



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

Tuesday, December 17, 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 December 3, 2019 Regular Council Meeting 1-5 Adopt
7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda.

Consent Agenda: 6-12

 1. Minutes of the December 3, 2019 Committee of the Whole Meeting;
 2. Minutes of the December 3, 2019 Public Hearing Minutes;
 3. Penticton Creek and Ellis Creek Restoration Committee Meeting Draft Minutes of November 29, 2019.
8. **Committee and Board Reports**
9. **Correspondence:**
 - 9.1 Canadian Sport School Hockey League 13
 Re: Request for Letter of Support

Summary: Canadian Sport School Hockey League is seeking a letter of support to accompany their bid package for the 2021-2023 Canadian Sport School Hockey League Championships. On Wednesday, December 11, 2019 Council supported the funding of \$10,000 cash for the Canadian Sport School Hockey League.

Staff Recommendation: THAT Council provide the Canadian Sport School Hockey League with a letter of support to accompany the bid for the 2021-2023 Canadian Sport School Hockey League Championships.

10. **Staff Reports:**

- Kunka 10.1 Development Cost Charges Reduction Bylaw No. 2019-46 14-23
Staff Recommendation: THAT Council give first reading to "Development Cost Charges Reduction Bylaw No. 2019-46", a bylaw that repeals Development Cost Charges Reduction Bylaw 2010-11, eliminating the Sustainability Checklist for energy incentives to be replaced with achieving a minimum BC Energy Step Code performance level and preserving and enhancing the DCC reductions for affordable housing and rental housing; AND THAT prior to adoption of "Development Cost Charges Reduction Bylaw No. 2019-46", a public consultation is held with the development community and public, advising of the changes and providing opportunity for comment.
- Kunka 10.2 Winery Lounge Endorsement Application – Wesbert Winery Ltd. 24-32
Staff Recommendation: THAT Council direct staff to commence public notification of the proposed Winery Lounge Endorsement for Wesbert Winery Ltd, located at 1465 Naramata Road; AND THAT staff report back to Council at their meeting on January 21, 2020 with the results of the public consultation for Council's final consideration.
- Kemp 10.3 Community Child Care Planning Grant 33-34
Staff Recommendation: THAT Council direct staff to apply for funds through the Union of BC Municipalities (UBCM) 'Community Child Care Planning Program', to complete a 'child care space inventory' and 'child care action plan' in 2020.
- Kozak 10.4 Parks and Recreation Advisory Committee – Terms of Reference Extension 35-38
Staff Recommendation: THAT Council direct staff to amend the Terms of Reference (TOR) for the Parks and Recreation Advisory Committee to extend the existing term to December 31, 2020, and retain the existing membership.

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:

- (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;*
- (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.*

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

14. **Bylaws and Permits:**

- Laven 14.1 Zoning Amendment Bylaw No. 2019-44 39-40 Adopt
Re: 589 Churchill Avenue

15. **Land Matters:**

Collyer	15.1	Development Variance Permit PL2019-8640 Re: 2931 Skaha Lake Road <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8640" for Lot 2, District Lot 116, Similkameen Division Yale District, Plan 33814, located at 2931 Skaha Lake Road, a permit to increase the maximum lot coverage from 35% to 37.7%.</i>	41-54	Del/Sub
Laven	15.2	Development Variance Permit PL2019-8641 Re: 799 Martin Street <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8641" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit to reduce the minimum lot area for each of the three proposed phases of the townhouse development from 1400m² to 230m² and reduce the minimum lot width from 25m to 14.6m to allow for a phased strata subdivision; AND THAT staff be directed to issue "Development Variance Permit PL2019-8641".</i>	55-61	Del/Sub
Laven	15.3	Development Variance Permit PL2019-8598 Development Permit PL2019-8597 Re: 3693 Skaha Lake Road <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2019-8598", for Lot A District Lot 189 Similkameen Division Yale District, Plan 5761 Except Plan KAP59478, located at 3693 Skaha Lake Road, a permit to reduce the minimum rear yard setback along the northern property line from 6.0m to 3.0m, to allow for an addition of floor space to an existing health service building; AND THAT staff be directed to issue "Development Variance Permit PL2019-8598". THAT Council, subject to issuance of "Development Variance Permit PL2019-8598", approve "Development Permit PL2019-8597", for 3693 Skaha Lake Road, a permit to allow for an addition to an existing health service building.</i>	62-78	Del/Sub

16. **Notice of Motion**

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

20. **Adjournment**

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

Tuesday, December 3, 2019
at 1:00 p.m.

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

Staff: Jim Bauer, Acting Chief Administrative Officer
Caitlyn Anderson, Acting Corporate Officer
Blake Laven, Acting Director of Development Services
Bregje Kozak, Director Recreation and Facilities (left at 3:26 p.m.)
Mitch Moroziuk, General Manager of Infrastructure (left at 3:26 p.m.)
Paula McKinnon, Acting 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

516/2019

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on December 3 2019 as amended to remove item 15.1 Development Variance Permit PL2019-8636 for 157 Abbott Street.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

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

5. Reconvene the Regular Council Meeting

Council reconvened the Regular Council Meeting at 1:59 p.m.

6. Adoption of Minutes:

6.1 Minutes of the November 19, 2019 Regular Meeting of Council

517/2019

It was MOVED and SECONDED

THAT Council adopt the minutes of the November 19, 2019 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

518/2019

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the November 19, 2019 Committee of the Whole Meeting;
2. Parks and Recreation Advisory Committee Meeting Minutes of August 21, 2019;
3. Parks and Recreation Advisory Committee Meeting Minutes of September 25, 2019;
4. Penticton Creek and Ellis Creek Restoration Committee Meeting Draft Minutes of November 7, 2019;
5. Parks and Recreation Advisory Committee Meeting Draft Minutes of November 12, 2019;
6. Release of Items from Closed Meeting:
 - THAT Council reappoint Connie Redknap, Ernie Ingles and Wesley Nickel to the Penticton Public Library Board for a two-year term;
AND THAT Council appoint Lyndsay de Jonge to the Penticton Public Library Board for a two-year term;
AND THAT Council appoint Jeannette LeBlanc to the Penticton Public Library Board for a one-year term;
AND THAT Council reappoint Councillor Kimberley to the Penticton Public Library Board.
 - THAT Council acknowledge the upcoming leave of Zoe Eyjolfson, Okanagan Nation Alliance representative for the Penticton and Ellis Creek Restoration Select Committee;
AND THAT Council appoint Camille Rivard-Sirois as the Okanagan Nation Alliance representative and Karilyn Alex as alternate for the Penticton and Ellis Creek Restoration Select Committee.

CARRIED UNANIMOUSLY

8. Committee and Board Reports

9. Correspondence

10. Staff Reports:

10.1 Zoning Amendment Bylaw No. 2019-29
Re: 595 Vancouver Avenue

519/2019

It was MOVED and SECONDED

THAT Council remove the condition of registering a Covenant to restrict direct vehicular access to Proposed Lot 3 (access will need to come through an easement on the Proposed Lot 2 panhandle) prior to adoption of Zoning Amendment Bylaw No. 2019-29;
AND THAT Council adopt "Zoning Amendment Bylaw No. 2019-29".

CARRIED
Councillor Robinson, Opposed

10.2 1400 Riddle Road (3 Blind Mice Area) – Park Designation, Management Plan, Wild Fire Interface and Existing Licenses to Use

520/2019

It was MOVED and SECONDED

THAT Council proceeds with the process of rezoning the City property located at 1400 Riddle Road (District Lot 392S, Similkameen Division Yale District) from Forestry Grazing (FG) to an appropriate park zone to coincide with the current and future Official Community Plan designation for this property;

AND THAT the budget for a “Management Plan” and the anticipated capital and operational outcomes is forwarded for Council consideration in a future annual budget process;

AND THAT the Wild Fire Interface concerns continue to be investigated and addressed as outlined in the City of Penticton Community Wildfire Protection Plan (CWPP) as required, subject to sufficient funding being available;

AND FURTHER THAT until such time as the “Management Plan” is complete Council directs Staff to amend the existing Penticton Area Cycling Association License to Use and the Penticton Disc Golf Club License to Use to include additional language that outlines requirements to ensure orderly maintenance and development of the related infrastructure, considers the sensitive environmental values that may exist on the property, implements recognized design standards, outlines public consultation requirements, and approval processes as desired by the City of Penticton.

CARRIED

Councillors Sentes, Watt and Bloomfield, Opposed

10.3 Road Closure Permits Policy

521/2019

It was MOVED and SECONDED

THAT Council approve the “Road Closure Permits Policy”, a policy that provides guidance to staff who have the delegated authority to issue a road closure permit to temporarily restrict or prohibit traffic.

CARRIED UNANIMOUSLY

10.4 Fees and Charges Amendment Bylaw No. 2019-37

522/2019

It was MOVED and SECONDED

THAT Council rescind third reading and give third reading as amended to “Fees and Charges Amendment Bylaw No. 2019-37”, a bylaw that establishes the rates the City will charge for various services.

CARRIED

Councillor Regehr, Opposed

Councillor Watt left the meeting at 3:13 p.m.

10.5 Third Quarter Financial Update

523/2019

It was MOVED and SECONDED

THAT Council receive into the record the report titled “Third Quarter Financial Update” dated December 3, 2019.

CARRIED UNANIMOUSLY

Councillor Watt returned to the meeting at 3:17 p.m.

Councillor Robinson left the meeting at 3:17 p.m.
Councillor Kimberley left the meeting at 3:18 p.m.

10.6 Third Quarter Corporate Business Plan Update

524/2019

It was MOVED and SECONDED

THAT Council receive into the record the report titled "Third Quarter Corporate Business Plan Update" dated December 3, 2019.

CARRIED UNANIMOUSLY

Councillor Robinson returned to the meeting at 3:19 p.m.
Councillor Kimberley returned the meeting at 3:20 p.m.

11. Public Question Period

12. Recess Regular Council Meeting:

The Regular Council Meeting recessed at 3:26 p.m.

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

Council reconvened the Regular Council Meeting at 6:05 p.m.

14. Bylaws and Permits:

14.1 Zoning Amendment Bylaw No. 2019-44
Re: 589 Churchill Avenue

525/2019

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2019-44".

CARRIED UNANIMOUSLY

15. Land Matters:

15.1 Development Variance Permit PL2019-8636
Re: 157 Abbott Street

This item has been removed.

16. Notice of Motion

17. Business Arising

17.1 Introduced by Councillor Kimberley at the November 17, 2019 meeting during the Council Round Table:
Cannabis Revenue Sharing with Local Governments

526/2019

It was MOVED and SECONDED

WHEREAS the Government of Canada has increased the percentage of cannabis taxation revenue to be transferred to provinces in order to help local governments manage the impacts associated with the legalization of non-medical cannabis;

AND WHEREAS the Union of BC Municipalities (UBCM) executive has endorsed a principled approach to guide the negotiation of a cannabis excise tax revenue sharing agreement including reimbursement for any additional policing costs resulting from cannabis legalization;
THEREFORE be it resolved that the City of Penticton send a letter to the Minister of Finance, supporting the short and long term strategy for cannabis excise tax revenue sharing proposed by UBCM and enter into a provincial-local government revenue sharing agreement.

CARRIED UNANIMOUSLY

18. Council Round Table

19. Public Question Period

20. Adjournment

527/2019

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, December 3, 2019 at 6:21 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Caitlyn Anderson
Acting Corporate Officer

John Vassilaki
Mayor

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

Tuesday, December 3, 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: Jim Bauer, Acting Chief Administrative Officer
Caitlyn Anderson, Acting Corporate Officer
Bregje Kozak, Director of Recreation and Facilities
Blake Laven, Acting Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure
Paula McKinnon, Acting 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 December 3, 2019 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations and Staff Presentations:**

3.1 Proclamation "Giving Tuesday" December 3, 2019

Mayor Vassilaki presented Marianne Dahl of United Way and other non-profit businesses with a proclamation for December 3, 2019 as Giving Tuesday.

3.2 Indoor Tennis Facility

Dr. Ali Moshaver provided Council with a presentation on an indoor tennis facility in Penticton.

It was MOVED and SECONDED

THAT Council refer to staff to evaluate and report back on options for an indoor tennis facility in the City of Penticton.

CARRIED UNANIMOUSLY

3.3 The Rise on Nanaimo and the Need for Affordable Housing

Tanya Behardien and Ian Gerbrandt, One Sky provided Council with a presentation on the recently completed Rise on Nanaimo and the need for more affordable housing projects in Penticton and to find available land in the City.

3.4 South Okanagan and Similkameen Arts Workshop – Final Report

Leighton McCarthy, Glenn Sinclair and Cal Meiklejohn, South Okanagan Performing Arts Centre Society II Board of Directors provided Council with an overview on the final report of the workshop held in October and presented Council with a reimbursement cheque in the amount of \$2,500.

3.5 2020-2024 Five Year Financial Plan – Budget Primer

Jim Bauer, Chief Financial Officer provided Council with the highlights of the 2020 Corporate Business Plan and the 2020-2024 Financial Plan.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held December 3, 2019 at 1:59 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Caitlyn Anderson
Acting Corporate Officer

John Vassilaki
Mayor

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

Tuesday, December 3, 2019
at 6:00 p.m.

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

Staff: Jim Bauer, Acting Chief Administrative Officer
Caitlyn Anderson, Acting Corporate Officer
Blake Laven, Acting Director of Development Services
Paula McKinnon, Acting Deputy Corporate Officer

1. Call to order

Mayor Vassilaki called the public hearing to order at 6:00 p.m. for Zoning Amendment Bylaw No. 2019-44.

The Corporate Officer read the opening statement and introduced the purpose of the bylaws. She then explained that the public hearing was being held to afford all persons who considered themselves affected by the proposed bylaws 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. 2019-44" (589 Churchill Avenue)

The purpose of "Zoning Amendment Bylaw No. 2019-44" is to amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 1, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill).

The applicant(s) are proposing to construct a front-to-back duplex, with a detached accessory building (garage).

The Corporate Officer advised that no letters have been received since the printing of the agenda.

DELEGATIONS

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

- Chris Schoenne, proponent, spoke in support of the application and available for questions.

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

- Lynn Kelsey, Oakville Street, 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. 2019-44" was terminated at 6:05 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Caitlyn Anderson
Acting 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.

Friday, November 29, 2019
at 9:00 a.m.

Present: Paul Askey, Freshwater Fisheries Society of BC (*Chair*)
Camille Rivard-Sirois, Okanagan Nation Alliance
Bryn White, South Okanagan Conservative Program
Bill Wickett, Penticton Fly Fisheries Association
Rick Peleshytyk, Ministry of FLNRO, Regional Water Management
Gerry Turchak, Penticton Industrial Development Association
Drew Nagy, Penticton Industrial Development Association
Jim Arner, Ministry of FLNRO, Fish & Wildlife Division
Councillor Frank Regehr

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

Guest: Shawn Kilpatrick, Stantec Consulting

1. **Call to Order**

The Penticton and Ellis Creek Restoration Select Committee was called to order by the Chair at 9:06 a.m.

2. **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 November 29, 2019 as amended to include items 6.2 – Feedback Process and 6.3 – Vice Chair Update.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the November 7, 2019 meeting as amended:

- Item 6.4 – replace 2029 with 2021

4. **Business Arising from Prior Meetings**

5. **Correspondence**

6. **New Business**

6.1 Ellis Creek Master Plan Draft – Public Engagement Feedback Review

Shawn Kilpatrick, Stantec Consulting, presented to the Committee a high level overview of the feedback received from the various public engagement sessions that had taken place regarding the draft Ellis Creek Master Plan. The presentation reviewed the following topics:

- Review of the Public Engagement Sessions
- Feedback Overview
- Feedback Trends
- Feedback Report
- Next Steps

The focus of the presentation was a review of the comments received during the engagement sessions surrounding the following trends: drawing presentation, flood risk mitigation, budget and schedule, environment and regulatory, recreational opportunities, specific objections and important comments beyond the Ellis Creek Master Plan. Committee members provided further comments throughout the presentation.

Mr. Kilpatrick will meet with Camille Rivard-Sirois of the Okanagan Nation Alliance to discuss fisheries concerns. Once this is completed the comment spread sheet will be finalized and sent to the Committee for comment. Mr. Kilpatrick would like to receive comments back prior to December 24, 2019. Once comments are received he will make changes to the report and then reissue it to the committee for consideration and endorsement for acceptance to Penticton City Council.

6.2 Feedback Process

A brief discussion ensued regarding flaws with the current feedback structure to date. A member at large proposed setting up working groups within the Committee to provide feedback on matters involving their expertise. Members suggested that a meeting be scheduled in the new year to discuss a new feedback structure moving forward. Mr. Moroziuk indicated he would circulate a copy of what is contained in a typical design RFP with respect to engaging with the Penticton and Ellis Creek Restoration Committee.

6.3 Vice Chair Update

Ms. Rivard-Sirois informed the Committee that Okanagan Nation Alliance approved the role of Vice Chair for the Okanagan Nation Alliance representative and alternate for the Penticton and Ellis Creek Restoration Select Committee.

7. **Council Outcome**

8. **Next Meeting**

The next Penticton and Ellis Creek Select Restoration Committee meeting has been scheduled for Thursday, January 9, 2020 at 9:00 a.m. in meeting room A, City Hall.

9. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on Friday, November 29, 2019 at 12:27 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

Paula McKinnon
Legislative Assistant

Subject: CSSHL Championship Bid Application

From: Sandy Bergum
Sent: December-12-19 12:04 PM
To: Bregje Kozak
Cc: Dean Clarke, Andy Oakes
Subject: CSSHL Championship Bid Application
Importance: High

Hi Bregje, partnering with Spectra, we are submitting a bid for the 2021 - 2023 CSSHL Championships. We are seeking sponsorship and support from City of Penticton. Penticton has hosted the championships for the last 4 years. COP sponsored the event each year.

The championships are hosted for 11 days in March. We have over 73 teams in attendance for a total of 1600 participants and coaches. Teams come from all over Western Canada. In addition to the participants and coaches we sold over 3,023 tickets to spectators in 2019.

At this time we are looking for a letter of support to accompany our bid package. I would like to have the bid package completed before Dec 20, 2019.

It is a great event for the COP and the Okanagan Valley. We look forward to continue sponsorship from COP.

If you have any questions please do not hesitate to give me a call.

Sincerely,
Sandy Bergum
Executive Assistant to the President
Okanagan Hockey Group Inc.
t. 250.493.1408 Ext 3353
w. okanaganhockey.com

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Council Report

penticton.ca

Date: December 17, 2019 **File No:** RMS: 3150-01 (General)
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager

Subject: Development Cost Charges Reduction Bylaw No. 2019-46

Staff Recommendation

THAT Council give first reading to "Development Cost Charges Reduction Bylaw No. 2019-46", a bylaw that repeals Development Cost Charges Reduction Bylaw 2010-11, eliminating the Sustainability Checklist for energy incentives to be replaced with achieving a minimum BC Energy Step Code performance level and preserving and enhancing the DCC reductions for affordable housing and rental housing;

AND THAT prior to adoption of "Development Cost Charges Reduction Bylaw No. 2019-46", public consultation is held with the development community and public, advising of the changes and providing opportunity for comment.

Executive Summary

This report recommends that the existing Development Cost Charges Reduction Bylaw be repealed and replaced with new Development Cost Charges Reduction Bylaw No. 2019-46. Modifications to the incentives for affordable and for-profit rental housing will provide a more appropriate long term Development Cost Charges (DCC) funding approach, while continuing to support sustainable construction practices and the development of affordable housing.

Strategic priority objective

The recommendations contained herein are aligned with Council's strategic priorities of Asset & Amenity Management and Community Design by ensuring that the Development Cost Charge program is operating in an efficient and sustainable manner.

Background

On June 4, 2019 Council gave direction for staff to review the City's DCC program, specifically with regard to inflationary increases and aligning the Parks and Open Space DCC project list to the newly adopted Parks and Recreation Master Plan. Part of the work plan coming out of this was a review of the DCC Reduction Bylaw.

Development Cost Charge Reductions

Development Cost Charges (DCC) are monies collected from land developers by a municipality to offset some of the infrastructure expenditures incurred in servicing new developments and maintaining existing infrastructure. The Local Government Act, the enabling legislation covering development cost charges, allows municipalities to reduce certain classes of projects to affect sustainable development and housing affordability.

In 2010, as an attempt to incentivize 'green' building and affordable housing initiatives, the City adopted "Development Cost Charge Reduction Bylaw 2010-11".

That Bylaw provides reductions of:

- 100% waiver for affordable rental housing, including supportive housing and services ancillary to such housing and subdivision lots and strata lots on which housing is to be constructed (including for persons at risk for homelessness); and
- 50% waiver for projects with enhanced construction practices to lower the environmental impact and greenhouse gas emissions using a points systems checklist which is modelled after the international Leadership in Energy and Environmental Design (LEED) program.

Other City of Penticton Development Incentives geared toward sustainable construction and housing affordability

The BC Energy Step Code is a system that classifies building energy efficiency and rates the finished product on a scale of Step 1 (moderately energy efficient) to Step 5 – Net Zero Ready (most energy efficient). The City has encouraged sustainable building for new residential construction by implementing Step 1 of Step Code within Building Bylaw 2018-01, with a 5% building permit rebates for Part 9 residential buildings reaching Step 3 or greater performance.

In an attempt to create more affordable housing in Penticton, permit processing has been streamlined and amendments have been made to the City's Zoning Bylaw, allowing for more diverse and denser developments. Revisions to the Zoning Bylaw have also created reductions in parking requirements, in strategic areas of the city. Also, until recently, the Economic Incentive Zone Bylaws provided tax incentives for developer's further encouraging development. These, along with the DCC reductions have created an environment of strong housing investment in Penticton the past 9 years.

Local Construction Activity and Affordable Housing

Since 2014, Penticton has seen more than 600 million dollars on construction value, a dramatic increase in activity over previous years. This resurgence in development has been coupled with rising rental rates within the Okanagan. This has made it more advantageous for developers to create purpose-built rental buildings and the city has seen 270 for-profit rental units built since 2016.

Also, since 2018 the Province has developed the [BC Building Community Housing](#) Fund with close to \$1.9 billion over 10 years to deliver over 14,000 affordable rental homes. This program is built through partnerships with municipalities' non-profit housing providers, housing co-operatives, and Indigenous

organizations. The program has directly supported several social housing projects within the city. In total there have been four new social housing developments totaling 174 units. Many of these projects, and especially BC Housing projects, were built to higher energy efficiency practices to reduce long term costs to the operators and tenants.

Overview of Development Incentives in Other Okanagan Communities

The following regional communities have taken different approaches towards encouraging development in key sectors of their community, rental housing or sustainable construction. Refer to Attachment A for more detailed information in each jurisdiction.

Jurisdiction	Zoning Density Bonus	Building Permit Rebates	DCC Reduction	Tax Reductions	Parking Exemptions
Penticton	Yes*	Yes	Yes	discontinued	Yes
Vernon	No	No	Yes	Yes	No
Lake Country	No	Yes	Yes	No	No
Kelowna	No	Yes	Yes	Yes	No
West Kelowna	No	No	discontinued	No	No
Summerland	No	No	No	No	No
Oliver	No	No	No	Yes	No
Osoyoos	Yes	No	Yes	No	No

*Density bonus – developer pays for additional Floor Area Ratio, which is placed in the city’s affordable housing reserve fund.

Proposed changes to Development Cost Charges Reduction Bylaw

Staff propose the following changes to the DCC reduction bylaw to encourage sustainable building practices, lower greenhouse gas emissions and to support affordable housing.

Modification to Sustainable Construction Reductions

The existing reduction bylaw includes a sustainability checklist with point values for various sustainability initiatives, such as optimizing the shape and location of buildings, utilizing sustainable building practices and energy and water efficiency. Those projects that scored well on the checklist are eligible for DCC reductions. The idea was the reduction in DCCs would improve the viability of sustainability initiatives that would otherwise be cost prohibitive.

Because of recent changes to the provincial Building Code and improvement in standard building practices, many of the items listed on the sustainability checklist are now regulatory requirements. Qualifying for the DCC reduction typically requires no additional investment on the part of most developers. This reduced the rationale for this incentive.

At the same time, the City has embraced the provincial initiative to *Net Zero Ready* for new construction by 2032, with the voluntary adoption of the Step Code within the new Building Bylaw in 2018. As of March 2019, it is now mandatory for all new residential (Part 9) buildings in Penticton to meet a minimum of Step 1. There is a financial incentive to reaching further levels of the Step Code. Building Permit fees are reduced by 5% for projects achieving Step 3 or greater. For example, on a \$1 million dollar project, this would equate to

\$800 in permit fee savings. As the development community adjusts to the new code requirements, the Building Bylaw will increase to Step 3 for all residential Part 9 buildings in 2020 and will introduce other types of buildings in 2021. It is expected that by 2022, the Step Code will be mandatory for all building types.

Because of these requirements, staff recommend replacing the sustainability checklist with industry standard Provincial Step Code compliance reports and reducing the incentive from 50% to 25%. DCCs reductions would be applicable for all residential projects achieving a minimum of:

- Step 3 (out of 5 steps) for Part 9 Simple projects; and
- Step 2 (out of 4 steps) for Part 3 Complex projects.

Continued support of Affordable Housing and Rental Housing

The City’s newly adopted Official Community Plan encourages the use of DCC reductions for securing long term rental housing and encourages the use of Housing Agreements to provide security for renters. Since 2014, more than 580 social housing, for-profit rental units and secondary suites/carriage homes have been constructed.

The existing DCC reduction bylaw includes a reduction for affordable housing projects (defined below). Given the continued need in the community for affordable housing and specifically affordable rental housing, staff are recommending keeping this provision of the bylaw for affordable rental housing projects. It is recommended that the reduction rate be adjusted from 100% to 75%. These projects are also eligible for the additional 25% DCC reduction for sustainable construction, as outlined in the previous section (thereby achieving a full 100% reduction).

For the purposes of the bylaw, affordability is determined based on the generally accepted definition of affordability which is spending less than 30% of household income on shelter (rent / mortgage). This will be based on the median family income for Penticton, which will be advertised on the City of Penticton website on a yearly basis. Based on the 2016 census, the median family income for Penticton is estimated at \$54,219. This would require rents to be under \$1,355 per month for a family to qualify for the reduction.

A recent review of average minimum and maximum market rental rates based on apartment listings over the past year (RentBoard.ca) shows:

Bedrooms	Average	Minimum	Maximum
1	\$1,207	\$1,150	\$1,308
2	\$1,405	\$1,250	\$1,528
3	\$1,618	\$1,618	\$1,618

Staff are also recommending a further incentive of a 25% reduction in DCCs for any rental project over 8 units secured through a Housing Agreement with the City of Penticton ensuring the units remain rental for a minimum 20 year period. This incentive would apply to for-profit rental development and assist in reducing rental rates.

Consultation

At their July 19, 2019 meeting, staff presented the DCC Program Update work plan to the Economic Prosperity and Development Services Advisory Committee. The work plan presented included the elimination of the energy efficiency reductions. Staff also outlined the proposed changes to the reduction bylaw to transition from the sustainability checklist to the Step Code provisions with Building Bylaw 2018-01. The committee endorsed the work plan as outlined at the meeting, as reflected in the minutes (2019-07-19 - Item 5.4). The adjustments to the rates for rental housing were not raised with the committee. Staff intend to update the committee on the final rates and proposed reductions for sustainable construction and affordable housing, and will follow up with the committee for further input as part of the public consultation process.

Should Council support the recommendations contained in this report, public engagement will commence with the assistance of the City's Communication Department and Engagement Strategist. The results of the public consultation will be communicated back to Council prior to final adoption of the Development Cost Charges Reduction Bylaw.

Financial implication

The recommendations proposed in this report will ensure support for projects demonstrating exceptional environmental performance and/or increasing affordable and rental housing while implementing the DCC reduction program in an equitable and appropriate manner.

Given the public consultation requirements, the estimated cost of this portion of the DCC update project are estimated at less than \$1,000. This will be funded through the general public notification account.

DCC reductions for all eligible projects amounted to \$910,736 in 2018 (this was mainly to do with the two BC Housing projects which met the exemption requirements) and \$51,434 in 2017.

Projecting the impact that approval of this bylaw will have on future DCC revenues is difficult, but based on previous construction activity and information contained in the 2017 housing needs assessment, the City could reasonably expect to see up to \$220,000 per year in exempted DCC revenue. This estimate is based on assumptions around expected rental properties constructed per year and commercial properties expected to utilize the Step Code incentives. This revenue would need to be made up by other developers paying into the program.

Analysis

The proposed revisions to the DCC reduction bylaw will continue to support sustainable building practices and the creation of affordable housing. The existing sustainability checklist will be replaced with a standardized evaluation process (based on the Step Code) for energy efficiency and greenhouse gas (GHG) reductions. The DCC reductions will also continue to assist the development of affordable rental housing and secured market rental housing developments.

For these reasons, staff are recommending that Council give first reading to Development Cost Charges Reduction Amendment Bylaw No. 2019-46 and direction to begin public engagement on the bylaw.

Alternate recommendations

Staff have outlined two alternatives for Council to consider. Alternative 1 provides the option of determining final reduction rates after final public consultation. Alternative 2 deals with repealing the existing DCC Reduction Bylaw and not replacing it until a comprehensive review of the existing DCC program is completed.

Alternative 1

THAT Council direct staff to investigate options as part of the final public consultation process to revise the reduction rates attached to and forming part of DCC Reduction Bylaw 2019-46

Alternative 2:

THAT Development Cost Charges Reduction Bylaw 2019-11 be repealed and not be replaced until a comprehensive review and redevelopment of the existing DDC program be completed.

Attachments

Attachment A –Development Incentives in other Regional Communities

Attachment B - Development Cost Charges Reduction Bylaw No. 2019-46

Respectfully submitted,

Ken Kunka, RBO ASCT
Building and Permitting Manager

Concurrence

<p>Acting Director of Development Services</p> <p><i>BL</i></p>	<p>Chief Financial Officer</p> <p><i>JWB</i></p>	<p>Chief Administrative Officer</p> <p>DvD</p>
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Attachment A
Development Incentives in other Regional Communities

Vernon:

- Land Use or Building Permits: N/A
- Revitalization Tax Exemption Grant: The Revitalization Tax Exemption Program is intended to accomplish Council's objectives by providing property tax relief to property owners who undertake eligible construction within the City Centre District. The grant amount would be up to \$4,000 per rental unit or the City development cost charge levied per unit.
- Rental Housing Incentive Grants: This program encourages the construction and operation of purpose-built rental housing by providing a grant equal to the City's development cost charge levy or \$4,000 per rental unit, whichever is the lesser. Multiple family developments with four or more dwelling units would be eligible for the grant program.

District of Lake Country:

- Land Use or Building Permits: Building Permit rebate for achieving Step Code 03 or greater ranging from \$500 to \$1500.
- DCC Reductions: Adopted a DCC reduction bylaw for a proposed affordable housing project. Their Council has chosen to make it specific to an actual project, rather than being universally available.

Kelowna:

- Land Use or Building Permits: Building Permit rebates for achieving Step 04 (\$500) or Step 05 (\$1000)
- Rental Housing Grants: the pool of funding available is \$300,000. The grants are provided in the form of DCC Credits on a per unit basis. The grant amounts are determined by the number of applications that the City receives with up to \$8,000 for three or more-bedroom units, \$4,000 for two bedroom units, and \$2,000 for bachelor or one bedroom units available.
- Rental Housing Tax Exemptions: The program provides eligible purpose-built rental housing projects with relief from a share of municipal property taxes. The program provides a 100% municipal tax exemption on the "revitalization amount".
- 100% of the new MRDT (OAP) vacation rental tax revenues allocated to affordable housing initiatives.

City of West Kelowna:

- Land Use or Building Permits: N/A
- DCC Reductions: The City does not have incentives related to affordable housing initiatives. They previously had DCC reductions for projects in Westbank Centre. The Bylaw has now reached its sunset clause but there was moderate uptake when it was in force.

Summerland:

- Land Use or Building Permits: N/A
- Other incentives: N/A – Summerland has one of the lowest DCC rates in the region.

Oliver:

- Land Use or Building Permits: N/A
- Tax Exemption: Tax exemption for desired developments including apartment buildings, airport, hotels, Industrial, Core Area Development, and downtown commercial development ranging from 10% to 80% tax exemptions.

Osoyoos:

- Land Use or Building Permits: Density bonus for affordable housing projects.
- DCC Reductions: No charge payable for not-for-profit rental housing. Projects are awarded reductions on a case-by-case evaluation.

The Corporation of the City of Penticton

Bylaw No. 2019-46

A bylaw to provide a reduction of development cost charges for not-for profit housing and for-profit affordable rental housing.

WHEREAS Section 563 of the *Local Government Act* provides that a local government may reduce development cost charges for not-for-profit rental housing, including supportive living housing and for-profit affordable rental housing;

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 for all purposes as "Development Cost Charge Reduction Bylaw No. 2019-46".

2. Definitions

In this bylaw:

Applicant means an owner of a development eligible for a Development Cost Charge Reduction under this Bylaw;

Affordable Rental Housing means any dwelling unit subject to the reduction being offered for rent at levels meeting the affordability levels of the median family income for Penticton, based on the generally accepted affordability standard of 30% of median family income, being spent on housing;

Complex means a building exceeding 600 m² in building area or exceeding three storeys in building height used for a major occupancy classified as residential occupancy;

Development Cost Charge Bylaw means the "City of Penticton Development Cost Charges Bylaw No. 2007-79", as amended;

Simple means a building of three storeys or less in building height, having a building area not exceeding 600 m² and used for a major occupancy classified as residential occupancy;

Step Code means the Energy Step Code as references in the British Columbia Building Code Section 9.36.6 as amended from time to time.

3. Delegation

The Director of Development Services is hereby delegated the power to waive or reduce development cost charges for eligible developments in accordance with this bylaw.

4. Development Cost Charge Reduction for Eligible Developments

4.1 Development cost charges payable under Schedule A1 of Development Cost Charge Bylaw No. 2007-79 may be reduced by:

- a) 75% for an eligible development under Section 4.2(a); and
- b) 25% for an eligible development under Section 4.2(b); and
- c) 25% for eligible developments under Section 4.2 (c).

4.2 An eligible development is, for the purposes of this bylaw one of the following:

- a) Affordable Rental Housing, including supportive housing;
- b) Rental housing of eight (8) or more dwelling units, subject to the registration of a housing agreement with the Land Title Office, as outlined in Section 483 of the *Local Government Act*, requiring the project to remain rental for a minimum period of 20 years;
- c) For residential developments achieving a BC Energy Step Code performance level of:
 - i. Step 03 for new Part 9 (Simple) projects; and
 - ii. Step 02 for new Part 3 (Complex) projects.

5. Procedure for Granting Development Cost Charge Reduction

5.1 A development cost charge reduction for an eligible development described in Section 4.2 shall be granted in accordance with the following procedure:

- a) An eligible development described in Section 4.1a and 4.1b shall require:
 - i. the applicant to submit an application to the City for a Development Cost Charge Reduction at the time of building permit application;
 - ii. subject to issuance of the building permit authorizing construction of the housing units, pay all required Development Cost Charges owing; and
 - iii. prior to occupancy, registration of a housing agreement for eligible developments described in Section 4.1(a) and (b);
 - iv. If a development does not satisfy the requirements of Section 5.1(a) and (b) as an eligible development at the time of occupancy permit is issued for the development, the applicant shall pay the owing Development Cost Charges.

- b) A development cost charge reduction for an eligible development described in Section 4.1c shall require:
 - i. the applicant to submit an application to the City for a Development Cost Charge Reduction at the time of building permit application;

- ii. the applicant to provide a Step Code pre-construction compliance report meeting or exceeding the requirements of Section 4.1(c), prior to issuance of a building permit authorizing construction of the housing units;
- iii. payment of all development cost charges at the time of building permit issuance;
- iv. provision of Step Code as-built compliance report meeting or exceeding the requirements of Section 4.1(c), prior to final occupancy certificate authorizing the occupation of the housing units;
- v. within ninety (90) days of the date that the occupancy permit is issued for the development and the development has satisfied the requirements of Sub-section 5(b)(iv), the City shall refund the applicant an amount equal to the Development Cost Charge Reduction for the Development; and
- vi. If a development does not satisfy the requirements of Sub-section 5(b)(iv) as an eligible development at the time the occupancy permit is issued for the development, no refund of Development Cost Charges shall be provided to the applicant.

6. Severability

6.1 If a section, subsection, paragraph, subparagraph or phrase in this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

7. Repeal

“Development Cost Charges Reduction Bylaw 2010-11” and all amendments thereto is hereby repealed upon adoption 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

Council Report

Date: December 17, 2019 **File No:** RMS/Address
To: Donny van Dyk, Chief Administrative Officer
From: Ken Kunka, Building and Permitting Manager
Address: 1465 Naramata Road
Subject: **Winery Lounge Endorsement Application – Wesbert Winery Ltd.**

Staff Recommendation

THAT Council direct staff to commence public notification of the proposed Winery Lounge Endorsement for Wesbert Winery Ltd, located at 1465 Naramata Road;

AND THAT staff report back to Council at their meeting on January 21, 2020 with the results of the public consultation for Council’s final consideration.

Strategic priority objective

The City’s participation in liquor license application reviews supports the City’s Vision to be a vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Background

The City has received an application from Wessel Joubert & Pieter Coetzer (Directors) of Wesbert Winery Ltd., located at 1465 Naramata Road proposing to add a Winery Lounge to their recently acquired winery operation. This location has previously operated as a winery (Quidni Estate Winery) including manufacturing, retail and lounge endorsement supported by the City in 2015.

The winery will have an occupant load of: (see floor plan – Attachment B)

- interior lounge 10 persons, and
- exterior lounge patio 70 persons

The proposed hours of operation for the winery lounge are 10:00am to 05:00pm Sunday to Tuesday and 10:00am to 10:00pm Wednesday to Saturday.



The proponents are not proposing any changes to the existing layout or occupant loads. An impact statement has been provided by the applicant outlining the proposed business operations and perceived impact to the community (Attachment C).

Staff have provided acknowledgement of the application, a requirement by the Liquor and Cannabis Regulation Branch (LCRB) to engage their parallel review process. The application is currently within the 'Site and Community Assessment' (SCA) stage, which is the stage for local government input. The terms and conditions of the Winery Lounge Endorsement requires local government input within 90 days of application.

Site Context

The property is zoned A (Agricultural) with an OCP designation of Agricultural Use. The property is located in a mixed rural area of single family, farming and winery commercial uses. There are 8 wineries within 1.0km of this site, one of which has a lounge endorsement (Hillside winery) with no record of nuisance complaints. (Attachment A)

Liquor & Cannabis Regulation Branch (LCRB) Legislation, Policy and Bylaw Review

A Winery Lounge is defined as an indoor lounge, an outdoor patio or both, where a winery may sell and serve B.C. wines, ciders or wine coolers by the glass or bottle (they must be manufactured and bottled in this province).

The Liquor Control and Licensing Regulation requests that the City review and provide resolution related to the following criteria:

- The location of the establishment,
- Person capacity and hours of liquor service of the establishment,
- The impact of noise on nearby residents,
- The impact on the community if the application is approved, and
- Public input for the community in the immediate vicinity of the proposed endorsement service area(s) and how input was gathered

Financial implication

The public consultation process costs will be offset by the Liquor Review application fee.

Analysis

A technical review of the application has been completed by staff and the Liquor Licence Technical Review Committee. In consideration of the LCRB criteria, the following information has been provided:

1. The location of the establishment (Winery Lounge areas)
 - The subject property is located on a Rural Collector road, within the Naramata Bench area. This area is primarily utilized for agricultural (orchard and winery) and low density residential uses. There have been a growing number of wineries in the Naramata Bench area with a small percentage including winery lounge endorsements.
 - Naramata Road is classified as a Rural Collector with the subject main access point from Naramata Road, Engineering has no issues from a traffic perspective.
 - The exterior lounge is orientated in a manner that limits impact to the neighbouring properties.
 - The Planning Department has no objections to the application. A Winery (Lounge) is a permitted use in the Agricultural Zone.

No concerns

2. The person capacity of the proposed areas and hours of liquor service.
 - No proposed change in original winery operations or occupant loads approved under original building permits for (Quidni Estate Winery). Maximum occupant load signage will be posted;

- The proposed hours of service should not negatively impact local residents. Most winery lounges in the Naramata bench area operate from 10:00am to 10:00pm.

No concerns

3. Impact of noise on nearby residents (traffic, parking and lounge activity)

- A social gathering of numerous people has the potential to generate some degree of noise. Unacceptable noise generation can be addressed under the Good Neighbour Bylaw or setting restrictions for hours of exterior use under the Business Licence:
 - Further restrictions on amplified music could be proposed as part of Council’s endorsement.

No concerns

4. The impact on the community if the application is approved

- The proposal will serve to add value to the existing community asset of wine tourism within the City,;
- Although a portion of the parking location is fronting along Naramata.
- No comments related towards negative social impacts to the community have been brought forward by staff or the committee.

No concerns

Public Consultation

As per the Liquor Licensing Regulation, staff will be seeking comments from adjacent property and business owners. Public notices will sent out to neighbouring properties within a 500m radius as well as the placement of a public notice sign and two notices within the local newspaper.

Any public comments as a result of the public notice process will be compiled and reviewed with the applicant prior to final recommendation to Council. Staff proposes to bring forward final recommendation with public and LLTRC comments to the January 21, 2020 Council meeting, as per the City of Penticton Liquor Licensing Policy.

Alternate recommendations

1. THAT Council deny support for Wesbert Winery Ltd. application.
2. THAT Council refer the Wesbert Winery Ltd winery lounge application back to staff for further review.

Attachments

- Attachment A – Location Map
- Attachment B – Floor & Site Plan
- Attachment C – Applicant Impact Statement

Respectfully submitted,

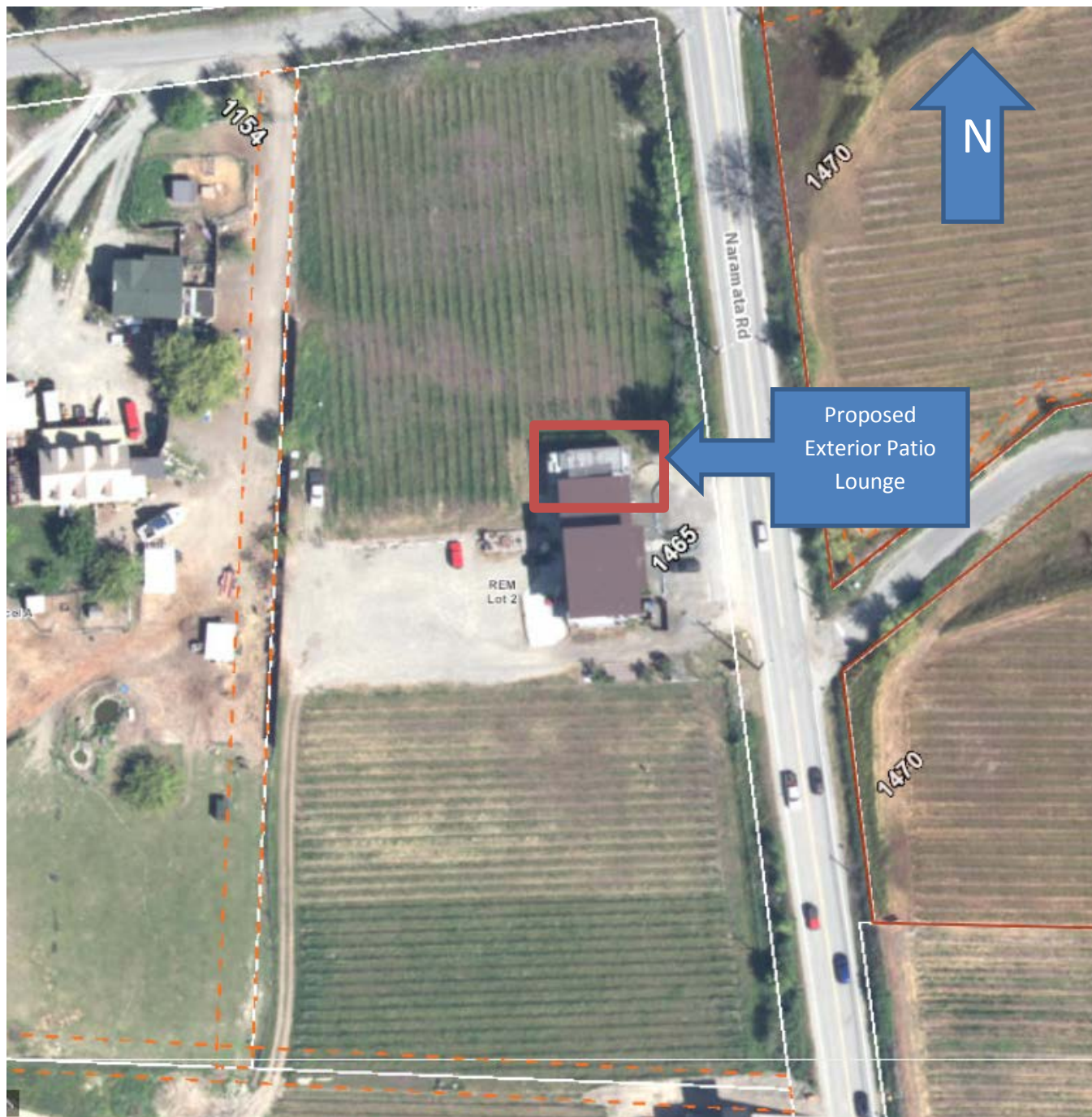
Ken Kunka, Building and Permitting Manager
Concurrence

Director <i>BL</i>	Chief Administrative Officer DyD
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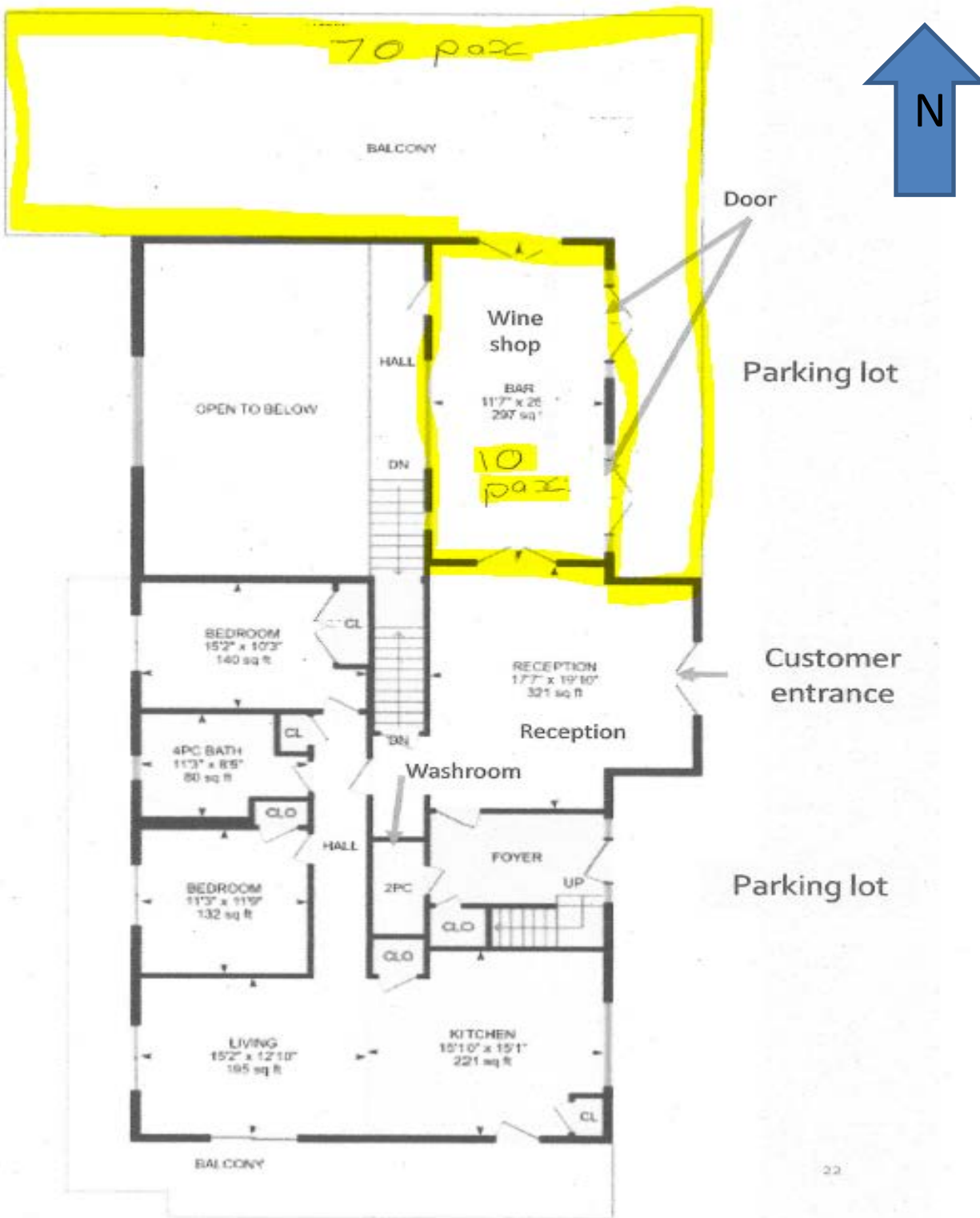
Attachment A Location Map – 1465 Naramata Road



Attachment B
Site & Floor Plan layout



Existing Floor Plan Layout



Interior Lounge = 10 persons, Exterior patio = 70persons

Attachment C
Applicants Impact Statement



City of Penticton

Lounge Endorsement Application

To Whom it may concern

RE: Letter of Intent for Liquor license and lounge endorsement

Please accept this letter as an outline of our intentions to gain a lounge endorsement for our winery license

Wesbert Winery, located at the 1465 Naramata Road, in Penticton BC has recently been acquired by Wessel Joubert and Pieter Coetzer

We are applying for a lounge endorsement so we will be able to accommodate customers who would like to enjoy the ambience of the Okanagan from an attached outdoor deck overlooking our vineyard. We feel that our customers would like to enjoy a glass of wine and feel it is important that this can be offered with food as an option in order to provide responsible service, it is our plan to offer a selection of deli style food and / or burgers with salads served on plates and platters that will be natural accompaniments to our wines selection.

Our target market will be mostly tourist as well as locals that are looking for an afternoon retreat. We will target the wine tour companies that will bring groups to our winery and usually require food at some time during their touring and the local B&B's to offer alternative places for afternoon repasts.

Wesbert Winery and Suites is located on the main road between Penticton and Naramata. This is mainly rural area where residences are situated on acreages. With a significant amount of distance between residents, Wesbert Winery and Suites, will ensure the noise impact will not exceed anything past the level of an acoustic band. All bylaws will be enforced and adhered to.

Wesbert winery and Suites also has a significant amount of Agriculture Land Reserve in the immediate area. There are numerous wineries with Lounge Endorsements along the route or just slightly off. There are many wineries and artisans along the route. The Naramata Bench has become quite a destination for tourist and wine lovers as evidence by the varying amount of new businesses that continues to arise. the closest centre is Penticton 6.8 KM away, which has all the amenities and services of a small city.

Agri- Tourism business brings tourist dollars into the local economy. Our venture as a whole will contribute the local economy by providing jobs at the property as well as spin of business to suppliers and service companies. Although there are already wineries with lounge endorsements in the area, there appears to be room for growth as the region draws more and more tourist business each year, there are no residential properties in the immediate vicinity of our location, Due to our intended hours of operation, there will be little chance for afterhours disturbances. As well, all our staff will be required to have a Serving it Right certificate and will need to be familiar with all the in-house serving policies.

A previous outdoor Patio has been endorsed on the property for working hours with a maximum closure of 19:00 Sunday to Tuesday and 22:00 Wednesday to Saturday we apply to keep these hours in operation as per the previous public consulting process

LCRB Impact analysis requirement

1. Location

The property is located on a Rural Collector road , within Naramata Bench area , This area is primarily utilized for agricultural and low density residential use.

2. Proximity to other social / recreational facilities

Currently there are 5 other wineries within one kilometer for our property , No schools , No other social institutions

3. Person Capacity

No changes have been made to prior occupancy loads (70 lounge area , 10 Inside tasting area)

4. Hours of service

These will vary throughout the week , we will be within in similar hours of surrounding wineries , we will limit the music and noise levels.

5. Traffic , noise , parking and zoning

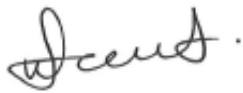
Naramata road is classified as a rural collector road and should have no issues with volume capacity , We have one main access point from Naramata Road with two intersections within 0.5km of the winery (Three Mile Road , Sutherland Road)

We will follow the good neighbour bylaws to try and keep noise to a minimum / acceptable range.
Parking is to the front and rear of the building and should be sufficient.

6. The impact on the community if approved

We wish to add value to the existing asset of wine tourism to the City .

Please contact us at any time to clarify any questions or request any additional information.

A handwritten signature in black ink, appearing to read "David", followed by a period.

Kind Regards

Wesbert Winery

Council Report

penticton.ca

Date: December 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Andrew Kemp, Economic Development Specialist

File No: RMS 4750-01

Subject: Community Child Care Planning Grant

Staff Recommendation

THAT Council direct staff to apply for funds through the Union of BC Municipalities (UBCM) 'Community Child Care Planning Program', to complete a 'child care space inventory' and 'child care action plan' in 2020.

Strategic priority objective

This initiative meets Council's Mission: Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

Background

Council, at the June 18, 2019 Committee of the Whole heard from a delegation representing the Childcare Advocates of BC and from the Waitlisted Project. The delegation outlined the current challenges with the child care industry in BC and the societal benefits of 'Affordable', 'Accessible' and 'Quality' child care. At the Regular Meeting of Council the same day, Council passed a resolution sending a letter of support to the \$10aDay Child Care Plan initiative, advocated by the Childcare Advocates of BC.

Currently child care in Penticton is being provided by licensed private in home centers, private commercial centers and institutional centers run by non-profit organizations. While this system provides many high quality child care offerings, anecdotally staff and Council are hearing about large waitlists and unaffordability of child care in the community.

The Union of BC Municipalities (UBCM) currently has a granting program providing local government with up to \$25,000 to complete a community childcare inventory and action plan. The grant requires a resolution from Council to make the application and does not require matching funding contributions. The deadline for the grant application is January 31, 2020.

Child Care inventory and action plan

A childcare inventory and action plan will analyze the current state of child care in Penticton and make recommendations on how to meet the community's needs. This information will be valuable to the for-profit

and not-for profit day care providers for future planning and will be valuable for the municipality to identify areas where the City can affect change. The plan will among other items:

- Provide a detailed inventory of the number and type of childcare currently offered.
- Determine whether there is sufficient number of spaces to meet the community demand.
- Whether the spaces are convenient for families and whether services are being offered at flexible / adequate times to work for families.
- Determine if marginalized populations being catered to adequately?
- Identify municipal barriers, such as exclusionary zoning, or processes that may be barriers to the creation of new spaces.
- Create goals and targets with specific strategies to achieve them.

City records do not show that this analysis has ever been done for Penticton. It is anticipated that the grant would be used to hire consultants to assist with the analysis and plan development.

Financial implication

Should the City be successful in the grant application, support for the resolution will not impact City finances other than staff time. The grant does not require any matching contributions.

Analysis

Council has heard from the community about the shortages in child care spaces in Penticton. While there are currently projects in the works to increase the number of spaces in the community, no inventory has been undertaken nor a coordinated plan developed to respond to the perceived shortages.

For these reasons, staff are recommending that Council a pass resolution to apply for grant funding through the UBCM Community Child Care Planning Program for funding to conduct a 'childcare inventory and action plan' in 2020.

Alternate recommendations

THAT Council receive the report titled "Community Child Care Planning Grant", dated December 17, 2019 for information.

THAT Council direct staff to participate with the Regional District of Okanagan Similkameen (RDOS) on a regional application to UBCM for a regional child care assessment.

Respectfully submitted,

Andrew Kemp
Economic Development Specialist

Concurrence

Chief Financial Officer <i>JWB</i>	Acting Director of Development Services <i>BL</i>	Chief Administrative Officer DyD
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Council Report

penticton.ca

Date: December 17, 2019 File No: 0540-20
To: Donny van Dyk, Chief Administrative Officer
From: Bregje Kozak, Director - Recreation & Facilities
Subject: **Parks and Recreation Advisory Committee – Terms of Reference Extension**

Staff Recommendation

THAT Council direct staff to amend the Terms of Reference (TOR) for the Parks and Recreation Advisory Committee to extend the existing term to December 31, 2020, and retain the existing membership.

Strategic priority objective

Vision: A vibrant, innovative, healthy waterfront city focused on sustainability, community and economic opportunity.

Asset & Amenity Management: The City of Penticton will ensure the services we provide to our residents and visitors are reliable and cost effective by proactively investing into our natural and built assets.

Background

The Parks and Recreation Advisory Committee (PRAC) was established in early 2019 with (13) voting members appointed by Council for a one-year term, ending December 31, 2019.

Although the Committee has been involved in various issues and recommendations to Council, one of the highest priorities for the Committee was to establish the Skaha Lake Master Plan. The scope of this plan has recently been revised to focus on Skaha Lake EAST and is expected to be completed in 2020. In order to maintain continuity and allow the current membership to complete this mandate, the Committee voted unanimously to amend the TOR and extend their existing term to December 31, 2020.

It has recently come to staff's attention that the term of this committee is not aligned with the other council appointed committees, which all have terms ending December 31, 2022. Staff will raise this at the first PRAC meeting in 2020 and seek the committee's feedback on amending the TOR again to extend their term to December 31, 2022.

Financial implication

None

Analysis

The existing Committee members are familiar with the mandate, scope of work and priorities of the Parks and Recreation Advisory Committee. Since one of the largest and most complex priorities is still underway (Skaha Lake East Master Plan), the Committee has recommended an extension to their term to December 31, 2020.

Alternate recommendations

THAT Council provide alternate direction to staff.

Attachments

Parks & Recreation Advisory Committee Terms of Reference

Respectfully submitted,

Bregje Kozak
Director, Recreation & Facilities

Concurrence

Chief Administrative Officer DyD

Terms of Reference Parks & Recreation Advisory Committee

1. The Committee shall consist of **Thirteen (13)** voting members appointed by City Council for a term ending **December 31, 2020**. That half of the Parks & Recreation Advisory Committee's membership terms be staggered to allow for consistency and the opportunity for new members. Preference will be given for:
 - One (1) member from SD67
 - Twelve (12) members of the community on the basis of their knowledge, interest and/or experience in community parks and recreation. Preference will be given for:
 - Nature appreciation
 - Indoor recreation
 - Outdoor recreation
 - Organized sports
 - Trails
 - Health and fitness
 - Water based activities
 - Sports tourism and special events
2. The Committee Members shall appoint a Chair and Vice-Chair each year.
3. Council shall appoint one (1) voting Penticton Indian Band Representative and one (1) non-voting Regional District Okanagan Similkameen Representative to the committee.
4. Council shall appoint one (1) non-voting Council Representative to the committee.
5. Role of Council Representative
 - Non-Voting Member
 - Liaison to City Council
6. A majority of appointed voting members shall constitute a quorum.
7. The Public Works Manager/Parks Supervisor and Director, Recreation Facilities and or designate, shall attend committee meetings to provide operational support to the Committee. Other City staff will attend meetings as required to provide information and or comments on their individual areas of expertise.
8. The Corporate Administration Department shall arrange for secretarial services to the Committee.

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

If an advisory committee member is continuously absent from committee meetings for a period of three (3) consecutive regularly scheduled meetings, unless the absence is because of illness or with the leave of the committee member, Council shall replace the member. The person who held the office is disqualified from holding office on any advisory committee of the City of Penticton for a period of one year.
12. Should a Closed meeting be held by the Committee, members must keep in confidence, any information considered in any part of said meeting until such time as the information is released to the public as lawfully authorized or required. Should the municipality suffer loss or damage due to contravention of confidentiality, the municipality may recover damages from the person(s) for the loss or damage.
 - Closed Meeting - No meeting or part thereof shall be closed to the public except in accordance with Section 90 of the Community Charter.
13. The Mayor will sign all correspondence initiated by the Committee on behalf of the City of Penticton.
14. For certainty, the rules and procedures of Council Procedure Bylaw 2018-35 and all amendments thereto shall be observed as far as may be applicable.

Bylaw No. 2019-44

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. 2019-44".

2. Amendment:

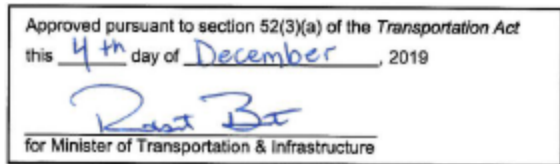
2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 1, District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP18269, located at 589 Churchill Avenue, from R3 (Small Lot Residential: Lane) to RD3 (Residential Infill).

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

READ A FIRST time AS AMENDED this	5	day of	November, 2019
A PUBLIC HEARING was held this	3	day of	December, 2019
READ A SECOND time this	3	day of	December, 2019
READ A THIRD time this	3	day of	December, 2019
RECEIVED the approval of the Ministry of Transportation on the	4	day of	December, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 22 day of November, 2019 and the 27 day of November, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.



John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone 589 Churchill Ave

From R3 (Small Lot Residential: Lane)

To RD3 (Residential Infill)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-44

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: December 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner 1
Address: 2931 Skaha Lake Road
Subject: **Development Variance Permit PL2019-8640**

File No: 2019 PRJ-147

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8640" for Lot 2, District Lot 116, Similkameen Division Yale District, Plan 33814, located at 2931 Skaha Lake Road, a permit to increase the maximum lot coverage from 35% to 37.7%.

Background

The subject property (Attachment 'A') is currently zoned C8 (Vehicle Service Station), and is designated as Commercial in the City's Official Community Plan. The applicant is proposing to convert the coin operated wash bays in the existing car wash to an automated system. The conversion requires a small addition on the front of the building. The existing building occupies 36% of the lot, and the proposed addition further increases the lot coverage beyond the maximum 35% permitted in the C8 Zone. As such, a variance to the zoning bylaw is required to accommodate the addition.

Proposal

The applicant is proposing to construct a 27.3 sqm (294 sq ft) addition on the front of a car wash building. The applicant is requesting a Development Variance Permit to vary the following section of Zoning Bylaw No. 2017-08:

1. Section 11.8.2.3: to increase the maximum lot coverage from 35% to 37.7%

Financial implication

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

Technical Review

The application has been reviewed by the City's Technical Planning Committee (TPC). It is the property owner(s) responsibility to provide services and/or upgrade existing services as required. All buildings are

required to be constructed to BC Building Code healthy and safety standards. Building code requirements have been identified to the applicant and will be addressed as part of the building permit process.

Development Statistics

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

	Requirement C8 Zone	Provided on Plans
Maximum Lot Coverage:	35%	37.7% - Variance Requested
Vehicle Parking:	2 spaces (based on floor area)	3 spaces
Required Setbacks		
Front Yard (Skaha Lake Road):	4.5 metres	6.24 metres
Interior Side Yard (north):	4.5 metres	(Existing)
Interior Side Yard (south):	4.5 metres	(Existing)
Rear Yard (west):	6.0 metres	(Existing)
Maximum Building Height	10.5 metres	3.2 metres

Analysis

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 current car wash building occupies 36% of the property. It would be impossible to meet the Zoning Bylaw requirement for lot coverage with any proposed addition. The car wash was built prior to the current zoning provisions coming into effect and met the development requirements of the day. The proposed conversion to an automated car wash system necessitates the proposed addition which increases the lot coverage by 1.7%. This increased lot coverage is considered minor in nature and is not anticipated to have a negative impact on surrounding properties.

The proposed addition is on the front of the building and does not alter the existing side yard setbacks. Abutting uses are established commercial operations; a gas station and convenience store to the north and a dentist office to the south. A lane runs along the rear of the property. The proposed addition is not anticipated to have a negative impact on these uses.

The proposed addition maintains the current front yard setback from Skaha Lake Road and will not extend closer to the road than the existing building (Attachment F). The applicant is proposing to update the building façade as part of the renovation (Attachment I). Through the related Development Permit the applicant is proposing to reconfigure the landscaping area along the street (Attachment G). The updated façade and landscaping will assist with buffering the structure from the sidewalk and the street, while contributing to improved overall commercial form and character.

For these reasons, staff are recommending that Council approve the permit.

Alternate recommendations

- 1. THAT Council support "Development Variance Permit PL2019-8640" with conditions.
- 2. THAT "Development Variance Permit PL2019-8640" 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 Landscaping Plan
- Attachment H: Proposed Building Plans
- Attachment I: Proposed Building Elevations
- Attachment J: Draft Development Variance Permit (DVP)

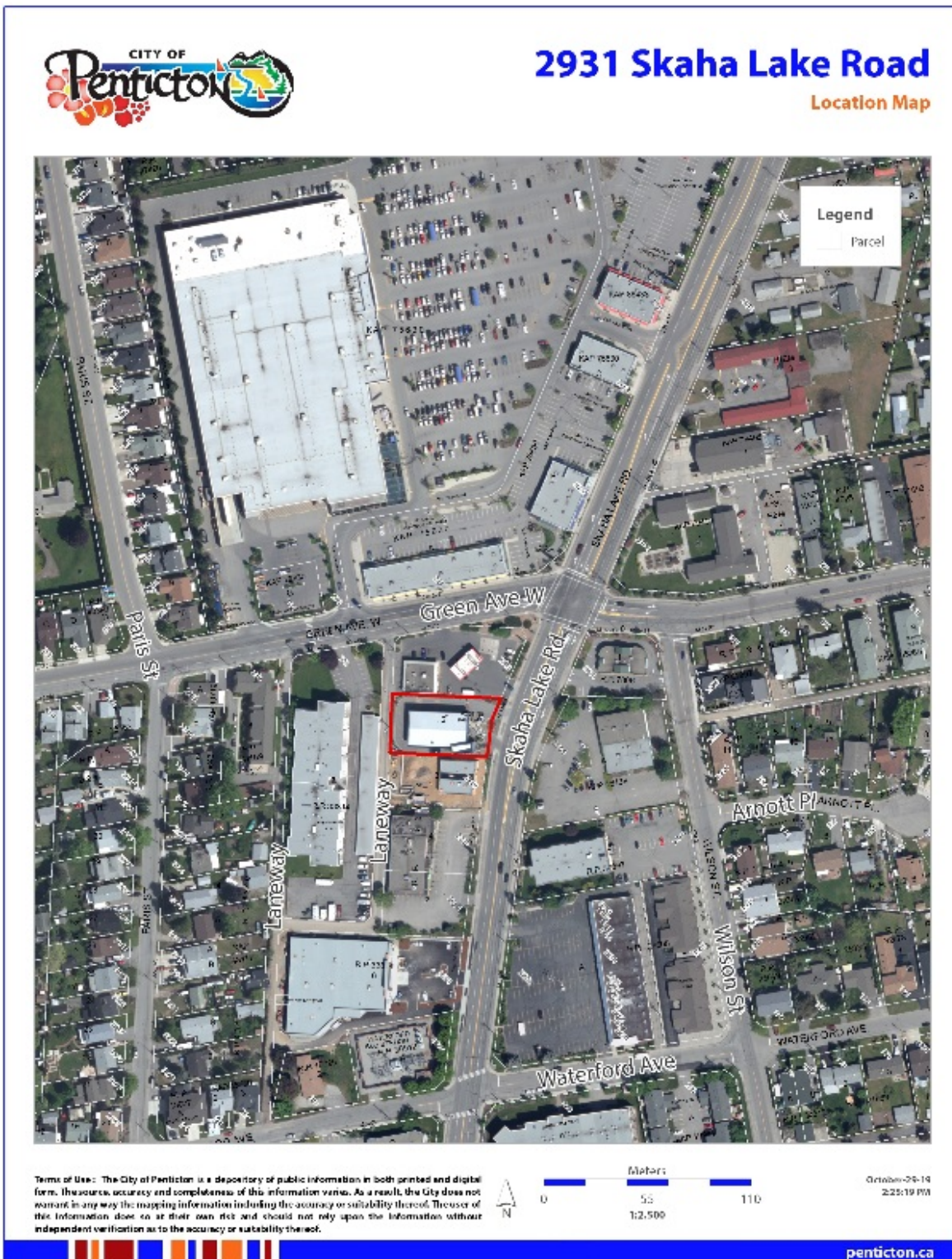
Respectfully submitted,

Steven Collyer
Planner 1

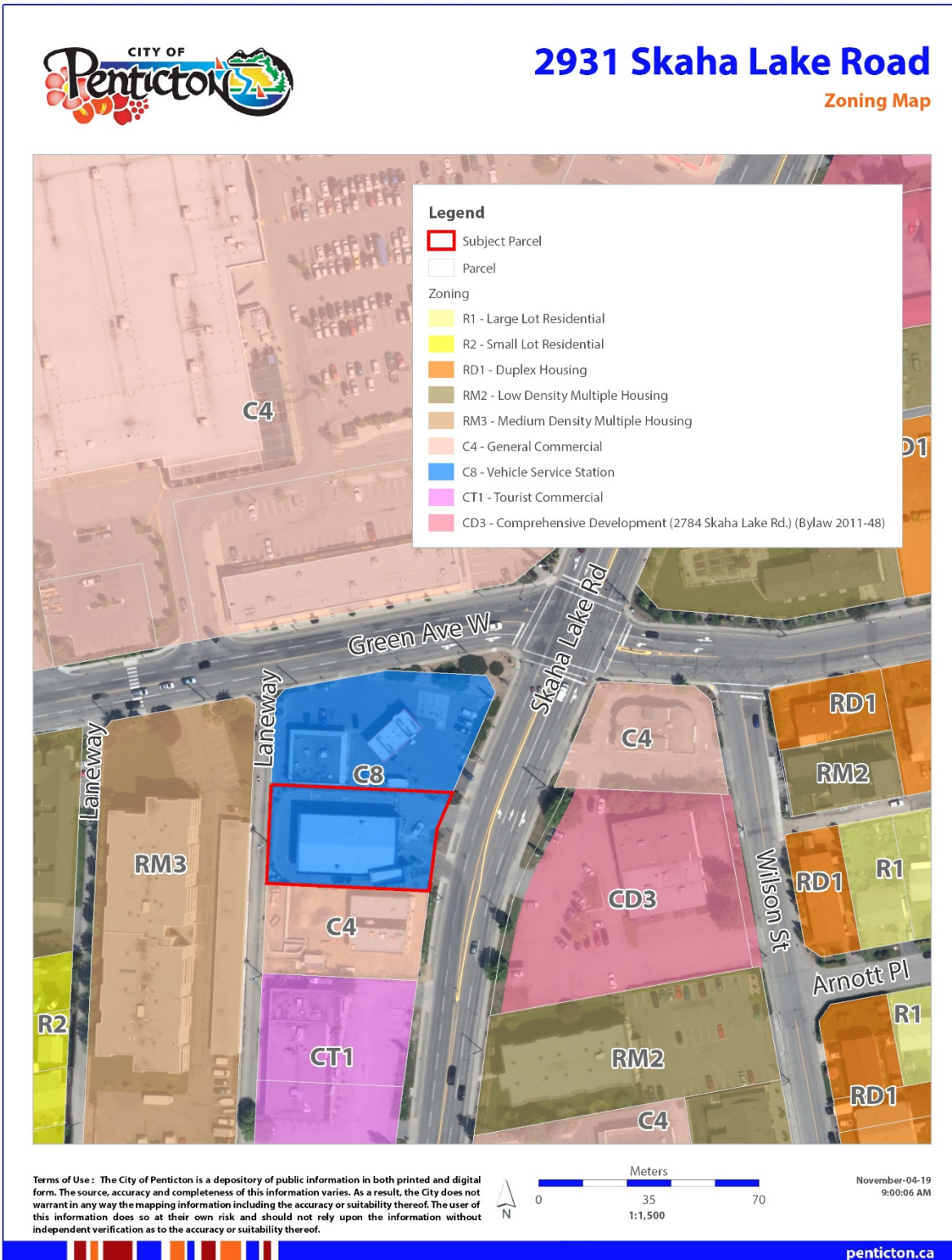
Concurrence

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



Attachment B – Zoning Map of Subject Property

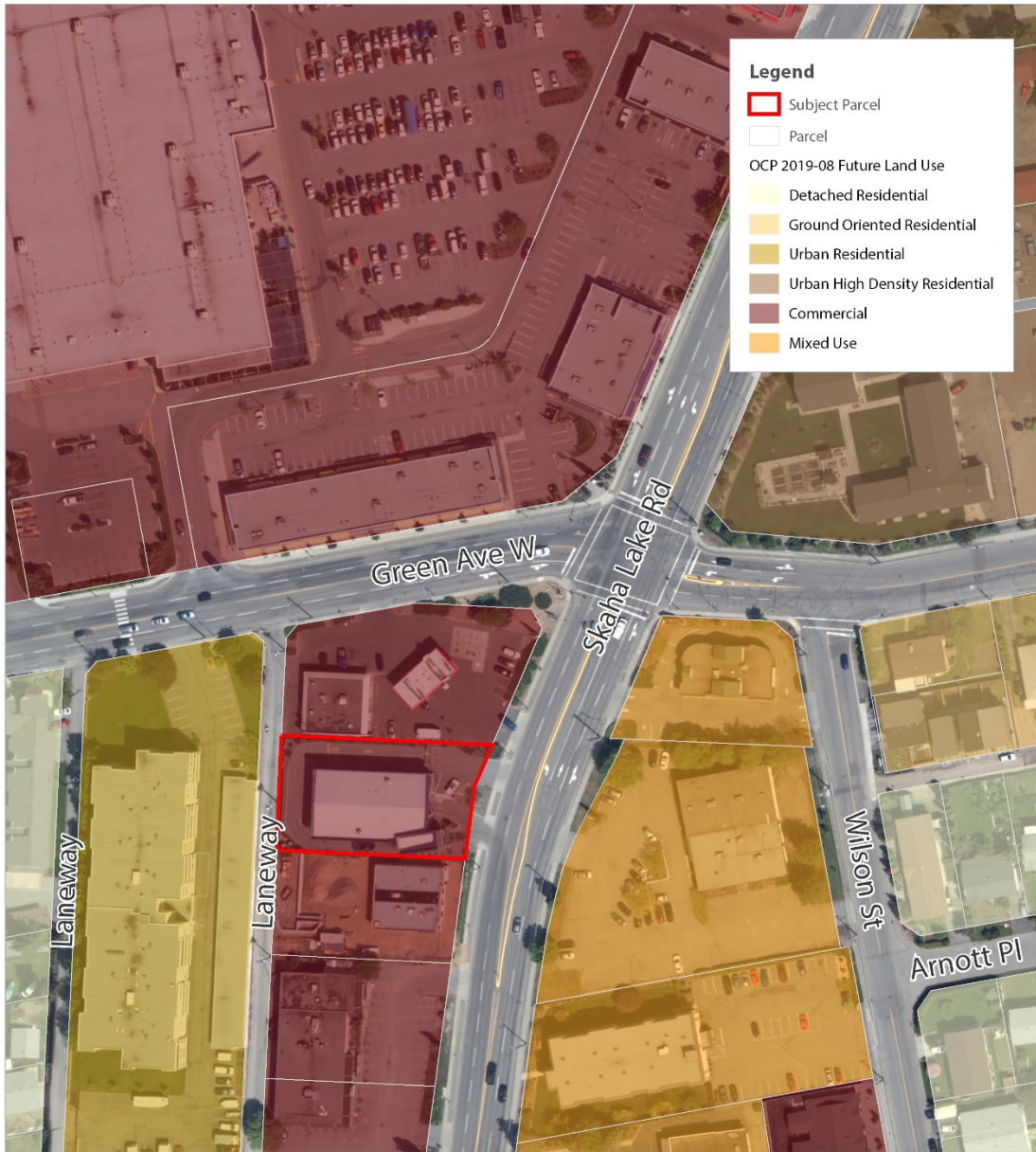


Attachment C – Official Community Plan Map of Subject Property



2931 Skaha Lake Road

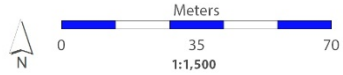
Official Community Plan Future Land Use Map



Legend

- Subject Parcel
- Parcel
- OCP 2019-08 Future Land Use
 - Detached Residential
 - Ground Oriented Residential
 - Urban Residential
 - Urban High Density Residential
 - Commercial
 - Mixed Use

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



November-04-19
9:53:53 AM

Attachment D – Images of Subject Property



Location of proposed addition

Attachment E – Letter of Intent



November 6, 2019

Ecora File No.: 19-302-WGD

City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Attention: Planning Department

Reference: Development Variance Permit for 2931 Skaha Lake Road

Ecora Engineering and Resource Group Ltd. (Ecora) has previously submitted an application to amend the Development Permit for a car wash at 2931 Skaha Lake Road and is subsequently applying for a Development Variance Permit to increase the lot coverage in the C8 zone from 35% to 37.7%.

The owner's are proposing to change the inside of the building from self-serve to an automated car wash. This requires a small addition to the front of the building of 4.7m x 5.8m as well a minor adjustment to the egress from the new car wash. It is also proposed to install a vacuum station near the entrance as shown on the Site Plan.

Variance:

This site is fully developed with a car wash, access driveways and required setbacks. The proposal to add a small addition to the front of the building of 27.3 m² (293 sq. ft.) combined with the existing buildings, increases the site coverage to 37.7%. The small addition complements the architecture of the existing building, meets the front setback requirements and will have no impact on neighbouring properties.

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

Sincerely

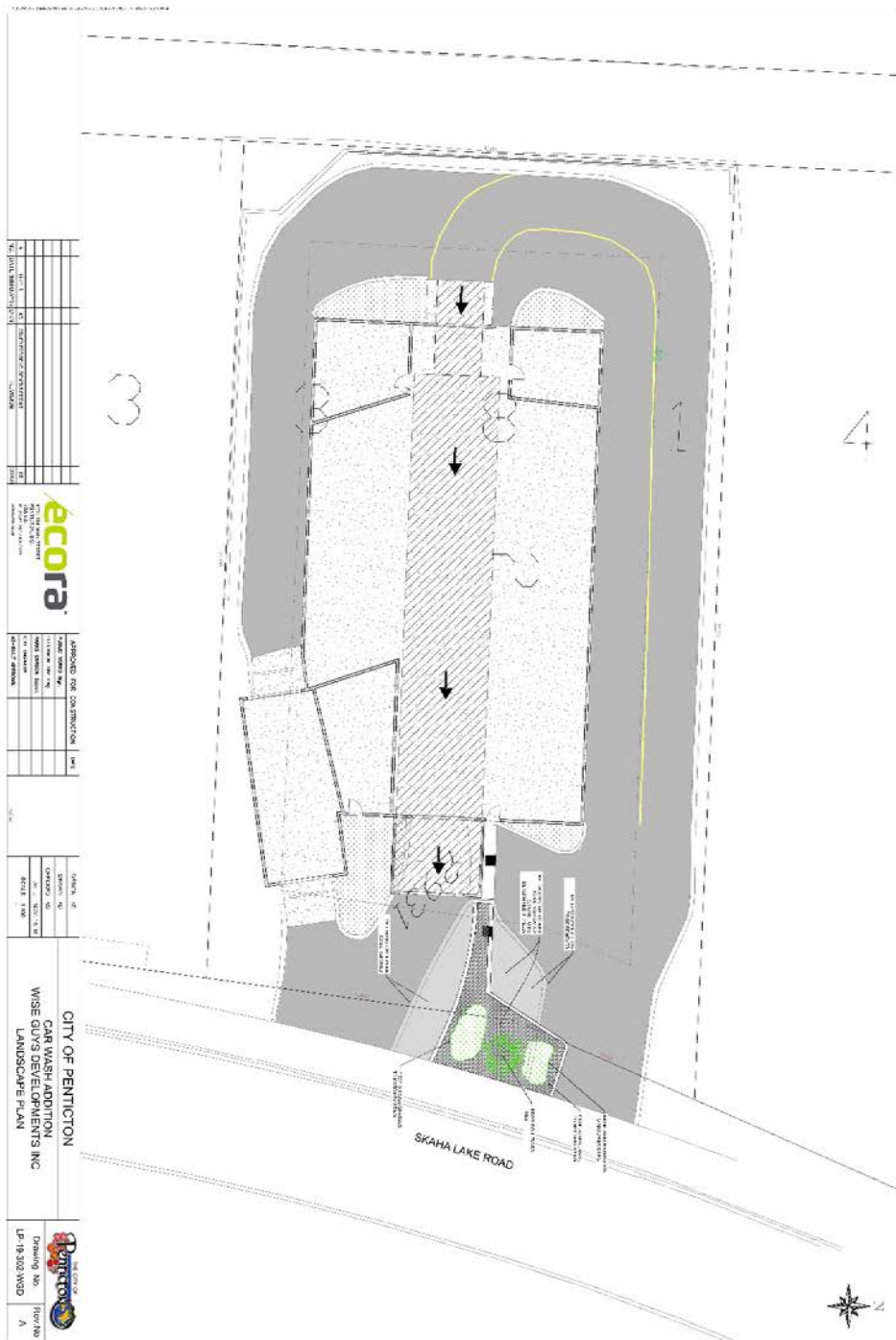
Ecora Engineering & Resource Group Ltd.

Kyle Doiron
Senior Civil Engineering Technologist
kyle.doiron@ecora.ca

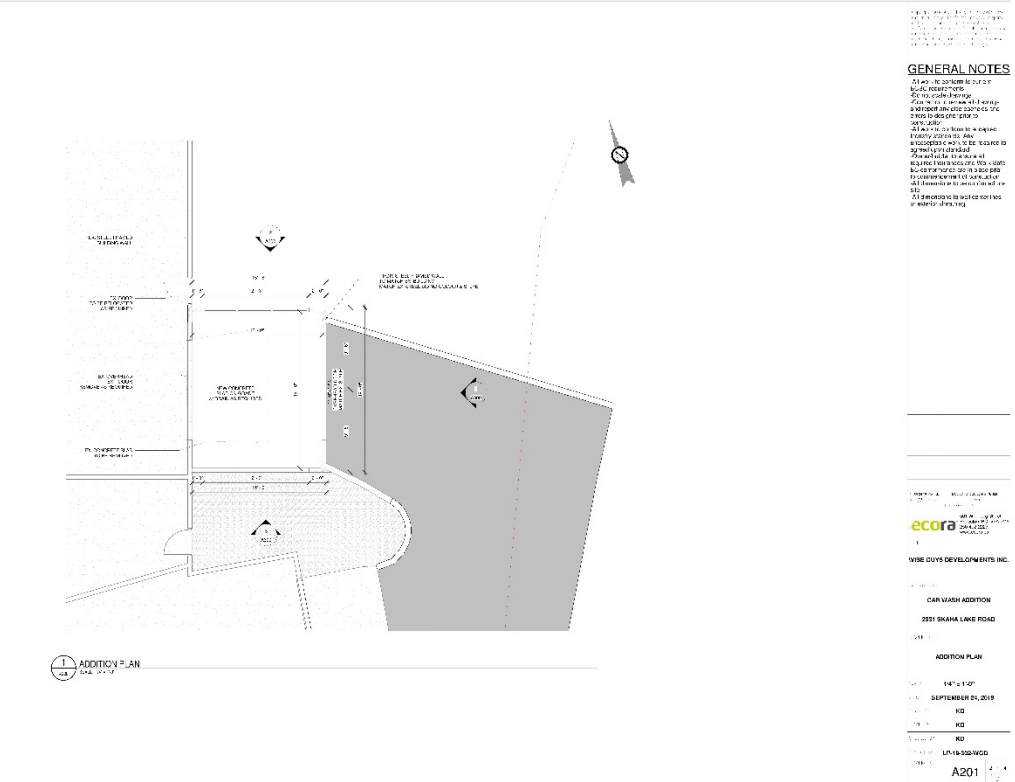
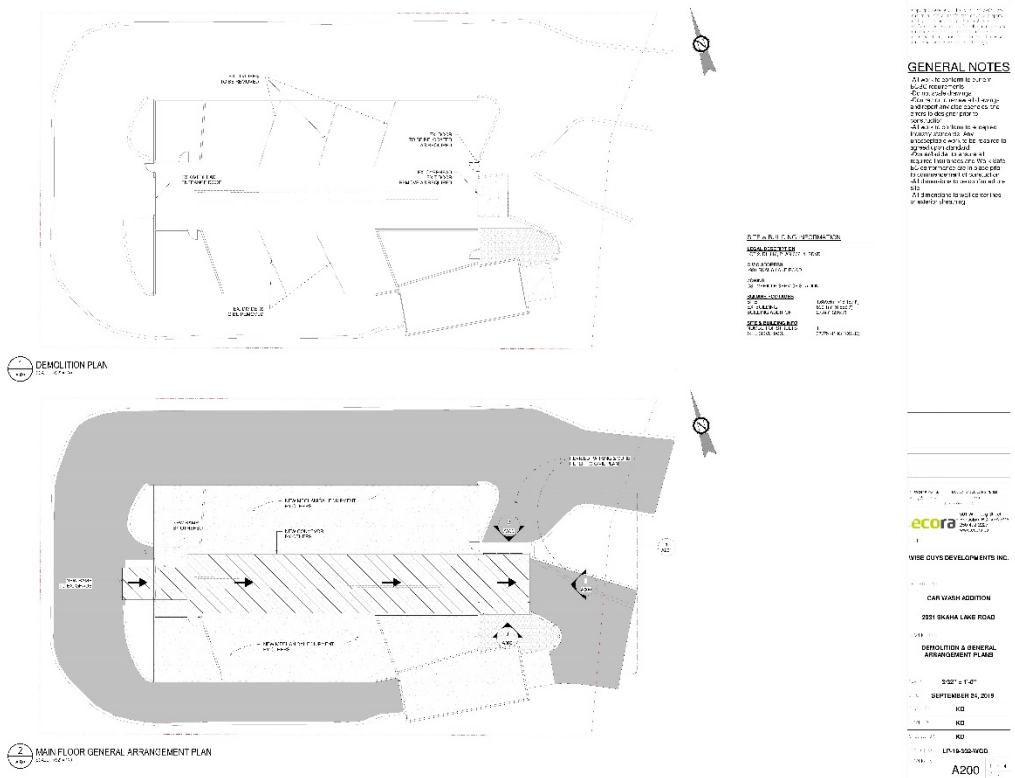
Ecora Engineering & Resource Group Ltd.
201 - 284 Main Street, Penticton, BC V2A 5B2
| P: 250.492.2227 | F: 250.492.2135
www.ecora.ca



Attachment G – Proposed Landscaping Plan



Attachment H – Proposed Building Plans

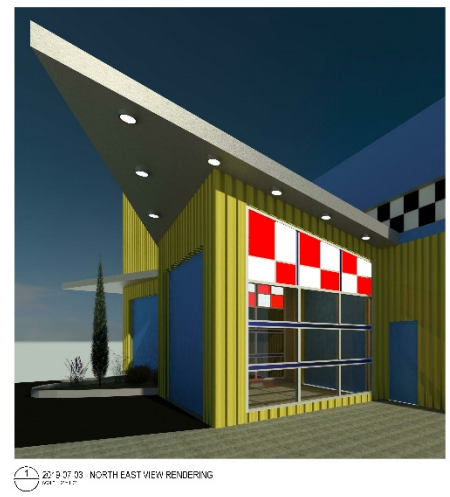


Attachment I – Proposed Building Elevations

GENERAL NOTES

- 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 2. FINISH GRADE IS TO BE DETERMINED BY THE CONTRACTOR.
- 3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE SITE PRIOR TO CONSTRUCTION.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
- 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
- 7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
- 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
- 9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.

ecora
 WISE GUYS DEVELOPMENTS INC.
 CAR WASH ADDITION
 2251 SKAMA LAKE ROAD
 ELEVATIONS
 1/4" = 1'-0"
 SEPTEMBER 24, 2019
 RD
 RD
 LA-19-328/WGD
 A300



GENERAL NOTES

- 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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ecora
 WISE GUYS DEVELOPMENTS INC.
 CAR WASH ADDITION
 2251 SKAMA LAKE ROAD
 PERSPECTIVE VIEWS
 1/4" = 1'-0"
 SEPTEMBER 24, 2019
 RD
 RD
 LA-19-328/WGD
 A900

Attachment J – Draft Development Variance Permit (DVP)



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

Development Variance Permit

Permit Number: DVP PL2019-8640

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 2 District Lot 116 Similkameen Division Yale District Plan 33814
Civic: 2931 Skaha Lake Road
PID: 003-083-799
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 11.8.2.3: to increase the maximum lot coverage from 35% to 37.7%

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 front yard of the subject property being landscaped and screened as per Schedule 'A', at the cost of the developer.
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

Council Report

penticton.ca

Date: December 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Acting Planning Manager
Address: 799 Martin Street
Subject: **Development Variance Permit PL2019-8641**

File No: PJ19-172

Staff Recommendation

THAT Council approve "Development Variance Permit PL2019-8641" for Lot A District Lot 202 Similkameen Division Yale District Plan 1557, located at 799 Martin Street, a permit to reduce the minimum lot area for each of the three proposed phases of the townhouse development from 1400m² to 230m² and reduce the minimum lot width from 25m to 14.6m to allow for a phased strata subdivision;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8641".

Strategic priority objective

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

On September 18, 2018, Council adopted a zoning amendment bylaw for the subject property, which changed the zoning on the lands from RD1 (Duplex Housing) to RM3 (Medium Density Residential). This was to facilitate the construction of a 9-unit townhouse development. Council also approved a development variance permit, and a development permit for three, three-unit townhouse buildings. Details on these approvals are included in the February 6, 2018 staff report to Council.



Figure 1: Rendering of proposed phased development

The owner is now proposing to construct the 9-units in three strata phases as shown on Attachment C. The Strata Property Act, the enabling legislation for phased strata developments, requires each phase of the development to be treated much like a fee simple subdivision, in that each phase and the remainder lot must meet minimum lot areas, minimum building widths, setbacks and other zoning regulations. A phased

strata scheme allows strata lots to be phased so that the developer can sell individual units prior to later phases being finalized. The phased approach also allows the developer to abandon further phases if so chosen.

In this proposal, the lot area of each phase must meet the minimum lot area in the RM3 zone (1400m²) and the minimum lot width must be 25m. The phasing plan however shows individual phase areas of between 520m² and 275m² and the minimum lot width of 14.65m. Since these sizes of lots and minimum lot widths do not meet the minimum outlined in the RM3 zone, a development variance permit is required.

Proposal

The applicant is requesting development variance permit approval to reduce the minimum parcel size and the minimum width as per attachment "B". Once all phases are completed, the development will meet all zoning bylaw regulations, including lot area, other than those reductions formerly approved by Council.

Technical Review

This application was reviewed by the City's technical planning committee (TPC) as part of the review of the original development application earlier this year. A blanket utility and servicing easement is required on each phase of the development, allowing the City to install and maintain services as required. All other technical requirements will be addressed through Preliminary Layout Approval (PLA) of the Phased Strata, issued by the Subdivision Approving Officer.

Financial implications

The phased strata proposal will not have any impact on city finances.

Analysis

Support Variance

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

Section 10.9.2.2: to decrease the minimum lot area for each of the three proposed phases from 1400m² to 230m² and Section 10.9.2.2: to decrease the minimum lot width from 25m to 14.65 m

Minimum lot areas are put in place to ensure various densities of buildings (single family homes, duplexes, townhouses, apartments) can be built on a lot with generous setbacks from property lines. In the current proposal, the developer is proposing a 3-phase strata, with a three-unit townhouse on each phase for a total of 9 new units. As each phase of the development is finalized, it is consolidated with the previous phase. For example, as phase 2 is completed, it consolidates with phase 1 and so on as the development proceeds. In the same way, the developer is requesting a minimum lot width reduction to facilitate the creation of the phase strata.

If the developer elects not to proceed with a phase of the development, the remaining undeveloped phases become a remainder lot and are no longer associated with the strata. In that eventuality, this would lead to a

lot that doesn't meet the minimum width and lot area required in the RM3 zone. If this were to occur and the size of the remaining lot was deemed not large enough to allow for a future proposal, that property could be rezoned to a lower density zone to ensure it is built upon.

Approval of the variance allows the developer to sell finalized phases as they are completed, and schedule later phases as the market dictates. This is a common approach to townhouse development and places less financial pressure on the developer, which ultimately assists project feasibility and completion.

If the developer decides not to complete all phases of the development, the remainder could be sold off to another developer to either finish the project or propose a new development. The development is not changing from what was previously approved, thus there are no additional negative impacts associated with approval of the variance.

For these reasons, staff are recommending that Council support the request variances.

Alternate recommendations

1. THAT Council deny "Development Variance Permit PL2019-8641".

Attachments

Attachment A - Subject Property Location Map

Attachment B – Phased Strata

Attachment C – Draft Development Variance Permit

Respectfully submitted,

Audrey Tanguay
Acting Planning Manager

Concurrence

Director <i>BL</i>	Chief Administrative Officer DvD
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Attachment A – Subject Property Location Map

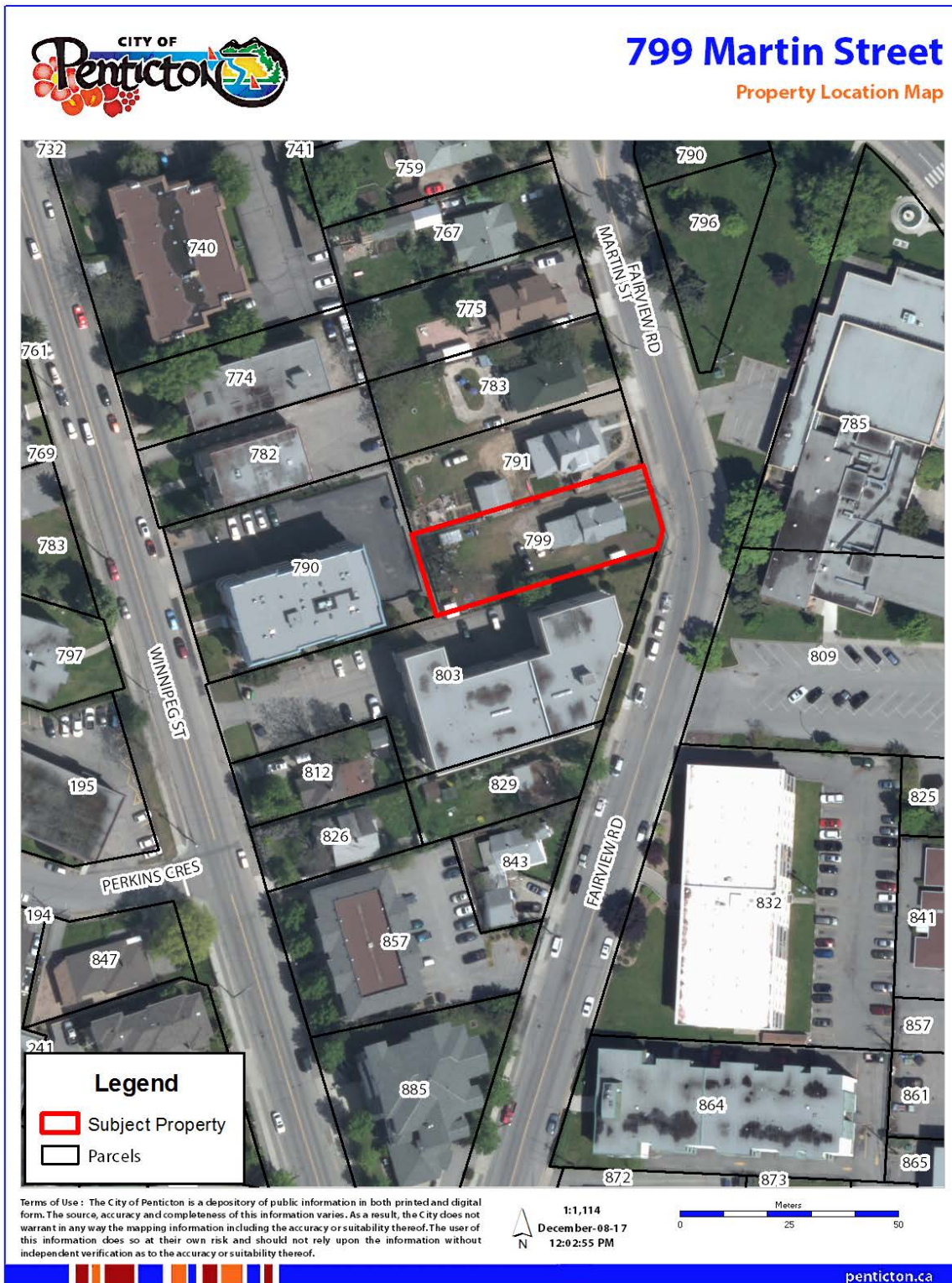


Figure 1: Subject Property Location Map

Attachment B – Phased Strata

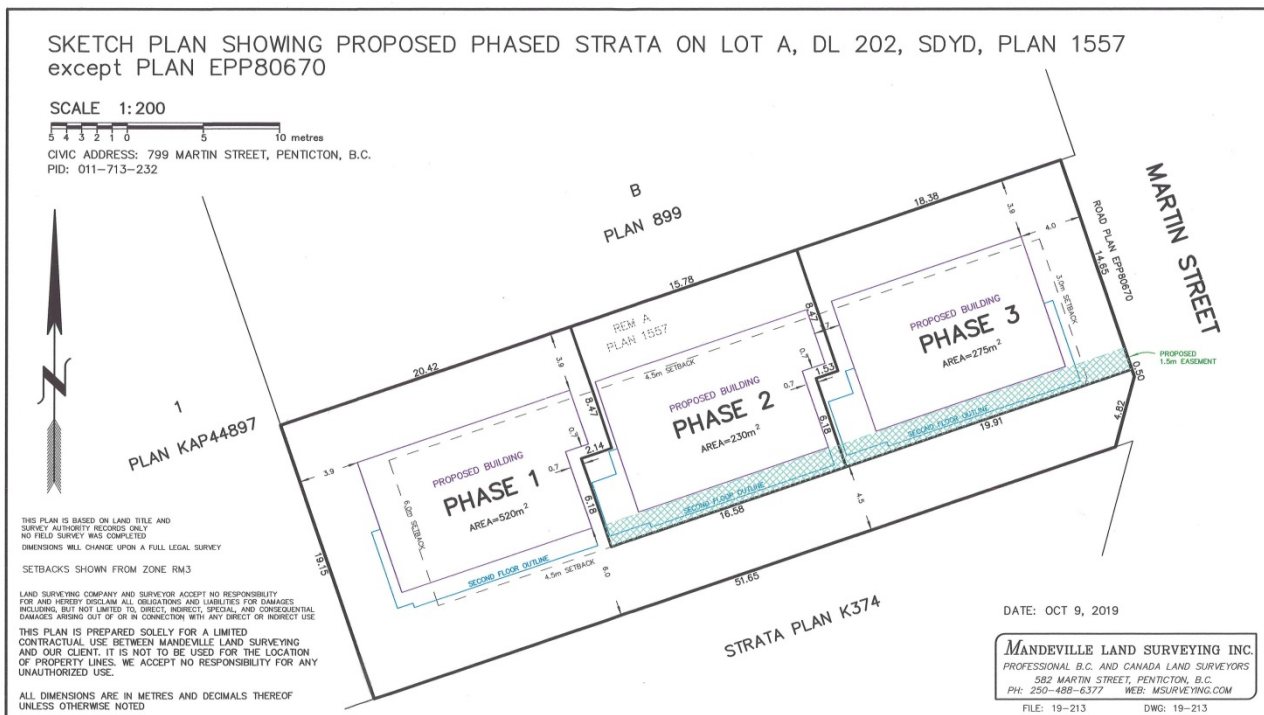


Figure 2: Phased Strata Plan

Attachment C – 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 PL2019-8641

Conditions of Permit

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

Legal: Lot A District Lot 202 Similkameen Division Yale District Plan 1557 Except: Plan EPP80670
Civic: 799 Martin Street
PID: 011-713-232
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 nine-unit townhouse development.

Section 10.9.2.2: to decrease the minimum lot area for each of the three proposed phases from 1400m² to 230m² and Section 10.9.2.2: to decrease the minimum lot width from 25m to 14.65 m

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 3rd day of December 3, 2019

Issued this ____ day of _____, 2019

Angie Collison
Corporate Officer

Council Report

penticton.ca

Date: December 17, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 3693 Skaha Lake Road

Subject: **Development Variance Permit PL2019-8598**
Development Permit PL2019-8597

File No: PRJ 2019-137

Staff Recommendation

Development Variance Permit

THAT Council approve "Development Variance Permit PL2019-8598", for Lot A District Lot 189 Similkameen Division Yale District, Plan 5761 Except Plan KAP59478, located at 3693 Skaha Lake Road, a permit to reduce the minimum rear yard setback along the northern property line from 6.0m to 3.0m, to allow for an addition of floor space to an existing health service building;

AND THAT staff be directed to issue "Development Variance Permit PL2019-8598".

Development Permit

THAT Council, subject to issuance of "Development Variance Permit PL2019-8598", approve "Development Permit PL2019-8597", for 3693 Skaha Lake Road, a permit to allow for an addition to an existing health service building.

Strategic priority objective

Community Design: The City of Penticton will attract, promote and support sustainable growth and development congruent with the community's vision for the future.

Background

The subject property (Figure 1 – Location Map) is zoned C3 (Mixed Use Commercial) and is designated in the City's Official Community Plan (OCP) as 'Urban Residential'. 'Urban Residential' is described as "higher density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame". Building types that are supported by this OCP designation include townhouses and stacked townhouses, low-rise and mid-rise apartment/condo buildings. The urban residential land use designation also allows for limited amounts of service and retail.

The subject property is located at the southern end of Skaha Lake Road, and is directly adjacent to multi-family zoning (RM2, RM3). The area has a large amount of park space (Skaha Lake Park), and commercial locations within a short distance (at the corner of Yorkton Ave and Skaha Lake Road).

The subject property is approximately 1,477 m² (0.365 acres) and contains an existing health service building, which functions as a medical office. The existing building on the property does not conform to the current Zoning setbacks. In 2015, approval was given from the Board of Variance to reduce the west side yard and rear yard setbacks to 3.0m.

The applicant(s) intend to construct a 442 sq. ft. addition onto the eastern side of the existing medical office. This additional space is intended to provide for two new exam rooms, and expand the waiting room, as the clinic is growing.

Proposal

The applicant(s) are proposing to construct a 442 sq. ft. addition to an existing medical office at 3693 Skaha Lake Road. In order to do so, the applicant is requesting a Development Variance Permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 11.3.2.8: reduce the minimum rear yard setback from 6.0m to 3.0m.

Secondly, the property is considered within the Commercial/Mixed-Use Residential Development Permit Area and requires approval for the form and character of the proposed development prior to construction. This has been included for Council's consideration.

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. Servicing and building code requirements have been identified to the applicant(s) 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 variance application:

	C3 Zone	Provided on Plans
Maximum Lot Coverage:	50%	26 %
Vehicle Parking:	13 (1 per 30m ² of NFA)	14
Required Setbacks		
Front Yard (Skaha Lake Road):	3.0 m	12.4 m
Interior Side Yard (east):	4.5 m	15.2 m
Interior Side Yard (west):	4.5 m	3.0 m (approved through Board of Variance in 2015)
Rear Yard (north):	6.0 m	3.0 m – Variance Requested
Maximum Building Height	18	5.2 m

Analysis

Development Variance Permit

Approve Development Variance Permit

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

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

- Section 11.3.2.8: reduce the minimum rear yard setback from 6.0m to 3.0m:
 - The proposed addition will follow the existing building’s setback and extend to the east of the building. The current structure that exists on the property received approval from a Board of Variance in 2015 to reduce the west side yard and rear yard setbacks to be 3.0m.
 - The proposed addition would follow the existing setbacks, but is outside of what the Board of Variance approved during its review in 2015.
 - The proposed addition meets all other Zoning Bylaw provisions for the C3 zone. The proposed addition will adjust parking on the property, but there is adequate parking to meet Zoning Bylaw requirements.

Should Council choose to not support the variance, the applicant(s) would be required to redesign the building to meet a 6.0m rear yard setback (along northern property line). This would result in a staggered building face along the northern elevation. Having to meet a 6.0m rear yard setback could potentially have impacts on the vehicle flow through the property.

Staff consider the request to reduce the rear yard setback along the northern property line from 6.0m to 3.0m reasonable. Approval of the variance, keeps the proposed addition at a consistent setback with the existing

building on the property. The result of the variance being approved would have minimal negative impacts on the surrounding area. As such, staff recommend that Council support the variance.

Development Permit

Support Development Permit

The proposed development is considered within the Commercial/Mixed-Use Development Permit Area. Staff have completed an analysis of how the proposed commercial addition conforms to the Development Permit Guidelines. As shown within the analysis, there is alignment between the plans and the intent of the Commercial/Mixed-Use Development Permit Area. The development permit analysis has been attached as Attachment 'D'.

The proposed development demonstrates conformance with the Commercial/Mixed-Use Development Permit Area Guidelines. As such, staff recommend that Council approve the Development Permit.

Alternate recommendations

1. THAT Council direct staff to issue "Development Variance PL2019-8598" and approve "Development Permit PL2019-8597" with conditions.
2. THAT Council direct staff to issue "Development Variance PL2019-8598" and deny "Development Permit PL2019-8597".
3. THAT Council deny "Development Variance Permit PL2019-8598" and "Development Permit PL2019-8597".

Attachments

- Attachment A – Zoning Map of Subject Property
- Attachment B – Official Community Plan Map of Subject Property
- Attachment C – Images of Subject Property
- Attachment D – Development Permit Analysis
- Attachment E – Letter of Intent
- Attachment F – Draft Development Variance Permit (DVP)
- Attachment G – Draft Development Permit (DP)

Respectfully submitted,

Nicole Capewell
Planner 1

Concurrence

<p>Acting Director of Development Services</p> <p><i>BL</i></p>	<p>Chief Administrative Officer</p> <p>DvD</p>
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Attachment A – Zoning Map of Subject Property



Attachment C – Images of Subject Property



Figure 1 - Looking towards subject property from Skaha Lake Road



Figure 2 - Looking toward location of proposed addition

Attachment D – Development Permit Analysis

Development Permit Analysis

The subject property is considered within the Commercial/Mixed-Use Development Permit Area. The following analysis demonstrates how the proposal is aligned with this development permit area.

Guideline G2 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

- The applicant(s) submitted a site plan, which includes the neighbouring properties. The applicant(s) have also submitted plans (site and landscaping), which include the boulevard areas.

Guideline G4 Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

- The existing building on the property is oriented towards Skaha Lake and has direct views to Skaha Lake Park.

Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.

- The proposed site plan includes a wide pedestrian walkway connecting the sidewalk along Skaha Lake Road, to the main entrance to the building.

Guideline G20 Designs should respond to Penticton's setting and climate through use of...

- The existing building has been designed with solar paneling and metal roofing, which increases the reflectivity.
- The proposed addition will have windows in both rooms proposed to maximize natural lighting to the new spaces.

Attachment E – Letter of Intent

3693 Skaha Lake Road

Development Application

August 29th, 2019

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

Dear Blake Laven:

We are proposing to construct a small addition to the existing eye doctor's office at 3693 Skaha Lake Road.

The goal of this project is to build two new eye exam rooms to accommodate a recent business partnership and to expand the waiting room to accommodate the growth of the clinic. The proposed addition extends an existing wall into an existing parking space to allow for the new exam rooms.

Under the zoning bylaw, the lot is zoned as C3 – Mixed Use Commercial. The proposed expansion will not introduce any conflicts with the current zoning. We are however requesting a variance to the Northern interior side yard setback from 4.5m to 3.0m. The building was already in place before these new setbacks were made; therefore we consider it a reasonable request to extend the existing building an additional 13ft. With 3.0m there will still be ample space to match the landscaping adjacent to the existing building and to accommodate the existing exit at the rear of the building.

We hope the planning department views this as a fair and reasonable request. If we were to build the addition adhering to the 4.5m setback, we would need to go much further East in our expansion, which would result in a loss of parking, or South which would bring the building into the drive aisle. With our proposal we do not affect the current drive aisle and we still provide 1 more parking stall than is required.

In summary, please accept the enclosed application package for the 3693 Skaha Lake Road. We would greatly appreciate your consideration in granting the request to extend the existing wall inside the North side yard setback.

Sincerely,



Drew Barnes
Owner 1167041 B.C. Ltd.

Applicant Provided Development Permit Analysis

Development Permit Analysis - 3693 Skaha Lake Road

Applicable General Guidelines	Guideline met or exceeded?	Reasoning
Site Planning		
G1. Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.)	Yes	This was all done with the original design of the building.
G2. Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours. • All site / landscape plans should incorporate the boulevard.	Yes	This was submitted with the original design and IFC package for the building.
G3. Private and semi-private open spaces should be designed to optimize solar access	Yes	Building is pushed to the back corner which maximizes south facing portions of the building.
G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.	Yes	Building oriented towards Skaha lake
Framing Space		
G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.	Yes	Landscape buffers exist along neighbouring building setbacks.
G6. Building placement and orientation should respect significant public water, mountain and ridgeline views.	Yes	Building views oriented towards the park across the street, skaha lake and surrounding mountains.
Prioritizing Pedestrians		
G11. Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.	Yes	A wide pedestrian walkway runs from the sidewalk to the entry of the building.
G12. Where feasible, indicate pedestrian ways with continuity of paving treatments/paving materials.	Yes	Pedestrian walkway is indicated with a distinct paving material from the rest of the parking lot.
G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.	Yes	Fencing around the side setbacks is transparent.
Cars and Parking		
G17. • Outdoor surface parking areas should incorporate pathways that provide safe, accessible and comfortable pedestrian connections to entries/destinations.	Yes	There is a wide pedestrian walkway to the entry that is clearly defined.
G18. Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.	Yes	There is a simple carport structure to the east of the building that is architecturally non-intrusive.

Architecture		
G20. Designs should respond to Penticton’s setting and climate through use of: <ul style="list-style-type: none"> • passive solar strategies; • optimized placement of windows to maximize natural light; • energy-efficient building design; • passive solar principles; • landscape design and plantings that provide cooling through shade in summer months; • selecting roof materials to minimize heat loading and increase reflectivity.; and, • strategies for cross-ventilation. 	Yes	Building has solar paneling, and metal roofing which increases reflectivity. New offices will each have windows added to maximize natural light.
G21. Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).	Yes	Building is oriented towards street and public park across the street.
G28. Entries should be visible and clearly identifiable from the fronting public street.	Yes	Entry is clearly visible from the sidewalk
G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas (see Figure 5-7).	Yes	Windows are oriented towards the parking area, and park.
G30. Extensive blank walls (over 5m in length, and including retaining walls) along the street should be avoided.	Yes	Do not exist
G31. Provide screening (e.g., varied materials/textures, murals, greenwalls or vines) on solid walls that exist as a function of an internal program (e.g., for privacy, merchandising, etc.).	N/A	
Landscape Architecture		
G33. Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching	Yes	Office incorporates xeriscaping and uses drought tolerant plant species. Trees are irrigated with sub-surface irrigation.
G38. Screening & Buffering <ul style="list-style-type: none"> • Where appropriate (and in consideration of FireSmart principles and native ecosystems), screen walls and/or landscape buffers (e.g., berms, shrub beds, hedges and/or trees) should be used to manage transitions and/or conflict between incompatible uses (e.g., industrial uses and/or parking); • Buffer design should complement neighbourhood character and landscape setting (refer to “Materials Selection – Hardscapes and Softscapes”) 	Yes	There is landscape buffering between the hardscape parking areas and the building. Shrubs and trees have also been planted to function as some screening from the roadway and the building.
Commercial Development Permit Area Objectives		
1. Produce streetscapes defined by attractive buildings and landscaping	Yes	This is an architecturally pleasing and environmentally-conscious building.
2. Transition extensive areas of surface parking to more pedestrian friendly and amenity-rich neighbourhood commercial	Yes	Defined walkways make the parking lot pedestrian friendly and safe.
3. Provide an attractive, comfortable, safe environment for pedestrians as well as vehicular traffic	Yes	The building architecture, landscaping and orientation on the site all lend to an attractive environment for people.
4. Establish building forms, site planning principles and landscape standards appropriate to quality urban spaces thus avoiding the appearance that characterizes some ‘strip plaza’ type development	Yes	

Attachment F – Draft Development Variance Permit (DVP)



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

Development Variance Permit

Permit Number: DVP PL2019-8598

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot A District Lot 189 Similkameen Division Yale District Plan 5761
Civic: 3693 Skaha Lake Road
PID: 010-244-891
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 an addition to an existing office building:
 - a. Section 11.3.2.8: reduce the minimum rear yard setback from 6.0m to 3.0m.

General Conditions

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

Authorized by City Council, the _____ day of _____ 2019.

Issued this ____ day of _____, 2019.

Angela Collison
Corporate Officer

DRAFT
DVP PL2019-8598

Attachment G – Draft Development Permit (DP)



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

Development Permit

Permit Number: DP PL2019-8597

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
Legal: Lot A District Lot 189 Similkameen Division Yale District Plan 5761 Except Plan KAP59478
Civic: 3693 Skaha Lake Road
PID: 010-244-891
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of an addition to an existing office building as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502(2.1) of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.

6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

General Conditions

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

Authorized by City Council, the _____ day of _____, 2019.

Issued this _____ day of _____, 2019.

Angela Collison,
Corporate Officer

