



Agenda

penticton.ca

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

Tuesday, June 4, 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 21, 2019 Regular Council Meeting 1-6 Adopt
7. **Consent Agenda:**
 - 7.1 Minutes:
 - Minutes of the May 21, 2019 Committee of the Whole Meeting
 - Minutes of the May 21, 2019 Public Hearing Meeting
 - Staff Recommendation: THAT Council approve the Consent Agenda.* 7-10
8. **Committee and Board Reports**
9. **Correspondence**
10. **Staff Reports:**
 - Moroziuk 10.1 BC Transit City of Penticton Annual Operating Agreement 2019-2020 11-23
Staff Recommendation: THAT Council authorize the Mayor and Corporate Officer to execute the 2019 2020 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".
 - Moroziuk 10.2 Fees and Charges Amendment Bylaw No. 2019-22 - Appendix 27 Transit 24-28
Staff Recommendation: THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2019-22", a Bylaw to amend Fees and Charges Bylaw No. 2014-07 to include within Appendix 27 - Transit, fees and charges for the RDOS Route 70 Penticton to Kelowna.

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:

(c) labour relations or other employee relations.

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. 2019-16 Re: 595 Carmi Avenue	29-30	2 nd /3 rd /Adopt
Laven	14.2	Zoning Amendment Bylaw No. 2019-17 Re: 1652 Fairview Road	31-32	2 nd /3 rd
Haddad	14.3	Bylaw Notice Enforcement Amendment Bylaw No. 2019-18 Municipal Ticketing Information Amendment Bylaw No. 2019-19 Re: Smoking Regulations Bylaw	33-34 35-36	Adopt Adopt
Haddad	14.4	Good Neighbour Amendment Bylaw No. 2019-20 Bylaw Notice Enforcement Amendment Bylaw No. 2019-21	37-38 39	Adopt Adopt

15. **Land Matters:**

Laven	15.1	Development Variance Permit PL2019-8499 Re: 340 Sudbury Avenue <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8499" for Lot 21, District Lot 189, Similkameen Division Yale District, Plan 996, located at 340 Sudbury Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:</i> <i>1. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and</i> <i>2. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.</i> <i>AND THAT approval of "Development Variance Permit PL2019-8499" be conditional of the frontage of the property being landscaped and screened as per Attachment 'F' (Proposed Site Plan) of this report at the cost of the applicant.</i>	40-57	Del/Sub
Laven	15.2	Development Variance Permit PL2019-8501 Re: 1712 Ridgedale Avenue <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8501" for Lot 5, District Lot 2710, Similkameen Division Yale District, Plan 8796, Except Plan 20465, located at 1712 Ridgedale Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:</i> <i>1. 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; and</i> <i>2. Section 8.2.4.3: to allow vehicle access to the carriage house to be from the street (Ridgedale Avenue).</i>	58-73	Del/Sub

16. **Notice of Motion**

16.1 From Councillor Regehr on May 21, 2019:

74-76

Memo

*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.*

16.2 Notice of Motion from Councillor Sentes for Council consideration at the Regular Council Meeting on June 18, 2019:

THAT Council direct staff to research and report back in the fall with the steps to reduce the use of plastic bags in Penticton.

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

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

Tuesday, May 21, 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 (left at 4:00 p.m.)
Bregje Kozak, Director Recreation & Facilities (left at 4:00 p.m.)
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

253/2019

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on May 21, 2019 as amended to include item 10.9.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:27 p.m.

6. Adoption of Minutes:

6.1 Minutes of the May 7, 2019 Regular Meeting of Council

254/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the May 7, 2019 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

255/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence

10. Staff Reports:

10.1 Open Data Policy - Open Penticton

256/2019

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

10.2 Downtown Public Space & Economic Vitality Opportunities

257/2019

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

10.3 Good Neighbour Amendment Bylaw No.2019-20

Bylaw Notice Enforcement Amendment Bylaw No. 2019-21

258/2019

It was MOVED and SECONDED

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".

CARRIED

Councillors Bloomfield and Watt, Opposed

10.4 Bylaw Notice Enforcement Amendment Bylaw No. 2019-18
Municipal Ticketing Information Amendment Bylaw No. 2019-19

259/2019

It was MOVED and SECONDED

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".

CARRIED UNANIMOUSLY

Council recessed the meeting at 2:51 p.m. and reconvened at 2:58 p.m.

10.5 Cannabis Retail Sales Policy - Amendments

260/2019

It was MOVED and SECONDED

THAT Council maintain the status quo approach and follow the existing 'Cannabis Retail Sales Policy'.

DEFEATED

Councillors Regehr, Kimberley, Sentes, Watt and Bloomfield, Opposed

Main Motion:

It was MOVED and SECONDED

THAT Council approve the 'Cannabis Retail Sales Policy' as amended, moving to a cap system.

Amendment:

It was MOVED no seconder

THAT Council cap the number of stores at 12.

261/2019

It was MOVED and SECONDED

THAT Council approve the 'Cannabis Retail Sales Policy' as amended, moving to a cap system.

CARRIED

Mayor Vassilaki, Councillors Robinson and Kimberley, Opposed

10.6 Zoning Amendment Bylaw No. 2019-17

Re: 1652 Fairview Road

262/2019

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

10.7 Zoning Amendment Bylaw No. 2019-16
Re: 595 Carmi Avenue

263/2019

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

10.8 LGMA 100 Years – Commemorative Tree Planting

264/2019

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

10.9 Memorial Arena Chiller Replacement

265/2019

It was MOVED and SECONDED

THAT Council authorize staff to transfer \$200,000 from the Asset Emergency Reserve, to fund the Memorial Arena chiller replacement and that the 2019-2023 Financial Plan be amended accordingly.

CARRIED UNANIMOUSLY

11. Public Question Period

12. Recess to a Closed Meeting:

266/2019

It was MOVED and SECONDED

THAT Council recess at 4:00 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter section 90 (1) as follows:

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably 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.

CARRIED UNANIMOUSLY

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

Council reconvened the Regular Council Meeting at 6:14 p.m.

14. Bylaws and Permits

14.1 Zoning Amendment Bylaw No.2018-81
Re: 310 Comox Street

267/2019

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2018-81".

CARRIED UNANIMOUSLY

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

268/2019

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-15";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2019-15".

CARRIED UNANIMOUSLY

Mayor Vassilaki declared a conflict of interest as he owns the property and left the meeting at 6:16 p.m. Deputy Mayor Kimberley chaired the meeting.

15. Land Matters

15.1 Development Variance Permit PL2019-8483
Re: 3935 Lakeside Road

Delegations/Submissions:

- Kyle Doiran, Maurice Street, floor plans will stay the same and the renovations are interior, including kitchen and bathroom renovations and adjustments to windows. A small patio will be added as temporary.

269/2019

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2019-8483" for Lot 1 District Lot 190 and 310S 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".

CARRIED UNANIMOUSLY

Mayor Vassilaki returned to the meeting at 6:22 p.m.

15.2 Temporary Use Permit PL2019-8515
Re: 813 Westminster Avenue West

Delegations/Submissions:

- Jeff Brown, agent for the tenant, asked for three-year temporary use permit.

270/2019

It was MOVED and SECONDED

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.

CARRIED UNANIMOUSLY

16. Notice of Motion:

16.1 From Mayor Vassilaki on May 7, 2019

271/2019

It was MOVED and SECONDED

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.

DEFEATED

Councillors Robinson, Sentes, Watt, Regehr, Bloomfield and Kimberley, Opposed

16.2 Councillor Regehr provided the following Notice of Motion for consideration at the June 4, 2019 Regular Meeting of Council:

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

272/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, May 21, 2019 at 6:58 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, May 21, 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 1:02 p.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the agenda for the Committee of the Whole meeting held on May 21, 2019 as presented.
CARRIED UNANIMOUSLY

3. **Delegations and Staff Presentations:**

3.1 BC Seniors' Week & Penticton Seniors Drop-In Centre 25th Anniversary Celebration

Mignonne Wood and John Archer invited Council to their 25th Anniversary Celebration happening on Saturday, June 1, 2019 at the Penticton Seniors' Drop-In Centre and gave an overview of all the events that are happening throughout the week.

It was MOVED and SECONDED

THAT Council proclaim June 1 – 8, 2019 as Seniors' Week in Penticton.

CARRIED UNANIMOUSLY

3.2 Request to Parks and Recreation Advisory Committee

Doug Cox, Protect Penticton Parks Society provided Council with a presentation on allocating 332 acres at 1400 Riddle Road to be treated as Penticton park and refer this request to the Parks and Recreation Advisory Committee.
Council agreed by consensus to refer the request to the Parks and Recreation Advisory Committee.

3.3 PerfectMind Overview

Kelsey Johnson, Recreation Business Supervisor provided Council with an overview of the new software system to be used at the Community Centre called PerfectMind.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held May 21, 2019 at 1:27 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Public Hearing

Held at City of Penticton, Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 21, 2019
at 6:00 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
Blake Laven, Planning Manager
Caitlyn Anderson, Deputy Corporate Officer

1. Call to order

Mayor Vassilaki called the public hearing to order at 6:01 p.m. for Zoning Amendment Bylaw No. 2019-15. He explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaw an opportunity to be heard before Council.

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

2. "Zoning Amendment Bylaw No. 2019-15" (856 Carder Road)

The purpose of "Zoning Amendment Bylaw No. 2019-15" is to amend Zoning Bylaw No. 2017-08 as follows:

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.

The applicant is proposing to construct up to six, 600 ft² cabins on the northeast corner of the property to be used for agri-tourism accommodation.

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

DELEGATIONS

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

- Nancy and Bill Bolka, Carder Road, applicants, spoke in support of the application. Read a submission of support from neighbour Marjorie King. Discussed plans with neighbourhood and tried to reach out to the neighbours who submitted the concerns. They could mitigate the concerns by installing a hedge for privacy. Parking will be on the residence, cabins are small with no kitchen and one storey.

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

- Brigid Kemp, Warren Avenue West, spoke in support of the application.

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

- No one spoke.

The public hearing for "Zoning Amendment Bylaw No. 2019-15" was terminated at 6:14 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Council Report

penticton.ca

Date: June 4, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure

File No: 8500-05

Subject: BC Transit City of Penticton Annual Operating Agreement 2019-2020

Staff Recommendation

THAT Council authorize the Mayor and Corporate Officer to execute the 2019 2020 Annual Operating Agreement Conventional and Custom Transit as contained in Attachment "A".

Strategic priority objective

Good Governance – Provide services that support quality of life, protect our health, enhance public safety and promote economic and the social well-being of our community.

Background

On May 14, 2019 BC Transit sent an email with the 2019 2020 Annual Operating Agreement. This agreement sets how BC Transit and the City of Penticton will work together to provide Conventional and Custom Transit services to the citizens of Penticton.

The Main points of the agreement are:

1. Term: The Term of the Agreement is from April 1, 2019 until March 31, 2020;
2. Termination: Either party to the agreement can terminate it with 180 days' notice;
3. Freedom of Information: The parties are subject to the provisions of the *Freedom of Information and Protection of Privacy Act*;
4. Dispute Resolution: Mediation then arbitration;
5. Eligible Expenses: Operating costs, Lease costs and Municipal Administration costs;
6. Fares: These are consistent with Fees and Charges Bylaw 2014-07;
7. Conventional Transit Annual Service Hours and exception days: 23,400 hours, statutory holiday service is Sunday Service except for Easter Monday which is Regular Service and Christmas Day which is No Service;
8. Custom Transit Annual Service Hours and exception days: 4,100 hours, statutory holiday service is No Service except for Easter Monday which is Regular Service;
9. Conventional Transit Budget: Total Cost: \$3,027,945; Revenue: \$591,714; and Net Local Government Share \$1,090,217; and

10. Custom Transit Budget: Total Cost: \$438,009; Revenue: \$19,449; and Net Local Government Share \$138,497.

The agreement was reviewed by the General Manager of Infrastructure and is now ready for the consideration of Council.

Financial implication

The 2019 Budget amount for Net Local Government Share for Conventional Transit is \$1,257,930 which is slightly more than the Annual Operating Agreement amount of \$1,090,217. Please note that there will also be a charge against the Conventional Transit budget starting in September for the RDOS Route 70 Penticton to Kelowna Service and there will be Public works Department Charges for work done at transit stops and snow and ice control.

The 2019 Budget amount for Net Local Government Share for Custom Transit is \$138,000 which is slightly less than the Annual Operating Agreement amount of \$138,497.

Analysis

Entering into the Annual Operating Agreement with BC Transit will ensure that the public is provided with the same level of transit service as in 2018 plus the addition of the RDOS Route 70 Penticton to Kelowna service.

Should Council wish they could instruct staff to explore cost or service level reductions with BC Transit.

Alternate recommendations

THAT Council instruct staff to explore cost or service level reductions with BC Transit.

Attachments

Attachment A – 2019 2020 Annual Operating Agreement Conventional and Custom Transit

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure

Approvals

<p>CFO</p> <p><i>JWB</i></p>	<p>Chief Administrative Officer</p> <p>DyD</p>
------------------------------	---

Attachment A – 2019 2020 Annual Operating Agreement Conventional and Custom Transit

PENTICTON

ANNUAL OPERATING AGREEMENT

between

CITY OF PENTICTON

and

BRITISH COLUMBIA TRANSIT

Effective

April 1, 2019

INFORMATION CONTAINED IN THIS AGREEMENT IS SUBJECT TO THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT. CONSULT WITH THE AUTHORITY PRIOR TO RELEASING INFORMATION TO INDIVIDUALS OR COMPANIES OTHER THAN THOSE WHO ARE PARTY TO THIS AGREEMENT.

ANNUAL OPERATING AGREEMENT

BETWEEN:

CITY OF PENTICTON

(the "Municipality")

AND:

BRITISH COLUMBIA TRANSIT

(the "Authority")

WHEREAS the Authority is authorized to contract for transit services for the purpose of providing and maintaining those services and facilities necessary for the establishment, maintenance and operation of a public passenger transportation system in the Transit Service Area;

WHEREAS the Municipality is authorized to enter into one or more agreements with the Authority for transit services in the Transit Service Area;

WHEREAS the parties hereto have entered into a Transit Service Agreement which sets out the general rights and responsibilities of the parties hereto;

WHEREAS the Municipality and the Authority are authorized to share in the costs for the provision of a Public Passenger Transportation System pursuant to the *British Columbia Transit Act*;

AND WHEREAS the parties hereto wish to enter into an Annual Operating Agreement which sets out, together with the Transit Service Agreement, the specific terms and conditions for the Public Passenger Transportation System for the upcoming term.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants hereinafter contained, the parties covenant and agree with each other as follows:

Contents

SECTION 1: DEFINITIONS..... 4
SECTION 2: INCORPORATION OF SCHEDULES..... 4
SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT 4
SECTION 4: TERM AND RENEWAL 4
SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT 4
SECTION 6: SETTLEMENT OF DISPUTES 5
SECTION 7: MISCELLANEOUS PROVISIONS 5
SECTION 8: GOVERNING LAW..... 6
SECTION 9: COUNTERPARTS..... 6
SECTION 10: NOTICES AND COMMUNICATIONS 7
SCHEDULE "A": TARIFF AND FARES 9
SCHEDULE "B": SERVICE SPECIFICATIONS.....10
SCHEDULE "C": BUDGET11

SECTION 1: DEFINITIONS

Unless agreed otherwise in the Annual Operating Agreement, the definitions set out in the Transit Service Agreement shall apply to this Annual Operating Agreement including:

- a) "Annual Operating Agreement" shall mean this Annual Operating Agreement and any Annual Operating Agreement Amendments negotiated and entered into by the parties subsequent hereto;
- b) "Transit Service Agreement" shall mean the Transit Service Agreement between the parties to this Annual Operating Agreement, including any amendments made thereto;

SECTION 2: INCORPORATION OF SCHEDULES

All schedules to this agreement are incorporated into the agreement, and form part of the agreement.

SECTION 3: INCORPORATION OF TRANSIT SERVICE AGREEMENT

Upon execution, this Annual Operating Agreement shall be deemed integrated into the Transit Service Agreement and thereafter the Transit Service Agreement and Annual Operating Agreement shall be read together as a single integrated document and shall be deemed to be the Annual Operating Agreement for the purposes of the *British Columbia Transit Act*, as amended from time to time.

SECTION 4: TERM AND RENEWAL

- a) The parties agree that the effective date of this agreement is to be April 1, 2019, whether or not the agreements have been fully executed by the necessary parties. Once this agreement and the associated Transit Service Agreement are duly executed, this agreement shall replace all provisions in the existing Transit Service Agreement and Master Operating Agreement with respect to the rights and obligations as between the Authority and the Municipality.
- b) Upon commencement in accordance with Section 4(a) of this agreement, the term of this agreement shall be to March 31, 2020 except as otherwise provided herein. It is acknowledged by the parties that in the event of termination or non-renewal of the Annual Operating Agreement, the Transit Service Agreement shall likewise be so terminated or not renewed, as the case may be.
- c) Either party may terminate this agreement as follows:
 - a. Cancellation by the Authority: In the event that the Authority decides to terminate this Agreement for any reason whatsoever, the Authority shall provide at least ninety (180) days prior written notice. Such notice to be provided in accordance with Section 10.
 - b. Cancellation by the Municipality: In the event that the Municipality decides to terminate this Transit Service Agreement for any reason whatsoever, and by extension the Annual Operating Agreement, the Municipality shall provide at least one hundred and eighty (180) days prior written notice. Such notice to be provided in accordance with Section 10.

SECTION 5: FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

This Agreement and the parties hereto are subject to the provisions of the *Freedom Of Information And Protection Of Privacy Act* ("FOIPPA"). Any information developed in the performance of this Agreement, or any personal information obtained, collected, stored pursuant to this Agreement, including database information, shall be deemed confidential and subject to

the provisions of the FOIPPA including the handling, storage, access and security of such information. Confidential information shall not be disclosed to any third party except as expressly permitted by the Authority or pursuant to the requirements of the FOIPPA.

SECTION 6: SETTLEMENT OF DISPUTES

In the event of any dispute arising between or among the parties as to their respective rights and obligations under this Agreement, or in the event of a breach of this Agreement, the parties agree to use their best efforts to find resolution through a mediated settlement. However, in the event that mediation is not successful in finding a resolution satisfactory to all parties involved, any party shall be entitled to give to the other notice of such dispute and to request arbitration thereof; and the parties may, with respect to the particular matter then in dispute, agree to submit the same to a single arbitrator in accordance with the applicable statutes of the Province of British Columbia.

SECTION 7: MISCELLANEOUS PROVISIONS

- a) Amendment: This agreement may only be amended in writing signed by the Municipality and the Authority and specifying the effective date of the amendment.
- b) Assignment: This Agreement shall not be assignable without prior written consent of the parties.
- c) Enurement: This Agreement shall be binding upon and enure to the benefit of the parties hereto and their respective successors.
- d) Operating Reserve Fund: In accordance with OIC 594, in fiscal year 2015/16, BC Transit established a Reserve Fund to record, for each local government, the contributions that BC Transit has received but has not yet earned.
 - a. BC Transit will invoice and collect on monthly Municipal invoices based on budgeted Eligible Expenses.
 - b. Any expenditure of monies from the Reserve Fund will only be credited towards Eligible Expenses for the location for which it was collected.
 - c. Eligible Expenses are comprised of the following costs of providing Public Passenger Transportation Systems:
 - i. *For Conventional Transit Service:*
 - 1. the operating costs incurred in providing Conventional Transit Service excluding interest and amortization;
 - 2. the amount of any operating lease costs incurred by BC Transit for Conventional Transit Services;
 - 3. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement;
 - 4. an amount of the annual operating costs of BC Transit not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement;
 - ii. *For Custom Transit Service:*
 - 1. the operating costs incurred in providing Custom Transit Service excluding interest and amortization, but including the amount paid by BC Transit to redeem taxi saver coupons issued under the Taxi Saver Program after deducting from that amount the amount realized from the sale of those coupons;
 - 2. the amount of any operating lease costs incurred by BC Transit for Custom Transit Service;

3. the amount of the municipal administration charge not exceeding 2% of the direct operating costs payable under an Annual Operating Agreement; and,
 4. an amount of the annual operating costs of BC Transit not exceeding 8% of the direct operating costs payable under an Annual Operating Agreement;
- d. Eligible Expenses exclude the costs of providing third-party 100%-funded services; and,
 - e. BC Transit will provide an annual statement of account of the reserves received and utilized, including any interest earned for each local government.
- e) The parties agree that this agreement is in substantial compliance with all relevant legislative requirements to establish the rights and obligations of the parties as set out in the *British Columbia Transit Act*.

SECTION 8: GOVERNING LAW

This Agreement is governed by and shall be construed in accordance with the laws of the Province of British Columbia, with respect to those matters within provincial jurisdiction, and in accordance with the laws of Canada with respect to those matters within the jurisdiction of the government of Canada.

SECTION 9: COUNTERPARTS

This contract and any amendment hereto may be executed in counterparts, each of which shall be deemed to be an original and all of which shall be considered to be one and the same contract. A signed facsimile or pdf copy of this contract, or any amendment, shall be effective and valid proof of execution and delivery.

SECTION 10: NOTICES AND COMMUNICATIONS

All notices, claims and communications required or permitted to be given hereunder shall be in writing and shall be sufficiently given if personally delivered to a designated officer of the parties hereto to whom it is addressed or if mailed by prepaid registered mail to the Authority at:

BRITISH COLUMBIA TRANSIT
c/o President & CEO
P.O. Box 610
520 Gorge Road East
Victoria, British Columbia V8W 2P3

and to the Municipality at:

CITY OF PENTICTON
c/o General Manager of Infrastructure
616 Okanagan Avenue East
Penticton, BC V2A 3K6

and, if so mailed, shall be deemed to have been received five (5) days following the date of such mailing.

IN WITNESS WHEREOF, the parties have hereunto set their hand this ____ day of _____, 2018.

CITY OF PENTICTON

BRITISH COLUMBIA TRANSIT

Brian Anderson – Chief Operating Officer
BC Transit

Kevin Schubert – Director, Regional Transit Systems
BC Transit

SCHEDULE "A": TARIFF AND FARES

Effective as of July 1, 2017

Fare Zones:

The boundaries of fare zones for this Tariff are described as the corporate boundaries of the City of Penticton.

a) Cash:	Local*	Regional*
All Fares	\$2.25	\$4.00
b) Tickets (sheet of 10):		
i) All Fares	\$20.25	\$36.00
c) Monthly Bus Pass:		
i) Adult	\$45.00	\$60.00
ii) Senior/Students**	\$35.00	\$40.00
d) DayPASS	\$4.50	\$8.00
e) Child, 6 or under	Free	Free

f) **BC Bus Pass** valid for the current calendar year and available through the Government of British Columbia BC Bus Pass Program.

g) **CNIB** Identification Card available from the local office of the CNIB.

H) **BC Transit Employee** Bus Pass

* Local refers to trips within the community

* Regional refers to trips between larger communities. Route numbers end in "0"

** Discounted Fares apply to: Seniors over 65 years of age with valid ID, Students 20 or under in full-time attendance to Grade 12 with valid ID, Post-Secondary with proof of attendance. Post-Secondary institution refers to universities, vocational universities, community colleges, liberal arts colleges, institutes of technology and other collegiate level institution, such as vocational schools and career colleges that award academic degrees or professional certifications.

SCHEDULE "B": SERVICE SPECIFICATIONS

Conventional Transit Service

Transit Service Area: The boundaries of the Penticton Transit Service Area shall be the municipal boundaries of the Corporation of the City of Penticton.

Annual Service Level: for City of Penticton shall be **23,400** Revenue Service Hours

Exception Days reconizged annually for City of Penticton are:

Exception Days	Service Level
Good Friday	Sunday Service
Easter Monday	Regular Service
Victoria Day	Sunday Service
Canada Day	Sunday Service
BC Day	Sunday Service
Labour Day	Sunday Service
Thanksgiving Day	Sunday Service
Remembrance Day	Sunday Service
Christmas Day	No Service
Boxing Day	Sunday Service
New Years Day	Sunday Service
Family Day (2020)	Sunday Service

Custom Transit Service

Transit Service Area: The boundaries of the Penticton Transit Service Area shall be the municipal boundaries of the Corporation of the City of Penticton.

Annual Service Level: for the City of Penticton shall be **4,100** Revenue Service Hours

Exception Days reconizged annually for the City of Penticton are:

Exception Days	Service Level
Good Friday	No Service
Easter Monday	Regular Service
Victoria Day	No Service
Canada Day	No Service
BC Day	No Service
Labour Day	No Service
Thanksgiving Day	No Service
Remembrance Day	No Service
Christmas Day	No Service
Boxing Day	No Service
New Years Day	No Service
Family Day (2020)	No Service

SCHEDULE "C": BUDGET

PENTICTON CONVENTIONAL

	BASE BUDGET 2019/20
TOTAL REVENUE	\$591,714
TOTAL OPERATING COSTS	\$2,685,810
TOTAL COSTS (including Local Government Share of Lease Fees)	\$3,027,945
NET LOCAL GOVERNMENT SHARE OF COSTS	\$1,090,217

PENTICTON CUSTOM

	BASE BUDGET 2019/20
TOTAL REVENUE	\$19,449
TOTAL OPERATING COSTS	\$402,782
TOTAL COSTS (including Local Government Share of Lease Fees)	\$438,009
NET LOCAL GOVERNMENT SHARE OF COSTS	\$138,497

Council Report

penticton.ca

Date: June 4, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Mitch Moroziuk, General Manager of Infrastructure

File No: 8500-05

Subject: Fees and Charges Amendment Bylaw No. 2019-22 - Appendix 27 Transit

Staff Recommendation

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2019-22", a Bylaw to amend Fees and Charges Bylaw No. 2014-07 to include within Appendix 27 - Transit, fees and charges for the RDOS Route 70 Penticton to Kelowna.

Strategic priority objective

Good Governance – Provide services that support quality of life, protect our health, enhance public safety and promote economic and the social well-being of our community.

Background

On September 3, 2019 the Regional District of Okanagan Similkameen (RDOS) will commence the Route 70 Penticton to Kelowna transit service. This service will be run by the RDOS in concert with BC Transit. Penticton and other regional district municipalities and regional areas contribute to the service cost through their annual payments to the RDOS.

Tickets and passes will be made available for the RDOS Route 70 Penticton to Kelowna service through the RDOS, Penticton Transit and City of Penticton points of sale. As such it is necessary to establish a charge in the City of Penticton Fees and Charges Bylaw. The charge was developed and set by the RDOS and is as follows:

- Cash \$ 5.00
- Book of 10 Tickets \$ 45.00
- Adult Monthly Pass \$100.00
- Student Senior Monthly Pass \$ 85.00

Financial implication

N/A

Analysis

Amending the Fees and Charges Bylaw 2014-07 to include charges for the RDOS Route 70 Penticton to Kelowna service will allow City of Penticton Point of sale locations to sell tickets and passes for this new service.

Attachments

Attachment A – Fees and Charges Amendment Bylaw No. 2019-22

Respectfully submitted,

Mitch Moroziuk P.Eng. MBA
General Manager of Infrastructure

Approvals

CFO <i>LWB</i>	Chief Administrative Officer DyD
-------------------	--

The Corporation of the City of Penticton

Bylaw No. 2019-22

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

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

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

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

1. **Title:**

This Bylaw may be cited as "Fees and Charges Amendment Bylaw No. 2019-22".

2. **Amendment:**

2.1 Amend "Fees and Charges Bylaw No. 2014-07" by deleting and replacing the following appendix in its entirety:

- Appendix 27 – Transit

2.2 Appendix 27 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

Appendix 27	
TRANSIT	Effective July 1, 2018

CONVENTIONAL TRANSIT

Cash Fares

Local Fare	\$2.25
Regional Fare	\$4.00

Book of Ten Tickets

Local Fare	\$20.25
Regional Fare	\$36.00

Monthly Passes

Local Fare	\$45.00
Regional Fare	\$60.00
Discounted Local Fare	\$35.00
Discounted Regional Fare	\$40.00

Discounted Fares apply to: Seniors over 65 years of age with valid ID; Students 20 or under in full-time attendance to Grade 12 with valid ID; Post-Secondary with proof of attendance. Post-Secondary institution refers to universities, vocational universities, community colleges, liberal arts colleges, institutes of technology and other collegiate level institution, such as vocational schools, trade schools and career colleges that award academic degrees or professional certifications.

Day Passes

Local Fare	\$4.50
Regional Fare	\$8.00

CUSTOM TRANSIT

Cash Fares

Adult	\$2.25
Child (aged 6 and under)	Free

Appendix 27	
TRANSIT	Effective July 1, 2018

RDOS Regional Route 70 Penticton Kelowna

Effective September 3, 2019

Cash Fares

All	\$5.00
-----	--------

Book of Ten Tickets

All	\$45.00
-----	---------

Monthly Passes

Adult	\$100.00
Student / Senior	\$85.00

NOTE: The RDOS Regional Route 70 Penticton to Kelowna is run by the RDOS. In the event there is a discrepancy between the fees listed in this bylaw and those listed in the RDOS Fees and Charges Bylaw the fees in the RDOS Fees and Charges Bylaw will govern.

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	21	day of	May, 2019
A PUBLIC HEARING was held this	4	day of	June, 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 24 day of May, 2019 and the 29 day of May, 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: _____

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	21	day of	May, 2019
A PUBLIC HEARING was held this	4	day of	June, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
RECEIVED the approval of the Ministry of Transporton on the		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 24 day of May, 2019 and the 29 day of May, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

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

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: _____

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	21	day of	May, 2019
READ A SECOND time this	21	day of	May, 2019
READ A THIRD time this	21	day of	May, 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	21	day of	May, 2019
READ A SECOND time this	21	day of	May, 2019
READ A THIRD time this	21	day of	May, 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

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	21	day of	May, 2019
READ A SECOND time this	21	day of	May, 2019
READ A THIRD time this	21	day of	May, 2019
ADOPTED this		day of	, 2019

John Vassilaki, Mayor

Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2019-21

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. 2019-21."

2. Amendment:

2.1 Amend Schedule 'A' Appendix 11 - Good Neighbour Bylaw No. 2012-5030 and add the following:

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

READ A FIRST time this 21 day of May, 2019

READ A SECOND time this 21 day of May, 2019

READ A THIRD time this 21 day of May, 2019

ADOPTED this day of , 2019

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: June 4, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 340 Sudbury Avenue

File No: 2019 PRJ-057

Subject: Development Variance Permit PL2019-8499

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8499" for Lot 21, District Lot 189, Similkameen Division Yale District, Plan 996, located at 340 Sudbury Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and
2. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

AND THAT approval of "Development Variance Permit PL2019-8499" be conditional of the frontage of the property being landscaped and screened as per Attachment 'F' (Proposed Site Plan) of this report at the cost of the applicant.

Background

The subject property (Attachment 'B') is zoned R1 (Large Lot Residential) and is designated in the City's Official Community Plan as LR (Low Density Residential). Photos of the site are included as Attachment 'D'. The subject property is approximately 470m² (0.11 acres) in area. The property currently contains a single family dwelling and a detached accessory building. The intention of the applicant is to remove the detached accessory building and construct an addition to the single family dwelling. To facilitate the development, the applicant is requesting two variances to the front and side yard setbacks to allow for a two-storey addition, which would allow for an increase to the floor area of the existing single family dwelling.

Proposal

The applicant is proposing to construct a two storey (total 770 sq. ft.) addition to the single family dwelling. The addition is proposed at the north of the property. The applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and

- Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

Financial implication

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

Technical Review

This application was reviewed by the City’s Technical Planning Committee. During the technical review it was noted that, a third party utility pole is located on the western property line, which was identified as a concern. The utility pole does not contain any City utilities and the property owners were advised to contact the third party utility provider. Other 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.

Development Statistics

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

	Requirement R1 Zone	Provided on Plans
Maximum Lot Coverage:	40%	29.2%
Vehicle Parking:	1 (1 spot currently existing)	1 (maintain what is currently on property)
Required Setbacks		
Front Yard (Sudbury Ave):	6.0 m	3.0 m – Variance Requested
Interior Side Yard (west):	1.5 m	1.5 m
Interior Side Yard (east):	1.5m	1.22 m – Variance Requested
Rear Yard (south):	1.5 m	3.35 m
Maximum Building Height	10.5 m	6.56 m

Analysis

Development Variance Permit

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider if there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances and staff’s analysis on each are as follows:

- Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m*

The applicant is proposing to construct an addition to the single family dwelling which has a building footprint of 382 sq. ft. The addition would add an extra 770 sq. ft. of floor space to the single family dwelling between the two floors.

To facilitate this construction, the applicant will be removing the accessory building that is currently on the property. The existing accessory building is located directly adjacent to the front property line (0.3m setback) and does not meet the required front or side yard setbacks. As such, staff see the proposed addition, being at 3.0m from the front yard setback, as an improvement to the existing situation on the property.

Further, staff have worked with the applicant to include a landscaped area, and fencing to be installed within the 3.0m proposed front yard setback (Attachment 'F'). The fencing would be installed along the front property line, and the 3.0m setback would incorporate landscaping to assist in reducing the impact of a lessened setback. The fencing and landscaping have been included as a condition of the Development Variance Permit to provide assurance that they will be constructed.

The subject property has lake frontage onto Skaha Lake at the southern side of the property. Due to the waterfront nature of this lot, the building envelope available on the property is restricted. There is a large riparian assessment area covering the area south of the principal dwelling, which requires an environmental assessment to be completed prior to any works occurring within the area. The riparian regulations make it difficult to extend the house to the south towards the lake. Further, the lot is very narrow, not allowing much room on either of the sides for expansion to the living space.

There are a number of accessory structures that have been constructed very close to the front yard setback along Sudbury Avenue (See Figure 1). This can be attributed to the limited building envelope available as a result of the riparian setbacks.



Figure 1 - There are several accessory building along Sudbury Avenue that are constructed very close to the front property line

Given that the proposed variance is creating a more ideal situation than the existing setback from the front property line on the property, staff consider the front yard setback variance is reasonable and recommend that Council support the variance.

2. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

The applicant is also requesting a variance to the interior side yard setback. The existing house and accessory building currently sit at 0.8m from the property line. The proposed addition will be setback further from the property line than the existing portion of the house, proposed at 1.2m (Attachment 'F'). This requested variance will be an improvement to where the detached accessory building currently sits on the property, which is also 0.8m from the western property line.

Staff also note that the proposed addition has been designed at a modest height of 6.56m. The R1 (Large Lot Residential) zoning on the property allows for a principal building height of 10.5m, making the proposed addition well under this height. Further, the west elevation of the addition, which faces directly to the western neighbour, has been designed to limit windows facing the neighbour on the second storey (Attachment 'G').

Neighbourhood Support

In advance of the Council meeting, the applicants were able to provide staff with a signed letter of support from the neighbours directly to the west of the subject property (344 Sudbury Avenue), who would be most impacted by the side yard variance. The owners of 344 Sudbury Avenue have signed a letter which indicates they have reviewed both of the requested variances and are in support (Attachment 'I').

Although the applicant is requesting variances for both the front and side yard setbacks, the outcome would result in a building that is further setback from the property lines than what is currently on the property. With significant improvements to the frontage of the property through screening and landscaping, and with support from the adjacent neighbour, staff consider the requested variances reasonable. Staff recommend that Council support the variance application and direct staff to issue the Development Variance Permit.

Deny Development Variance Permit

Council may consider that the proposed variances will negatively affect the neighbourhood, in particular, the adjacent neighbours. Council may decide that the applicant should be required to meet the setback requirements as set out in Zoning Bylaw 2017-08. If this is the case, Council should deny the variance.

Alternate recommendations

1. THAT Council support "Development Variance Permit PL2019-8499" with conditions.
2. THAT "Development Variance Permit PL2019-8499" be referred back to staff.

Attachments

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

Respectfully submitted,

Nicole Capewell
Planner 1

Concurrence

<p>Director Development Services</p> <p><i>SC</i></p>	<p>Chief Administrative Officer</p> <p>DyD</p>
---	---

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



Figure 2 – Looking at 340 Sudbury Avenue from Sudbury Avenue



Figure 3 – Looking down western property line between 344 Sudbury Ave and 340 Sudbury Ave



Figure 4 – Looking north along western property line from the rear of property



Figure 5 – Properties on Sudbury Avenue with accessory buildings close to the front property line

Attachment E – Letter of Intent

March 11, 2019

To Whom It May Concern:

The owners of 340 Sudbury Ave. property are proposing to construct a 382 square foot addition to add extra bedrooms for their growing family. The existing home on the property currently sits at 0.81 meter set back on the West property line. We are asking for a 1.22 meter setback along the west side on the new addition to allow for a proper parking space width. We are also asking for a front yard setback reduction from 6 meters to 3 meters.

The lot is narrow at 9.144 meters. The existing garage that will be torn down currently sits at 0.81 meters on the west property line and the front of the garage pretty much sits on the property line. Please take into consideration the addition and the work that will take place on the existing home will be considerable upgrade to the property and the street. As well as the new addition will sit further off of the set backs as the building being demolished.

We have been in touch with the neighbor who shares the west property line and he is supportive and approves the addition.

Thank you

Sean Kelly
Excursion Homes
250-490-1603
excursionhomes@gmail.com

Attachment F – Proposed Site Plan

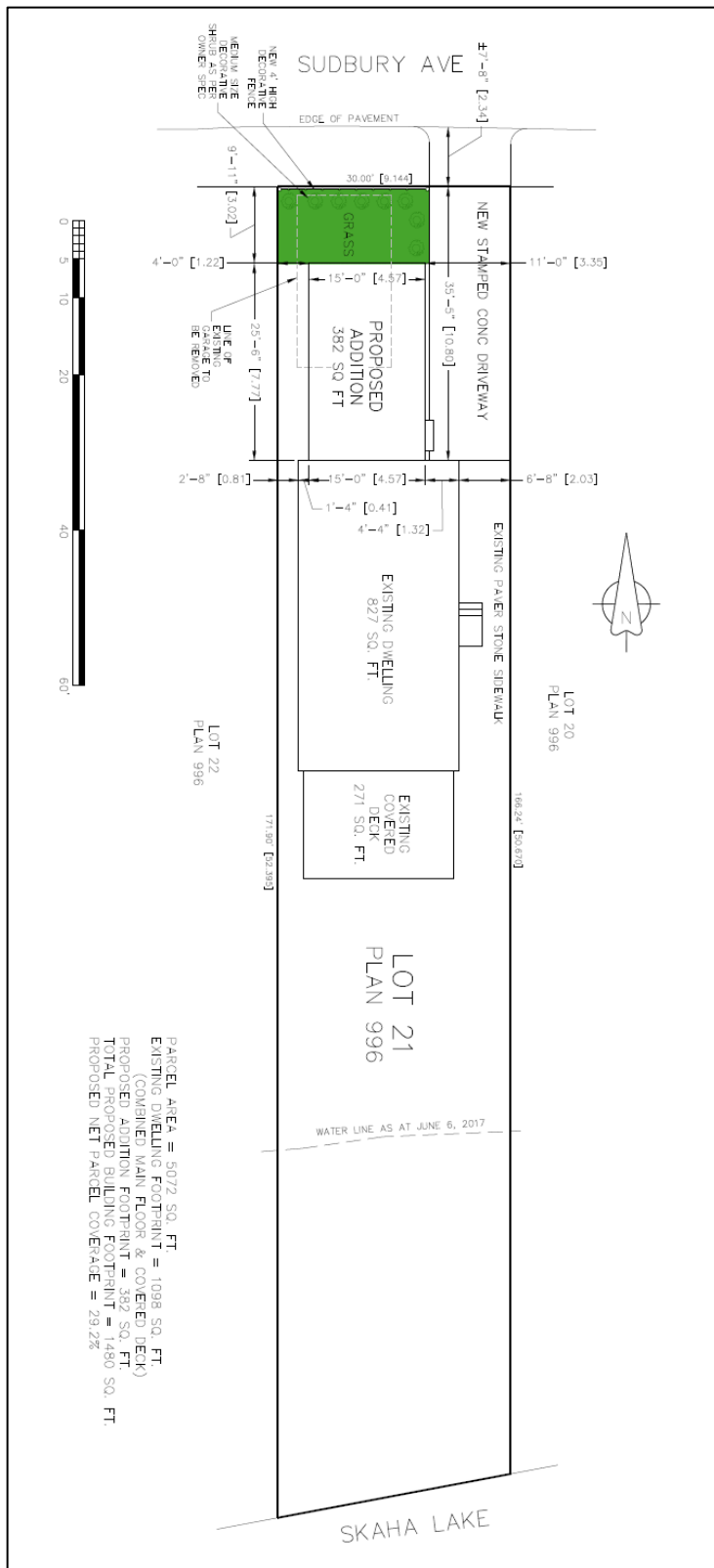


Figure 6 – Proposed Site Plan

Attachment G – Proposed Floor Plans

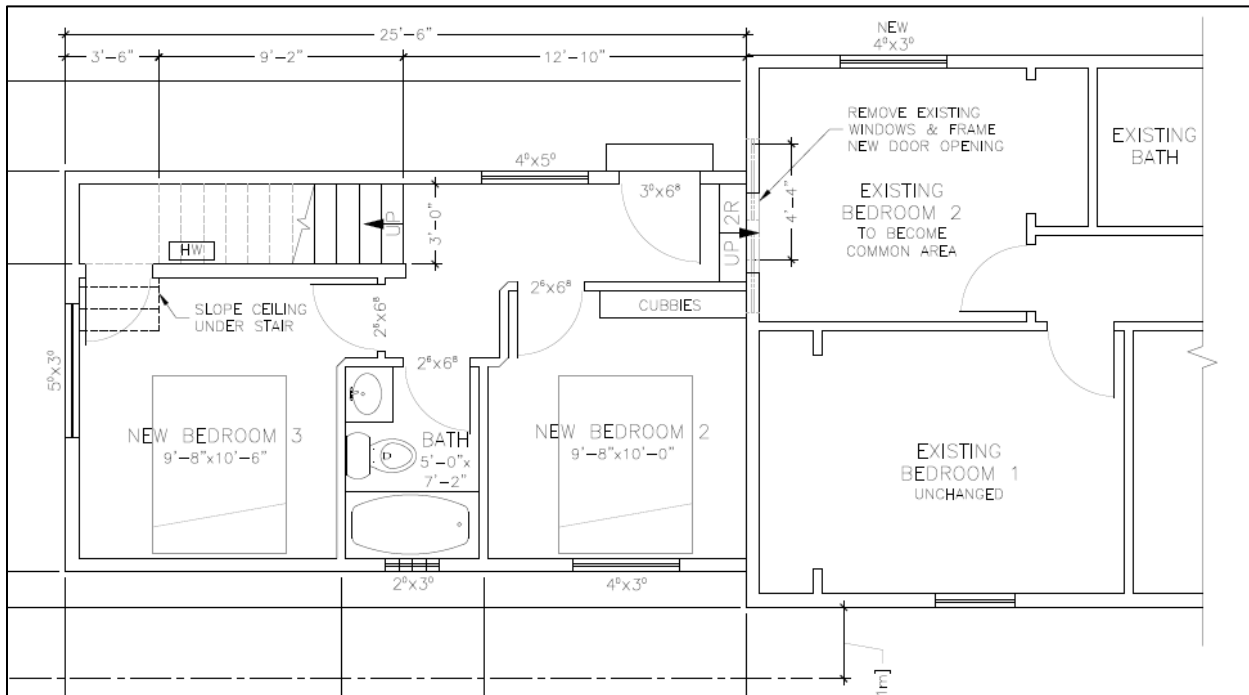


Figure 7 – Lower Level Floor Plan

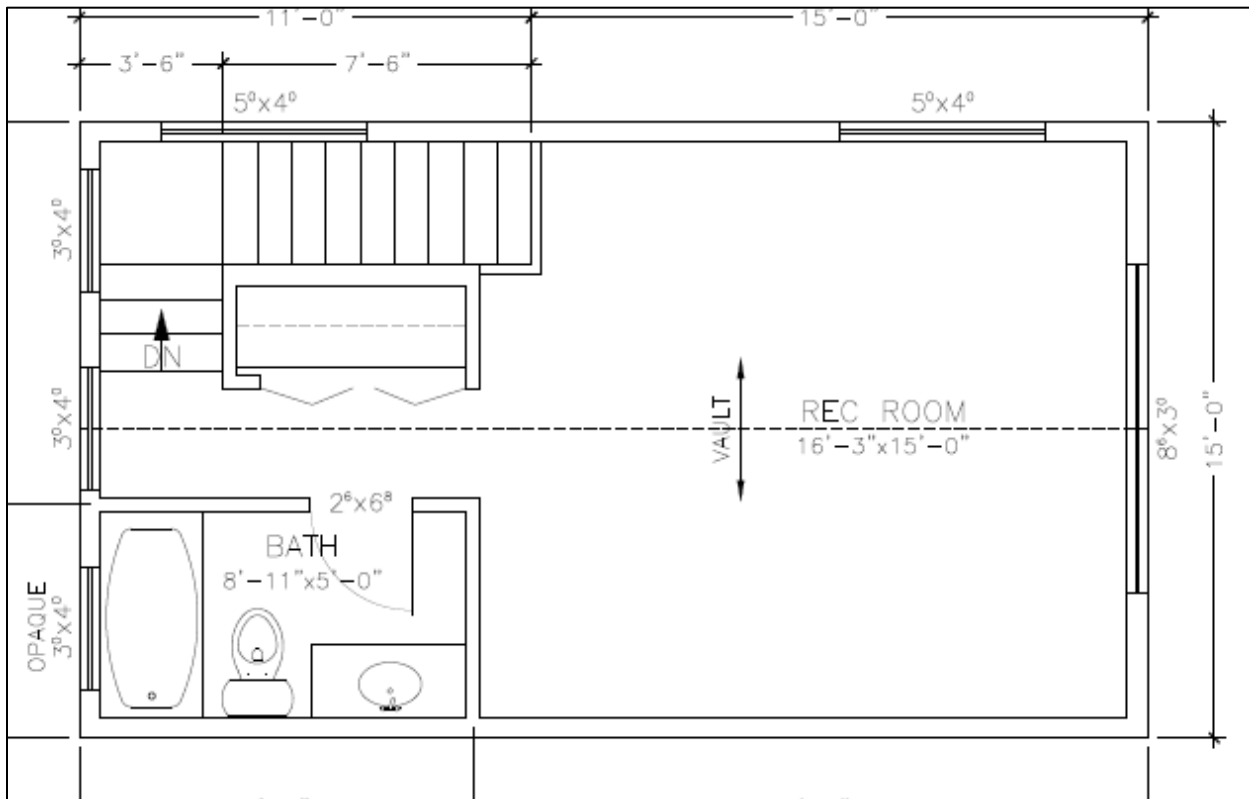


Figure 8 – Upper Level Floor Plan

Attachment H – Proposed Building Elevations

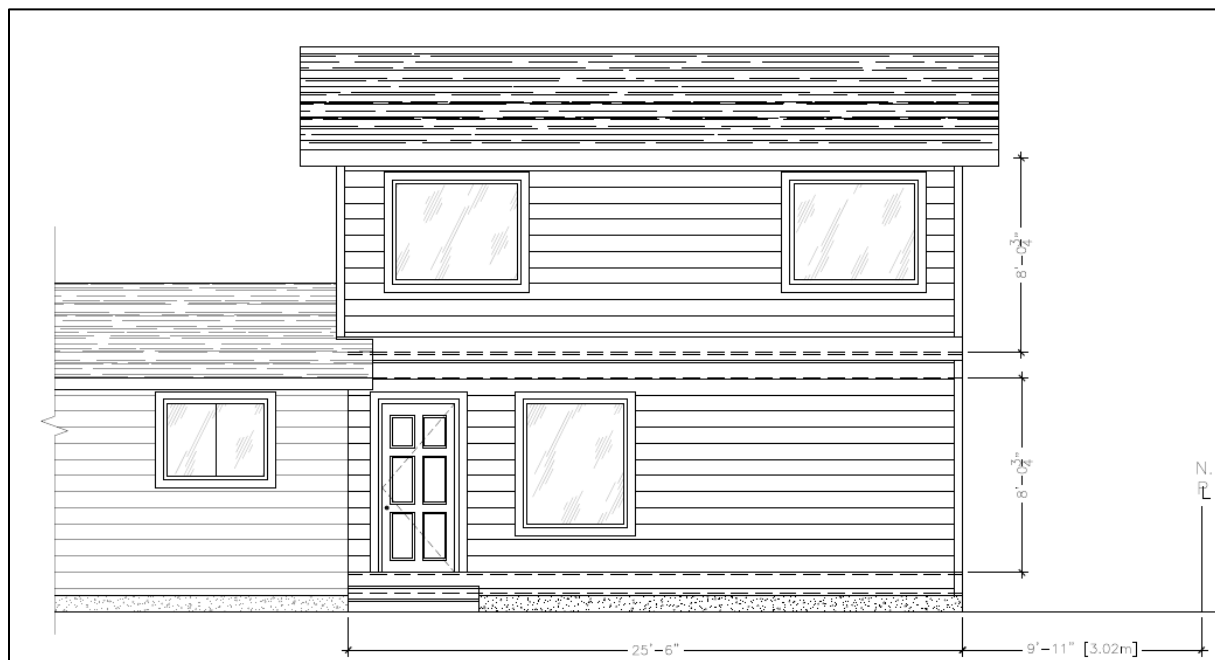


Figure 9 – East Elevation

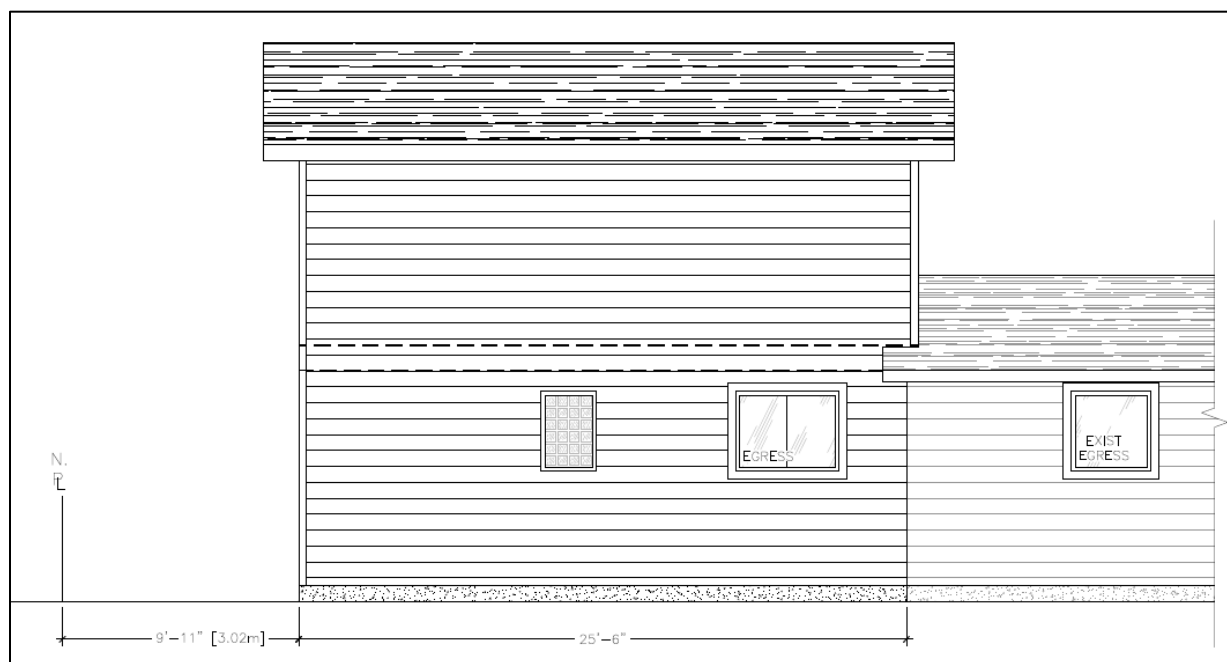


Figure 10 – West Elevation

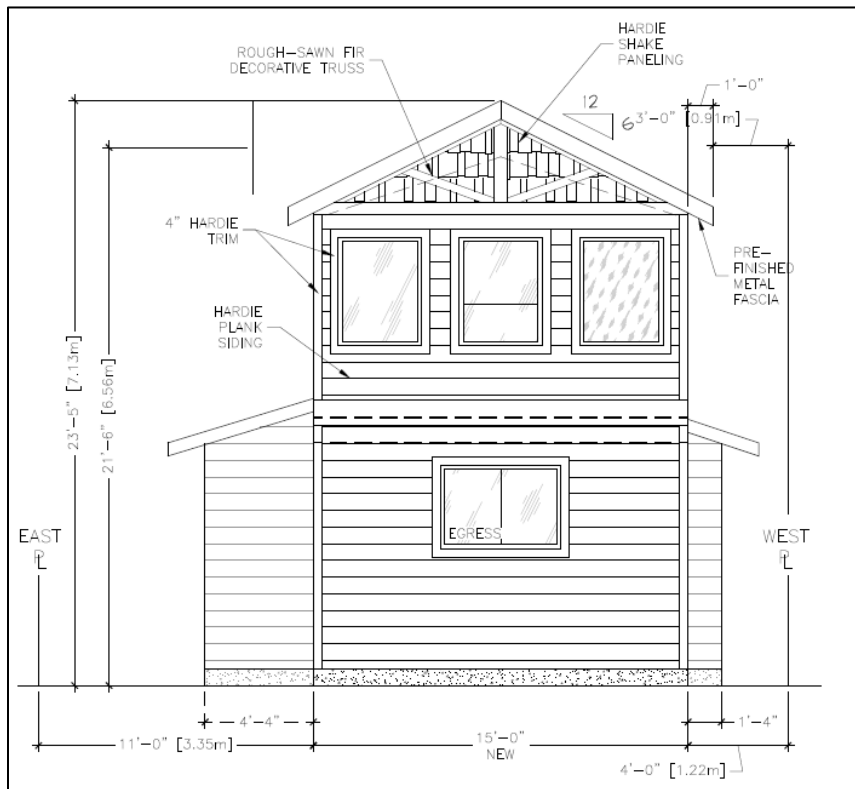


Figure 11 – North Elevation

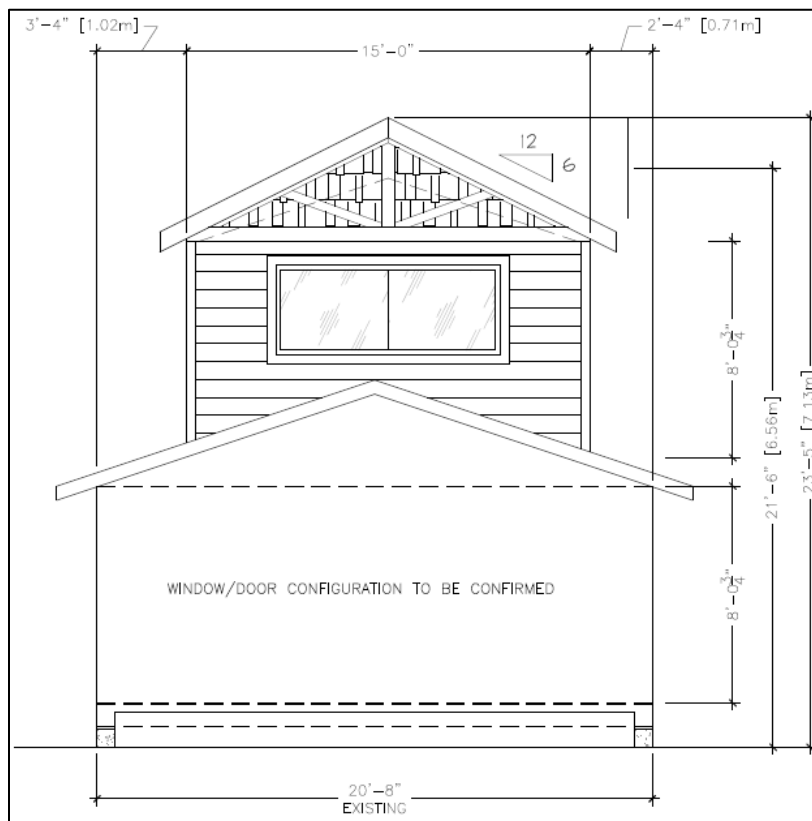


Figure 12 – South Elevation

Attachment I – Neighbour Letter of Support

February 12, 2019

Re : 340 Sudbury Ave, Penticton

To Whom It May Concern,

Please be advised that we are the owners of 344 Sudbury Avenue, Penticton. Our home is located on the west side of 340 Sudbury Ave which is owned by Beverley Kort. We know Beverley and her family and socialize with them every summer.

Beverley discussed her plans for the extension to the house with us and has shared her plans for the extension to accommodate her children and grandchildren. We are very happy with the plans and believe the extension will improve the neighborhood generally. Beverley has pointed out that the west side yard set-back for the extension is 1.2 meters and she needs a variance for this. We have no problem with the side-yard set-back of 1.2 meters – it is actually wider than the existing set-back of the garage which will be torn down to allow for the extension. We would appreciate your approving Beverley's plans as submitted.

If you have any questions or concerns, please contact me personally at [REDACTED].

Kind Regards,



Greg Schmidt

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 PL2019-8499

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 21 District Lot 189 Similkameen Division Yale District Plan 996
Civic: 340 Sudbury Avenue
PID: 011-888-717
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for an addition to the principal building:
 - a. Section 10.1.2.5: to reduce the minimum front yard setback from 6.0m to 3.0m; and
 - b. Section 10.1.2.6.i: to reduce the minimum interior side yard setback for a principal building from 1.5m to 1.2m.

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. This permit is subject to the frontage of the subject property being landscaped and screened as per Schedule 'A', at the cost of the applicant.
6. 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.
7. **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.**
8. 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.
9. 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: June 4, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 1712 Ridgedale Avenue

File No: 2019 PRJ-059

Subject: Development Variance Permit PL2019-8501

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8501" for Lot 5, District Lot 2710, Similkameen Division Yale District, Plan 8796, Except Plan 20465, located at 1712 Ridgedale Avenue, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. 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; and
2. Section 8.2.4.3: to allow vehicle access to the carriage house to be from the street (Ridgedale Avenue).

Background

The subject property (Attachment 'B') is zoned R1 (Large Lot Residential) and is designated in the City's Official Community Plan as LR (Low Density Residential). Photos of the site are included as Attachment 'D'. The subject property is approximately 1,092m² (0.27) and contains a single family dwelling located to the rear of the property. The intention of the applicant is to utilize the large open area at the front of the property to construct a single storey carriage house. To facilitate the development, the applicant is requesting two variances to the Zoning Bylaw:

1. To allow the carriage house to be located closer to the front lot line than the principal dwelling; and
2. To allow vehicle access for the carriage house to be from Ridgedale Avenue.

Proposal

The applicant is proposing to construct a 960 sq. ft. single storey carriage house at 1712 Ridgedale Avenue. The carriage house would be located 6.0m from the front property line. To facilitate the construction, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. 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; and

- Section 8.2.4.3: to allow vehicle access to the carriage house to be from the street (Ridgedale Avenue).

Financial implication

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

Technical Review

This application was reviewed by the City’s Technical Planning Committee. Other 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.

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	1092 m ²
Maximum Building Footprint:	90 m ²	90 m ²
Maximum Carriage House Floor Area (CHFA):	135 m ²	135 m ²
Maximum Lot Coverage:	40%	22%
Vehicle Parking:	3	3
Required Setbacks		
Front Yard (Ridgedale Ave):	6.0 m	6.0 m
Interior Side Yard (west):	1.5 m	1.5 m
Interior Side Yard (east):	1.5m	12 m
Rear Yard (south):	1.5 m	~25 m
Maximum Building Height	7.0 m	5.0 m

Analysis

Development Variance Permit

Approve Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider if there is a hardship on the property that makes following the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable.

The proposed variances and staff’s analysis on each are as follows:

1. *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 applicant is proposing to construct a single storey carriage house on 1712 Ridgedale Avenue. There is currently a single family house, with an attached garage, which are positioned to the rear of the subject property. The siting of the single family dwelling is unique, as the principal building is approximately 1.5m from the rear property line, rather than being close to the street like most of the dwellings along Ridgedale Avenue.

The current siting of the single family dwelling results in the entire rear of the property being used for the house, leaving a large open area at the front of the property. The property owner has a desire to construct a modest single-storey carriage house within that open space.

The subject property is zoned R1 (Large Lot Residential), which allows for the construction of a carriage house at the rear of the property. Given the siting of the single family dwelling, there is no available space at the rear of the property. As such, the applicants are requesting a variance to allow for the carriage house to be located in front of the single family dwelling.

The proposed location of the carriage house will meet the required 6.0m front yard setback for a single family dwelling, which will be in line with the other properties along Ridgedale Avenue. The subject property is a large lot and the proposed carriage house is well within the allowable lot coverage permitted on the property.

Staff consider the requested variance will also improve the public realm by having a dwelling unit that fronts onto the street. As the house is at the rear of the property, there is a limited street presence at the subject property. The proposed carriage house would improve this, and create a small 'cottage' fronting onto the street. Typical houses on the same block of Ridgedale Avenue are setback between 6-10 m from the front property line. The proposed carriage house would continue this trend (See Figure 1).



Figure 1 - Typically houses on Ridgedale Avenue are setback between 6-10m from the street

Further, there are a number of properties within close proximity of the subject property which have carriage houses (as identified on Attachment 'F'). In 2018, a carriage house on Glen Place received variance approval for a carriage house to be located closer to the front lot line than the house, due to an odd shaped lot. This variance was supported by numerous letters of support from the neighbours.

Given the above, staff consider the siting variance to be reasonable and recommend that Council support the variance.

2. *Section 8.2.4.3: to allow vehicle access to the carriage house to be from the street (Ridgedale Avenue).*

The applicant is also requesting a variance to allow for vehicle access to the carriage house to be from the street. The Zoning Bylaw has a provision, where if there is a lane, vehicle access must be from the lane.

Although the subject property has a lane, as previously noted, the single family dwelling on the property is located very close to the rear property line. There isn't currently vehicle access from the lane to the subject property, and it would be difficult to create access due to the orientation of the house.

As such, the applicant has requested a variance to allow vehicle access for the carriage house to also be from the street. Staff note that the subject property is very large, and there is enough parking provided to meet the Zoning Bylaw requirements. The applicant would continue to utilize the existing driveway to the subject property, and would not require construction of any new driveways to accommodate the carriage house.

Given the above, staff consider the requested variances are reasonable. Staff recommend that Council support the variance application and direct staff to issue the Development Variance Permit.

Deny Development Variance Permit

Council may consider that the proposed variances will negatively affect the neighbourhood, in particular, the adjacent neighbours. If this is the case, Council should deny the variance. Should Council choose to deny the variance application, the subject property will not be able to accommodate a carriage house.

Alternate recommendations

1. THAT Council support "Development Variance Permit PL2019-8501" with conditions.
2. THAT "Development Variance Permit PL2019-8501" 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: Ridgedale Avenue Carriage Houses
- Attachment G: Proposed Site Plan
- Attachment H: Proposed Building Rendering
- Attachment I: Proposed Floor Plans
- Attachment J: Draft Development Variance Permit (DVP)

Respectfully submitted,

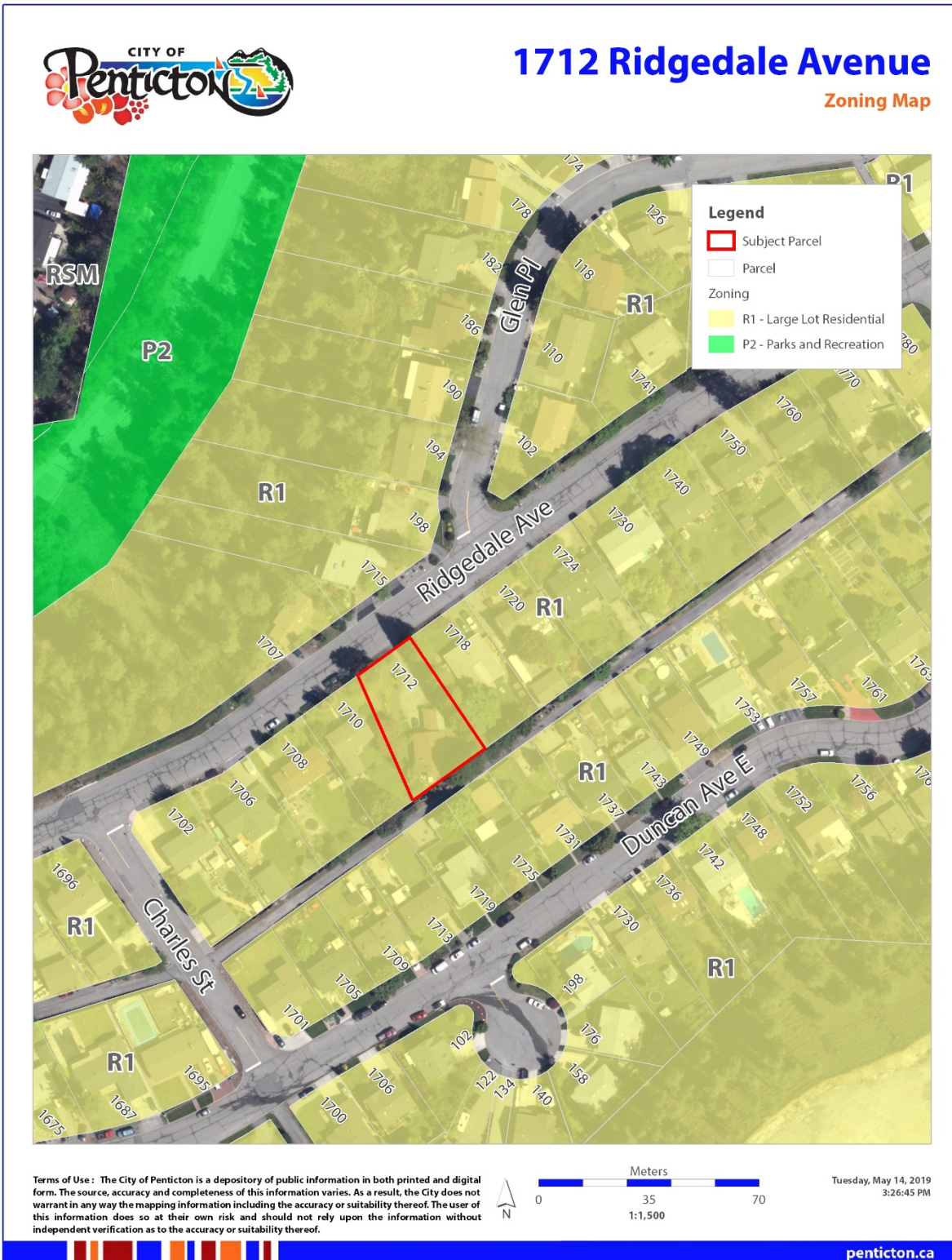
Nicole Capewell
Planner 1

Director Development Services 	Chief Administrative Officer 
--	--

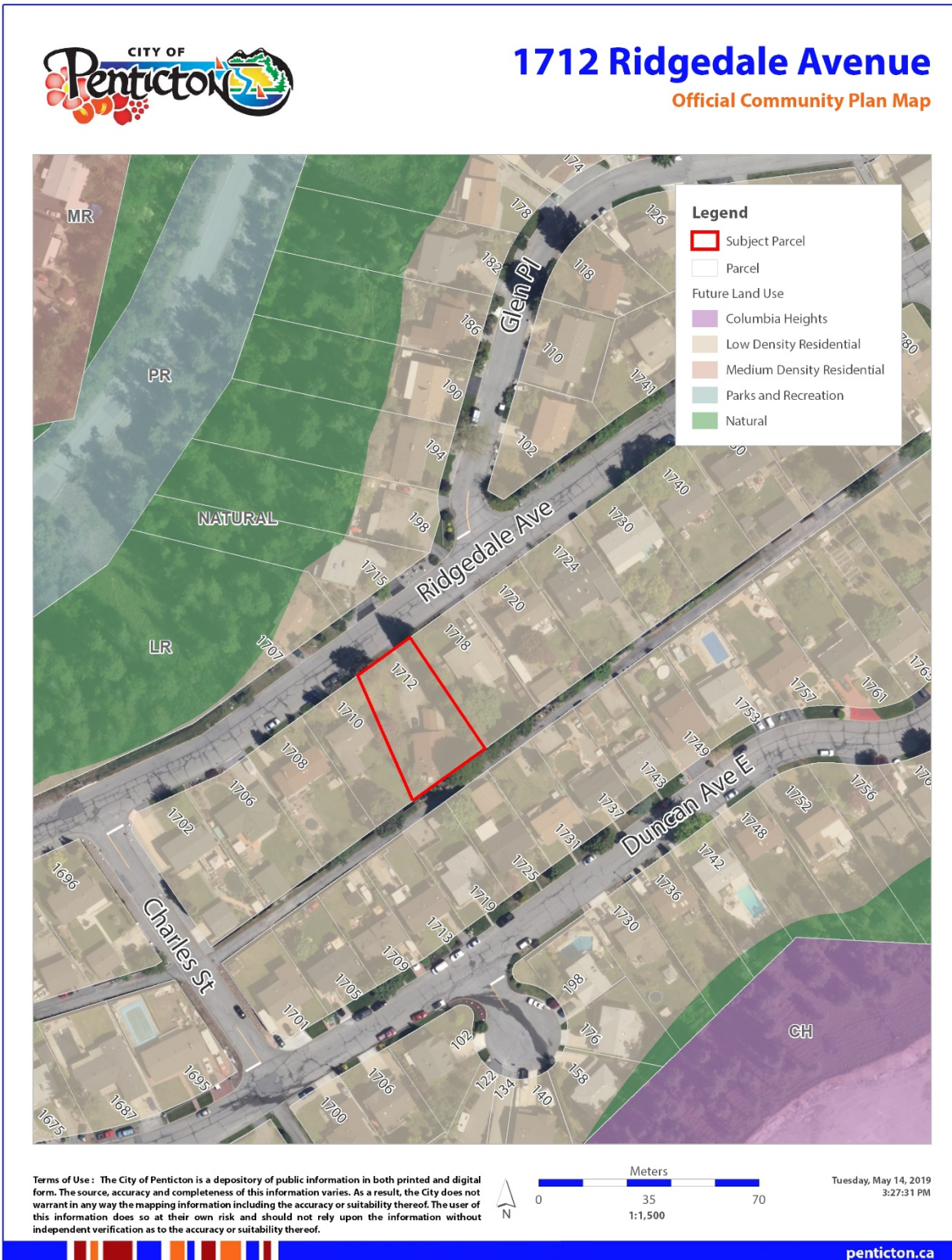
Attachment A – Subject Property Location Map



Attachment B – Zoning Map of Subject Property



Attachment C – Official Community Plan Map of Subject Property



Attachment D – Images of Subject Property



Figure 2 – Looking south toward subject property from Ridgedale Avenue



Figure 3 – Looking west on subject property towards proposed carriage house location



Figure 4 - Looking along western property line shared between 1712 Ridgedale Avenue and 1710 Ridgedale Avenue

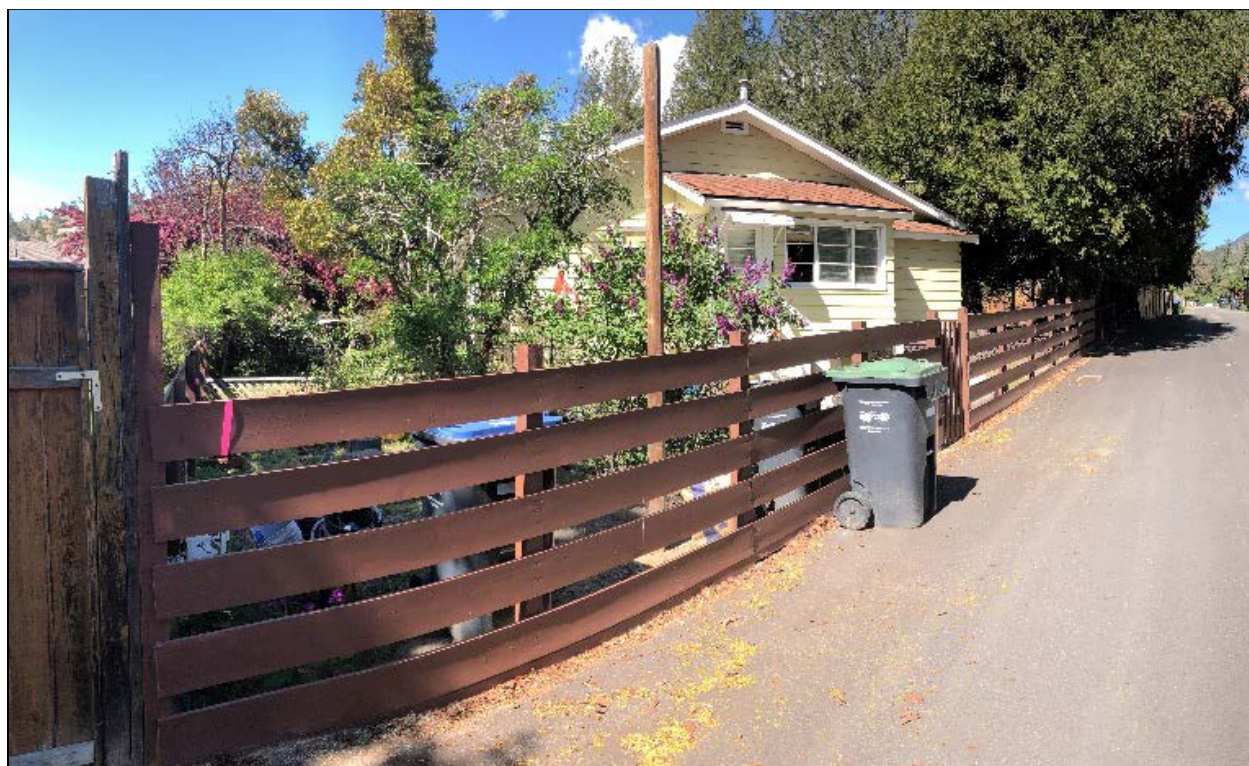


Figure 5 – Existing house at 1712 Ridgedale Avenue as seen from the rear lane (the house is positioned very close to the rear property line)

Attachment E – Letter of Intent

Letter of Intent
to support of Request for Variance
1217 Ridgedale Avenue, Penticton, BC V2A 5S6

Please accept this Letter of Intent as part of my request for a variance to the requirement that a Carriage House is set at the rear of the property, behind the primary residence. The variance is requested because the primary residence is set near the back of the 11,000 square foot lot.

A second variance is requested to allow parking for the Carriage House to also be at the front, off Ridgedale Avenue, rather than off the rear alley. The attached site plan includes three parking spots showing the ample space. Further, parking at the rear would require digging up the rear garden.

The proposed carriage home is a modest one story with partial basement has design features which compliment the primary residence, including matching light yellow siding with charming white gable and window trim.

The primary residence, belongs to my mother, Donna Keefe who is now almost eighty and has owned and lived in the home for over 30 years. I will live in the carriage house with my children as an alternative renting.

What is perhaps most relevant here, and what I would ask the board to consider, is (1) the variance request to permit the Carriage Home to be in front rather than at the rear of the property due to the primary resident being set back of the very large lot; (2) the variance requesting parking in front does not cause any burden on any neighboring residence; (3) the proposed style and structure of the Carriage House is in step with the existing neighborhood; and (4) the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvement.

Thank you for your consideration.

Respectfully submitted,
Lisa Birch



Attachment F – Ridgedale Avenue Carriage Houses



Figure 6 – Properties in Orange contain carriage houses

Attachment G – Proposed Site Plan

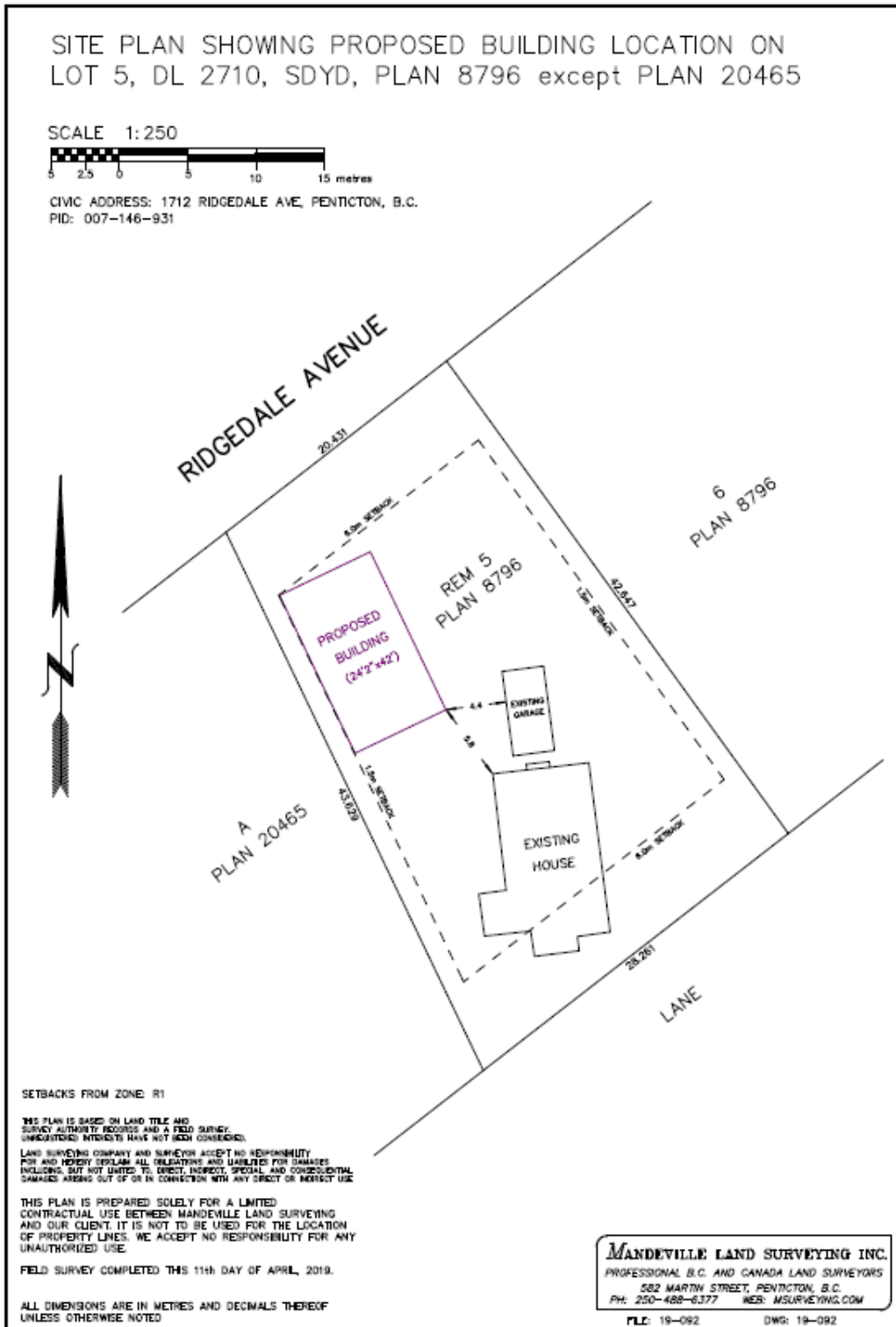


Figure 7 – Proposed Site Plan

Attachment H – Proposed Building Rendering



Figure 8 – Proposed Building Rendering

Attachment I – Proposed Floor Plans

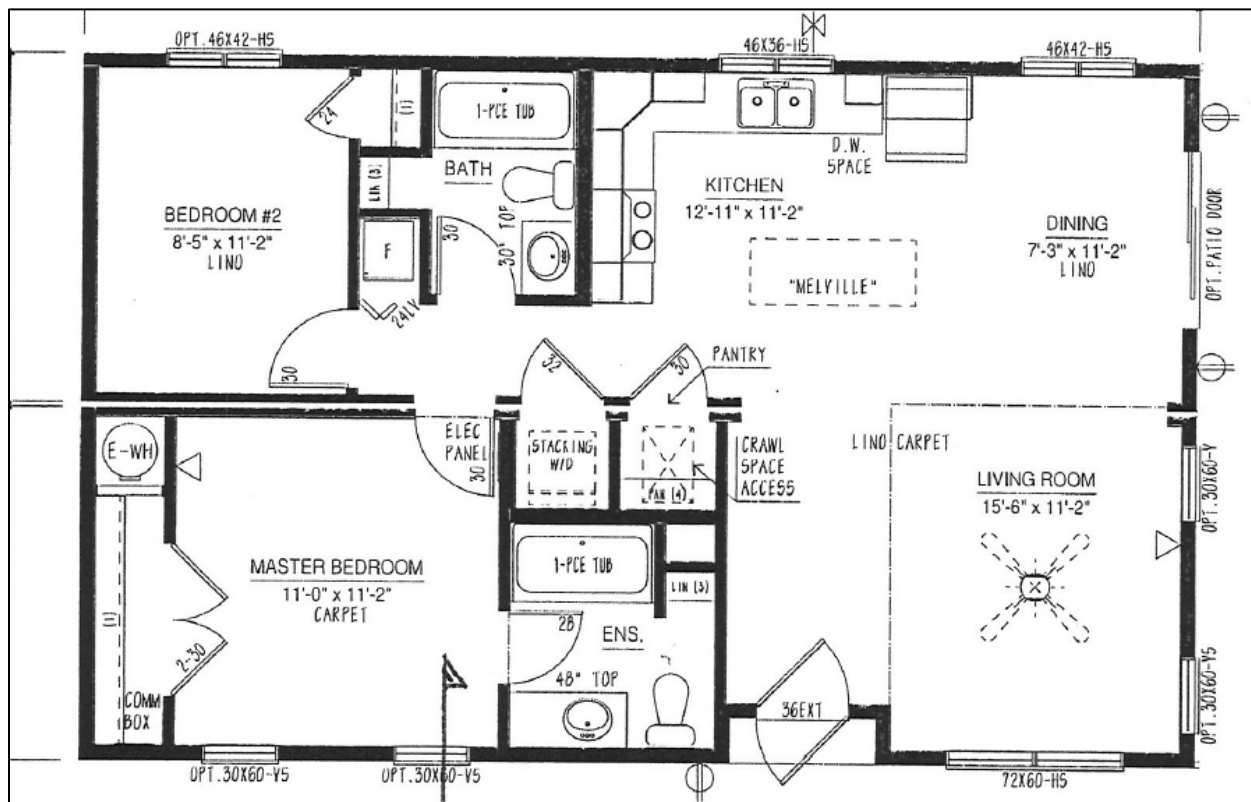


Figure 9 – Main Level Floor Plans

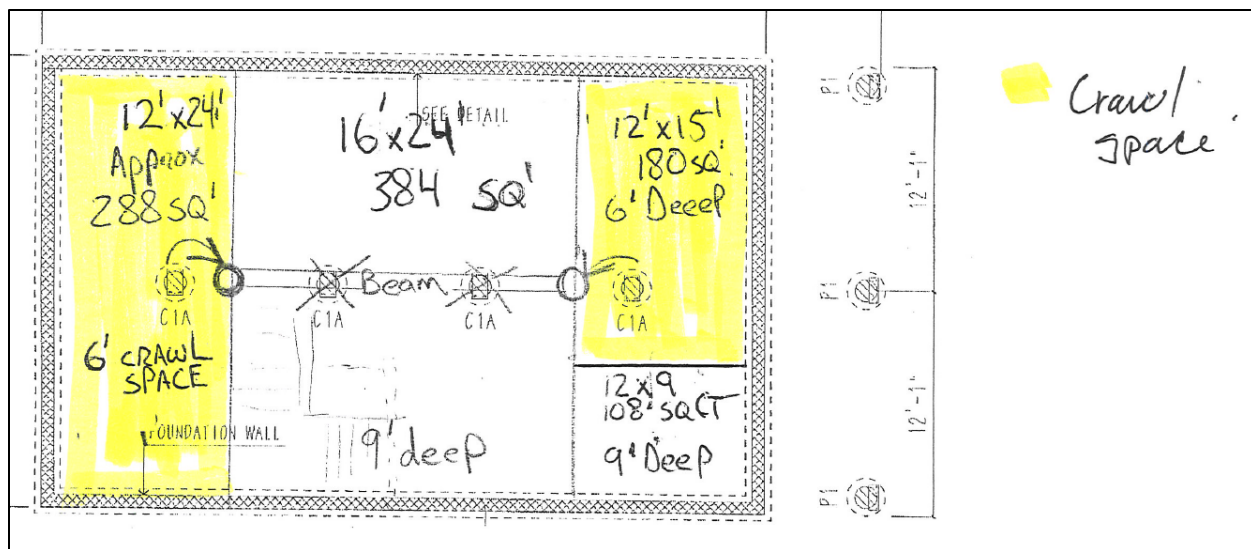


Figure 10 – Proposed Basement Level Floor Plans

(note the areas highlighted will be crawl space areas only used for storage, and will not be livable areas)

Attachment J – 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 PL2019-8501

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 5 District Lot 2710 Similkameen Division Yale District Plan 8796, Except Plan 20465
Civic: 1712 Ridgedale Avenue
PID: 007-146-931
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2017-08 to allow for an addition to the principal building:
 - 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; and
 - b. Section 10.1.2.6.i: to allow vehicle access to the carriage house to be from the street (Ridgedale Avenue).

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

Memorandum

penticton.ca

To: Donny van Dyk, Chief Administrative Officer
From: Anthony Haddad, Director of Development Services
Date: May 29, 2019
Subject: June 4th Notice of Motion from Councillor Regehr

Notice of Motion from Councillor Regehr for consideration 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.

Staff Memo:

Staff in Development Services have completed a preliminary review of the proposed Notice of Motion and would like to provide the following information for Council's consideration when discussing this item on June 4th. The following provides a summary and response to each of the components of the Notice of Motion.

- *THAT Council direct Staff to review the Development Cost Charges for Public Open Spaces and compare to similar sized municipalities in the Okanagan;*

Staff will be able to complete an assessment of the Public Open Space charges against other municipalities to allow for a comparison to be made against Penticton's current Public Open Space DCC charge.

- *AND THAT Staff review the cost of living increases that might be applied to all classifications within the Development Cost Charges Bylaw;*

Staff are currently in the process of updating the DCC Bylaw to reflect a cost of living increase, which has not been applied to the bylaw that was created in 2007. Staff will be preparing some options for Council's consideration, including a review of the proposed DCC Bylaw amendments with the City's Economic Prosperity and Development Services Advisory Committee. It is expected that this report will come to Council for consideration on July 16, 2019.

- *AND THAT Staff provide Council with an amending Development Cost Charges bylaw that addresses Public Open Spaces within six months.*

Approved through the 2019 Budget process and staff operational work plan was the implementation of the City's Official Community Plan (OCP) through the development of a Comprehensive Development Plan (CDP). The CDP looks at the infrastructure and open space needs of the community, based on the growth plan identified in the new OCP.

The CDP is required to be developed in advance of a DCC Bylaw update because the CDP will establish the projects that the various DCC rates are based on. This work is expected to begin in late summer / early fall 2019 and carry through until early 2020.

Technically, the Public Open Space provision of the DCC work could commence prior to the remainder of the DCC bylaw and CDP work commencing. There are some challenges with this approach though. Establishing a rate for the Public Open Space rate in isolation of knowing what the charges for all the other DCC categories is problematic. Rates are usually established in concert with each other so that they can be adjusted based on economic development, social or other political considerations. Reviewing one rate at a time does not allow for that process to occur.

Work involved in establishing a DCC rate involves the total growth projections (creating assumptions on total numbers of units and in which areas of the city) to base individual rates on. This work involves consultations and modelling that is anticipated to happen through the CPD review.

Further complicating completion of this project in six months, is the fact that the City does not have an approved park land acquisition list, which will ultimately need to go into developing the cost structure for creation of the Public Open Space DCC values. This acquisition list is a priority in the land management plan, which is scheduled for staff attention later this year. Again this work could be moved up, and / or the parks acquisition piece could be pulled out and done prior to the larger land management strategy – working closely with the City's Parks and Recreation Advisory Committee.

Based on the current Council approved Budget and staff operational workplan, to complete this project within the desired six month time period, the following considerations will have to be made:

- Change / elimination to one of the following projects:
 - Parkade Feasibility
 - Comprehensive Development Plan, which would delay the major DCC bylaw review proposed for 2020.
 - Laneway design report / process review – directed by Council from late 2018
 - Potential impact to Skaha Park Master Plan.
 - Land Management Strategy

Likely consultants will need to be hired to assist with this initiative, and should Council wish to move this forward, staff will need to obtain a cost estimate for these works before bringing back a budget amendment. Any change to the DCC Bylaw required consultation and approval by the Inspector of Municipalities, which will add time to any DCC Bylaw review process.

Staff Recommendation:

Staff do not recommend moving ahead with a specific amendment to the DCC Bylaw for Public Open Space, as outlined above. The review of the cost of living increases is currently underway, and as outlined above will be brought forward to Council shortly.

Anthony Haddad

Director of Development Services