

**Electronic Public Hearing**  
**to be held via Zoom**  
**City of Penticton**  
**171 Main Street, Penticton, B.C.**

**Monday, May 31, 2021**  
**at 6:00 p.m.**

1. Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2021-18”** 1-28

CO Reads Opening Statement and Introduction of Bylaw

“Zoning Amendment Bylaw No. 2021-18” (296 Abbott Street)

Purpose: To amend Zoning Bylaw No. 2017-08 as follows:

Rezone Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

The applicant is proposing to construct a two-storey, triplex (3 dwelling units) on the subject property.

Notice: The Public Hearing was advertised in the Penticton Herald Newspaper on Tuesday, May 25, 2021 and Wednesday, May 26, 2021 (pursuant to the *Local Government Act*).

CO No correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, May 26, 2021).

Mayor Requests Development Services staff describe the proposed bylaw

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invitation to electronic participants to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and participants may provide new additional information

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2021-18” is terminated and no new information can be received on this matter.

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

**Tuesday, May 18, 2021**  
**at 1:00 p.m.**

## **Resolutions**

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- 10.5 Zoning Amendment Bylaw No. 2021-18  
Development Variance Permit PL2021-8977  
Development Permit PL2021-8978  
Re: 296 Abbott Street

170/2021

**It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-18", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a bylaw to rezone the subject property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Zoning Amendment Bylaw No. 2021-18" to the May 31, 2021 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-18", consider "Development Variance Permit PL2021-8977" for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0m to 1.8m; and
2. Section 10.8.2.8.i: to reduce the minimum exterior side yard from 4.5m to 3.0m.

AND THAT Council, subject to approval of "Development Variance Permit PL2021-8977" approve "Development Permit PL2021-8978", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to allow for the construction of a triplex.

**CARRIED UNANIMOUSLY**

# Council Report

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**Date:** May 18, 2021 **File No:** RMS/296 Abbott Street  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Nicole Capewell, Planner II  
**Address:** 296 Abbott Street

**Subject:** **Zoning Amendment Bylaw No. 2021-18**  
**Development Variance Permit PL2021-8977**  
**Development Permit PL2021-8978**

## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2021-18", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a bylaw to rezone the subject property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Zoning Amendment Bylaw No. 2021-18" to the May 31, 2021 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-18", consider "Development Variance Permit PL2021-8977" for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to vary the following sections of Zoning Bylaw No. 2017-08:

1. Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0m to 1.8m; and
2. Section 10.8.2.8.i: to reduce the minimum exterior side yard from 4.5m to 3.0m.

AND THAT Council, subject to approval of "Development Variance Permit PL2021-8977" approve "Development Permit PL2021-8978", for Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, a permit to allow for the construction of a triplex.

## Strategic Priority Objective

**Community Vitality:** The City of Penticton, guided by the Official Community Plan, will promote the economic wellbeing and vitality of the community.

## Proposal

The applicant is proposing to construct a two-storey, triplex with three dwelling units on the subject property (Figure 1). In order to proceed with the proposed development, the applicant has requested to rezone the property from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing). The applicant has also requested the following variances to Zoning Bylaw No. 2017-08 to facilitate the development:



*Figure 1 - Rendering of proposed triplex*

1. To reduce the minimum interior side yard (north) from 3.0m to 1.8m; and
2. To reduce the minimum exterior side yard (Nanaimo Ave E) from 4.5m to 3.0m.

Further, the applicant requires Development Permit approval for the form and character of the building, which has been included for Council's consideration.

## Background

The subject property is currently zoned RD2 (Duplex Housing: Lane). The subject property previously contained an older stock single-family dwelling and detached garage, which was located over the property lines between 290 and 296 Abbott Street. Both structures were demolished in early 2021 to facilitate the proposed development on 296 Abbott Street, and a duplex development at 290 Abbott Street (currently under construction).

The OCP designates the property as Infill Residential, which is described as transitional lower height residential areas with new housing types compatible with existing single detached houses in character and scale, but providing more units per lot.

As indicated in the Zoning Map (Attachment 'A'), the surrounding neighbourhood contains a mixture of residential zones and buildings, including older stock homes, newer homes, duplexes, rowhouses, and small apartment buildings. The location of the property is within walking distance of many desired amenities and services including the downtown, Penticton Creek walkway and the KVR trail. This area is serviced with sidewalks, pedestrian connections and bus routes.

## Technical Review

This application was reviewed by the City's Technical Planning Committee. Typical servicing requirements have been identified for the Building Permit stage of the project, if the rezoning and variance permit applications are supported by Council. These items have been communicated to the applicant.

Zoning Bylaw 2017-08 includes a provision that allows developers to pay cash-in-lieu of providing trees when reducing side yard setbacks, which thus reduces the width of a landscaping buffer. Section 5.3.4 allows buffer widths for multi-family developments to be reduced to the actual setback of the building. In this proposal, the north property line would be required to pay \$1,350.00 (\$450.00/tree) in lieu of 3 trees not being planted within the reduced setback area. These funds are deposited into the Urban Forest Reserve

Fund to be used for tree infilling in the City. This has been communicated to and agreed upon with the applicant.

**Development Statistics**

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

	<b>RM2 Zone Requirement</b>	<b>Provided on Plans</b>
<b>Maximum Lot Coverage:</b>	40%	37.7%
<b>Maximum Density:</b>	0.8 Floor Area Ratio (FAR)	0.76 Floor Area Ratio (FAR)
<b>Vehicle Parking:</b>	1 per dwelling unit + 0.25 per dwelling unit for visitor parking Total required = 3	Total provided = 3
<b>Required Setbacks</b>		
Front Yard (Abbott St):	3.0 m	3.06 m
Interior Side Yard (north):	3.0 m	1.8 m – Variance Requested
Exterior Side Yard (south):	4.5 m	3.0 m – Variance Requested
Rear Yard (lane):	6.0 m	6.93 m
<b>Maximum Building Height</b>	12 m	7.8 m

**Analysis**

*Zoning Amendment Bylaw*

The City’s Official Community Plan (OCP) designation for the property is Infill Residential, which supports single detached houses (with or without suites and/or carriage houses), duplexes with or without suites, triplexes, lower-density rowhouses, and small-scale neighbourhood commercial buildings. The proposed triplex development is consistent with this OCP designation.

Staff consider that the proposed zoning amendment will allow for development that is supported though the following OCP Goals and Policies:

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- OCP Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- OCP Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.

The proposed development demonstrates strong conformance with the City’s OCP policies and is well aligned with the land use designation on the property. Staff consider that the application proposes an

appropriately scaled development in an area of the community that has been identified for increased density by the City's OCP.

Given the above staff are recommending that Council give first reading to "Zoning Amendment Bylaw No. 2021-18" and that the bylaw be forwarded to the May 31, 2021 Public Hearing for comment from the public.

#### *Development Variance Permit*

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The proposed variance and staff's analysis are as follows:

1. Section 10.8.2.7.i, to reduce the minimum interior side yard (north) from 3.0m to 1.8m:
  - The development has been designed in a considerate manner of the neighbouring properties, keeping the maximum height of the buildings to 7.8m, or two floors.
  - The applicant is constructing the development on the neighbouring property to the north, which is a similar two-storey design, front to back duplex. Given that the applicant is developing both properties, when designing the developments, they shifted the placement of the building on the northern property slightly north, to allow for a larger separation between the two buildings (Attachment 'E').
  - The subject property is a corner lot, which is subject to larger exterior yard setbacks, which can significantly impact available building envelopes.
  - The RM2 zone allows for structures up to 12m in height, in which case, a 3.0m interior side yard setback is appropriate to maintain privacy, create a buffer and reduce overlook to neighbouring properties. In comparison, the RD2 zone, which the neighbouring properties are currently zoned, allows for development with a maximum height of 10.5m, with interior side yard setbacks of 1.5m.
  - Given the proposal, staff consider that the request to reduce the interior side yard setbacks has been mitigated by limiting the height of the proposed buildings.
  - The applicant has provided landscaping (shrubs) and fencing along the northern side yards, which will serve as a smaller landscaping buffer.
2. Section 10.8.2.8.i, to reduce the minimum exterior side yard (Nanaimo Ave E) from 4.5 m to 3.0 m:
  - Maintaining a 4.5m setback along the southern property line would significantly impact the available building envelope on the property.
  - Larger setbacks along exterior side yards are often used to accommodate landscaping, and to also allow for sightlines to be maintained.

- On this property, the boulevard area along the Nanaimo Ave E property line is already significant in size, measuring approximately 6m in width.
- There are no concerns with the visibility at the intersection of Abbott Street and Nanaimo Ave E as a result of the proposed building placement.
- There are benefits to locating the development closer to the property line, especially when there is a large boulevard area. This includes improving the connection between the public and private realm, encouraging interaction, and improving 'eyes on the street'. The applicant is proposing to extend the public sidewalk and provide connections to each unit onto Nanaimo Ave E, improving the public realm.
- The applicant is proposing 4 boulevard trees with grass within the boulevard areas and through the building permit, will be required to install a sidewalk extending the length of the property.
- A similar variance was approved in September 2017 on the property located at 295 Abbott Street (directly west on Abbott Street), where the interior side yard (north property line) was reduced to 1.8m, and the exterior side yard (south property line) along Nanaimo Ave E was reduced to 2.2m.
- A variance was also approved in November 2020 at 326 Abbott Street (directly south across Nanaimo Ave East) to reduce the front yard setback along Nanaimo Ave E from 4.5m to 1.8m to allow for the construction of a carriage house.



Figure 2 - Aerial photograph showing boulevard areas

Staff consider the request to reduce the side yard setbacks are reasonable. The result of the variances being approved would have minimal impact on the neighbouring areas, and is similar to other variances that have been approved in the area. As such, staff recommend that Council support the requested variances.

#### *Development Permit*

The proposed development is considered within the Multifamily Residential Development Permit Area, which is established to enhance neighbourhoods undergoing densification and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness. Staff have completed an analysis of how the proposed development conforms to the Development Permit Guidelines. As shown within the analysis, there is alignment between the plans and the intent of the Development Permit Area. The development permit analysis is included as Attachment 'D'. The applicant also provided an analysis with their submission, which is included as Attachment 'E'.

The proposed development demonstrates a strong conformance with the development permit guidelines. The proposed development has been designed with the OCP policies in mind and is a project aimed at achieving the desired density for this area of the City, while being courteous to the surrounding neighbours. As such, staff recommend that Council approve the Development Permit, subject to adoption of the Zoning Amendment Bylaw and approval of the Development Variance Permit.

**Alternate Recommendation**

Council may consider that the development is not suitable for the neighbourhood, and that the variance requests are not reasonable. If this is the case, Council should deny the applications. Staff are not recommending this option, as the proposed development is well aligned with the OCP.

- 1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2021-18" and deny support for "DVP PL2021-8977" and "DP PL2021-8978".

**Attachments**

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Development Permit Analysis (staff)
- Attachment E – Letter of Intent and DP Analysis (applicant)
- Attachment F – Draft Development Variance Permit PL2021-8977
- Attachment G – Draft Development Permit PL2021-8978
- Attachment H – Zoning Amendment Bylaw No. 2021-18

Respectfully submitted,

Nicole Capewell  
Planner II

Concurrence

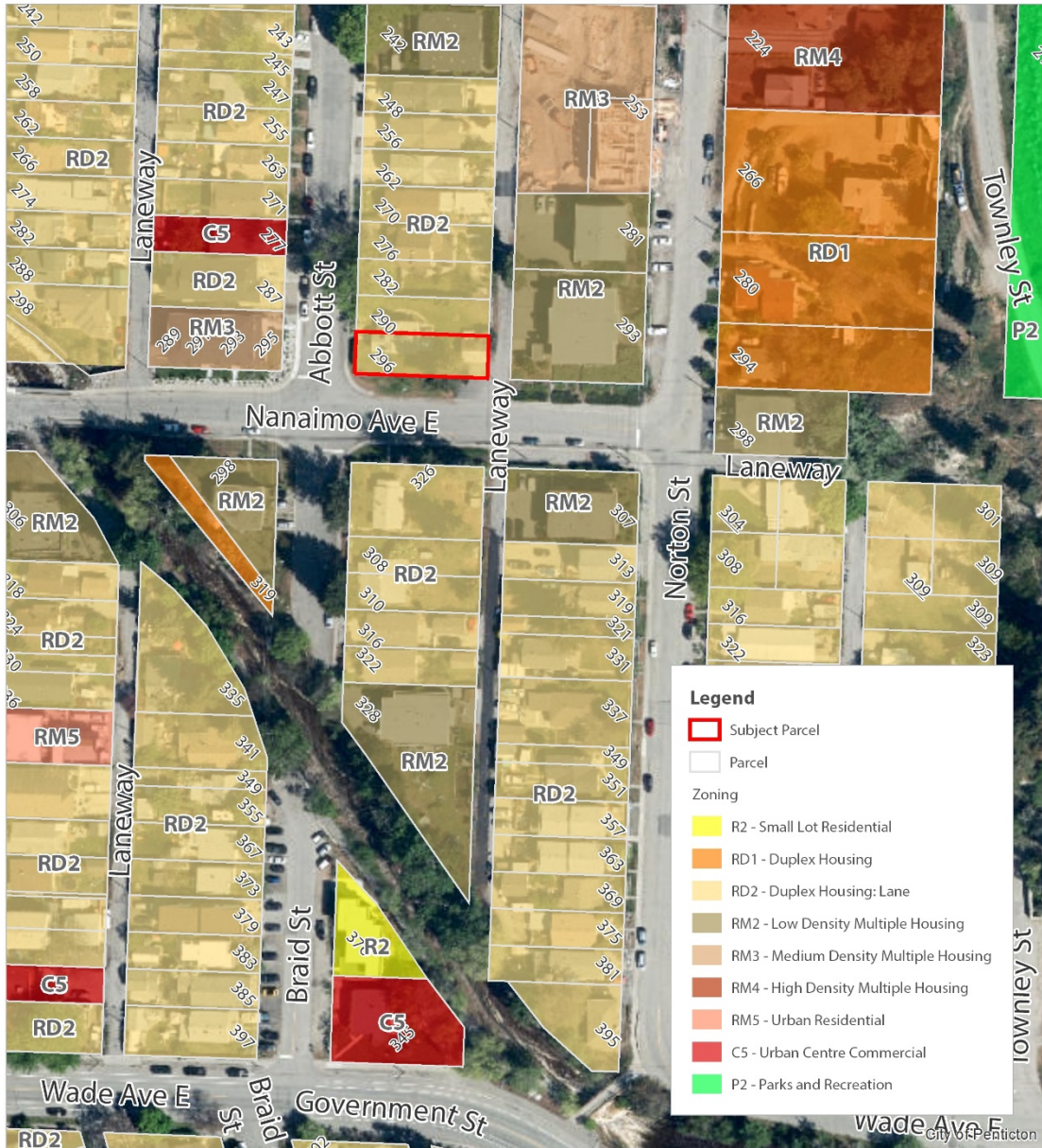
<p>Director of Development Services</p> <p><b><i>BL</i></b></p>	<p>Chief Administrative Officer</p> <p><b>DyD</b></p>
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Attachment A – Zoning Map



# 296 Abbott Street

## Zoning Map



**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.



Monday, April 19, 2021  
3:49:44 PM



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Attachment B – Official Community Plan Map



# 296 Abbott Street

## Official Community Plan Map



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Monday, April 19, 2021  
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Attachment C – Photos of Property



*Looking east at subject property from Abbott Street*



*Looking east at boulevard area along Nanaimo Ave E*



*Looking west at boulevard area along Nanaimo Ave E for 295 Abbott Street.  
Variance approved in 2017 to reduce to 2.2m setback*

Attachment D – Development Permit Analysis (staff)

**Development Permit Analysis**

The proposed development is located within the Commercial/Mixed Use Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with this development permit area.

*Guideline 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.).*

- Site analysis was completed to review constraints on the property prior to development. The subject property has minimal constraints.
- The applicant considered the design for both properties at 290 and 296 Abbott Street when planning their development. This included anticipating a variance to the interior setback on the subject property, and wanting to maintain distancing between the structures. The two storey designs of each development are in keeping with building heights in the immediate area.

*Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*

- The front yard setback proposed is at the minimum required along Abbott Street.
- The variance request to reduce the exterior side yard setback along Nanaimo Ave E would help to achieve this design guideline, by creating a stronger connection between the public and private realms.
- The plans include minor projections from the building, allowed through the Zoning Bylaw to create visual interest and variation in the building.

*Guideline G13 Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*

- The proposed entrances will be within ~0.6 m (2 ft.) from the grade of the public right of way along the streets.

*Guideline G16 Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...*

- Pedestrian connections have been designed to connect the parking areas, main entrances, garbage and recycling areas and both street frontages.

*Guideline 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).*

- The development has utilized the corner lot and created main entrances on both of the streets.

Attachment E – Letter of Intent and DP Analysis (applicant)

**SCHOENNEHOMES**



210 Hastings ave, Penticton, BC, V2A 2v6  
www.schoennehomes.com

Tel: 250-462-1250

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

Attn: Staff & Council

Re: Rezoning and Development Variance Permit  
296 Abbott Street

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With respect to the above noted property we are requesting a rezoning from the current RD2-Duplex Housing Lane to RM2- Low Density Multiple Housing to accommodate the construction of a triplex. The current OCP designation for this property is listed as Infill Residential which allows for 1-4 units and states "Triplexes" under building types.

As part of the development application we are requesting a relaxation of the interior side yard setback from 3.0m to 1.8m and the exterior side yard setback from 4.5m to 3.0m.

We also have a Development permit in place for the lot directly to the North (290 Abbott st) and to minimize the appearance of our requested 1.8m rear yard setback, we have given an interior side yard setback of 2.48m to our 290 Abbott build which creates a total of 4.28m (14 feet) between the buildings.

You will a notice that the south portion of this lot facing Nanaimo street has a very large city boulevard of over 5.0m which we feel will greatly minimize the impact of our 3.0m exterior side yard setback, as you can see from the proposed rendering.

It is our opinion that this build will have a positive impact on the area and that the design we have chosen will fit in well with the culture and style of the neighborhood.

Respectfully submitted,

Chris Schoenne



Tel: 250-462-1250

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

Attn: Staff & Council

Re: Development Permit Analysis  
296 Abbott Street

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**G5. Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.**

We are proposing a 3.0m front yard setback that is in line with many other properties in the area.

**G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).**

As this property is primarily flat and very close to street grade we anticipate there being no more than a 1.5 foot grade change from entry to sidewalk height

**G15. Fencing facing an active public realm should be lowered and transparent or semi-transparent.**

Our intention is to fence the property boundary with a 3.0' fence with horizontal and spaced slats providing a semi-transparent look.

**G16. • Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4)**

All of our proposed parking will be accessed from the rear lane

**G20. Designs should respond to Penticton's setting and climate through use of: • passive solar strategies; • optimized placement of windows to maximize natural light; • energy-efficient building design; •**



210 Hastings ave, Penticton, BC, V2A 2v6  
www.schoennehomes.com

Tel: 250-462-1250

**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.**

We work with an energy advisor to ensure we are maintaining a energy efficient building design, it is also our intention to make each one of these units "Solar Ready" for future solar connectivity.

**G43. Address both fronting streets in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades;**

As you will see we took this into consideration and addressed both Nanaimo and Abbott street in the design including windows and entrances on each.

## Development Variance Permit

**Permit Number: DVP PL2021-8977**

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 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479
  - Civic: 296 Abbott Street
  - PID: 008-862-729
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 triplex, as shown in the plans attached in Schedule 'A':
  - a. Section 10.8.2.7.i: to reduce the minimum interior side yard from 3.0 m to 1.8 m; and
  - b. Section 10.8.2.8.i: to reduce the minimum exterior side yard from 4.5 m to 3.0 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.

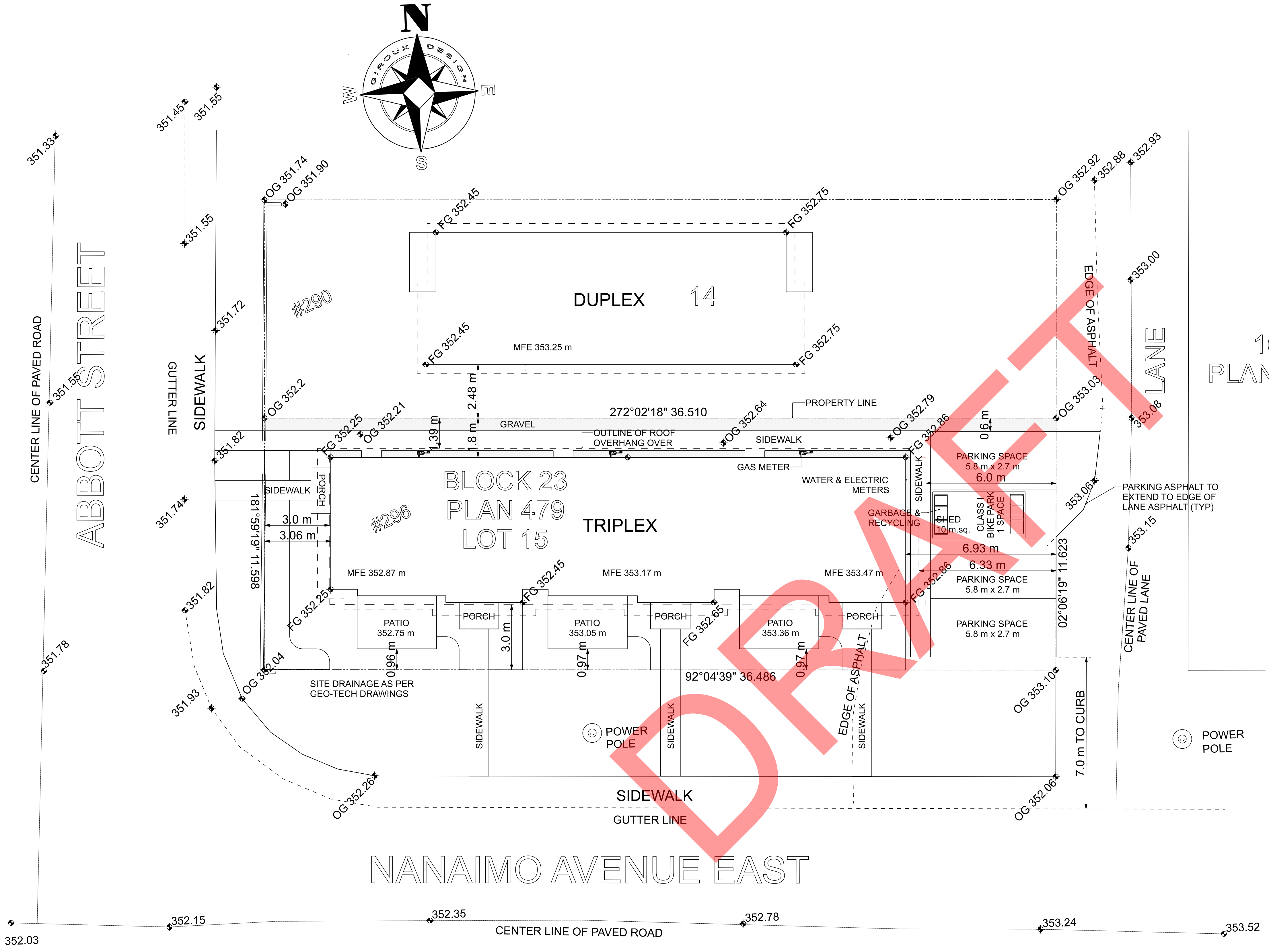
Authorized by City Council, the \_\_\_\_ day of \_\_\_\_\_, 2021.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Angela Collison  
Corporate Officer

DRAFT



**LOT A: ZONING COMPLIANCE TABLE (CURRENT ZONING RD2-PROPOSED RM2)**

REGULATION	REQUIRED	PROVIDED ON PLANS	VARIANCE REQUIRED
LOT AREA	540 m2	423.72 m.sq.	N/A
MINIMUM LOT WIDTH	18.0 m	12.8 m	N/A
MAXIMUM LOT COVERAGE	40%	37.7% (159.55 m.sq.)	NO
MAXIMUM DENSITY	0.80 FAR	0.76 FAR (321.53 m2)	NO
MAXIMUM HEIGHT	12 m	7.85 m	NO
MINIMUM FRONT YARD (WEST)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (NORTH)	3.0 m	1.5 m	YES
MINIMUM EXTERIOR SIDE YARD (SOUTH)	4.5 m	3.0 m	YES
MINIMUM REAR YARD (EAST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	3	3	NO
BICYCLE PARKING (CLASS I/CLASS II)	3/0	3/0	NO
AMENITY AREA (20 m2 PER UNIT)	60 m2	60 m2	NO

# SITE PLAN

SCALE: 1:100  
 CIVIC ADDRESS: 296 ABBOTT STREET, PENTICTON, B.C.  
 LEGAL DESCRIPTION: SITE PLAN OF LOTS 15, BLOCK 23, DL 202, SDYD, PLAN 479  
 PID: 008-862-729

THIS PLAN IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

LAND SURVEYING COMPANY AND SURVEYOR ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE.

FIELD SURVEY COMPLETED THIS 13th DAY OF NOVEMBER, 2020. ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM PENTICTON MONUMENT #84H0129

LEGAL BOUNDARIES SHOWN ARE BASED ON LIMITED EXISTING SURVEY EVIDENCE AND LAND TITLE OFFICE RECORDS. A FULL LEGAL SURVEY IS RECOMMENDED TO PROPERLY DEFINE BOUNDARIES.

MANDEVILLE LAND SURVEYING INC. FILE No. 20-226

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296 Abbott Street, Penticton, BC  
 DESIGN BY: AJG DATE: 4/20/21  
 DRAWN BY: AJG REVISED:

Due to local codes, regulations and building practices, and/or because of specific site conditions, these drawings may not be suitable or legal for use in the construction of a building in all localities. Consequently, these drawings are not to be used in any jurisdiction other than that specifically stated on the drawings. Additionally, Giroux Design Group is unable to accept any liability for the accuracy and/or completeness of these drawings. Therefore, the builder must carefully inspect all dimensions and details in these drawings and assume responsibility for the same.

**GIROUX DESIGN GROUP**  
 Custom Home and Building Design Since 1950.  
 Giroux Design Group Inc.  
 phone: 250.276.4373 e-mail: contact@girouxdesigngroup.com  
 web: www.girouxdesigngroup.com

PLAN NO. WP-5656  
 SLAB  
 SHEET NO. A1

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Site Plan

www.girouxdesigngroup.com - www.westhomeplanners.com - www.houseplanners.com

## Development Permit

**Permit Number: DP PL2021-8978**

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 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479
  - Civic: 296 Abbott Street
  - PID: 008-862-729
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a triplex 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 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).

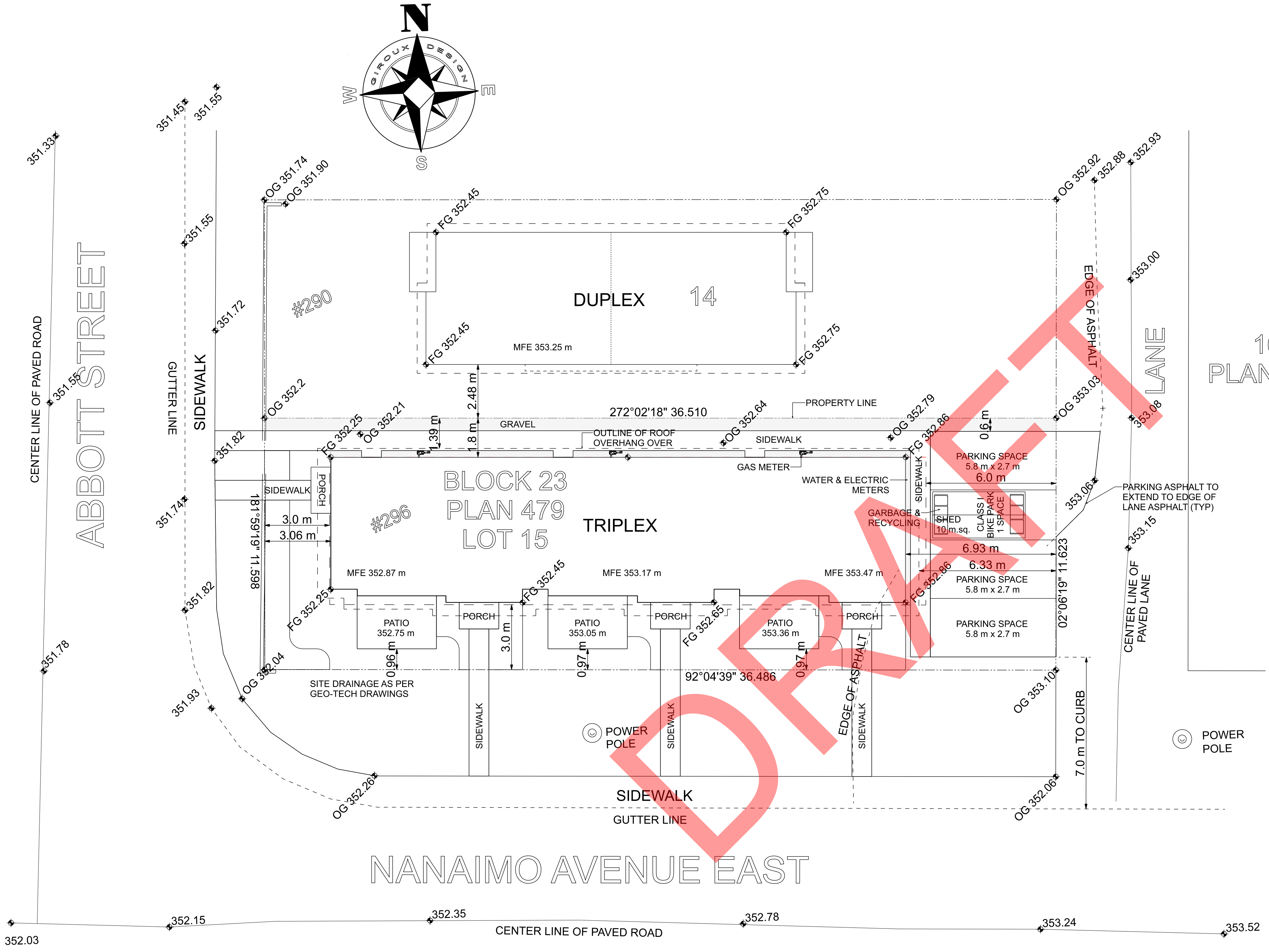
**General Conditions**

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 \_\_\_\_\_, 2021.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Angela Collison  
Corporate Officer



**LOT A: ZONING COMPLIANCE TABLE (CURRENT ZONING RD2-PROPOSED RM2)**

REGULATION	REQUIRED	PROVIDED ON PLANS	VARIANCE REQUIRED
LOT AREA	540 m2	423.72 m.sq.	N/A
MINIMUM LOT WIDTH	18.0 m	12.8 m	N/A
MAXIMUM LOT COVERAGE	40%	37.7% (159.55 m.sq.)	NO
MAXIMUM DENSITY	0.80 FAR	0.76 FAR (321.53 m2)	NO
MAXIMUM HEIGHT	12 m	7.85 m	NO
MINIMUM FRONT YARD (WEST)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (NORTH)	3.0 m	1.5 m	YES
MINIMUM EXTERIOR SIDE YARD (SOUTH)	4.5 m	3.0 m	YES
MINIMUM REAR YARD (EAST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	3	3	NO
BICYCLE PARKING (CLASS I/CLASS II)	3/0	3/0	NO
AMENITY AREA (20 m2 PER UNIT)	60 m2	60 m2	NO

### SITE PLAN

SCALE: 1:100  
 CIVIC ADDRESS: 296 ABBOTT STREET, PENTICTON, B.C.  
 LEGAL DESCRIPTION: SITE PLAN OF LOTS 15, BLOCK 23, DL 202, SDYD, PLAN 479  
 PID: 008-862-729

THIS PLAN IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

LAND SURVEYING COMPANY AND SURVEYOR ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE.

FIELD SURVEY COMPLETED THIS 13th DAY OF NOVEMBER, 2020. ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM PENTICTON MONUMENT #84H0129

LEGAL BOUNDARIES SHOWN ARE BASED ON LIMITED EXISTING SURVEY EVIDENCE AND LAND TITLE OFFICE RECORDS. A FULL LEGAL SURVEY IS RECOMMENDED TO PROPERLY DEFINE BOUNDARIES.

MANDEVILLE LAND SURVEYING INC. FILE No. 20-226

296 Abbott Street, Penticton, BC  
 DESIGN BY: AJG DATE: 4/20/21  
 DRAWN BY: AJG REVISED:

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PLAN NO. WP-5656  
 SLAB  
 SHEET NO. A1

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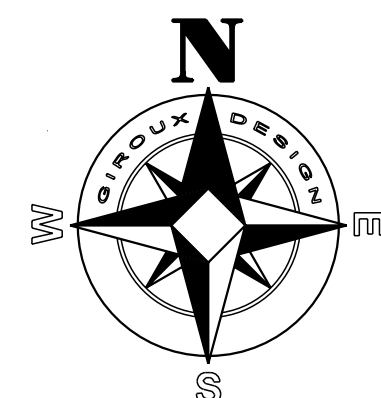
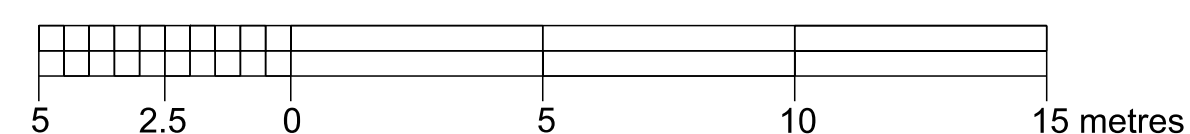
Site Plan

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# SITE PLAN OF LOTS 14 & 15, BLOCK 23, DL 202, SDYD, PLAN 479

CIVIC ADDRESS: 290 AND 296 ABBOTT STREET, PENTICTON, B.C.  
LEGAL DESCRIPTION: SITE PLAN OF LOTS 14 & 15, BLOCK 23, DL 202, SDYD, PLAN 479  
PID: 008-862-711, 008-862-729

SCALE 1:150



### LEGEND

- ⊕ 353.42 SPOT ELEVATION
- ⊙ POWER POLE

THIS PLAN IS BASED ON LAND TITLE AND SURVEY AUTHORITY RECORDS AND A FIELD SURVEY. UNREGISTERED INTERESTS HAVE NOT BEEN CONSIDERED.

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THIS PLAN IS PREPARED SOLELY FOR A LIMITED CONTRACTUAL USE BETWEEN MANDEVILLE LAND SURVEYING AND OUR CLIENT. IT IS NOT TO BE USED FOR THE LOCATION OF PROPERTY LINES. WE ACCEPT NO RESPONSIBILITY FOR ANY UNAUTHORIZED USE.

FIELD SURVEY COMPLETED THIS 13th DAY OF NOVEMBER, 2020.

ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM PENTICTON MONUMENT #84H0129

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

LEGAL BOUNDARIES SHOWN ARE BASED ON LIMITED EXISTING SURVEY EVIDENCE AND LAND TITLE OFFICE RECORDS. A FULL LEGAL SURVEY IS RECOMMENDED TO PROPERLY DEFINE BOUNDARIES.



**MANDEVILLE LAND SURVEYING INC.**  
 PROFESSIONAL B.C. AND CANADA LAND SURVEYORS  
 582 MARTIN STREET, PENTICTON, B.C.  
 PH: 250-488-6377 WEB: MSURVEYING.COM

FILE: 20-226 DWG: 20-226

296 Abbott Street, Penticton, BC  
 DESIGN BY: AJG DATE: 4/20/21  
 DRAWN BY: AJG REVISED:

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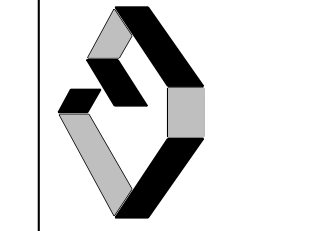
PLAN NO.  
**WP-5656**  
 SLAB  
 SHEET NO.  
**A2**

296 Abbott Street, Penticton, BC

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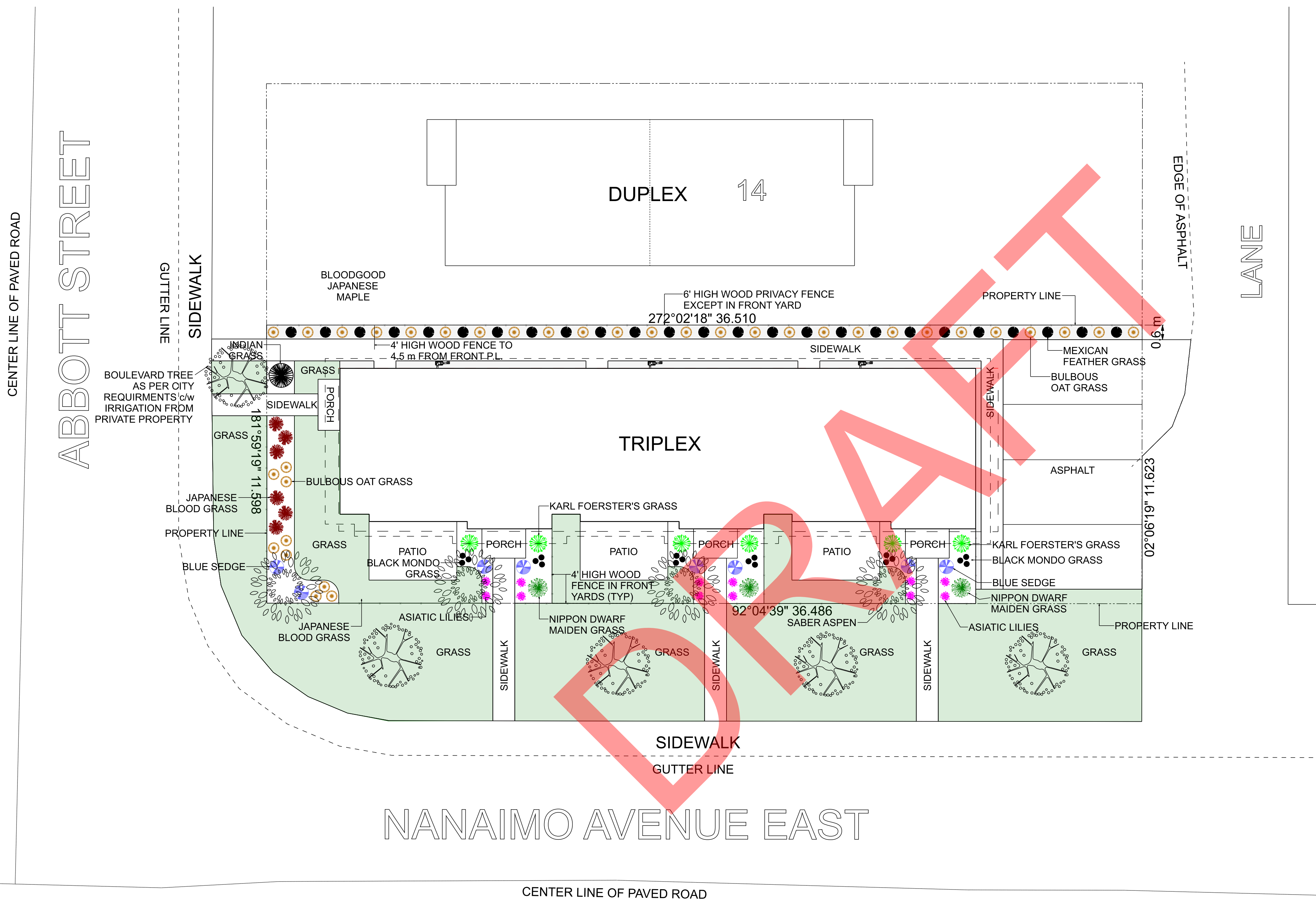
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SLAB  
SHEET NO. A3

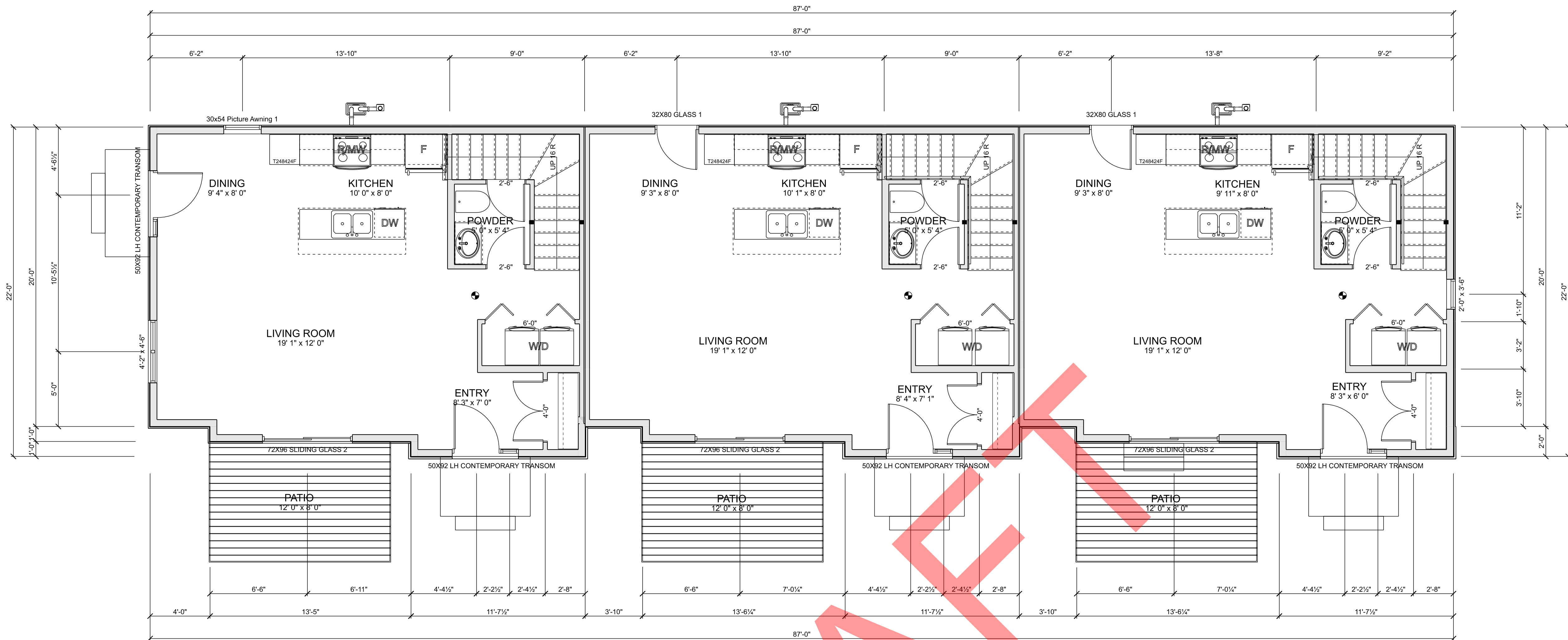
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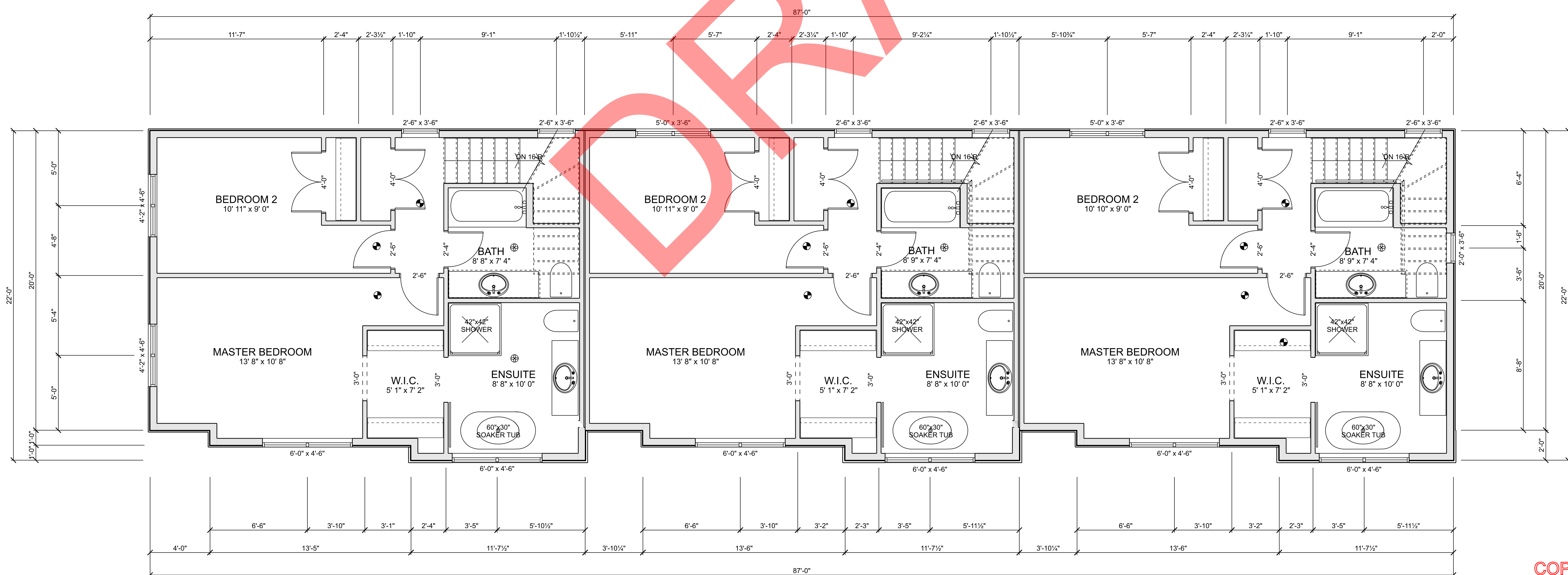
LANDSCAPE SCHEDULE	
Asiatic Lilies (Asiatic Hybrid Lilies)	12 qty.
Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens')	18 qty.
Blue Sedge (Carex Flacca)	8 qty.
Bulbous Oat Grass (Armenatherum bulbosum 'Variegatum')	35 qty.
Indian Grass (Sorghastrum nutans 'Indian Steel')	1 qty.
Japanese Blood Grass (Imperata cylindrica 'Red Baron')	6 qty.
Karl Foerster's Grass (Calamagrostis x acutiflora Karl Foerster)	6 qty.
Mexican Feather Grass (Stipa tenuissima)	25 qty.
Nippon Dwarf Maiden Grass (Miscanthus sinensis 'Nippon')	3 qty.
TREES:	
Saber Aspen (Populus grandidentata 'Saber')	4 qty.
GARBAGE DISPOSAL:	
Garbage & Recycling Containers	3 sets
GROUND COVER/HARD SURFACES:	
Property Area (4,561 sq.ft.)	
Asphalt (1454 sq.ft.)	
Grass (2568 sq.ft.)	
Planting Beds-Bark Mulch (314 sq.ft.)	
River Rock-2" Rainbow (333 sq.ft.)	
Landscape Fabric (847 sq.ft.)	
Sidewalks/Patios (1,053 sq.ft.)	
FENCING:	
4' High Wood Fence (205 lin.ft.)	
6' High 'Good Neighbour' Privacy Fence (138 lin.ft.)	
LANDSCAPE NOTES:	
SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS	
ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m	
NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION	
NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA	
LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.	
LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT (INCLUDING OF LANDSCAPING ON CITY BOULEVARD)	
DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.	

**LANDSCAPE PLAN**  
SCALE: 1:100  
CIVIC ADDRESS: 296 ABBOTT STREET, PENTICTON, B.C.  
LEGAL DESCRIPTION: SITE PLAN OF LOTS 15, BLOCK 23, DL 202, SDYD, PLAN 479  
PID: 008-862-729

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Landscape Plan



**MAIN FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 MAIN FLOOR LIVING AREA: 1717.4 sq. ft.



**SECOND FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 SECOND FLOOR LIVING AREA: 1743.6 sq. ft.

296 Abbott Street, Penticon, BC  
 DESIGN BY: AJG DATE: 4/20/21  
 DRAWN BY: AJG REVISED:

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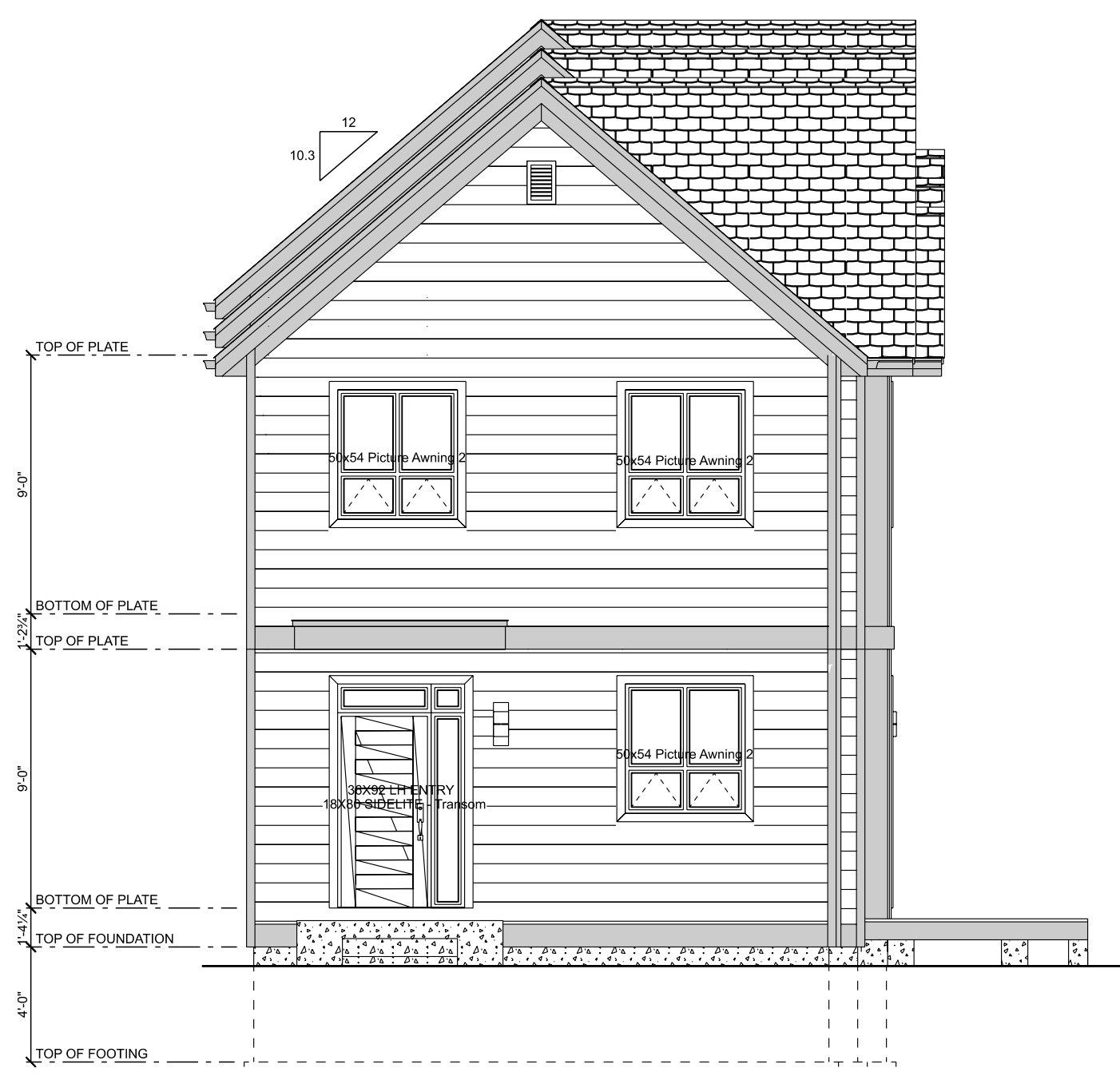
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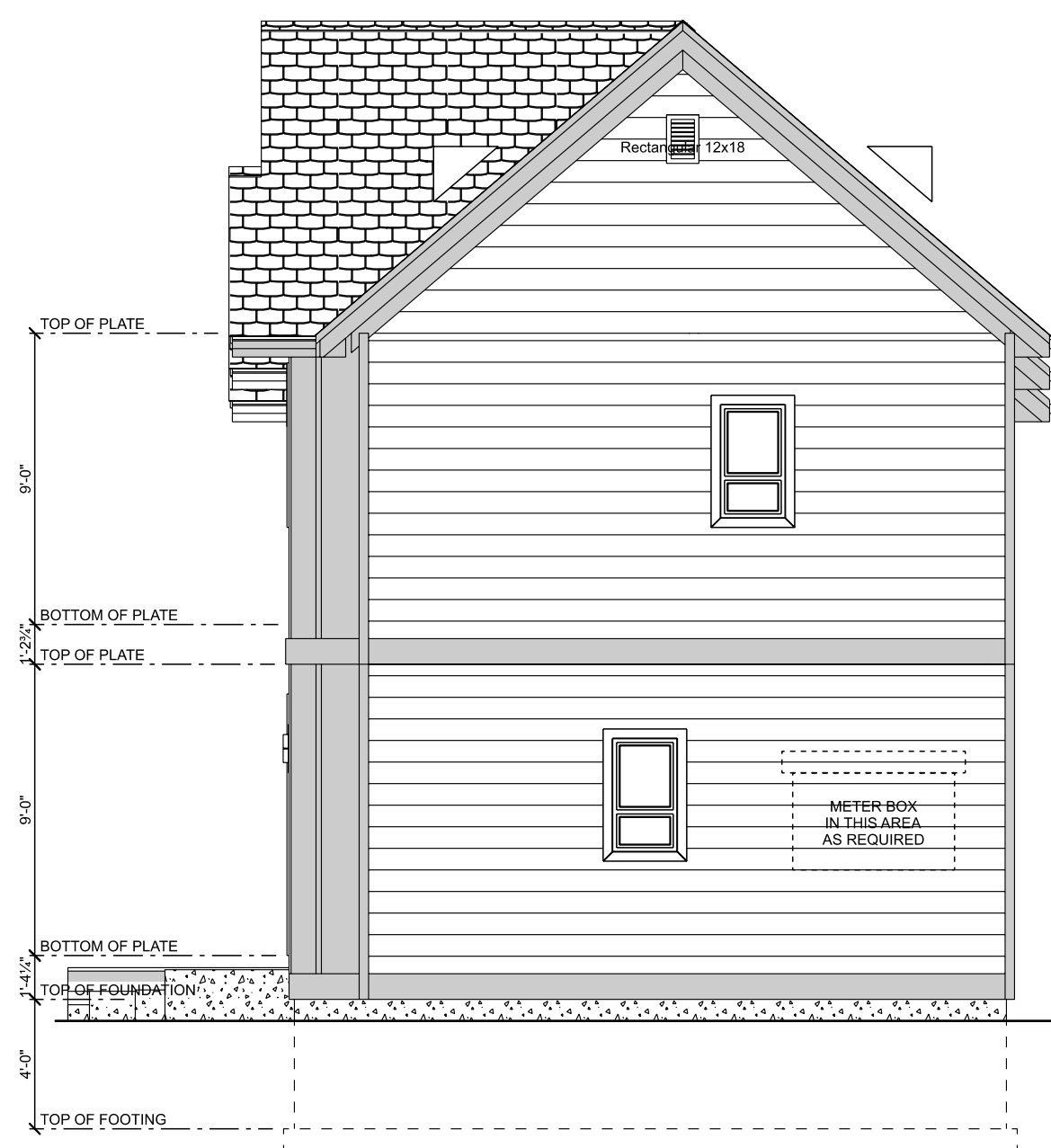
Floor Plans



WEST FACING ELEVATION (FACING ABBOTT ST.)  
SCALE: 3/16" = 1'-0"



SOUTH FACING ELEVATION (FACING NANAIMO AVE. E)  
SCALE: 3/16" = 1'-0"



EAST FACING ELEVATION (FACING LANE)  
SCALE: 3/16" = 1'-0"



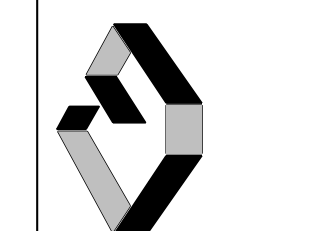
NORTH FACING ELEVATION  
SCALE: 3/16" = 1'-0"

296 Abbott Street, Penikese, BC

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Exterior Elevations



WEST ELEVATION  
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION  
SCALE: 3/16" = 1'-0"



EAST ELEVATION  
SCALE: 3/16" = 1'-0"



NORTH ELEVATION  
SCALE: 3/16" = 1'-0"

296 Abbott Street, Penticon, BC

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PLAN NO.  
**WP-5656**  
SLAB  
SHEET NO.  
**A6**

DESIGN BY: AJG DATE: 4/20/21  
DRAWN BY: AJG REVISED:

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Exterior Colour Elevations

**Bylaw No. 2021-18**

*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. 2021-18".

2. **Amendment:**

2.1 Zoning Bylaw No. 2017-08 is hereby amended as follows:

Rezone Lot 15 Block 23 District Lot 202 Osoyoos Division Yale District Plan 479, located at 296 Abbott Street, from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	18	day of	May, 2021
A PUBLIC HEARING was held this	31	day of	May, 2021
READ A SECOND time this		day of	, 2021
READ A THIRD time this		day of	, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 25 day of May, 2021 and the 26 day of May, 2021 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

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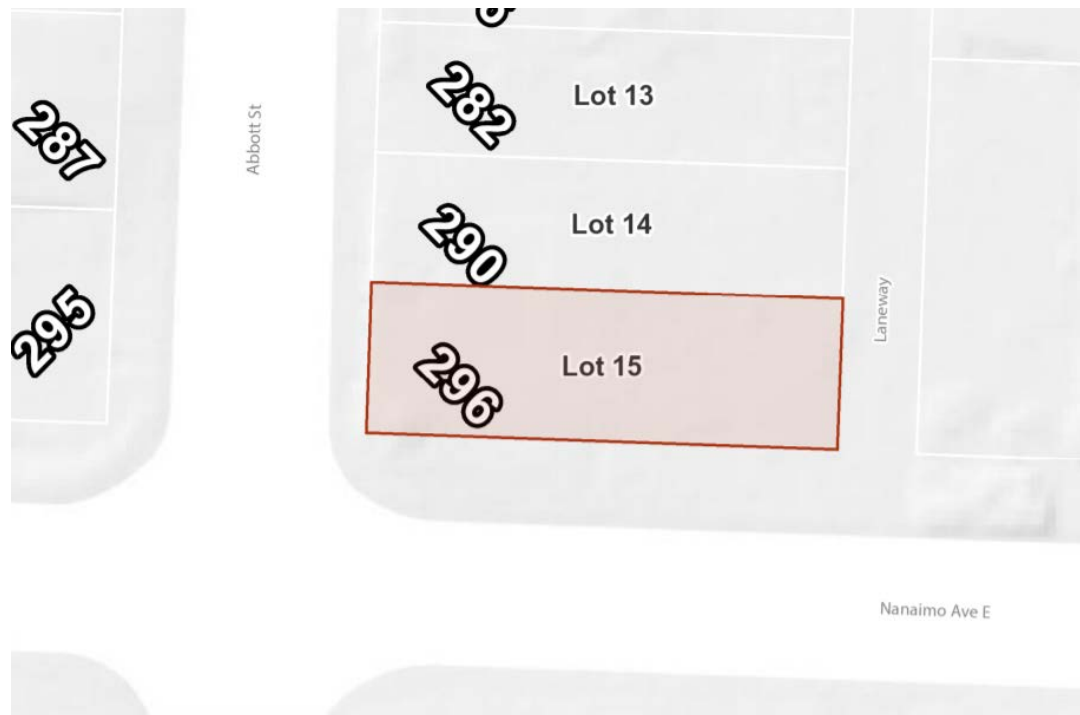
John Vassilaki, Mayor

---

Angie Collison, Corporate Officer

Rezone 296 Abbott Street

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



**City of Penticton – Schedule 'A'**  
**Zoning Amendment Bylaw No. 2021-18**

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

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