff are recommending extension for only one year. Since this is an important site in the City for future mixed use higher density development, allowing for motor vehicle sales and rentals for more than a year is not aligned with this vision. The site is in the northern gateway area of the City, which is a high-amenity area, close to beaches, parks, downtown, civic services and various amenities. This area has seen significant investment by

the City, through the development of the SOEC campus. The property owners are continuing to show interest in developing the entire site into its maximum potential, but the City has not seen a formal proposal at this time.

Under the current C8 Zoning, the only permitted use is a vehicle service station which is defined as the routine washing, servicing or repair of vehicles. This does not include the proposed motor vehicle rental use. The site plan (Attachment E) shows the area that will be included as part of the Temporary Use Permit.

Financial implication

N/A

Technical Review

The 2018 application was forwarded to the City's Technical Planning Committee and reviewed by the Engineering and Public Works departments. As part of process, it was identified that two of the driveways be closed to address safety concerns. Concrete curbs were installed to satisfy the requirement. No other technical items were identified. If changes to the existing building are proposed, a building permit and development permit may be required and servicing requirements met.

New OCP 2019

While the current OCP identifies this area as TC (Tourist Commercial), the draft OCP that is currently under development and anticipated to be adopted this year, identifies this area for 'Mixed Use.' This designation allows for intensive development with active and vibrant retail or service uses at ground level and multi-family residential and/or offices uses above. Since the proposed motor vehicle rental use is not aligned with either the current or future OCP designation, a temporary use permit is being recommended rather than a zoning amendment.

Analysis

Support Temporary Use Permit

When considering an application for a temporary use permit, the OCP has established a set of guidelines for Council and staff to follow. Part 7 Implementation 7.4 states that Temporary Use Permits may only be issued provided that the proposed use:

- is not noxious or undesirable;
- does not have a negative impact on adjacent lands;
- does not create a significant increase in demand for City services;
- complies with the DPA guidelines for the area;
- operates at hours that do not disturb the surrounding neighbourhood;
- will not permanently alter the site; and
- complies with council conditions and other provincial and federal enactments

Staff do not feel that the proposal is in conflict with any of the guidelines listed above. No bylaw complaints have been received regarding the operation of the car rental business in the past year. The car rental use is more desirable than the current empty building and lot. The property is a corner lot, with adequate separation from adjacent uses. The continued temporary use will not permanently alter the site in any way.

For the reasons listed above it is recommended that Council support the issuance of a permit for a one-year period. Staff are hesitant to support the requested three-year temporary use permit by the applicant so that the highest and best use for the land can be accommodated in an efficient manner.

Deny/Refer Temporary Use Permit

Council may feel that motor vehicle sales are not a desirable use for this lot, even on a temporary basis. If that is the case, Council should deny the application. Alternatively, Council may consider that a three-year permit is acceptable and thus provide support to option 2 of the alternate recommendations.

Alternate recommendations

- 1.) THAT Council deny "Temporary Use Permit PL2019-8515."
- 2.) THAT Council approve "Temporary Use Permit PL2019-8515" for a three-year period.


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: Letter of Intent
- Attachment G: Temporary Use Permit PL2019-8515

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS	CAO
	DyD

Attachment A – Subject Property Location Map

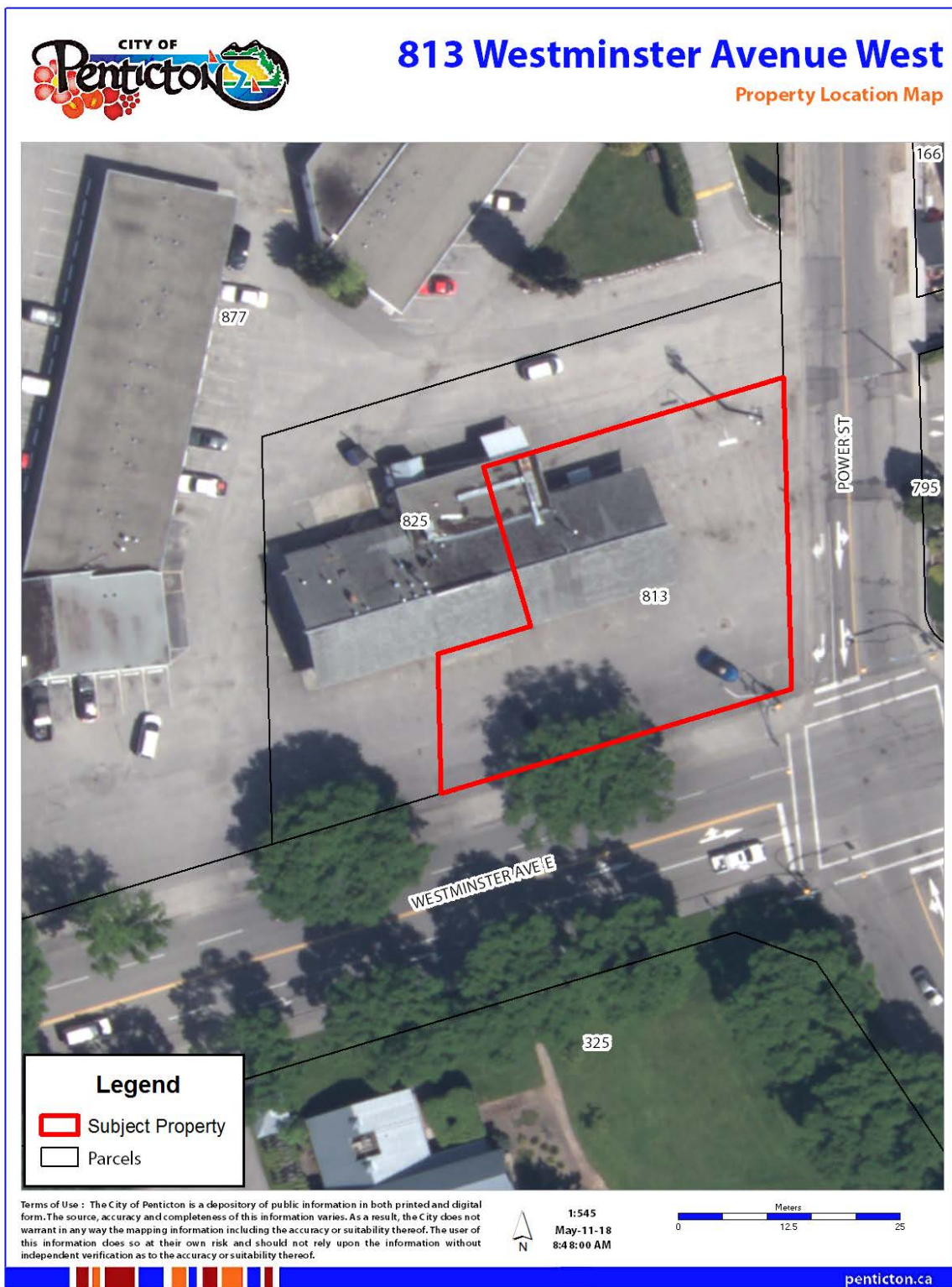


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

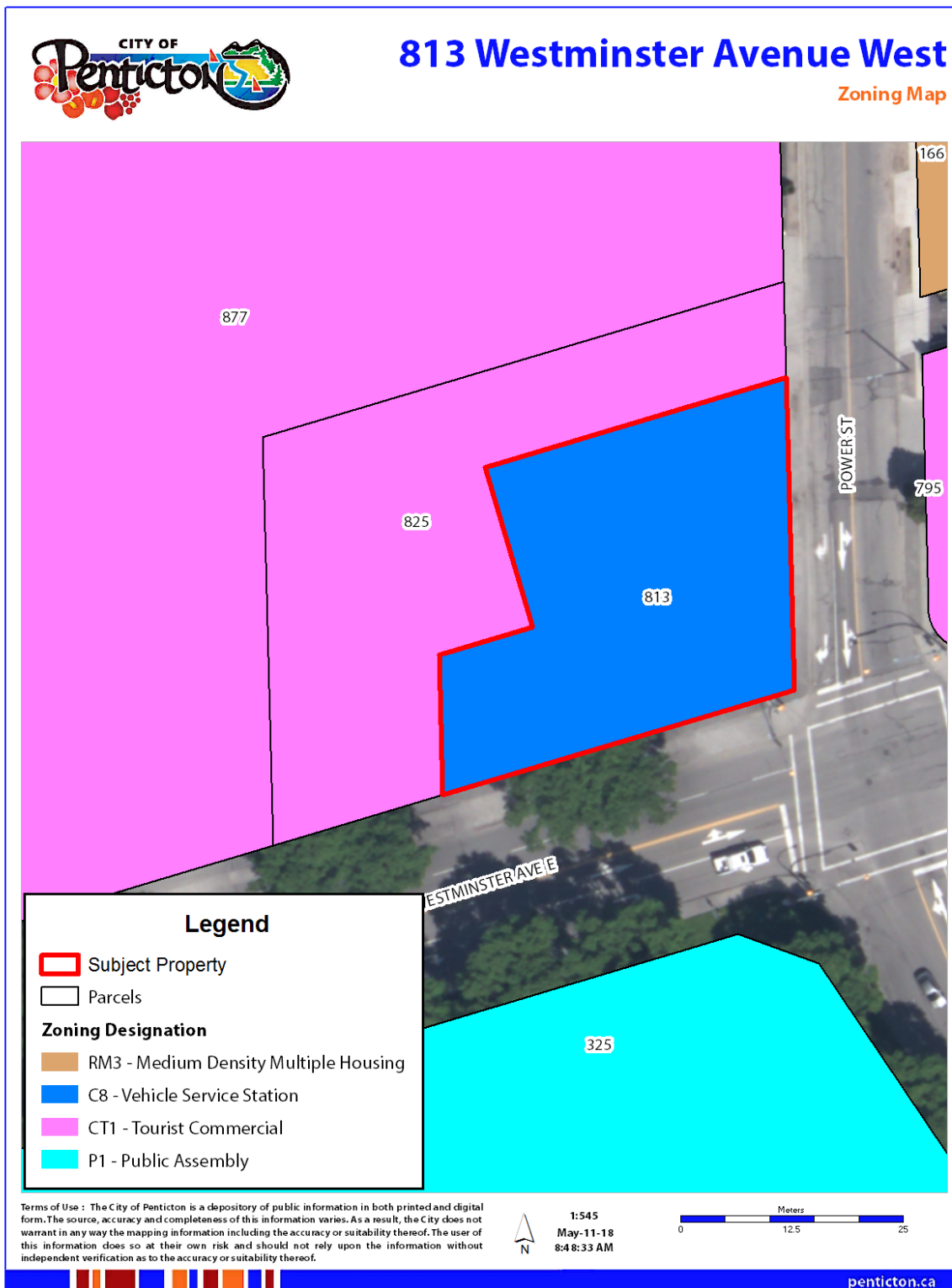


Figure 2: Zoning Map

Attachment C- OCP Map

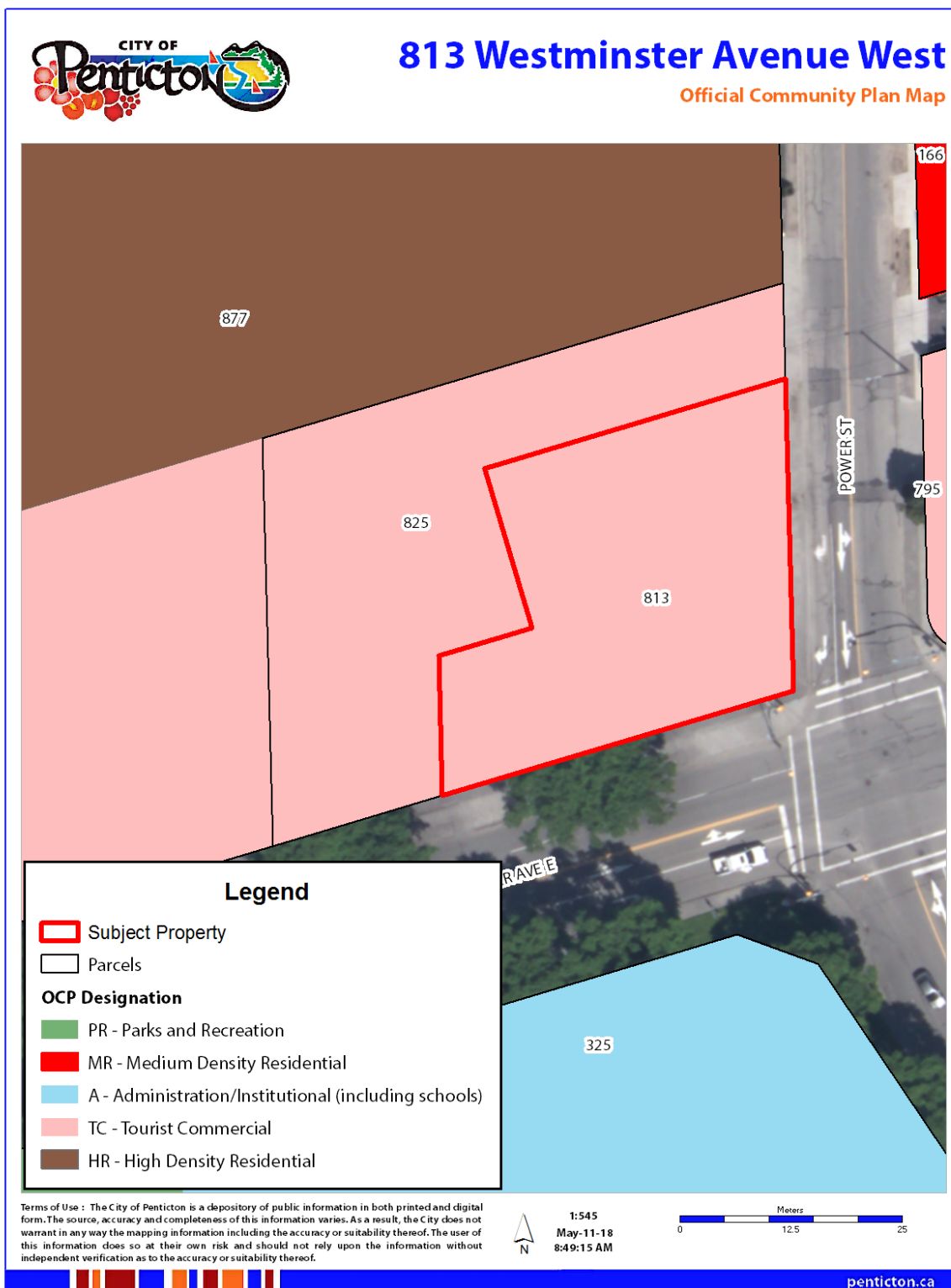


Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South View (from Westminster Avenue West)



Figure 5: North East View (from Power Street)



Figure 6: South West View (from Westminster Avenue West)



Figure 7: South View (looking along Power Street)

Attachment E – Site Plan



Figure 8: TUP Area

Attachment F – Letter of Intent

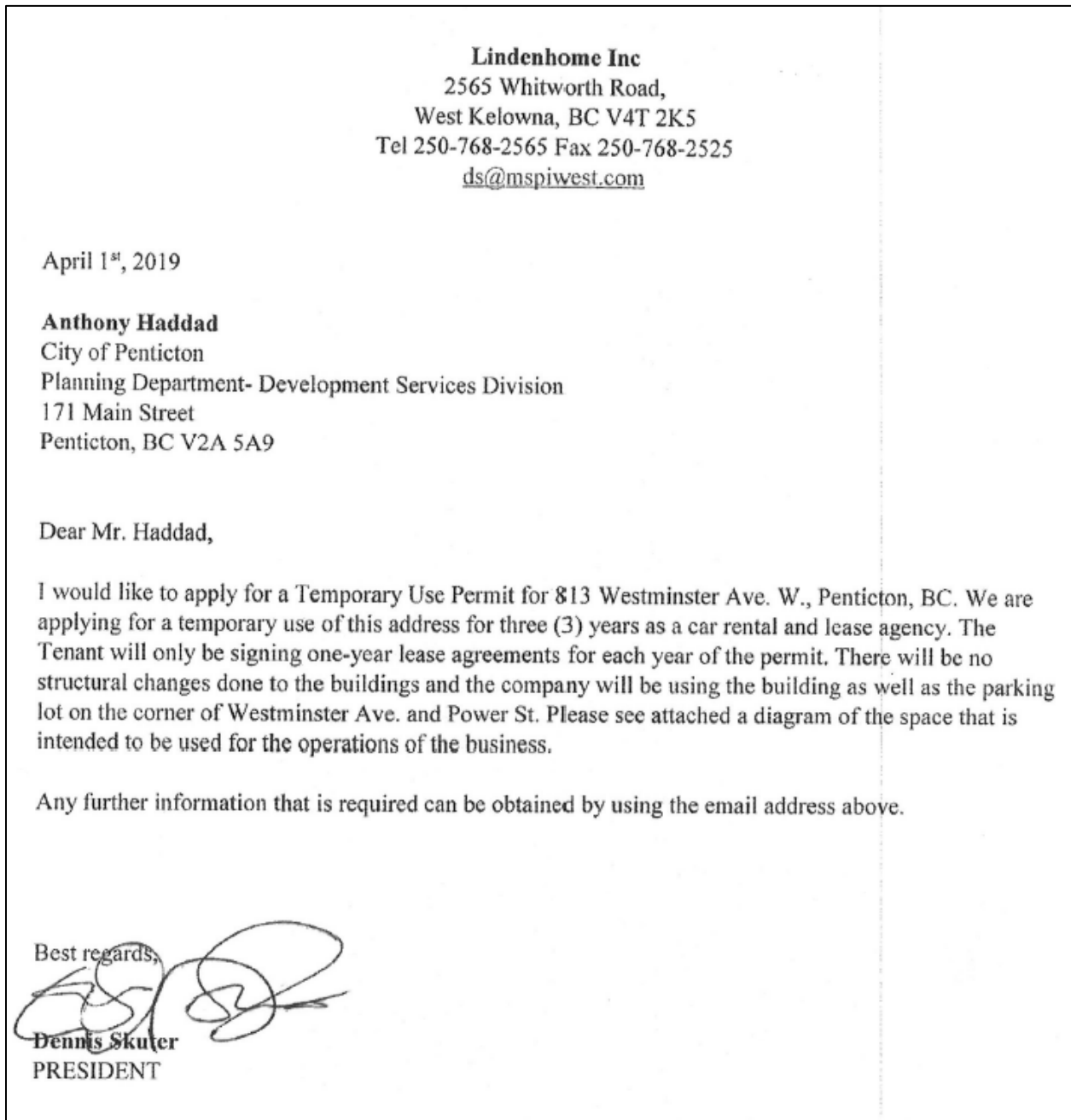


Figure 9: Letter of Intent



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

Temporary Use Permit

Permit Number: TUP PL2019-8515

Name:
Address:

Conditions of Permit

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

 Legal: Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 13891
 Civic: 813 Westminster Avenue West
 PID: 009-140-263
3. This permit has been issued in accordance with Section 493 of the *Local Government Act*, to allow for "motor vehicle sales and rental" as a temporary use, as shown in the plans attached in Schedule A.

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 497 of the *Local Government Act*, this permit shall expire on **June 5, 2020**.
6. 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.

Authorized by City Council, the 21 day of May, 2019

Issued this ____ day of _____, 2019

Angie Collison,
Corporate Officer