



## Electronic Regular Council Meeting

to be held via Zoom

City of Penticton

171 Main Street, Penticton, B.C.

To view the Council Meeting, visit [www.penticton.ca](http://www.penticton.ca)

Tuesday, February 15, 2022

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 February 1, 2022 Regular Council Meeting

1-5

Adopt

7. **Consent Agenda:**

*Recommendation: THAT Council approve the Consent Agenda.*

6-29

*Consent Agenda:*

1. *Minutes of the February 1, 2022 Committee of the Whole Meeting;*

2. *Minutes of the February 1, 2022 Public Hearings;*

Miller 3. *Special Parks and Recreation Advisory Committee Meeting Draft Minutes of January 27, 2022;*

Sentes 4. *Heritage and Museum Advisory Committee Meeting Draft Minutes of February 2, 2022;*

Regehr 5. *Penticton and Ellis Creek Restoration Select Committee Meeting Draft Minutes of February 3, 2022;*

Robinson 6. *Safety and Security Advisory Committee Meeting Draft Minutes of February 7, 2022.*

8. **Committee and Board Recommendations**

9. **Correspondence**

10. **Staff Reports:**

Vere	10.1	718 Chase Avenue: Request for Notice on Title <i>Staff Recommendation: THAT the owner of 718 Chase Avenue (the Property) be notified that Council will consider passing a resolution to place a Notice on Title under section 57 of the Community Charter with respect to contraventions of the City of Penticton Building Bylaw No. 2021-21 on Lot 29, District Lot 2 Group 7 Similkameen Division Yale District, Plan 1049, located at 718 Chase Avenue, stating the following: "Failure to complete a building permit, which is a violation of the City of Penticton Building Bylaw No. 2021-21. Further information about it may be inspected at the municipal hall."; AND THAT the owner be notified of the proposed Notice on Title report, and given the opportunity to speak to the matter at the regular Council meeting on April 5, 2022.</i>	30-37
Campbell	10.2	Year End Surplus Policy CP2022-01 <i>Staff Recommendation: THAT Council approve the revised 'Year End Surplus Policy CP#2022-01' Effective February 15, 2022.</i>	38-43
Lewis/Coates	10.3	In-Year Grant Request: Meadowlark Festival/Okanagan Similkameen Conservation Alliance <i>Staff Recommendation: THAT Council approves a \$2,500 cash grant to the Meadowlark Festival/Okanagan Similkameen Conservation Alliance for the Meadowlark Festival event.</i>	44-45
Raposo	10.4	Sudbury Beach, Skaha East and Peach Concessions – Request for Proposals Re: 3846 Skaha Lake Road, 3885 South Main Street, 185 Lakeshore Drive West <i>Staff Recommendation: THAT Council direct staff to issue the Request for Proposal to seek operators for the use of three City buildings located at 3846 Skaha Lake Road (Sudbury Beach Concession), 3885 South Main Street (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of the operation of a food concession for a three-year License to Use term. AND THAT Council authorize Mayor and Corporate Officer to execute the License to Use agreement.</i>	46-84
Goodwin	10.5	Youth-Led Youth Homelessness Research Project <i>Staff Recommendation: THAT Council endorse the report: No Where to Go: A report from the Youth Homelessness Research Project" as presented in Attachment A; AND THAT Council direct staff to work with local youth to send a copy of the research report to relevant Federal and Provincial Agencies and Ministries; AND THAT Council direct staff to work collaboratively with youth and community partners on implementing the 10 recommendations of the report.</i>	85-133
Hardisty	10.6	2022 Southern Interior Local Government Association (SILGA) Resolution <i>Staff Recommendation: THAT Council submit the following resolution regarding CAR type programs for consideration at the 2022 SILGA Convention:</i> <i>WHEREAS Car 40 type programs, which aim to support the diversion of those suffering with mental health issues from the criminal justice system, and reduce patrol response and unnecessary hospital admissions, have been successful in a variety of formats across the Province since 1978;</i> <i>AND WHEREAS a Provincially integrated and sustainably funded Car 40 type program would provide consistency to communities seeking new ways to support the health and safety of their residents.</i>	134-136

*NOW THEREFORE BE IT RESOLVED that UBCM request the Province support an integrated Car 40 type program with appropriate and sustainable funding.*

*AND THAT Council direct staff to provide the resolution and background to the RDOS Board for their consideration of co-sponsorship.*

Collyer	10.7	Zoning Amendment Bylaw No. 2022-10 Development Permit PL2021-9241 Re: 585 Jermyn Avenue <i>Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-10", a bylaw to rezone Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing); AND THAT Council forward "Zoning Amendment Bylaw No. 2022-10" to the March 1, 2022 Public Hearing;</i> <i>AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-10", require that a road reserve covenant be registered with the Land Title Office for the purpose of securing:</i> <ol style="list-style-type: none"><li><i>1. A 1.7m future road dedication along Government Street; and</i></li><li><i>2. A 5.5m x 5.5m future road dedication corner cut at the southeast corner (Government Street and Jermyn Street) of the subject property.</i></li></ol> <i>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-10", approve "Development Permit PL2021-9241, for Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, a permit to allow the construction of a 3-unit cluster housing development.</i>	137-161
Collyer	10.8	Zoning Amendment Bylaw No. 2021-38 Development Variance Permit PL2021-9045 Re: 726, 738, 750 Westminster Avenue West <i>Staff Recommendation: THAT Council rescind third reading of "Zoning Amendment Bylaw No. 2021-38";</i> <i>AND THAT Council give third reading as amended to "Zoning Amendment Bylaw No. 2021-38", excluding 762 Westminster Avenue West from the zoning change;</i> <i>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-38", approve amended "Development Variance Permit PL2021-9045" excluding 762 Westminster Avenue West from the variance permit;</i> <i>AND THAT Council direct staff to issue amended "Development Variance Permit PL2021-9045".</i>	162-168
Laven	10.9	Development Variance Permit PL2021-9210 Re: 949 James Street <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2021-9210" for Lot 2 District Lot 249 Similkameen Division Yale District Plan 4977, located at 949 James Street, a permit to vary Section 8.2.3.5.ii of Zoning Bylaw 2021-01 to allow a maximum carriage house height of 5.0m and two floors where no lane exists, in order to facilitate the construction of a two-storey carriage house;</i> <i>AND THAT Council direct staff to issue "Development Variance Permit PL2021-9210".</i>	169-191
Collyer	10.10	Development Variance Permit PL2021-9219 Re: 784 Ross Avenue <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2021-9219", for Lot 12 District Lot 250 Similkameen Division Yale District Plan 8343, located at 784 Ross Avenue, a permit to vary Section 7.4.2 of Zoning Bylaw 2021-01 to increase the maximum permitted floor area of a major home occupation in an accessory building from 50m<sup>2</sup> to 72m<sup>2</sup>;</i> <i>AND THAT Council direct staff to issue the permit.</i>	192-209

Collyer 10.11 ALR Exclusion 210-223  
 Re: 610 Pineview Road  
*Staff Recommendation: THAT Council forward the ALR Exclusion application, for Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP22470, located at 610 Pineview Road, an application to exclude the subject property from the Agricultural Land Reserve, to the March 1, 2022 Public Hearing to give the public an opportunity to provide comments and feedback.*

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 as follows: Section 90 (1)*

- (e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public;*

*Section 90(2)*

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

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

14. **Bylaws and Permits:**

Collyer	14.1	Zoning Amendment Bylaw No. 2022-03 Re: 169 Maple Street	224-225	Adopt
Collyer	14.2	Zoning Amendment Bylaw No. 2022-04 Re: 79 Okanagan Avenue	226-227	Adopt
Collyer	14.3	Zoning Amendment Bylaw No. 2022-08 Re: 3170 Juniper Drive	228-229	2 <sup>nd</sup> /3 <sup>rd</sup> /Adopt

15. **Land Matters**

16. **Notice of Motion**

16.1 Notice of Motion Introduced by Councillor Regehr on February 1, 2022 230-234  
 Re: Twin Arenas Initiative

*THAT Council, when considering the twin arenas initiative as outlined in the Civic Places and Spaces Asset and Amenity Management Plan, review the areas of concern identified in the submission from Councillor Regehr dated February 1, 2022.*

17. **Business Arising**

18. **Council Round Table**

19. **Public Question Period**

If you would like to ask Council a question with respect to items that are on the current agenda, please visit our website at [www.penticton.ca](http://www.penticton.ca) to find the telephone number or Zoom link to ask your question before the conclusion of the meeting. Please do not try to join the meeting early, you will not be let in to participate electronically until Council approaches the Public Question Period. Watch the livestream on our website and prepare to call or join during the Business Arising.

20. **Adjournment**

## Electronic Regular Council Meeting

held via Zoom at City of Penticton

171 Main Street, Penticton, B.C.

Tuesday, February 1, 2022

at 1:00 p.m.

**Present via Zoom:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Sentes  
Councillor Watt

**Staff via Zoom:** Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Angela Campbell, Acting General Manager, Finance & Administration  
Blake Laven, Director of Development Services  
Anthony Haddad, General Manager, Community Services  
Kristen Dixon, General Manager of Infrastructure  
Cheryl Hardisty, Senior Executive Assistant  
Paula McKinnon, Deputy Corporate Officer

**1. Call to Order**

The Mayor called the electronic Regular Council Meeting to order at 1:00 p.m.

**2. Introduction of Late Items**

**3. Adoption of Agenda**

**It was MOVED and SECONDED**

THAT Council adopt the agenda for the Regular Council Meeting held on February 1, 2022 as presented.

**CARRIED UNANIMOUSLY**

**4. Recess to Committee of the Whole**

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

**5. Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 1:41 p.m.

**6. Adoption of Minutes:**

6.1 Minutes of the Regular Meetings of Council

19/2022

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the January 18, 2022 Regular Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

**7. Consent Agenda:**

20/2022

**It was MOVED and SECONDED**

THAT Council approve the Consent Agenda:

1. Minutes of the January 18, 2022 Committee of the Whole Meeting;
2. Minutes of the January 18, 2022 Public Hearings;
3. Parks and Recreation Advisory Committee Meeting Draft Minutes of January 17, 2022;
4. Agriculture Advisory Committee Meeting Draft Minutes of January 19, 2022;
5. Arts, Creative and Cultural Innovation Advisory Committee Meeting Draft Minutes of January 21, 2022.

**CARRIED UNANIMOUSLY**

**8. Committee and Board Recommendations**

**9. Correspondence**

**10. Staff Reports:**

10.1 RCMP Quarterly Update

21/2022

**It was MOVED and SECONDED**

THAT Council receive into the record the report titled "RCMP Quarterly Report" dated February 1, 2022.

**CARRIED UNANIMOUSLY**

10.2 UBCM Grant: Social Development Framework

22/2022

**It was MOVED and SECONDED**

THAT Council direct staff to apply for the Union of BC Municipalities' Poverty Reduction Planning and Action Program grant in the amount of \$25,000, for the purposes of developing a framework to plan the work of Social Development over the next 5 years; AND THAT Council authorize the Director of Development Services to sign the grant application form.

**CARRIED UNANIMOUSLY**

10.3 Uplands Elementary Safety Improvements

23/2022

**It was MOVED and SECONDED**

THAT Council receive into the record the report dated February 1, 2022 titled "Uplands Elementary Safety Improvements".

**CARRIED UNANIMOUSLY**

10.4 Zoning Amendment Bylaw No. 2022-08  
Re: 3170 Juniper

24/2022

**It was MOVED and SECONDED**

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-08", a bylaw to rezone Lot 7 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3170 Juniper Drive, from RC (Country Residential) zone to R1 (Large Lot Residential) zone, to allow for a future 2-lot subdivision;  
AND THAT Council forward "Zoning Amendment Bylaw No. 2022-08" to the February 15, 2022 Public Hearing.

**CARRIED UNANIMOUSLY**

10.5 Development Variance Permit PL2021-9154  
Re: 109 Lee Avenue

25/2022

**It was MOVED and SECONDED**

THAT Council approve "Development Variance Permit PL2021-9154" for Lot 2 District Lot 189 Similkameen Division Yale District Plan 5411, located at 109 Lee Avenue, a permit to vary the following section of Zoning Bylaw 2021-01 in order to construct a carriage house:  
Section 8.2.3.3: to increase the maximum building footprint for a carriage house in the R1 (Large Lot Residential) zone from 90m2 to 130m2.  
AND THAT Council direct staff to issue "Development Variance Permit PL2021-9154".

**DEFEATED**

**Mayor Vassilaki, Councillors Miller, Regehr, Robinson, Sentes and Watt Opposed**

**11. Public Question Period**

**12. Recess into a Closed Meeting**

26/2022

**It was MOVED and SECONDED**

THAT Council recess at 3:00 p.m. to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)  
(e) the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality.

**CARRIED UNANIMOUSLY**

**13. Reconvene the Regular Council Meeting following the Public Hearing at 6:45 p.m.**

**14. Bylaws and Permits**

14.1 Municipal Ticketing Information Amendment Bylaw No. 2022-01 and Bylaw Notice Enforcement Amendment Bylaw No. 2022-02

27/2022

**It was MOVED and SECONDED**

THAT Council adopt "Municipal Ticketing Information Amendment Bylaw No. 2022-01";  
AND THAT Council adopt "Bylaw Notice Enforcement Amendment Bylaw No. 2022-02".

**CARRIED UNANIMOUSLY**

- 14.3 Zoning Amendment Bylaw No. 2022-03  
Re: 169 Maple Street

28/2022

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-03".

**CARRIED UNANIMOUSLY**

- 14.4 Zoning Amendment Bylaw No. 2022-04  
Re: 79 Okanagan Avenue

29/2022

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-04".

**CARRIED UNANIMOUSLY**

- 14.5 Zoning Amendment Bylaw No. 2022-05  
Re: 1603 Dartmouth Road

30/2022

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-05".

AND THAT Council adopt "Zoning Amendment Bylaw No. 2022-05".

**CARRIED UNANIMOUSLY**

- 14.6 Zoning Amendment Bylaw No. 2022-06  
Re: 30 Okanagan Avenue West

31/2022

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-06".

**CARRIED UNANIMOUSLY**

**15. Land Matters**

**16. Notice of Motion**

- 16.1 Councillor Regehr introduced the following Notice of Motion for consideration at the February 15, 2022 meeting of Council.

THAT Council, when considering the twin arenas initiative as outlined in the Civic Places and Spaces Asset and Amenity Management Plan, review the areas of concern identified in the submission from Councillor Regehr dated February 1, 2022.

**17. Business Arising**

**18. Council Round Table**

**19. Public Question Period**



**20. Adjournment**

32/2022

**It was MOVED and SECONDED**

THAT Council adjourn the electronic regular meeting of Council at 7:07 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Angie Collison  
Corporate Officer

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John Vassilaki  
Mayor

## Electronic Committee of the Whole

held via Zoom at City of Penticton  
171 Main Street, Penticton, B.C.

Tuesday, February 1, 2022

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

**Present via Zoom:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Sentes  
Councillor Watt

**Staff via Zoom:** Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Angela Campbell, Acting General Manager, Finance & Administration  
Blake Laven, Director of Development Services  
Anthony Haddad, General Manager, Community Services  
Kristen Dixon, General Manager of Infrastructure  
Cheryl Hardisty, Senior Executive Assistant  
Paula McKinnon, Deputy Corporate Officer

1. **Call to order**

The Mayor called the Committee of the Whole meeting to order at 1:01 p.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the agenda for the Committee of the Whole meeting held on February 1, 2022 be adopted as presented.

**CARRIED UNANIMOUSLY**

3. **Delegations:**

3.1 Proclamation "Real Acts of Caring" February 13-19, 2022

Ms. Burdock and KVR Grade 7 Students encouraged Council and residents to participate in Real Acts of Caring Week, February 13-19, 2022. Mayor Vassilaki proclaimed February 13-19, 2022 as 'Real Acts of Caring Week' in the City of Penticton.

3.2 2022 Regional District of Okanagan Similkameen and Okanagan Similkameen Regional Hospital District Budgets

Jim Zaffino, Manager of Finance, RDOS, presented to Council the 2022 Regional District of Okanagan Similkameen and Okanagan Similkameen Regional Hospital District Budgets.

3.3 Penticton Community Fridge and Pantry

Allison Howard and Dave Corbeil provided Council with a presentation on the Penticton Community Fridge and Pantry project.

4. **Adjourn to Regular Meeting**

**It was MOVED and SECONDED**

THAT Council adjourn the Committee of the Whole meeting held February 1, 2022 at 1:41 p.m. and reconvene the Regular Meeting of Council.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

\_\_\_\_\_  
Angie Collison  
Corporate Officer

\_\_\_\_\_  
John Vassilaki  
Mayor

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

**Tuesday, February 1, 2022  
at 6:00 p.m.**

**Present via Zoom:**

Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Sentes  
Councillor Watt

**Staff via Zoom:**

Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Blake Laven, Director of Development Services  
Steven Collyer, Planner II  
Nicole Capewell, Planner II  
Kristen Dixon, General Manager of Infrastructure  
Anthony Haddad, General Manager, Community Services  
Cheryl Hardisty, Senior Executive Assistant  
Paula McKinnon, 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. 2022-03.

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

**2. "Zoning Amendment Bylaw No. 2022-03" (169 Maple Street)**

The purpose of "Zoning Amendment Bylaw No. 2022-03" is to amend Zoning Bylaw No. 2021-01 as follows:

Rezone the north 10.67 m portion of Lot 3 Block 124 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1175, located at 169 Maple Street, from 'R2 Small Lot Residential' zone to 'RD3 Residential Infill'

zone, to facilitate a two-lot subdivision and future development of one duplex building.

The applicant intends to subdivide the subject property into two lots and construct a one two-storey duplex on the vacant lot with a detached two-car garage.

The Corporate Officer advised that no correspondence has been received since the printing of the agenda and distributed to Council.

**DELEGATIONS**

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

- Chris Schoenne, Applicant, excited to see the build move forward and is available to answer any questions.

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

- No one spoke.

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. 2022-03” was terminated at 6:06 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

\_\_\_\_\_  
Angie Collison  
Corporate Officer

\_\_\_\_\_  
John Vassilaki  
Mayor

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

**Tuesday, February 1, 2022  
at 6:15 p.m.**

**Present via Zoom:**

Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Sentes  
Councillor Watt

**Staff via Zoom:**

Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Blake Laven, Director of Development Services  
Steven Collyer, Planner II  
Nicole Capewell, Planner II  
Kristen Dixon, General Manager of Infrastructure  
Anthony Haddad, General Manager, Community Services  
Cheryl Hardisty, Senior Executive Assistant  
Paula McKinnon, Deputy Corporate Officer

**1. Call to order**

Mayor Vassilaki called the public hearing to order at 6:15 p.m. for Zoning Amendment Bylaw No. 2022-04.

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

**2. "Zoning Amendment Bylaw No. 2022-04" (79 Okanagan Avenue West)**

The purpose of "Zoning Amendment Bylaw No. 2022-04" is to amend Zoning Bylaw No. 2021-01 as follows:

Rezone Lot 4 District Lot 115 Similkameen Division Yale District Plan 10517, located at 79 Okanagan Avenue West, from R1 (Large Lot Residential) zone to RD3 (Residential Infill) zone.

The applicant intends to subdivide the subject property to create two duplex lots.

The Corporate Officer advised that two (2) letters have been received since the printing of the agenda and distributed to Council.

**DELEGATIONS**

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

- Tony Giroux, Representing Owners of Property, informed that the parking requirement has been met, development was carefully designed without the need for any variances. With regards to a comment made about parking, responded that City Bylaw restricts parking from the front of the property, only allowed from the lane. Expressed that these developments add value to neighbourhoods.

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

- No one spoke.

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. 2022-04" was terminated at 6:21 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

\_\_\_\_\_  
Angie Collison  
Corporate Officer

\_\_\_\_\_  
John Vassilaki  
Mayor

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

**Tuesday, February 1, 2022  
at 6:30 p.m.**

**Present via Zoom:**

Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Sentes  
Councillor Watt

**Staff via Zoom:**

Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Blake Laven, Director of Development Services  
Steven Collyer, Planner II  
Nicole Capewell, Planner II  
Kristen Dixon, General Manager of Infrastructure  
Anthony Haddad, General Manager, Community Services  
Cheryl Hardisty, Senior Executive Assistant  
Paula McKinnon, Deputy Corporate Officer

**1. Call to order**

Mayor Vassilaki called the public hearing to order at 6:30 p.m. for Zoning Amendment Bylaw No. 2022-05.

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

**2. "Zoning Amendment Bylaw No. 2022-05" (1603 Dartmouth Road)**

The purpose of "Zoning Amendment Bylaw No. 2022-05" is to amend Zoning Bylaw No. 2021-01 as follows:

Rezone Lot 1 District Lots 250, 2710, 3429S and 3821S Similkameen Division Yale District Plan 37288, located at 1603 Dartmouth Road, from M3 (Wrecking Yard) to M1 (General Industrial).



The applicant intends to rezone the subject property from M3 (Wrecking Yard) to M1 (General Industrial) to facilitate the development of industrial warehouses and self-storage.

The Corporate Officer advised that no correspondence has been received since the printing of the agenda and distributed to Council.

**DELEGATIONS**

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

- Rod Ferguson, Applicant, available to answer any questions.

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

- No one spoke.

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. 2022-05” was terminated at 6:35 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

\_\_\_\_\_  
Angie Collison  
Corporate Officer

\_\_\_\_\_  
John Vassilaki  
Mayor

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

**Tuesday, February 1, 2022  
at 6:45 p.m.**

**Present via Zoom:**

Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Sentes  
Councillor Watt

**Staff via Zoom:**

Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Blake Laven, Director of Development Services  
Steven Collyer, Planner II  
Nicole Capewell, Planner II  
Kristen Dixon, General Manager of Infrastructure  
Anthony Haddad, General Manager, Community Services  
Cheryl Hardisty, Senior Executive Assistant  
Paula McKinnon, Deputy Corporate Officer

**1. Call to order**

Mayor Vassilaki called the public hearing to order at 6:45 p.m. for Zoning Amendment Bylaw No. 2022-06.

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

**2. "Zoning Amendment Bylaw No. 2022-06" (30 Okanagan Avenue West)**

The purpose of "Zoning Amendment Bylaw No. 2022-06" is to amend Zoning Bylaw No. 2021-01 as follows:

Rezone Lot 4 District Lot 115 Similkameen Division Yale District Plan 7909, located at 30 Okanagan Avenue West, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant intends to construct a two-storey, three-unit townhouse onto the subject property.

The Corporate Officer advised that no correspondence has been received since the printing of the agenda and distributed to Council.

**DELEGATIONS**

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

- Tony Giroux, Applicant Representing Owner, informed that there is extra room on the property for additional parking and lots of green space. Available to answer any questions.

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

- No one spoke.

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. 2022-06" was terminated at 6:50 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

\_\_\_\_\_  
Angie Collison  
Corporate Officer

\_\_\_\_\_  
John Vassilaki  
Mayor

## Special Electronic Parks and Recreation Advisory Committee Meeting

held via Zoom  
Thursday, January 27, 2022  
at 9:00 a.m.

- Present:** Isaac Gilbert, Chair  
James Palanio, Vice Chair  
Andrew Drouin  
John Archer  
Laura Harp  
Robert (Sandy) Ross
- Council Liaison:** James Miller, Councillor
- Staff:** Anthony Haddad, General Manager of Community Services  
Kelsey Johnson, Manager of Recreation, Arts and Culture  
Len Robson, Public Works Manager  
Cathy Ingram, Procurement and Inventory Services Manager  
Paula McKinnon, Deputy Corporate Officer
- Regrets:** Drew Barnes  
Marc Tougas  
Susan Fraser  
Tyson Bull

1. **Call to Order**

The Special Electronic Parks and Recreation Advisory Committee meeting was called to order by the Chair at 9:01 a.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adopt the agenda for the meeting held on January 27, 2022 as presented.

**CARRIED UNANIMOUSLY**

3. **Adjournment to a Closed Meeting**

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee adjourn to a closed meeting pursuant to the provisions of the Community Charter as follows:

Section 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Paula McKinnon  
Deputy Corporate Officer

DRAFT

## Heritage & Museum Advisory Committee Meeting

held via Zoom  
Wednesday, February 2, 2022  
at 1:00 p.m.

**Present:** Brad Hillis, Chair  
Karen Collins, Vice Chair  
Anne Hargrave  
Gerald Buzzell  
Jeanette Beaven  
Nicole Ensing  
Viv Lieskovsky  
Blake Allen

**Council Liaison:** Judy Sentes, Councillor

**Staff:** Blake Laven, Director of Development Services  
Dennis Oomen, Museum Manager  
Kelsey Johnson, Manager of Recreation, Arts, and Culture  
Paula McKinnon, Deputy Corporate Officer

1. **Call to Order**

The Heritage & Museum Advisory Committee was called to order by the Chair at 1:00 p.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Heritage and Museum Advisory Committee adopt the agenda for the meeting held on February 2, 2022 as amended to include Item 4.4 Heritage Protection Policies Update.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

3.1 Minutes of the November 3, 2021 Heritage and Museum Advisory Committee

**It was MOVED and SECONDED**

THAT the Heritage and Museum Advisory Committee adopt the minutes of the November 3, 2021 meeting as presented.

**CARRIED UNANIMOUSLY**

Councillor Sentes joined the meeting at 1:02 p.m.

#### 4. **New Business**

##### 4.1 Penticton Museum's New Heritage Exhibit Update

The Museum Manager provided the Committee with an update on the museum's new heritage exhibit called Build Right Penticton Heritage which had a soft opening in November and will continue in that format until at least March, possibly later. A proper opening will take place once COVID-19 restrictions ease. The Committee was informed that the exhibit is somewhat modular so that components of it can be displayed at various City properties once out of the Museum.

The Committee was also informed that the second phase to this exhibit includes the replacement and introduction of heritage signage to as many City heritage properties and pamphlets being published in the spring detailing heritage properties and neighborhoods.

##### 4.2 2022 Heritage and Museum Advisory Committee Meeting Schedule

The Deputy Corporate Officer introduced the 2022 Committee meeting schedule.

The floor was opened to the Committee for questions and comments. A Committee Member asked how much notice is provided for confirmed meetings. The Deputy Corporate Officer notified that Committee that staff try to provide a minimum of two-week's notice for scheduled upcoming meetings.

#### **It was MOVED and SECONDED**

THAT the Heritage and Museum Advisory Committee 2022 meetings be tentatively held on January 12, February 2, March 2, April 6, May 4, June 8, July 6, August 3, September 7, October 5, November 2 and December 7 at City Hall or electronically at 1:00 p.m. unless otherwise specified.

**CARRIED UNANIMOUSLY**

##### 4.3 Electronic Meeting Policy

The Deputy Corporate Officer highlighted the Electronic Meeting Policy adopted by Council in October 2021 as it pertains to electronic meetings for Advisory Committees.

##### 4.4 Heritage Protection Policies Project Update

The Director of Development Services updated the Committee that Council provided direction to staff to come back with recommendations on heritage protection guidelines and available tools to encourage development that is sympathetic to heritage along Lakeshore Drive, Front Street and Windsor Avenue Area. The Committee was informed that the City's engagement team is reviewing and putting their finishing touches on their engagement plan that will hopefully be brought to Council as early as the February 15 or March 1 meeting to endorse the work and provide budgetary approval. The Committee was also informed that once direction is provided from Council, the Committee will remain updated throughout the process.

The Director of Development Services explained that the delay in bringing this item forward to Council is due to the submitted development application for Lakeshore Drive and the engagement team's already busy schedule working on other strategic priorities. The Committee was also informed that an outside consultant with heritage expertise would be hired and the Shape Your City platform would be used for engagement.

The floor was opened to the Committee for questions and comments. A Committee Member asked for clarification on the friendly amendment made to Council's direction for staff to work with the Heritage and Museum Committee on this project. The Director of Development Services responded that the next step in the process includes getting Council's approval for the work plan that was presented to the Committee back in November as well as budgetary approval and expressed that no decisions have been made or actions taken that require the Committee's involvement yet; however, once Council provides approval, the Committee will be provided with regular updates on the progress of the project and the terms of reference for procurement can also be provided to the Committee for feedback.

Anne Hargrave left the meeting due to technical issues at 1:23 p.m.

Another Committee Member asked for staff to clarify what an engagement team is. Staff responded that the City's Communication Department has an Engagement Specialist, JoAnne Kleb, who is a very adept at finding tools and engaging a broad-cross section of participation in obtaining feedback from the community.

Anne Hargrave returned to the meeting at 1:28 p.m.

Councillor Sentes expressed on behalf of the Committee that they are not being engaged and utilized to the best of their expertise and reminded the Committee and staff that Council's intent was that the Committee's energies and expertise be advantaged and that the Committee be utilized as a working tool for staff on this project.

Councillor Sentes inquired about the agenda building process and whether the Committee Chair is consulted and how Committee Members can bring items forward onto the agenda. Staff explained the agenda building process and reminded the Committee that agenda items should be shared with the Chair and Staff prior to a meeting for addition. It was also noted that agendas can be amended at the beginning of each meeting to include items that don't require any preparation such as updates when applicable.

A Committee Member commented on the various tools available to help educate community members. Staff responded that the first phase includes raising awareness and educating the Community on the importance and uniqueness of the selected neighborhoods. Further discussions about any particular tools that will be utilized will take place after the Community is engaged. The Committee was informed that they will be involved in how the City engages with these neighborhoods in raising awareness.

The Director of Development Services mentioned that there may be opportunity for the creation of a sub-committee to work with the hired consultant and staff.

A Committee Member asked whether staff could provide options for architectural guideline options and tools in advance. The Director of Development Services expressed the importance of utilizing the City's Engagement Specialist to involve affected property owners in discussions about the uniqueness of their neighborhoods.

Councillor Sentes informed the Committee that the RDOS went through an aggressive Heritage process and suggested that staff connect with RDOS to see what tools would be beneficial for the City to use moving forward.

## 5. **Next Meeting**



The next Heritage and Museum Advisory Committee meeting is tentatively scheduled to be held on March 2, 2022 at 1:00 p.m.

The Museum Manager extended an invite to the Committee for a guided tour of the exhibit. A Committee Member suggested that applicable staff visit the Museum for a better understanding of the passion and importance behind saving heritage in the Community.

6. **Public Question Period**

7. **Adjournment**

**It was MOVED and SECONDED**

THAT the Heritage and Museum Advisory Committee adjourn the meeting held on February 2, 2022 at 1:44 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Paula McKinnon  
Deputy Corporate Officer

## Penticton and Ellis Creek Restoration Select Committee Meeting

held via Zoom  
February 3, 2022  
at 9:00 a.m.

**Present:**

**Voting Members**

Paul Askey, Freshwater Fisheries Society of BC (*Chair*)  
Zoe Eyjolfson, Okanagan Nation Alliance (*Vice Chair*)  
Bill Wickett, Alternate, Penticton Fly Fisheries Association  
Doug Maxwell, Member at Large  
Gerry Turchak, Penticton Industrial Development Association  
Sandy Ross, Parks and Recreation Advisory Committee Member  
Maryssa Bonneau, Penticton Indian Band Natural Resources

**Non-Voting Members**

Bruce McFarlane, Ministry of FLNRO, Regional Water Management

**Council Liaison:**

Frank Regehr, Councillor

**Staff:**

Ian Chapman, Manager of Special Projects  
Kristen Dixon, General Manager of Infrastructure  
Paula McKinnon, Deputy Corporate Officer

**Regrets:**

Sophie Fillion, South Okanagan Conservative Program  
Tara White, Ministry of FLNRO – Fish & Wildlife Division  
Rick Peleshytuk, Ministry of FLNRO, Regional Water Management  
Bryn White

**Guests:**

Joe Kennedy, Stantec  
James Bigelow, Stantec  
Leif Burge, Stantec

1. **Call to Order**

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

2. **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 February 3, 2022 as amended to include Item: 4.4 - Update on the Removal of Nanaimo Avenue Bridge and Construction Timing.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

3.1 Minutes of the December 17, 2021 Penticton and Ellis Creek Restoration Select Committee Meeting

**It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes of the December 17, 2021 meeting as presented.

**CARRIED UNANIMOUSLY**

4. **New Business**

4.1 Presentation by Stantec

The Manager of Special Projects provided an update on conversations that took place with Stantec following the last Committee meeting to address the challenges of the design including land acquisition, amount, size, cost and time to build retaining walls necessary to make the design work, boulder sizes and impacts on the existing spawning area. Stantec was asked to see if changes could be made to the design to address these items and be able to execute the contract this year within the estimated budget.

Stantec provided a presentation to the Committee regarding potential changes to the design to achieve these objectives. The presentation focused on informing the Committee on the following topics in detail:

- Property Constraints
- Design Approach/How they got there
- Re-design Description
- Comparison of Expected Performance; and
- Next Steps

Leif Burge, Stantec, entered the meeting at 9:32 a.m.

The Manager of Special Projects stated that Stantec has managed to define solutions that address all of the various comments and concerns raised and that if endorsed by the committee would allow the design to be finalized, submitted as a revision to the current permit application and facilitate construction in the forthcoming fish window.

The floor was opened to Committee members for comments and questions. A Committee Member commented that the most important benefit to fish is to have concrete removed, and design changes to make the cost and timing of construction feasible are important but that the design changes to fish habitat wasn't as positive an outcome since the longitudinal section indicated the impact to the existing spawning bed at the top end of the project has not changed from the previous design and the unique deep pool feature was reduced to two shallower pools. The Stantec Consultant clarified that the changes are not visible in the profile, but some disturbance of the spawning bed to the sides is reduced as illustrated on the plan view. The Consultant also provided clarity that the gradient differences in the last meters at the upstream tie in point are minimal and field fitting can be used to benefit fish habitat by decreasing the impact to the spawning bed as much as possible.

A Committee Member questioned whether increased velocities in the narrower channel will cause removal of gravels by scouring action. The Consultant responded that the velocities in

the new design will be similar to the previous design; the narrowing will be minimal and the velocities in the pool are very low during spawning times as well as during the two hundred year flows.

A Committee Member inquired about encroaching properties potential constraints on the design specifically on the right bank. The Consultant confirmed that encroachment on the left bank included pathways, retaining walls and trees that would not be beneficial to remove, and on the right bank the property owners have largely stayed within their property lines and the new design has been modified to stop at the fences/property lines instead of acquiring land from the owners as required in the previous design.

The Manager of Special Projects notified the Committee that the trees/vegetation within the construction area will need to be removed within the next 6-8 weeks before the nesting season begins. It was also noted that the larger trees along the perimeter of the creek corridor, particularly on the south side, will remain to help provide over-arching shade to the fish habitat.

A Committee Member suggested that the velocity profile should be presented on a diagram for the benefit of the Community and fish habitat enthusiasts. The Committee Member commented that the variable bottom width is a good way to go and expressed concerns regarding clearance under the Wade Avenue Bridge being on the lower side creating a pinch point. The Committee Member asked about the rock/boulder size and what is being anticipated and commented on the limitations to the future design of the next up-stream reach restoration. The Stantec Consultant responded that the majority will be in the 1.0 to 1.2-meter range, and that a velocity profile will be created.

Another Committee Member commented that the property owners adjacent to the creek have been waiting to hear back from City Staff and inquired on their behalf when that would take place. The Manager of Special Projects commented that discussions with owners will resume again shortly based upon the new design. The Committee member also commented on the issues with the walking bridge and whether any changes will be made underneath the bridge to help reduce the current issues with homelessness. The Manager of Special Projects responded that the appropriate staff will be involved on that issue.

A Committee Member asked whether costs will be saved on the construction of this redesign to help pay for the costs of the engineering work on the design revisions. The Manager of Special Projects clarified that while the additional design costs are likely to be much lower than the cost of the retaining walls that will be eliminated it has yet to be established if the grant funding rules will allow for that direct substitution.

A Committee Member asked about access points for the construction areas and whether removal of the Nanaimo Avenue bridge will create any challenges. The Stantec Consultant answered that the primary access for the creek will be at Nanaimo Avenue which will provide a fairly large lay down area and access once the bridge is removed. Wade Avenue was also mentioned as another lay-down and access point which is on City property.

**It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee support proceeding with the proposed changes to the Penticton Creek design as presented by Stantec at the February 3, 2022 Committee meeting.

**CARRIED UNANIMOUSLY**

4.2 2022 Penticton and Ellis Creek Restoration Select Committee Meeting Schedule

The Deputy Corporate Officer introduced the 2022 Committee meeting schedule.

**It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee 2022 meetings be tentatively held on January 17, February 10, March 10, April 21 May 12, June 16, July 14, August 11, September 22, October 13, November 17 and December 15 at City Hall or electronically at 9:00 a.m. unless otherwise specified.

**CARRIED UNANIMOSLY**

4.3 Electronic Meeting Policy

The Deputy Corporate Officer highlighted the Electronic Meeting Policy adopted by Council in October 2021 as it pertains to electronic meetings for Advisory Committees.

4.4 Update on the Removal of Nanaimo Avenue Bridge and Construction Timing

The Manager of Special Projects asked Stantec whether they could comment on when the Nanaimo Avenue Bridge will need to be removed before the in-stream works begin.

The Stantec Consultants commented that the sooner the bridge can be removed the faster preparations can begin which would be advantageous to the project and noted that a huge lead time is not required. A detailed construction schedule will be provided at a later date.

The Manager of Special Projects notified the Committee that the following items will need to be taken into consideration moving forward with the project schedule:

- trimming and removal of trees before the nesting season begins;
- presentation to the Penticton Indian Band needs to take place in March;
- revised plans for the permit process need to be submitted at the end of February;
- get the tender out in mid-May and close the tender in mid-June; and
- begin construction in mid-July.

5. **Next Meeting**

Bruce McFarlane, Non-Voting Member, notified the Committee that he has decided to retire from the public service and expressed his thanks to the Committee for the wonderful experience.

The next Penticton & Ellis Creek Restoration Select Committee meeting is to be determined.

6. **Public Question Period**

7. **Adjournment**

**It was MOVED and SECONDED**

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on February 3, 2022 at 10:35 a.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Paula McKinnon  
Deputy Corporate Officer

## Safety and Security Advisory Committee Meeting

held via Zoom  
Monday, February 7, 2022  
at 10:30 a.m.

**Present:** Matt Taylor, Chair  
Deirdre Riley, Vice Chair  
Jill Pascoe  
Lynn Allin

**Council Liaisons:** John Vassilaki, Mayor  
Katie Robinson, Councillor

**Staff:** Blake Laven, Director of Development Services  
Larry Watkinson, Fire Chief  
Staff-Sgt Bob Vatamaniuck, RCMP  
Tina Mercier, Bylaw Services Manager  
Angie Collison, Corporate Officer  
Rebecca Van Huizen, Legislative Assistant

**Regrets:** Cheryl Watts  
Daryl Clarke  
Adam Power  
Nicolette Rodriguez

1. **Call to Order**

The Safety and Security Advisory Committee was called to order by the Chair at 10:33 a.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Safety and Security Advisory Committee adopt the agenda for the meeting held on February 7, 2022 as presented.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

3.1 Minutes of December 6, 2021 and January 10, 2022 Safety and Security Advisory Committee Meetings

**It was MOVED and SECONDED**

THAT the Safety and Security Advisory Committee adopt the minutes of the December 6, 2021 and January 10, 2022 meetings as presented.

**CARRIED UNANIMOUSLY**

4. **Delegation**

4.1 100 More Homes Penticton – Naomi Woodland, United Way, Linda Sankey, Community Partners

- Linda Sankey provided the Committee with a PowerPoint presentation and overview of 100 More Homes Penticton.
- Responded to questions from the Committee.

5. **New Business**

5.1 “Where Are We Now” Updates from Primary Service Departments

- An update was provided by the Bylaw Services Manager and responded to questions from the Committee.
- An update was provided by the Fire Chief and responded to questions from the Committee.
- An update was provided by Staff-Sgt Bob Vatamaniuck, RCMP and responded to questions from the Committee.

5.2 2022 Safety and Security Advisory Committee Meeting Schedule

The Corporate Officer introduced the 2022 Committee meeting schedule.

**It was MOVED and SECONDED**

THAT the Safety and Security Advisory Committee 2022 meetings be tentatively held on January 10, February 7, March 7, April 4, May 2, June 6, July 4, August 8, September 19, October 17, November 14 and December 5 at City Hall or electronically at 10:30 a.m. unless otherwise specified.

**CARRIED UNANIMOUSLY**

5.3 Electronic Meeting Policy

The Corporate Officer highlighted the Electronic Meeting Policy adopted by Council in October 2021 as it pertains to electronic meetings for Advisory Committees.

5. **Next Meeting**

The Next Safety and Security Advisory Committee meeting is scheduled for Monday, March 7, 2022.



6. **Public Question Period**

7. **Adjournment**

**It was MOVED and SECONDED**

THAT the Safety and Security Advisory Committee adjourn the meeting held on Monday, February 7, 2022 at 11:38 a.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Rebecca Van Huizen  
Legislative Assistant



# Council Report

pentiction.ca

**Date:** February 15, 2022 File No: N\city\Address\Chase Ave\718  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Ken Kunka, Building and Permitting Manager  
**Address:** 718 Chase Avenue  
**Subject:** **718 Chase Avenue: Request for Notice on Title**

## Staff Recommendation

THAT the owner of 718 Chase Avenue (the *Property*) be notified that Council will consider passing a resolution to place a Notice on Title under section 57 of the *Community Charter* with respect to contraventions of the City of Penticton *Building Bylaw No. 2021-21* on Lot 29, District Lot 2 Group 7 Similkameen Division Yale District, Plan 1049, located at 718 Chase Avenue, stating the following:

“Failure to complete a building permit, which is a violation of the City of Penticton *Building Bylaw No. 2021-21*. Further information about it may be inspected at the municipal hall.”

AND THAT the owner be notified of the proposed Notice on Title report, and given the opportunity to speak to the matter at the regular Council meeting on April 5, 2022.

## Executive Summary

This report recommends that, pursuant to section 57 of the *Community Charter*, the owner of the Property be notified that Council will consider passing a resolution to have a Notice be registered with the Land Title and Survey Authority against the *Property* for failure to comply with the City of Penticton *Building Bylaw No. 2021-21* and the *British Columbia Building Code*, contraventions which are related to the safety of the building on the property. This report recommends that Council support staff in notifying the owner, and providing the owner with an opportunity to be heard.

## Strategic Priority Objective

**Community Safety:** The City of Penticton will support a safe, secure and healthy community.

## Background

On November 3, 2021 and, again, on December 3, 2021, staff cautioned the owner that staff would commence with escalating enforcement action, because of the owner’s failure to complete the building permit BP012204. As of the date of this report, the owner has completed some of the required works to complete the building permit BP012204, such as the removal of the cooking facilities and cabinetry, so that the structure may be considered an accessory building. Nevertheless, the reduction of the accessory building to the size that was originally permitted in 1960 has not been accomplished by the owner. As outlined within the Chronology of Events (Attachment A), the Property has expended a considerable

amount of staff time, and staff are now recommending escalating enforcement action as outlined in Council's *Building Compliance Policy* (Resolution No. 437/2018) - to ensure compliance, and requesting that Council consider that the owner be notified that Council will consider passing a resolution for the placement of a Notice on the Title of the property, via section 57 of the *Community Charter*.

#### *City of Penticton – Building Bylaw No. 2021-21*

As outlined in division 1 of the *Community Charter*, local governments have the authority to regulate construction. In the City of Penticton, the power to regulate construction is exercised through the *Building Bylaw No. 2021-21*, and was formerly exercised under the *Building Bylaw No. 2018-01* until June 15, 2021. The building permit BP012204 was issued under the *Building Bylaw No. 2018-01* on May 11, 2021, and the failure to complete the issued building permit now falls under the *Building Bylaw No. 2021-21*.

#### **Financial implication**

The City's expenditure will be further staff time to notify the owner, and to prepare the resolution.

#### **Analysis**

During the course of this enforcement action, staff have followed Council's approved *Building Compliance Policy*, as well as section 57(1) of the *Community Charter*, which allows for a building inspector to recommend that Council consider a resolution to notify the owner that Council will consider placing a Notice on the Title of the property.

At the time of this report, the Property remains in violation of the City's *Building Bylaw No. 2021-21* and the *British Columbia Building Code*, because of the illegal accessory building on the Property. Due to current enforcement efforts having not brought the Property into compliance with the City's Bylaws, staff are recommending the registration of a Notice on the Title of the Property. In addition, staff would like for Council to consider the following information when contemplating this action:

- The potential safety risks for surrounding properties, such as fire spread, as a result of an oversized accessory building constructed in the required setback without the necessary permits;
- If the City should choose not to enforce, then the potential for legal claims as a result of possible damages to surrounding properties;
- A reputation of not enforcing bylaws to ensure compliance with the City's pertinent regulations;
- The Chronology of Events that details staff's efforts to bring the Property into compliance (Attachment A).

Under the authority of the section 57(1) of the *Community Charter*, it is appropriate for Council to consider a resolution to notify the owner that Council will consider placing a Notice on Title for the failure to complete the building permit BP009864. Due to the many opportunities that staff have provided the owner to complete the building permit BP009864, staff are recommending the Council support staff in notifying the owner of the possible registration of the Notice on the Title of the property.

#### **Attachments**

Attachment A – Chronology of Events

Attachment B – Letter dated January 22, 2021

Respectfully submitted,

Ken Kunka, ASCT RBO  
Building and Permitting Manager

Concurrence

Director of Development Services  <i>BL</i>	Chief Administrative Officer  <b>DyD</b>
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**Attachment A – Chronology of Events**

Chronology of Events

718 Chase Avenue

Date of Documentation	Description	Associated Document
January 10, 2022	Staff reposted the Do Not Occupy Notices to the Accessory Dwelling Unit (ADU) and issued a ticket to the owner.	
January 9, 2022	Staff observed that the Do Not Occupy Notices posted to the ADU had been removed.	
December 7, 2021	Staff posted a Do Not Occupy Notice to the ADU and issued a ticket to the owner.	
December 6, 2021	Staff informed the owner that a Do Not Occupy Notice would be posted on December 7, 2021.	
November 29, 2021	Staff reminded the owner that the building permit BP012204 must be completed by December 3, 2021.	
November 3, 2021	Owner claimed that staff would need to seek an injunction to reduce the accessory building.	
November 3, 2021	Staff issued a ticket and sent a letter to the owner that required BP012204 be completed by December 3, 2021.	
November 1, 2021	Notice placed on the Tax Certificate for the property.	
October 23, 2021	BP012204 expired without completion.	
August 23, 2021	Staff granted an extension for BP012204 to October 23, 2021.	
August 6, 2021	Staff granted an extension for BP012204 to August 20, 2021.	
July 21, 2021	Staff issued a fail for a completion inspection for BP012204, as the ADU had been decommissioned and not reduced in size.	
July 7, 2021	Staff agree to provide an extension for BP012204 should the owner call for a completion inspection.	
July 7, 2021	Owner claimed to have decommissioned the ADU, but not reduced the size.	
July 5, 2021	Staff reminded the owner that BP012204 would expire on August 6, 2021 without any inspections.	
May 11, 2021	BP012204 was issued.	
April 20, 2021	Staff provided an extension to April 27, 2021 to complete the building permit application.	
February 12, 2021	Owner submitted a building permit application to decommission the ADU and reduce the size.	
February 9, 2021	Staff rejected an incomplete building permit application from the owner.	

January 22, 2021	Staff sent a letter to the owner regarding the outcome of the Council meeting.	Attachment B
January 19, 2021	Council denied "Development Variance Permit PL2020-8854".	
October 16, 2020	Staff provided the owner with a copy of the Technical Planning Committee (TPC)'s comments.	

Chronology of Events - Continued

October 15, 2020	TPC discussed the Development Variance Permit (DVP) application	
September 14, 2020	Staff received the requested documents for the DVP application.	
August 25, 2020	Staff requested documents to complete the DVP application.	
July 24, 2020	Staff received a partial Development Variance Permit (DVP) application from the owner.	
July 7, 2020	Staff sent a letter to the owner that provided two options for compliance for the ADU.	
June 9, 2020	Staff conducted an inspection of the property and identified an illegal accessory dwelling unit (ADU).	
May 8, 2020	Staff sent a letter to the owner that requested an inspection of the property.	
April 28, 2020	Staff received information that alleged illegal accessory suites existed at the property.	



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

**Attachment B – Letter dated January 22, 2021**

Ref No: CFS 183050

January 22, 2021



Dear Owner,

**Re: Illegal Carriage House – 718 Chase Avenue – LT 29, DL 2 SDYD, Plan 1049**

Please be advised that this letter is a result of Council’s decision on January 19, 2021 to deny “Development Variance Permit PL2020-8854” for your property, 718 Chase Avenue. As the Development Variance Permit was denied, the carriage house must now be decommissioned and brought into compliance, with both the *Zoning Bylaw No. 2017-08* and *Building Bylaw No. 2018-01*, through permit application. Section 7.1 of the *Building Bylaw No. 2018-01* provides the following:

A person must not commence or continue any construction, alteration, excavation, reconstruction, demolition, removal, relocation or change the use or occupancy of any building or structure, including other work related to construction

- (a) except in conformity with the requirements of the Building Code and this bylaw; and
- (b) unless a building official has issued a valid and subsisting permit for the work under this bylaw.



2020 Orthographic Image of the Carriage House at 718 Chase Avenue.

In order to bring the property into compliance, we request that you select one of the following options listed below.

**Carriage House**

In 1961, a building permit was issued to allow a 4.5 m<sup>2</sup> storage shed with an attached 2.23 m<sup>2</sup> lean-to to be constructed at the property. As you are aware, a subsequent building permit was not obtained for the conversion of the accessory building (i.e. the storage shed) into a carriage house. Since it was determined, through the provided site plan, that the carriage house is over 10m<sup>2</sup> in area and is located 0 m. from the side yard setback and 0 m. from the rear yard setback, the structure does not currently comply with the *British Columbia Building Code*, nor the *Zoning Bylaw No. 2017-08*.



**Options to meet City of Penticton Regulations:**

**1) Demolish the Carriage House.**

As a portion of the carriage house predates 1991, a hazard assessment will be required as part of the demolition permit. Should this option be selected, you may construct a new building that meets the regulations of the *Zoning Bylaw No. 2017-08*, after the successful completion of the demolition permit. If you do wish to demolish the carriage house, then please submit a demolition permit application along with the following documentation:

- a) Site plan that has the addition location circled.
- b) Site Profile Waiver.
- c) Application fee.

**2) Decommission the Carriage House and Reduce the Building Footprint of the Resulting Accessory Building.**

Under the *Zoning Bylaw No. 2017-08*, any accessory building with a building footprint of 10 m<sup>2</sup> or less, may be erected anywhere on a lot, provided that it is situated behind the front face of the principal building. If you wish to decommission the carriage house and then reduce the building footprint of the resulting accessory building, please submit an accessory building permit application along with the following documentation:

- a) Site plan, which illustrates a 'bird's-eye view' of the entire property, and also includes the following:
  - i) Site coverage
  - ii) Approximate area of the lot
  - iii) Area of all structures on the property
  - iv) Distances between the accessory building and existing structures
  - v) Distances between the accessory building and the setbacks from the property lines.
- b) Scaled drawings of the floor layout (i.e. construction plans) that illustrate the existing layout, and also include the following:
  - i) Size of foot print.
  - ii) Lumber used and spacing.
- c) One cross-section drawings that includes the following:
  - i) Height of the accessory building
  - ii) Distance from grade to framing (Please consider that any lumber within 6 in. to grade is required to be pressure treated)
  - iii) Foundation design.
- d) Elevation drawings that include window locations.
- e) Confirmation, from a certified tradesperson, of Plumbing and Electrical safety compliance.



*Decommissioning of the carriage house will require the removal of all cooking appliances.*



The Building and Licensing Department would like to work with you through a permit process to obtain compliance, if you wish to either demolish the carriage house, or to decommission the carriage house and reduce the size of the resulting accessory building. Our main goal is to ensure the safety of the occupants as well as the protection of surrounding properties.

Failure to select an option, and submit an application for the corresponding permit, by **February 8, 2021** will result in legal action, which includes fines of up to \$450.00 for every 24 hours that the property remains in non-compliance. Fines will be issued pursuant to either the *Building Bylaw No. 2018-01*, or the *Zoning Bylaw No. 2017-08*. A Do Not Occupy Notice will also be posted to the carriage house, and those found in violation of the notice will be subject to fines. As per section 57 of the *Community Charter*, a Notice on Title may also occur. Please be aware that a Notice on the Tax Certificate has been posted for Bylaw infractions and will remain until compliance is obtained.

The City of Penticton trusts that you will take corrective measures in response to this letter. You may contact me directly at [REDACTED] Office hours are Monday through Friday from 8:30 AM to 4:30 PM.

We thank you in advance for your cooperation.

ORIGINAL SIGNED [REDACTED]

[REDACTED]  
City of Penticton



# Council Report

penticton.ca

**Date:** February 15, 2022  
**To:** Donny Van Dyk, Chief Administrative Officer  
**From:** Angela Campbell, Manager of Finance  
**Subject:** **Year End Surplus Policy CP2022-01**

File No:

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## Staff Recommendation

THAT Council approve the revised "Year End Surplus Policy CP#2022-01" effective February 15, 2022.

## Background

During the year end process the City's Financial Statements are compiled determining the surplus/deficit amount per fund for the fiscal year. In Feb 2018 Council adopted the City's Year End Surplus Policy to give direction to staff on the annual allocation for the General Fund when the net result for a fiscal year is a surplus. Based on the results of the Asset and Amenity Management Project, current financial conditions and impacts on the City's financial position due to COVID-19, staff have reviewed the policy and are proposing revisions.

## Analysis

The Government Finance Officers Association (GFOA) recommends that governments establish formal policies on the level of unrestricted fund balances that should be maintained in the General fund for accounting and budgetary purposes.

In updating this policy, staff have reviewed similar policies for other municipalities as well as the guidelines from the GFOA and are recommending 16% of net expenditures which is 2 months of general fund operating expenditures. This guideline provides the dollar value of the Maximum Accumulated Surplus for the City.

The City's current accumulated surplus as at December 31, 2020 is \$9.1M which equates to just under 16% of general expenditures (excluding Collections for Other Governments and transfers to Other Funds/Reserves). The 2021 year end is currently underway with the last forecasted surplus at \$1.2M, which following the current policy would be allocated entirely into reserves. During budget deliberations for the 2022 year, Council approved a transfer from surplus to balance the budget in the amount of \$1.26M which will reduce the General Surplus accordingly.

### Annual General Surplus in Excess of \$500,000

Should the annual General Surplus be in excess of \$500,000, the policy provides that 40% would go into accumulated surplus if the Maximum Accumulated Surplus is lower than the guideline, and then provides for allocation of the remaining surplus into other reserves. Staff are recommending changes to this allocation as follows:

- Section 2 (B)(2)(i) - Increase the maximum transfer to the RCMP Services Reserve non-statutory (own reserve) from \$100k to \$250k.
- Section 2 (B)(2)(ii) - Increase the maximum allocation into the Financial Stabilization Reserve non-statutory (own reserve) from 10% to 25% and remove the condition of transferring only when Building and Licensing revenues exceed budget.
- Section 2 (B)(3) - Add an allocation to the Asset Sustainability Reserve (statutory) and change the allocation for any remaining surplus to be split equally between that reserve, the Equipment Replacement Reserve (statutory) and the Asset Emergency Reserve (non-statutory).

Costs for RCMP services are susceptible to unexpected increases when an unusual crime event occurs. The RCMP Services reserve was created to establish funding in the event a high crime event occurs and the City's policing contract costs come in above budget. In recent years, the City has also experienced unexpected contract increases due to inflationary measures and other changes to RCMP member compensation. The increase in provision in the Year End Surplus Policy would allow for any surplus in RCMP contract costs during the year to a maximum of \$250,000 to be transferred into the reserve to fund any future overages due to unplanned events or unexpected contract increases.

The Financial Stabilization Reserve funds major emergent operating issues, one-time and intermittent projects and can be used to offset unrealized revenues. The change to the policy would allow for up to 25% of the General Surplus to be allocated into the reserve and remove the condition to transfer only when Building revenues exceed budget. As the City has recently experienced unprecedented financial challenges due to COVID-19, staff feel it prudent to allocate additional funding into this reserve when surplus funds are available.

With the progression of the Asset and Amenity Management project, adding an allocation into the Asset Sustainability Reserve will be a key factor in funding future asset replacements and significant repairs. Staff are recommending to add that reserve to Section 2(B)(3) and change the allocation of any remaining surplus to be split equally to the reserves as follows:

- Equipment Replacement Reserve (statutory)
- Asset Emergency Reserve (non-statutory)
- Asset Sustainability Reserve (statutory)

### Annual General Surplus Less Than \$500,000

Should the annual General Surplus be less than \$500,000, the current policy provides that 40% would go into accumulated surplus if the Maximum Accumulated Surplus is lower than the guideline. Staff are

recommending to change the allocation of any remaining surplus to include the Asset Sustainability Reserve and be split equally as follows:

- Equipment Replacement Reserve (statutory)
- Asset Emergency Reserve (non-statutory)
- Asset Sustainability Reserve (statutory)

Surpluses for the Electric, Water and Sewer funds will continue to be allocated into the accumulated surplus for each respective fund.

**Alternate recommendations**

1. That Council maintain the allocations as set out in the current policy.

**Attachment**

Attachment A – Year End Surplus Policy CP2022-01

Respectfully submitted,



Angela Campbell  
Manager of Finance

Approvals

CAO
<b>DvD</b>

**Category:** FINANCE

**Subject:** Year End Surplus Policy

### **Purpose**

The City of Penticton Year End Surplus Policy will govern the City's treatment of fund surpluses as calculated in the annual financial statements to ensure funds are set aside to address future City priorities while meeting statutory requirements.

### **Scope**

The City of Penticton Year End Surplus Policy provides direction to staff on the distribution of the annual surplus for each fund.

### **Policy Statement**

The City of Penticton Year End Surplus Policy applies to the treatment of the annual surplus for each fund as calculated during Year End.

#### **1. Definitions:**

**"Accumulated Surplus"** means the accumulated excess of revenues over expenditures from prior years which has not been set aside for specific purposes;

**"Annual Surplus"** means the accumulated excess of revenues over expenditures for the current year;

**"General Surplus"** means the accumulated excess of revenues over expenditures for the current year for the General Fund;

**"Non-Statutory Reserve"** means funds allocated for a specified purpose but not established by bylaw;

**"Maximum Accumulated Surplus"** means the amount as calculated under S.2 of this policy;

**"Statutory Reserve"** means a reserve fund established by bylaw for a specified purpose as per the *Community Charter*;

**"Total Actual Annual Expenditures"** means the total expenditures from the City's Financial Statements Statement of Operations as published in the City's Annual Report;

**"Year End"** means the end of the fiscal year.

**2. Use of Surplus Funds**

A. The goal is to ensure the City maintains an adequate Accumulated Surplus while also setting aside reserves for specific priorities. The balance in the Accumulated Surplus account has an optimal balance of 16% of the net expenditures for the previous fiscal year:

Net expenditures are calculated as the Total Actual Annual Expenditures from Financial Statements for the previous year

Less:

Collection of annual payments to other Governments

Transfers to other Funds/Reserves

Example:

Total Expenditures		\$ 90,000,000.00
Less the total of:		
Collections for other governments	20,000,000.00	
Transfers to other funds/reserves	12,000,000.00	
		32,000,000.00
Net Expenditures to which the 16% applies		58,000,000.00
Guideline maximum Accumulated Surplus		\$ 9,280,000.00

B. If the City’s annual General Surplus for a fiscal year is in excess of \$500,000 it will be allocated as follows:

1. 40% to Accumulated Surplus until the Maximum Accumulated Surplus is achieved
2. Any remaining surplus amounts after item ‘a’ will be allocated as follows:
  - i. A maximum of \$250,000 per annum to the RCMP Services non-statutory (own) reserve if there is a surplus of RCMP yearly contract expenditures under budgeted expenditures
  - ii. 25% to the Financial Stabilization Reserve
3. Any remaining surplus amounts after items ‘a-b’ have been allocated shall be split equally between the following:
  - i. Equipment Replacement statutory reserve
  - ii. Asset Emergency non-statutory reserve
  - iii. Asset Sustainability statutory reserve

Once the Maximum Accumulated Surplus is achieved no further funds would be added to the Accumulated Surplus and allocations would be based solely on items ‘2-3’.

C. If the City’s General Surplus for a fiscal year is less than \$500,000 it will be allocated as follows:

1. 40% to Accumulated Surplus until the Maximum Accumulated Surplus is achieved

2. Any remaining surplus amounts after item 'a' has been allocated shall be split equally between the following:
  - i. Equipment Replacements statutory reserve
  - ii. Asset Emergency non-statutory reserve
  - iii. Asset Sustainability statutory reserve

**D. Electric, Water and Sewer Surplus**

The City's Electric, Water or Sewer fund Surplus for a fiscal year will be allocated into the accumulated surplus for each respective Electric, Water or Sewer fund.

**Related Policies and Legislation**

- Council Policy - Reserve Policy (dated February 5, 2019 Resolution No. 39/2019)

Approval History			
Replaces: Year End Surplus Policy Resolution 67/2018			
Approved by Council on:		Resolution No.:	

Certified Correct:

\_\_\_\_\_  
Angie Collison, Corporate Officer

# Council Report

penticton.ca

**Date:** Feb 15, 2022 **File No:** 1850-20  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Amber Coates, Financial Analyst  
Carly Lewis, Economic Development Manager  
**Subject:** **In-Year Grant Request: Meadowlark Festival/Okanagan Similkameen Conservation Alliance**

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## Staff Recommendation

THAT Council approves a \$2,500 cash grant to the Meadowlark Festival/Okanagan Similkameen Conservation Alliance for the Meadowlark Festival event.

## Strategic Priority Objective

**Mission:** Penticton will serve its residents, businesses and visitors through good governance, partnership and the provision of effective and community focused services.

## Background

The City has received an in-year grant request through our grant administration program. Annually the City receives grant applications as part of the budget deliberation process and subsequently receives in-year applications from organizations that did not apply during the regular intake.

During the 2022 budget deliberation process, the City used funding principles to determine the level of grant funding provided with new requests to address the increase in grant requests and to meet the budget allocation for grants. These principles included:

- Returning nominal grants from the prior year with similar requests were funded at the prior year levels;
- Large grants were reviewed individually;
- New requests under \$10,000 were funded at 50%; and
- Special events were evaluated individually.

## Financial Implication

During the budget process an amount is allocated to 'other' grants to fund requests that are made during the year. The current remaining budget available to allocate is \$10,000. Funding this request using the above principles, which is contained in the staff recommendation, would leave \$7,500 to fund any further 2022 requests.



**Analysis**

The Meadowlark Festival/Okanagan Similkameen Conservation Alliance is planning a return to host their regularly annual event May 20-22, 2022. This festival has operated for 22 years and includes a benefit concert, assorted guided tours, and a closing gala dinner and auction. The event takes place throughout the valley.

The Meadowlark celebrates the diversity of the natural environment of the Okanagan Valley and how, as citizens, we interact with that environment. It offers guided tours from experts in their fields who spend 2-3 hours on tours with small groups of interested people who have a chance to interact with each guide, and each other, while they experience the natural beauty of the region. The tours focus on geology, history (both pre- and post-colonial), environmental sustainability, the threats of invasive plants and animals, and discussions about conservation and recovery programs that will protect and preserve our indigenous species.

The tours are developed with a view to inclusiveness. Some are challenging hikes/bike rides while others are casual walks. Young people are encouraged to participate by being offered discounted tickets.

Timing and structure are intended to encourage participation from those from outside the region thus bringing economic benefits to the city.

The 2022 request is for \$3,500 of cash; however, in 2019 and 2020 \$2,500 was granted. The festival had taken a pause due to COVID-19 therefore did not make a request for 2021.

Staff have reviewed the request and based on the grant policy eligibility criteria, the nature of the program and the cost per resident benefiting, staff support this request. Applying the same principles that were used during the regular grant process to fund requests, staff are proposing to fund this grant request at the previous level of \$2,500.

**Alternate Recommendations**

THAT Council provide alternate direction to staff on the level of funding for the grant application from the Meadowlark Festival/Okanagan Similkameen Conservation Alliance.

Respectfully submitted,



Amber Coates  
Financial Analyst

Concurrence

Carly Lewis  
Economic Development Manager

Acting GM Finance and Administration	Chief Administrative Officer
<i>AMC</i>	<b>DyD</b>



# Council Report

penticton.ca

File No: 4320-80

**Date:** February 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Sheri Raposo, Land Administrator  
**Subject:** **Sudbury Beach, Skaha East and Peach Concessions – Request for Proposals**  
**3846 Skaha Lake Road, 3885 South Main Street and 185 Lakeshore Drive West, Penticton**

## Staff Recommendation

THAT Council direct staff to issue the Request for Proposal to seek operators for the use of three City buildings located at 3846 Skaha Lake Road (Sudbury Beach Concession), 3885 South Main Street (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of the operation of a food concession for a three-year License to Use term;

AND THAT Council authorize Mayor and Corporate Officer to execute the License to Use agreement.

## Property Description

Sudbury Beach Concession is located at 3846 Skaha Lake Road, as shown outlined in red on Attachment A. The building includes a ±320 sq. ft. concession area. Public washrooms are located on the north end of the building and do not form part of the Licensed Area, with the City being responsible for the maintenance of the washrooms.

Skaha East Concession is located at 3885 South Main Street, as shown outlined in red on Attachment A. The building includes a ±250 sq. ft concession area. Public washrooms are located on the north, north-east and south of the building and do not form part of the Licensed Area, with the City being responsible for the maintenance of the washrooms.

The Peach Concession is located at 185 Lakeshore Drive West, as shown outlined in red on Attachment A. The building includes a 221 sq. ft. concession area.

## Background

There are a total of four operational beach concession buildings in Penticton:

NAME	EXPIRY
Sudbury Beach Concession	September 30, 2021
Skaha East Concession	April 30, 2022
Skaha Main Concession	September 30, 2022
Peach Concession	January 31, 2022

Thomas & Callin Fine Foods Ltd. d.b.a Tickleberrys, is the most recent operator of the Sudbury Beach Concession and has had a License to Use agreement for four years. The current agreement expired on September 30, 2021.

Thomas & Callin Fine Foods Ltd. d.b.a Tickleberry's, is the most recent operator of the Skaha East Concession and has had a License to Use agreement for four years. The current agreement expires on April 30, 2022.

LocoLanding Adventure Golf Inc. is the most recent operator of the Peach Concession and assumed the remainder of the 20-year lease in 2016. The current agreement expired on January 31, 2022.

Skaha Main Concession, currently has one more season with the current operator. Staff will bring a report forward for this concession at a later date.

On December 7, 2021, staff brought forward the request to Council to refer the Request for Proposal to the Parks and Recreation Advisory Committee for their review and recommendation with the following outcome:

**10.2 Request for Proposal – Sudbury Beach, Skaha East and Peach Concessions  
Re: 3846 Skaha Lake Road, 3885 South Main Street and 185 Lakeshore Drive West**

**461/2021 It was MOVED and SECONDED**

THAT Council refer the Request for Proposal to the Parks and Recreation Advisory Committee for their review and recommendation, for the use of 3846 Skaha Lake Road (Sudbury Beach Concession), 3885 South Main Street (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the operation of food concessions for a three-year term.

**CARRIED UNANIMOUSLY**

**Park Land Protection and Use Policy References**

As this land, where the buildings are located, is dedicated parkland, the Park Land Protection and Use Policy requires any new agreements within our parkland follow the proper step procedure and receive a Committee recommendation. City staff completed their final procedural step and presented a report to the Parks and Recreation Advisory Committee on January 17, 2022, with the following outcome:

**It was MOVED and SECONDED**

THAT the Parks and Recreation Advisory Committee recommends that Council direct staff to issue the Request for Proposal to seek an operator for the use of the City buildings located at 3846 Skaha Lake Road (Sudbury Beach Concession), 3885 South Main Street (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession) for the purpose of the operation of a food concession for a 3-year term.

**CARRIED UNANIMOUSLY**

**License to Use Summary**

The proposed three-year term of the License to Use agreements for each of the concessions will be from May 1, 2022 to April 30, 2025.

The operator will be responsible for utilities, day to day upkeep, safety and security of the building. Wherein the City will continue to be responsible for the major maintenance of the building, surrounding grounds and adjoining washrooms.

**Financial Implication**

At this time, there is no financial implication to the City. It is anticipated that market rates in the anticipated proposals will not be significantly different from the former License to Use rates.

**Analysis**

To ensure an open competitive environment the City’s practice is to issue a Request for Proposal for concession operators for all three concessions. The intent would be for the RFP’s to be issued, awarded, and License to Use agreements in place, in time for the operators to commence operations by May 1, 2022.

**Alternate Recommendation**

That Council does not direct Staff to issue a Request for Proposal to seek operators for the use of the buildings located at 3846 Skaha Lake Road (Sudbury Beach Concession), 3885 South Main Street (Skaha East Concession) and 185 Lakeshore Drive West (Peach Concession), for the purpose of the operation of a food concession for a three-year License to Use term.

**Attachments**

Attachment A – Aerial View of Buildings and Locations of the Sudbury Beach, Skaha East and Peach Concessions

Attachment B – Draft Request for Proposal

Respectfully submitted,

Sheri Raposo, Land Administrator

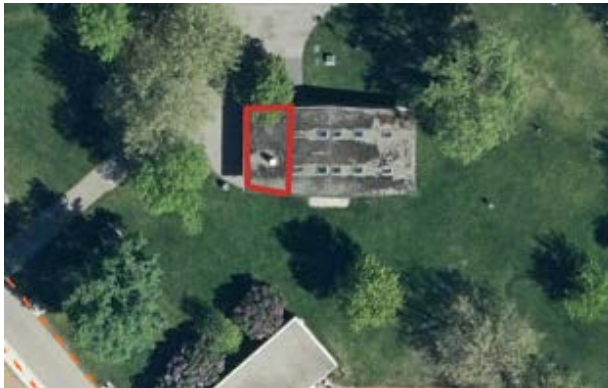
<p>Acting GM Finance &amp; Administration</p> <p><i>AMC</i></p>	<p>General Manager of Infrastructure</p> <p>KD</p>	<p>GM Community Services</p> <p><i>SM</i></p>	<p>Chief Administrative Officer</p> <p><b>DyD</b></p>
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ATTACHMENT A

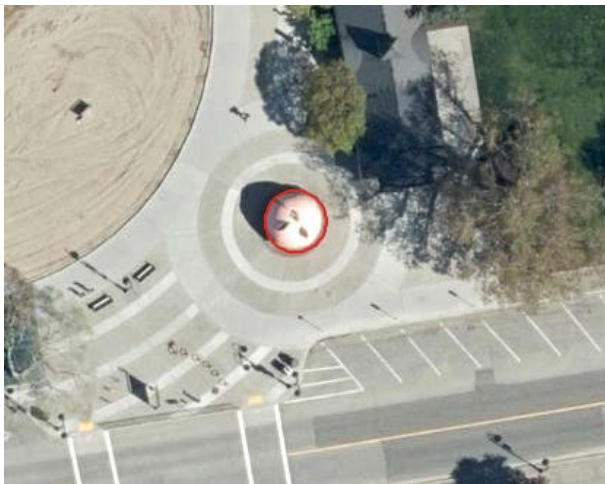
3846 Skaha Lake Road – Sudbury Beach Concession



3885 South Main Street – Skaha East Concession



185 Lakeshore Drive West – Peach Concession



# REQUEST FOR PROPOSALS FOR OPERATION OF XXX CONCESSION

Request for Proposals No.: XXXX

Issued: \_\_\_\_\_

Closing Date and Time: \_\_\_\_\_ at 2:00:00 PM

Non-mandatory site visit: \_\_\_\_\_ at XXX AM at XXX Concession located  
at XXX Street, Penticton, BC

Respondents are required to bring their own pen and face covering to the  
site meeting.

## Summary, Contents & Instructions:

### Summary

The City is seeking an operator for XXX Concession for the purpose of operating the concession for a XXX year term.

The City of Penticton (the City) invites Proposals from Respondents who wish to enter into a License to Use and operate the commercial concession facility known as XXX Concession and located at XXX, Penticton, BC.

This Request for Proposals (RFP) document outlines the overall scope of facility tenure, sets out the basic requirements for the Proposal document and provides the evaluation criteria to be used as the basis for awarding the tenure. The objectives of the RFP are to evaluate the Proponent’s experience, proposed utilization of the facility and products offered, cost of products to the consumers, any proposed upgrades or required improvements, schedule of operation, and License rate.

### Contents

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

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

### Instructions:

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

*Example:*

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

## Part A: The Services



This Part A provides details on operation of XXX Concession (the "Services") required by the City of Penticton. Respondents should ensure they are fully capable of providing all of the requirements outlined, as this section will form the scope of work in the final Contract.

### 1. Overview

XXX Park is located at XXXX of Penticton and on the XXX end XXX Lake. The park extends from XXX to XXX. The City of Penticton is seeking an operator for XXX concession for the purpose of operating the concession for a XXX year term. The following amenities are adjacent to the concession: XXX

### 2. Term

The Contract will have a XXX year term from XXX to XXX.

### 3. Sub-contracting

Subcontracting of this contract is not permitted. Any change of ownership requires the City of Penticton's prior written approval. Any award made as a result of this Request for Proposal will be based on the Criteria as detailed in Part B, which includes Best Value, which will include, but not be limited to, cost and profit return, quality of products and service. The highest or any Proposal may not necessarily be accepted.

### 4. Insurance Permits and Safety Protocols

#### 4.1. Liability Insurance

The Licensee shall take out and keep in force during the Term:

Commercial General Liability (including bodily injury, death, and property damage) insurance on an occurrence basis with respect to the business carried on, in, or from the Licensed Premises and the Licensee's use and occupancy thereof, of not less than \$5,000,000 per occurrence, which insurance shall be without right of subrogation and include the Landlord as a additional insured and shall protect the Landlord in respect of claims by the Licensee as if the Landlord were separately insured; and

All insurance required to be maintained by the Licensee hereunder shall be on terms and with insurers to which the Landlord has no reasonable objection and shall provide that such insurers shall provide to the Landlord 30 days' prior written notice of cancellation or material alteration of such terms.

#### 4.2. Equipment Insurance

Notwithstanding anything contained elsewhere herein, it is understood and agreed that the City shall not be liable for any loss or damage to Licensee's equipment, including loss or use thereof. The Licensee should carry their own insurance for their equipment and the policy shall contain the following clause:

"It is agreed that the right to subrogation against the City or any of its officers, employees, or Managers or their parent, subsidiary, affiliated, or associated companies or corporations, is hereby waived."



202X-RFP-XX

Operation of XXX Concession

#### 4.3. [Registration with WorkSafe BC \(WCB\)](#)

The License may contain a provision that the Licensee must be registered with WorkSafe BC (WCB) and ensure compliance with the Workers' Compensation Act. Upon request the Licensee shall submit a WorkSafe BC (WCB) Clearance Letter indicating that all WCB assessments have been paid.

#### 4.4. [Ministry of Health](#)

The premises will be turned over to the Licensee compliant with Ministry of Health requirements. The Licensee will be responsible for maintaining the premises to Ministry of Health standards, at their cost.

#### 4.5. [Governing Regulation](#)

The Licensee shall be aware and ensure that all necessary rules, statutes, and regulations pertinent to the operation are followed. The Licensee shall obtain all necessary permits required by law, and comply with all laws, ordinances, rules and regulations relating to the operation of the Concession and to the preservation of the public health. The Licensee shall be responsible for the safety of all workers and the public.

#### 4.6. [Protection of Property and Public:](#)

The Licensee shall comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority having jurisdiction.

The Licensee shall protect the Premises and the City's property from damage and shall make good at their own expense any damage which may arise as the result of the Licensee's operations under the License.

#### 4.7. [COVID-19 Exposure](#)

The Licensee will be required to bear Prime Contractor responsibilities as defined by WorkSafe BC.

Prime contractors have specific responsibilities for health and safety and must ensure that the activities of employers, workers, sub-contractors and other parties at the workplace are coordinated. The Contractor is also required to do everything that is reasonably practicable to establish and maintain a system or process that will ensure the compliance with the Occupational Health and Safety Regulation and the *Workers Compensation Act*.

Employers are responsible for ensuring the health and safety of workers by putting policies and procedures in place to keep workers healthy and safe, and providing workers with up-to-date instructions, training, and supervision on those policies and procedures.

Prime contractors, employers, and sub-contractors must have a mechanism in place for workers to raise issues and concerns about COVID-19 exposure so that additional precautions and controls can be put in place where required.

### 5. [Specifications and Conditions](#)

#### 5.1. [Facility Details](#)

XXX concession is approximately XXX ft<sup>2</sup> and includes a XXX

Public washrooms located on the XXX building do not form part of the License area and the City is responsible for their maintenance and the utilities.

202X-RFP-XX

Operation of XXX Concession

## 5.2. Equipment

There is currently equipment located within the facility which may or may not be included with the license. Prior to signing a contract, the City will determine if the equipment is safe for operation and an inventory list will be prepared at that time and form part of the contract document.

## 6. Products

Proponents must state payment to the City of Penticton for the License to Use the concession. The RFP shall include in a business plan operating hours and a menu of food and beverage items with pricing, as well any other non-food and non-beverage goods or services for sale or rent. All prices shall be in Canadian dollars.

Sale or rental of items other than food or beverages will be considered, and must be approved, in writing, by the City. Sale or rental of items which are in direct competition of beach vendors within a 50m radius will NOT be approved.

## 7. Use of Facility

### 7.1. Flat Fee Payment

The Flat Rate will be \$XXX per season plus GST and annual CPI adjustments.

### 7.2. Utilities

The Licensee will be responsible for the cost of electricity and be responsible to transfer the utility account into their name for the term of the contract.

### 7.3. Damage Deposit

A damage deposit of \$ XXX must be paid prior to commencing operations of the concession.

### 7.4. Fire Safety Plan

Prior to commencing operations of the concession, the Licensee must provide the City with a copy of a Fire Safety Plan, which must be acceptable to the City.

### 7.5. Emergencies

The Licensee shall take such action as necessary to deal with emergencies; and will notify the City immediately through the 24 hour emergency phone number 250.490.2324.

## 8. Site Conditions

Respondents may examine the Premises before submitting a Proposal, by attending the non-mandatory site meeting, either personally or through a representative to satisfy the nature and location of the Premises, local conditions, the equipment and facilities needed preliminary to and during the prosecution of the Premises and the means of access to the site, all necessary information as to risk, contingencies and circumstances as may affect a Proposal, and all other matters which can in any way affect the Premises.

## 9. Start-up and Wrap-up Meetings

The City representative and the Licensee will attend and start up meeting providing an opportunity to walk through the concession to ensure all is in working order and to hand over keys to the Licensee.

202X-RFP-XX

Operation of XXX Concession

At the end of the season, a City representative and the Licensee will attend a wrap-up meeting providing an opportunity to walk through the concession to ensure all is in working order and to hand over keys to the City. If any equipment is not working or damage has been sustained to the facility, any repairs will be deducted from the damage deposit.

### 10. Operating Season

At a minimum, the Licensee shall provide continuous service to the public from May 1st, until September 30<sup>th</sup> seven (7) days per week and at hours acceptable to the City.

### 11. Maintenance

The concession must be kept in a clean and sanitary manner, both inside and outside, on a daily basis. The repairs and maintenance of the Premises and Equipment are the sole responsibility of the Licensee.

### 12. Inspections

The City reserves the right to inspect the premises at any time and will provide a minimum of 24 hours' notice. Inspections are for the purpose of identifying and assessing and potential fire hazards and to ensure the facility is operating in a safe, clean and healthy manner.

Any of the City's concerns will be provided to the Successful Proponent, in writing, with a deadline of when issues must be rectified. If issues are not remedied to the City's satisfaction, the City reserves the right to cancel the Contract. The repairs and maintenance of the Premises and Equipment are the sole responsibility of the Licensee.

### 13. Facility

Insert pictures here

## Part B: The RFP Process



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

### 1. Key Details

#### 1.1 RFP Contact Person

Direct all inquiries to this RFP via the “Messages - Questions and Answers” feature on the City of Penticton Bonfire Portal: <https://penticton.bonfirehub.ca/portal>

Information obtained from any source other than through the Bonfire portal is unofficial and must not be relied upon as part of this RFP. Respondents must not contact any other employees, officers, consultants, agents, elected officials or other representatives of the City of Penticton regarding matters related to this RFP. Any Respondent found to have contacted persons other than through the Bonfire portal, may be disqualified from submitting a Proposal, or have their Proposal rejected.

All questions regarding this RFP must be submitted via the “Messages – Questions and Answers” feature in the Bonfire Portal prior to the Deadline for Questions detailed under Section 1.2 of this Part B. Questions received after the Deadline for Questions will be addressed if time permits. The Respondent is solely responsible for seeking any clarification required regarding this RFP, and the City shall not be held responsible for any misunderstanding by the Respondent.

#### 1.2 Timetable

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

Event:	Date:
Issue Date of this RFP	
Deadline for Questions	
Last Day for Issue of Addenda	
RFP Closing Date and Time:	
Notice of Award Date (estimated)	

#### 1.3 Site Meeting

A non-mandatory site meeting will be held at XXX on XXX at XXX AM at XXX located at XXX Street. Respondents are strongly encouraged to familiarize themselves with the location prior to submitting a Proposal.

### 1.4 Submission of Proposals (Address, Date & Time, Format)

Proposals to this RFP must be submitted digitally via the City of Penticton Bonfire Portal:

- **Bonfire Portal:** <https://penticton.bonfirehub.ca/portal>
- **RFP Closing Date and Time:** Proposals must be received no later than 2:00 PM on XXX.
- **Format:** All of the information required in the forms listed under Part D – Submission Forms

The complete Proposal must be uploaded, submitted, and finalized on the Bonfire Portal outlined above no later than the Closing Date and Time. It is strongly recommended that Respondents allow sufficient time and at least one day before the RFP Closing Date and Time to begin the uploading process and to finalise the Proposal.

Uploading large documents may take significant time, depending on the size of the file(s) and the internet connection speed. The maximum upload file size is 100MB.

Respondents will receive an email confirmation receipt with a unique confirmation number once the submission is finalized. For technical questions specific to submitting on the Bonfire Portal, contact Bonfire via email at [Support@GoBonfire.com](mailto:Support@GoBonfire.com). Respondents can also visit their help forum at <https://bonfirehub.zendesk.com/hc>.

## 2. Definitions Used in this RFP



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

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

## 3. Amendment of a Proposal by Respondent

A Respondent may amend a Proposal at any time up until the RFP Closing Date and Time. Amendments must be submitted in the same way as the original Proposal, as detailed in Section 1.4 of this Part B.

## 4. Withdrawal of a Proposal by Respondent

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

### 5. Addenda Issued by City

This RFP may only be amended by way of an Addendum issued in accordance with this Section. At any time up until the Closing Date and Time, the City may issue an Addendum in order to amend, clarify, or answer questions to this RFP. Each Addendum will be issued via the Bonfire Portal, at the same location and in the same manner as this RFP document. Each Addendum will form an integral part of this RFP. Respondents are solely responsible for checking the Bonfire Portal for Addenda up until the Closing Date and Time. If the City deems it necessary to issue an Addendum after the Last Day for Issue of Addenda, as detailed in Section 1.2 of this Part B, then the City may extend the Closing Date and Time in order to provide Respondents with more time to complete their Proposal.

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

### 6. Evaluation of Proposals & Award of Contract

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

#### 6.1 Mandatory Criteria

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

<b>Mandatory Criteria:</b>	
1	The Proposal must be received by the Closing Date and Time, in accordance with the requirements of Section 1.4
2	The Proposal must include the following completed form: <ul style="list-style-type: none"> <li>• Appendix A – Certification Form</li> </ul>

#### 6.2 Scored Criteria

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

<b>Scored Criteria</b>	<b>Weighting</b>
Business Plan (based on Appendix B submission)	25%
Experience (based on Appendix C submission)	30%
Menu and Pricing (based on Appendix D submission)	15%
Financial Proposal (based on Appendix E submission)	20%
Business References (based on Appendix F submission)	10%
<b>TOTAL</b>	<b>100%</b>

#### 6.3 Scoring Method

The following method will be used to score the scored criteria:

- All criterion will be scored by the evaluation committee out of 100, which will then be multiplied by the Weighting factor to provide a weighted score.

#### 6.4 Clarifications & Remedy Period

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

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

#### 6.5 Ranking of Respondents

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

#### 6.6 Conclusion and Execution of a Contract

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

- Clarification or amendment to the scope of work, plus any resulting price adjustments, based on items submitted in the Proposal.
- Amendments to the terms and conditions of the Contract (Part C), based on items submitted in the Proposal.

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

202X-RFP-XX

Operation of XXX Concession

## 7. Other Terms & Conditions of this RFP Process

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

### 7.1 Proposals in English

All Proposals are to be in the English language only.

### 7.2 Only One Entity as Respondent

The City will accept Proposals where more than one organization or individual is proposed to deliver the Services, so long as the Proposal identifies only one entity that will be the lead entity and will be the Respondent with the sole responsibility to perform the Contract if executed. The City will only enter into a Contract with that one Respondent.

### 7.3 Proposals to Contain All Content in Prescribed Forms

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

### 7.4 References and Experience

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

### 7.5 RFP Scope of Work is an Estimate Only

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

### 7.6 Respondent's Expenses

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

### 7.7 Retention of Proposals and FOIPPA

All Proposals submitted to the City will not be returned and will be retained in accordance with the *Freedom of Information and Protection of Privacy Act* ("FOIPPA"). Respondents should note that in accordance with the provisions of FOIPPA, certain details of this RFP and any executed Contract may be made public, including the Contractor's Name and total Contract price. Respondents should identify with their Proposal any information which is supplied in confidence, however, Respondents should be aware of and review the City's obligations under FOIPPA and the City's limited ability to refuse to disclose third party information pursuant to section 21 of FOIPPA.



## 7.8 Notification and Feedback to Unsuccessful Respondents

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

## 7.9 Conflict of Interest

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

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

## 7.10 Confidentiality

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

## 7.11 No Contract A and No Claims

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

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


## 7.12 Right to Cancel RFP

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

## 7.13 Governing Law and Trade Agreements

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

**Part C: The Contract (Licence to Use Agreement)**

	This Part C details the Contract (Licence to Use Agreement) but not limited to, the terms and conditions that the City will enter into with the Contractor at the conclusion of the process outlined in Section 6.6 of Part B.
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The City and the successful Respondent shall enter into a Contract for the Services using the following terms and conditions:

**LICENSE TO USE AGREEMENT**

Nature of Agreement:	License to Use	File No.: 4320.70
Particulars:	Use of space located at XXX Street, Penticton and known as XXX Concession for the operation of a beach food concession.	

THIS AGREEMENT dated for reference \_\_\_\_\_ day of \_\_\_\_\_, 202XXX.

**BETWEEN:**

**THE CORPORATION OF THE CITY OF PENTICTON**

a duly incorporated City Municipality under the laws of the Province of British Columbia, located at 171 Main Street, in the City of Penticton, in the Province of British Columbia, V2A 5A9 (hereinafter call the “City”)

**OF THE FIRST PART**

**AND:**

[INSERT COMPANY NAME]

[Insert Address]

[Insert Address]

(hereinafter called the “Licensee”)

**OF THE SECOND PART**

WHEREAS the City has agreed to grant a non-exclusive license to the Licensee to have access and use of the concession building shown outlined in red and described in the Schedule A attached hereto (hereinafter referred to as the “Licensed Area”);

NOW THEREFORE, in consideration of the fee to be paid by, and the covenants of, the Licensee, the parties agree as follows:

**1. Grant of License**

The City, on the terms set forth herein, grants a license to the Licensee to enter on the Licensed Area to operate the concession located at XXX, Penticton, BC, known as **XXX Concession** for the purposes described in the Management Plan attached hereto as Schedule B (herein called

RFP# 202 XXX

Operation of XXX Concession

the “**Management Plan**”) on an “as is” basis and the City makes no representations or warranties as to the suitability of the Licensed Area for the intended use.

**2. Duration**

2.1 This agreement and the rights granted shall be for a term of **XXX years** commencing on **XXX** (the “**Commencement Date**”) through to **XXX**, unless cancelled in accordance with the terms of this agreement.

2.2 In a year prior to the expiry of this agreement, the City reserves the right to offer tenure over the Licensed Area through an open and competitive process. The Licensee may participate in the competitive process.

**3. License Fee**

3.1 On the Commencement Date and annually thereafter, the Licensee shall pay to the City, the amount of **XXX – XX/100 (\$XXX)** dollars plus **GST** (the “**License Fee**”).

3.2 The License Fee may be paid in two equal installments. First installment will be due on June 1st and second installment will be due on July 1st.

3.3 On each and every anniversary of the Commencement Date thereafter during the term of this agreement, the License Fee shall be adjusted by an amount equivalent to the change in the Consumer Price Index for Province of British Columbia for the preceding year.

**4. Utilities**

The Licensee will be responsible for the costs of electricity and ensure the transfer of the utility account into their name for the terms of the contract.

**5. Damage Deposit**

A damage deposit of \$500.00 must be paid prior to the start of the XXX season, and will be returned to the Licensee upon the expiry of this agreement, provided that there are no damages and/or outstanding amounts due by the Licensee.

**6. Covenants of the Licensee**

The Licensee covenants and agrees with the Lessor:

- (a) to pay the License Fee due at the address of the City first written or at such other place as the City may specify from time to time;
- (b) to observe, abide by and comply with all applicable laws, bylaws, orders, directions, ordinances and regulations of any competent governmental authority in any way affecting the Licensed Area and improvements situate thereon, or their use and occupation;
- (c) not to commit or suffer any willful or voluntary waste, spoil or destruction on the Licensed Area or do or suffer to be done thereon anything that may be or become a nuisance or annoyance to owners or occupiers of the property or the adjoining land;

- (d) to indemnify, save harmless, release and forever discharge the City, their elected and appointed officials and employees from and against all manners of actions, causes of actions, claims, debts, suits, damages demands and promises, at law or in equity, whether known or unknown, including without limitation for injury to persons or property including death, or any person directly or indirectly arising or resulting from, or attributable to, any act, omission, negligence or default of the Licensee in connection with or in a consequence of this agreement, save and except to the extent caused by any act, omission, negligence or default of the City, its elected and appointed officials and employees;
- (e) to keep the Licensed Area in a safe, clean, tidy and sanitary condition satisfactory to the City and to make clean, tidy and sanitary any portion of the Licensed Area or any improvement that the City may direct by notice in writing to the Licensee;
- (f) to at all times, maintain the City-owned equipment listed in Schedule C attached (herein called the **"Equipment"**) in good, clean working order such that the condition of the Equipment complies with all applicable BC Health and Safety Acts and Regulations, and advise the City promptly when repairs are necessary to any of the Equipment;
- (g) to use and occupy the Licensed Area in accordance with the provisions of this agreement including those provisions and requirements set forth in the Management Plan;
- (h) to permit the City, or its authorized representative, to enter upon the Licensed Area at any time, with 72 hours notice to the Licensee, to test, inspect or perform such other work as the City may deem necessary or desirable;
- (i) to provide to the City with prepared in-house income and expense statement of the concession operation at the end of each season;
- (j) that on the expiration or at the earlier cancellation of this agreement:
  - (i) to peaceably quit and deliver possession of the Licensed Area to the City;
  - (ii) to remove all fixtures, structures, machinery, apparatus and all other things placed on the Licensed Area by the Licensee, leaving the Licensed Area in a clean and clear condition within one hundred and eighty (180) days of the termination of this agreement and leave the Licensed Area in good repair, restoring the Licensed Area to a condition similar to that at the Commencement Date. One hundred and eighty (180) days after the expiration or cancellation of this license, any improvements or fixtures that remain on the Licensed Area shall be absolutely forfeited and become the property of the City and the City, at their sole discretion, may remove any or all of the improvements or fixtures that were requested to be removed, but left by the Licensee, from the Licensed Area and the Licensee shall, on demand, compensate the City for all costs incurred by the City respecting their removal and disposal;

- (k) to the extent necessary, this covenant shall survive the expiration or cancellation of this agreement;
- (l) to effect and keep in force during the term, insurance against claims for personal injury, death, property damage or third party or public liability claims arising from any accident or occurrence on the Licensed Area to an amount not less than **FIVE MILLION (\$5,000,000.00) DOLLARS**, and to name the City as an additional insured on the policy with the inclusion of the following clauses:

**“Cross Liability”** clause:

“The insurance afforded by the insurance policy shall apply in the same manner to all insureds, as though separate policies were issued to each insured in the event an action is brought against any of the named insured by or on behalf of any other named insured.”

**“Cancellation”** clause:

“It is understood and agreed that the coverage provided by this policy will not be changed or amended in any way or cancelled (prior to thirty (30) days after written notice of such change or cancellation shall have been given or sent by registered mail to all named insured).”

and deliver to the City written confirmation of the required insurance coverage upon execution of this agreement.

- (m) the Licensee will provide the City with a new Certificate of Liability Insurance annually upon renewal;
- (n) notwithstanding subsection l) of Section 6, the City may from time to time notify the Licensee that the amount of insurance posted by the Licensee pursuant to that subsection be changed and the Licensee shall, within sixty (60) days of receiving such notice, cause the amount of insurance posted, pursuant to subsection l) of Section 6 to be changed to the amount specified in the notice and deliver to the City written confirmation of the change;
- (o) not to place any improvements on the Licensed Area other than those described elsewhere in this agreement, without prior written consent of the City;
- (p) not cause or permit any unusual or objectionable noises, or lights, to emanate from the License Area;
- (q) not cause or permit any unusual or objectionable odours which may be noxious or offensive or which could constitute a public or private nuisance;
- (r) not cause or permit any waste or damage;
- (s) not to conduct merchandising, display or advertising other than those typically associated with the operation of a concession on the Property without obtaining prior written permission from the City, which can be unreasonably withheld;

- (t) to observe and comply with any rules or regulations the City may make from time to time pertaining to the operation, reputation, safety, care or cleanliness of the Licensed Area and any use thereof as provided herein;
- (u) that if, as a consequence of any release of a Hazardous Substance resulting from the Licensees use of the Licensed Area in or on the Licensed Area by the Licensee or its servants, agents, or contractors or any person for whom the Licensee is in law responsible, any actions are required to be taken in order to comply with any Government Requirement applicable to the use, presence or removal of such Hazardous Substance on or from the Licensed Area (including any Governmental Requirement relating to testing for or identification of Hazardous Substances) and if the Licensee has received notice in writing of such Governmental Requirement from the relevant authority (whether the requirement is made of the City or Licensee), then the Licensee shall at its expense take such action as required by the Governmental Requirement (or alternatively such other action as may be acceptable to the relevant authority after discussing with the Licensee). For the purposes of this paragraph:

**Governmental Requirement(s)** means all requirements made or imposed pursuant to law by federal, provincial, municipal or other governments including requirements of the Environmental Laws.

**Hazardous Substances** means any substances that are defined as or regulated as being waste, contaminants, pollutants, fungicides, insecticides, herbicides, dangerous substances, industrial waste, special waste, toxic substances, hazardous waste, hazardous material, or hazardous substance whether or not defined as such or pursuant to any law, regulation or order.

**Environmental Laws** means all applicable federal, provincial, municipal or local laws, statutes or ordinances, as they may be amended from time to time after the Commencement Date of the License relating to the environment, occupational safety and the transportation or regulations of Hazardous Substances.

- (v) that if, the Licensee fails to take any action required to be taken pursuant to any consequence of any release of a Hazardous Substance the City may (but not be obligated to) take such action after giving thirty (30) days written notice to the Licensee of its intention to do so, unless within such thirty (30) day period that Licensee has taken the required action or has commenced in and is continuing diligently to carry out such action, and the City shall for that purpose, be permitted to enter the Licensed Area with the appropriate equipment. The Licensee covenants to reimburse the City for all reasonable costs incurred by the City in taking such required action pursuant to the release of any Hazardous Substance within thirty (30) days after receiving from the City an invoice and reasonable supporting details relating to such costs.
- (w) that at all times during the term and at its own expense procure and carry, or cause to be procured and carried and paid for, full workers' compensation coverage in respect of all workmen, employees, servants, and others engaged in or upon any work, non-payment of which would create a lien on the Licensed Area.

**7. Non-Exclusivity**

- 7.1 The Licensee acknowledges and agrees that the license herein shall not entitle the Licensee to exclusive possession of the Licensed Area.
- 7.2 The Licensee covenants and agrees not to interfere with the activities of any other person to enter on and use the Licensed Area under any prior or subsequent license granted by the City.
- 7.3 The parties hereto acknowledge that the license granted to the Licensee herein is a license only and shall not, under any circumstances, constitute a partnership, lease or joint venture between the parties.

**8. Assignment**

The Licensee shall not assign this license without the prior written consent of the City.

**9. Cancellation**

9.1 In the event that:

- a) the City requires the Licensed Area for its own use or in its sole discretion, considers that it is in the public interest to cancel the rights herein granted, in whole or in part,
- b) the Licensee ceases to use the Licensed Area for the purposes permitted herein; or
- c) the City, in its sole discretion, considers that it is no longer necessary for the Licensee to use the Licensed Area for the purposes permitted herein,

the City may on one hundred and eighty (180) days written notice to the Licensee, cancel this license and the rights herein granted, in whole or in part and the Licensee agrees that the City shall not be responsible for payment of any costs, compensation, reimbursement or any monies whatsoever as a result of a notice pursuant to paragraph 9.1 a), b) or c) except repayment of the prorated portion of any prepaid License Fee if notice is pursuant to paragraph 9.1 a) or c).

- 9.2 If the Licensee is in default in the observance of any covenant, agreements, provisions or conditions contained herein and such failure continues for a period of thirty (30) days after the giving of written notice by the City to the Licensee of the nature of the failure the City may cancel this License without prejudice to any rights to which the City has accrued under this License before the said cancellation.
- 9.3 Thirty (30) days after expiration or cancellation of this license, any improvements or fixtures that remain unremoved from the Licensed Area, shall be absolutely forfeited and become the property of the City and the City may remove them from the Licensed Area and the Licensee shall, on demand, compensate the City for all costs incurred by the City respecting their removal.

10. **General**

- 10.1 The terms and provisions of this agreement shall extend to, be binding upon and enure to the benefit of the parties, hereto and their successors and permitted assigns.
- 10.2 This agreement and all the terms and conditions of it may be inspected by the public at such times and at such places as the City may determine.
- 10.3 Time is of the essence in this agreement.
- 10.4 The records of the City shall be conclusive evidence of the contents of any schedule referred to in this agreement.
- 10.5 In this agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.
- 10.6 Where in this agreement there is a reference to Bylaws, that reference shall include a reference to any subsequent enactment of like effect, and unless the context otherwise requires all Bylaws referred to herein are enactments of the City of Penticton.
- 10.7 Any waiver or acquiescence by the City of or in any breach by the Licensee of any covenant or condition shall not be deemed to be a waiver of the covenant or condition of any subsequent or other breach of any covenant or condition of this agreement.
- 10.8 If the Licensee continues to exercise the license granted after the expiration of the term of it without objection by the City and without any written agreement providing otherwise, the Licensee shall be deemed to be a Licensee from month to month, and subject to the provisions of this agreement insofar as applicable, but it shall be lawful for the City to cancel and determine the License granted by delivering to the Licensee notice to that effect, and upon delivery of such notice this license shall cease without prejudice to any rights of the City under this license accrued before the cancellation.

11. **Notice**

Any notice required to be given hereunder by the Licensee shall be in accordance with the provisions of the *Local Government Act* of British Columbia and if by the City to the Licensee any notice hereunder shall be deemed to have been well and sufficiently given if mailed, by prepaid registered mail, emailed, faxed or delivered to the Licensee at:

To the City:

171 Main Street  
Penticton, BC V2A 5A9  
Attn: Corporate Officer  
email: [corpadmin@penticton.ca](mailto:corpadmin@penticton.ca)

To the Licensee:

[Insert Name]  
[Insert Address]  
[Insert Email]



or such other address as the Licensee may from time to time direct in writing, and any such notice by the City to the Licensee shall be deemed to have been received, if mailed, five (5) days after the time of mailing, or if faxed or emailed, seventy-two (72) hours after the time of faxing or emailed and if delivered upon the date of delivery. If normal mail service, fax or email service is interrupted by strike, slow down, force majeure or other cause, a notice sent by the impaired means of communication will not be deemed to have been received until actually received, and the City may utilize any such services which have not been so interrupted.

**12. Payment of City’s Expenses**

If at any time an action is brought or the City is otherwise required to employ the services of a bailiff, an agent, or its solicitors because of a breach by an act or omission of any covenant herein contained on the part of the Licensee, the Licensee shall pay to the City all expenses incurred by the City in the enforcement of its rights and remedies hereunder (including the City’s administrative costs and legal fees on a solicitor and his own client basis in connection therewith) together with interest thereon at the rate equivalent to the prime rate of the Bank of Montreal plus three percent (3%) per annum calculated monthly not in advance from the date due until paid. For the purposes of this paragraph the prime rate shall mean the annual percentage rate of interest established from time to time by the Bank of Montreal, Main Branch, Vancouver, British Columbia as the base rate that will be used to determine rates of interest charged by it for Canadian Dollar loans to customers in Canada and designated by the Bank of Montreal as the prime rate.

IN WITNESS WHEREOF the parties hereto have hereunto executed this agreement on the following page as of the date and year first above written.

The Corporation of the City of Penticton  
by its authorized signatories:

\_\_\_\_\_  
XXX

\_\_\_\_\_  
XXX

**[INSERT COMPANY NAME]**  
by its authorized signatory(ies):

\_\_\_\_\_  
[Insert name]

\_\_\_\_\_  
[Insert name]  
**OR if individual – delete one or the other**

SIGNED in the presence of \_\_\_\_\_ }  
\_\_\_\_\_ }  
\_\_\_\_\_ }

RFP# 202 XXX  
Operation of XXX Concession

Witness as to all signatures

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

}  
}  
}  
}  
}  
}

\_\_\_\_\_  
[Print Name]

\_\_\_\_\_  
[Print Name]

RFP# 202 XXX  
Operation of XXX Concession

**SCHEDULE A**  
**LICENSED AREA**

That portion of XXX Street, Penticton, B.C. and known as XXX Concession for the operation of a beach food concession. Shown below outlined in red.

**SCHEDULE B**  
**Management Plan**

**1. PURPOSE**

The Licensee shall have the license to operate the concession located in the Licensed Area shown outlined on the aerial photo in Schedule A for the purpose of operating a concession as described in 2.2 below.

**2. SPECIAL PROVISIONS**

2.1 The Licensee shall not carry out or make any structural alteration, renovations, additions or improvements without the expressed written permission of the City and any alterations, renovations, additions or improvements so approved, shall be at the sole expense of the Licensee.

2.2 The Licensee shall use the Licensed Area and all improvements thereon solely for the operation of a food concession and tourist items branded to the concession operator. At a minimum the Licensee shall operate and be open to the public seven (7) days a week during the hours of 10:00 a.m. to 7:00 p.m. commencing on May 1st until September 30th in each year of the term subject to weather conditions being reasonable to carry on the aforesaid use or at such other times as the parties may mutually agree in writing. At the discretion of the Licensee, the concession is permitted to remain open until 10:00 pm each night.

**3. FACILITIES**

**3.1 Purpose**

The purpose of this section is to assure that all facilities are maintained to a level that is expected for the operation of a first class-facility.

The concession area includes the entire area accessible from within the concession's north outer door and the exterior walls and doors containing the concession area. The license does not include the public washrooms in the building.

**3.2 General Maintenance**

- a) As necessary, repair finish to maintain aesthetics
- b) Dusting (high/low) shall be carried out on a weekly basis
- c) Repairs shall be carried out as necessary to maintain the integrity of all surfaces with spot painting as required
- d) Cement Flooring - daily sweep and wet mop
- e) Control all spills using absorbent material
- f) Semi-Annual - Pressure wash all surfaces
- g) Repaint flooring every two years following standard industry practices and guidelines
- h) All repairs shall be carried out immediately by the Licensee

RFP# 202 XXX  
Operation of XXX Concession

At the end of each season, the building should be left broom clean, with the fridges properly cleaned, emptied and unplugged with doors open for the winter.

### 3.3 **Vandalism**

All incidents of vandalism shall be repaired within 48 hours of occurrence. The Licensee is responsible for removal of graffiti from the Licensed Area to the concession and the access doors. The City will be responsible for all maintenance including graffiti removal of the remaining portion of the building to the east.

### 3.4 **Minor Repairs**

The Licensee shall be responsible for all minor repairs, where specified "Minor Repairs" shall be deemed to be for costs of up to \$200 per incident. The City will be responsible for maintenance and repair of roof, HVAC, non-equipment related electrical and repair of individual repairs in excess of the minor repairs amount. If any of the existing City owned equipment needs to be replaced the City will replace such equipment in a timely manner.

## 4. **FIRE/SAFETY**

The purpose of this section is to assure that the Licensed Area is maintained and operated in a safe manner.

### 4.1 **Fire Safety/Protection**

The Licensee shall develop, post, follow procedures and forward the following copies to the City and Penticton Fire Department:

- a) Fire Safety/Evacuation
- b) W.H.M.I.S.
- c) Accident/Incident Reporting
- d) Safety Program (WCB)
- e) Food Handling (Ministry of Health)

The Licensee shall ensure that all staff receive proper instruction in the use and operation of fire safety equipment.

The Licensee shall ensure that all staff receive proper instruction in emergency procedures and all policies listed above.

### 4.2 **Fire Extinguishers/ Exhaust Systems**

The Licensee shall maintain a log of location, type and size of all fire extinguishers.

The Licensee shall, semi-annually (May/July), inspect and log the condition of all extinguishers and advise the City of any issues with fire extinguishers.

The City shall annually, carry out a cleaning of the exhaust system, and inspection and servicing of the fire suppression system as required by the Fire Marshall.

RFP# 202 XXX

Operation of XXX Concession

#### 4.3 **Accidents/Incidents**

All accidents or incidents shall be reported to the City within 48 hours of occurrence.

A representative of the City and the Licensee will investigate all occurrences.

The City will ensure that the following are completed on an as scheduled annual basis:

- Service Hood exhaust
- Service Fire extinguisher
- Service HVAC equipment

RFP# 202 XXX  
Operation of XXX Concession

**SCHEDULE C**  
**EQUIPMENT LIST**

**CONCESSION INVENTORY AS OF XXX, 202X**

## Part D: Submission Instructions and Forms



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

### Part D Contents

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

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

### SUBMISSION OF PROPOSALS

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

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

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

Prepare your submission materials:

Requested Information:

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

Requested Documents:

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

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

**UPLOAD YOUR SUBMISSION AT:**

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

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



RFP# 202 XXX  
Operation of XXX Concession

Important Notes:

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

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

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

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

**NEED HELP?**

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


**Amendments of Quotations**

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

**Withdrawal of Quotations**

At any time throughout the RFQ process until the execution of a written agreement for provision of the deliverables, a respondent may withdraw a submitted quotation. To withdraw a quotation, a notice of withdrawal must be sent to the RFQ Contact and must be signed by an authorized representative of the respondent. The City is under no obligation to return withdrawn quotations.

## APPENDIX A – CERTIFICATION FORM

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

### 1. Respondent Details

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

### 2. Certification & Acknowledgement of RFP Process:

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

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

RFP# 202 XXX  
Operation of XXX Concession

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

### 3. Confirmation of Addenda Received

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

Addendum #	Issued On Date:

### 4. Certification Signature

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

\_\_\_\_\_  
Signature of Respondent Representative

\_\_\_\_\_  
Name of Respondent Representative

\_\_\_\_\_  
Title of Respondent Representative

\_\_\_\_\_  
Date

## APPENDIX B – BUSINESS PLAN FORM



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

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

- Short corporate background, history, overview and experience of the Company
- Product portfolio available present and future products
- Details on how the Proponent will manage the kitchen/concession
- Demonstrate ability to deliver on Financial Proposal
- Sufficient Start up financing
- Operating hours

## APPENDIX C – EXPERIENCE FORM



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

### 1. Experience

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

## APPENDIX D – MENU AND PRICING FORM



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

### 1. Menu and Pricing

Please provide details of a proposed menu, variety and competitive prices to deliver the Services outlined in Part A.

## APPENDIX E – FINANCIAL PROPOSAL FORM




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

### 1. Financial Proposal

Please provide details of proposed License to Use Fee Structure providing the best value for the City, and an illustrative sample of the type of report to be provided showing sales to deliver the Services outlined in Part A.

### APPENDIX F – REFERENCES FORM

	Proposals must include the details requested in this Appendix F – References Form, as detailed under Section 6.2 (Scored Criteria) of Part B. Respondents should provide details on 3 business references over the past 3 years which are of a similar nature and scope to the Services. Respondents should note that the City may the references listed (including amending scoring in the evaluation based on the client’s feedback).
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Company Name:
Contact Person:
Contact Person’s Title:
Telephone No. (including area code):
Contact Email Address:

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

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



# Council Report

penticton.ca

**Date:** February 15, 2022 File No: 5080-01  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Adam Goodwin, Social Development Specialist; and Jamie Lloyd-Smith, Community Mobilizer  
**Subject:** **Youth-Led Youth Homelessness Research Report**

## Staff Recommendation

THAT Council endorse the report "No Where to Go: A report from the Youth Homelessness Research Project" as presented in Attachment A;

AND THAT Council direct staff to work with local youth to send a copy of the research report to relevant Federal and Provincial Agencies and Ministries;

AND THAT Council direct staff to work collaboratively with youth and community partners on implementing the 10 recommendations of the report.

## Strategic priority objective

**Community Safety:** The City of Penticton will support a safe, secure and healthy community.

## Background

*No where to go: A report from the youth homelessness research project is based on the stories and experiences of over 260 young people who completed surveys and five interviews with youth. All the surveys and interviews were facilitated by youth. As the youth-led report states, "there were clear messages [...] things can not continue the way they are" (p. 27).*

Based on conversations with community partners, direction from the Official Community Plan, the priorities Council identified when Social Development was formed (age friendliness, housing and homelessness, and mental health and substance use), and a desire by community groups to start focusing on preventing/early interventions around adult homelessness, the City of Penticton applied for a grant from the Social Planning and Research Council of BC (SPARC BC) in 2020 to address youth homelessness in Penticton.

The grant application focused on a project that would help the social sector and community better understand young people experiencing homelessness. The City played a convening and (project) coordinating role with the project. It acted as the body that brought partners together to work on the

initiative, applied for the funding, and administered the project. Partners on the project include the City, Penticton Indian Band, not-for-profit organizations, the school district, and Interior Health Authority who have been working with WRH Consulting to engage young people in surveys and interviews.

Council last had an update on the project during the Regular Meeting on December 8, 2020 (Council Resolution 462/2020). The December 2020 report was a request from the project working group to have Council support the group in asking School District 67 about electronically distributing the questionnaires to young people in local schools. Since this last update, the project group has engaged over 260 young people, a number of service providers and Provincial agencies/ministries, and several programs that work specifically with youth. Based on the results of the engagement sessions, a report outlining the research findings and recommendations about next steps has been developed (see Attachment A).

### *Report Synopsis*

Containing many anecdotes and personal stories of lived experience, as well as survey and other data, the No Where Home report outlines the unique challenges of youth faced with homelessness in Penticton. The report outlines the methodology for its creation, partners involved and includes 10 recommendations / objectives for improvement, including:

1. Meaningfully engaging youth voice (decision making, development of solutions)
2. Creating and maintaining a strong, community leadership structure
3. Implementing effective prevention strategies
4. Creating a continuum of housing options for youth
5. Increasing intra-partner collaboration
6. Educating and enhancing awareness
7. Implementing evidence-based and trauma informed practices
8. Increasing access to a range of services and supports
9. Increasing support for families with at-risk youth
10. Using data and evaluation to inform our decisions

### **Financial implication**

This research was funded by an external grant. If there are cost implications with recommendations from the project, appropriate funding sources will be pursued by the working group.

### **Analysis**

There was a clear consensus among young people who participated in the questionnaire and interviews, and service providers/community partners:

- There is nowhere to go: There are very limited options available in Penticton for youth experiencing homelessness;
- There is no time to wait: Young people can no longer wait for agencies/ministries to change to help prevent homelessness or provide earlier interventions; and
- Things cannot continue the same: The research report identified some specific and tangible recommendations to help the community work together to advocate to federal and provincial

governments, opportunities at the local level for stronger coordination, and for youth to be more engaged in this work.

For these reasons, community partners have committed to work collectively to make an impact on some of the next steps recommended in the research report.

### *Next steps*

The research report identifies that federal and provincial governments have responsibility to ensure that youth homelessness is prevented, or if a youth does experience it, there are early interventions to try to decrease the duration of time the youth is experiencing homelessness. However, it also identified that the local community can play roles that support the well-being of more vulnerable young people. This local response, based on consultation with young people and service providers, identifies roles and recommendations for the City, not-for-profit organizations, the school districts, local health authority and other provincial staff/agencies in the region, and other community groups.

During the project, it was made clear by young people that they do not just access a single government agency/department, not-for-profit service provider, or other organizations; they touch an array of groups and organizations. As such, the project working group identified that using a common agenda to collaborate with young people on youth homelessness would be the necessary approach in moving forward (referred to as *collective impact* in the field). While there are many other recommendations in the report (see Attachment A), the community has identified ones where there is already a readiness to implement the recommendations fairly quickly and easily within existing resources. As such, the next steps of working with young people on the research findings will include the ones identified below:

- Sending the final and endorsed report to applicable federal and provincial ministers, ministries, and staff. The City can take an advocacy role for this step by helping coordinate a collective local submission to these federal and provincial government entities.
- Continuing the working group in conjunction with 100 More Homes that was used during the development of the research report to provide a collective impact approach and community leadership on implementing the recommendations. The City can take a community building role for this step by ensuring that the current youth homelessness project working group transitions to this new, permanent structure with 100 More Homes.
- Collective impact training for those working in this and associated fields to ensure the most contemporary and relevant community collaboration tools are used in this work. The City can take a coordination role with this step by helping identify resources and planning the logistics for this type of training that is applicable to many groups and organizations in the community.
- Refining the community's understanding of what services are available in the community in partnership with HelpSeeker, an organization that City is partnering with to assist in system mapping, gap analysis and client navigation to services. The City can take a coordination role with this step by helping community partners find resources for the partnership, administer the contract with HelpSeeker, and provide project management assistance to 100 More Homes with this body of work. Any components of this work involving the City will be done by the grant-funded Community Mobilizer role in the Social Development department.
- Establishing a supports coordination table of community partners to use a *whatever it takes*-type attitude to begin coordinating any available services for youth while other services are able to start.

The City can take a coordination role with this step by helping get the table convened and supporting its early development.

- And most importantly, meaningfully engage youth in decisions, development of solutions, and next steps.

Based on this project’s alignment with Policies 4.1.2.1, 4.1.2.3, and 4.1.2.5 of the Official Community Plan, the priorities Council identified when Social Development was formed (age friendliness, housing and homelessness, and mental health and substance use), a desire by community groups to start focusing on preventing/early interventions around adult homelessness, and data from the youth who participated in the project, staff are recommending that Penticton City Council endorse *No where to go: A report from the youth homelessness research project* and have staff work with community partners to ensure that relevant federal and provincial government agencies and ministries received a copy of the report.

**Alternate recommendations**

THAT Council direct staff to bring back additional information.

**Attachments**

Attachment A – No Where to Go: A report from the Youth Homelessness Research Project

Respectfully submitted,

Adam Goodwin  
 Social Development Specialist

Jamie Lloyd-Smith  
 Community Mobilizer

Concurrence

<p>Director, Development Services</p> <p><b><i>BL</i></b></p>	<p>Chief Administrative Officer</p> <p><b>DyD</b></p>
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# NO WHERE TO GO

**A report from the Youth Homelessness Research Project  
January 2022**

Submitted by: WRH Consulting



## Contents

“Things could have looked very different...” .....	3
Chapter 1: Background to the Project.....	4
Project Intention .....	4
Project Methodology .....	4
Key Steps in the Process.....	4
Ensuring Youth Voice .....	5
Stories and Numbers.....	5
The Impact of COVID.....	6
Survey of Youth .....	6
Project Reference Group.....	7
“I did things I didn’t want to have to do to have somewhere to sleep...” .....	8
Chapter 2: Community Consultations .....	9
Conversations with Service Providers.....	9
Resources for Youth Who are At Risk or Homeless .....	9
Shelter and Emergency Beds.....	10
What are the numbers? .....	10
Point in Time Count.....	11
History of Trauma.....	13
Unsafe Home Situations.....	13
Unmet Needs .....	13
Negative Experiences with Government Ministries.....	13
Additional Barriers .....	14
“It’s not the Hilton, but it feels safe...” .....	15
Chapter 3: What the Survey Revealed About Youth in Penticton .....	16
Profile of Youth .....	16
Living Circumstances of Youth .....	18
Housing History of Youth .....	20
Supports Available to Youth.....	21
Youth Perspective on Homelessness in Penticton .....	22
Youth that are Homeless/Precariously Housed .....	23
Discussion.....	24
Limitations.....	24
“I didn’t know how to find someone to help me...” .....	25

Chapter 4: Conclusion and Recommendations ..... 26

    Conclusion ..... 26

    Steps Forward ..... 26

    “It’s a do or die situation...” ..... 29

Appendices ..... 30

    Appendix A ..... 30

    Appendix B ..... 35

    Appendix C ..... 36

    Appendix D ..... 37

    Appendix E ..... 38

## “Things could have looked very different....”

*In his very early 20's, this young man has already walked a harder path than most. He is currently living on his own with the support of an Agreement with Young Adults, a funding option provided by MCFD. “I live alone and feel safe where I am now.”*

*His housing insecurity began in 2016 when his dad passed away due to an overdose. He was very close to his father and was living with him at the time of his death. After the trauma and tragedy of his father's passing, he moved in with his aunt to avoid going into foster care. Describing that awful time, he said, “My father's death killed my ambition. I played hockey..., somehow, I kept going to games, no matter what. In a way, hockey helped me keep on.”*

*Luckily, he has had the benefit of family support. “My family jumped through every hoop imaginable to get me on a youth agreement.” Eventually successful in getting this financial support, it has made a huge difference for him. However, he told us “had I not had family to rely on, things would have been very different for me. Finding support was very difficult...the government has made it harder than it should be to access financial aid.” He is clear that without the family support he has had, “my story would have turned out much differently.”*

*Also instrumental to his survival, was the support he received from a caring teacher, his school principal, and a youth worker. He has accessed Foundry for medical care and some counselling and found those resources helpful as well. Grief has been a difficult and ongoing challenge to manage – he dips in and out of attending counselling appointments depending on his energy.*

*After graduation, he enrolled in college courses but learned he “wasn't ready to manage the demand and dropped out”. He moved to Kelowna for a change of scenery...“everything in Penticton made me sad”. The time in Kelowna was brief. Returning to Penticton, he lived with his aunt for a while before moving into a shared house with four friends. As of March 2020, he has his own place. As part of his current financial support from MCFD, he is learning about money management and budgeting.*

*When asked what he needed throughout this time that would have helped, he told us he could have used food. “There were times I was really hungry, but my pride prevented me from asking for help.” He has also struggled to find work, necessary to supplement his income, and during the pandemic has been laid off 3 times. Balancing school, work, and life have been difficult – securing affordable, safe housing is an enormous problem. “Housing is unaffordable. If I was not on this agreement, I would not be where I am now. And having a supportive team....it has really helped.”*



## Chapter 1: Background to the Project

### Project Intention

The City of Penticton applied for and was successful in receiving a grant from the Social Planning and Research Council of BC (SPARC) in early 2020. The grant provided financial assistance to support the development of a community-led youth homelessness assessment and strategy to mitigate, and ultimately work to eliminate youth homelessness in the City of Penticton. A contract to provide project leadership was awarded to WRH Consulting, a local company with extensive experience in youth serving organizations, community development, and the BC social services sector.

The project defined four primary deliverables:

- Completing community consultations to assess the size of the challenge, ensuring that the voices of youth are privileged,
- Convening the collaborative input of a collective of community service providers,
- Development of a draft implementation strategy for review, analysis, and endorsement by project partners, and,
- Completion and submission of a final report.

These deliverables were also intended to enhance local understanding of the issues precipitating youth homelessness, establish a baseline of numbers of at-risk and homeless youth, assess existing community capacity to respond, and support planning and decision-making with respect to the implementation of solutions and future, strategic investments of resources.

### Project Methodology

Beyond recruiting baseline data on the numbers of at-risk and homeless youth in Penticton between the ages of 12 and 24, the project was designed to also privilege youth voice and promote youth leadership. Also key to the project intent was stimulating momentum on the topic among community stakeholders.

### Key Steps in the Process

- Establishing baseline data regarding the numbers of at-risk and homeless youth (ages 12-24) in Penticton, including causal factors to determine the scope and size of the challenge.
  - This involved conducting research with community organizations, local services, and provincial entities and projects to develop a profile of youth who are at-risk or homeless and estimates of their numbers.
  - A comprehensive survey was created and distributed to youth via participating stakeholder organizations, through the dedicated support of the Foundry, and via School District 67. (see Appendix A for Survey used)
  - Research on youth homelessness within the province of BC and Canada was reviewed for contextual information relevant to Penticton's information.
- Supporting youth led, peer-to-peer stakeholder consultation including the development of skills and confidence.

- This involved recruiting youth facilitators, ensuring cultural representation to welcome the voices of Indigenous youth, GLBTQ2S+ Youth, and other marginalized groups. Recruitment occurred through accessing affiliated, partnering organizations including Foundry Peer Support team members and the RADAR group.
  - Youth Peer Workers assisted with designing interview questions and the survey content and participated in reviewing input and theme analysis from the information that was gathered.
  - Youth facilitators were supported in their leadership roles by both the project team and the staff at Foundry.
- Conducting community stakeholder consultation with partners
    - This involved hosting guided interviews with key stakeholders and applying theme analysis to the feedback received for comparison to survey data.
  - Preparation of draft report encompassing consultations and baseline information to solicit key stakeholder review and input
    - This involved distribution of the draft report to key stakeholders and hosting facilitated, feedback sessions with members of both the working group and youth representatives to receive their feedback and input regarding next steps and recommended implementation strategies
  - Produce and submit a final report with analysis and implementation strategy for submission to key stakeholders.

### Ensuring Youth Voice

A small group of interested youth, some of whom had been previously involved in the Youth Engagement Strategy (YES), were convened to assist with the project design and survey development. They provided validation of the importance of addressing youth homelessness, one of the original pillars emerging from the work of the YES project. With the input of youth, a Project Charter was created to articulate the core values of the project and the processes which would be honoured. (Appendix B). This core group were also convened to review preliminary data and suggested strategies for moving forward to address youth homelessness.

Peer Support Workers with Foundry were also instrumental in supporting youth engagement. In particular, Melisa Edgerly and Honor Hollman, provided invaluable support with interviewing youth, survey distribution and design, and ongoing feedback.

### Stories and Numbers

Understanding the first hand, lived experience of youth in our community who have been or are homeless was considered vital information necessary to assuring the integrity of this project. Stories from youth have been highlighted throughout this report. Their stories present an intimate and authentic portrait of some of the people who are living in Penticton and who have experienced homelessness, remain in precarious housing, and/or have found some measure of stability in their housing situation.

Guided interviews were conducted with five youth, all under 24, who were referred to the project team by community agencies. Prior to the interview, the intent of the project was explained to each person, how their confidentiality would be protected, and their consent was obtained to speak with them for the purposes of including their anonymous experiences in the report. The interviews were conducted by the Peer Support

Workers at Foundry Penticton with support of the project team. Hosting the interviews at the Foundry also provided an opportunity to introduce the youth to the resources available there if they weren't already familiar with them. As a result of this strategy, some of the youth interviewed made their first, vital connection to the centre. This connection provided access to warm clothing and footwear, food, and an opportunity to make appointments for medical care and counselling all available at Foundry.

Each individual's story is a representation of the pathways to homelessness discussed in Chapter 2. Trauma and abuse, substance misuse, a lack of emergency housing, systemic poverty, and unstable family situations are all recorded in these accounts.

### The Impact of COVID

Immediately after the contract was awarded to the consulting team, the COVID-19 pandemic escalated as a consuming and emergent threat in the world. As in other communities, the restrictions imposed to protect public health have continued to present barriers for youth in accessing resources, inhibiting face-to-face communication, and requiring ongoing and dramatic alterations to the delivery of vital community services. As a result, both the project timeline and aspects of the proposed methodology had to repeatedly pivot. This meant that some of the hoped for events to bring youth together did not occur. As well, physical access to local agencies to meet with youth was blocked, and participating members of the collaborative working group were reckoning with constant juggling of shifting service delivery priorities demanded by the pandemic.

### Survey of Youth

A survey was developed to create a profile of the experience of youth regarding homelessness in Penticton. The survey breaks new ground in compiling detailed, baseline information on this age cohort to inform the development of community led strategies.

The roll out of the community survey of youth was also delayed because of the pandemic. Initial distribution of the survey was supported by the Foundry and local community agencies. Access to the schools, considered a vital point of connection for youth, required a more formal process.

Project team members were first invited to make a presentation to Mayor and Council who unanimously endorsed the survey content. A written request from the City of Penticton was made to the Board of Education of School District 67 to allow the survey to be promoted amongst youth in the local schools. The Board of Education also reviewed the survey. Permission to promote the survey in schools was received in early 2021 and youth were then invited to submit their feedback until mid March.

Ethical considerations with respect to the survey were proactively managed. The survey was anonymous, and all results were kept confidential. Respondents used a QR code, or could go to an on-line link, to complete the survey. The completed surveys could not be traced back to the individual and there was no tracking of IP addresses. If a person required or requested a paper survey to complete, no identifying information was included in their response.

The report prepared provides only aggregated data with detailed analysis of subcategories restricted to cell sizes of at least 10 youth. Participation in the survey was expressly stated as voluntary. This was explained to the youth who accessed the survey via community partners and was included in the pre-amble to the survey distributed in the schools.

To build the survey, research was conducted on other data gathering projects involving youth for both content and style. Specific questions were included to align with data that is being gathered for the Foundry in order to provide comparative information. Plain language principles were applied along with vocabulary aligned to

reflect the cohort of youth who were completing the survey. Both the project working group and youth advisors reviewed the survey and provided feedback into the questions.

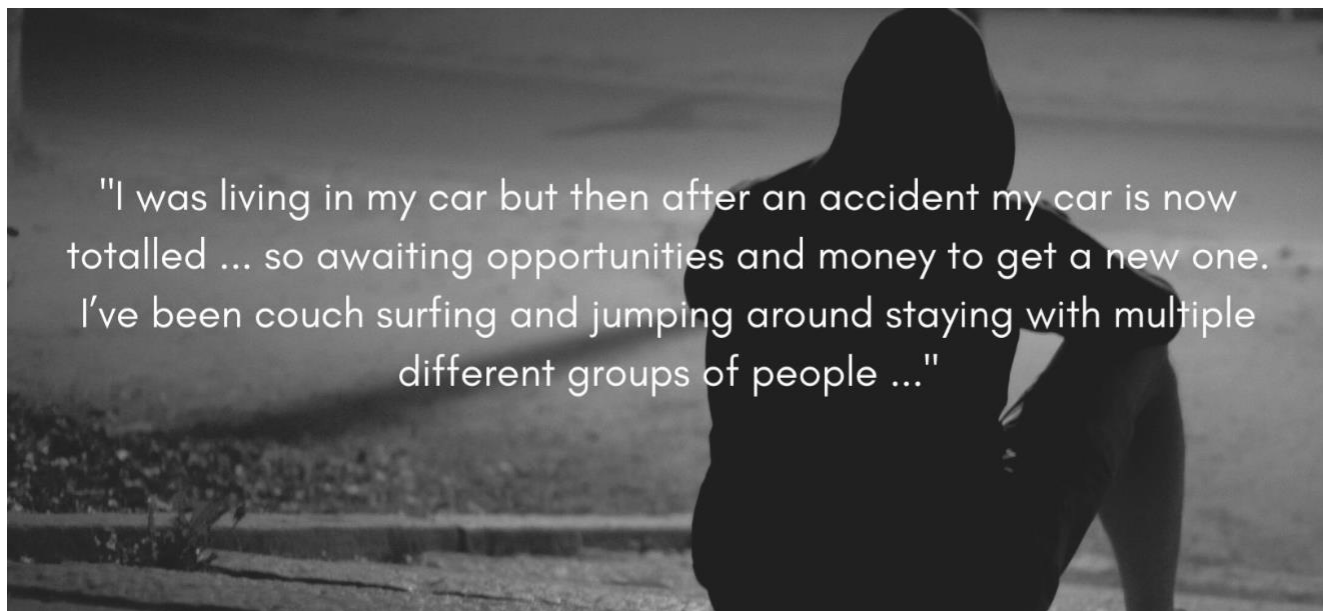
The data was securely stored in the cloud on an account owned by WRH Consulting for the duration of the data collection period. Once the survey closed, the data was downloaded to a secure password protected file on Dr. Warren Helfrich's computer for analysis. Once the analysis was completed, the data files used were destroyed along with the original data files stored on the cloud.

#### Project Reference Group

Throughout the project period, a working group of community organizations and services provided advice and supported access to distribute the survey where possible. Representatives from the following organizations met regularly throughout the project term:

- School District 67
- South Okanagan Women in Need
- Foundry Penticton
- OneSky Community Resources
- South Okanagan Brain Injury Society
- Interior Health
- City of Penticton
- South Okanagan Immigrant and Community Services
- Penticton Indian Band
- OoKnakane Friendship Centre

Their interest in the experience of homeless youth, contributions to the project, and desire to support community change is deeply appreciated.



“I did things I didn’t want to have to do to have somewhere to sleep...”

*This young woman was housed in the Transition House when we met her. Prior to securing a bed in this resource, she had been living on the street for three months. We learned, however, that her story of housing insecurity started much earlier.*

*Violence was part of her life prior to being on the streets. She recounted experiences of physical harm at home at the hands of an older sibling so severe she ended up in the hospital with her face badly bruised. At 16, she was kicked out of her family home. Shortly thereafter, her family was evicted from their residence. She took refuge at a friend’s house, couch surfing in their apartment. This arrangement lasted two months falling apart over conflict with her friend’s boyfriend. Without money or family support, she was alone, unhoused, and forced to take care of herself.*

*She spent three nightmarish months living on the streets. During this time, she had no contact with her family members, was not in school, and didn’t have a phone to communicate. More poignantly, no one was checking up on her. “My mom wasn’t checking up on me....she didn’t look for me once.”*

*Drugs became a way of coping. Scared to fall asleep on the streets, she used drugs to stay awake instead of sleeping. When asked where she would eat, she replied “I wasn’t”. She went two weeks during this time without eating, drugs filling the emptiness in her stomach and staunching the constant fear. It is also noteworthy that her burgeoning substance use was occurring in the midst of the opioid crisis in our province. She told us about “a friend who has overdosed three times, been revived at the point of near death, and is still alive.” The need to numb outweighed the risks she was taking.*

*She gravitated to the local shelter during this time, however, did not qualify for their services as she was under 19. To survive, she tearfully told us that “I did things I didn’t want to do to have somewhere to sleep”. Harassment from predatory men was a constant source of fear.*

*At the time of our conversation with her, she had recently reconnected with a family member who helped her obtain a bed at the Transition House. She has cautiously returned to school; receiving support from a counsellor who has been gently encouraging her to complete her education. She is also working to manage her substance use. When asked what people reading this report should know in order to create opportunities for change for youth, she said, “they could have helped me, but chose not to. Youth need safe places to live.”*

## Chapter 2: Community Consultations

### Conversations with Service Providers

A scan of local, community organizations and affiliated services was conducted to assist with developing a profile of youth who are at-risk or homeless, and to develop estimates of their numbers. Guided interviews were conducted with a wide variety of local informants. These included:

- community service providers, including those with services specifically supporting First Nations persons,
- school district and college personnel,
- RCMP, and
- affiliated government partners in mental health, emergency care, housing, and child serving ministries.

The interviews were conducted over the phone and explored the following topic areas:

- their organization's connection with youth homelessness,
- if and how they collect quantitative data on numbers of youth experiencing homelessness,
- their opinions regarding the causes of youth homelessness, and,
- recommended strategies to prevent and address youth homelessness.

A total of 21 interviews were conducted. (see Appendix C for list of the organizations who were interviewed) The information was analyzed to extract themes from the input received.

### Resources for Youth Who are At Risk or Homeless

All of the organizations interviewed are engaged to varying degrees with youth in Penticton. The scope of their involvement ranged from providing direct services including counselling, mental health supports, educational supports, arranging youth agreements, attending court appointments, etc. through to more tangential contact such as school liaison, food security, and settlement services. These services are vital to the health and wellbeing of youth in our community, and essential as both prevention and intervention supports.

Under the leadership of the Community Foundation of the South Okanagan/Similkameen (CFSOS), over a 6 year period from 2013-2019, the YES project galvanized youth voices in Penticton to identify issues impacting youth and champion the creation of supports that would assist. The biggest and most significant issues impacting youth were identified as:

- mental and physical health
- drugs and alcohol
- poverty
- lack of resources including social, health, housing, and recreational options.

A core issue identified at the outset of the YES project was the need for both emergency beds and permanent, supportive housing options for youth to provide stability, safety, and life skills needed for future success.

A successful, multi-year fundraising campaign, conducted by the CFSOS, led to the purchase of a building in downtown Penticton and the creation of the Youth Centre which opened in 2019. In partnership with OneSky Community Resources, who are the lead agency for Foundry Penticton, a constellation of youth services have been co-located in this building. The addition of this resource, and the partnership of the many organizations

who work as a collaborative alongside Foundry Penticton, mean that young people ages 12-24 can access mental health and substance use support, primary care, peer support, and social services.

### Shelter and Emergency Beds

Currently Penticton has only two options for youth who are at risk of or homeless. The South Okanagan Women in Need Society has two emergency beds available which have been designated for youth. These are co-located within the Society's emergency shelter with provisions in place to separate the youth from the adult women also staying there. These two beds are in constant use, and only available for individuals who identify as women. Individuals can self-refer to this resource or be referred via the Ministry for Children and Family Development (MCFD) or through community agencies.

Compass House, is an emergency shelter operated by the Penticton & District Society for Community Living and limited to individuals over the age of 19. Outside of these two options, youth reported that they are couch surfing, living on the streets, or in tent encampments.

The Ministry for Children and Family Development funds *Youth Agreements* which provide a monthly allocation of \$1,250. The same Ministry also has a program called *Agreements with a Young Adult (AYA)*. If a young adult has been in foster care or previously had a Youth Agreement, they may qualify for this program to help cover the cost of things like housing, childcare, tuition, and health care while they attend school or do job training, or attend rehabilitation, mental health, or life skills programs. The maximum allocation under this program is \$1,250 per month which is expected to cover rent, food, living expenses, childcare, etc.

To apply for an AYA agreement, a young person must be between 19 and 26 years old, and on their 19th birthday be in **one** of the following care arrangements:

- The custody of a director or permanent custody of the Superintendent
- The guardianship of a director of adoption
- The guardianship of a director under the Family Relations Act
- A Youth Agreement

In either funding arrangement, the allocation serves to barely sustain youth and the costs of living in Penticton. The CMHC Rental Market Report for 2020, highlighted that there are fewer places to rent in Penticton than in previous years and that the cost has increased year over year, currently averaging \$1,070.00 per month.<sup>1</sup> Vacancy rates remain low at 1%, and new affordable housing is slow to come available. Predictions from CMHA indicate that the rental costs will continue to climb for Penticton. Compounding the issues of affordability and scarcity of rental accommodation, is the discrimination youth typically experience to securing tenancy based on their age and incomes. As a result, youth are often required to share accommodation with others; situations that can significantly increase their vulnerability depending upon who they are living with.

### What are the numbers?

While all those interviewed are engaged with youth and the issue of youth homelessness, only two were able to provide any data on the incidence of homelessness. For a one year period spanning 2019 to 2020, South

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<sup>1</sup> Rental Market Report. 2020. Canadian Mortgage and Housing Corporation. <https://assets.cmhc-schl.gc.ca/sites/cmhc/data-research/publications-reports/rental-market-reports/2020/rental-market-report-69720-2020-en.pdf?rev=936ca622-a6c5-4cbc-b937-d29b1d63cc14>

Okanagan Women in Need counted an average of 49 bed use days/month.<sup>2</sup> Compass House recorded 29 youth between the ages of 19-24 accessing their emergency shelter in the period from June 2019 to September 2020. Compass House staff emphasized that a large number of shelter stays were counted for persons just outside this age group.

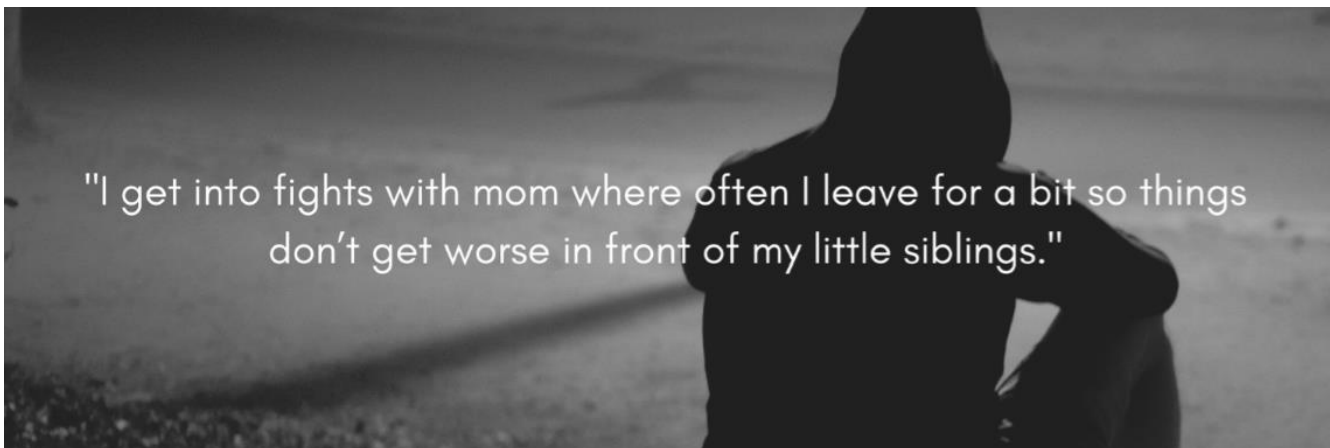
### Point in Time Count

In spring of 2018, the Province of British Columbia funded homeless counts in 12 B.C. communities. The count occurs over the course of one day and provides a 24-hour snapshot. This does not easily or accurately factor into account the numbers of individuals who experience transient homelessness, changes in individual situations that perpetuate cycles of homelessness, or those who leave the province. As well, those who are couch surfing, living in cars, and so on, are often not counted – they constitute the hidden homeless.

The Homelessness Services Association of BC, Urban Matters, and the BC Non-profit Housing Association coordinated these counts and combined the results with available data from 12 additional counts and shelter's usage to prepare their report.

In 2018, a total of 7,655 individuals were identified as experiencing homeless in BC. This included 219 children under the age of 19 and accompanied by a parent or guardian. Individuals spanned the age range with 20% aged 55+ years of age, and 15% under 25. 29% indicated that they had been in foster care, a youth group home, or under a youth agreement. Disturbingly, 51% of all respondents reported experiencing homeless for the first time when they were under 25 years of age.<sup>3</sup>

Penticton's 2018 Point in Time count identified 108 persons and more individuals who identified as men than those who identified as women. 12 youth, under 25, were identified in the count. The planned count for 2020 was postponed due to the pandemic. A count occurred on April 20<sup>th</sup> of 2021; the results for Penticton are not yet available for comparison to the 2018 numbers.



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<sup>2</sup> SOWINS counts each day a bed was used per person. Bed use dramatically increased in the months of July, August, and September.

<sup>3</sup> The Homelessness Services Association of BC, Urban Matters, and BC Non-Profit Housing Association (2018). 2018 Report on Homeless Counts in B.C. Prepared for BC Housing. Burnaby, BC: Metro Vancouver. [www.bchousing.org](http://www.bchousing.org)



# PATHWAYS TO BEING UNHOUSED

INFORMATION FROM THE INTERVIEWS WITH COMMUNITY AGENCIES AND SERVICES IDENTIFIED PATHWAYS TO HOMELESSNESS WHICH ARE CONSISTENT WITH RESEARCH CONDUCTED IN OTHER JURISDICTIONS.[3] [4] THESE PATHWAYS OFTEN INTERSECT AND OVERLAP, THEREBY INCREASING THE LIKELIHOOD OF A YOUTH BECOMING HOMELESS.

## HISTORY OF TRAUMA

- GENERATIONAL EXPERIENCES DUE TO SYSTEMIC RACISM AND COLONIZATION
- EXPERIENCE OF TRAUMA IN THEIR COUNTRY OF ORIGIN
- SEXUAL ABUSE AND EXPLOITATION
- EXPERIENCE OF AND/OR WITNESSING VIOLENCE

## UNSAFE HOME SITUATIONS

- FAMILY VIOLENCE & SUBSTANCE MISUSE
- PARENTAL NEGLECT, ABUSE & ABANDONMENT
- CHILD ABUSE
- FOOD INSECURITY
- HOUSING INSECURITY
- POVERTY: GENERATIONAL AND CHRONIC
- VICTIMIZATION AS A RESULT OF GENDER IDENTITY
- EXPLORATION AND/OR BEING LGBTQ2

## ADDITIONAL BARRIERS

- LACK OF YOUTH FRIENDLY HOUSING
- CHALLENGES ACCESSING SERVICES
- DISCRIMINATION & STIGMA
- LACK OF WIFI OR PHONE
- NOT FINISHING HIGH SCHOOL
- LACK OF AFFORDABLE, SAFE CHILD CARE

## UNMET NEEDS

- FETAL ALCOHOL SPECTRUM DISORDER/PRENATAL OPIOID EXPOSURE
- MENTAL HEALTH CONCERNS
- ATTACHMENT DISORDER
- PERVASIVE DEVELOPMENTAL DISORDER
- LEARNING DISORDER(S)
- SUBSTANCE USE AND MISUSE

## NEGATIVE INTERACTIONS WITH GOVERNMENT MINISTRIES

- FOSTER CARE
- AGING OUT OF YOUTH AGREEMENTS

[3] MCPARLAND, K. FROM MARGINALIZED TO MAGNIFIED: YOUTH HOMELESSNESS SOLUTIONS FROM THOSE WITH LIVED EXPERTISE. 2020. [HTTPS://RCYBC.CA/WP-CONTENT/UPLOADS/2020/02/FINAL.FROM-MARGINALIZED-TO-MAGNIFIED.PDF](https://rcybc.ca/wp-content/uploads/2020/02/final.from-marginalized-to-magnified.pdf)

[4] GAETZ, S. O'GRADY, B. KIDD, S., & SCHWAN, K. WITHOUT A HOME: THE NATIONAL YOUTH HOMELESSNESS SURVEY. 2016. CANADIAN OBSERVATORY ON HOMELESSNESS PRESS: TORONTO.

## History of Trauma

Organizations working with youth, highlighted the deep impact of trauma as a significant wounding experience for youth. This trauma may be generational, as in the circumstance of First Nations persons who have survived residential schools, systemic racism, and continued trauma in their contact with colonial structures and institutions. The trauma may also be a result of having witnessed or experienced violence in their home or community, sexual abuse, and sexual violence. When left unaddressed, trauma has the potential to lead to self harm, substance use, increased vulnerability and exploitation, and mental health issues.

## Unsafe Home Situations

It would be a fallacy to believe that youth leave home for the insecurity and danger of life on the streets because their family home is stable and safe. They are rarely simply “rebellious” against parental restrictions and rules. Too often they are fleeing from a variety of hard, painful experiences including family violence, parental neglect, sexual and physical abuse, and abandonment. Youth report witnessing their parent’s substance misuse and the chronic challenges with food and housing security that are often a by-product of this. Poverty, including the crushing type experienced even by parents who are working full time, places extra stress on the home. Youth also report being kicked out of their family home when they take the enormous risk of coming out as gay, bisexual, transgendered, or questioning their gender identity.

In research from the National Youth Homelessness Survey in 2016, 40.1% of their respondents reported that they were under the age of 16 when they first experienced homelessness. Their findings indicated that youth who leave home at an earlier age, not only experienced very difficult conditions that precipitated their homelessness, but that they also experienced greater hardship once they were on the streets. In addition, early homelessness can lead to bullying, exploitation, poor quality of life, attempts at suicide, and chronic homelessness.<sup>4</sup> Overall, youth who are living rough have an extremely fragile sense of belonging. To address the need for belonging, attachments are instead formed with pets, with other homeless youth, and sadly often with those who will exploit them further.

## Unmet Needs

Youth who live with unmet needs that impact them cognitively, physically, and socially are at greater risk of experiencing alienation and mistrust that makes them cautious about accessing services and at risk of isolation. If their needs are chronically unmet and/or undiagnosed, their lived experience becomes one of continual failure, the “outsider”, and the stigmas associated with those identities. Not being able to access appropriate resources to both assess their needs and respond to them, can lead to dropping out of school, problems with literacy and processing information, poverty, and using substances to cope.

## Negative Experiences with Government Ministries

Involvement with the child welfare system, including child protection services, is a recurring theme in the experiences of youth who become homeless. For those who need child protection services, they have already experienced trauma in their family home. This can often be compounded by the experiences of foster care and the aftermath of aging out of that service at 19. Eligibility and accessing the Agreement with Young Adults program is equally difficult. Data compiled by the Representative for Children and Youth<sup>5</sup> highlights higher rates of homelessness, lower educational attainments, less success in the workforce, poverty, and poorer mental health among youth leaving care. These are vastly more significant issues for First Nations, Métis, Inuit, and Urban Indigenous youth who are disproportionately overrepresented in the child welfare system. As the

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<sup>4</sup> Gaetz, S, O’Grady, B. Kidd, S. & Schwan, K. Without a Home: the National Youth Homelessness Survey. P. 5.

<sup>5</sup> The Representative for Children and Youth supports children, youth, and families who need help in dealing with the child welfare system, and advocates for changes to the system itself.

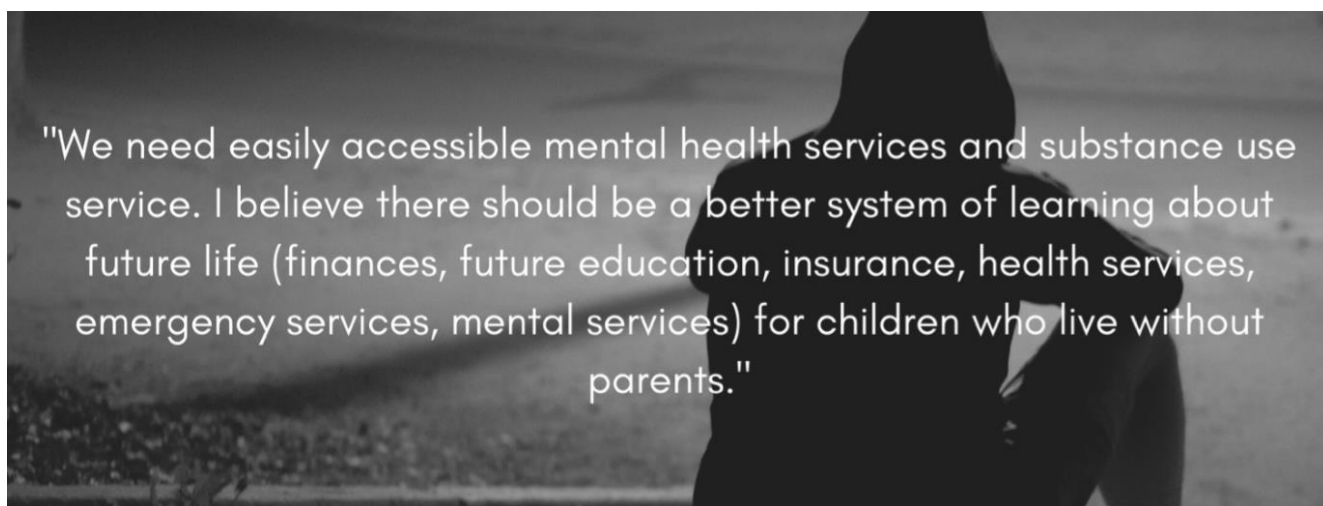
Representative so clearly states, “youth homelessness is an issue of systems failures, not the failings of the young people experiencing it.”<sup>6</sup> The scant funding associated with Youth Agreements of either type, makes a challenging time in any young person’s life, as they transition to adulthood, significantly harder. As the Representative so eloquently states, “research over decades has repeatedly confirmed that poverty is a major predictor for everything difficult that happens to a person in the course of a life. Yet our own system of care for B.C.’s most vulnerable children and youth virtually shapes a life of poverty for them.”<sup>7</sup>

The Representative continues to advocate for extending and improving transition planning, and the development of a province-wide system of dedicated transition workers through community agencies to provide systems navigation and case management support, as well as adult guidance, for these young people up to the age of 27.

### Additional Barriers

Community interviews highlighted a host of additional barriers which act as a pathways to homelessness for youth. There is a dearth of youth friendly, affordable housing options in Penticton and many young people face considerable discrimination in their attempts to rent based on age, appearance, and lack of rental history to use as a positive reference. Finding services and knowing how to access them successfully, can be a steep and daunting learning curve. The cost of WIFI and a cell phone, now considered essential to access information, may be beyond the financial means of a youth on their own. If they are also young parents and trying to work and/or finish high school, accessing safe, affordable, and flexible childcare is extremely difficult.

The pathways to homelessness discussed above, echo themes confirmed by other advocates and researchers. Our research, including the interviews conducted with youth, verified these issues are impacting the lives of young people in Penticton.



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<sup>6</sup> Representative for Children and Youth. A Parent’s Duty: Governments Obligation to Youth Transitioning into Adulthood. December 2020. [https://rcybc.ca/wp-content/uploads/2020/12/RCY-A-Parents-Duty\\_FINAL.pdf](https://rcybc.ca/wp-content/uploads/2020/12/RCY-A-Parents-Duty_FINAL.pdf)

<sup>7</sup> Ibid.

*“It’s not the Hilton, but it feels safe...”*

*This youth grew up in an abusive home; both parents struggled with alcoholism. At times, the youth would leave his home to stay at his biological father’s house, but this parent was also abusive. He found ways to survive his home life, isolating himself in his room to avoid abuse. He left home at sixteen but had contemplated leaving home as early as twelve or thirteen. He identifies as non-binary.*

*Once he left home, a school counsellor helped him get on a youth agreement. In the process of applying for the youth agreement, there were times he had nowhere to go. Thankfully, he had a girlfriend where he could spend many of his nights. He has also had the support of a youth worker with one of the local agencies who he has bonded with and who has gone over and above to support him. “She has been amazing – is even there on weekends to help.” This is in contrast to his experience with Ministry social workers who are busy with other cases and rarely contact him. He felt “demonized” in his experiences with the world of child protection.*

*He relayed that he has stayed at the Penticton Hostel twice and has also had to sleep outside because he had nowhere to go. He told us he has friends who “literally sleep outside”.*

*Since he has been able to obtain a youth agreement, he has “no anxiety about going home or fear. It’s not the Hilton but it feels safe.” He reported feeling that he is growing as a person and becoming more responsible. The financial support he receives just barely covers his rent however - there is only \$50 to cover other living expenses.*

*He also told us his relationship with his mom has improved. When asked what he needed that he didn’t have throughout the challenge of leaving his abusive home, he highlighted the need for “alternative housing options, a youth shelter, emergency beds....anything to offer a last resort. It fucking sucks to not be able to feel safe in your home.”*

*He harbours a chronic fear about losing what little stability his youth agreement has provided. “If things fell through tomorrow, I would have nowhere to go”. He is equally fearful of being unhoused once he ages out of care of the Ministry. Homelessness is an ongoing fear, further elevated without immediate family he can rely upon.*

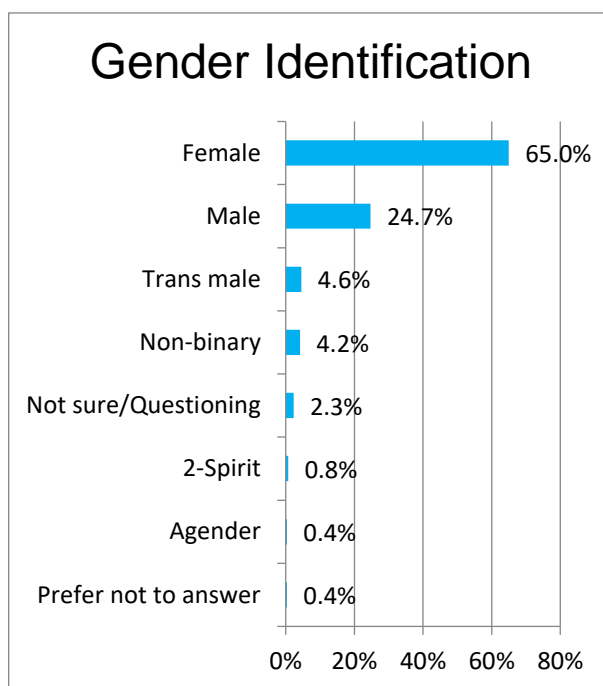
## Chapter 3: What the Survey Revealed About Youth in Penticton

In order to understand the reality of youth homelessness in Penticton, and in the absence of data being collected by agencies, a survey of young people was conducted over a several month period from the fall of 2020 and concluding in the spring of 2021. The survey questionnaire was developed in conjunction with youth advisors and with advice from the working group. Many of the questions mirrored ones already used as part of a Health Survey collected during a youth's first visits to Foundry in Penticton. The youth survey was administered through staff at Foundry, community organizations, and eventually through local schools. As mentioned previously, there was some delay in getting the survey into schools due to the process required to get approval. The survey was accessible both through a dedicated iPad at Foundry and through scanning a QR code so it could be completed on the youth's own device.

The survey was anonymous, with all responses gathered electronically. The following highlights the results and includes comparisons with data gathered on Foundry's Health Survey (n=41) where available.

*A total of 264 young people took part in the survey. The average age of respondents to the survey was 15 and ranged in age from 13 to 26.*

Figure 1



### Profile of Youth

Two thirds of youth participating in the survey identified as female, with another 1 in 4 identifying as male. Trans male (4.6%) and non-binary (4.2%) were the next most common responses regarding gender identification. Although the sample reflects a relatively large proportion of youth that identify as female, this mirrors the typical population of youth seeking services that attends Foundry Penticton. A recent data report from Foundry covering a six month period between September 2020 and February 2021 found that 57% of those seeking services were female, 27% identified as male, 5.7% identified as trans male and 4.1% identified as non-binary. According to Interior Health's Local Health Area (LHA) profile for 2019, approximately 18.8% of the general population is between the ages of 15 and 24, with 8.5% being female and 10.3% being male. Male youth appear to be less likely to seek services in general and less likely to show interest in participating in these types of surveys.

Figure 2

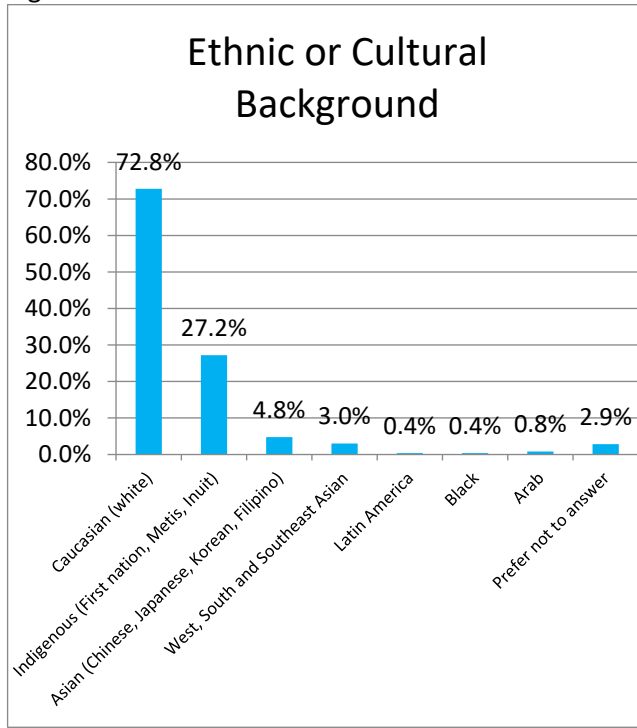
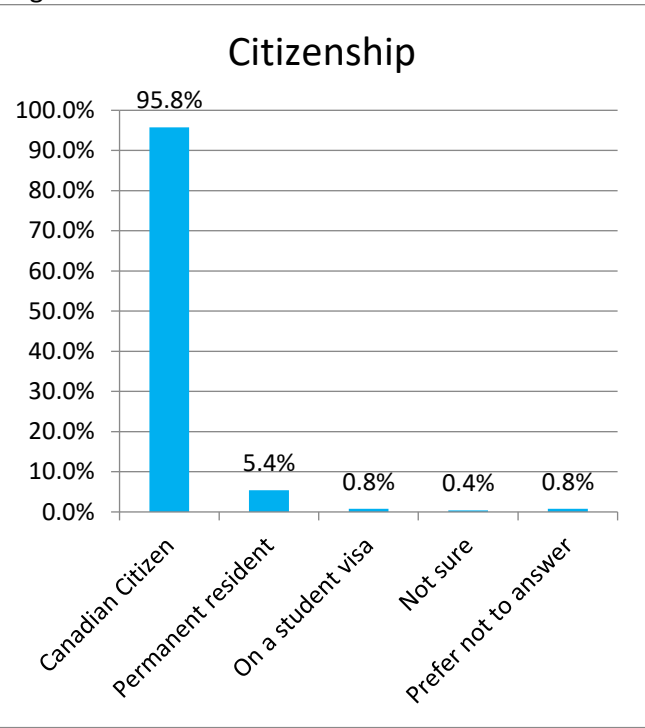


Figure 3

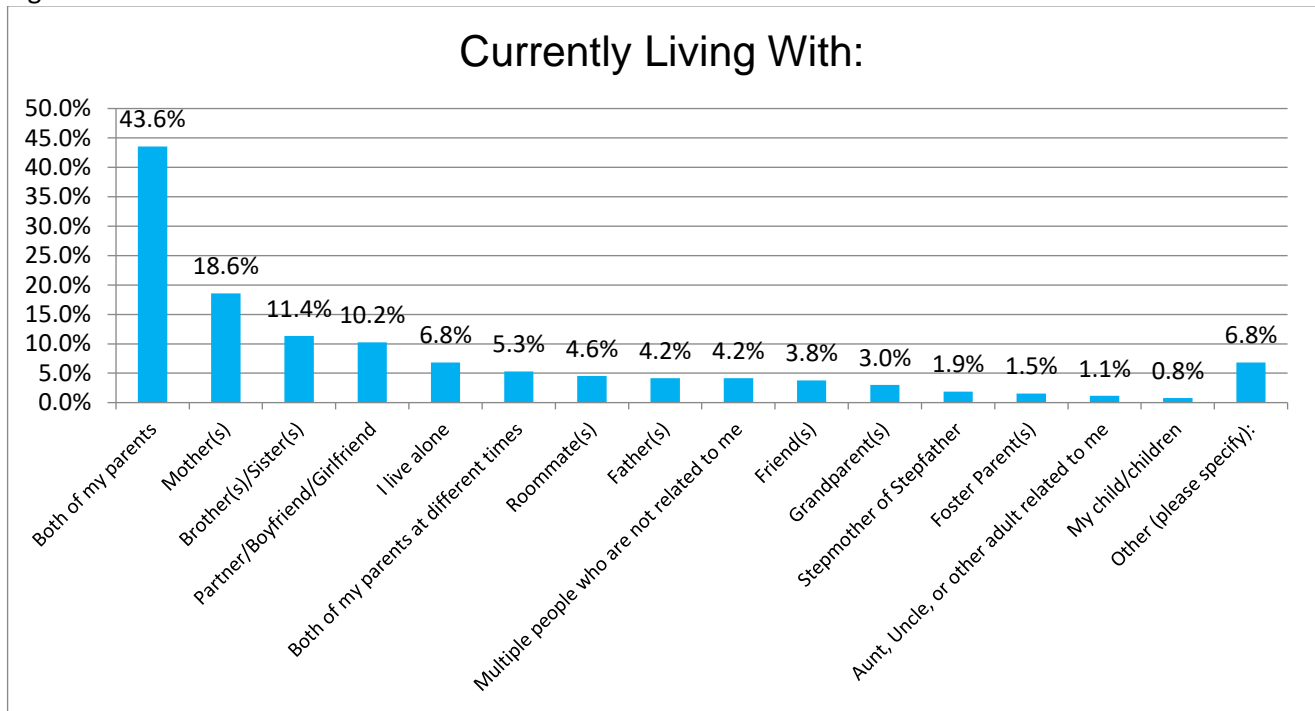


Nearly three out of four young people participating in the survey identified themselves as Caucasian/white (72.8%). The next most common identification was Indigenous (27.2%), with a near even split between those identifying as First Nations (42%) and Metis (45%). Again, this is similar to data provided by Foundry on those seeking services, where 84% identify as Caucasian/white and 22% identify as Indigenous. While the population of Indigenous persons in BC is significantly younger than the rest of BC’s population, the sample for this survey likely has an overrepresentation of Indigenous young people given that persons identifying as Indigenous make up less than 7% of the general population of Penticton (Source: Statistics Canada). It is worth noting that the population of individuals that identify as a visible minority in Penticton’s general population is also approximately 7%. The proportion of individuals responding to this survey that identified as a visible minority appears to be consistent the general population of Penticton.

The vast majority (95.8%) of respondents to the survey were Canadian citizens. 14 of those surveyed identified themselves as permanent residents (5.4%) while two indicated that they were on student visas (0.8%).

## Living Circumstances of Youth

Figure 4



The youth participating in the survey identified a variety of living situations. The most common living situation identified by youth was with both parents (43.6%), followed by living with their mother (18.6%). Roughly 1 in 10 said that they were living with brother or sister (11.4%) or with their partner, boyfriend, or girlfriend (10.2%). Of those surveyed, 18 (6.8%) indicated that they were living on their own. The same number of individuals indicated “other” as their living situation. A review of responses to “other” found a wide range of circumstances, including some that were precarious (e.g., couch surfing, living in a spare room of an ex-partner, and living with random people). Four youth (1.5%) indicated that they were living with foster parents.

Figure 5

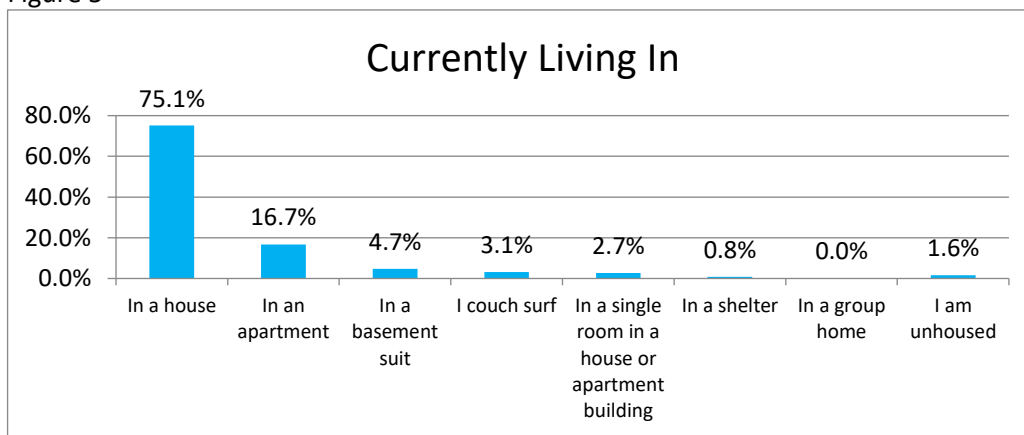


Figure 6

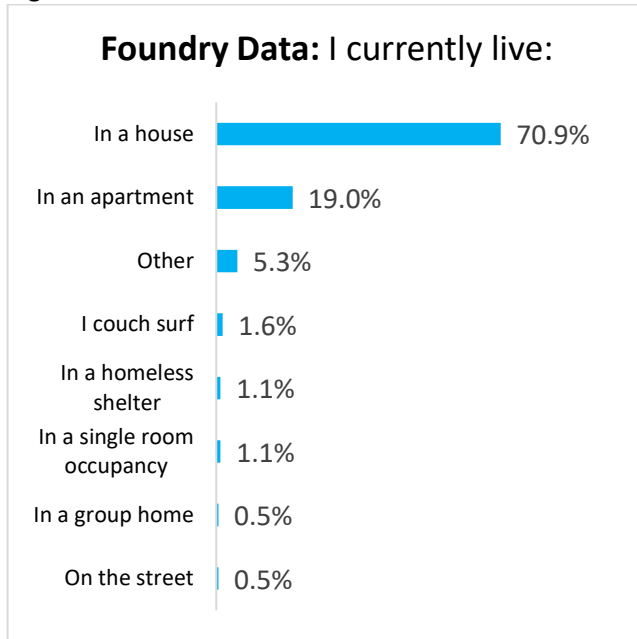
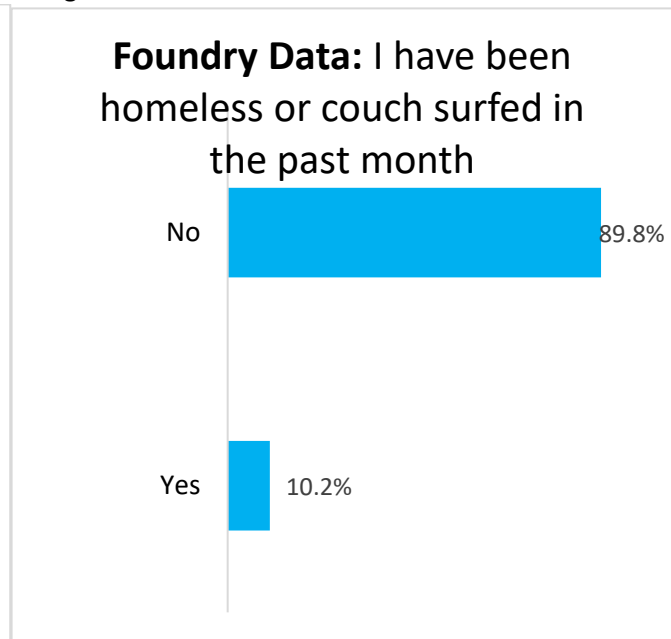


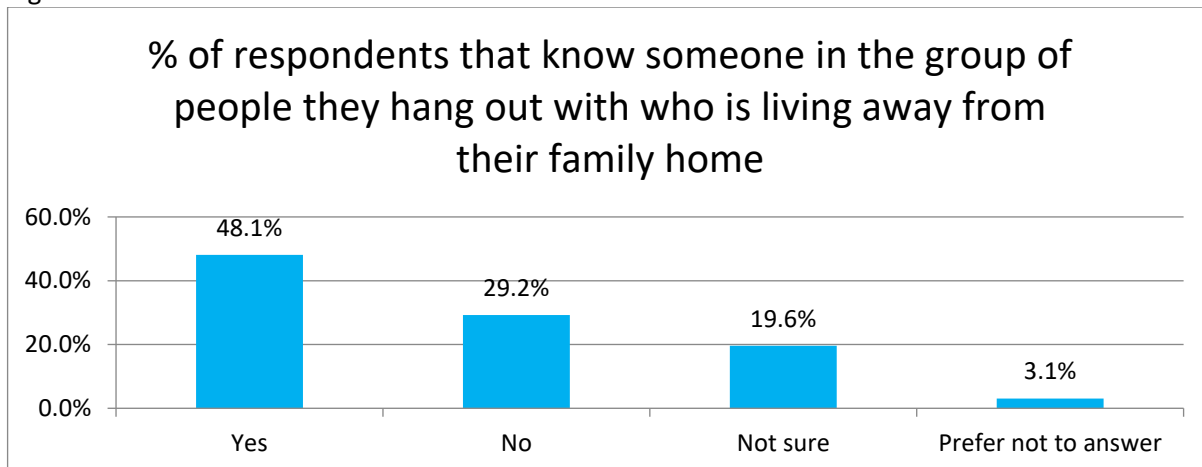
Figure 7



One in twenty youth surveyed (12 individuals – 5.5%) identified being in a precarious housing situation, which included couch surfing, living in a shelter, and being homeless. This closely matches data gathered in Foundry’s Health Survey, where 4.4% of respondents were precariously housed (i.e., couch surfing, in a shelter, in an SRO, or on the street). The data provided from Foundry’s Health Survey also indicated that one in ten youth (10.2%) had been homeless or had couch surfed in the past month.

3 out of 4 respondents (75.1%) were living in a house, while 17% indicate living in an apartment and 5% lived in a basement suite. On average, youth that responded to the survey indicated that they had been living in their current situation for just under 10 years, with a range of a few months to their whole life.

Figure 8



Roughly half (48.1%) of respondents indicated that they know someone in their group that they hung out with who was living away from their family home. On average, young people reported knowing 4 people in this situation, with a range from 0 to 13. The most common (modal) response was 2.



Housing History of Youth

Figure 9

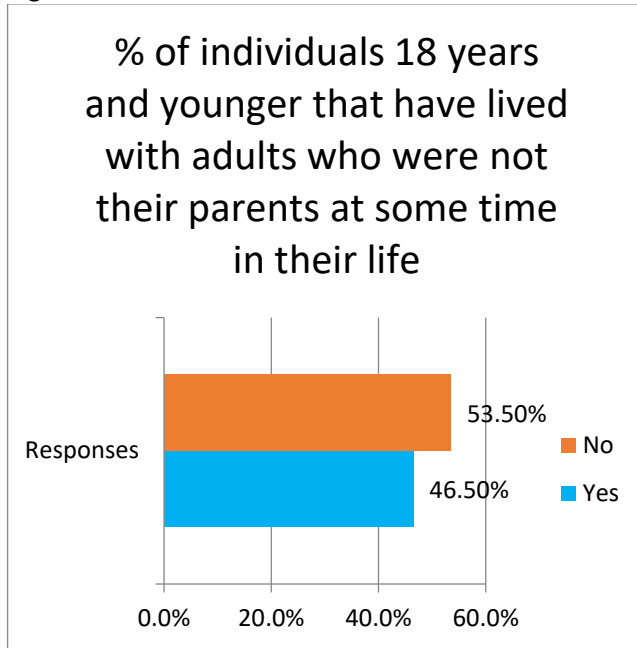
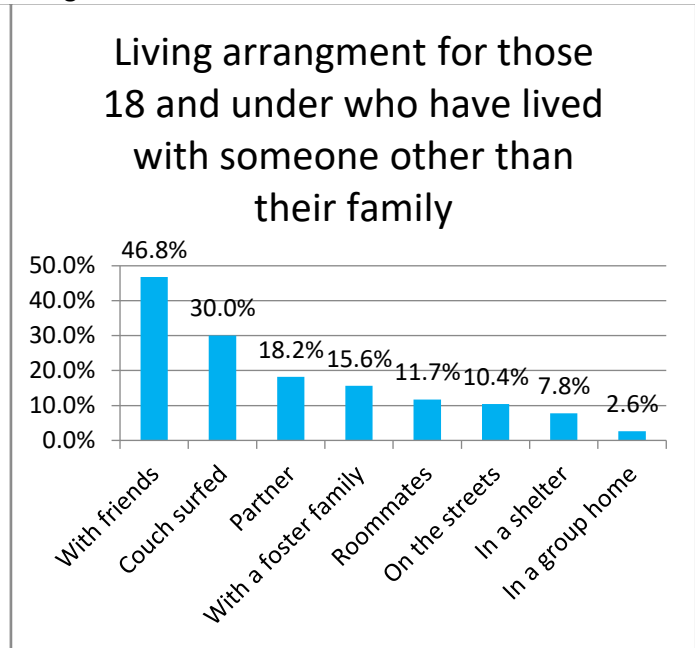
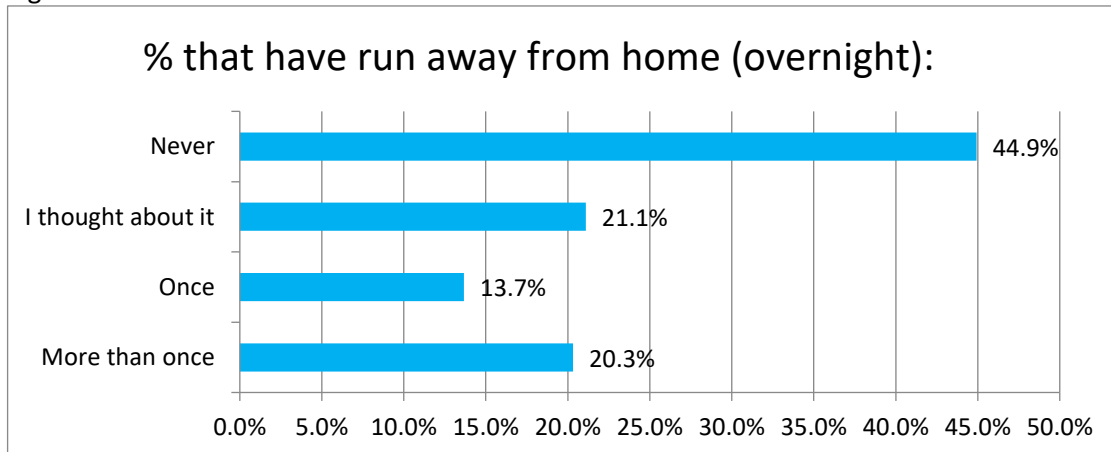


Figure 10



Half of those surveyed (49.6%) indicated that they had lived with adults who were not their parents at some time in their life. Of those 18 years old and younger at the time of the survey, the results remained stable with 46.5% (87 individuals) indicating that they had lived with someone other than their parents. Of those 18 and younger that had lived with someone other than their family, nearly half (48.2%) had been homeless or precariously housed, including 30% that had couch surfed, 10.4% that had lived on the streets, and 7.8% that they had lived in a shelter. Nearly 1 in 10 (18.2%) of those 18 years and younger had lived in Foster Care or a group home at some point in their life. 1 in 3 respondents indicated having run away from home at least once.

Figure 11



## Supports Available to Youth

Figure 12

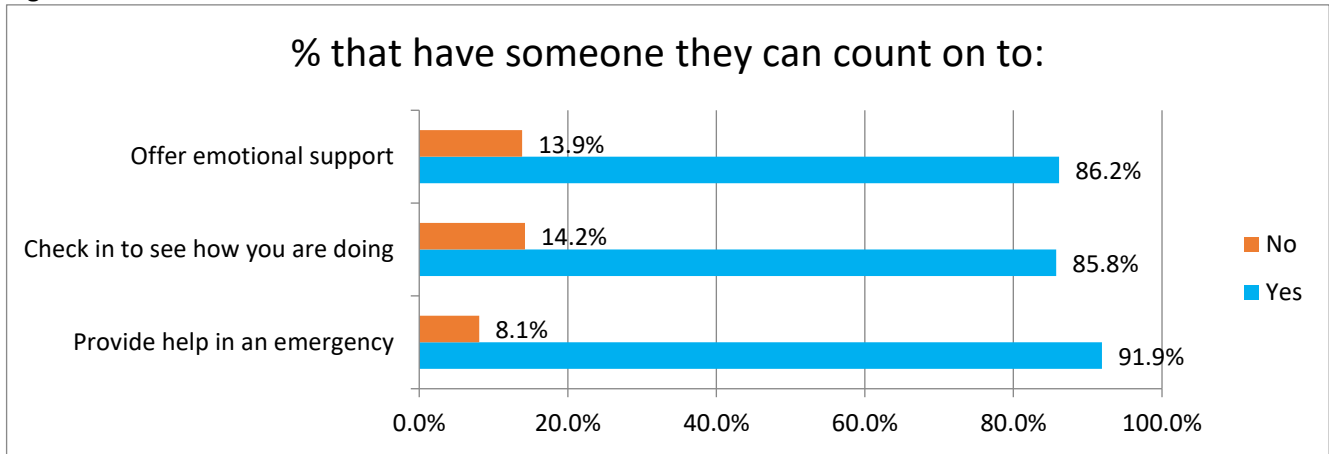
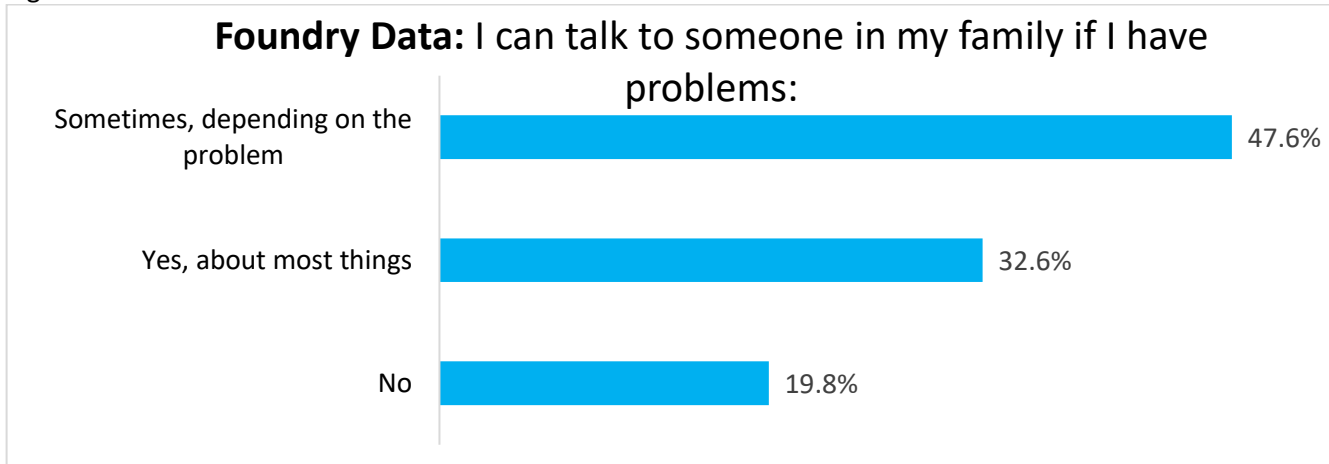


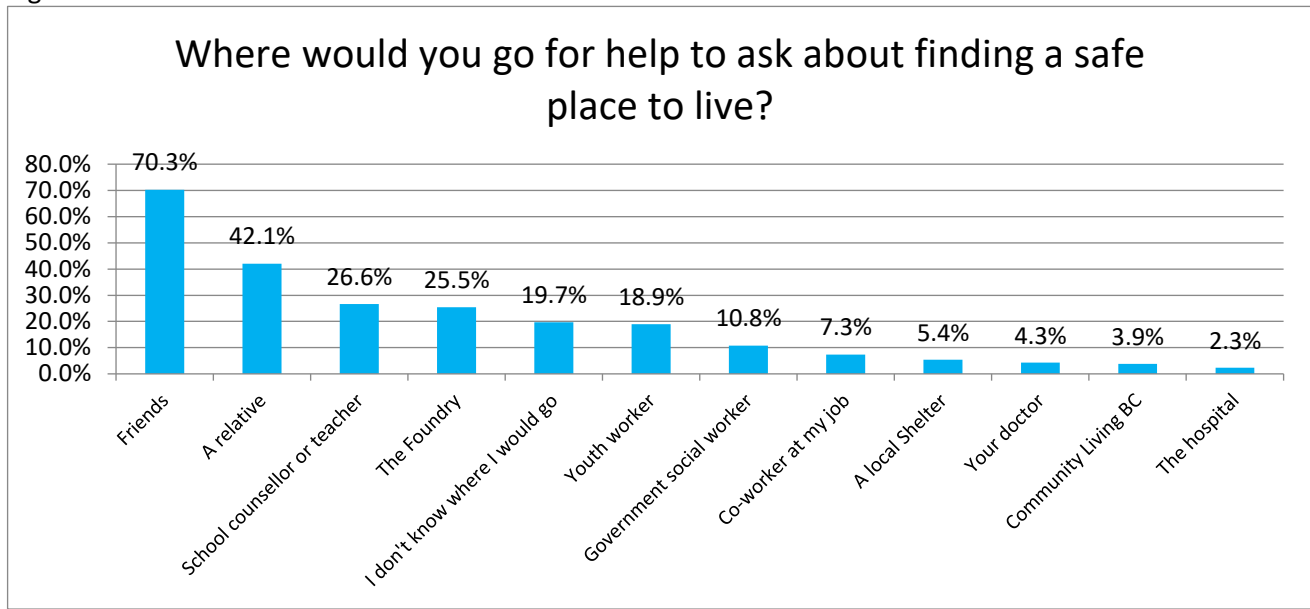
Figure 13



The overwhelming majority of youth indicated that they had someone they could count on to offer emotional support (86.2%) and provide help in an emergency (91.9%). Most also indicated having someone that they could count on to check in to see how they were doing (85.8%). This is similar to results from the Health Survey completed by youth when they attend Foundry, where the majority of youth indicated having someone they could talk to in their family if they had problems.

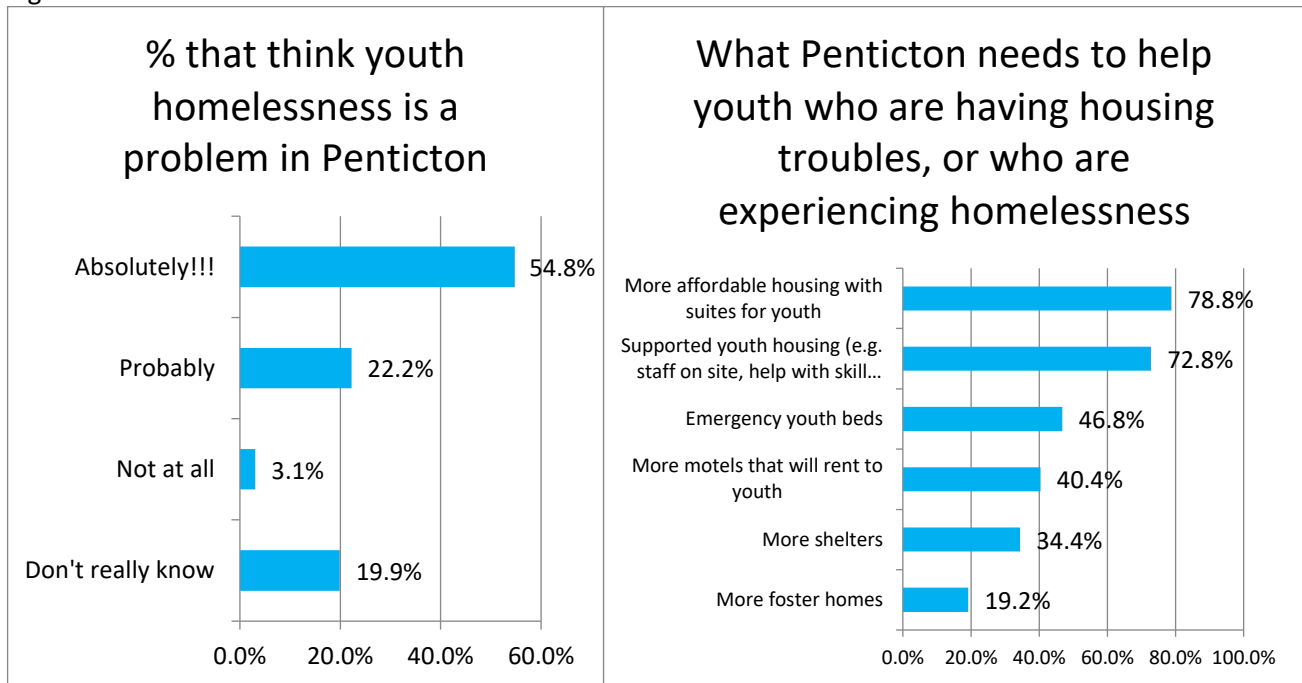
In contrast, one in five youth (19.7%) indicated not having anyone or anywhere they would go to to ask for help to find a safe place to live. Of those that indicated having someone/somewhere, the most commonly identified options were friends (70.3%) or a relative (42.1%).

Figure 14



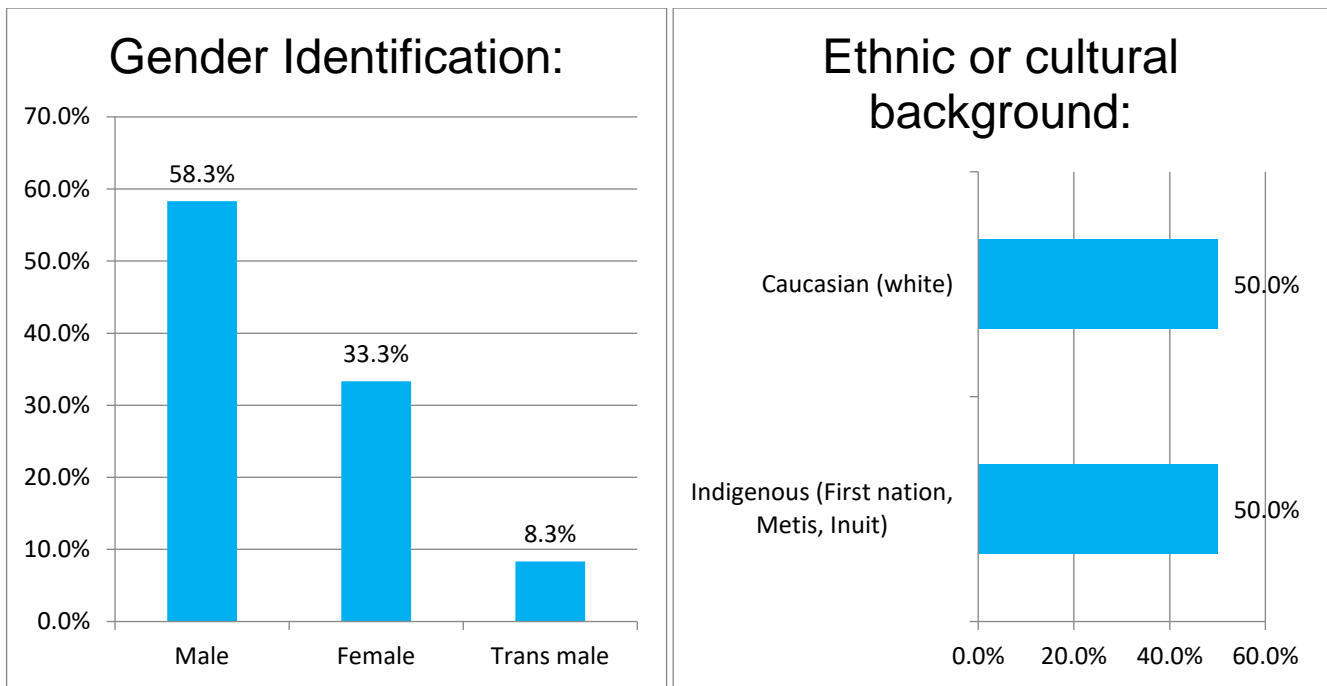
Youth Perspective on Homelessness in Penticton

Figure 15

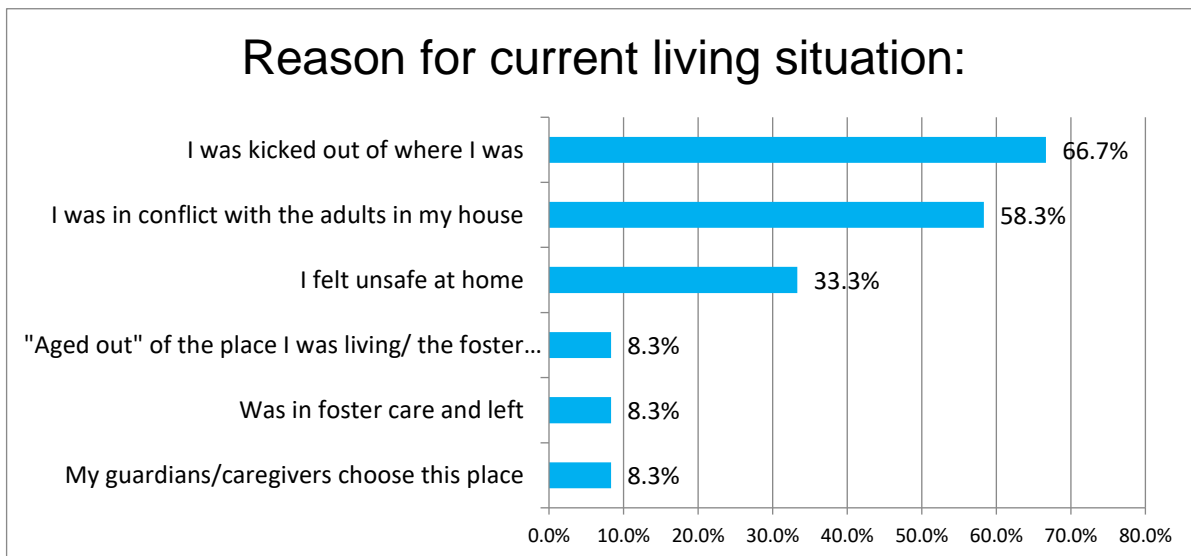


Most youth believe that homelessness is absolutely (54.8%) or probably (22.2%) a problem in Penticton. The vast majority of youth felt that Penticton needed more affordable housing suites for youth (78.8%) and more supported housing (72.8%). Emergency beds (46.8%) and hotels that will rent to youth (40.4%) were also noted by many youth as a need.

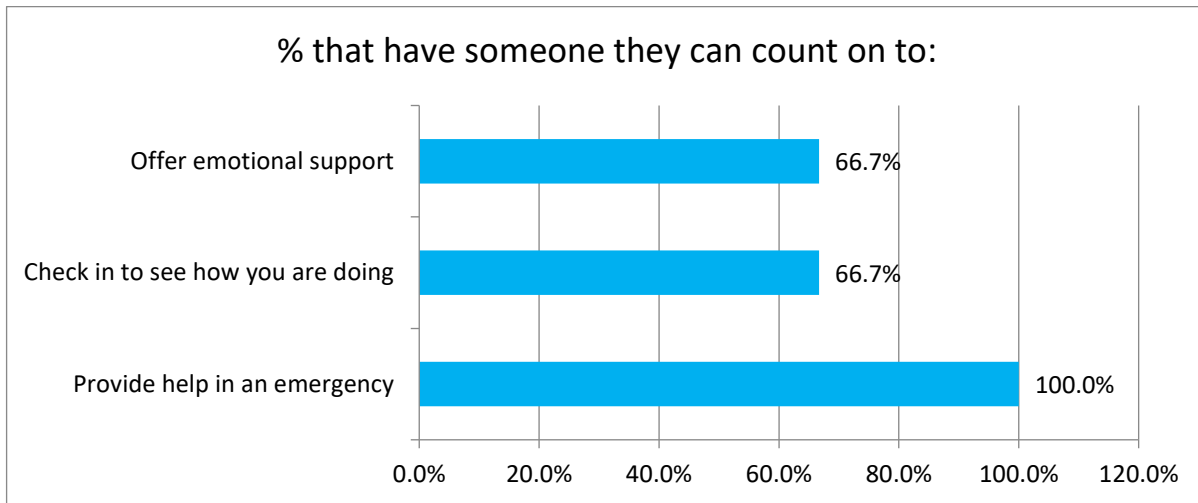
### Youth that are Homeless/Precariously Housed



Compared to all youth surveyed, youth that were homeless or precariously housed were twice as likely to be male (58.3% compared to 24.7% for the overall sample) or trans male (8.3% compared to 4.6% for the overall sample). Youth were also nearly twice as likely to identify as Indigenous (50% compared to 27.2% in the overall sample). All youth identified themselves as Canadian citizens. On average, youth had been living in this situation for 3 months, with a range of 1 to 8 months.



The majority of youth indicated that their current living situation was because they were kicked out of where they were or were in conflict with the adults they were living with. One in three indicated not feeling safe at home.



While all of the youth that were precariously housed indicated having someone that they could count on to provide help in an emergency, only two thirds indicated having someone that they could count on to offer emotional support or to check in to see how they were doing.

### Discussion

The results discussed above provide important insight into the current housing and homelessness situation facing youth in Penticton. The findings suggest that as many as 1 in 20 youth between the ages of 12 and 24 may be experiencing homelessness at any one time in Penticton. A generous inflation of that ratio to 1 in 40 would mean that there are 135 to 140 youth in Penticton between the ages of 12 and 24 that are homeless or precariously housed at any one time in Penticton, based on an estimated general population of roughly 5500 youth in that age range. Further, nearly half of youth surveyed knew someone in their peer group that was living away from home and as many as 1 in 10 youth that accessed services at Foundry identified having been homeless or couchsurfing in the past month. Youth that were homeless or precariously housed were more likely to be male, trans-male and Indigenous. Most youth in the survey reported having someone that they could count on for emotional support, to provide help in an emergency or to check in on them. However, those that were homeless or precariously housed were less likely to have someone that they could count on for emotional support or to check in on them.

### Limitations

The youth that participated in the homelessness survey conducted as part of this project or that accessed Foundry and completed Health Survey are not fully representative of the general youth population in Penticton. While effort was made to get as diverse a sample as possible, those that participated in either of these data collection activities were more likely to be female and Indigenous compared to the general population. There may have been other important differences not reflected in the data on participant characteristics that were gathered. While the results are a reflection of the true picture of housing and homelessness for youth in Penticton, caution should be used in generalizing these results.

*“I didn’t know how to find someone to help me...”*

*This young person is currently living on their own and has been for 10 months having been able to secure funding via an Agreement with Young Adults. She is pregnant.*

*Her story of housing insecurity began at fourteen when she ran away from her abusive home. That initiated a period of transience where she moved back and forth between Penticton and Kelowna, finding shelter at Transition Houses, the youth shelter, and sometimes staying with family and friends. These were not easy or safe times. “I got into physical fights at some of the places I stayed at. I didn’t know how to find someone to help me.”*

*Her mother passed away when she was 16, reducing her small circle even further and adding more trauma to her story. It was during a stay at the Transition House that she received support to help her get on a Youth Agreement. She believes that she “would not have gotten a youth agreement without the help of the staff at the Transition House. I am really scared of aging out without this support.”*

*When asked what would have helped her navigate the challenges she faced, she said “more emergency youth beds and more safe, affordable housing. Some of the places that are cheap are not the best or safest places.”*

*There also needs to be “easier access to social workers...ones who take her seriously and want to help her.” After several less than ideal contacts with child welfare, she now has what she considers “a very helpful social worker” – one who is supportive and listens to her.*

*Asked what would support youth, she described the ideal solution as a youth shelter in Penticton that provides “easy access to supports, laundry, and showers.” She reinforced that if you need to flee an unsafe situation, you need “a solid plan, you have to have some money, and a safe place to go. You need a decent support system, family, and friends who care about you.”*

## Chapter 4: Conclusion and Recommendations

### Conclusion

This research project was initiated to conduct a community-led youth homelessness assessment and develop a strategy to mitigate and ultimately work to eliminate youth homelessness in the City of Penticton. The project had four primary deliverables:

- Completing community consultations to assess the size of the challenge, ensuring that the voices of youth are privileged;
- Convening the collaborative input of a collective of community service providers;
- Development of a draft implementation strategy for review, analysis, and endorsement by project partners, and;
- Completion and submission of a final report.

The project work was also intended to enhance local understanding of the issues precipitating youth homelessness, establish a baseline of numbers of at-risk and homeless youth, assess existing community capacity to respond, and support planning and decision-making with respect to the implementation of solutions and future, strategic investments of resources.

The project began in 2020 just prior to the onset of the worldwide COVID 19 pandemic. The project coordinators regularly revised the project activities and timeline in response to changing restrictions and access protocols, shutdowns of schools and in-person gatherings, and community capacity.

The research validated the generalized concern and perception among service providers and others that youth homelessness in Penticton is a significant issue. The experience of housing insecurity and homelessness among youth was not well quantified, and data was not being collected in a consistent manner to support planning. A fixed point of responsibility, or coordination strategy, had not been established to address the problem. Service providers, in partnership with school-based counsellors and teachers, were responding to the need through informal networking relationships. Foundry Penticton, a critical addition to the local service network, has provided an invaluable access point for youth and their families to address health and wellness. However, current resources are not adequate to address all of the identified needs.

Housing options for at risk or homeless youth are currently limited to two beds for individuals, and only available to persons identifying as women. Concurrent issues facing at risk or homeless youth include, but are not limited to, the potential for substance use, trauma and abuse, challenges attending and completing their education, unemployment, and poor health associated with irregular access to health care and food insecurity.

### Steps Forward

In order to construct a pathway to address youth homelessness, a series of facilitated focus groups were convened by WRH Consulting with the key participants of the project. An initial session with the Youth Advisory group involved a presentation of the survey findings and recruiting their input on solutions. Two facilitated sessions were held with the project working group to garner their feedback on the draft report and generate strategies to move forward. The sessions were all held via Zoom due to the ongoing challenges of COVID and the restrictions on in-person gatherings.

Themes from the three groups were analyzed by the consulting team and synthesized into ten objectives. Ideas generated through the focus groups were sorted into proposed specific actions and sorted into short, medium, and long term categories for priority. The ten objectives and proposed actions were reviewed by the

members of the working group for their feedback and revised accordingly. They are listed in the graphic below and described in more detail in Appendix E.

## Steps Forward

When we met with the youth advisory group and youth service providers, there were clear messages. Things can not continue the way they are in Penticton. There needs to be both safe emergency beds and long term housing options in this community in order to address youth homelessness. Housing is a basic human right and helps ensure safety and future success for youth.

**As a community, we will end youth homelessness in Penticton by working to achieve these objectives:**

- ① Meaningfully engaging youth voice (decision-making, development of solutions)
- ② Creating and maintaining a strong, community leadership structure
- ③ Implementing effective prevention strategies
- ④ Creating a continuum of housing options for youth
- ⑤ Increasing intra-partner collaboration
- ⑥ Educating and enhancing awareness
- ⑦ Implementing evidence-based and trauma-informed practices
- ⑧ Increasing access to a range of services and supports
- ⑨ Increasing support for families with at-risk youth
- ⑩ Using data and evaluation to inform our actions



The working group discussed the need to determine a community leadership structure to act as a point of responsibility in moving forward on the pressing issue of youth homelessness and tackling further refinement of the proposed actions and assignment of responsibility for those actions. Consensus was reached that the most appropriate entity to do so is the working coalition “100 More Homes”, under whose community action mandate the next steps to address youth homelessness will live.

*“It’s a do or die situation...”*

*This young woman, who identified herself as an Aboriginal person, has had poverty and precarious housing shadow her entire life. “I have been in and out of transition homes since I can remember.”*

*First on her own at the age of 15, she was able to get on a Youth Agreement at 16 which ended when she turned 19. Despite all the challenges associated with this funding arrangement, during these years she was working to complete high school while holding down an almost full-time job. When she turned 19, she lost her housing because the landlord knew she would no longer be receiving money from the government. “I wasn’t working enough for people’s liking”. She is now on social assistance.*

*Prior to losing her housing, she felt she was doing comparatively well. With nowhere to go, she<sup>8</sup> returned to live with her family in supported housing in another part of the province. She described these circumstances as “not good. It was under construction, workers intruded in my space...there was no privacy,” She shared this space with her brother, sister and her mom – all trying to survive on social assistance.*

*After leaving that arrangement, she moved into her current housing describing it as a solution to a “do or die situation”. She found the place on Facebook and while the situation is volatile and abusive in this shared accommodation, she continues to live there to avoid being homeless. “The housing market is ridiculous – no one wants to rent to a kid!”*

*Her current living situation has become tangled and exploitative. She is sexually involved with her landlord who demands her social assistance cheques. “He knows I am on welfare and he expects it. He makes me go to the bank, deposit my cheques, and give the money to him.” Realizing that this is an unsafe situation, she has tried to leave often. There are few options for her, however. She has slept in her car on the side of the road, in a tent, and found shelter at the Transition House twice. She always ends up returning to the unsafe situation as she had nowhere else to go. To add to the exploitation, her landlord has withheld personal items, her cat, important documents, and other things as a means to control her and keep her staying with him. She has called the police a number of times to help him get her things back so she can leave for good, but she has not had any luck. When asked if she had somewhere else to live would she still be living there, she replied “no”.*

*Her difficulties are compounded by substance use which has attracted the attention of MCFD who have given her ultimatums about getting treatment or risk losing financial supports. She told us she wished there would have been some type of youth housing to help with ageing out of care, managing addictions and substance use, and mental health issues. Asked how serious a problem youth homelessness is, she replied “it’s a dire situation and it has been here for too long. They say children are our future, but do they really care that much if they are letting this happen? There are kids out here, kids that are dying. They are not being murdered; they just cannot simply sustain life without more supports”.*

---

<sup>8</sup> Update on this story: This young woman moved out of the living arrangement described in the interview but has been unable to retrieve her belongings. She is living in a single bedroom apartment with three adults. Her own substance use has gotten a lot better, however she is surrounded by substance use in her living situation.

*She has entered a work skills program and has really taken strides forward in her life to get things to where she wants them to be. She is participating in counselling and says “she is managing”. She told us she often feels like she is “grasping at straws, but I will not admit defeat to the system we are trying to change”.*

## Appendices

### Appendix A

#### Youth Homelessness Project Survey

**What is this survey asking about:** We are trying to understand the experiences of Penticton youth, **ages 12 – 24**, with homelessness and housing problems. We hope you will consider completing the survey because your information and ideas are important to creating solutions. You only have to answer the questions you feel comfortable with.

This survey collects anonymous information to assist with our inquiry. Precautions have been taken to protect you. Your feedback cannot be traced back to you.

1. What is your age? \_\_\_\_\_
  
2. I identify as:
  - Male
  - Female
  - 2-spirit
  - Non-binary
  - Trans female
  - Trans male
  - Agender
  - Not sure/ questioning
  - Prefer not to answer
  - I don't identify with any of these options (please specify) \_\_\_\_\_
  
3. I would describe my ethnic or cultural background as:
  - Indigenous (First Nations, Metis, Inuit)
  - Caucasian (white)
  - Chinese
  - Filipino
  - Japanese
  - Korean
  - Latin American
  - Arab
  - Black (e.g. African, Haitian, Jamaican)
  - West Asian (e.g. Afghan, Iranian)

- Southeast Asian (e.g. Indonesian, Vietnamese)
- South Asian (e.g. East Indian, Pakistani, Punjabi, Sri Lankan)
- Prefer not to answer

I don't identify with any of these options (please specify)\_\_\_\_\_

4 If Indigenous (First Nations, Metis, Inuit) selected, please tell us if you are:

- Metis
- Inuit
- First Nations
- Unsure

5. I am a:

- Canadian citizen
- Visitor to Canada
- Permanent resident
- Refugee claimant
- On a work visa
- On a student visa
- Not sure
- Prefer not to answer

6. I live with: (check all that apply)

- Both of my parents
- Both parents, at different times
- Mother(s)
- Brother(s)/ sister(s)
- Father(s)
- Friend(s)
- Partner/boyfriend/girlfriend
- Grandparent(s)
- Stepmother or stepfather
- Roommate(s)
- Foster Parent(s)
- I live alone
- My child/children
- Aunt, uncle, or other adults related to me
- Multiple people who aren't related to me
- Other (please specify)\_\_\_\_\_

7. I currently live:

- In a house
- in a basement suite

- In an apartment
  - In a single room in a house or apartment building
  - In a homeless shelter
  - In a group home
  - Other. If you chose "other", please tell us what your current living situation is:
- I couch surf
  - I am unhoused
- 

8. I have been living in this type of housing for: \_\_\_\_\_ years or \_\_\_\_\_ months

9. I get along with the people I live with:

- Never
- Sometimes
- Often
- Always

10. My current living situation is because:

- I have always lived here
  - I felt unsafe at home
  - I was in conflict with the adults in my house
  - The rules at home were too strict
  - "Aged out" of the place I was living
  - I am on a Youth Agreement
  - I felt that I was old enough to leave home
  - Other reason(s): please tell us why
- I am happier now
  - I was kicked out
  - Was in foster care & left
- 
- 

11. At some point in my life, I have lived with adults who were not my parents.

- yes
- no

If you answered yes, who did you live with?

- with friends
- with foster family
- couch surfed
- in a shelter

- in a group home
- other family member
- partner
- on the street
- roommates
- other \_\_\_\_\_

12. I have run away from home:

- never
- once
- thought about it
- more than once

13. Do you know anyone in the group of people you hang out with who is living away from their family home?

- Yes
- Not sure
- No
- Prefer not to answer

14. How many in the group you hang out with are worried about their housing and not in a safe or secure place?

\_\_\_\_\_

15. Do you have someone you can count on to:

Provide help in an emergency?  Yes  No

Check in to see how you are doing?  Yes  No

Offer emotional support?  Yes  No

16. Where would you go for help to ask about finding a safe place to live?

- friends
- school counsellor or teacher
- the Foundry
- your doctor
- the hospital
- a local shelter
- I don't know where I would go
- youth worker
- government social worker
- Community Living BC
- co-worker at my job
- a relative

17. What does Penticton need to help youth who are having housing troubles or who are homeless? (check as many as apply)

supported, youth housing (e.g. staff on site, help with skill building, safety precautions)

more affordable housing with suites just for youth

more motels that will rent to youth

more shelters

emergency youth beds

more foster homes

Other (please provide us with your ideas)

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18. Do you think that youth homelessness is a problem in Penticton?

Absolutely!!!

Probably

Not at all

Don't really know

If any of the questions in this survey has triggered stress, anxiety, or worry for you, **PLEASE** contact:

the Foundry at 501 Main Street at 778-646-2292, or,

the Kids Help Line at 1-800-668-6868.

Support is available and free of charge.

## Appendix B

### **PENTICTON YOUTH HOMELESSNESS ASSESSMENT & STRATEGY 2020**

What we value and believe:

1. The lived experience of youth must be central to our process; we each bring a unique perspective to understanding the issues and creating solutions. Our voices must be heard and respected in order to achieve the best possible outcome.
2. Safety must be protected so that everyone can participate. We will model respect for individual identity including gender identity, cultural safety, and celebration of diversity.
3. We are deeply grateful to be on working and playing on the ancestral, traditional, and unceded territory of the Syilx Nation. Our interactions will be based on recognition of the impact of colonization, our responsibility to uphold the principles of truth and reconciliation, equity, and respect for Indigenous voices.
4. The meaningful participation and sustainable involvement of young people, in shared decisions on matters which affect their lives and those of their community, is essential to creating viable solutions and supports they are needed now and others may need in the future.
5. Thoughtful decision-making, considering multiple perspectives and best practices, will help guide our solutions. Solutions will emerge from a good understanding of the scope of the issue and thinking together about our community.

In practice, this will look like:

- Making sure the voices of youth mirror the diversity of our community.
- Working to reduce barriers to participation including meeting people in the places that feel safe for them.
- Conveying information and ideas in ways that include all participants and respect their ways of learning and processing information.
- Acknowledging that trauma is likely part of the experience for many youth experiencing housing insecurity and homelessness. We resolve to do no further harm in our interactions and to apply a trauma-informed lens.



- Taking individual and collective responsibility for supporting a shared experience that demonstrates respect for one another, welcomes opinions and ideas, and seeks to understand rather than judge.

## Appendix C

### List of Organizations Interviewed

RCMP Liaison Officers

South Okanagan Women in Need Society

Pathways Addictions Resource Society

United Way

School District 67

Interior Health

Ooknakane Friendship Centre

ASK Wellness Society

South Okanagan Similkameen Brain Injury Society

Penticton & District Society for Community Living

Foundry Penticton

South Okanagan Immigrant and Community Services Society

Ministry for Children and Family Development

Okanagan College, Penticton Campus

Okanagan Boys and Girls Clubs

Bridge Youth and Family Services

OneSky Community Resources Society

BC Housing

Away Home Kelowna

Away Home Kamloops

Canadian Mental Health Association

Appendix D

# WE NEED YOUR HELP

We are trying to determine how many youth are struggling with homelessness or who have difficulties finding some where safe to live

If you live in the Penticton area and are age 12-24 please take our survey below

Survey is open until December 31st 2020

Please use this QR code to find the survey:



You can also find the survey through this link:

<https://www.surveymonkey.com/r/BPTWRJH>



Thank you for your help to address youth homelessness in Penticton

Appendix E

### Next Steps

As a community, we will prevent and end youth homelessness in Penticton by working to achieve these objectives:

- Meaningfully engaging youth voice (decision-making, development of solutions)
- Creating and maintaining a strong, community leadership structure
- Implementing effective prevention strategies
- Creating a continuum of housing options for youth
- Increasing intra-partner collaboration
- Educating and enhancing awareness
- Implementing evidence-based and trauma-informed practices
- Increasing access to a range of services and supports
- Increasing support for families with at-risk youth
- Using data and evaluation to inform our actions

Meaningfully engaging youth voice (decision-making, development of solutions)	
Proposed specific actions	
Short Term	<ul style="list-style-type: none"> <li>· Create real opportunities for youth voice in all initiatives and activities – ensure seats at decision-making tables and/or other ways that youth want to participate</li> <li>· Support youth to design and deliver presentations to local, regional, &amp; provincial government entities and other organizations, about the gaps in services and needs</li> </ul>

	<ul style="list-style-type: none"> <li>· Provide honoraria for all forms of youth participation in collaborative work</li> </ul>
Medium Term	<ul style="list-style-type: none"> <li>· Create opportunities for youth to develop skills that support their capacity and success (employment, housing, accessing services, etc.). This could include initiatives such as a speakers' bureau and writing support.</li> </ul>
Long Term	<ul style="list-style-type: none"> <li>· Develop and implement strategies to ensure self determination for youth in making their housing decisions including targeted mentoring supports</li> </ul>

Creating and maintaining a strong, community leadership structure	
Proposed specific actions	
Short Term	<ul style="list-style-type: none"> <li>· Establish leadership on youth housing &amp; homelessness within 100 More Homes structure</li> <li>· Establish a youth homelessness table within the 100 More Homes structure to inform decision making across partners, including the City of Penticton, School District 67, and Provincial agencies and ministries confirming leadership structure for reporting and decision making responsibilities.</li> <li>· Embed a collective impact approach, including providing training to the community partnership to apply the elements of this social action approach</li> </ul>
Medium Term	<ul style="list-style-type: none"> <li>· Engage local and regional MCFD leadership to meaningfully participate in future planning with respect to initiatives to address youth homelessness and housing insecurity</li> <li>· Work with City of Penticton to develop a role focused on youth and youth homelessness</li> <li>· Establish process for regular reporting to City Council, other governments, and broader community on progress on youth homelessness initiatives</li> </ul>
Long Term	<ul style="list-style-type: none"> <li>· Work with the City of Penticton to develop a social policy framework for Penticton inclusive of youth homelessness as well as other social issues and needs.</li> </ul>

Implementing effective prevention strategies	
Proposed specific actions	

Medium Term	<ul style="list-style-type: none"> <li>· Engage in collaborative, school based prevention initiatives with School District 67 and community agencies (such as the Upstream Project)</li> <li>· Create and implement school presentations to educate and enhance awareness for students on community based resources to support safety and well-being, including housing security</li> <li>· Enhance awareness among school based partners on identifying signs of students who may be at-risk</li> </ul>
Long Term	<ul style="list-style-type: none"> <li>· Create and implement a shelter diversion strategy</li> <li>· Explore the expansion of the “rent bank” for youth</li> </ul>

Creating a continuum of housing options for youth	
Proposed specific actions	
Short Term	<ul style="list-style-type: none"> <li>· Identify short term solutions for youth needing emergency housing</li> <li>· Update the City of Penticton’s Official Community Plan (OCP) using a youth housing and homelessness lens</li> </ul>
Medium Term	<ul style="list-style-type: none"> <li>· Develop a specific plan and pathway to create a continuum of housing for youth, prioritizing emergency housing as the first step</li> <li>· Identify and engage potential funding sources for support for long term housing plan (e.g. Orange Door, Catalyst Funding, BC Housing)</li> <li>· Identify and engage local developers for support for long term housing to address youth housing needs and options</li> <li>· Research expertise from other communities in developing plans for Penticton (e.g. Okanagan Boys and Girls Clubs, Away Home Kelowna, Away Home Kamloops)</li> </ul>
Long Term	<ul style="list-style-type: none"> <li>· Work with City of Penticton to ensure that new housing projects include options for youth</li> </ul>

Increasing intra-partner collaboration	
Proposed specific actions	

Short Term	<ul style="list-style-type: none"> <li>· Create a coordinated access table and triage system that all organizations and community resources have access to</li> <li>· Educate front line staff and organizations, bylaw, and RCMP about how and where to direct at risk and homeless youth</li> <li>· Establish a Youth-By-Name List to maintain real time information on individuals who are at risk of or homeless</li> <li>· Develop a MOU between agencies and other partners, including an information sharing process, to support youth</li> </ul>
Medium Term	<ul style="list-style-type: none"> <li>· Activate broad based engagement with:               <ul style="list-style-type: none"> <li>o local, multicultural organizations and community groups to provide information about available supports for at risk and homeless youth</li> <li>o School District 67</li> <li>o Interior Health</li> <li>o First Nations Health Authority</li> </ul> </li> <li>to support the development of partnerships on behalf of youth and access to services/supports</li> </ul>
Long Term	<ul style="list-style-type: none"> <li>· Strengthen linkages with youth homelessness initiatives throughout the interior, province, and nationally (e.g. Away Home Canada and provincial tables)</li> <li>· Partner with First Nations communities to support culturally relevant supports for at risk youth</li> <li>· Initiate personal support network building project to support at risk youth</li> </ul>

Educating and enhancing awareness	
Proposed specific actions	
Short Term and ongoing	<ul style="list-style-type: none"> <li>· Initiate and implement ongoing community awareness and understanding regarding the issue of youth homelessness in Penticton (e.g. reports, news articles, promotional campaigns, presentations)</li> <li>· The City of Penticton should work with local youth to send this report to all applicable Provincial Ministers, Ministries and agencies outlining the community's youth homelessness and housing priorities</li> </ul>

Implementing evidence-based and trauma informed practices

Proposed specific actions	
Short Term	<ul style="list-style-type: none"> <li>Expand harm reduction strategies targeted to meet youth needs</li> <li>Establish mentor program for youth at risk or experiencing homelessness</li> <li>Explore implementation of a local Duty to Assist framework <sup>[1]</sup></li> </ul>
Medium Term	<ul style="list-style-type: none"> <li>Develop and implement a plan to ensure all staff involved in providing services to youth who are or at risk of homelessness, have access to training on trauma informed practice</li> <li>Develop and implement a peer support system for professionals working in intervention services</li> <li>Utilize the Housing First for Youth (HR4Y) <sup>[2]</sup> model in planning</li> </ul>
Long Term	<ul style="list-style-type: none"> <li>Ensure that housing options available for youth are low barrier (e.g. do not exclude youth who are using substances, have multiple complex needs, and have required supports available to them)</li> </ul>

<sup>[1]</sup> More info:

<https://awayhome.ca/2019/10/23/experiments-in-paradigm-shifting-how-service-design-can-inform-the-duty-to-assist-policy/>

<sup>[2]</sup> More info:

<https://www.homelesshub.ca/HF4Y>

Increasing access to a range of services and supports	
Proposed specific actions	
Short Term	<ul style="list-style-type: none"> <li>Map existing services and identify gaps where additional services are required</li> </ul>
Medium Term	<ul style="list-style-type: none"> <li>Advocate for expanded resources to increase access to mental health supports available through Foundry Penticton</li> <li>Identify social work/case management process to follow and support youth (e.g. key contact or case manager)</li> <li>Enhance availability of peer support workers targeted to at risk youth and youth who are homeless</li> </ul>

	<ul style="list-style-type: none"> <li>· Develop an afterhours outreach team and/or responsive process to connect with youth on the streets to provide emergency supports</li> <li>· Establish designated youth emergency housing</li> <li>· Develop process for informing youth about how help is available to them before their housing is no longer safe or available</li> <li>· Provide training to teachers and others that work closely with youth to ensure they know where to send youth when students are in a housing problem</li> <li>· Work together to recruit and retain staff providing consistent training opportunities for their interactions with youth who engage with their supports and services</li> </ul>
Long Term	<ul style="list-style-type: none"> <li>· Develop and implement skills development programming as part of the continuum of supports and services for youth</li> <li>· Establish interagency methods to provide follow up supports and facilitate transitions into adulthood</li> </ul>

Increasing support for families with at-risk youth	
Proposed specific actions	
Short Term	<ul style="list-style-type: none"> <li>· Map out current supports for families and identify gaps/needs for additional supports</li> <li>· Continue to promote available family support services throughout the community</li> </ul>
Medium Term	<ul style="list-style-type: none"> <li>· Seek funding for training for service providers on engaging family and natural supports</li> <li>· Advocate for more funding for family support programs</li> </ul>

Using data and evaluation to inform our actions	
Proposed specific actions	
Medium Term	<ul style="list-style-type: none"> <li>· Develop a homelessness data collection and analysis plan</li> <li>· Provide honoraria to youth when they are asked to provide data or participate in data collection</li> <li>· Embed OCAP principles in data collection</li> <li>· Create data sharing agreements between organizations and common consent forms for sharing</li> </ul>



	<ul style="list-style-type: none"><li>· Develop appropriate data collection tools aligned with the data collection plan and guided by input from youth</li><li>· Design and implement methods for receiving and managing data on a regular schedule.</li></ul>
Long Term	<ul style="list-style-type: none"><li>· Create a repository for non-identifying data that can be accessed by community partners for advocacy and ongoing planning</li><li>· Explore formal partnerships with academics who are conducting research supportive of initiatives to address youth homelessness.</li></ul>

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# Council Report

penticton.ca

**Date:** February 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Cheryl Hardisty, Senior Executive Assistant  
**Subject:** **2022 Southern Interior Local Government Association (SILGA) Resolution**

## Staff Recommendation

THAT Council submit the following resolution regarding CAR type programs for consideration at the 2022 SILGA Convention:

WHEREAS Car 40 type programs, which aim to support the diversion of those suffering with mental health issues from the criminal justice system, and reduce patrol response and unnecessary hospital admissions, have been successful in a variety of formats across the Province since 1978;

AND WHEREAS a Provincially integrated and sustainably funded Car 40 type program would provide consistency to communities seeking new ways to support the health and safety of their residents.

NOW THEREFORE BE IT RESOLVED that UBCM request the Province support an integrated Car 40 type program with appropriate and sustainable funding.

AND THAT Council direct staff to provide the resolution and background to the RDOS Board for their consideration of co-sponsorship.

## Strategic priority objective

**Community Safety:** The City of Penticton will support a safe, secure and healthy community.

## Background

SILGA considers resolutions from member local governments at its annual convention. Resolutions passed at the SILGA convention are submitted to the Union of BC Municipalities (UBCM) for consideration for its annual convention, and resolutions passed through UBCM are directed to the Province for response and form UBCM's policy decision making. The resolution should be relative to regional issues and should not pertain to a finite local interest. The deadline for submission of resolutions is February 25, 2022.

The 2022 Annual General Meeting and Convention is schedule to be held in Salmon Arm April 26 to April 29, 2022.

Council expressed an interest in pursuing the Car Program in Penticton. Staff have reviewed the program and provide further background and recommendation in Attachment A for Council's consideration.

**Attachments**

Attachment A – SILGA resolution regarding Provincial CAR Program

**Respectfully submitted,**

Cheryl Hardisty  
Senior Executive Assistant, CAO, Mayor and Council

Concurrence

Chief Administrative Officer  <b>DyD</b>
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## 2022 SILGA Resolution

### Provincial CAR Program

WHEREAS Car 40 type programs, which aim to support the diversion of those suffering with mental health issues from the criminal justice system, and reduce patrol response and unnecessary hospital admissions, have been successful in a variety of formats across the Province since 1978;

AND WHEREAS a Provincially integrated and sustainably funded Car 40 type program would provide consistency to communities seeking new ways to support the health and safety of their residents.

NOW THEREFORE BE IT RESOLVED that UBCM request the Province support an integrated Car 40 type program with appropriate and sustainable funding.

### **Background**

Car Programs have been in place since 1978. In Vancouver, the programs have shown to reduce the need for patrol response and unnecessary hospital admissions, while connecting people in crisis to the appropriate services in the community. The Car Programs are not intended to be a cure all, but an additional resource to support the health and safety of citizens in our communities.

A number of communities with established Car Programs have requested expansion of their programs or the introduction of a new program and are met with inconsistent responses from local health authorities. Such programs should be implemented and funded provincially not as one-off local programs.

# Council Report

penticton.ca

**Date:** February 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner II  
**Address:** 585 Jermyn Avenue

File No: RMS/585 Jermyn Ave

**Subject: Zoning Amendment Bylaw No. 2022-10  
Development Permit PL2021-9241**

## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-10", a bylaw to rezone Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-10" to the March 1, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-10", require that a road reserve covenant be registered with the Land Title Office for the purpose of securing:

1. A 1.7m future road dedication along Government Street; and
2. A 5.5m x 5.5m future road dedication corner cut at the southeast corner (Government Street and Jermyn Street) of the subject property.

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-10", approve "Development Permit PL2021-9241, for Lot B District Lot 249 Similkameen Division Yale District Plan 4224, located at 585 Jermyn Avenue, a permit to allow the construction of a 3-unit cluster housing development.

## 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 property currently contains a single family dwelling with a secondary suite (total 2 units). The applicant is proposing to rezone the property to allow three units. The applicant is proposing to demolish the principal dwelling portion of the building and reconstruct a new dwelling unit. The applicant also intends to convert the garage on the main floor into another dwelling unit. The existing secondary suite would also remain as a

dwelling unit on the property. This proposal would result in a total of three units on the property and is described in the Zoning Bylaw as 'cluster housing'.

To facilitate the proposed cluster housing development, the applicant has requested to rezone the property from the R2 (Small Lot Residential) zone to the RM2 (Low Density Multiple Housing) zone. In addition, the proposed development is considered within the Multifamily Development Permit Area outlined by the Official Community Plan (OCP). As such, the applicant has applied for a development permit for approval of the form and character of the proposed development. The development permit is presented to Council concurrently with the rezoning application.

**Background**

The subject property is located at the corner of Jermyn Avenue and Government Street (Figure 1). The property contains a single detached home with a secondary suite, above an attached garage. The house was built in 1930 and the addition containing the secondary suite and garage was constructed in 2015. Surrounding land uses are primarily residential, with a mix of single detached dwellings, duplexes, townhomes and apartments. Commercial uses are located further south along Government Street.

The subject property is currently zoned R2 (Small Lot Residential) and is designated Ground Oriented Residential by the Official Community Plan (OCP).

**Financial Implication**

The applicant is responsible for the costs associated with the recommended road reserve covenant (more details below).

**Technical Review**

This application package was reviewed by the Technical Planning Committee, a group of internal staff who review planning applications. The committee is recommending that future road dedications be secured through agreement at this time in order to meet the City's desired right-of-way width standards.

There is a 1.7m wide road dedication identified along Government Street and an 8.5m x 8.5m corner cut identified at the intersection of Government Street and Jermyn Street. Through discussions, the applicant requested that the corner cut size be reduced to 5.5m x 5.5m, which staff have reviewed in detail with the desired road widths and visibility requirements, and ultimately agreed to. In this instance, staff are recommending that a road reserve covenant be registered on the property to account for these road dedications. A road reserve covenant is a legal agreement registered on title of the property which stipulates conditions for the City to obtain the road dedication in the future. Staff are recommending the road reserve covenant as opposed to taking the road dedication at this time. The reason for the road reserve covenant is



Figure 1 - Property location map

to enable the City to obtain the dedication when the property redevelops at some point in the future and the existing buildings are removed.

The committee also provided comments to the applicant which will apply at the future building permit stage, should the rezoning and development permit ultimately be approved.

### Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	RM2 Zone Requirement	Provided on Plans
<b>Minimum Lot Width:</b>	18 m	25.6 m *
<b>Minimum Lot Area:</b>	540 m <sup>2</sup>	598 m <sup>2</sup> *
<b>Maximum Lot Coverage:</b>	40%	35%
<b>Maximum Density:</b>	0.8 Floor Area Ratio (FAR)	0.47 FAR
<b>Vehicle Parking:</b>	1 parking space per dwelling unit Total: 3 parking spaces	3 parking spaces provided, plus additional space in the garage
<b>Required Setbacks</b>		
Front Yard (Jermyn Ave):	3.0 m	4.7 m
Exterior Side Yard (east):	4.5 m	4.25 m **
Interior Side Yard (west):	1.5 m	1.5 m
Rear Yard (north):	6.0 m	6.0 m
<b>Maximum Building Height</b>	12 m	7.2 m
<b>Other Information:</b>	* The minimum lot width and minimum lot area requirements do not apply to existing lots, only when a subdivision or lot line adjustment is proposed. ** Existing setback permitted through the current R2 zoning, will be considered non-conforming for the existing structure when rezoned to RM2.	

### Analysis

#### Rezoning

The OCP designation for the property is 'Ground Oriented Residential'. The Ground Oriented Residential designation supports medium-density residential areas with multi-family developments where each unit has an exterior door. Anticipated building forms include duplexes with suites, cluster housing, townhouses and bareland stratas (Figure 2). The proposed three-unit cluster housing development is consistent with this OCP designation.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
	<p>Medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas.</p>	<ul style="list-style-type: none"> <li>• Duplexes with suites</li> <li>• Cluster housing</li> <li>• Fourplexes higher-density rowhouses</li> <li>• Townhouses and stacked townhouses</li> <li>• Bareland strata developments</li> </ul>	<ul style="list-style-type: none"> <li>• Residential</li> <li>• Limited Service/ Retail</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 3 ½ storeys</li> </ul>	<ul style="list-style-type: none"> <li>• RM2</li> <li>• RM5</li> <li>• C2</li> </ul>

Figure 2 - Excerpt from Official Community Plan, Land Use Designations table

Staff consider that the proposed rezoning will allow for development that is supported by the following OCP 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 4.1.3.6 Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- OCP Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density close to collector roads, services and amenities).
- OCP Policy 4.1.5.3 Use Multifamily and Intensive Residential Development Permit Area Guidelines to direct, through the City’s approval processes, the character and feel of residential neighbourhoods, as well as guide water and energy conservation.
- OCP Policy 4.2.7.8 Ensure new residential developments provide an appropriate amount of parking for residents and their guests.

Staff consider that the proposal is an appropriately-scaled development in an area of the community that has been identified for a moderate increase in density by the OCP. As shown above, there are many OCP policies that encourage compatible infill development in areas close to services, parks, and shops to encourage walkability and active transportation. Staff note that this property is within walking distance of two schools, Kiwanis Park, the KVR trail, and shops and services along Government Street.



Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to "Zoning Amendment Bylaw No. 2022-10", and forward the bylaw to the March 1, 2022 Public Hearing to give the public an opportunity to provide their comments and feedback.

*Development Permit*

The proposed development is included in the Multifamily Residential Development Permit Area, which is established in the OCP to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention, and neighbourliness. Staff have completed a development permit analysis (Attachment 'D') that shows how the development conforms to the applicable design guidelines. The applicant also provided a development permit analysis with their submission (Attachment 'F').

The proposed development has been designed with the OCP policies in mind and with consideration of impacts on neighbouring property owners and landscaping. As such, staff recommend that Council consider approving the Development Permit, subject to the adoption of the related Zoning Amendment Bylaw.

**Alternate Recommendations**

Council may consider the proposed rezoning is not consistent with the OCP or is not appropriate for this property. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw. Staff are recommending against this option, as the proposed development is consistent with the OCP policies, provides the housing form anticipated by the Ground Oriented Residential future land use designation, and is a similar scale to other multifamily developments in the surrounding area.

- 1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-10".

**Attachments**

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Images of Subject Property
- Attachment D – Development Permit Analysis (staff)
- Attachment E – Letter of Intent
- Attachment F - Development Permit Analysis (applicant)
- Attachment G – Zoning Amendment Bylaw No. 2022-10
- Attachment H –Draft Development Permit PL2021-9241

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner II

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



# 585 Jermyn Avenue

## 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.



August 26, 2021  
10:36:44 AM

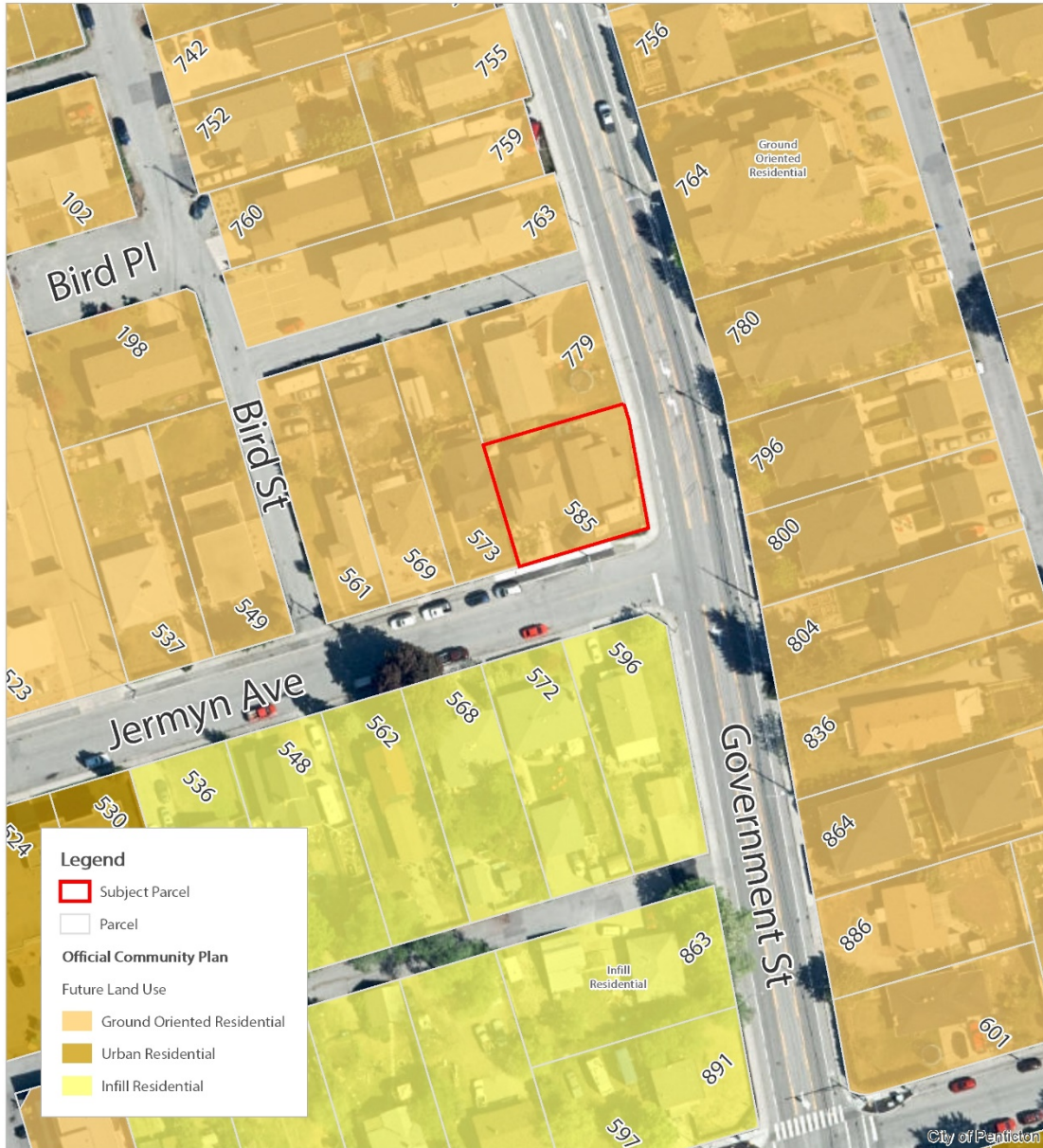
penticton.ca

Attachment B – Official Community Plan Map

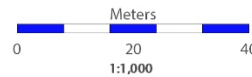


# 585 Jermyn Avenue

Official Community Plan Map



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Attachment C – Images of Subject Property





Attachment D – Development Permit Analysis (staff)

**Development Permit Analysis**

The proposed development is located within the Multifamily Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with the applicable design guidelines.

- 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 elevations on the property, in order to confirm the allowable height under the federal airport zoning regulations.
- Guideline G5*      *Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The proposed rebuilt home will have a minimal front yard setback to Jermyn Ave at 4.7m. The portion of the existing building to remain is already located close to Government St and is not proposed to change.
- Guideline G13*      *Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*
- Entrances to the two ground-level units are within a couple of steps from grade. The entrance to the existing upper level suite is a staircase which leads down towards Government St. The entries and patios/decks beside them provide a connection to the two adjacent streets.
- Guideline G16*      *Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space...*
- Each unit entry is located adjacent to its parking area, reducing the walking distance necessary from the parking space to the entry. Paved connections to both Jermyn Ave and Government St are provided on the plans, for access to sidewalks and the surrounding neighbourhood.
- 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 and every business).*
- The development faces both street facades with individual ground-oriented entries. The existing entry to the upper level suite in the retained portion of the building will remain as-is.
- Guideline G23*      *Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilever upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.*
- The development design includes covered patios and covered decks, as well as minor projections to create visual interest. These features also assist with breaking up massing while providing weather projection and visual overlook onto the adjacent streets and private rear yard.

- Guideline G24* *Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.*
- As shown on the development plans, the rebuilt dwelling unit will have a covered porch facing the street, as well as a small patio area to provide a semi-private amenity space. The other two units each have amenity spaces and covered entries to provide weather protection and interesting architectural features on the exterior of the building.
- Guideline G26* *Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*
- The two-storey design helps maintain privacy and reduce the height and therefore the amount of visual overlook onto neighbouring properties. There are two small windows on the west façade which is closer to the neighbour (1.5m to property line), and more windows on the north façade where there is a greater setback (6m) to the adjacent neighbour. This physical separation assists with maintaining privacy for the neighbour to the north.
- Guideline G29* *Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.*
- Large windows, main unit entries, and covered patios and entries face towards Jermyn Ave, providing a connection to the street and allowing for casual overlook onto this public space.
- Guideline G33* *Water conservation and plant maintenance: xeriscaping, irrigation & mulching.*
- *The landscape plan shows a primarily xeriscaping approach to ground cover, as the applicant proposed groundcover which requires minimal watering. The proposed trees, planting boxes, and other landscaping will be irrigated to ensure their long-term success.*
- Guidelines G34 & 35* *Tree retention & tree planting...*
- The landscaping plan shows three trees on different sides of the property. One mature elm tree will remain on site, and the applicant will plant two new trees (Attachment 'F').
- Guideline G43* *Address both fronting streets in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades.*
- The proposed development provides both pedestrian entrances and windows on the street-facing sides of the building. Paved connections to sidewalks on both streets are provided. This design improves the connectivity between the development and the streetscapes of both Jermyn Ave and Government St.
- Guideline G58* *Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic.*
- The garbage/recycling bins will be stored in the garage for the rebuilt home, and adjacent to each unit entry for the other two units. The storage areas will not impede pathways on the site to each entry.

*Guideline MF1*

*All multifamily development should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development.*

- Each unit will have a dedicated amenity space. The rebuilt home has a covered patio at the front with two new decks and patio in the rear yard. The proposed main level unit in the retained portion of the building will have a covered patio facing towards Jermyn Ave. The existing upper unit in the retained portion of the building already has a covered deck at the entry, and will have a patio space added at-grade. These amenity spaces provide semi-private outdoor space for future residents. The property is located close to Kiwanis Park on Edmonton Ave and the recreation amenities at KVR Middle School and Penticton Secondary School, as well as the KVR, for residents to access outdoor spaces.



Attachment E – Letter of Intent

Rezoning of 585 Jermyn ave.

To whom it may concern

I would like to rezone my property at 585 Jermyn ave. from R2 to RM2 as per official community plan.

The purpose of this rezoning is to create an additional 2 bedroom rental suite on the property. As well as replacing an energy inefficient older home with a new energy efficient home.

I propose to turn the lower level of the recently constructed addition in to a two bedroom rental suite.

I also propose to remove the old section of the existing home and build a new home in its place.

I do not see any negatives with my proposal , I see only positives. It would ceate a much needed 2 bedroom rental suite. And also replace an older house with a modern one.

I would als propose to limit the road widenings on the south east corner of the property to 5.5 meters as opposed to 8.5 meters. This would improve the livability of the lower suiteas it would allow for a patio area for that suite.

Thank you for your consideration.

Sincerely



Doug Halverson

Attachment F - Development Permit Analysis (applicant)

585 Jermyn ave.  
Development permit analysis

The intent of our project is to create one extra two bedroom rental unit, as well as replacing the existing energy inefficient main house with a properly insulated and heated new house.

The new residence will incorporate the same exterior finish and roof slopes as the addition that was completed four years ago. The roof of the new building will blend in and wrap around the front of the previous addition.

There will be a covered patio at the front door of the new house. The project will have very good curb appeal.

The landscaping will be modest. We are hoping to have a low maintenance yard that uses very little water.

There is an existing elm tree on the north side of the property that we will retain. We will also plant two Paul Scarlett hawthorn trees. They will provide shade for patio areas and are pleasant looking trees. They are also ideal for our climate because they need very little water after their first two years.

The rest of the yard will consist of patio areas, parking and mixed gravels. The overall appearance of the property will be far superior to what is there now. The only new construction is replacing a worn out older home.

Thank you for your consideration



Doug Halverson



# Rezone 585 Jermyn Avenue

From R2 (Small Lot Residential) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2022-10

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

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

## Development Permit

Permit Number: DP PL2021-9241

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 B District Lot 249 Similkameen Division Yale District Plan 4224
  - Civic: 585 Jermyn Avenue
  - PID: 010-573-411
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 3-unit cluster housing development 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**

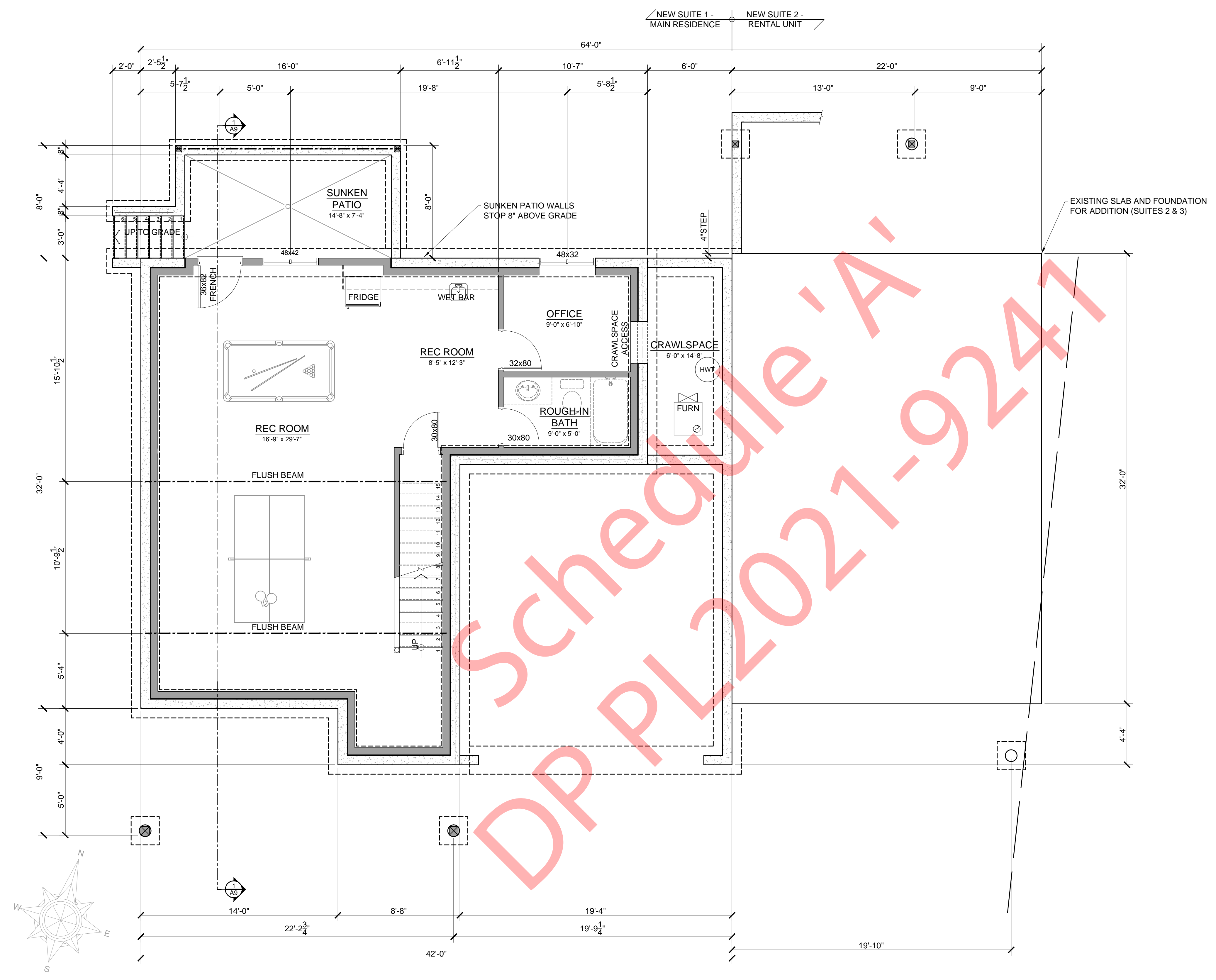
7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not 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 \_\_\_\_\_, 2022.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2022.

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





1 BASEMENT PLAN - 940 ft<sup>2</sup>  
 A2 SCALE: 1/4" = 1'-0"

no.	date	revision
6	Dec 23, 2021	Issued For Development Permit
5	Nov 15, 2021	Issued For Review
4	Nov 4, 2021	Issued For Review
3	Aug 23, 2021	Added Suite Layout to Plans
2	Jul 30, 2021	Issued For Review
1	Jul 13, 2021	Issued For Preliminary Review

**RA HICKSON**  
**DESIGN SERVICES**  
 167 BRACEWELL DR.  
 PENTICTON, BC V2A 6X1  
 (250) 493-2438 tel  
 (250) 485-2651 cel  
 rahickson@shaw.ca

project title  
 HALVERSON RESIDENCE  
 585 JERMYN AVE  
 PENTICTON, BC  
 PROPOSED NEW REBUILD

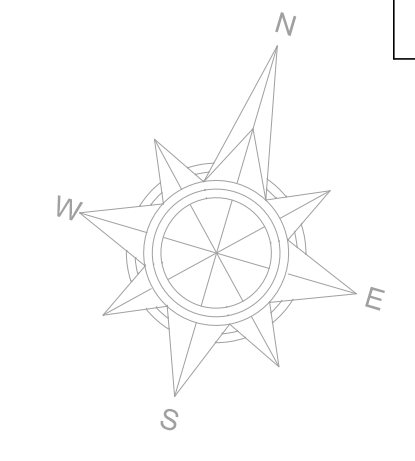
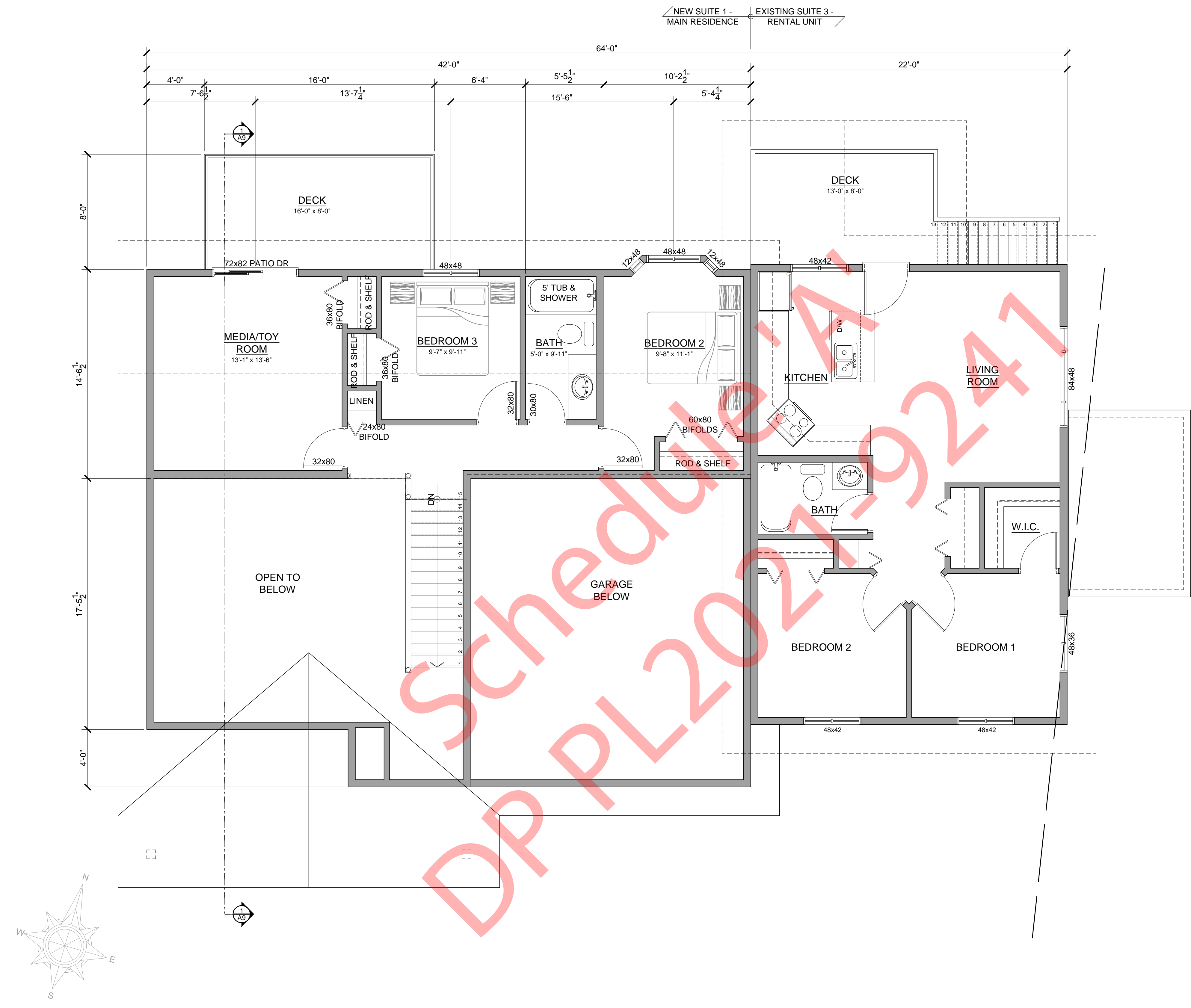
dwg. title  
 BASEMENT FLOOR PLAN

dr: R.A.H. date: Jul 1, 2021  
 ch: R.A.H. scale: 1/4" = 1'-0"

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 A2







1 UPPER FLOOR PLAN - SUITE 1 = 612 ft<sup>2</sup>, SUITE 3 = 704 ft<sup>2</sup>  
 A4 SCALE: 1/4" = 1'-0"

no.	date	revision
6	Dec 23, 2021	Issued For Development Permit
5	Nov 15, 2021	Issued For Review
4	Nov 4, 2021	Issued For Review
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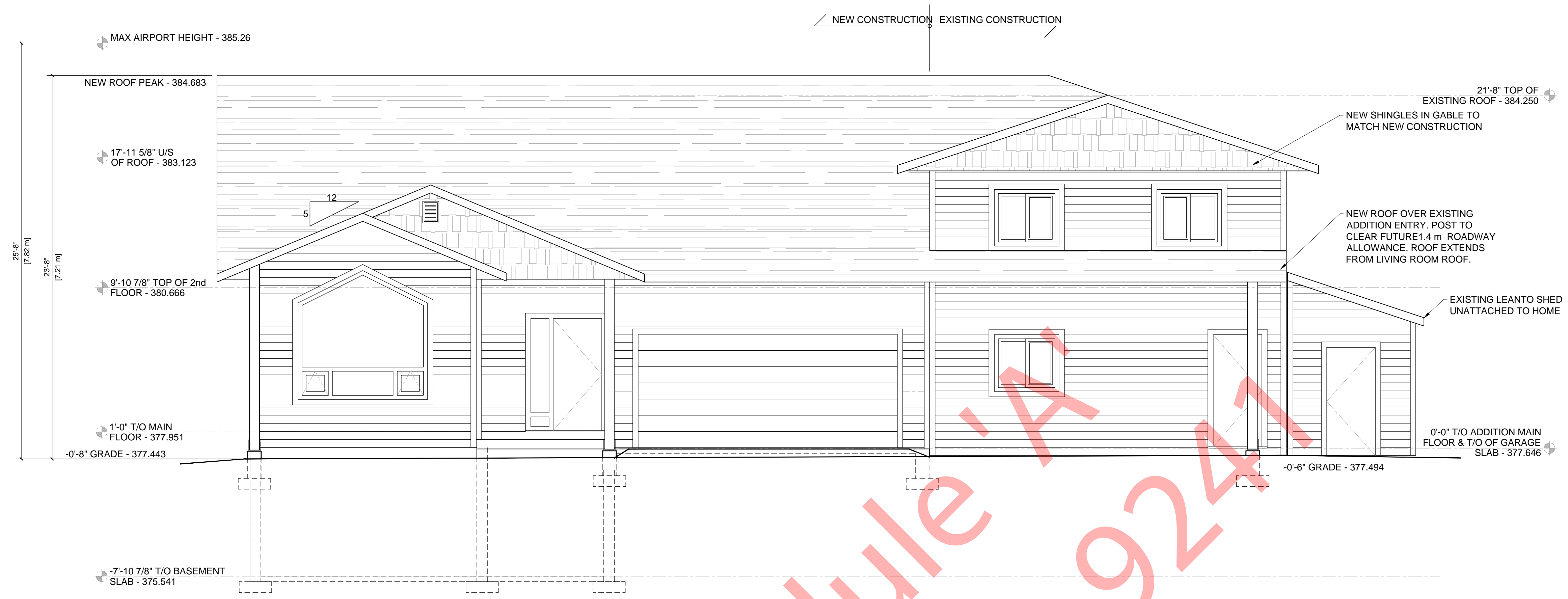
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**DESIGN SERVICES**  
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 PENTICTON, BC V2A 6X1  
 (250) 493-2438 tel  
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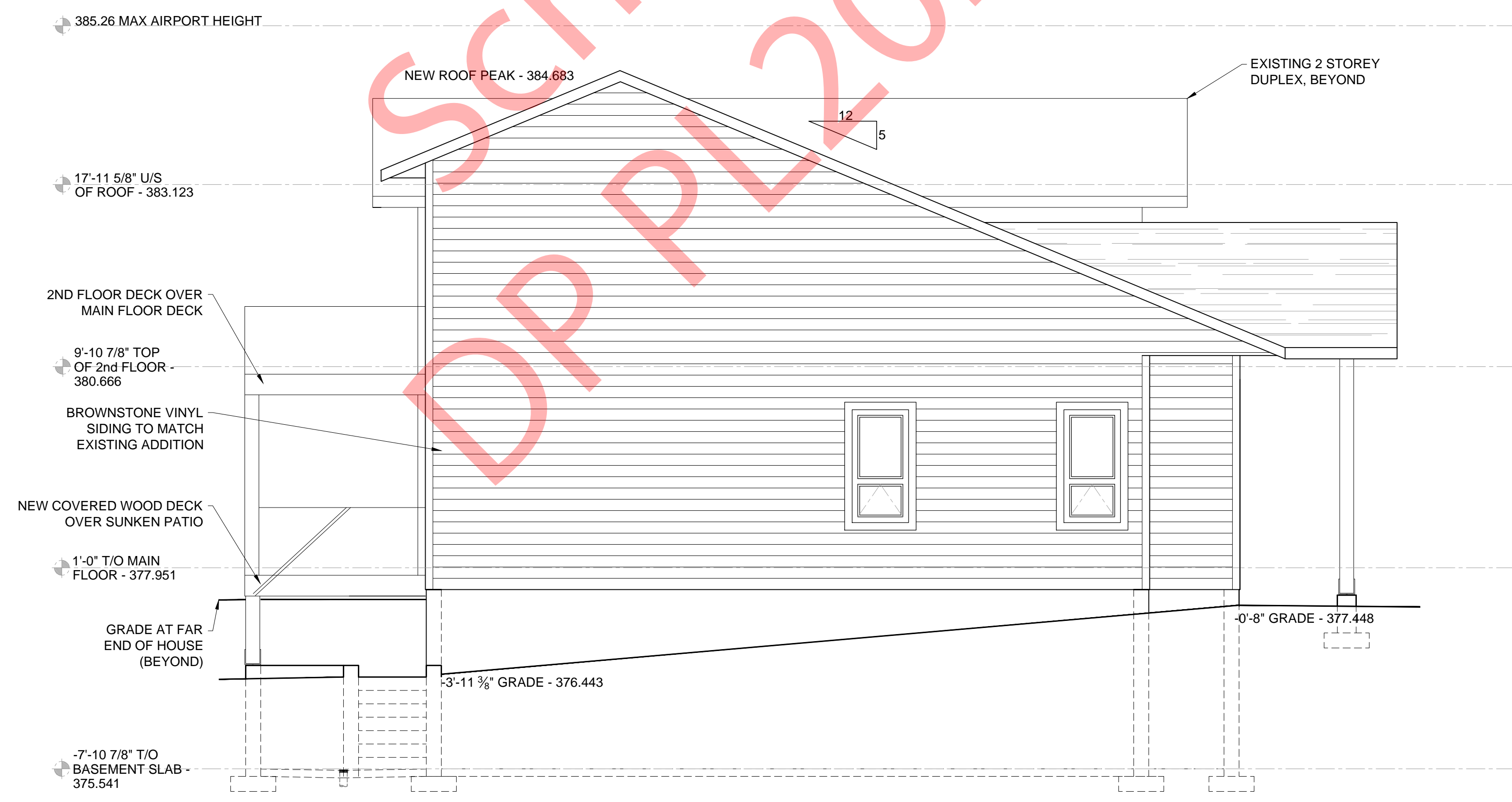
dwg. title  
 UPPER FLOOR PLAN

dr: R.A.H. date: Jul 1, 2021  
 ch: R.A.H. scale: 1/4" = 1'-0"

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 A4



1 FRONT (SOUTH) ELEVATION  
A5 SCALE: 1/4" = 1'-0"



2 LEFT SIDE (WEST) ELEVATION  
A5 SCALE: 1/4" = 1'-0"

no.	date	revision
6	Dec 23, 2021	Issued For Development Permit
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**RA HICKSON**  
DESIGN SERVICES

167 BRACEWELL DR.  
PENTICTON, BC - V2A 6X1  
(250) 493-2438 tel  
(250) 488-2651 cel  
rahickson@shaw.ca

project title  
HALVERSON RESIDENCE  
585 JERMYN AVE  
PENTICTON, BC

PROPOSED NEW REBUILD

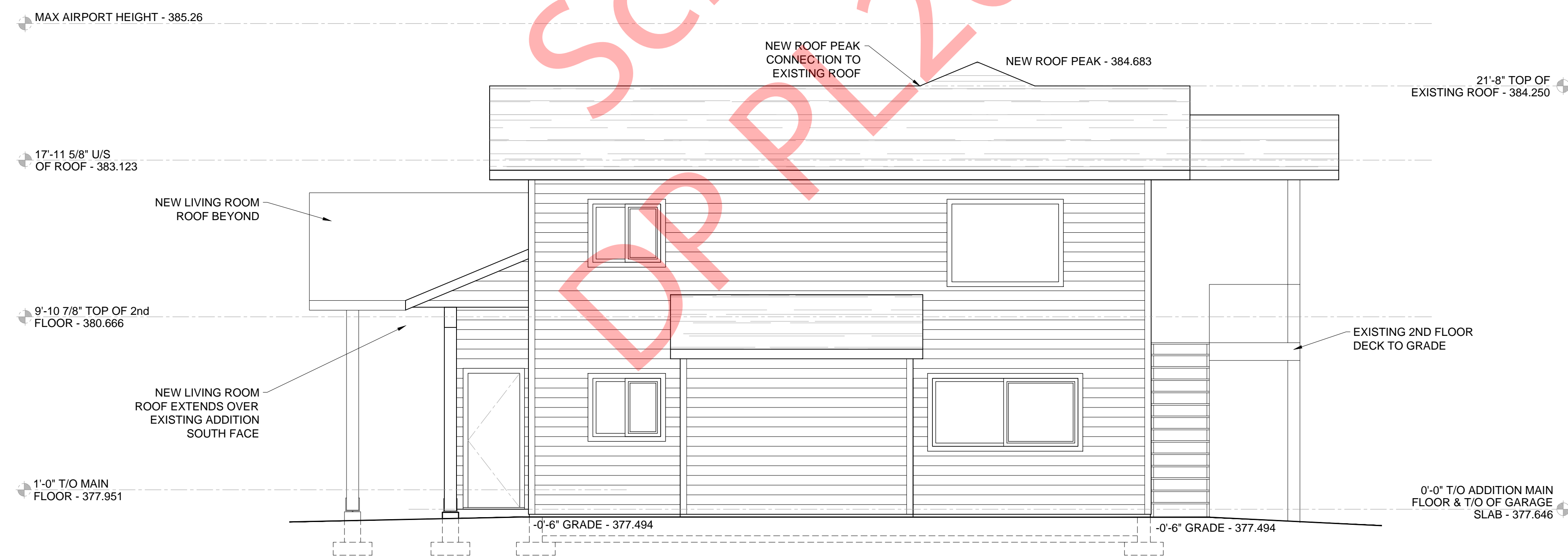
dwg. title  
SOUTH & WEST ELEVATIONS

dr: R.A.H. date: Jul 1, 2021  
ch: R.A.H. scale: 1/4" = 1'-0"

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A5



**1 REAR (NORTH) ELEVATION**  
 A6 SCALE: 1/4" = 1'-0"



**2 RIGHT SIDE (EAST) ELEVATION**  
 A6 SCALE: 1/4" = 1'-0"

no.	date	revision
6	Dec 23, 2021	Issued For Development Permit
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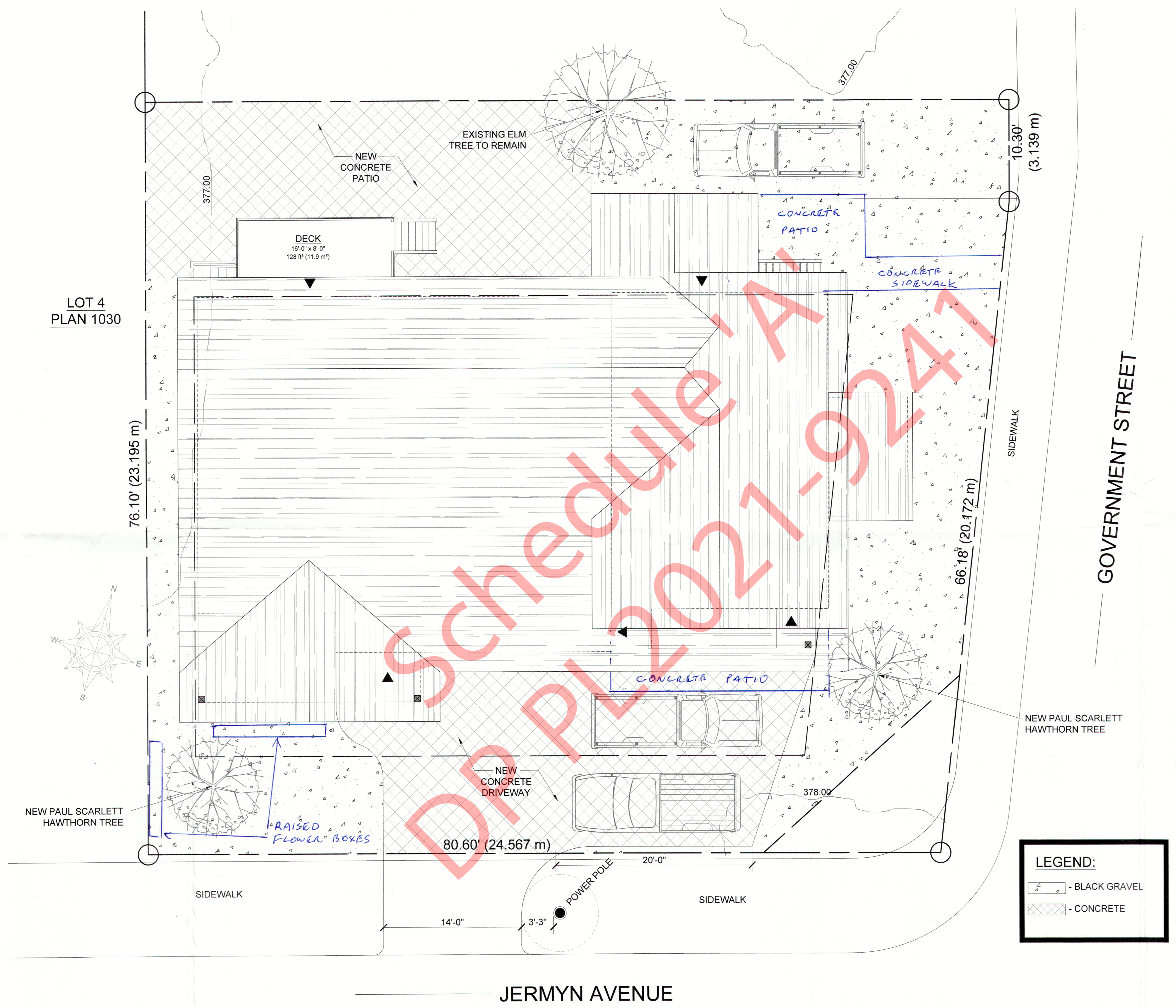
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 rahickson@shaw.ca

project title  
 HALVERSON RESIDENCE  
 585 JERMYN AVE  
 PENTICTON, BC  
 PROPOSED NEW REBUILD

dwg. title  
 NORTH & EAST ELEVATIONS

dr: R.A.H. date: Jul 1, 2021  
 ch: R.A.H. scale: 1/4" = 1'-0"

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 A6



**1 LANDSCAPING PLAN**  
 L1 SCALE: 3/16" = 1'-0"

no.	date	revision
5	Nov 15, 2021	Issued For Development Permit
4	Nov 4, 2021	Issued For Review
3	Aug 23, 2021	Added Site Layout to Plans
2	Jul 30, 2021	Issued For Review
1	Jun 13, 2021	Issued For Preliminary Review

**RA HICKSON  
DESIGN SERVICES**  
 167 BRACEWELL DR.  
 PENTICTON, BC, V2A 6X1  
 (250) 493-2438 tel  
 (250) 486-2651 cel  
 rahickson@shaw.ca

Project title  
**HALVERSON RESIDENCE**  
 585 JERMYN AVE  
 PENTICTON, BC

PROPOSED NEW REBUILD

dwg. title  
**LANDSCAPING PLAN**

dr: R.A.H.	date: Jul 1, 2021
ch: R.A.H.	scale: 3/16" = 1'-0"
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L1	

# Council Report

penticton.ca

**Date:** February 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner II  
**Address:** 726, 738, 750 Westminster Avenue West

File No: RMS/726 Westminster Ave W

**Subject: Zoning Amendment Bylaw No. 2021-38  
Development Variance Permit PL2021-9045**

## Staff Recommendation

THAT Council rescind third reading of "Zoning Amendment Bylaw No. 2021-38";

AND THAT Council give third reading as amended to "Zoning Amendment Bylaw No. 2021-38", excluding 762 Westminster Avenue West from the zoning change;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2021-38", approve amended "Development Variance Permit PL2021-9045" excluding 762 Westminster Avenue West from the variance permit;

AND THAT Council direct staff to issue amended "Development Variance Permit PL2021-9045".

## Background

On October 19, 2021, staff introduced "Zoning Amendment Bylaw No. 2021-38" to Council. The Zoning Bylaw amendment was to rezone 726, 738, 750 and 762 Westminster Avenue West from R2 (Small Lot Residential) zone to RM2 (Low Density Multiple Housing) zone, in order to build one fourplex on each of the four subject properties.

A Public Hearing was held on November 2, 2021, for "Zoning Amendment Bylaw No. 2021-38". One letter of concern was received and one member of the public gave comments in support. Following the Public Hearing, Council voted to give 2<sup>nd</sup> and 3<sup>rd</sup> readings to "Zoning Amendment Bylaw 2021-38", with adoption subject to the following three conditions:

- A 0.9m road dedication across the frontage of the subject properties be registered with the Land Title Office;
- A 3.5m by 3.5m corner cut in the southeast corner of 726 Westminster Avenue West be registered with the Land Title Office; and

- Payment for the installation of a new fire hydrant (\$9,500).

After the Public Hearing on November 2, 2021, the applicant is now requesting that “Zoning Amendment Bylaw 2021-38” be amended to remove 762 Westminster Avenue West from the proposed rezoning at this time. They intend to proceed with development on three lots at this time, rather than four, because ownership transfer has been delayed on the one property.

No permits for 762 Westminster Avenue West will be issued at this time as it will be excluded from the Zoning Bylaw Amendment. The zoning for that property will remain unchanged at this time. Should rezoning be proposed in the future for 762 Westminster Avenue West, a separate application will be considered by Council.

The road dedication and lane corner cut have now been registered with the Land Title Office, and the fire hydrant fee has been paid. The required conditions have all been met and staff are recommending approval of the rezoning for the three properties, as well as approval of the related Development Variance Permit PL2021-9045, Development Permit PL2021-9046, Development Permit PL2021-9047, and Development Permit PL2021-9048, and that Council direct staff to issue those permits.

**Attachments**

Attachment A – Amended “Development Variance Permit PL2021-9045”

Attachment B – Amended “Zoning Amendment Bylaw No. 2021-38”

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner II

Concurrence

Director of Development Services  <b><i>BL</i></b>	Chief Administrative Officer  <b>DyD</b>
---	---

## Development Variance Permit

Permit Number: DVP PL2021-9045

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 7 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton)  
District Plan 3445
  - Civic: 726 Westminster Avenue West
  - PID: 008-081-212
  
  - Legal: Lot 6 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton)  
District Plan 3445
  - Civic: 738 Westminster Avenue West
  - PID: 010-854-169
  
  - Legal: Lot 5 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton)  
District Plan 3445
  - Civic: 750 Westminster Avenue West
  - PID: 010-854-151
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of a fourplex on each subject property, as shown in the plans attached in Schedule 'A':
  - a. Section 10.9.2.3: to increase the maximum lot coverage from 40% to 43%.
  - b. Section 10.9.2.7.a: to reduce the minimum interior side yard for a principal building from 3.0m to 1.2m.

### General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. 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 \_\_\_\_\_, 2022.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

DRAFT

GENERAL NOTE:  
 1. ALL SPLIT SIDEWALKS THAT STRADDLE PROPERTY LINES SHALL REQUIRE LEGAL EASEMENT TO BE DRAWN UP FOR RECIPROCAL ACCESS TO BOTH LOTS.  
 2. THIS SITE PLAN LAYOUT IS BASED ON SURVEY INFORMATION PROVIDED TO THE ARCHITECT. REFER TO SURVEY PLAN FOR ADDED INFORMATION AS NEEDED. SURVEY DATED

ZONING RECONCILIATION	PROJECT NUMBER	2021-15
PROJECT NAME	Pentiction Town House	
CIVIC ADDRESS	726 Westminister Ave W, Pentiction, BC V2A 1K8 (Lot 3)	LEGAL ADDRESS
010-854-169	738 Westminister Ave W, Pentiction, BC V2A 1K8 (Lot 4)	LOT 6 DISTRICT LOT 3 GROUP 7 SIMILIKAMEN DIVISION VALE (FORMERLY VALE LYTON) DISTRICT PLAN 3445
010-854-151	750 Westminister Ave W, Pentiction, BC V2A 1K8 (Lot 5)	LOT 5 DISTRICT LOT 3 GROUP 7 SIMILIKAMEN DIVISION VALE (FORMERLY VALE LYTON) DISTRICT PLAN 3445
001-915-894	762 Westminister Ave W, Pentiction, BC V2A 1K8 (Lot 4)	LOT 4 DISTRICT LOT 3 GROUP 7 SIMILIKAMEN DIVISION VALE (FORMERLY VALE LYTON) DISTRICT PLAN 3445



Official Community Plan - Future Land Use (Ground Oriented Residential)

NEIGHBORHOOD PLAN

CURRENT ZONING R1

PROPOSED CHANGE OF ZONING

Chapter 10.8 R1Z - LOW DENSITY MULTIPLE HOUSING - The Corporation of the City of Pentiction - Zoning Bylaw No 2017-08

PURPOSE THE PURPOSE IS TO PROVIDE A ZONE FOR LOW DENSITY MULTIPLE HOUSING UP TO THREE (3) STOREYS ABOVE GRADE ON URBAN

PERMITTED USES Townhouse

16 Townhouse units

10.8.1 The proposed buildings will accommodate:

10.8.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

Regulation	Designated/Actual	Variance	
10.8.2.1 Minimum lot width: i. Standard Lot (Meters) ii. Corner Lot (Meters)	15.00 15.00	15.24 15.24	waived waived
10.8.2.2 Minimum lot area (SQM)	540.00	726 - 557.318 SQM (5998.93 SQF)	waived
10.8.2.3 Maximum lot coverage (Building area/lot area)*	40.00%	726 - 59.664 + 38.443(32) 33M3 = 42.27% 738 - 59.664 + 38.443(32) 30M3 = 42.27% 750 - 59.664 + 38.443(32) 30M3 = 42.28% 762 - 59.664 + 38.443(32) 30M3 = 42.28%	REQD REQD REQD REQD
10.8.2.4 Maximum density (Floor Area Ratio or FAR)*	80.00%	726 - (44.55 + 31.48) x 4.5 SQM(15) 168 SQM(464.8) 738 - (44.55 + 31.48) x 4.5 SQM(15) 203 SQM(504.6) 750 - (44.55 + 31.48) x 4.5 SQM(15) 214 SQM(546.8) 762 - (44.55 + 31.48) x 4.5 SQM(15) 219 SQM(564.8)	N/A N/A N/A N/A
10.8.2.5 Maximum height: i. Principal building (Meters) ii. Accessory building or structure (Meters)	13.00 4.50	9.57M N/A	N/A N/A
10.8.2.6 Minimum front yard (subject to development regulations) (Meters)	3.00	3.46M	N/A
10.8.2.7 Minimum interior side yard: i. Principal building (Meters) ii. Accessory building or structure (Meters)	3.00 1.30	1.2 MIN. N/A	REQD N/A
10.8.2.8 Minimum exterior side yard: i. Principal building (Meters) ii. Accessory building or structure (Meters)	3.00 1.30	N/A N/A	N/A N/A
10.8.2.9 Minimum rear yard	6.00	11.68M	N/A

10.8.3 AMENITY SPACE

10.8.3.1 Amenity space shall be provided at the rate of 20 m<sup>2</sup> for each dwelling unit.  
20 x 16 units = 320m<sup>2</sup>

10.8.3.2 15% of the required amenity space must be provided at the ground floor level.  
320 x 15% = 48m<sup>2</sup>

6.00 Parking and Loading

6.5 Parking Requirements

Apartment, Townhouse Cluster Housing

1 per dwelling unit plus 0.25 space/unit for visitors 1 per lot = 1 visitor

5 per lot

Mts 726, 738, 750, 762

Lot 726

3 provided

Note - Cash-in-lieu will be paid for 1 required parking space not provided at lot 726 Westminister Ave W.

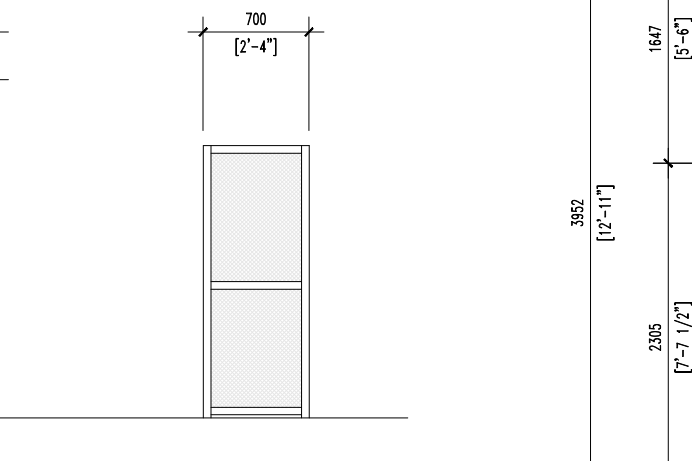
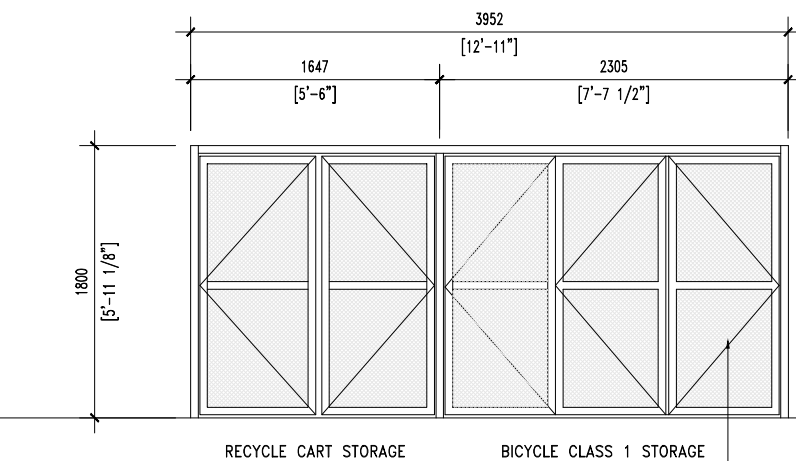
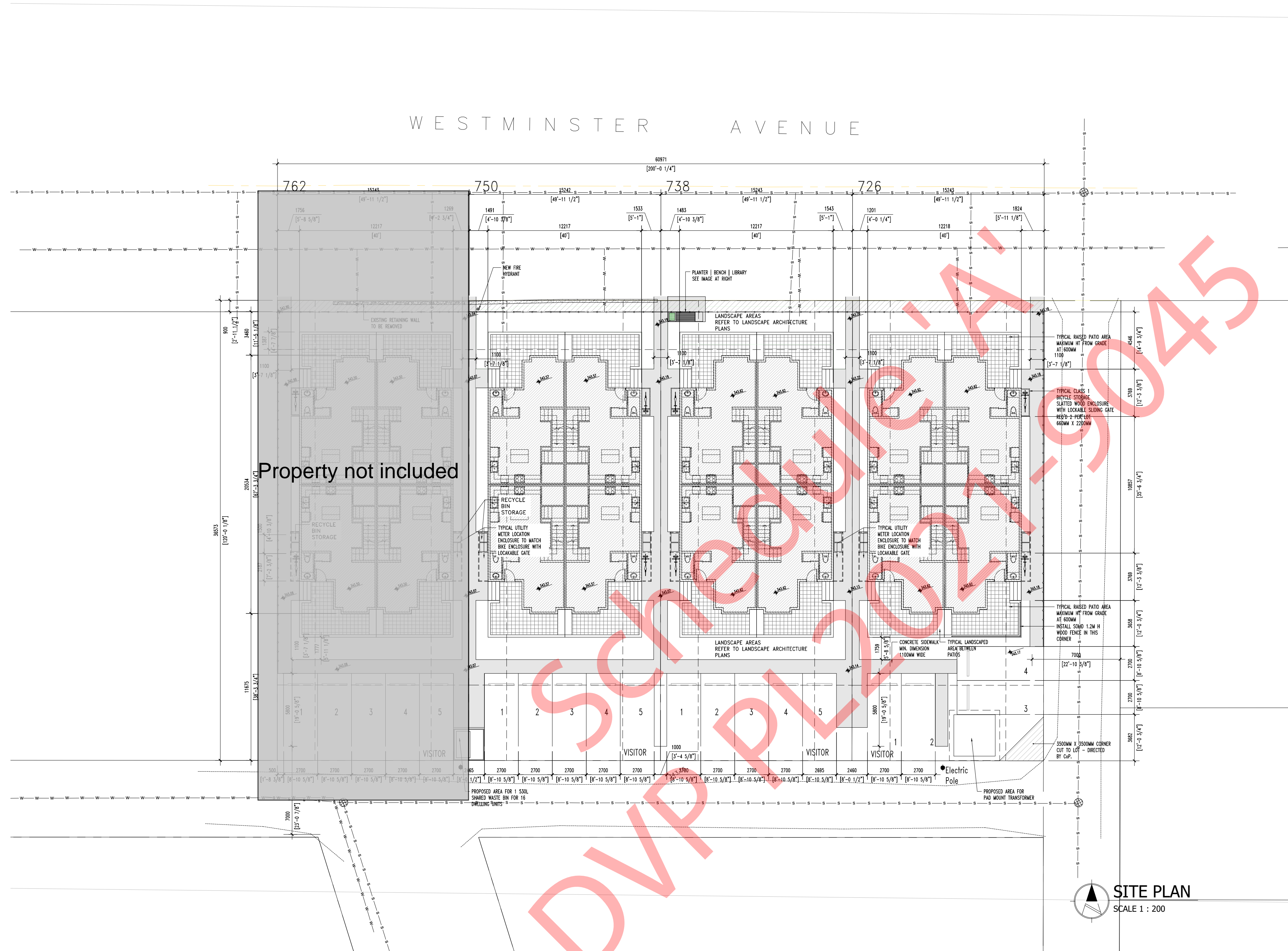


PUBLIC NODE BENCH AND LIBRARY

DIMENSIONS:  
 600mmW X 1500mmL x 450mm H C/W BACK

LIBRARY ADD-ON TO BE OF SAME SHAPE AND MATERIAL  
 760mmD X 600mmW X 1200mm H - CLOSED GLASS DOOR

SITE PLAN  
 SCALE 1 : 200



TYPICAL DOOR FRAME:  
 - 30 X 80 WOOD-BLACK STAINED  
 - OAK LINER/BACKING  
 - STEEL SPRING/DOOR PINNERS  
 - LOCKING DEVICE BY OWNER

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Principal: Joe M. Minfen  
 ARCHITECT ABC, OAA, MRAIC  
 Building 4 - Main Floor  
 15245 - 9111 Avenue  
 Surrey, B.C. V3R 8P8  
 604 - 583 2003 - T  
 jmarc@shaw.ca - E

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REV	DATE	DESCRIPTION	BY
7.0	2021-09-14	RE-ISSUED FOR REZONING & DP APPROVAL	TJ
6.0	2021-08-31	RE-ISSUED FOR REZONING & DP APPROVAL	JM
5.0	2021-08-09	RE-ISSUED FOR REZONING & DP APPROVAL	TJ
4.0	2021-08-05	ISSUED FOR CLIENT REVIEW	TJ
3.0	2021-07-16	RE-ISSUED FOR REZONING & DP APPROVAL	JM
2.0	2021-06-21	ISSUED FOR REZONING & DP APPROVAL	RR
1.0	2021-05-25	ISSUED FOR LANDSCAPE CONSULTANT REV.	RR

START DATE	05-11-2021
PROJECT No	2021-15
DR.	RR
CH.	JMM
SCALE	SCALE

Architects Seal

Project Name  
**PENTICTON TOWNHOMES**  
 726, 738, 750, 762 WESTMINSTER AVE. WEST  
 Pentiction B.C.

Client:  
 Mundi Hotel Enterprises Inc, Kamloops BC  
 Mr. Parm Kandola PMP - 780 217 7800

SITEPLAN

REV 07 Project No. 2021-15 DP-100

The Corporation of the City of Penticton

Bylaw No. 2021-38

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2021-38".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lots 5, 6 and 7 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3445, located at 726, 738, 750 Westminster Avenue West, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this	19 day of	October, 2021
A PUBLIC HEARING was held this	2 day of	November, 2021
READ A SECOND time this	2 day of	November, 2021
READ A THIRD time this	2 day of	November, 2021
RESCIND THIRD reading and give THIRD reading as amended	day of	, 2022
RECEIVED the approval of the Ministry of Transportation on the	day of	, 2022
ADOPTED this	day of	, 2022

Notice of intention to proceed with this bylaw was published on the 26 day of October, 2021 and the 27 day of October, 2021 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
John Vassilaki, Mayor

\_\_\_\_\_  
Angie Collison, Corporate Officer

Rezone 726, 738 and 750 Westminster Ave W  
From R2 (Small Lot Residential) To RM2 (Low Density Multiple Housing)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2021-38

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

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

# Council Report

penticton.ca

**Date:** February 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Jordan Hallam, Planner I  
**Address:** 949 James Street

File No: RMS/949 James St

**Subject: Development Variance Permit PL2021-9210**

## Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9210" for Lot 2 District Lot 249 Similkameen Division Yale District Plan 4977, located at 949 James Street, a permit to vary Section 8.2.3.5.ii of Zoning Bylaw 2021-01 to allow a maximum carriage house height of 5.0m and two floors where no lane exists, in order to facilitate the construction of a two-storey carriage house;

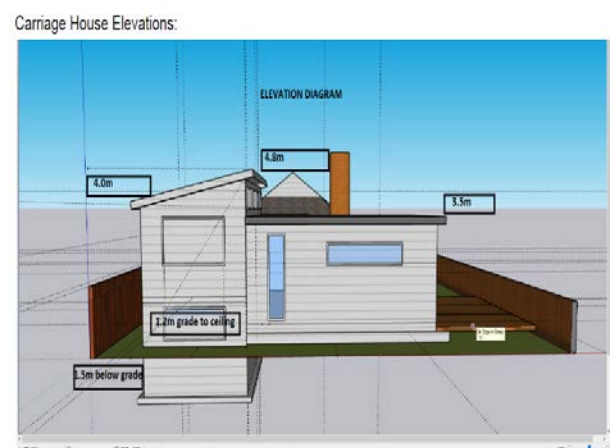
AND THAT Council direct staff to issue "Development Variance Permit PL2021-9210".

## 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 carriage house in their rear yard (Figure 1) of the subject property. As there is no rear lane to provide access, the Zoning Bylaw limits carriage house height to 5.0m and one storey. The preliminary plans submitted show one level is partially below grade and the design meets the 5.0 m height requirement. As such, the applicant has requested a variance to allow for a two-storey carriage house, while still meeting the carriage house height requirement. Carriage houses are considered within the Intensive Residential Development Permit Area, and a development permit application will be required for approval of the form and character of the proposed carriage house, should Council approve the requested variance.



*Figure 1 – Proposed carriage house*

## Background

The subject property is located on the west side of James St, south of Forestbrook Dr. in a primarily residential neighbourhood (Figure 2). The property contains a single detached dwelling, which was constructed in 1948. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned 'R2 (Small Lot Residential)' in the Zoning Bylaw.

Carriage houses are considered with the Intensive Residential Development Permit Area in the OCP. The applicant will be required to apply for a development permit for approval of the form and character of the proposed carriage house prior to construction. Staff have delegated authority to process the development permit, should Council approve the requested variance.

## Technical Review

This application was reviewed by the Technical Planning Committee, a group of City staff from various departments who review development applications. Staff requested additional details regarding the parking space dimensions, height of decks, and updating labels on plans. This information was submitted by the applicant. Building permit requirements were sent to the applicant in order to expedite the future building permit process.



Figure 2 – Property Location Map

## Development Statistics

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

	Carriage House Requirement (Section 8.2)	Provided on Plans
<b>Minimum Lot Area:</b>	370 m <sup>2</sup>	714.4 m <sup>2</sup>
<b>Maximum Building Footprint</b>	90 m <sup>2</sup>	87 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	15%	11.9%
<b>Siting</b>	No closer to the street than the main building	Located in rear yard
<b>Required Setbacks</b>		
Front Yard (James St):	4.5 m	27.7 m
Side Yard (north):	1.5 m	1.5 m
Side Yard (south):	1.5 m	5.3 m
Rear Yard:	1.5 m	1.5 m
<b>Maximum Building Height</b>	5.0 m and one floor	4.8 m and two floors – <b>Variance Requested</b>

<b>Parking:</b>	One additional parking space for carriage house	Three total parking spaces (two for single detached dwelling, 1 for carriage house)
-----------------	---	---

**Analysis**

*Development Variance Permit*

When considering a variance to a City bylaw, staff encourage Council to consider whether there is a hardship that is applicable 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. Staff have reviewed the requested variance and are recommending support for the following reasons:

1. The design of the carriage house still meets the allowable 5.0m height requirement for a carriage house without lane access.

The proposed two-storey carriage house design provides one floor partially below grade. The maximum allowable height requirement of 5.0m is still being met as the proposed carriage house height will be at 4.8 m above grade. This meets the Zoning Bylaw carriage house requirement, and limits the impacts on neighbours, while still allowing a two-storey design as shown in the preliminary plans (Figure 1). The intent of the Zoning Bylaw is to limit the height of carriage houses on properties without lanes so that the carriage house does not create a situation of ‘overlook’ into rear yard(s) of properties that share a rear property line. This proposal meets this intent because it is under the maximum allowable height of 5.0 m and the requested variance would allow for a second floor below grade.

2. Utility corridor

While there isn’t a 6.0m rear vehicle lane behind the subject lot, there is a 3.0m wide utility corridor between the back yard of the subject property and the back yard of properties fronting Brooks Place. This utility lane provides a buffer between the proposed carriage house and the back yard of the most impacted neighbours.

3. Support from neighbours

The applicant has provided letters of support from immediate neighbours for the proposed carriage house, including those properties on Brooks Place most impacted by the carriage house. Many neighbours signed letters of support, which were submitted by the applicant with their variance application (Figure 3). The letters of support submitted are included in Attachment 'E'. The immediate neighbours would be most impacted from the proposed carriage house, and having their signatures of support indicates that negative impacts on neighbours is not anticipated.



*Figure 3 – Letters of support submitted by owners of sixteen properties (yellow).*

Given the reasons above, staff support the application to allow for a two-storey carriage house design within the 5.0m maximum height permitted for carriage houses without lane access. Staff recommend that Council approve the development variance permit, and direct staff to issue the permit. Should Council approve the development variance permit, staff have delegated authority to process the required development permit for the form and character of the proposed carriage house.

### **Alternate Recommendations**

Council may consider the requested variance is undesirable and that the applicants should build within the Zoning Bylaw regulations. If this is the case, Council should deny "Development Variance Permit PL2021-9210". If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw carriage house regulations, which would result in the removal of the basement. If the applicant revises their plans to meet the Zoning Bylaw regulations, staff have delegated approval authority to process the Development Permit on its own. Staff are recommending against this option, as the requested variance is considered reasonable in this instance and the letters of support from neighbours indicate there will be minimal impacts on surrounding properties.

1. THAT Council deny "Development Variance Permit PL2021-9210".

### **Attachments**

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Letters of Support from Neighbours
- Attachment F – Draft Development Variance Permit PL2021-9210



Respectfully submitted,

Jordan Hallam  
Planner I

Concurrence

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

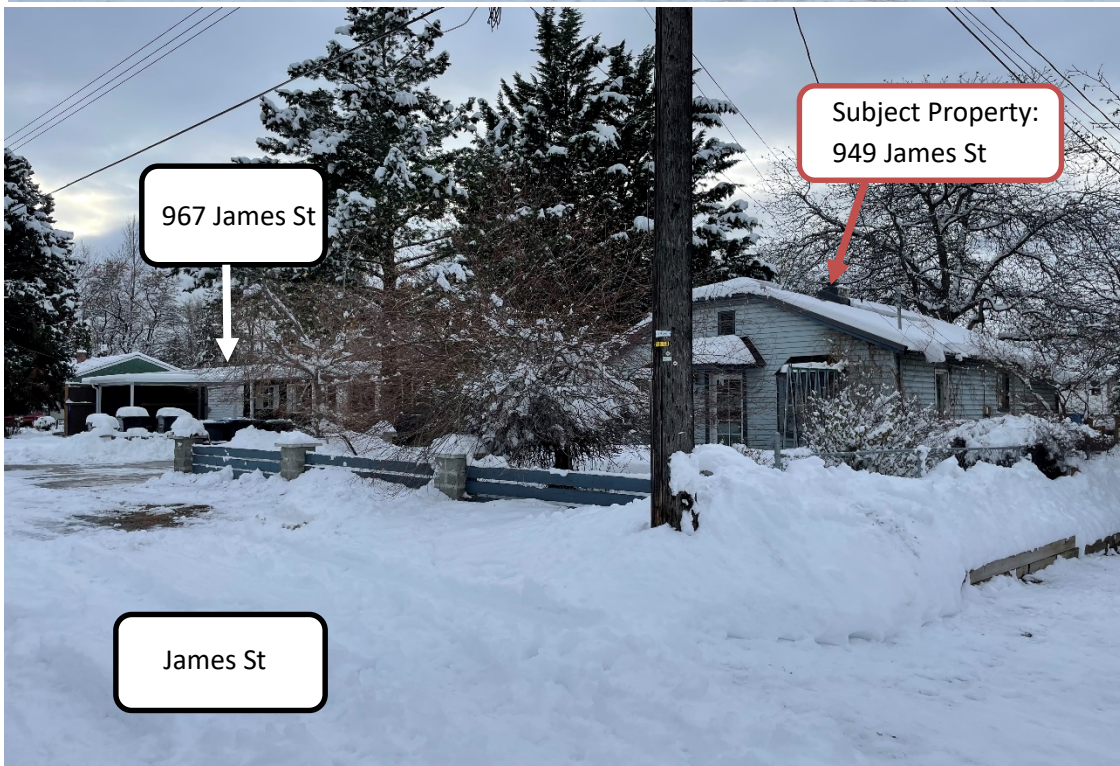
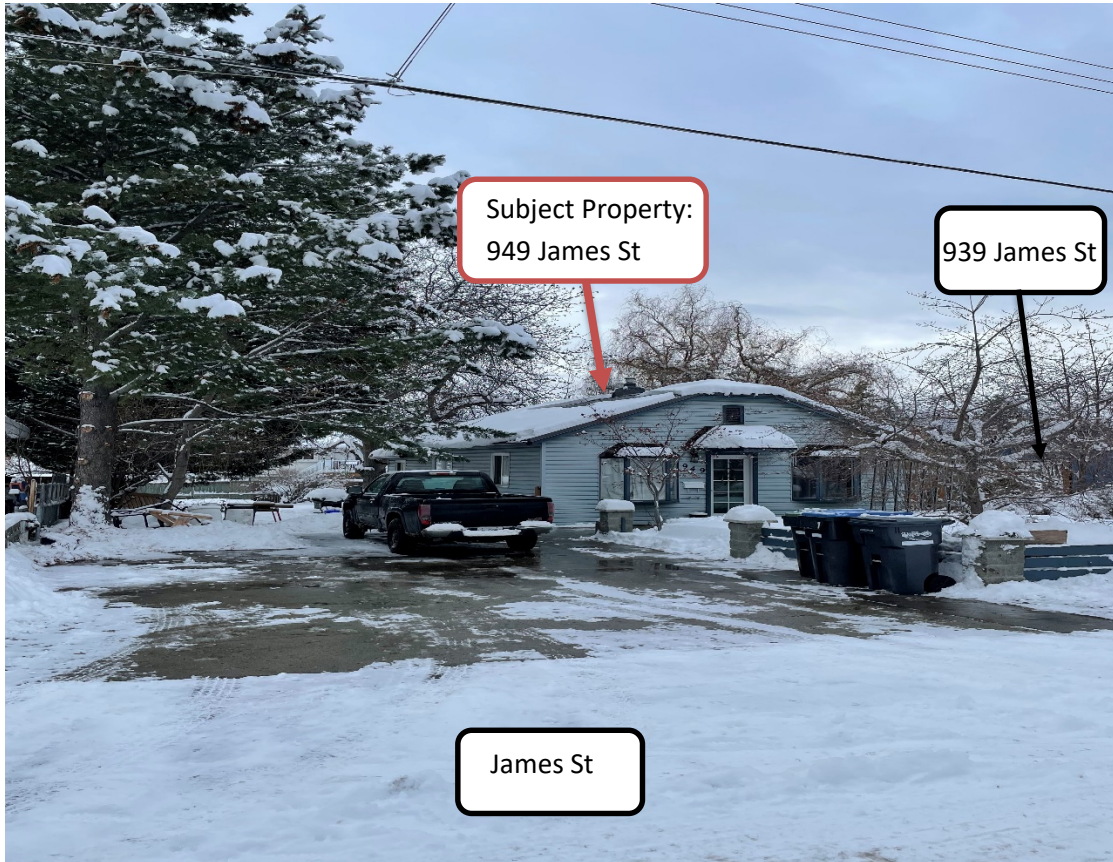


Attachment B – Official Community Plan Map



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Attachment C – Photos of Property





Attachment D – Letter of Intent

To City of Penticton  
Council, Planning Department

**Subject:** Application for Variance of Zoning Bylaw 8.2.3.5 for proposed Carriage Home at 949 James Street

**Specifically:**

This is a letter of intent for a variance application for a carriage house at 949 James Street. It is intended to provide reasonable grounds to waive the “one floor” requirement on a proposed carriage house for which there is no lane access. The additional floor requested will be a basement, and the elevation of the carriage house will adhere to height restrictions consistent with current one floor limitations (5.0 m). The design and construction of the proposed carriage house is intended to meet the objective of gentle densification consistent with neighbourhood values.

Included is a summary of the neighbourhood characteristics, to scale drawings of proposed carriage house, lot diagram with setbacks, parking, and coverage, letters of support from neighbours, and several additional drawings.

**Applicant Property:**

**949 James Street**

Lot Size: .18 acre or 714 sq meter

Year Built: 1948 build

Sq Ft: 1131 sq ft

Applicant property is slightly larger than average lot size for the area, and the 7th largest lot of the sample taken. The house has 1131 sq ft of livable space, compared to the 1830 sq ft average in the area. The house was built in 1948 and is the oldest in the area.

The large lot size, age of primary residence, and small footprint of primary residence all lend support to the development proposed here.

**Lot area: 714 sq meter**

**Proposed Carriage House Footprint: 87 sq m**

**Lot Coverage - 12.9%**

**Proposed Carriage House Floor Area: 123 sq m**

**Maximum proposed height: 4.8m**

**Setbacks:**

1.5m from rear laneway, 1.5m from north property line, 5.3m from south property line

**Sitting: To the rear of primary residence**

**Parking**

There are currently three off street parking spots located to the front of the lot. Two spots are available in tandem dedicated to the primary residence and a third spot for the carriage house.

**Access**

An unobstructed 1.2 metre path that connects the parking area with the proposed carriage house as indicated in property development map. Will be maintained and upgraded to suit the carriage house as build progresses.

**Outdoor Amenity Space**

Currently there is approximately 30 sq m patio area dedicated to the south of the proposed carriage house. Area is accessed via the patio door from the living area.

Subject bylaw for variance:

As set in Zoning Bylaw 8.2.3.5

.5	Maximum <b>height</b> for urban residential zones: <ul style="list-style-type: none"><li>.a R1 (Large Lot Residential)</li><li>.b R2 (Small Lot Residential)</li><li>.c R3 (Small Lot Residential: Lane)</li><li>.d RD1 (Duplex Housing)</li><li>.e RD2 (Duplex Housing: Lane)</li><li>.f RD3 (Residential Infill)</li></ul>	<ul style="list-style-type: none"><li>.i Where a <b>carriage house</b> is accessed from a <b>lane</b> or is located on a <b>double fronting lot</b>, maximum height is 7.0 m and two floors.</li><li>.ii Where no <b>lane</b> exists, the maximum height is 5.0 m and one floor.</li></ul>
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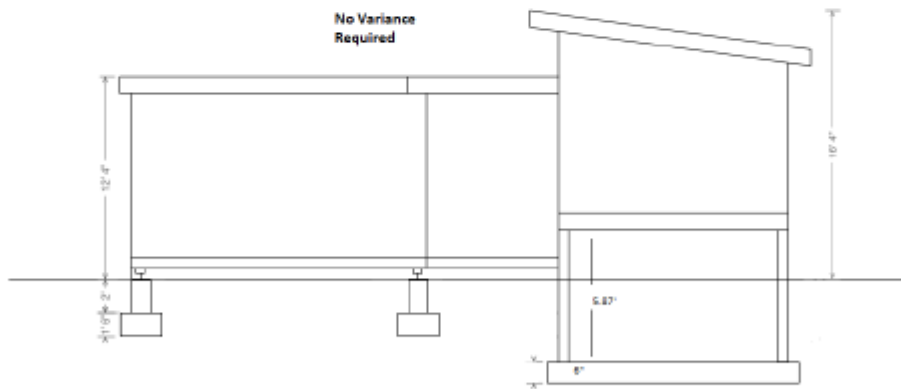
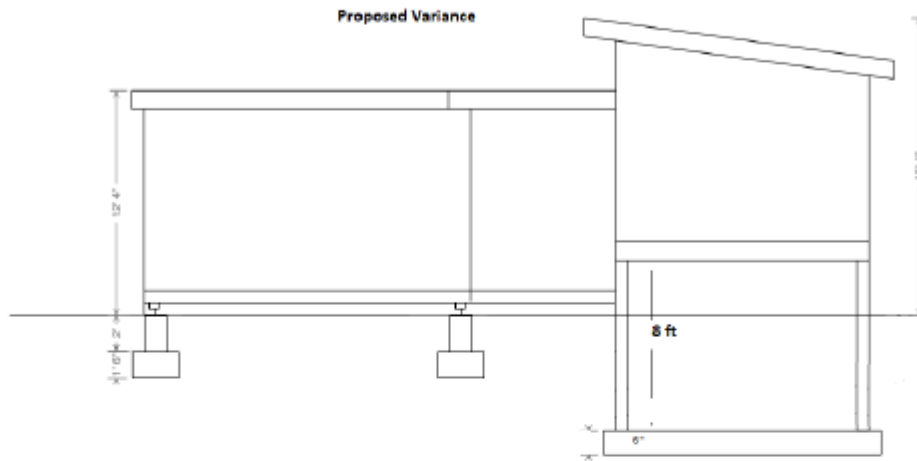
The proposed variance is in regards to "one floor" requirement where there is no laneway access. I am requesting for this to be waived for the inclusion of a basement area totalling approximately 36.4m (40.4%) of the 90m footprint. As noted in the the design submitted below, this variance will change neither building elevation nor footprint from what would be allowed under existing regulations.

As the design indicates, the north portion of the proposed carriage house is where the services (water/septic/sewer) enter the carriage house, running between the property line and the existing house. Existing services are all along this run. The north side of the carriage house two levels, with a bedroom and bathroom on each level. Upper level will be the master bed/bath, lower level will have laundry, 2nd bathroom, and a well sized second bedroom.





Below please see elevation map in the next two figures for requested change:





Basement area proposed is to be the portion of the home sitting on the North side of the property.

The approval of this application will have no change to the following:

- Building Footprint
- Building elevation
- Number of bedrooms
- Number of bathrooms

It will allow for what is a proposed utility and storage area to become a full height basement providing additional living space. It will allow the proposed carriage house to more comfortably reflect lifestyles of a modern build, while adhering to all outward appearances/requirements.

Property Notes:

There is an unmaintained city laneway separating the homes on James Street from the homes on Brooks Place.

Proposed variance maintains a clear hierarchy of dwellings as the carriage house would remain to the rear of the property and of a footprint and height equal to that allowed without a variance.

There is a large walnut tree situated in the centre of the backyard of the property. The proposed variance and design is intended to maintain this tree and the natural cover and privacy it provides.

Please see drawings below for further clarification.

Attachment E – Letters of Support from Neighbours

Hello Neighbour,

I am Leon Farthing-Nichol. I have lived at 949 James Street since June of 2020 and I absolutely love it. Since moving in I have upgraded new roof/gutters, added parking, and a whole lot of patio space to the property. I really enjoy living in our neighbourhood and working on home projects.

I am writing to you today to ask for your support in a proposed variance I have submitted to city hall regarding a carriage house I intend to build in my backyard.

In Penticton carriage houses are permitted without a variance, provided they meet certain criteria. The basic criteria is laid out on the city website, with a Carriage House Bulletin available for reference there. The part of that building bylaw I am requesting a variance on is Section 8.2.3.5, the number of floors permitted where no lane way access exists.

5	Maximum <b>height</b> for urban residential zones: .a R1 (Large Lot Residential) .b R2 (Small Lot Residential) .c R3 (Small Lot Residential: Lane) .d RD1 (Duplex Housing) .e RD2 (Duplex Housing: Lane) .f RD3 (Residential Infill)	.i Where a <b>carriage house</b> is accessed from a <b>lane</b> or is located on a <b>double fronting lot</b> , maximum height is 7.0 m and two floors. .ii Where no <b>lane</b> exists, the maximum height is 5.0 m and one floor.
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Following the initial design process I had a meeting with city planners to clarify several details. For my address at 949 James Street there is technically no lane way access, as the laneway behind the house is unmaintained. That means the carriage house will need to be 5.0m in maximum elevation, 90 square meters in footprint (968 sq ft), and on one floor.

I am seeking a variance to allow for the inclusion of a livable basement space that would provide significant living space for the second bedroom and second bathroom. Currently existing regulations allow for a utility space of up to 1.79 centimetres in height. Without a variance this space would be maximized to provide room for utilities and storage. Essentially the variance would allow for an additional 20-30 centimeters of height in the basement/utility room, which would represent an "additional floor". The height of the building would remain at a maximum of 5.0 meters, consistent with what is currently allowed without a variance. My proposed variance is to the "one floor" requirement only.

Building height and footprint would NOT be affected.

Part of the variance process is neighbour consultation and a public hearing. As we all live in this neighbourhood it is important we protect its value and character. The design of this carriage house has been to prioritize a consistent fit within the area, high quality living space for occupants, excellent usage for both residences, and creation of higher value property.

I would like to reiterate the following:

The approval/denial of this application will have no change to the following:

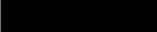
- Building footprint
- Building elevation
- Number of bedrooms
- Number of bathrooms

For the purpose of the proposed variance I am asking you as a neighbour to support this change.

I have attached my contact information below, and would welcome an opportunity to speak further should you have any concerns.

Thank you,

Leon Farthing-Nichol





## Development Variance Permit

Permit Number: DVP PL2021-9210

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 249 Similkameen Division Yale District Plan 4977
  - Civic: 949 James Street
  - PID: 009-108-378
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of a carriage house, as shown in the plans attached in Schedule 'A':
  - a. Section 8.2.3.5.ii: to allow a maximum carriage house height of 5.0m and two floors where no lane exists.

### 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 15th day of February, 2022.

Issued this \_\_\_\_ day of February, 2022.

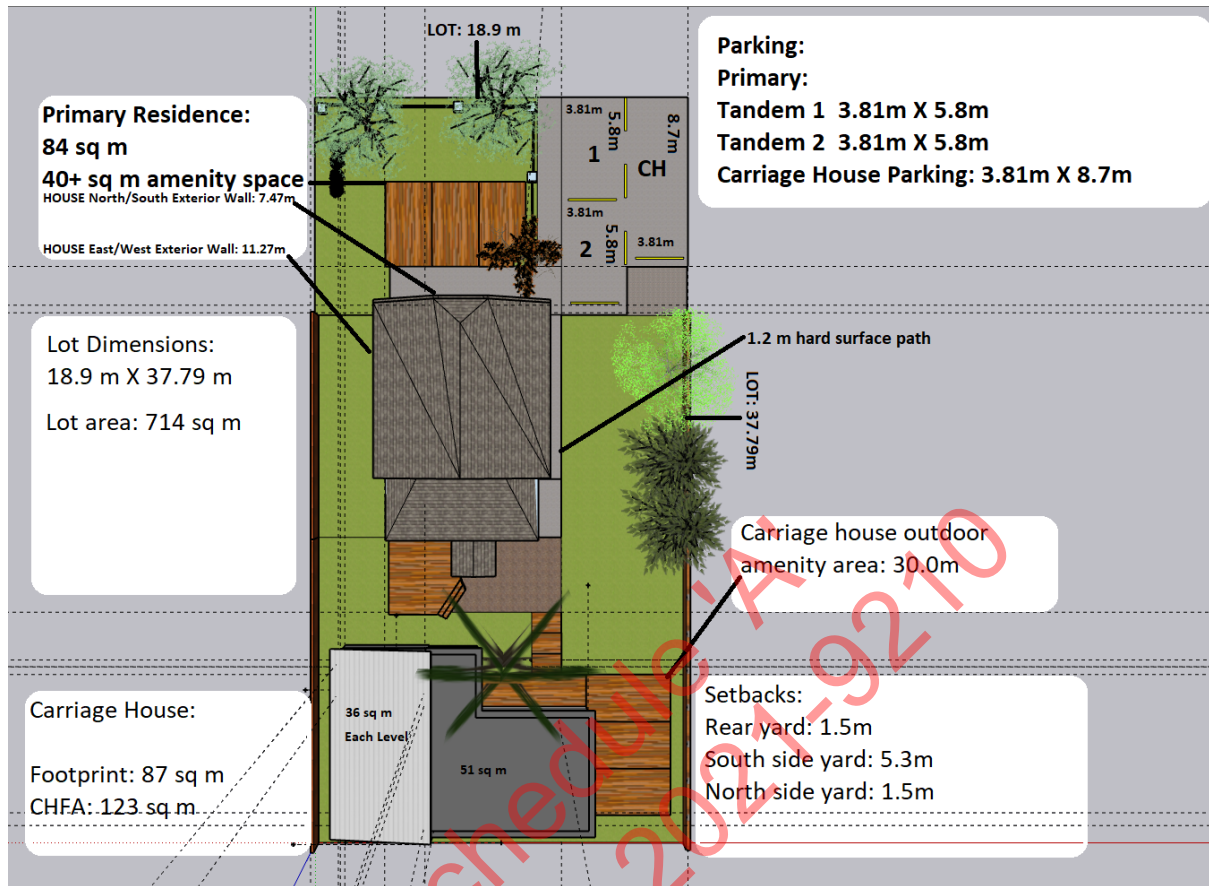
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Angela Collison  
Corporate Officer

DRAFT

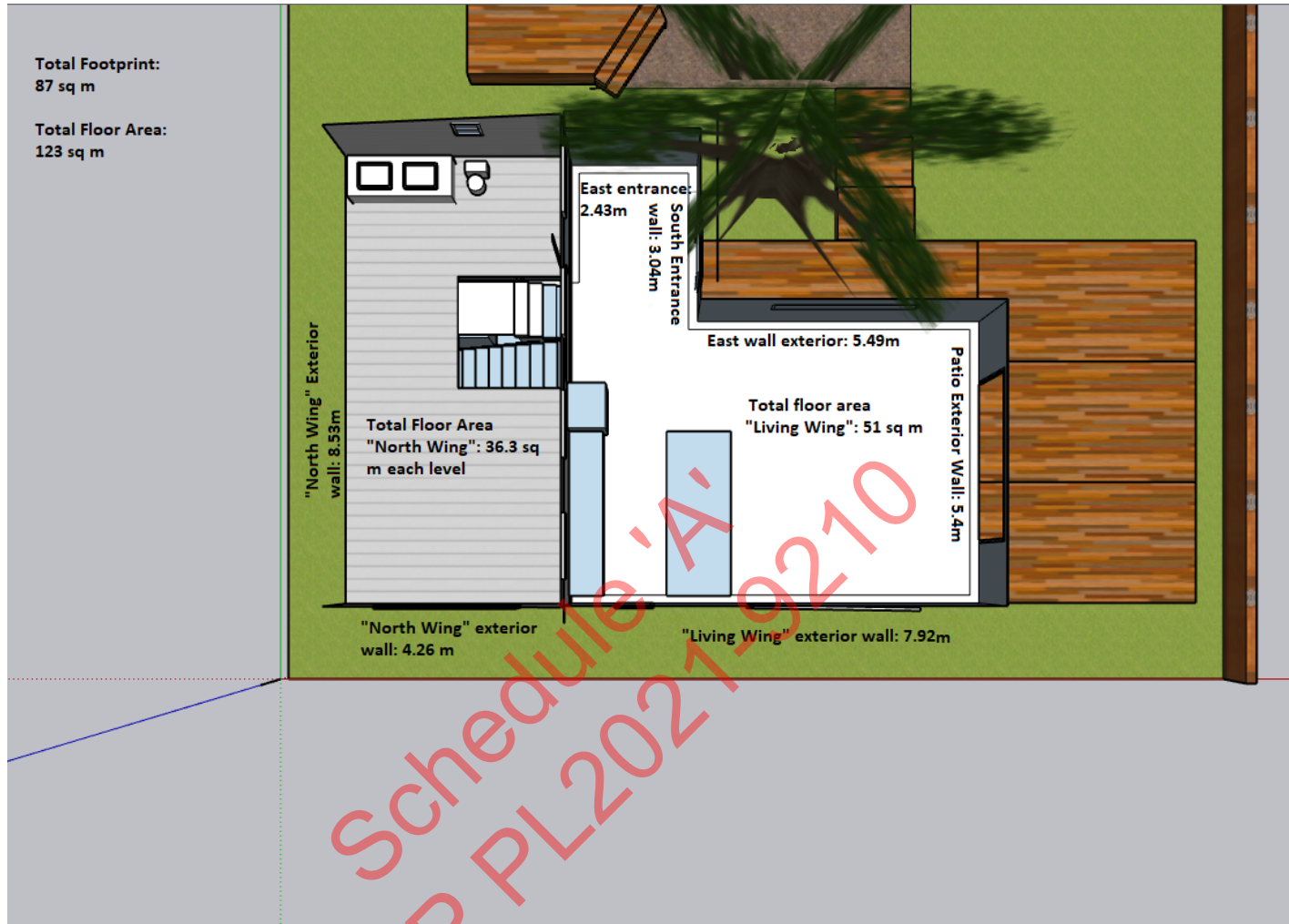


Lot Layout, dimensions of lot, buildings, parking, amenity space.



Scheduled  
DVP PL2021-9210

Floor area + Wall Dimensions

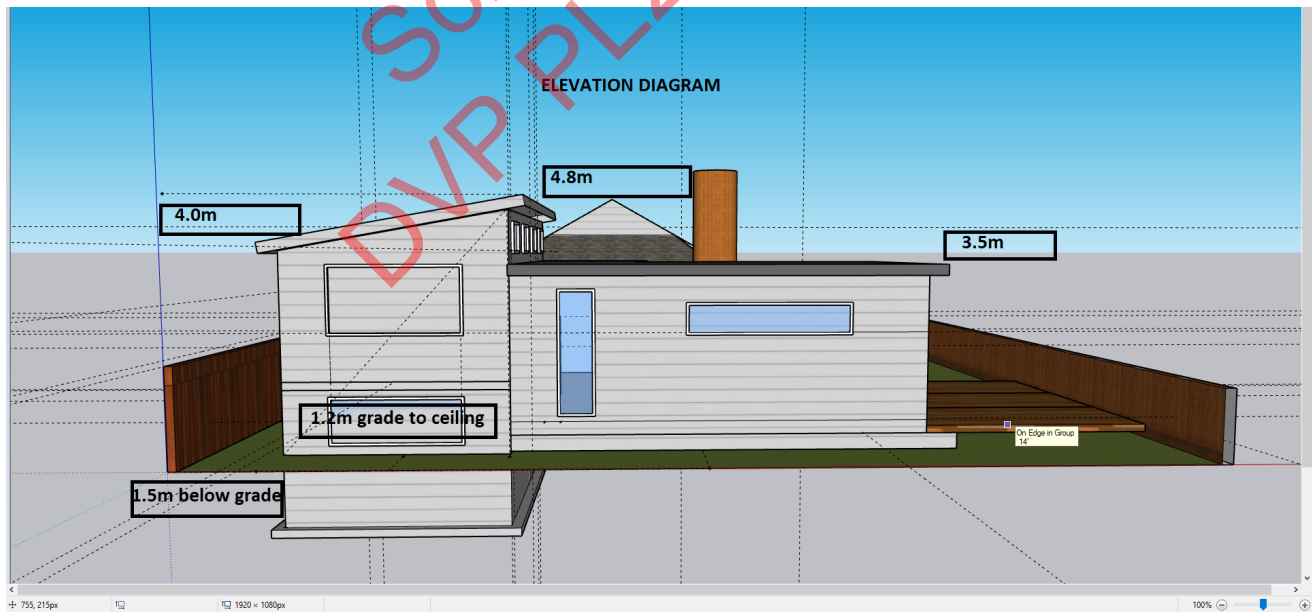


Schedule 'A'  
DVP PL2021-9210

Setbacks:



Carriage House Elevations:



Late Submission for Item  
10.9 - 949 James Street

---

**From:** Benjamin Kennedy  
**Sent:** Friday, February 11, 2022 11:08 PM  
**To:** corpadmin  
**Subject:** DVP PL2021-9210; 949 James Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Hello Corporate Officer, City of Penticton,

This e-mail is being sent on behalf of my mother Teresa Kennedy of 946 James Street, Penticton BC, V2A4A7.

The main concern is around parking. If this carriage house results in more people living at this address, will that result in more vehicles being parked at the residence? If so, where would the vehicles be parked? The concern is that there is no space to accommodate additional vehicle parking.

Regards,  
Ben Kennedy on behalf of Teresa Kennedy of 946 James Street

**Date:** February 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner II  
**Address:** 784 Ross Avenue

File No: RMS/784 Ross Ave

**Subject: Development Variance Permit PL2021-9219**

### Staff Recommendation

THAT Council approve “Development Variance Permit PL2021-9219”, for Lot 12 District Lot 250 Similkameen Division Yale District Plan 8343, located at 784 Ross Avenue, a permit to vary Section 7.4.2 of Zoning Bylaw 2021-01 to increase the maximum permitted floor area of a major home occupation in an accessory building from 50m<sup>2</sup> to 72m<sup>2</sup>;

AND THAT Council direct staff to issue the permit.

### 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 applicants are proposing to renovate a portion of the existing accessory building to expand an existing home occupation (registered massage therapy). The proposed expansion results in the home occupation having a floor area of 72m<sup>2</sup> which exceeds the 50m<sup>2</sup> maximum permitted floor area in the Zoning Bylaw. As such, the applicants have requested a variance to allow the increased home occupation floor area within the existing building (Attachment ‘D’).

### Background

The subject property is located on the south side of Ross Avenue in a primarily residential area (Figure 1). The property contains a single detached dwelling with an accessory building. The accessory building was constructed as a detached garage in



Figure 1 - Property location map

1999. Approximately half of the accessory building was renovated in 2017 to accommodate a registered massage therapy home occupation. The other half of the accessory building is used for personal storage by the property owner.

The home occupation on this property has existed since 2017. Along Ross Avenue, there are several other home occupations related to healthcare, as this neighbourhood is located close to Penticton Regional Hospital. The applicants have outlined their justification for the additional floor space (Attachment 'D'). The applicants have discussed the proposed expansion with surrounding neighbours, some of whom have submitted letters of support for the requested variance (Attachment 'E').

### **Technical Review**

This application was reviewed by the Technical Planning Committee, a group of internal staff who review planning applications. The committee had no concerns related to the requested variance, as no changes are proposed to the exterior of the existing building and there will be no added demand on municipal services. Staff shared future building permit application requirements with the applicant, to assist with that future approvals process should Council ultimately approve the requested variance.

### **Analysis**

When considering a variance to a City bylaw, staff encourages Council to consider if approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The applicant is requesting one variance to increase the maximum floor area for a home occupation in an accessory building from 50m<sup>2</sup> to 72m<sup>2</sup>. Staff have reviewed the application and are recommending approval for the variance based on the following:

1. No change is proposed to the exterior of the accessory building.

The accessory building was constructed in 1999, and has contained a registered massage therapy office in a portion of the building since 2017. The proposed internal renovation to utilize the full floor area of the building for the home occupation will not result in any changes to the exterior size or look of the building (Attachment 'D'). Given that no change will be visible from the outside, staff consider that neighbourhood impact is minimal from the proposed renovation and the increased home occupation floor area within the existing accessory building.

2. The proposed expansion remains in compliance with other applicable home occupation regulations.

Home occupations are limited in size and scale through the Zoning Bylaw. The intent of these regulations is to allow for home occupations while ensuring that the scale and uses are compatible with surrounding residential neighbourhoods. While this proposal is for additional floor area for an existing home occupation, the other home occupation regulations (i.e. limit of customer visits, limit to staff, maintaining a residential character, etc.) are met through this proposal. The increased floor area would allow for an additional treatment room to be available. Currently, there is only one treatment room within the size limitation. Having only two treatment rooms limits the number of clients at a time to a maximum of two, as required by the Zoning Bylaw and as understood by the applicant (Attachment 'D'). There is sufficient parking on-site for clients and the exterior of the building will continue to resemble a detached garage, which is in keeping with built forms typically

found on detached residential properties. Staff note that the applicants have been licensed for a home occupation since 2017 and are aware of the applicable regulations (Attachment 'D').

3. Immediate neighbours have submitted letters of support.

Staff encourage applicants to discuss their variance proposal with immediate neighbours to gather their feedback and potentially revise the proposal to meet mutual needs. This applicants have discussed their variance request and proposed floor area expansion with neighbours (Attachment 'D'), four of whom submitted letters of support which the applicant included with this development variance permit application (Figure 2). The letters of support are included as Attachment 'E'. The letters suggest that negative impacts to neighbours from the proposed variance and internal renovation are not anticipated.



Figure 2 - Letters of support received from properties in yellow. Subject property outlined in red.

Given the reasons listed above, staff support the requested variance. No negative impacts on neighbours are anticipated because there is no addition proposed to the accessory building and the neighbours have submitted letters of support, indicating they are not concerned with the proposed additional home occupation floor area. The variance request is considered reasonable to utilize the full area of the existing accessory building while still keeping the use within a reasonable scale for the surrounding residential neighbourhood and meeting the other applicable home occupation regulations. Staff are recommending that Council approve "Development Variance Permit PL2021-9219" and direct staff to issue the permit.

### Alternate Recommendations

Council may consider that the proposed variance will negatively affect the neighborhood. If this is the case, Council should deny the variance. Staff are not recommending this option.

1. THAT Council deny "Development Variance Permit PL2021-9219".

### Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Letters of Support from Neighbours
- Attachment F – Draft Development Variance Permit PL2021-9219

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner II

Concurrence

<p>Director of Development Services</p> <p><i>BL</i></p>	<p>Chief Administrative Officer</p> <p><b>DyD</b></p>
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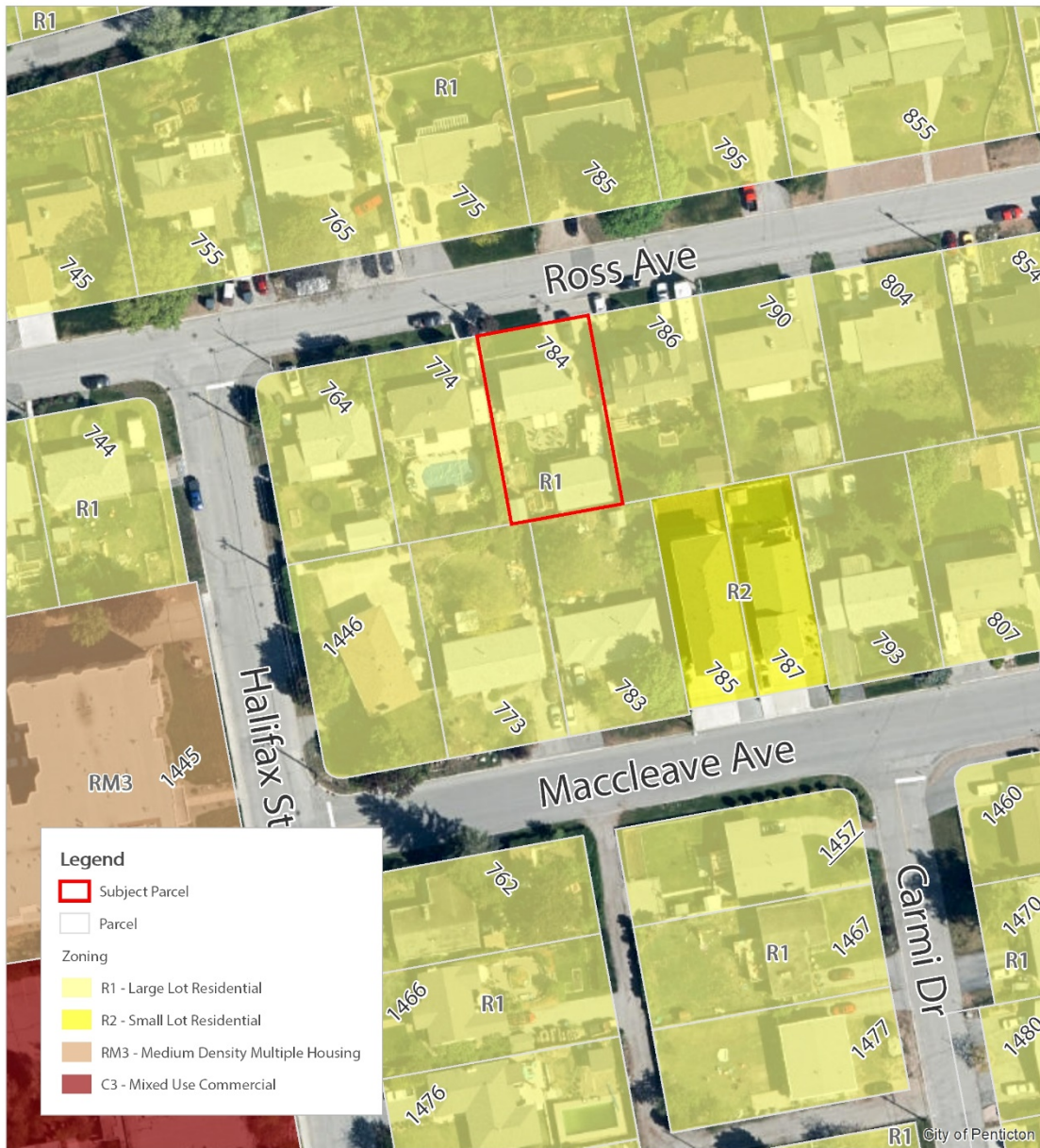


Attachment A – Zoning Map



# 784 Ross Avenue

## Zoning Map



**Legend**

- Subject Parcel
- Parcel

Zoning

- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RM3 - Medium Density Multiple Housing
- C3 - Mixed Use Commercial

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December 8, 2021  
2:13:35 PM

penticton.ca

Attachment B – Official Community Plan Map

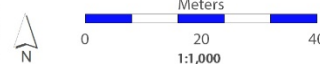


# 784 Ross Avenue

Official Community Plan Map



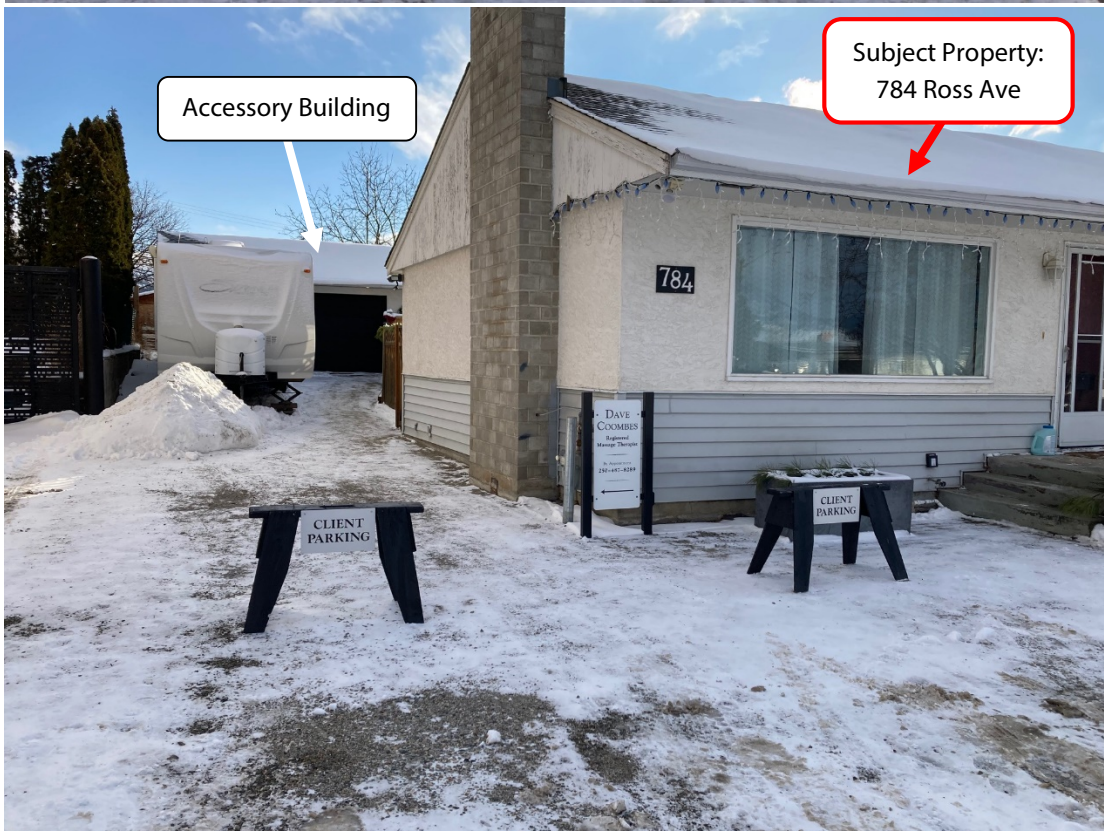
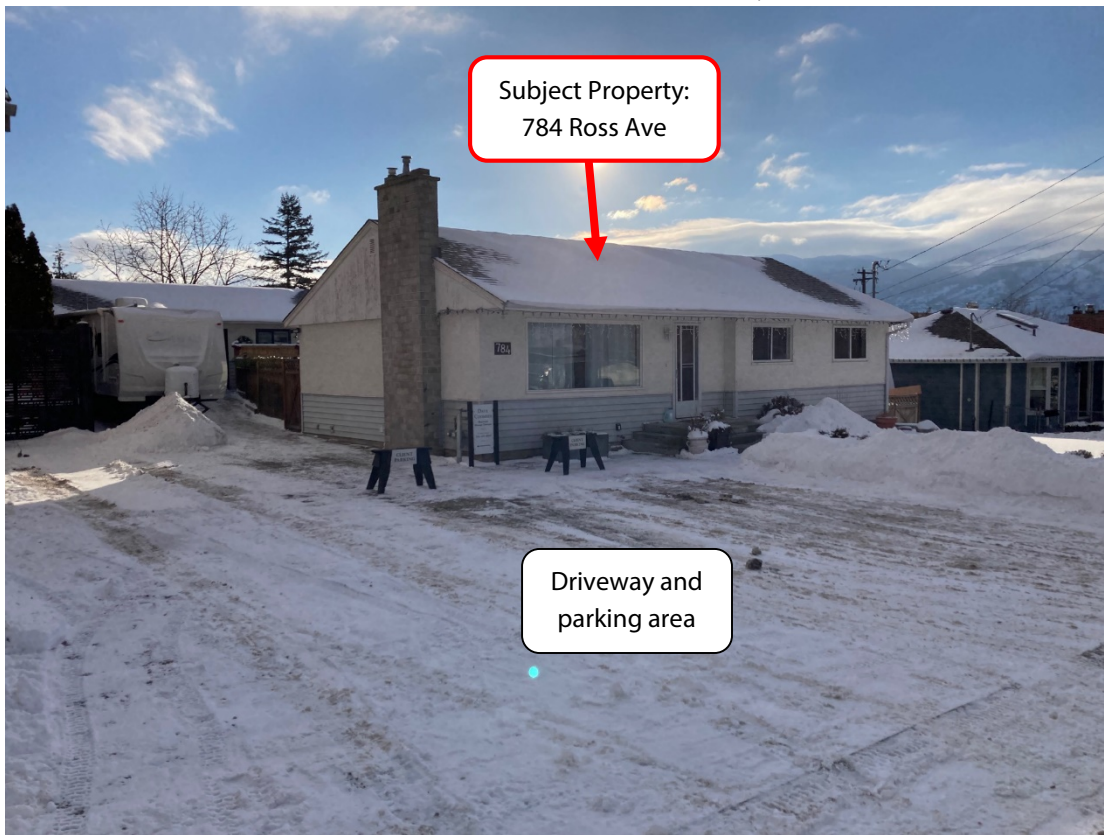
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December 8, 2021  
2:14:07 PM

penticton.ca

Attachment C – Photos of Property





Attachment D – Letter of Intent

DAVE COOMBES REGISTERED MASSAGE THERAPIST INC.  
784 ROSS AVE., PENTICTON, BC V2A 3A7



November 8, 2021

Letter of Intent

To whom it may concern,

I am requesting a variance to increase the space used for my home-based business. I converted a portion of my detached garage in 2017 to create my massage therapy clinic. At the time I used approximately 30 square meters of the 67 square meter building. I wish to use the entire space to add a second treatment room and a stretch/therapeutic exercise area.

This expansion will have a positive impact on the community by bringing another registered massage therapist to Penticton. Currently demand for massage services is very high and it is very difficult to get into a therapist as most are not taking new clients. It will also allow myself and the second therapist to provide an enhanced therapeutic experience for the client by providing a space to demonstrate remedial exercises, work on core strength, have the client perform balance exercises, and perform stretches.

I could proceed with a permit application to just build a second treatment room which I could fit in and still be under 50 square meters, but I have the available space to create a clinic that offers more than most massage therapy clinics in town and give my clients the best opportunity for recovery from injuries and maintenance of physical health. The exercise area will not be used for any group training as this is not part of my scope of practice or allowed under the city bylaws for a home business.

The use of the additional space will not affect the number of people working in the clinic or number of clients in at any one time. It will still just be 2 therapists and 2 clients (which is allowable under the current city bylaws). The building has been here since 2000 and the exterior footprint of the building will not change with this business expansion.

There will not be any change to the use and parking that has already been going on for 4 years and will have no impact on neighboring properties. I currently have space for 6 vehicles to park in my driveway. My intent is to alter my schedule so that there will not be any more than 2 clients onsite at any time. Clients will be booked 90 minutes apart, enough time for the therapists to finish with one client before the next arrives. I have talked to my surrounding neighbors about the expansion, and they are all in favor of the change. (see attached letters signed by each neighbor).

Sincerely

Dave Coombes, RMT and Susan Coombes

Attachment E – Letters of Support from Neighbours

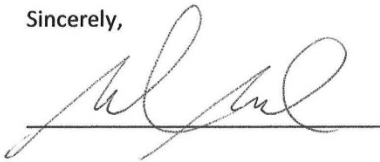
To whom it may concern,

I, Michel McSween, reside at 786 Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.

He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,



Date: Oct 30 / 2021

Phone: [REDACTED]


To whom it may concern,

I, ERIC INGUS, reside at 785 Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.


He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,



Date: OCT 31, 2021

Phone: 

To whom it may concern,

I, Alana Bruvold, reside at 774 Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.


He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,



Date: Oct. 24/21

Phone: 



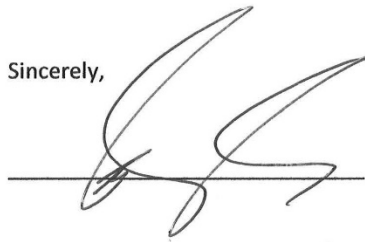
To whom it may concern,

I, AL BEYDAR<sup>775</sup>, reside at \_\_\_\_\_ Ross Avenue in Penticton. My neighbor, Dave Coombes, who resides at 784 Ross Avenue, has discussed with me his plans of expanding his home based massage therapy clinic to utilize the full 67 sq. metres of the existing garage. His clinic has operated for 4 years in a portion of the garage with no adverse impact to our neighborhood. I understand the planned expansion will exceed the current bylaw that states a maximum of 50 sq. metres of structures on a residential property can be used for a home based business.

He has informed me that there will be no changes to the size of the existing structure, or the designated parking for his clients.

I fully support Dave Coombes in his variance application to go from a maximum of 50 sq. metres to 67 sq. metres for the expansion of his business.

Sincerely,



Date: Oct 24/2021

Phone: [REDACTED]

## Development Variance Permit

Permit Number: DVP PL2021-9219

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 12 District Lot 250 Similkameen Division Yale District Plan 8343
  - Civic: 784 Ross Avenue
  - PID: 001-888-331
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the expansion of a home occupation within the existing detached garage, as shown in the plans attached in Schedule 'A':
  - a. Section 7.4.2: to increase the maximum floor area of a major home occupation within an accessory building from 50m<sup>2</sup> to 72m<sup>2</sup>.

### 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.

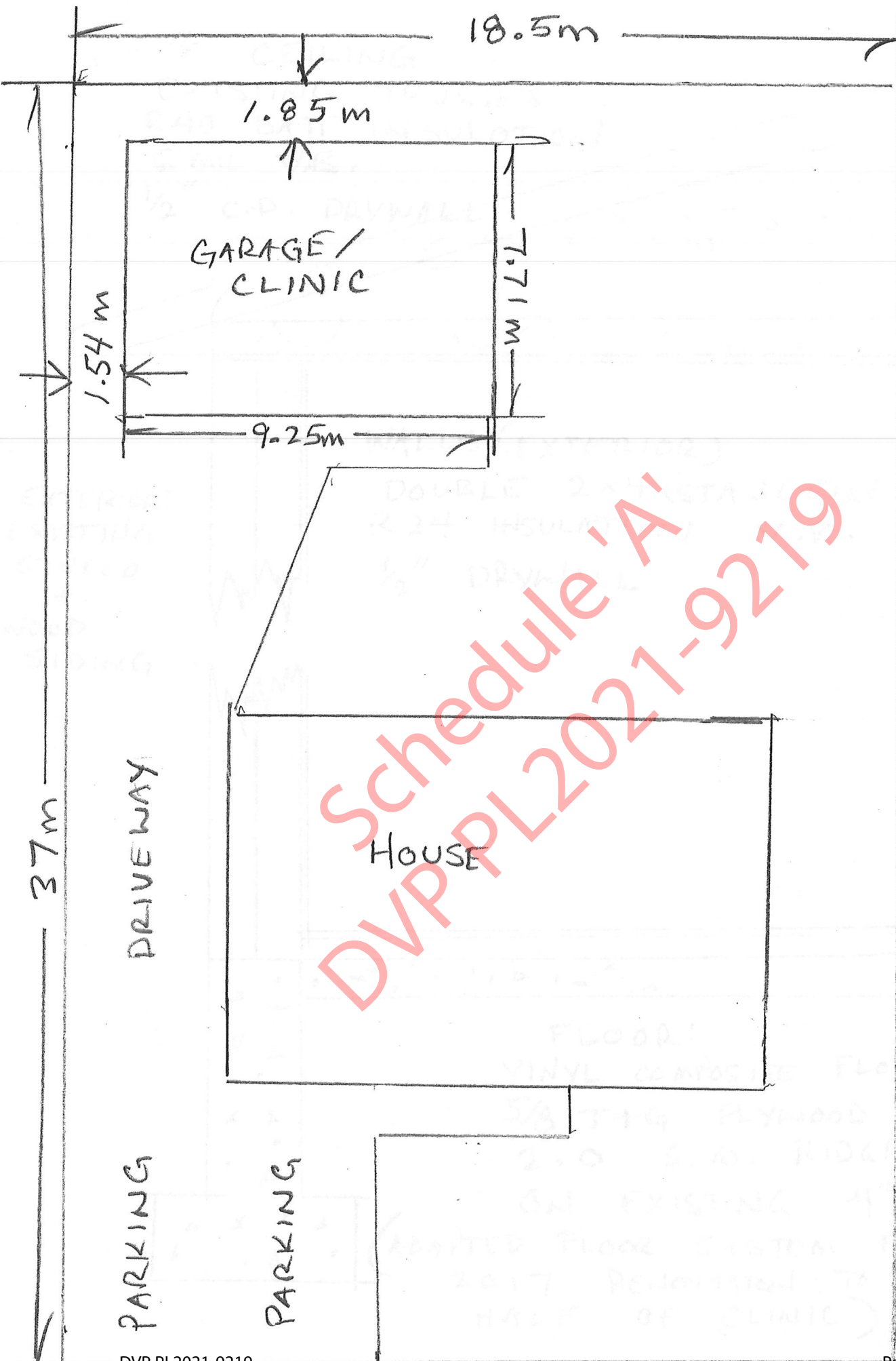
Authorized by City Council, the \_\_\_\_ day of \_\_\_\_\_, 2022.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2022.

---

Angela Collison  
Corporate Officer

DRAFT



Schedule 'A'  
 DVP/PL2021-9219

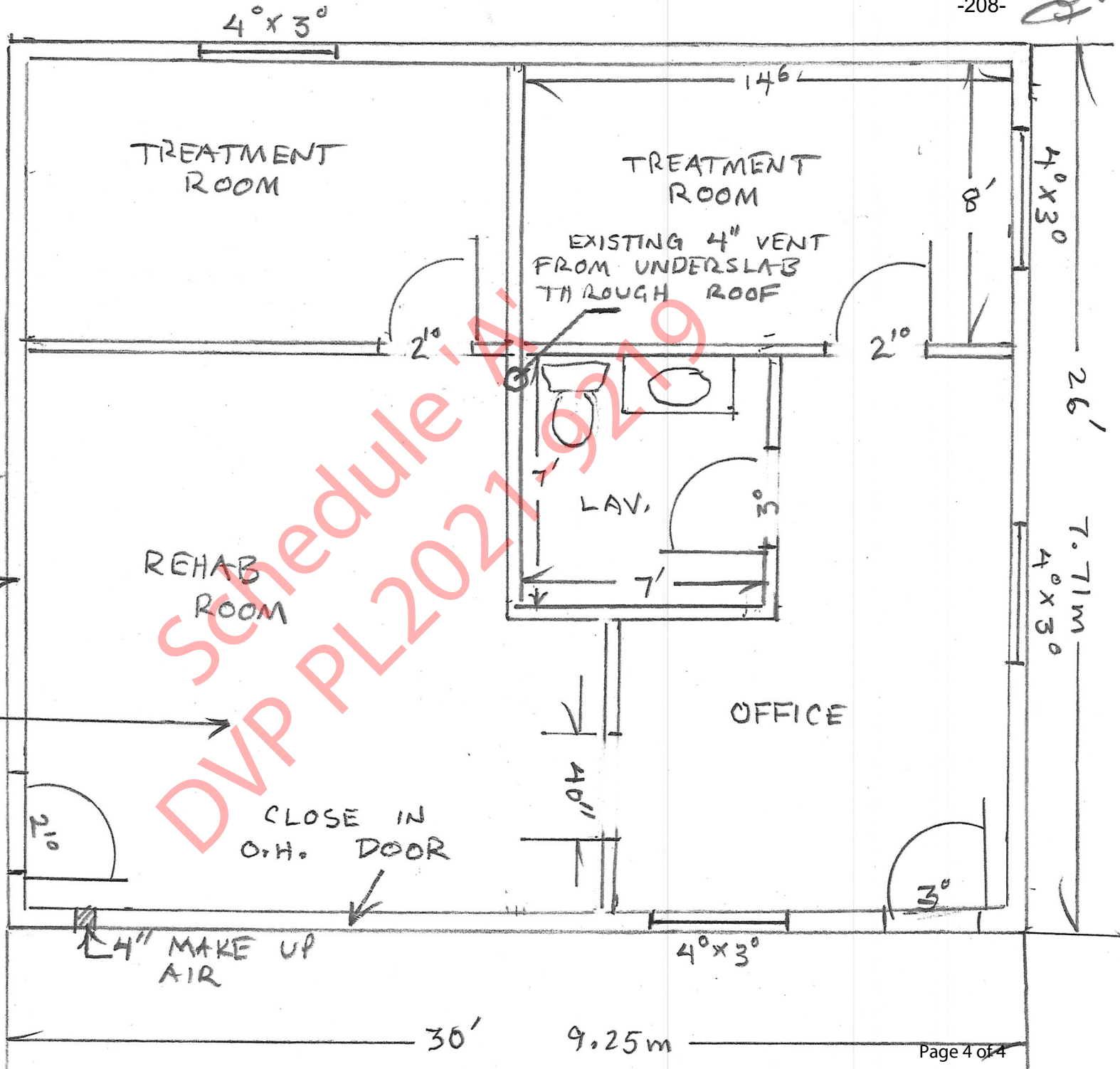
1

3/25

CEILINGS:  
R40 BATT INS  
V.B. 1/2 CD  
DRYWALL

DOUBLE 2x4 WALL  
R24 BATT INS.  
V.B. 1/2" DRYWALL  
EXISTING STUCCO/  
VINYL EXTERIOR

ALL FLOORS  
INCL. EXISTING:  
VINYL COMPOSITE  
ON 3/8 T+G  
ON 2.0 SM FOAM  
ON 4" CONCRETE  
(CONTINUOUS  
UNDER INT WALLS)



---

**From:** Steve Reems  
**Sent:** Wednesday, February 9, 2022 12:32 PM  
**To:** corpadmin  
**Subject:** In support of Development Variance Permit PL2021-9219

To whom it may concern;

We live at 744 Ross Avenue and this email is to confirm our support of Development Variance Permit PL2021-9219 at 784 Ross Avenue.

Our neighbour operates his business without any interference to any of his neighbours, the business is quiet and fits very well within the overall neighbourhood.

We would be very pleased if Dave was able to expand his space.

Thank you;

Steve and Chantel Reems

744 Ross Ave

Penticton, BC

Late Submission for Item 10.10 -  
784 Ross Avenue

**MOUNTAIN ENTERPRISES LTD.**

c/o 528 Main Street (2<sup>nd</sup> Floor)  
Penticton, B.C. V2A 5C7

February 14, 2022

**Mayor and Council**

**City of Penticton**

**171 Main Street**

**Penticton, BC**

**V2A 5A9**

**Attention – Corporate Officer – City of Penticton**

**Re: Development Variance Permit PL 2021-9219**

**784 Ross Avenue, Penticton, BC**

**Section 7.4.2. – To Increase the Maximum Permitted Floor Area of a Major Home Occupation  
in an Accessory Building from 50 m2 to 72 m2.**

Approval of this Variance Application would legitimize a Commercial Business Zone in a Residential Neighborhood. Additional employees result in additional patients requiring additional parking. Parking seems to be ignored when Council approves Developments but continues to be a problem in any neighborhood, whether Residential or Commercial. 72.2 m2 is a large ancillary building, by my calculation = 777 s.f.

Granting this variance will establish a precedent that others will want to follow. Why not buy a large lot Residential Property and apply for a Commercial use Accessory Building and not have to comply with parking requirements.

**Yours truly,**

**Mountain Enterprises Ltd.**

**528 Main Street, Penticton, BC**



**Philip Locke**

# Council Report

penticton.ca

**Date:** February 15, 2022 File No: RMS/610 Pineview Rd  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner II  
**Address:** 610 Pineview Road  
**Subject:** **Agricultural Land Reserve (ALR) Exclusion Application for 610 Pineview Road**

## Staff Recommendation

THAT Council forward the ALR Exclusion application, for Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP22470, located at 610 Pineview Road, an application to exclude the subject property from the Agricultural Land Reserve, to the March 1, 2022 Public Hearing to give the public an opportunity to provide comments and feedback.

## 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 develop a residential subdivision on the subject property. The preliminary draft concept plan (Attachment 'E') shows 11 duplex lots, and a bareland strata consisting of approximately 24 single detached homes proposed for the property. This draft concept is subject to change. The subject property is part of a conditionally-approved ALR exclusion that includes two other properties on Valleyview Road, however due to challenges with achieving the conditions between the three land owners, the applicant is proposing to exclude 610 Pineview Road on its own. As such, the applicant has submitted this ALR Exclusion application to the City, and the City is responsible for hosting a public hearing on the exclusion request prior to Council giving a resolution of support and forwarding the application for review and final approved by the Agricultural Land Commission (ALC).

The purpose of this report is to send the ALR exclusion application to a public hearing, as required by the ALC legislation for ALR Exclusion applications. Council will still have an opportunity to discuss and determine whether to support the application following the public hearing.



### Background

The subject property is 3.8 hectares (9.3 acres) in size and is located on the south side of Pineview Road, near Gordon Place (Figure 1). The lands currently contain a single detached dwelling and an orchard. Surrounding land uses include residential subdivisions to the north and east, and agricultural lands within the Agricultural Land Reserve (ALR) to the south and west. There is an environmentally-sensitive gully leading down towards Green Ave W near the western edge of the property. The property is within a transition area between urban residential subdivisions and agricultural lands.

Residential development on this property has been contemplated since the 1990s. In 1994, the northern portion of the subject property was rezoned to allow single detached dwellings. This area is currently zoned R1 (Large Lot Residential), as shown in Attachment 'A'.

In 2005, the City adopted an amendment to the Official Community Plan (OCP) which designated a substantial amount of land in the upper Valleyview Road area for residential development, including the subject property. This change was supported in principle by the Agricultural Land Commission (ALC), with the condition that a more detailed development plan be prepared prior residential development occurring.

In 2011, an ALR Exclusion application was submitted (through the previous ALC exclusion process) as part of a 9 hectare (22 acre) development proposal for 610 Pineview Rd as well as portions of 2900 Valleyview Rd and 3050 Valleyview Rd (Figure 2). The intent at the time was to develop the three properties together under an area-specific plan, what would become the 'Upper Valleyview Area Plan' endorsed by Council in 2011.

The Agricultural Advisory Committee (AAC) did not support the proposed ALR exclusion in 2011, having noted concerns with the loss of quality agricultural land and weakening the integrity of the ALR in this area of Penticton if these lands were excluded. Nevertheless, the Upper Valleyview Area Plan was adopted by City Council in 2011, despite the AAC's recommendation. After the City endorsed the ALR Exclusion application, the ALC provided conditional approval to exempt these lands from the ALR.

The ALC granted conditional exclusion of the subject property from the ALR in 2011. This approval stemmed from their support in principle of the 2005 OCP amendment and their review and consideration of the



Figure 1 - Property location map

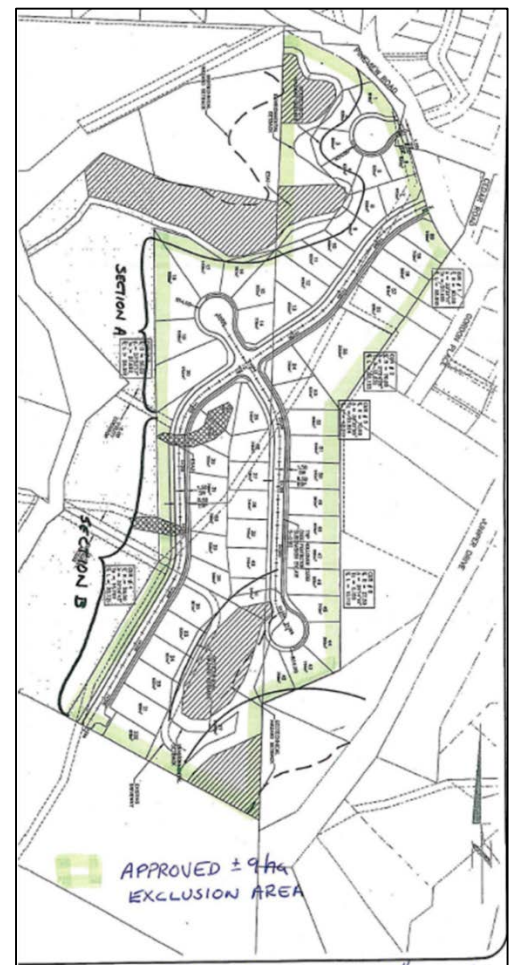


Figure 2 - Lands included with 2011 conditional ALR Exclusion.

Upper Valleyview Area Plan. The conditional approval has been extended on several occasions, and most recently on November 3, 2021 the ALC approved an extension until November 3, 2022. The conditions of their approval for exemption of these lands from the ALR are noted below:

- Preparation of a subdivision plan showing the lands to be excluded in conformance with the drawing forming part of the conditional approval granted by the ALC (Figure 2).
- The construction of fencing and planting of a vegetated buffering. Minimum 5 foot fencing along the ALR boundary. Planting of a 6m to 10m wide, irrigated vegetated buffer along ALR boundary.
- Registration of covenants prohibiting residences within 10m of ALR Boundary on Lots 18 to 20.
- Completion of the subdivision plan that is in substantial compliance with the plan submitted in 2011.

In February 2021, the applicant submitted a rezoning application to change the zoning on the property from R1 (Large Lot Residential) and A (Agriculture) to RD1 (Duplex Housing) and RM1 (Bareland Strata Housing). The rezoning is on-hold until the lands are excluded from the ALR, as the zoning amendment is not permitted while the lands are contained within the ALR. Additional planning approvals are required should the rezoning be successful (following the ALR Exclusion), and are outlined further in this section of this report.

The subject application is for exclusion of 610 Pineview Road (subject property) from the ALR, and does not include the other two Valleyview Road properties. The subject application for ALR exclusion of the subject property was presented to the City’s Agricultural Advisory Committee (AAC) on January 19, 2022 for their review and resolution. After some discussion, the AAC generally found the lands to demonstrate agricultural capability and felt that the lands should remain for agriculture long-term. The AAC passed the following resolution for Council to consider:

**It was MOVED and SECONDED**

THAT the Agriculture Advisory Committee does not support the ALR Exclusion application for 610 Pineview Road.

**CARRIED UNANIMOUSLY**

In addition to the ALR Exclusion application, there are several additional approvals necessary for the applicant to proceed with the intended development. These are summarized in the chart below:

Application Required	Description	Approval Authority
<b>ALR Exclusion</b>	To remove the subject property from the ALR.	Agricultural Land Commission
<b>Zoning Amendment Bylaw</b>	To change the zoning on the subject property from R1 (Large Lot Residential) and A (Agriculture) to RD1 (Duplex Housing) and RM1 (Bareland Strata Housing).	Council
<b>Hillside Development Permit</b>	To approve the lot grading and subdivision scheme in a hillside area, in line with the guidelines of the OCP.	Council

<b>Environmental Development Permit</b>	To approve development in an Environmental Assessment and Environmental Protection area, subject to the requirements of a Qualified Environmental Professional (QEP) report.	Staff
<b>Subdivision</b>	To legally divide the property into separate parcels.	Staff
<b>Form and Character Development Permits</b>	To approve the form and character of each future duplex.	Staff

**Financial Implication**

Under the new provincial rules regarding ALR Exclusion applications, the City is responsible for a portion of the application fee paid to the Agricultural Land Commission (ALC), while the proponent is responsible for the other portion. The application fee is \$1,500 total, with the City covering \$750 of that amount.

**Technical Review**

In February 2021, the related rezoning application was reviewed by the City’s Technical Planning Committee (TPC), a group of City staff from various departments who review development applications. Since that meeting, no changes to the proposed subdivision layout have occurred. The three property owners that are part of the 2011 ALC conditional exclusion approval have not yet achieved the exclusion conditions, therefore the applicant is now proposing to exclude only 610 Pineview Rd from the ALR at this time. The rezoning will remain on-hold until the lands are officially excluded from the ALR.

Standard subdivision requirements would apply at the time of subdivision (i.e. servicing, geotechnical review, environmental review, etc.)

**Analysis**

Under a recent change to provincial legislation, the local government now acts as the applicant for ALR Exclusion applications proposed by land owners. This allows local governments to establish criteria for which applications it will process on a land owner’s behalf. The City adopted Policy CP#2021-06 on November 3, 2021 to establish criteria for which applications will be processed on the landowner’s behalf (Attachment ‘F’). This policy was referred to the AAC in 2021 and approved by Council on November 3, 2021. This ALR Exclusion application is the first application to be processed by the City under the new policy. The two key criteria of the new policy are outlined within the table below as well as a brief description detailing how this proposal meets both criteria:

<b>ALR Exclusion Application Criteria (City policy)</b>	<b>Staff Comments</b>
All available ALR approval processes have been exhausted prior to applying for ALR Exclusion.	No ALR approvals process allows residential development as proposed. Therefore, ALR Exclusion is the only option for the applicant to pursue.

<p>No portion of the subject property(ies) shall be designated 'Agriculture' by the Official Community Plan (OCP).</p>	<p>The subject property is designated 'Detached Residential' by the OCP (Attachment 'B'). This future land use envisions residential development on the property. Properties designated 'Agriculture' by the OCP are anticipated to remain used for agricultural purposes in the long-term, however that is not the case for the subject property according to the OCP.</p>
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Staff consider the following OCP policies support the development proposal:

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- Policy 4.1.1.2 Avoid development in environmentally-sensitive areas, geological hazard and flood hazard areas, on steep slopes, in agricultural areas and in areas not readily served by transit. *(Staff note: An environmental assessment would be required as a condition of subdivision, should the land use be put in place, to ensure environmental features are protected through site development.)*
- Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- Policy 4.4.2.1 Identify environmentally sensitive areas and riparian areas, and protect them through application of the Environmental and Riparian Development Permit Guidelines.
- Policy 4.5.1.5 Consider establishing buffers including distance setbacks, landscape buffers and fencing requirements to minimize conflicts between agricultural and other land uses (e.g., residential or commercial). *(Staff note: the ALC required a landscape buffer as a condition in 2011, it is expected a similar condition will apply should the one property be excluded.)*

The subject property is designated 'Detached Residential' by the OCP (Attachment 'B'). The Detached Residential designation envisions residential development on the property, consisting of single detached building types and some duplexes (Figure 3). Generally, properties within the Detached Residential designation are anticipated to have 1-2 dwelling units per property. The proposed residential development is consistent with the future land use designation on the property as per the OCP.


Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Detached Residential 	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas	<ul style="list-style-type: none"> <li>• Single detached houses with secondary suites or carriage houses</li> <li>• Duplexes</li> <li>• Small-scale neighbourhood commercial building (e.g., corner store, coffee shop)</li> <li>• Manufactured homes</li> </ul>	<ul style="list-style-type: none"> <li>• Residential</li> <li>• Limited retail/ service</li> </ul>	<ul style="list-style-type: none"> <li>• 1 or 2 units per lot</li> <li>• Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>• R1</li> <li>• R2</li> <li>• R3</li> <li>• RD1</li> <li>• RSM</li> <li>• C2</li> </ul>
<p><b>Site-Specific Detached Residential Policy Statement:</b>                      375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.</p>					

Figure 3 - Excerpt from the Official Community Plan Land Use Designations table

Staff are recommending that Council forward the ALR Exclusion application for 610 Pineview Road to a public hearing, to gather comments and feedback on the proposal. Staff consider that the exclusion will facilitate residential development, which is aligned with the OCP future land use designation on the subject property. Following the public hearing Council will pass a resolution on whether or not to forward the ALR Exclusion application for 610 Pineview Road with Council support.

**Alternate Recommendations**

Council may choose to not forward this ALR Exclusion application to a Public Hearing, considering that the lands should instead remain as agriculture and within the ALR. Staff acknowledge there are several policies in the OCP which support the preservation of agricultural land within the City. Council may feel that these policies supporting the preservation of agricultural land outweigh other OCP policies related to compact growth, a range of housing forms, and development adjacent to the built-up area.

Staff are recommending against this alternate recommendation, as it would be inconsistent with the 'Detached Residential' OCP future land use designation on the subject property and the proposal meets the two policy criteria for processing ALR Exclusion applications. Staff recommend that if Council desires to not support the ALR exclusion, that direction be given to amend the OCP to an agricultural zone as reflected in the Alternative Recommendation.

1. THAT Council deny support for the ALR Exclusion application for 610 Pineview Road and not forward it to a Public Hearing;

AND THAT Council give staff direction to initiate an OCP amendment to change the future land use designation of the subject property from 'Detached Residential' to 'Agriculture', subject to an appropriate public engagement process.

**Attachments**

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Letter of Intent

Attachment E – Draft Concept Plan

Attachment F – Council Policy CP#2021-06: Process for Agricultural Land Reserve (ALR) Exclusion Applications

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner II

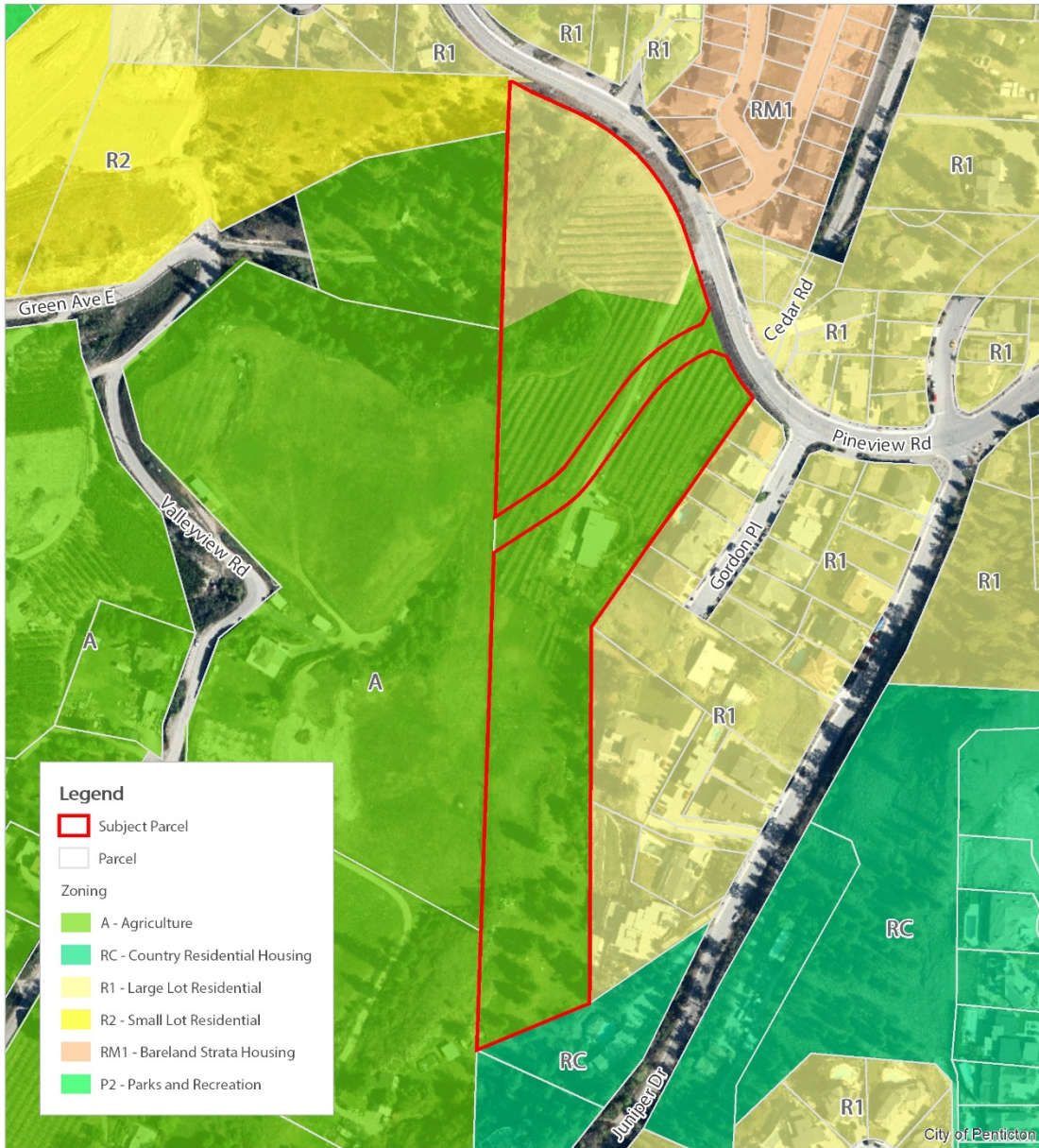
Director of Development Services  <i>BL</i>	Chief Administrative Officer  <b>DvD</b>
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Attachment A – Zoning Map



# 610 Pineview Road

## Zoning Map



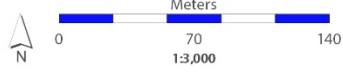
**Legend**

- Subject Parcel
- Parcel

**Zoning**

- A - Agriculture
- RC - Country Residential Housing
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RM1 - Bareland Strata Housing
- P2 - Parks and Recreation

**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.



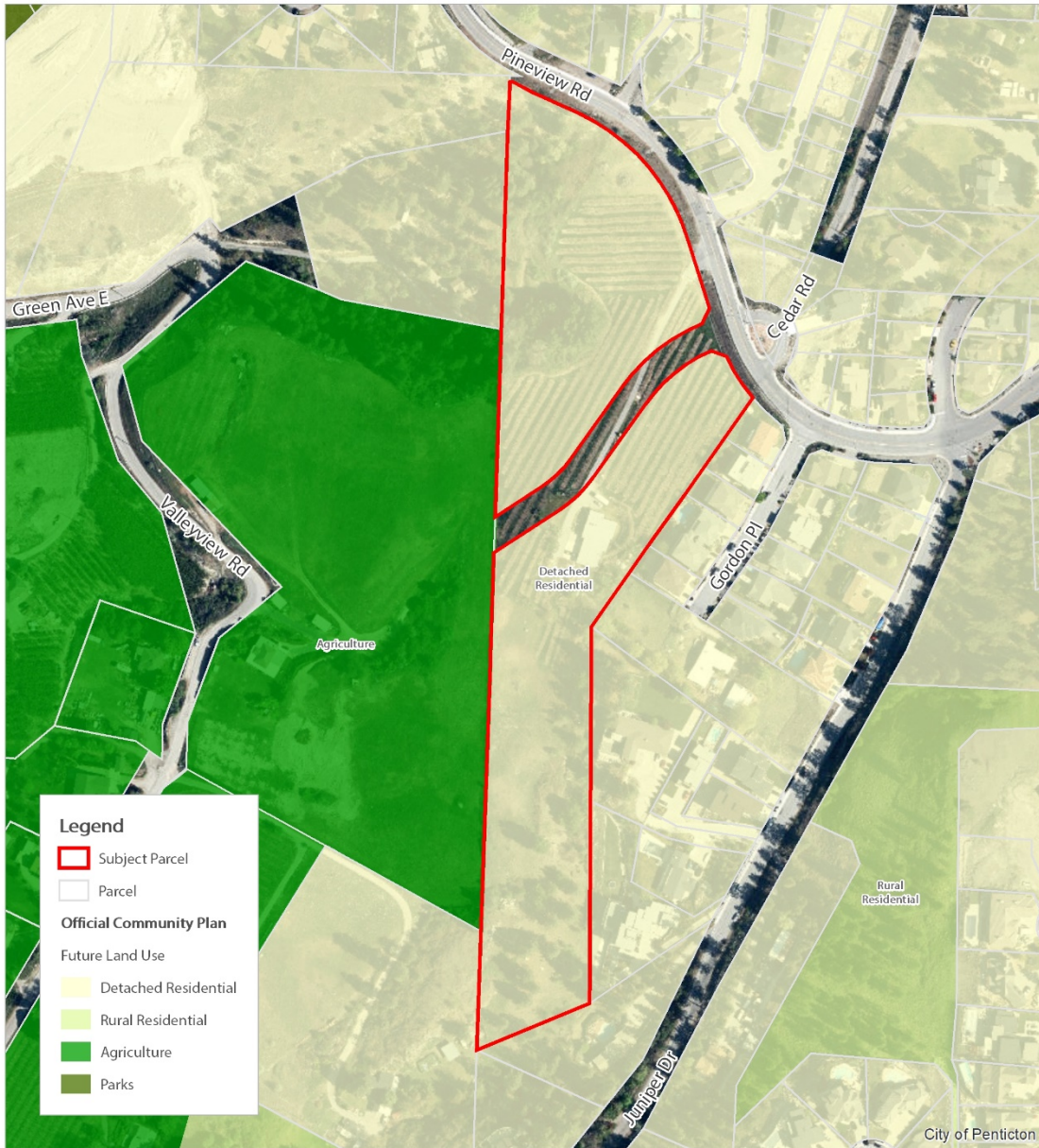
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Attachment B – Official Community Plan Map



# 610 Pineview Road

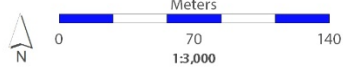
Official Community Plan Map



**Legend**

- Subject Parcel
- Parcel
- Official Community Plan**
- Future Land Use**
- Detached Residential
- Rural Residential
- Agriculture
- Parks

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.



February 12, 2021  
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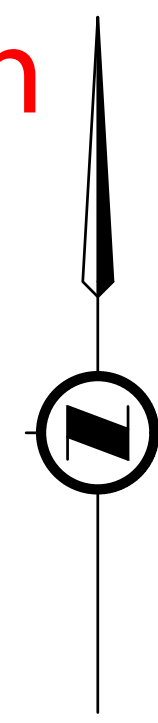
Attachment C – Photos of Property





# Attachment E - Draft Concept Plan

McElhanney ANSID - 2020-01-21



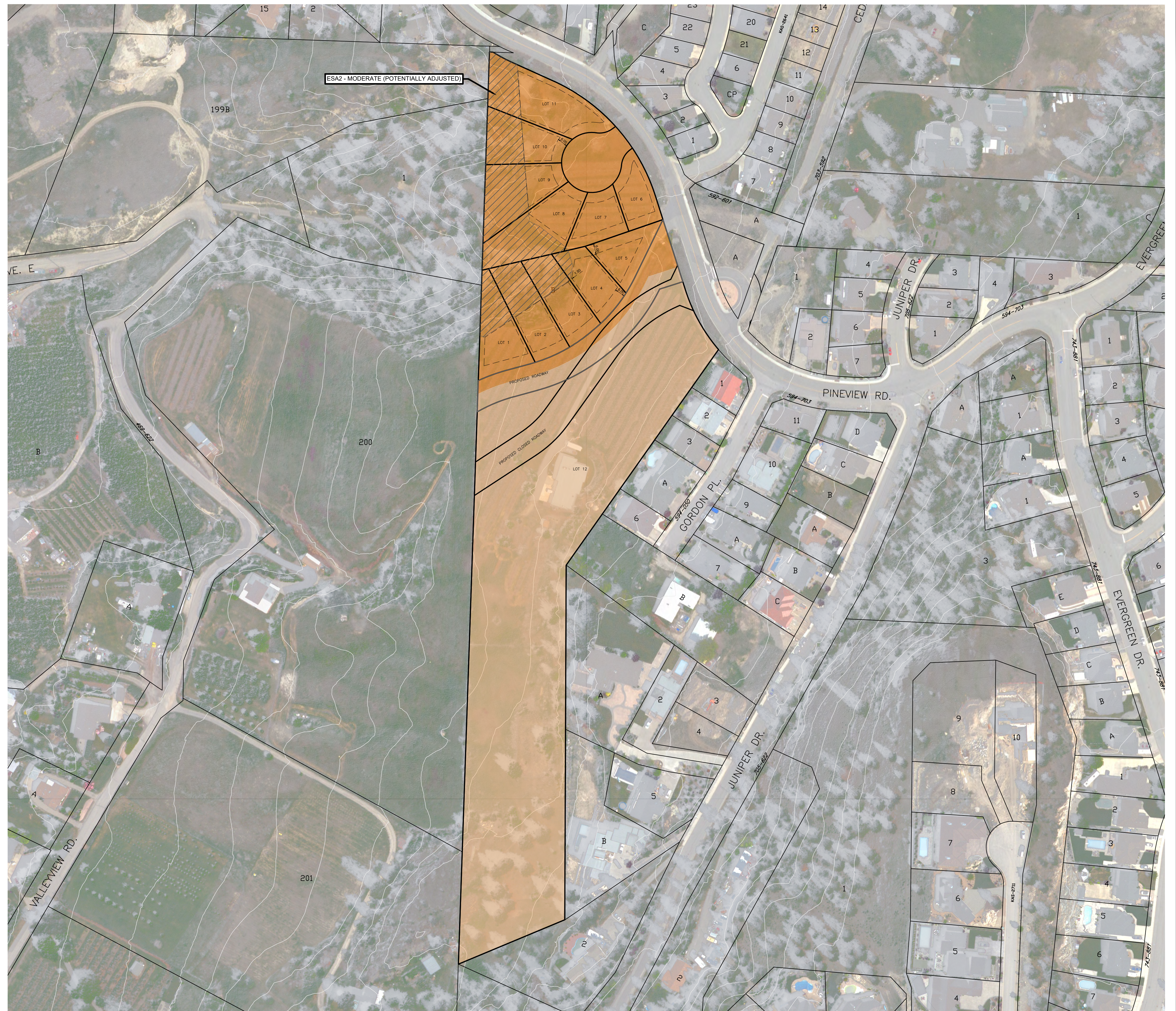
LOT CALCULATIONS				
LOT No.	LOT AREA (m2)	LOT WIDTH (m)	BUILDING ENVELOPE AREA	BUILDING ENVELOPE WIDTH
1	1156.15	19.41	411.86	22.32
2	1212.64	22.08	446.79	18.77
3	1076.13	22.74	456.91	19.13
4	884.42	23.14	489.09	19.48
5	815.55	47.92	305.21	29.34
6	798.53	22.80	349.90	19.03
7	794.61	27.77	406.34	20.91
8	1558.87	21.61	454.05	20.65
9	1351.84	29.39	305.33	17.97
10	1138.32	24.91	344.65	18.01
11	1870.52	29.30	908.56	25.18
12	24,617.47			

**NOTES:**

ZONING:

- RD1 (DUPLX HOUSING)
- RM1 (BARE LAND STRATA HOUSING)
- ESA 2 - MODERATE (POTENTIALLY ADJUSTED)

APPROXIMATE LAND USE AREA		
ZONING	TOTAL AREA (ac)	PERCENT OF LAND TO TOTAL PROPERTY AREA
RD1	3.7	36.6%
RM1	6.4	63.4%
<b>TOTAL PROPERTY AREA</b>	<b>10.1</b>	<b>100%</b>



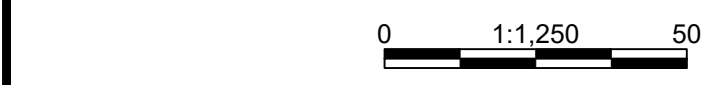
DATE: JANUARY 29, 2021 FILE: C:\Users\jgamborg\OneDrive - McElhanney Group\Desktop\Plan View Development\BASE\Preview Development - JG.dwg

Rev	Date	Description	Drawn	Design	App'd
0	2021-01-29	SUBDIVISION CONCEPT	JG	BE	BE

THIS DRAWING AND DESIGN IS THE PROPERTY OF McELHANNEY AND SHALL NOT BE USED, REUSED OR REPRODUCED WITHOUT THE CONSENT OF McELHANNEY. McELHANNEY WILL NOT BE HELD RESPONSIBLE FOR THE IMPROPER OR UNAUTHORIZED USE OF THIS DRAWING AND DESIGN.

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INFORMATION ON EXISTING UNDERGROUND FACILITIES MAY NOT BE COMPLETE OR ACCURATE. McELHANNEY, ITS EMPLOYEES AND DIRECTORS ARE NOT RESPONSIBLE NOR LIABLE FOR THE LOCATION OF ANY UNDERGROUND CONDUITS, PIPES, CABLES OR OTHER FACILITIES WHETHER SHOWN OR OMITTED FROM THIS PLAN. PRIOR TO CONSTRUCTION CONTRACTOR SHALL EXPOSE LOCATIONS OF ALL EXISTING FACILITIES BY HAND DIGGING OR HYDROVAC AND ADVISE THE ENGINEER OF POTENTIAL CONFLICTS.



ORIGINAL DWG SIZE: ANSI D (22" x 34")

**McElhanney**

Suite 203  
570 Raymer Ave  
Kelowna BC  
Canada V1Y 4Z5  
T 250-861-8783

**PALLADIN PROPERTIES INC.**

**PROPOSED RD1 SUBDIVISION CONCEPT**  
610 PINE VIEW RD.  
PENTICTON, BC

Drawing No. **C01**

Project Number 2422 20318 00 Rev. 0

THIS DRAWING HAS NOT BEEN APPROVED AND MAY CONTAIN ERRORS AND OMISSIONS

DESTROY ALL PRINTS BEARING PREVIOUS REVISION



**Category:**

**PLANNING**

**Subject:**

**Process for Agricultural Land Reserve (ALR) Exclusion Applications**

### **Purpose**

The purpose of this policy is to establish a process for accepting, reviewing and processing applications for Agricultural Land Reserve (ALR) Exclusions; in which a property owner requests that the City of Penticton apply on their behalf and pays all applicable costs to have their property excluded from the ALR.

### **Scope**

This policy applies to all requests from property owners who wish to exclude their property from the Agricultural Land Reserve (ALR) and guides staff when an application is received.

### **Policy Statement**

The City of Penticton recognizes the importance of the Agricultural Land Reserve (ALR), and that the purpose of the Agricultural Land Commission (ALC), which is to preserve agricultural land, encourage farming in collaboration with other communities of interest, and to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

As of September 30, 2020, private landowners are no longer able to make an application for ALR exclusion. As of this date, the City of Penticton is required to be the applicant for an exclusion application to the Agricultural Land Commission (ALC).

#### **1. Application Requirements**

Applications for exclusion from the ALR will only be considered by staff if the property owner demonstrates both of the following:

1. The property owner(s) have exhausted all other applicable ALR Applications prior to considering exclusion from the ALR; and
2. No portion of the property (ies) are designated as 'Agriculture' by the City's Official Community Plan Bylaw.

#### **2. Application Submission**

Should staff proceed with considering an ALR Exclusion application, the property owner(s) will be required to submit a complete application package in order to be considered by staff. Subsequent information may be requested and required in order for staff to proceed with the application.

**3. Application Process**

All ALR Exclusion applications will proceed through the following general process:

1. Staff will complete a technical review of the application, which may include referral to the Technical Planning Committee (TPC).
2. The application will be referred to the City's Agriculture Advisory Committee for review and comment prior to consideration by Council.
3. Staff will follow the ALC's mandated process for submitting ALR Exclusion Applications (as amended from time to time) including notifications to the public and hosting an opportunity for the public to speak to Council on the matter.
4. The application will be considered by Council. Council will pass a resolution to either forward (with or without conditions), or not forward the ALR Exclusion Application to the ALC for consideration.

**Related Policies and Legislation**

- Official Community Plan Bylaw No. 2019-08, as amended
- Agricultural Land Commission Act
- Bill 15-2019

Approval History			
Previous revisions/replaces: n/a			
Approved by Council on:	November 2, 2021	Resolution No.:	380/2021

Certified Correct:




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Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2022-03

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-03".

2. Amendment:

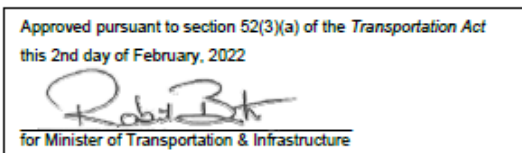
2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone the north 10.67 m portion of Lot 3 Block 124 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1175, located at 169 Maple Street, as shown on Schedule 'A', from R2 (Small Lot Residential) to RD3 (Residential Infill).

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

READ A FIRST time this	18	day of	January, 2022
A PUBLIC HEARING was held this	1	day of	February, 2022
READ A SECOND time this	1	day of	February, 2022
READ A THIRD time this	1	day of	February, 2022
RECEIVED the approval of the Ministry of Transportation on the	2	day of	February, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 25 day of January, 2022 and the 26 day of January, 2022 in the Penticton newspaper, pursuant to Section 94 of the Community Charter.



John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone  
169 Maple Street

From R2 (Small Lot Residential)  
To RD3 (Residential Infill)



**City of Penticton – Schedule 'A'**

**Zoning Amendment Bylaw No. 2022-03**

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

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

The Corporation of the City of Penticton

Bylaw No. 2022-04

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-04".

2. **Amendment:**

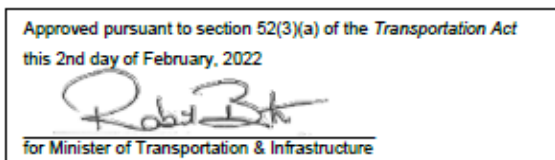
2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone Lot 4 District Lot 115 Similkameen Division Yale District Plan 10517, located at 79 Okanagan Avenue West, from R1 (Large Lot Residential) to RD3 (Residential Infill).

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

READ A FIRST time this	18	day of	January, 2022
A PUBLIC HEARING was held this	1	day of	February, 2022
READ A SECOND time this	1	day of	February, 2022
READ A THIRD time this	1	day of	February, 2022
RECEIVED the approval of the Ministry of Transportation on the	2	day of	February, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 25 day of January, 2022 and the 26 day of January, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.



John Vassilaki, Mayor

Angie Collison, Corporate Officer



Rezone  
79 Okanagan Ave W  
From R1 (Large Lot Residential)  
To RD3 (Residential Infill)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2022-04

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

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

The Corporation of the City of Penticton

Bylaw No. 2022-08

A Bylaw to Amend Zoning Bylaw 2021-01

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 No. 2021-01;

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. 2022-08".

2. **Amendment:**

2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone Lot 7 District Lot 2710 Similkameen Division Yale District Plan 26199, located at 3170 Juniper Drive, from RC (Country Residential) to R1 (Large Lot Residential).

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

READ A FIRST time this	1	day of	February, 2022
A PUBLIC HEARING was held this		day of	, 2022
READ A SECOND time this		day of	, 2022
READ A THIRD time this		day of	, 2022
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 8 day of February, 2022 and the 9 day of February, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

\_\_\_\_\_  
John Vassilaki, Mayor

\_\_\_\_\_  
Angie Collison, Corporate Officer

Rezone  
3170 Juniper Drive

From RC (Country Residential)  
To R1 (Large Lot Residential)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2022-08

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

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

Mayor and Council

February 1 , 2022.

The Asset and Amenity Management Project has identified that 4 new buildings should be considered for Penticton to replace 6 buildings currently in use. The most significant project proposes the demolition of McLaren and Memorial Arenas and construction of a new twin arena on the SOEC site. This recommendation closely follows the recommendation of the Penticton Arena Task Force (ATF) presented to Council in 2017.

It is understood that a lot of work is still to be done to confirm if these projects should move forward. For review of the twin arena proposal, I expect the work of the Arena Task Force (ATF) will be used. I believe it is therefore important that incorrect information presented to Council by the ATF be brought forward.

The Arena Task Force (ATF) was formed in January 2017 and completed its work July 25, 2017. On April 4, 2017, the ATF committee provided a report to Council which resulted in council supporting that Penticton needs four fully functional arenas with NHL sized ice surfaces.

Following the final ATF report on July 25, 2017, Council approved that staff proceed with a grant application to be used for a new twin surface ice arena. In addition, Council supported that a financial analysis, a funding strategy, and further consultation be done with the community regarding the building of a new twin arena.

Prior to my election as a Councilor, I served on the Arena Task Force committee which provided me with significant knowledge regarding Penticton's existing 4 arenas. Of the many reports provided to the committee a report by GDH Solutions (available on City website) laid out a lot of background detail including rationale for 4 arenas, hours of use and revenues generated by arena rentals. Unfortunately, much of this information plus information provided in an Okanagan Hockey Group (OHG) Corporate Fact Sheet contained misinformation. The following comments are written to review questionable information from the Arena Task Force report.

1. The busy time for arena ice rentals is in the fall and winter on weekends and weekdays after school. At the April 4, 2017 Council meeting the ATF presentation suggested a calculation of prime time ice rental hours as Mon. to Fri. 4 PM to Midnight; Saturday and Sunday 6.30 AM to midnight for 29 weeks from late August to March. This timeframe totaled 2,175 hours per year. A formula to establish prime time hours is useful as a measure of how well an arena is used during prime rental times.
2. The ATF committee report advised that Penticton's 4 arenas are very busy. By examining prime-time rental hours billed in 2015 at Memorial, Okanagan Training Centre and SOEC arenas an attached (chart #1) shows the average billed prime time rental hours were only 50% of the available prime-time hours. Prime time usage and two options to define prime time are included in the attached chart.
3. Many times a year the SOEC Arena is used for performances and other community rentals. These randomly booked activities interrupt ice rental groups who want predictable times. It is for this reason the ATF report observed the SOEC arena is only a

part time arena. A closer look at the SOEC arena rentals shows that in 2015 the ice rentals and performance rentals used during prime time was 768 hours which equals only 40% of available prime time. The ice rental portion was 697 hours; performances and other non-skating rentals totaled 71 hours (chart #2). These performance hours were booked over just 7 days of the September to March prime time. With prime-time usage at only 40% in the SOEC arena it is simply underutilized in 2015. With Memorial and OTC arenas prime-time average use of 56% this does not support the ATF claim of 4 busy arenas.

4. Arena ice rental details I received at the committee allowed for a detailed review of rental hours for 3 arenas and only summary hours for McLaren Arena. The April 4, 2017 report to Council advised OHG arena rentals are primarily used in non-prime periods and that their prime time rentals only averaged 8 to 10 hours a week. Based on the attached review of ice rental times in the three SOEC arenas the, OHG used 440 prime time hours which averaged 16 hours per week. OHG projected that their hours in future years would be increasing.
5. The ATF reported to Council that from 2013 to 2015 the ice rental hours increased by 7.6% or 695 hours, a sign of increasing need that might support a twin arena. Almost all of this increase was due to a reported 608 hours of Okanagan Hockey School summer rentals. This increase did not result in additional payment of rental hours as these rentals are a monthly charge that does not change even if the hours increase. Between 2013 and 2015 arena ice rentals hours decreased for Penticton's youth and adult groups. A meaningful measure of growth would be to compare prime time hours used in 2013 and 2015 but this information was not provided.
6. The ATF was advised that total arena rentals for 2015 were 9,277 hours. Based on additional information summer rentals were 1,052 hours more and McLaren Arena hours were 511 more.
7. The ATF report to Council stated – "OHG pays a commercial rate for both its prime time and non-prime time bookings which is higher ice rental rates than any other commercial, private, or minor sports organization". The OHG produced a corporate fact sheet for circulation at community engagement events that also claimed the OHG paid commercial arena rental rates for ice rentals. In fact, the Okanagan Hockey Group ice rental rates for 2015 were less than adult rates in all 3 SOEC complex arenas and less than Penticton Minor Hockey Group rates at the 2 SOEC arenas.
8. Okanagan Hockey Group arena rental payments were projected for 2017 to be \$609,000. This revenue forecast was used in the April 4, 2017 report to Council. OHG subsequently amended this rental estimate to \$431,000 when rental rates used for the calculation were reduced.
9. Based on a review of 2015 arena ice rental bookings it is apparent that sometime after Spectra was appointed to manage ice rentals, they changed the method of calculating billable ice rental hours. Information was not available to measure the exact cost of this new practice, but it is likely the City lost between 15% and 20% of expected revenues. A review in 2017 by myself and another ATF committee member examined rental practices in most other Okanagan arenas. We found that no other Okanagan arena used Spectra's discount practices. Unknown how this practice is interpreted today.

10. Penticton is known as a hockey town and a measure of this is the 4 arenas we have had since 2008. Prior to having 4 arenas, users were expected to use bookings that included early morning and late-night rentals. The need for the early and late rental times has been greatly reduced by nearly doubling available ice time. As we consider the construction of 1 or 2 new arenas there needs to be a review of why only 50% of the 2015 prime time hours were booked.
11. During the ATF review staff provided analysis to the committee of sample weekly arena rental schedules that showed nearly full arena usage. This made my calculations seem implausible by the committee. The attached chart identified that the Memorial and 2 SOEC arenas have 5,712 prime time hours each year and in 2015 there were 2,900 hours billed. When unused and down time rental hours add up to 50% of total prime time, a review of rental practices is appropriate.

A lot of community consultation has been done on the Asset and Amenity Management Plan and a lot more needs to be done. At the conclusion of the ATF Committees work on July 25, 2017 City Council directed that staff proceed with the next phase of work to support planning for a new twin pad arena. This work was to include a business case financial analysis that included operational costs, and lifecycle costs of a new arena. Council was also advised the existing arena booking rental practices and rental rates needed to be reviewed. On March 19, 2019 a report prepared by Sierra Planning and Management titled Arena Financial Analysis and Funding Strategy was received by Council. This provided review of the lifecycle costs of our arena facilities plus other financial analysis (available on City website). Much more needs to be done.

Councilor Frank Regehr

**Chart 1 - DEC 6 Pentiction's arena rentals for 2015 - Prepared to assist in the review of the 2017 Arena Task Force report**  
**Billing hours summarized for PrimeTime, non-PrimeTime and other bookings**

	McLaren Arena rental hours for 2015	Memorial Arena				Okanagan Training Centre				South Okanagan Event Centre				Total hours
		Arena rentals Sep 1- Mar 15/2015		Mar 16 to Aug. 31st		Arena rentals Sep 1- Mar 15/2015		Mar 16 to Aug. 31st		Arena rentals Sep 1- Mar 15/2015		Mar 16 to Aug. 31st		
		Prime	Non-P	Non-P	Total	Prime	Non-P	Non-P	Total	Prime	Non-P	Non-P	Total	
<b>January to December 2015</b>														
<b>Ice Rental Billed Hours</b>														
OHG		49	226	275	304	333	637	87	110	197	1,108			
PMHG		1,011	80	1,091	446	8	454	228	11	239	1,783			
Adult & youth		123	243	366	147	88	236	110	10	120	721			
VEES games and practices					4	3	7	213	178	391	398			
Veas upper deck/alumni					45	5	50	30		30	80			
POE					7		7	29	2	32	38			
<b>Arena ice rentals - Sept - Mar 15</b>		<b>1,183</b>	<b>548</b>	<b>1,731</b>	<b>953</b>	<b>438</b>	<b>1,390</b>	<b>696</b>	<b>311</b>	<b>1,007</b>	<b>4,129</b>			
SOEC Performance hours - Sept - Mar 15								71	58	129	129			
<b>Total prime season rentals</b>		<b>1,183</b>	<b>548</b>	<b>1,731</b>	<b>953</b>	<b>438</b>	<b>1,390</b>	<b>767</b>	<b>369</b>	<b>1,136</b>	<b>4,258</b>			
<b>Off season arena ice rentals</b>														
OHG	42			20			210			19	291			
PMHG	690			37							727			
Adult & youth	357			72						31	460			
VEES games and practices							41			118	118			
Veas upper deck/alumni	1									5	47			
Glengarry Figure Skating	735										735			
COP Ice skating/programs	438										438			
Summer OHS -July & August	44			935			969			816	2,764			
<b>Total ice rentals for year</b>	<b>2,307</b>	<b>1,183</b>	<b>548</b>	<b>2,796</b>	<b>953</b>	<b>438</b>	<b>1,220</b>	<b>696</b>	<b>311</b>	<b>989</b>	<b>9,709</b>			
<b>Other arena rentals - Mar 16 to Aug 31</b>														
Performances & other rentals				17			89			644	750			
Lacross				255							255			
<b>Total other arena rentals for the year</b>				<b>272</b>			<b>89</b>			<b>644</b>	<b>1,134</b>			
<b>Total billed hours - all renta</b>	<b>2,307</b>	<b>1,183</b>	<b>548</b>	<b>3,068</b>	<b>953</b>	<b>438</b>	<b>1,309</b>	<b>767</b>	<b>369</b>	<b>1,633</b>	<b>10,843</b>			
<b>Prime hours billed for 2015 season</b>		<b>62.1%</b>			<b>50.0%</b>			<b>40.3%</b>						

Prepared by Frank Regehr  
 Based on Sprctra's 2015 bookings  
 of the Memorial, Okanagan  
 Training Centre and SOEC arenas

Prime time hours suggested to Council April 4, 2017  
 29 weeks  
 Monday to Friday - 4 PM to 12 PM 1,160 Hours  
 Saturday- Sunday- 6:30 AM to 12PM 1,015 Hours

Prime time hours - used in above summary  
 28 weeks  
 September 1 to March 15, 2015 980 Hours  
 Monday to Friday - 4 PM to 11 PM 924 Hours  
 Saturday - Sunday - 6:30 AM to 11 PM

