Agenda

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Regular Council Meeting

to be held at the City of Penticton Council Chambers
171 Main Street, Penticton, B.C.
To view the Council Meeting, visit www.penticton.ca

Tuesday, March 1, 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 15, 2022 Regular Council Meeting	1-7	Adopt

7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda. 8-22

Consent Agenda:

1. *Minutes of the February 15, 2022 Committee of the Whole Meeting;*
2. *Minutes of the February 15, 2022 Public Hearing;*
3. *Economic Prosperity and Development Services Advisory Committee Meeting Draft Minutes of February 11, 2022;* Vassilaki
4. *Parks and Recreation Advisory Committee Meeting Draft Minutes of February 14, 2022;* Miller
5. *Community Sustainability Advisory Committee Meeting Draft Minutes of February 16, 2022.* Bloomfield

8. **Committee and Board Recommendations**

9. **Correspondence**

10. **Staff Reports:**

Johnson 10.1 Sportsplex Surface Replacement 23-32

Staff Recommendation: THAT Council support the replacement of the Sportsplex facility artificial turf surface with a similar artificial turf surface;
AND THAT Council increase the General capital budget by $100,000 from $200,000 to $300,000 for the supply, delivery and installation of an artificial turf surface to be funded by existing General Capital Fund savings.

Kassian 10.2 Energy Audit Financing 33-35

Staff Recommendation: THAT Council approve of energy audits through FortisBC's Custom Efficiency Program for the Community Recreation Centre, the South Okanagan Events Centre, and the Penticton Trade and Convention Centre with a net cost of $22,500 to be financed through the Climate Action Reserve.

Dixon 10.3 Active Transportation Grant Funding Opportunity 36-43

Staff Recommendation: THAT staff prepare and submit applications to the Active Transportation Fund for the following projects:

- *South Main (Lake-to-Lake Section 1), with design and construction in 2023, at an estimated total project cost of $1.4M,*
- *Green Avenue (Highway 97 to South Main Street), with design and construction in 2023, at an estimated total project cost of $2.2M, and*
- *Lakeshore drive (Riverside Drive to Martin Street), with design in 2023 and construction in 2024, at an estimated total project cost of $1.6M.*

Capewell 10.4 Development Permit PL2021-9095 44-121

Re: 903 Vernon Avenue

Staff Recommendation: THAT Council approve "Development Permit PL2021-9095", for Lot 2 District Lot 366 Similkameen Division Yale District Plan EPP37269, located at 903 Vernon Avenue, a permit to allow for the construction of a 6-storey, 105-room hotel building and restaurant and includes minimum expectations and requirements for boulevard tree protection through construction by both the City and the applicant;
AND THAT Council approve, through the issuance of "Development Permit PL2021-9095", in accordance with Official Community Plan Bylaw No. 2019-08, Section 5.1.4.3, a minor variance to the front yard setback to allow an at grade patio to project a maximum of 2.651m into the front yard setback, which is considered a desirable architectural feature and that the development meet the current Zoning Bylaw standard of 1 space per 50m2 of floor area for the restaurant parking calculation as opposed to the site specific standard;
AND THAT staff be directed to issue "Development Permit PL2021-9095".

Collyer 10.5 Zoning Amendment Bylaw No. 2020-46 122-137

Development Variance Permit PL2020-8782

Re: 665 Westminster Avenue East

Staff Recommendation: THAT Council close and abandon "Zoning Amendment Bylaw No. 2020-46", a bylaw to rezone Lot C District Lot 202 Similkameen Division Yale District Plan 39999, located at 665 Westminster Avenue East, from R1 (Large Lot Residential) zone to RM1 (Bareland Strata Housing) zone, as the applicant has decided to proceed with a 7-lot subdivision under the existing R1 zoning;
AND THAT Council approve "Development Variance Permit PL2020-8782", as amended, a permit to vary Section 00400 part 3.0 of Subdivision and Development Bylaw 2004-81, to reduce the minimum road vertical curve on Oliver Place to a minimum Sag and Crest K-value to 0.6;
AND THAT Council approve "Development Variance Permit PL2020-8782", as amended, a permit to vary

Section 00400 part 3.0 of Subdivision and Development Bylaw No. 2004-81, to increase the maximum road grade on Oliver Place from 15% to 17%;
AND THAT Council, in accordance with Section 507 of the Local Government Act, require the following excess and extended services for the subdivision:

- *Full construction of road, curb, gutter and sidewalk across the full width of Oliver Place along the frontage of 665 Westminster Avenue East.*

Collyer 10.6 Zoning Amendment Bylaw No. 2022-11 138-164
Development Variance Permit PL2021-9160
Development Permit PL2021-9161
Re: 220 Nelson Avenue

Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-11", a bylaw to rezone Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, from R2 (Small Lot Residential) zone to RD4 (Low Density Cluster Housing) zone;
AND THAT Council forward "Zoning Amendment Bylaw No. 2022-11" to the March 15, 2022 Public Hearing;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-11", consider "Development Variance Permit PL2021-9160" for Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, a permit to vary Section 10.7.2.3 of Zoning Bylaw 2021-01 to increase the maximum lot coverage from 40% to 51%;
AND THAT Council, subject to approval of "Development Variance Permit PL2021-9160", approve "Development Permit PL2021-9161" for Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, a permit to approve the form and character of a four-unit cluster housing development on the subject property.

Collyer 10.7 Zoning Amendment Bylaw No. 2022-12 165-200
Development Variance Permit PL2021-9191
Development Permit PL2021-9192
Re: 1701 Fairford Drive

Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-12", a bylaw to rezone Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, from R2 (Small Lot Residential) zone to RD3 (Residential Infill) zone, with the following site-specific provision:

- *A maximum of two dwelling units shall be permitted on each lot;*

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-12" to the March 15, 2022 Public Hearing;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-12" and final subdivision registration of the two lots, approve "Development Permit PL2021-9191" and "Development Permit PL2021-9192" for Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, permits to approve the form and character of a duplex development on each future lot.

Collyer 10.8 Zoning Amendment Bylaw No. 2022-13 201-230
Development Permit PL2020-8849
Re: 1196 Fairview Road

Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-13", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) zone to C1 (Commercial Transition) zone;
AND THAT Council forward "Zoning Amendment Bylaw No. 2022-13" to the March 15, 2022 Public Hearing;
AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-13", require the following road dedications to be registered with the Land Title Office:

- *A 0.6m road dedication along the Fairview Road frontage;*

- *A 2.3m road dedication along the Calgary Avenue frontage; and*
- *A 5m by 5m corner cut at the intersection of Fairview Road and Calgary Avenue;*

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-13", approve "Development Permit PL2020-8849", a permit to approve the form and character of a one-storey dental office on the subject property.

Laven 10.9 Development Variance Permit PL2021-9200 231-244
Re: 296 Windsor Avenue

Staff Recommendation: THAT Council approve "Development Variance Permit PL2021-9200" for Lot 24 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3284, located at 296 Windsor Avenue, a permit to vary Section 10.1.2.8.a of Zoning Bylaw 2021-01, to reduce the minimum rear yard from 6.0 m to 1.146 m, in order to facilitate the construction of an addition to the single family dwelling.
AND THAT Council direct staff to issue "Development Variance Permit PL2021-9200".

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)

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
(c) labour relations or other employee relations;
(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.

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. 2020-34 Re: 2644 South Main Street	245-246	Adopt
Collyer	14.2	Zoning Amendment Bylaw No. 2021-38 Re: 726, 738, 750 Westminster Avenue West	247-248	Adopt
Collyer	14.3	Zoning Amendment Bylaw No. 2022-10 Re: 585 Jermyn Avenue	249-250	2nd/3rd

15. **Land Matters**

Collyer 15.1 Agricultural Land Reserve Exclusion Application 251-252
Re: 610 Pineview Road

Staff Recommendation: THAT Council forward the Agricultural Land Reserve (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 Agricultural Land Commission (ALC) with support.

16. **Notice of Motion**

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 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**

Minutes

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Electronic Regular Council Meeting
held via Zoom at City of Penticton
171 Main Street, Penticton, B.C.

Tuesday, February 15, 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

33/2022 **It was MOVED and SECONDED**
THAT Council adopt the agenda for the Regular Council Meeting held on February 15, 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 1:15 p.m.

6. Adoption of Minutes:

6.1 Minutes of the Regular Meetings of Council

34/2022 **It was MOVED and SECONDED**
THAT Council adopt the minutes of the February 1, 2022 Regular Meeting of Council as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

35/2022 **It was MOVED and SECONDED**
THAT Council approve the Consent Agenda:

1. Minutes of the February 1, 2022 Committee of the Whole Meeting;
2. Minutes of the February 1, 2022 Public Hearings;
3. Special Parks and Recreation Advisory Committee Meeting Draft Minutes of January 27, 2022;
4. Heritage and Museum Advisory Committee Meeting Draft Minutes of February 2, 2022;
5. Penticton and Ellis Creek Restoration Select Committee Meeting Draft Minutes of February 3, 2022;
6. Safety and Security Advisory Committee Meeting Draft Minutes of February 7, 2022.

CARRIED UNANIMOUSLY

8. Committee and Board Recommendations

9. Correspondence

10. Staff Reports:

10.1 718 Chase Avenue: Request for Notice on Title

36/2022 **It was MOVED and SECONDED**
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.

CARRIED UNANIMOUSLY

10.2 Year End Surplus Policy CP2022-01

37/2022 **It was MOVED and SECONDED**
THAT Council approve the revised 'Year End Surplus Policy CP#2022-01' Effective February 15, 2022.

CARRIED UNANIMOUSLY

10.3 In-Year Grant Request: Meadowlark Festival/Okanagan Similkameen Conservation Alliance

38/2022 **It was MOVED and SECONDED**
THAT Council approves a $3,500 cash grant to the Meadowlark Festival/Okanagan Similkameen Conservation Alliance for the Meadowlark Festival event.

CARRIED UNANIMOUSLY

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

39/2022 **It was MOVED and SECONDED**
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.

CARRIED UNANIMOUSLY

10.5 Youth-Led Youth Homelessness Research Project

40/2022 **It was MOVED and SECONDED**
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.

CARRIED UNANIMOUSLY

10.6 2022 Southern Interior Local Government Association (SILGA) Resolution

41/2022 **It was MOVED and SECONDED**
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.

CARRIED UNANIMOUSLY

10.7 Zoning Amendment Bylaw No. 2022-10
Development Permit PL2021-9241
Re: 585 Jermyn Avenue

42/2022 **It was MOVED and SECONDED**

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.

CARRIED UNANIMOUSLY

10.8 Zoning Amendment Bylaw No. 2021-38
Development Variance Permit PL2021-9045
Re: 726, 738, 750 Westminster Avenue West

43/2022 **It was MOVED and SECONDED**

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".

CARRIED UNANIMOUSLY

10.9 Development Variance Permit PL2021-9210
Re: 949 James Street

44/2022 **It was MOVED and SECONDED**

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".

CARRIED UNANIMOUSLY

10.10 Development Variance Permit PL2021-9219
Re: 784 Ross Avenue

45/2022 **It was MOVED and SECONDED**
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 50m2 to 72m2;
AND THAT Council direct staff to issue the permit.

CARRIED UNANIMOUSLY

10.11 Agricultural Land Reserve (ALR) Exclusion Application
Re: 610 Pineview Road

46/2022 **It was MOVED and SECONDED**
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.

CARRIED
Councillors Bloomfield, Miller and Sentes, Opposed

11. Public Question Period

12. Recess into a Closed Meeting

47/2022 **It was MOVED and SECONDED**
THAT Council recess at 3:17 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;
(g) litigation or potential litigation affecting the municipality;
(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom in Information and Protection of Privacy Act;*
(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.

CARRIED UNANIMOUSLY

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

14. Bylaws and Permits

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

48/2022 **It was MOVED and SECONDED**
THAT Council adopt "Zoning Amendment Bylaw No. 2022-03".

CARRIED UNANIMOUSLY

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

49/2022 **It was MOVED and SECONDED**
THAT Council adopt "Zoning Amendment Bylaw No. 2022-04".

CARRIED UNANIMOUSLY

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

50/2022 **It was MOVED and SECONDED**
THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-08";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2022-08".

CARRIED UNANIMOUSLY

15. Land Matters

16. Notice of Motion

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

51/2022 **It was MOVED and SECONDED**
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.

CARRIED UNANIMOUSLY
Councillors Sentes and Watt, Opposed

17. Business Arising

52/2022 **It was MOVED and SECONDED**
THAT at the request of the Penticton Indian Band, Council send a letter to the Minister of Municipal Affairs and the Premier requesting they align the Heritage Conservation Act and the Local Government Act with the Declaration of the Rights of Indigenous Peoples Act.

CARRIED UNANIMOUSLY

18. Council Round Table

19. Public Question Period

20. Adjournment

53/2022 **It was MOVED and SECONDED**
THAT Council adjourn the electronic regular meeting of Council at 7:22 p.m.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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Electronic Committee of the Whole
held via Zoom at City of Penticton
171 Main Street, Penticton, B.C.

Tuesday, February 15, 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 15, 2022 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 Penticton Academy of Music and Dramatic Arts (PAMDA) – Getting You to Know Us!

Nancy Wyse, Vice President, and Prema Harris, President, PAMDA, provided Council with a presentation on their charitable, non-profit organization that provides performing arts education to students of all ages and stages.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED
THAT Council adjourn the Committee of the Whole meeting held February 15, 2022 at 1:15 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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

Tuesday, February 15, 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 6:01 p.m. for Zoning Amendment Bylaw No. 2022-08.

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. <u>"Zoning Amendment Bylaw No. 2022-08" (3170 Juniper Drive)</u>

The purpose of "Zoning Amendment Bylaw No. 2022-08" is to amend Zoning Bylaw No. 2021-01 as follows:

> 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.

The applicant intents to subdivide the subject property into two (2) lots.

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.

- No one spoke.

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. 2022-08" was terminated at 6:05 p.m. and no new information can be received on this matter.

Certified correct:

_____
Angie Collison
Corporate Officer

Confirmed:

_____
John Vassilaki
Mayor

Minutes

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Economic Prosperity and Development Services Advisory Committee Meeting

to be held via Zoom
Friday, February 11, 2022
at 8:00 a.m.

Present:	Sean Ingraham, Chair Sharon Fletcher, Vice Chair Cary Berger Chris Allen Derek Badger Drew Barnes Josie Tyabji Judy Richards Kelly Mercer* Larry Olson Nathan Little Sandra Oldfield *
Council Liaison:	John Vassilaki, Mayor
Staff:	Anthony Haddad, General Manager of Community Services Blake Laven, Director of Development Services Carly Lewis, Economic Development Manager Paula McKinnon, Deputy Corporate Officer Rebecca Van Huizen, Legislative Assistant
Regrets:	Alexandra Nuth Brian Murphy Diane Kereluk Eric Corneau Jeff McGinley Campbell Watt, Councillor

1. **Call Regular Committee Meeting to Order**

The Economic Prosperity and Development Services Advisory Committee meeting was called to order by the Chair at 8:03 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Economic Prosperity and Development Services Advisory Committee adopt the agenda for the meeting held on February 11, 2022 as presented.

CARRIED UNANIMOUSLY

DRAFT

3. **Adoption of Minutes**

3.1 Minutes of the October 8, 2021 Economic Prosperity and Development Services Advisory Committee

It was MOVED and SECONDED
THAT the Economic Prosperity and Development Services Advisory Committee adopt the minutes of the October 8, 2021 meeting as amended to include comments provided by Committee Members.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Monthly Building Statistics – September 2021, October 2021, November 2021, December 2021, and January 2022

This item was provided for information purposes only.

The Director of Development Services responded to questions from the Committee.

4.2 Monthly Planning Statistics – August 2021, September 2021, October 2021, November 2021

This item was provided for information purposes only.

4.3 2022: Economic Development Work Plan

The Economic Development Manager provided the Committee with a PowerPoint presentation outlining the following:

- Communication processes for the Economic Development Work Plan which included the website and airport channels and stakeholder consultation.
- Continued promotion of the Penticton Airport an option so South Okanagan residents don't need to go to the Kelowna Airport.
- Collaboration through implementation of COVID-19 Recovery Task Force recommendations
- Partnerships with the Penticton Downtown Association, Penticton Industrial Development Association and Chamber of Commerce to encourage shopping local and activate pedestrian spaces. Encourage businesses to promote their own restart programs and events.
- Retention and expansion programs for continued support of businesses. Continuation of Love Local campaign and Shop Local programs
- Working with realtors to promote the Welcome Home brochure and packages to aide in engaging existing and new Penticton residents and to provide pieces of information for coming to Penticton.
- Use of promotional campaigns and videos, work with key sectors identified in the current economic development plan, provide information on how to live and work in Penticton.
- Resident and labor attraction – resource support for new businesses, workers, and events. Seeing success in attracting of existing and new events to Penticton which has helped in successfully filling up the shoulder season of May and September/October.
- How to support housing and development especially within the North Gateway areas.

The General Manager of Community Services responded to questions from the Committee. The Economic Development Manager noted that she will add Work BC to list of partnerships.

The Chair asked about identifying specific projects at future meetings of the Economic Prosperity and Development Services Committee. The General Manager responded that a report will be brought forward at a future meeting to help draft the plan.

Committee Members asked questions regarding the Lake-to-Lake Bike Lane, and inquired about a couple slides from the PowerPoint Presentation and receiving more information about the resident and labour tax. Noted the projects are being developed and focused on areas of town on opportunity, which is great to see.

The Chair recessed the meeting at 8:30 a.m. due to technological reasons and reconvened the meeting at 8:40 a.m. with Committee Members Kelly Mercer and Sandra Oldfield not in attendance.

Staff members responded to questions from the Committee.

Committee Members asked if there is a way for City Staff to provide some type of table or summary on action items that can be provided at Committee Meetings to help better provide an overall look at what projects are going on in the City. The General Manager of Community Services and Economic Development Manager noted that they would look into drafting and providing that information to the Committee.

4.4 2022 Economic and Prosperity and Development Services Advisory Committee Meeting Schedule

The Legislative Assistant introduced the 2022 Committee meeting schedule.

It was MOVED and SECONDED
THAT the Economic Prosperity and Development Services Advisory Committee 2022 meetings be tentatively held on January 13, February 11, March 4, April 8, May 6, June 10, July 8, August 5, September 9, October 7, November 4 and December 9 at City Hall or electronically at 8:00 a.m. unless otherwise specified.

CARRIED UNANIMOUSLY

4.5 Electronic Meeting Policy

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

The Deputy Corporate Officer responded to questions from the Committee.

5. **Next Meeting**

The next Economic Prosperity and Development Services Advisory Committee meeting is tentatively scheduled to be held on Friday, March 4, 2022 at 8:00 a.m.

6. **Public Question Period**

7. **Adjournment**

It was MOVED and SECONDED
THAT the Economic Prosperity and Development Services Advisory Committee adjourn the meeting held on February 11, 2022 at 8:53 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____
Rebecca Van Huizen
Legislative Assistant

DRAFT

Minutes

penticton.ca

Parks and Recreation Advisory Committee Meeting

held via Zoom
Monday, February 14, 2022
at 3:00 p.m.

DRAFT

Present:	Isaac Gllbert James Palanio Drew Barnes Laura Harp Tyson Bull Susan Fraser
Council Liaison:	James Miller, Councillor
Staff:	Anthony Haddad, General Manager of Community Services Kelsey Johnson, Manager of Recreation, Arts and Culture Len Robson, Manager of Public Works Rebecca Van Huizen, Legislative Assistant Paula McKinnon, Deputy Corporate Officer
Regrets:	Gary Dean Andrew Drouin John Archer Marc Tougas Robert (Sandy) Ross

1. **Call to Order**

The Parks and Recreation Advisory Committee was called to order by the Chair at 3:14 p.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 February 14, 2022 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

It was MOVED and SECONDED
THAT the Parks and Recreation Advisory Committee adopt the minutes of the January 17, 2022 meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Sportsplex Surface Replacement

The Manager of Recreation, Arts & Culture presented a PowerPoint presentation outlining information and background on the Sportsplex Surface Replacement.

- Noted which working groups were involved in the surface selection.
- Provided background information and timeline on the progress of the Sportsplex Surface Replacement.
- Provided information and statistics on the Sportsplex Utilization and Rate Analysis (November to March).
- Provided projected statistics on the utilization of the Multi-Sport Court.
- Went over other key objectives that were taken into consideration when reviewing the Sportsplex Surface Replacement.
- This location is the only indoor turf surface south of West Kelowna, and it services a good chunk of the South Okanagan.
- Went over financial implications and noted to the Committee that the Sportsplex Surface Replacement has been on the City's radar since 2019 to be replaced.
- With a delay in the project, the City was able to carry over funds from the 2021 General capital budget to 2022. But indicated that the price had increased since the original 2019 quote.
- Provided lifespan quotes on the artificial turf.
- Went over the next steps for the Sportsplex Surface Replacement, which included Council approval, RFP & Selection, with an anticipated installation of July – August 2022.

The floor was opened to the Committee for questions and comments. A Committee Member had asked what the current state of the existing turf was. Staff responded that the current turf was at the end of its life span. A Committee Member inquired about the survey results and how far out the respondents were projecting, given the surface will be installed for 10-20 years. Staff indicated that the majority of groups that responded to the survey had consistent membership numbers and this projection was the best information they could provide.

It was MOVED and SECONDED
THAT the Parks and Recreation Advisory Committee support the replacement of the Sportsplex facility artificial turf surface with a similar turf surface;

AND THAT the Parks and Recreation Advisory Committee recommend that Council increase the General capital budget by $100,000 from $200,000 to $300,000 for the supply, delivery and installation of an artificial turf surface to be funded by existing General Capital Fund savings.

CARRIED
Susan Fraser, Opposed

5. **Next Meeting**

The next Parks and Recreation Advisory Committee meeting is tentatively scheduled to be held on March 14, 2022 at 3:00 p.m.

6. **Public Question Period**

DRAFT

7. **Adjournment**

It was MOVED and SECONDED
THAT the Parks and Recreation Advisory Committee adjourn the meeting held on February 14, 2022 at 3:34 p.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____
Rebecca Van Huizen
Legislative Assistant

DRAFT

Minutes

penticton.ca

Community Sustainability Advisory Committee Meeting

to be held via Zoom
Wednesday, February 16, 2022
at 9:00 a.m.

DRAFT

Present: Chris Allen, Chair
Randy Boras, Vice Chair
Anne Hargrave
Lyndie Hill
Margaret Holm
Nicolas Stulberg
Amelia Boultbee

Council Liaison: Julius Bloomfield, Councillor

Staff: Kristen Dixon, General Manager of Infrastructure
David Kassian, Community Sustainability Coordinator
Rebecca Van Huizen, Legislative Assistant

Regrets: Philip Hawkes
Tracy Van Raes

1. **Call to Order**

The Community Sustainability Advisory Committee was called to order by the Chair at 9:06 a.m.

2. **Adoption of Agenda**

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee adopt the agenda for the meeting held on February 16, 2022 as amended to include new item 4.3 - Building Emissions

AND THAT the Community Sustainability Advisory Committee alter the order of agenda items and associated numbering.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of December 8, 2021 Community Sustainability Advisory Committee

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee adopt the minutes of the December 8, 2021 meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Electric Vehicle Charging Rate Review

Lyndie Hill joined the meeting at 9:07 a.m.

The Community Sustainability Coordinator presented a Power Point presentation outlining the Electric Vehicle Charging Rate Review.

The floor was then opened up to the Committee Members for discussion. Anecdotal comments were provided by individual Committee Members as to their own experiences with EV Charging Stations and with both hybrid and electric vehicles. Comments were provided as to whether the implementation of the $2.00 charging fee attributed to the decrease in the usage between 2020 and 2021.

Discussions and comments arose as to the monitoring of these parking stalls and locations to ensure those parking there were using them for their intended purpose. This lead into a question from the Committee regarding average charging times at EV Charging Stations. Staff noted that the average time of charging at a Level II station was approximately 2 hours 50 minutes while the average time of charging at a Level I (fast charger) was about 30 – 45 minutes. It was noted that the charging time would be dependent on whether you have a fully electric vehicle (EV) or a hybrid vehicle.

Committee Members questioned what caused an inflation of fees between 2020 and 2021. Staff indicated that the hourly cost to the City increased mainly due to static fees (maintenance and monitoring, depreciation cost, lost parking revenue). The static fees increased the hourly charging cost to the City because the static fees were being spread out across fewer EV charging hours. Staff also explained a discrepancy in costs between the November 3rd Council report and the February 16th Committee Memo. The costs in the Council report were being represented per station, while the Committee Memo displayed the costs of the overall site (4 stations). Staff committed to following up on the driver behind increased electricity costs.

A question was raised about the cost of purchasing and installation of Level 3 chargers (fast chargers) vs Level II chargers. Staff indicated that the average cost to purchase and install a Level 3 (fast charger) averaged about $85,000 - $100,000 and with the pending grant application that would help to cover approximately 75% of the cost of the proposed four (4) new ones. Level 2 charging stations have a lower capital and operating cost than Level 3 chargers, and level 2 chargers typically cost $12,000 - $18,000 to purchase and install. It was mentioned that Canadian Tire and a few hotels have EV Charging Stations and are charging a lower fee for them, Committee Members indicated this comes off as the private sector is leading the way on incentivizing the use of EV.

The General Manager of Infrastructure provided background on how the report before the Committee today was drafted including how the staff recommendation supported the broader goals of providing and incentivizing a public charging network, as well as noted other policy work proposed which will support additional private infrastructure (ie. EV ready policies in new builds). .

Committee Members asked Staff if there was a way to introduce a 'step charge' program for the use of the EV Charging Stations to further incentivize, while also ensuring turnover. The 'step charge' program would allow the use of the EV Charging Station for free for a set use of time

and then charge for an hourly rate after that. Staff responded that they would have to look into the technical details of the EV Charging Stations to see if that would be possible to set up. The Committee Members put a motion on the floor to request Staff to look into this and report back on the findings.

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee receive into the record the report dated February 16, 2022 titled 'Electric Vehicle Charging Rate Review'.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee request staff to report back with the option of a stepped rate for Level II Charging Stations, where the charging fee would be free for a set portion of time, with an hourly rate following.

CARRIED UNANIMOUSLY

4.2 Energy Audit Financing

The Community Sustainability Coordinator presented a PowerPoint Presentation on the Energy Audit Financing requests and provided background on upcoming audits on City Facilities.

The floor was opened to the Committee Members for discussion.

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee recommend to Council to approve of energy audits through FortisBC's Custom Efficiency Program for the Community Recreation Centre, the South Okanagan Events Centre, and the Penticton Trade and Convention Centre with a net cost of $22,500 to be financed through the Climate Action Reserve.

CARRIED UNANIMOUSLY

Nicolas Stulberg left the Zoom meeting at 10:30 a.m.

4.3 Building Emissions

A Committee Member inquired if there was any way on restricting fossil fuels on new developments and buildings. Another Committee Member questions if there was a way to control how/where natural gas is being used.

Staff responded that the 2021 Community Climate Action Plan identifies strategies for new buildings to adopt a low carbon approach.

4.4 2022 Community Sustainability Advisory Committee Meeting Schedule

The Legislative Assistant introduced the 2022 Committee Meeting Schedule.

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee 2022 meetings be tentatively held on January 19, February 16, March 16, April 13, May 18, June 22, July 20, August 17, September 21, October 19, November 16, December 14 at City Hall or electronically at 9:00 a.m. unless otherwise specified.

CARRIED UNANIMOUSLY

4.5 Electronic Meeting Policy

The Legislative Assistant 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 Community Sustainability Advisory Committee meeting date is tentatively scheduled for March 16, 2022.

6. **Public Question Period**

7. **Adjournment**

It was MOVED and SECONDED
THAT the Community Sustainability Advisory Committee meeting held on Wednesday, February 16, 2022 adjourn at 10:39 a.m.

CARRIED UNANIMOUSLY

Certified Correct:

_____

Rebecca Van Huizen
Legislative Assistant

Council Report

penticton.ca

Date: March 1, 2022 File No: 0810-20
To: Donny van Dyk, Chief Administrative Officer
From: Kelsey Johnson, Manager of Recreation, Arts & Culture

Subject: **Sportsplex Surface Replacement**

Staff Recommendation

THAT Council support the replacement of the Sportsplex facility artificial turf surface with a similar artificial turf surface;

AND THAT Council increase the General capital budget by $100,000 from $200,000 to $300,000 for the supply, delivery and installation of an artificial turf surface to be funded by existing General Capital Fund savings.

Strategic Priority Objective

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

Background

On October 19, 2021, Council received into the record the report titled "Sportsplex Multi-Use Surface Review".

Following this resolution, staff assembled the Surface Selection Working Group to help identify the most appropriate surface type for the facility and make an informed recommendation to Council. The working group consisted of both current and potential user groups of the Sportsplex facility. These included:

- Youth Soccer
- Adult Soccer
- Minor Baseball
- Pickleball
- Tennis
- Track & Field
- Ultimate Frisbee
- Minor Lacrosse
- Basketball

Roller derby, field hockey, ringette and volleyball groups were also invited to participate and provide information.

Over the course of the three-month process, the working group identified three potential surface type options, collected and reviewed user group survey information, and reviewed a comprehensive utilization and rate analysis comparing artificial turf and multi-sport court surfaces.

The chart below outlines the three surface options identified and the user group types each surface could serve.

Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport Court**
Youth Soccer	Youth Soccer	Tennis
Minor Baseball	Minor Baseball	Pickleball
Ultimate Frisbee	Ultimate Frisbee	Youth Soccer *
Adult Soccer	Adult Soccer	Adult Soccer *
Field Hockey	Field Hockey	Ultimate Frisbee*
Tennis	Lacrosse	Lacrosse
Lacrosse	Football	Track & Field/Dryland
Football	Cricket	
Cricket	Track & Field/Dryland	
Track & Field/Dryland		

*Not a preferred surface. These groups will use the facility, if needed, but will likely reduced usage.

On December 9, 2021, the members of the working group unanimously voted to endorse the installation of a low-pile (3/4-1") artificial turf surface at the Sportsplex. A letter of support has been provided by the Chair of the working group.

On February 14, 2022, staff brought forward the Surface Selection Working Group's analysis and recommendation to the Parks and Recreation Advisory Committee for their review and recommendation with the following outcome:

It was MOVED and SECONDED
THAT the Parks and Recreation Advisory Committee support the replacement of the Sportsplex facility artificial turf surface with a similar turf surface;

AND THAT the Parks and Recreation Advisory Committee recommend that Council increase the General capital budget by $100,000 from $200,000 to $300,000 for the supply, delivery and installation of an artificial turf surface to be funded by existing General Capital Fund savings.

CARRIED
Susan Fraser, Opposed

Financial Implication

Option A: Artificial Turf Surface

Staff project the replacement of an artificial turf surface to cost approximately $300,000. On average, the expected lifespan of indoor artificial turf is approximately 15 years, setting the annual cost of the surface at $20,000 over its lifecycle.

The annual field rental revenues for are projected to be approximately $120,000 and staff expect this to increase 2% year over year.

Option B: Multi-Sport Court

Staff project the cost of installing a multi-sport vinyl surface is approximately $425,000. On average, the expected lifespan of this surface type is up to 20 years, setting the annual cost of the surface at $21,250 over its lifecycle.

The annual court rental revenues are projected to be approximately $96,000 and staff expect this to increase 2% year over year.

Funding Source

$200,000 was allocated within the 2021 Capital Budget for the replacement of the Sportsplex surface and this funding has been carried over into 2022. In consideration of rising costs due to record high inflation rates, project costs are expected to exceed the original estimates. Staff have identified existing General Capital Fund savings and are requesting that Council consider using these saving to direct an additional $100,000 to the surface replacement project.

Analysis

The proposed turf surface will support a wide range of user groups including soccer, baseball, field hockey, ultimate frisbee, lacrosse, recreational tennis, football, cricket, dryland training and track & field. There is opportunity to increase usage during the daytime hours by engaging private groups, such as Okanagan Hockey Academy and Unisus, who are in need of space for their special interest programs during school hours. Additionally, the recreation department will be able to provide a variety of programming within the Sportsplex facility, potentially opening up space at the Community Centre gymnasium for programs that require a multi-sport court surface.

Further, there are a number of existing dry floor and gymnasium facilities, including Okanagan College, Penticton Community Centre and School District gymnasiums, available to rent within the community and region. Installing a multi-sport court surface will place the Sportsplex in direct competition with these facilities, which have rental rates ranging from $18.50-55.00 per hour.

After a thorough engagement with community groups through the working group and support from the Parks & Recreation Advisory Committee, staff are confident that maintaining the Sportsplex facility as an artificial turf field will serve the community and surrounding region as a multi-use facility and valuable asset.

Alternate recommendations

1. THAT Council does not support the replacement of an artificial turf surface at the Sportsplex facility.
2. THAT Council direct staff in an alternative manner.

Attachments

Attachment A – User Group Feedback/Survey Data

Attachment B – Surface Utilization & Rate Analysis

Attachment C – Background Information for Analysis

Attachment D – Letter of Support from Surface Selection Working Group

Respectfully submitted,

Kelsey Johnson
Manager of Recreation, Arts & Culture

Concurrence

General Manager, Community Services	Acting General Manager, Finance & Administration	Chief Administrative Officer
AH	AMC	DvD

User Group Survey - Sportsplex

LEGEND	
Surface Type Selection	*Expected Usage Times*
✓ Will use surface	X Booking Times
✓✓ Preferred surface	

Organization Details			Expected Usage Times				
Name	Pinnacles FC			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #	400-500		**Mondays**			X	
Season	Nov-Mar		**Tuesdays**			X	
Hours/Week	30		**Wednesdays**			X	
Surface Type Selection			**Thursdays**			X	
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**			X	
✓✓	✓		**Saturdays**	X	X	X	
			Sundays	X	X	X	

Organization Details			Expected Usage Times				
Name	SOMBA			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #	300-400 (50 Winter)		**Mondays**			X	
Season	Nov-Mar		**Tuesdays**			X	
Hours/Week	8		**Wednesdays**			X	
Surface Type Selection			**Thursdays**			X	
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**			X	
✓✓	✓		**Saturdays**				
			Sundays				
Comments:	Ideal to have foul lines and bases built into turf						

Organization Details			Expected Usage Times				
Name	Penticton Tennis Club			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #	250		**Mondays**			X	
Season	Oct-Mar		**Tuesdays**				
Hours/Week	12		**Wednesdays**			X	
Surface Type Selection			**Thursdays**				
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**				
✓		✓	**Saturdays**		X		
			Sundays				
Comments:	Low-Pile turf could be suitable if there's enough bounce. Multi-Sport Court needs more grip than hardwood						

Organization Details			Expected Usage Times				
Name	Penticton Pickleball Club			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #	100		**Mondays**	X		X	
Season	Nov-Mar		**Tuesdays**	X		X	
Hours/Week	Depends on courts		**Wednesdays**	X		X	
Surface Type Selection			**Thursdays**	X		X	
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**	X		X	
		✓✓	**Saturdays**	X		X	
			Sundays				

Organization Details			Expected Usage Times				
Name	Ultimate Frisbee			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #	30		**Mondays**			X	X
Season	Oct-Mar/Apr/May		**Tuesdays**				
Hours/Week	3		**Wednesdays**			X	X
Surface Type Selection			**Thursdays**				
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**				
✓	✓✓		**Saturdays**				
			Sundays				
Comments:	Will try multi-court surface to see how it feels. Not committed.						

Organization Details			Expected Usage Times				
Name	Over 45 Mens Soccer			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #	40		**Mondays**				
Season	Oct-Mar		**Tuesdays**				
Hours/Week	2		**Wednesdays**				
Surface Type Selection			**Thursdays**				
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**				
✓	✓✓		**Saturdays**				
			Sundays	X			
Comments:	Will not play if multi-sport court						

Organization Details			Expected Usage Times				
Name	SOWSL			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #	51		**Mondays**			X	X
Season	Oct-Mar		**Tuesdays**				
Hours/Week	3		**Wednesdays**			X	X
Surface Type Selection			**Thursdays**				
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**				
✓✓	✓✓	✓	**Saturdays**				
			Sundays				

Organization Details			Expected Usage Times				
Name	Co-Ed Soccer			**7:00a-12:00p**	**12:00-4:00pm**	**4:00-8:00pm**	**8:00-10:00pm**
Membership #			**Mondays**				
Season	Nov-Mar		**Tuesdays**				
Hours/Week	2		**Wednesdays**				
Surface Type Selection			**Thursdays**				
Low-Pile Turf	**Mid-Pile Turf**	**Multi-Sport**	**Fridays**				
✓	✓		**Saturdays**				
			Sundays			X	

Sportsplex User Group Supplementary Feedback & Notes

“I think for the moment, I'll take a step back. I am very curious to see where the process goes; however, at this point, even if a basketball-appropriate floor is installed, I'm not sure how often we'd use the facility with other gym spaces and presumably better rates available. Our programs are expanding and we're always looking for a home base in Penticton, but I'm not sure that this facility will work for more than occasional tournaments or training sessions.

Honestly, given that the city is obviously looking for daytime user groups, I think your target groups have to be senior groups like tennis and pickleball.

Please keep me on the email chain, and if things move forward with an appropriate floor for court sports, I may reengage.”

-Basketball Representative

--

Field Hockey – Currently in height of season and cannot attend. Travel from Oliver/Osoyoos to play (School and Recreation programs). Prefer low-pile. Will use mid-pile. Will not play on court.

--

Sportsplex Utilization & Rate Analysis (November to March)

Base Utilization - Turf (Weekly Use)

Youth			
Day	*Time*	*Hours*	*Non-Prime*
Mondays	4:00-8:00pm	4	0
Tuesdays	4:00-8:00pm	4	0
Wednesdays	4:00-7:00pm	3	0
Thursdays	4:00-7:00pm	3	0
Fridays	4:00-8:00pm	4	0
Saturdays	9:00am-6:00pm	9	0
Sundays	12:30-1:30 & 3:00-4:30pm	2.5	0
TOTAL HOURS/WEEK		**29.5**	0
Adults			
Day	*Time*	*Hours*	*Non-Prime*
Mondays	8:15-9:45pm	1.5	0
Tuesdays	-	0	0
Wednesdays	7:00-9:00pm	2	0
Thursdays	10:30-11:30am* & 7:00-9:00pm	1.5	1.5
Fridays	-	0	0
Saturdays	-	0	0
Sundays	10:00-11:30am & 5:00-8:00pm	4.5	0
Others	Various	0	4
TOTAL HOURS/WEEK		**9.5**	5.5
Total Weekly Utilization (hours)		**44.5**	
Total Weekly Utilization (percentage)		**49%**	

Current Turf Rate (BASELINE)

$140/HOUR (all)

		Total Hours		
		Youth	*Adult*	*Total*
November	4 weeks	118	60	178
December	3 weeks	88.5	45	133.5
January	4 weeks	118	60	178
February	4 weeks	118	60	178
March	4 weeks	118	60	178
	TOTAL HOURS	560.5	285	845.5
	Rate/Hour	$ 140.00	$ 140.00	-
	REVENUE	**$ 78,470.00**	**$ 39,900.00**	**$ 118,370.00**

Regular Usergroups	*Others (not included in base utilization):*
Pinnacles FC	Okanagan Hockey Academy
South Okanagan Minor Baseball	Fly Fishing
Penticton Minor Lacrosse	Cricket
Ultimate Frisbee	Leatherheads Football
South Okanagan Womens Soccer	Track & Field
South Okanagan Mens Soccer	Recreational Tennis
45+ Soccer	Recreation Programs
Co-Ed Soccer	Birthday Parties & Private Rentals
55+ Soccer	
Field Hockey	
~~Tennis~~	
~~Pickleball~~	

Turf (Prime/Non Prime rates)

$140 Prime, $90 Non

		Total Hours			
		Prime	*Non-Prime*	*Total*	
November	4 weeks	156	22	178	
December	3 weeks	117	16.5	133.5	
January	4 weeks	156	22	178	
February	4 weeks	156	22	178	*Variance from*
March	4 weeks	156	22	178	*Baseline of*
	TOTAL HOURS	741	104.5	845.5	*$118,370*
	Rate/Hour	$ 140.00	$ 90.00	-	
	REVENUE	**$ 103,740.00**	**$ 9,405.00**	**$ 113,145.00**	-$5,225.00

Staff comment: Non-Prime rental hours are based on current use. A non-prime time rate may increase the number of rentals.

Hours remaining/available between 8am-10pm:	
Mondays	8
Tuesdays	10
Wednesdays	8
Thursdays	7
Fridays	8
Saturdays	4
Sundays	5
TOTAL	**50**

Projected Utilization - Multi-Sport Court (Weekly Use)

Youth			
Day	*Time*	*Prime*	*Non-Prime*
Mondays	4:00-8:00pm	4	0
Tuesdays	4:00-8:00pm	4	0
Wednesdays	4:00-8:00pm	4	0
Thursdays	4:00-8:00pm	4	0
Fridays	4:00-8:00pm	4	0
Saturdays	9:00am-6:00pm	9	0
Sundays	12:30-1:30	1	0
TOTAL HOURS/WEEK		**30**	**0**
Adults			
Day	*Time*	*Prime*	*Non-Prime*
Mondays	8:00am-12:00pm & 8:15-9:45pm	1.5	4
Tuesdays	8:00am-12:00pm	0	4
Wednesdays	8:00am-12:00pm & 7:00-9:00pm	2	4
Thursdays	8:00am-12:00pm, 12:30-1:30pm & 7:00-9:00pm	2	5
Fridays	8:00am-12:00pm	0	4
Saturdays	-	0	0
Sundays	12:30-4:30pm & 5:00-8:00pm	7	0
Others	Various	0	4
TOTAL HOURS/WEEK		**12.5**	**25**
Total Weekly Utilization (hours)		**67.5**	
Total Weekly Utilization (percentage)		**74%**	

Multi-Sport Court Proposed Flat Rate

$75/HOUR (all)

		Total Hours			
		Youth	*Adult*	*Total*	
November	4 weeks	120	150	270	
December	3 weeks	90	112.5	202.5	
January	4 weeks	120	150	270	
February	4 weeks	120	150	270	
March	4 weeks	120	150	270	*Variance from*
	TOTAL HOURS	570	712.5	1282.5	*Baseline of*
	Rate/Hour	$ 75.00	$ 75.00	-	*$118,370*
	REVENUE	**$ 42,750.00**	**$ 53,437.50**	**$ 96,187.50**	-$22,182.50

Regular Usergroups	*Others (not included in base utilization):*
Pinnacles FC	Okanagan Hockey Academy
South Okanagan Minor Baseball	Fly Fishing
Penticton Minor Lacrosse	~~Cricket~~
Ultimate Frisbee	~~Leatherheads Football~~
South Okanagan Womens Soccer	Track & Field
South Okanagan Mens Soccer	Recreational Tennis
~~45+ Soccer~~	Recreation Programs
Co-Ed Soccer	Birthday Parties & Private Rentals
55+ Soccer	
~~Field Hockey~~	
Tennis	
Pickleball	

Multi-Sport Court Proposed Prime/Non Prime Rate

$125 Prime, $75 Non-Prime

		Total Hours			
		Prime	*Non Prime*	*Total*	
November	4 weeks	170	100	270	
December	3 weeks	127.5	75	202.5	
January	4 weeks	170	100	270	
February	4 weeks	170	100	270	*Variance from*
March	4 weeks	170	100	270	*Baseline of*
	TOTAL HOURS	807.5	475	1282.5	*$118,370*
	Rate/Hour	$ 125.00	$ 75.00	-	
	REVENUE	**$ 100,937.50**	**$ 35,625.00**	**$ 136,562.50**	**$18,192.50**

Staff comment: Primetime rental hours are based on current use. The likelihood of retaining these usergroups at $125/hour is low due to other hard surface floors being available at much more competitive rates.

Hours remaining/available between 8am-10pm:	
Mondays	3
Tuesdays	5
Wednesdays	3
Thursdays	2
Fridays	5
Saturdays	4
Sundays	5
TOTAL	**27**

Notes:
Prime Time = Weekdays 3-11pm; weekends 8am-11pm.
Non-Prime = Weekdays 6am-3pm; weekends 6-8am

Background Information for Analysis

1. Prime Time vs Non-Prime Time
   - Prime Time = Weekdays, 3:00-11:00pm; weekends, 8:00am-11:00pm
   - Non-Prime Time = Weekdays, 6:00am-3:00pm; Weekends 6:00-8:00am

2. Utilization Rate
   - Based on operating 13 hours per day (8:00am-9:00pm), 7 days per week, peak season (Nov-Mar)

3. Rates

   Indoor Turf (last regional rate review completed in 2019)
   - Kelowna Mission prime rate: $175, non-prime rate: $100.
   - Rutland prime rate: $198, non-prime rate: $115
   - Capital News Centre (one rate): $135.00
   - Kamloops prime rate: $190, non-prime rate: $110
   - Vernon prime rate: $175, non-prime rate: $125.
   - West Kelowna prime rate: $175, non-prime Rate: $110

   Multi-Sport Court
   - Pickleball rate threshold determined the highest possible rate for non-prime time hours
     - Factors: 6 pickleball courts (5 players/court) @ $5 per person per 2-hour session
     - Calculation: $2.50 per person per hour @ 30 people = $75.00
     - Pickleball will book 120 hours of court time (20 facility hours with 6 courts)
   - Comparable: gymnasium & dry floor rentals in Penticton range from $18.50-$55 per hour.

Other Considerations

1. Installation of a multi-sport court will result in a loss of revenue at the Penticton Community Centre of approximately $650 per week due to a reduction in pickleball attendance:
   - Current: 39 two-hour sessions per week for a total of 78 hours serving 195 players.
   - Project an 80-85% reduction if pickleball is offered at the Sportsplex
   - Weekly revenues approximately $800-900 – Project to retain 15-20%

2. Revenue projections based on indoor season of November – March recognizing that these months are peak use.
   - October has historically been a start-up month for all user groups with various start dates.
   - Basketball has been the only group to identify a desire to use the facility out of the peak season use. Hours are minimal and they would likely keep their programming in local gymnasiums. Overall, the basketball stakeholder would only use the facility if it could host a tournament (multiple courts required).

Dear Mayor & Council,

I am writing today, on behalf of the Sportsplex Surface Selection Working Group, to provide our recommendation to City Council to support the installation of a low-pile artificial turf at the Sportsplex indoor facility.

The working group consisted of representatives of the following user groups:

- Youth Soccer
- Adult Soccer
- Minor Baseball
- Minor Lacrosse
- Ultimate Frisbee
- Pickleball
- Tennis
- Track & Field
- Basketball

Invitations to participate and opportunities for feedback was also provided to the following:

- Roller Derby
- Field Hockey
- Ringette
- Volleyball

It was fundamental to the effectiveness of the working group that all members recognize the goal of the process was to enable a playing surface that provides for a multi-use benefit of the citizens of Penticton as a whole and not only their specific user group.

As the Chair of the working group, I can confirm that a thorough surface review process was undertaken, representation from a wide variety of current and potential user groups of the facility was achieved and all members participating understood their responsibility in acting for the greater good of the community.

Please accept this letter as our recommendation to maintain the Sportsplex as an indoor turf facility with the installation of a low-pile artificial turf in 2022.

We are excited about the replacement of the playing surface and are confident that the Sportsplex will continue to be a valuable and well-utilized recreation facility for our City and region.

Sincerely,

Paulo Araujo
President, Valley First, a division of First West Credit Union
Chair, Sportsplex Surface Selection Working Group
250-490-2720

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS 6440-01
To: Donny van Dyk, Chief Administrative Officer
From: David Kassian, Community Sustainability Coordinator

Subject: **Energy Audit Financing**

Staff Recommendation

THAT Council approve of energy audits through FortisBC's Custom Efficiency Program for the Community Recreation Centre, the South Okanagan Events Centre, and the Penticton Trade and Convention Centre with a net cost of $22,500 to be financed through the Climate Action Reserve.

Strategic priority objectives

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

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

Background

The City has recently adopted a Community Climate Action Plan (CCAP), and is in the process of developing a Corporate Energy and Emissions Plan (CEEP). In both the CCAP and draft CEEP, it is identified that a strategy to reduce greenhouse gas emissions (GHGs) is to retrofit existing buildings for energy efficiency:

Plan	Strategy	Action	Timeframe
CCAP	Existing Buildings 1.1	Encourage and enable deep energy retrofits	1 - 5 years
CCAP	Existing Buildings 1.2	Encourage and enable building electrification or renewable gas	1 - 5 years
CEEP	Existing Buildings and Infrastructure 2.1	Conduct building energy audits	2022
CEEP	Existing Buildings and Infrastructure 2.2	Implement energy retrofits recommended by building energy audits	2023

The strategy 'Existing Buildings and Infrastructure 2.1' identifies that energy audits are to be completed in 2022. In order to fulfill the strategy 'Existing Buildings and Infrastructure 2.2', it is critical that building energy

audits are completed in 2022 as recommended. The completed audits will provide Facilities staff with a comprehensive understanding of what components of buildings can be retrofitted, including approximate GHG, energy and cost savings. Facilities can then include retrofits in their budget process for 2023 and keep in line with timelines in the CEEP.

There are three energy audits already planned through FortisBC's Commercial Energy Assessment Program for McLaren Arena, City Yards, and the Soccer Bubble. The energy audits through this program are for medium-sized commercial and industrial buildings to identify low-cost and no-cost energy conservation improvements for the audited facilities. The cost of the audits is paid for by FortisBC, and there is no cost to the City. These audits are scheduled to take place in February.

There is a separate funding stream for energy audits on larger buildings through FortisBC's Custom Efficiency Program. This program is for large buildings that have the potential to save a minimum of 1,000 GJ of natural gas annually, and/or have the potential to reduce electricity consumption by 50,000 kWh annually. Based on this criteria, the Community Recreation Centre, the South Okanagan Events Centre and the Penticton Trade and Convention Centre have been selected as candidate buildings for this program. This program has an upfront cost to the City, with a 75% rebate from FortisBC after the audit is complete.

Building (2018 Data)	Natural Gas (GJ)	Electricity (kWh)
Community Recreation Centre	9,704	3,854,444
South Okanagan Events Centre	6,904	3,958,611
Trade & Convention Centre	3,638	1,774,722

At the February 16th, 2022 meeting of the Community Sustainability Advisory Committee (CSAC), staff presented a PowerPoint presentation on the Energy Audit Financing request and provided background on upcoming audits on City Facilities. After some discussion, the Committee passed the following resolution:

THAT the Community Sustainability Advisory Committee recommend to Council to approve of energy audits through FortisBC's Custom Efficiency Program for the Community Recreation Centre, the South Okanagan Events Centre, and the Penticton Trade and Convention Centre with a net cost of $22,500 to be financed through the Climate Action Reserve.

Financial implication

The Custom Efficiency Program for the larger buildings has an estimated cost of $30,000 per building for a total cost of $90,000. Once the audit has been completed FortisBC will rebate 75% of the cost for a maximum cost to the City of $22,500. If any of the recommended upgrades in the audit are completed by the City, FortisBC will rebate the remaining 25% cost of the audit.

The cost of the energy audits was not included in the 2022-2026 Financial Plan. The projected balance for 2021 of the Climate Action Reserve is $560k, which can be drawn upon to pay for the upfront cost of the audits. All rebates from FortisBC for this project would be returned to the Climate Action Reserve.

Analysis

The CCAP and draft CEEP have strategies that involve retrofitting existing buildings for energy and GHG savings as critical steps towards reducing community and corporate emissions. Auditing medium and large City-owned facilities provides clear direction on the most effective retrofits for a buildings, including potential energy and cost savings.

The Climate Action Reserve Fund can be used for projects that lower energy use and GHG emissions. As the Custom Efficiency Program audits were not originally planned or budgeted for 2022, the Climate Action Reserve can be utilized to pay for the audits. The rebates from the audits would be deposited back into the Reserve.

The Facilities Department would receive the audits and budget for implementation in 2023 out of the Facilities budget and not the Climate Action Reserve.

Attachments

Attachment A – FortisBC Commercial Energy Assessment Program webpage

Attachment B – FortisBC Custom Efficiency Program webpage

Respectfully submitted,

David Kassian
Community Sustainability Coordinator

Concurrence

Acting General Manager, Finance & Admin	GM Community Services	GM Infrastructure	CAO
AMC	SH	KD	DvD

Council Report

penticton.ca

Date: March 1, 2022 File No: 1855-03
To: Donny van Dyk, Chief Administrative Officer
From: Kristen Dixon, GM Infrastructure
Subject: **Active Transportation Grant Funding Opportunity**

Staff Recommendation

THAT staff prepare and submit applications to the Active Transportation Fund for the following projects:

- South Main (Lake-to-Lake Section 1), with design and construction in 2023, at an estimated total project cost of $1.4M
- Green Avenue (Highway 97 to South Main Street), with design and construction in 2023, at an estimated total project cost of $2.2M, and
- Lakeshore drive (Riverside Drive to Martin Street), with design in 2023 and construction in 2024, at an estimated total project cost of $1.6M.

Strategic priority objective

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

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

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

Background

Active transportation[1] has been included in various policy documents in the City for some time. With the adoption of the current Official Community Plan (OCP) in 2019, the City took bold steps in prioritizing active modes of transportation over vehicles. The OCP identified a hierarchy of modes of transportation with walking, wheelchairs and mobility scooters being the top priority, followed by biking, transit, goods movement multi-occupant vehicles and single occupant vehicles being the lowest priority (Policy 4.2.1.2). The intent is to prioritize design and investment with the hierarchy in mind. The City of Penticton 2020-2022 Council priorities also support expansion and investment in safe multi-modal transportation options, as well as community safety, and a healthy community.

[1]**Active transportation** refers to the movement of people or goods powered by human activity. Active transportation includes walking, cycling and the use of human-powered or hybrid mobility aids such as wheelchairs, scooters, e-bikes, rollerblades, snowshoes and cross-country skis, and more.

In 2019, the City undertook extensive engagement to determine a lake-to-lake cycling route that would be suitable for all ages and abilities (AAA), and in 2021 the first two sections of the route were constructed. A third section is scheduled for construction this year, with the remaining piece scheduled for completion by 2023.

In 2021, the City adopted an updated Master Transportation Plan (MTP) as part of the integrated infrastructure master plans. The MTP was drafted with the OCP's transportation hierarchy objectives as direction. The plan proposes to expand the City's network of active transportation infrastructure, and categorized projects in to high, medium, and low priority projects. The plan includes roughly $30 Million in high priority walking and cycling projects, which are listed in Attachment A (from the MTP), and are shown on Attachment B (also directly from the MTP).

In June 2021, the Federal Government announced the creation of an Active Transportation Fund, and on January 27, 2022 they announced the first intake was now open. The Active Transportation Fund "at a glance" states the following:

> "Active transportation provides tangible benefits to communities, shortening commute times for families, creating good middle-class jobs, growing the economy, promoting healthier lifestyles, cutting air and noise pollution, and reducing greenhouse gas emissions. Active transportation will support the economic recovery from the COVID-19 pandemic and contribute to long-term, sustainable, inclusive economic growth, while setting the foundation for achieving a more inclusive Canada and net-zero climate emissions by 2050.
>
> The Active Transportation Fund will provide $400 million over five years to support the expansion and enhancement of active transportation infrastructure and a modal shift away from cars and toward active transportation. The Fund will also support the goals of Canada's Strengthened Climate Plan."

The 5-year fund is anticipated to be replaced with a permanent program in 2026-2027. The first intake is open until March 31, 2022, and provides an opportunity for the City to seek funding to advance a number of its high priority projects. The grant program allows for multiple applications, and provides funding up to 60%. Potential projects are considered in the analysis below.

Financial implication

The estimated project costs for each of the three projects are outlined in the following table. Up to 60% of the cost would be eligible for grant funding, and if successful, the City would need to fund the remaining 40%. The City's contribution would be referred to the annual budget process with a funding source identified for each appropriate year. Note the following project costs are very preliminary as no detail design work has been completed. The estimates are based on the construction estimates for Section 2 of the lake-to-lake route, and are for the sole purpose of establishing the order of magnitude of the projects for the grant application.

Project	Total Cost	Potential Grant (60%)	City Contribution (40%)
South Main (L2L Section 1, 2023)	$1,400,000	$840,000	$560,000
Green Ave (2023)	$2,200,000	$1,320,000	$880,000
Lakeshore Dr (2024)	$1,600,000	$960,000	$640,000

Analysis

Staff have reviewed the grant criteria and program outcomes to assess what types of projects would have the highest chance of success. Staff then compared these to the list of high priority cycling and walking projects from the Master Transportation Master Plan.

As shown in Attachment A, there are approximately $13.5M of high priority trails and sidewalks. The first two trail projects listed are relatively small (financially), and will require additional consideration and coordination with creek restoration projects in the area. The third is also a relatively small project, and the fourth overlaps with the separated bike lane project proposed for Duncan Ave which will be discussed further below. The remaining priority 1 and priority 2 sidewalk projects are not individually listed (although they are shown on the map in Attachment B), and are spread throughout the City. These sidewalk projects can be challenging as they often have property implications, and are more localized in their benefit (as opposed to infrastructure that has more broad community benefit, which is generally what the grant program seeks to achieve). For these reasons the sidewalk and trail projects are not recommended at this time, but will be considered for a future intake.

The high priority cycling projects listed in Attachment A are valued at just over $15M. Of this, just under half is for the lake to lake route, of which sections 3 and 4 were completed in 2021. Section 2 is already budgeted for construction in 2022, and a portion of Section 1 will be completed in conjunction with the Point Intersection road project (extending the separated bike lanes from Section 2 on Kinney Avenue, to the south extents of the Point Intersection project just south of Galt/Pineview Road). The remaining portion of Section 1 along South Main Street is planned to be completed in 2023 (but is not yet budgeted), and is the highest priority active transportation project for the City as it will complete the lake-to-lake route for all ages and abilities. It is recommended that the City submit this project as its highest priority project, at an estimated cost of $1.4M, for construction in 2023.

That leaves approximately $9M of high priority cycling projects for consideration. Once the lake to lake route is complete, which connects the north and south ends of town, it will be important to expand east/west connections to feed in to the route. This strategy also aligns with the Master Transportation Plan, which identifies four high priority east west connections (working north to south) as follows:

- Lakeshore Dr (Riverside Drive to Vancouver Ave/KVR) – Separated Bike Lanes
- Duncan Ave (Hwy 97 to Government St) – Separated Bike Lanes
- Warren Ave W (Hwy 97 to Atkinson St) – Separated Bike Lanes
- Green Ave W (Highway 97 to South Main St) – Separated Bike Lanes

Staff are recommending that two of these projects be selected for this intake to begin to build the connecting network, and are recommending Lakeshore Drive and Green Avenue West to build those key connections at each end of the lake-to-lake route. Further discussion on each of these two proposed projects is provided as follows:

Lakeshore Drive (Riverside Drive to Vancouver Ave/KVR)

There are two key projects that make up this east/west connection. The west section (Lakeshore Drive from Riverside Drive to Winnipeg) fronts Okanagan Beach and is a very high profile location within the community. While the City undertook upgrades in 2012 to provide a 3m wide multi-use path for this stretch to facilitate all non-vehicular users, it has been so overwhelmingly successful that the City has received a number of complaints about the inherent conflict between pedestrians and cyclists (or scooters etc). This section will continue to see increased cycling traffic with the introduction of the lake-to-lake route, and has been identified in the Master Plan to have separated bike lanes. As part of the Master Transportation Plan process, a conceptual design was prepared which shows this being achieved via elimination of one travel lane (by converting Lakeshore Drive to one-way), which will retain the majority of existing parking. Given the high profile location, existing demand for separate infrastructure, and the fact that a conceptual design has been completed, staff are recommending this project be submitted for this grant intake (with modified project limits of Riverside Drive to Martin Street to connect to the lake-to-lake route) at an estimated cost of $1.6M. Given the extensive engagement that would be included in this project, it is proposed that design/engagement occur in 2023, with construction in 2024.

Completion of this project will also support the advancement of the North Gateway projects, which will provide better pedestrian and cycling connections along Power Street, Westminster Ave, Burnaby Ave, and Riverside Drive. As the North Gateway plans are finalized, this group of projects could be considered for a future intake of this grant program.

The second half of the east/west section (Martin Street to Vancouver Ave/KVR) will be more challenging from a design perspective, and does not yet have a concept design prepared. For this reason, staff propose to consider this section as part of a future intake.

Green Avenue (South Main Street to Highway 97)

Green Avenue would connect a number of residential areas, schools, and commercial areas to the lake-to-lake route. It would also provide a safe opportunity to connect the lake-to-lake route to the pathway on the west side of the Channel. While a concept design was not specifically prepared as part of the MTP process, the plan proposes separated bike lanes and staff note that there is existing road width that will allow for this (with some impact to vehicular traffic and parking). The estimated cost for this section is $2.2M, and staff recommend this project be submitted for design and construction in 2023.

Conclusion

The City's Community Climate Action Plan calls for a significant mode shift away from vehicles to active transportation to meet the City's (and the Province and Canada's) target greenhouse gas emissions targets. The federal Active Transportation Fund is an excellent opportunity for the City to advance its goals and objectives in a cost effective manner. In terms of timing, the projects are proposed to be spread over three years to assist with project delivery, and recognize the many demands on the City's financial capacity. It also ensures there is sufficient time for engagement for the most challenging project, Lakeshore Drive.

Alternate recommendations

- That the City not pursue any applications for this intake
- That the City pursue some, but not all, of the recommended projects for this intake
- That the City pursue another project not contemplated in the report

Attachments

Attachment A – High priority pedestrian and cycling projects from the Master Transportation Plan

Attachment B – Map of project locations from the Master Transportation Plan

Respectfully submitted,

Kristen Dixon, P.Eng, MBA
GM of Infrastructure

Concurrence

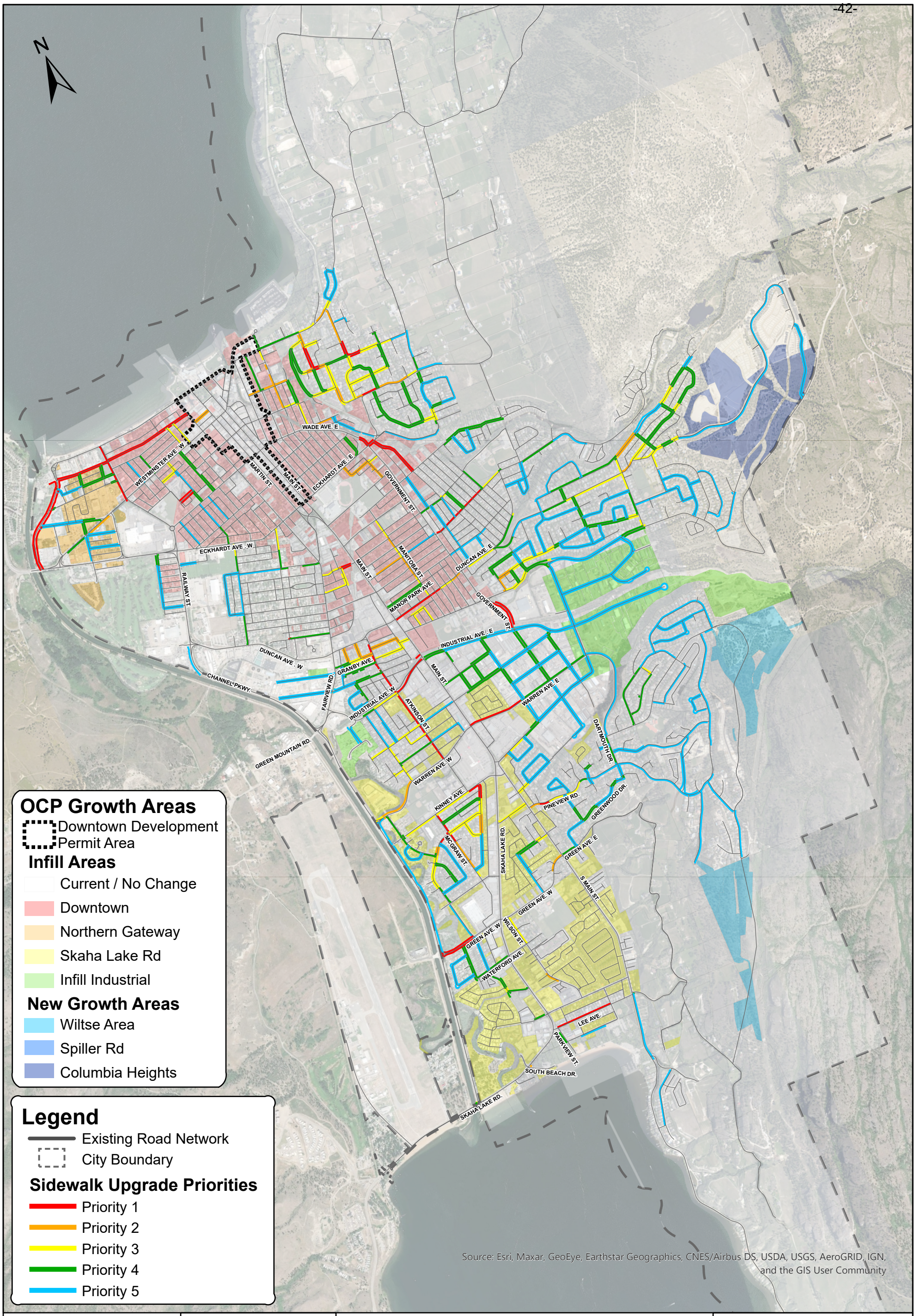
Acting GM of Finance and Admin	Director of Development Services	Chief Administrative Officer
AMC	BL	DvD

Table 6-9 High Priority Projects

Project ID	Link	From	To	Project Description	Priority	Project Costs	City Costs	Other (DCC or MOTI)	Overlapping Project Reference
T-1	Ellis Creek Trail	Main Street	Industrial Ave W	Ellis Creek Trail	High	$152,000	$152,000	$0	
T-2	Ellis Creek Trail	Industrial Ave W	Fairview Road	Ellis Creek Trail	High	$65,000	$65,000	$0	
T-4	Penticton Creek Trail	KVR Trail	Forestbrook Drive	KVR Trail	High	$133,000	$133,000	$0	
T-5	Duncan Avenue E	Atkinson Street	Channel Parkway	KVR Trail	High	$227,000	$227,000	$0	
Priority 1	-	-	-	Sidewalks	High	$7,841,200	$3,450,100	$4,391,100	STM-04,STM-02, STM-03, STM-06
Priority 2	-	-	-	Sidewalks	High	$5,229,500	$2,301,000	$2,928,500	
					Subtotal	**$13,647,700**	**$6,328,100**	**$7,319,600**	

Project ID	Link	From	To	Project Description	Priority	Project Costs	City Costs	Other (DCC or MOTI)	Overlapping Project Reference
C-10	Duncan Avenue W	Highway 97	Government Street	Add Separated Bike Lanes	High	$2,568,000	$2,568,000	$0	WAT-I
C-12	Fairview Road	Highway 97	Hastings Avenue	Add Separated Bike Lanes	High	$873,000	$873,000	$0	WAT-L
C-14	Atkinson Street	Duncan Avenue	Kinney Avenue	Lake to Lake AAA Bike Facility - Segment 2	High	$3,716,000	$3,716,000	$0	
C-15	Warren Avenue E	Highway 97	Atkinson Street	Add Separated Bike Lanes	High	$955,000.00	$955,000	$0	
C-18	Martin Street	Scott Avenue	Lakeshore Drive	Lake to Lake AAA Bike Facility - Segment 4	High	$1,539,000	$1,539,000	$0	
C-20	Fairview Road	Hastings Avenue	Winnipeg Street	Lake to Lake AAA Bike Facility - Segment 3	High	$716,000	$716,000	$0	
C-21	Kinney Avenue/South Main Street	Atkinson Street/Kinney Avenue	South Main Street/Elm Avenue	Lake to Lake AAA Bike Facility - Segment 1	High	$210,000	$210,000	$0	WAT-Q, WAT-S
C-23	Green Avenue W	Highway 97	South Main Street	Add Separated Bike Lanes	High	$1,508,000	$1,508,000	$0	
C-3	Burnaby Avenue/Westminster Avenue	Riverside Drive/Burnaby Avenue	Westmister Avenue/Power Street	Add Separated Bike Lanes	High	$726,000.00	$726,000	$0	STM-04
C-13	Lakeshore Drive Front Street Vancouver Avenue	Winnipeg Street Lakeshore Drive W Front Street	Front Street Vancouver Avenue Vancouver Place	Add Separated Bike Lanes	High	$1,298,000	$1,298,000	$0	SAN-03
C-4	Power Street	Westminster Avenue	Lakeshore Drive	Add Standard Bike Lanes	High	$164,000	$164,000	$0	STM-03, S-12
C-32	Lakeshore Drive	Riverside Drive	Winnipeg Street	Add Separated Bike Lanes	High	$1,036,000	$1,036,000	$0	
					Subtotal	**$15,309,000**	**$15,309,000**	**$0**	

Project ID	Intersection Main Street	Intersection Minor Street	Capital project	Ultimate (2045) Project Description	Priority	Project Costs	City Costs	Other (DCC or MOTI)	Overlapping Project Reference
I-26	Government	Penticton	not capital project	Retime signal	High	$0	$0	$0	
I-46	Ellis	Westminster Avenue E	Construction	Upgrade due to Nanaimo bridge removal. Potential Roundabout, pending review	High	$ 1,500,000	$1,500,000	$0	
I-45	Skaha Lake Road	Kinney Avenue	Construction	Redesign to address queuing	High	$6,300,000	$6,300,000	$0	C-21
I-3	Hwy 97	Duncan	Construction	3rd NBT, SBL phase	High	$261,600	$0	$261,600	C-10
I-12	Fairview	Duncan	Construction	2 EBT, NBL, SB 1L, 1T, 1R WBL phase, SBL phase	High	$375,240	$375,240	$0	C-10, T-5, C-12
I-21	Main	Warren	Construction	add EBL WBL and phases	HIgh	$105,000	$105,000	$0	S-4
I-27	Government	Duncan	Construction	4 lane Government; not likley feasible because of ROW and bike lane	High	$493,200	$493,200	$0	C-10
I-41	Hwy 97	Green Mtn	Construction	2 EBL, 2 WBL, 3 NBT, 3 SBT	High	$12,230,700	$0	$12,230,700	C-12
I-10	Hwy 97	Warren	limited capital project	Signalize with SBL phase subject to warrant	High	$337,500	$0	$337,500	C-15, S-1
I-32	Government	Okanagan	limited capital project	signal subject to warrant	High	$337,500	$337,500	$0	WAT-44A, WAT-44B
I-35	Dartmouth	Wiltse	limited capital project	Add 2nd WB approach lane (pavement markings)	High	$3,000	$3,000	$0	WAT-7
I-20	Main	Duncan	Construction	add EBL, WBL	High	$75,000	$75,000	$0	C-10
I-24	S Main	Green	Construction	EBL, SBR (pavement marking), EBL phase	High	$55,500	$55,500	$0	C-21, C-23, S-23
I-2	Power	Westminster	limited capital project	Change lane configurations to exclusive NBL, SBL	High	$7,500	$7,500	$0	C-3, C-4, S-12
I-22	Government	Eckhardt	Construction	EBR, NBR but bike lane; alignment; ROW probably needed	High	$51,000	$51,000	$0	T-4, C-5
I-29	Camrose	Warren	limited capital project	signal subject to warrant	High	$337,500	$337,500	$0	S-4, WAT-44B
I-9	Fairview	Industrial	Construction	add NBL, SBL lanes on Fairview and SBL phase	High	$90,000	$90,000	$0	C-12, WAT-L
					Subtotal	**$22,560,240**	**$9,730,440**	**$12,829,800**	



North Vancouver Office,
#210 - 889 Harbourside Drive
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Client: CITY OF PENTICTON

PENTICTON IIMP

Figure 6-6
Sidewalk Upgrade Priorities
Integrated Infrastructure Master Plan

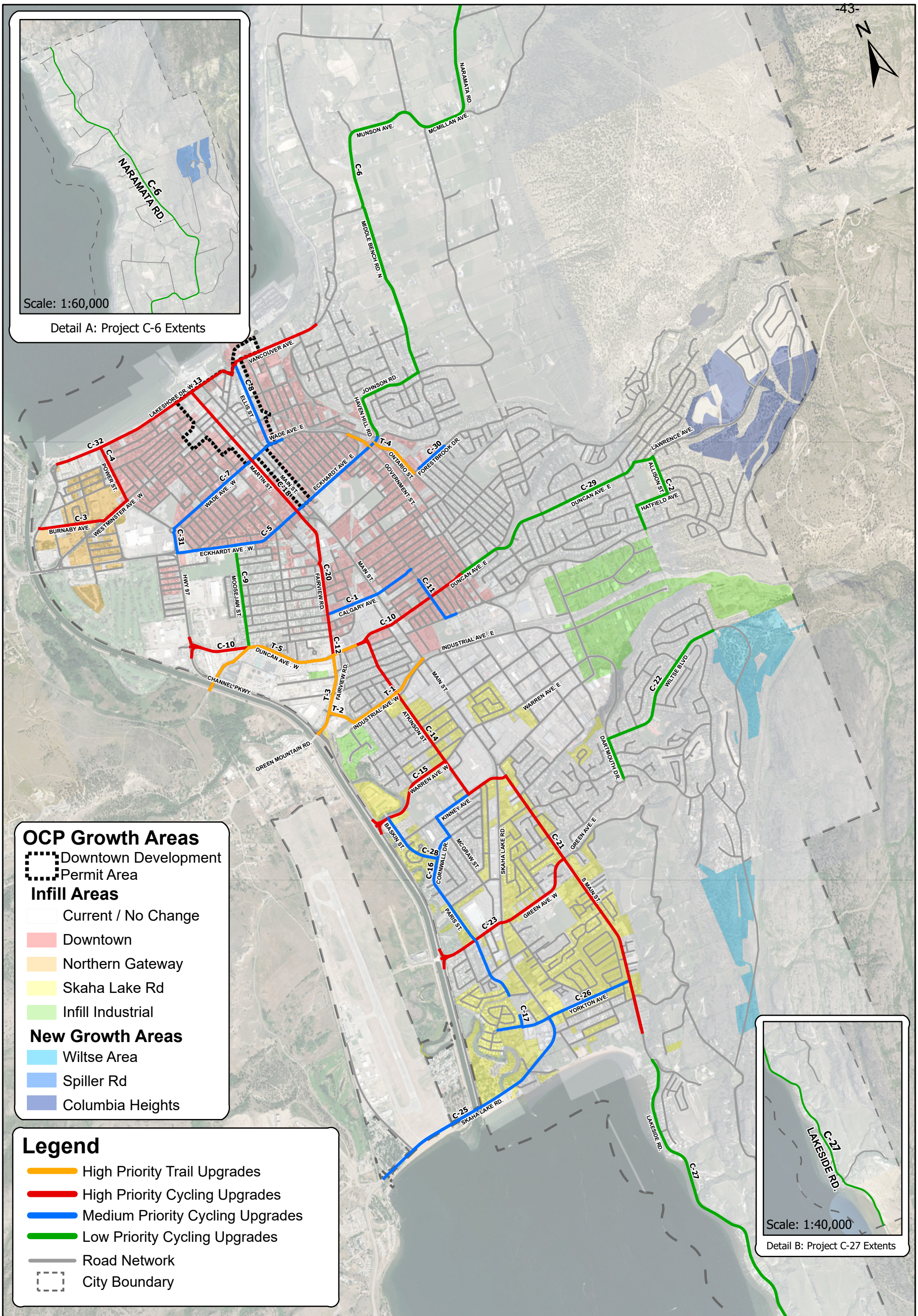
Project No.: **20M-00462-00**

Date: **4/21/2021**

Scale: **1:25,000**

0 50 100 200 Meters

Path: C:\2020-07-08 Penticton IIMP\2021-04 CoP Transportation.aprx



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Client: CITY OF PENTICTON — PENTICTON IIMP

Figure 6-7
Prioritized Cycling Upgrades
Integrated Infrastructure Master Plan

Project No.: **20M-00462-00**

Date: **4/21/2021**

Scale: **1:25,000**

0 50 100 200 Meters

Path: C:\2020-07-08 Penticton IIMP\2021-04 CoP Transportation.aprx

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS/903 Vernon Ave
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 903 Vernon Avenue

Subject: **Development Permit PL2021-9095**

Staff Recommendation

THAT Council approve "Development Permit PL2021-9095", for Lot 2 District Lot 366 Similkameen Division Yale District Plan EPP37269, located at 903 Vernon Avenue, a permit to allow for the construction of a 6-storey, 105-room hotel building and restaurant and includes minimum expectations and requirements for boulevard tree protection through construction by both the City and the applicant;

AND THAT Council approve, through the issuance of "Development Permit PL2021-9095", in accordance with Official Community Plan Bylaw No. 2019-08, Section 5.1.4.3, a minor variance to the front yard setback to allow an at grade patio to project a maximum of 2.651m into the front yard setback, which is considered a desirable architectural feature and that the development meet the current Zoning Bylaw standard of 1 space per 50m^2 of floor area for the restaurant parking calculation as opposed to the site specific standard;

AND THAT staff be directed to issue "Development Permit PL2021-9095".

Strategic Priority Objective

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

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 6-storey, 105-room hotel building, which is intended to operate under the Four Points by Sheraton branding and an attached 100 seat restaurant at 903 Vernon Avenue. The property is currently zoned CT1 (Tourist Commercial) and has site-specific zoning in place with several regulations specific to the subject property. The proposed development is within the Commercial and Mixed-Use Development Permit Area and development permit approval is required from Council prior to construction. Through development permit approval, the applicant is requesting to be permitted to meet

the current parking requirement for the restaurant portion of the proposal and for a small variance for an architectural projection as permitted through the Official Community Plan.

Figure 1 - Rendering of Proposed Development from Westminster Ave W

Background

The subject property is located within the North Gateway area of Penticton, at the intersection of Westminster Ave W, Alberni Street, and Vernon Avenue and adjacent to the Penticton Trade and Convention Centre and South Okanagan Event Centre. The City is currently undergoing work to develop a plan to reimagine the North Gateway to support objectives outlines in the OCP, which identifies the area as a 'strategic investment area'. The property is in a desirable location for tourist accommodation, as it is directly adjacent to the Penticton Trade and Convention Centre (PTCC), the South Okanagan Events Centre (SOEC), and other desirable amenities such as the Community Centre, Cleland Theatre, Okanagan Beach, and Lakawanna Park.

The subject property is 1.685 acres (~73,400 sq. ft.) in area and is currently zoned CT1 (Tourist Commercial), which includes site specific zoning regulations and is designated as Institutional and Civic by the Official Community Plan (OCP). The site-specific zoning was put in place in 2005, and applied to the properties at 903, 954, 976 Vernon Ave and 910, 930, 938, 950 Westminster Ave W to support a hotel development that ultimately did not proceed. The site specific regulations (Attachment 'G'), include increased height and other regulations making this property unique from other CT1 zoned lands. The proposed development is aligned with the site specific zoning that is in place, except in regard to parking, which is spoken to below.

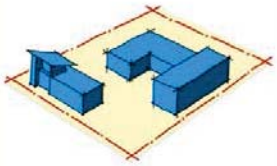
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Institutional and Civic 	Areas providing a wide range of services and utilities for the community.	• Varies	• Education Services • Health Services • Hospital • Government Service • Utility Services • Fire Halls	• Varies	• P1 • P3

Figure 2 - Official Community Plan Future Land Use Designation

The subject property is currently owned by the City, however, the City has entered into a contract to sell the property to the applicants. The sale is contingent on the development of the lands into a hotel development. This sale came about after the City, in 2020, issued a Request for Proposals (RFP), for a proponent to purchase and build a hotel and associated development at the subject property to provide newer, modern hotel units to support the Penticton Trade and Convention Centre (PTCC).

To assist with finding a successful proponent to develop a hotel on the subject property, a development variance permit was issued (Council resolution 320/2020), to allow the lot coverage to increase from 40% to 75%, and to allow for up to 50% of the parking required to be located on a separate property, within 200m of the subject lands and subject to the registration of a covenant or lease agreement acceptable to the City, securing the parking. The proposed plans do not take advantage of either provision and have been designed to adhere to the Zoning Bylaw, with the exception of a minor variance to front yard setback to accommodate a patio.

Also in support of the construction of a hotel on the subject lands, the City, in 2021, closed a portion of Alberni Street to more closely link future development with the PTCC (council Resolution 210/2021). The subject development utilizes this portion of closed road into the site design.

North Gateway Redevelopment and Investment Strategy

To ensure an orderly, strategic and investment ready environment within this area of the City, the 'North Gateway Redevelopment and Investment Strategy' was required to ensure a coordinated approach would be taken to land use, infrastructure needs and economic investment opportunities. The process is currently underway and the emerging vision that the community has identified is one that seeks to create the North Gateway as a welcoming and attractive neighbourhood, supportive of increased varieties of residential densities, tourist accommodation and commercial activity.

While the draft plan is still under development, the concepts created so far through the process seek additional residential density of approximately 2,000 residential units, approximately 30,000 sq. ft. of new commercial/retail space and the addition of approximately 350 new hotel rooms. Within close proximity to the Penticton Trade and Convention Centre, the addition of high quality hotel rooms and amenities are intended to support the economic activity generated through additional conventions and the proposed development (Four Points Sheraton) will be an outstanding addition to support this industry.

intended to support the economic activity generated through additional conventions and the proposed development (Four Points Sheraton) will be an outstanding addition to support this industry.

Within the context of the Four Points Sheraton proposal, and from an early policy perspective, the North Gateway looks to provide high quality building design and public realm improvements, supporting the long term vision for the area. The areas of policy that are being drafted focus around Land Use and Density, Experience & Atmosphere and Mobility and Connections. Based on the proposal submitted, staff have provided a response to each of these focus areas and how the proposal aligns with the emerging North Gateway vision:

- *Land Use & Density:* The proposal for a six storey hotel is supported and is within the desired height for the area. A scale of 6 storeys or higher in certain locations is something that the community has supported so far through the process. The addition of a 100-seat restaurant will also support the generation of additional activity in the area, providing a supportive use for existing residents, event attendees and convention delegates.
- *The Experience:* The building design and site layout provides for an active façade and appearance to Westminster Ave W, which is intended to be the focus of mixed use and higher density development in the future.
- *Mobility & Connections*: While the future road and active transportation infrastructure will be prioritized through the development of the Plan, the proposal is supported by many of the emerging mobility priorities such as limiting vehicle access to Westminster Ave W and ensuring surface parking is located to the rear of the building. The proposal activates the Westminster Ave W frontage with high quality design and outside patio space for the restaurant, supporting increased pedestrian activity along the street frontage.

The future of the Westminster Ave W corridor is also a major focus of the North Gateway Plan, and the proposal will support the vision of a more active mobility corridor, ensuring the protection of existing boulevard trees.

The proposed hotel is anticipated to be a catalyst for future development and investment into the North Gateway and its approval is an important milestone to support the future economic drivers and significant community assets within the SOEC complex.

Financial Implication

Issuance of the Development Permit (DP) provides approval for the design of the hotel and restaurant and allows for the next stages of the project to commence (issuance of earthworks and building permits and ultimately construction). Approval of the DP does not have any direct financial implications for the City, but is listed as a milestone in the contract of sale.

The project itself has several financial implications, including:

1. The City will receive $1.45 million upon completion of the sale of the lands (linked to certain development milestones).
2. The City is responsible for some costs with regard to construction of road works and improvements to the PTCC. Road work design is expected to be less than $25,000 which was not currently included in the 2022-2026 Financial Plan. A budget amendment will be completed in order to fund the design phase of

the Road Works. The work is intended to proceed in 2023 and will be included in the 2023 Capital Plan once the design is done and detailed costing completed.

3. There is currently $600,000 budgeted for PTCC upgrades to strengthen the connection between the PTCC and new hotel.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Servicing and building code requirements have been identified to the applicant and will be addressed as part of the building permit processes. It is the property owner(s) responsibility to provide services and/or upgrade existing services as required. As a condition of the sale of the lands, both the City and the applicant have responsibilities around the re-construction of Alberni Street as part of the proposed development. Design is underway for this work.

Parking calculation

The site specific zoning for 903 Vernon Avenue includes a regulation regarding parking for eating and drinking establishments that states: "*Hotel required parking spaces: 0.66 spaces per room, plus 1 per seats in any eating and drinking establishment*". Staff's research into this parking calculation has determined that the current regulation was likely included in error and was likely meant to be 1 per 4 seats, which was the historic parking calculation for restaurant uses in 2005 when the site specific provisions were put into the bylaw. Several years ago, the parking bylaw moved away from calculations of parking 'per seat' and changed to square footage for ease of calculation and to align with more common practices in other communities. For some reason, the site specific parking regulation for 903 Vernon Avenue was never changed. As the 1 space per seat regulation will clearly result in an unreasonable amount of parking, staff are recommending that the current Zoning Bylaw requirement of 1 space per 50m^2 of NFA in a restaurant be used to calculate parking. Staff are recommending that this be approved by Council and specifically listed in the associated Development Permit for clarity. Staff intent to clean up this inconsistency with the rest of the Bylaw during the next Bylaw update.

Boulevard trees

There are 3 large American Elm boulevard trees fronting the subject property along Westminster Ave W. Given that these three trees are listed on Penticton's Heritage/Significant Trees list within the Municipal Properties Tree Bylaw No. 2001-26, the City has obtained an arborist report to review the current condition, assess building location and make recommendations on how development can occur, while respecting the existing trees. The arborist report has been included as Attachment 'H'. Key findings from the arborist report include:

1. The species are American Elms, which has 'moderate tolerance' to development impacts and 'high adaptability' to environmental changes.
2. All trees have a 'good' suitability for conservation. The trees show normal growth and health for the species and age. There is no structural defect that would require abatement measures. Although fully mature, the trees have the potential for longevity at this site.
3. Potential impacts from construction:
    a. Removal of current paving material (asphalt) to the edge of the lawn area;
    b. Excavation of soil and construction of two buildings with walls that will be at the edge of the current canopy spread for two of the trees (identified as trees S15 an S16);

c. Construction of a paved driveway to the east of one tree (S16) to access the rear parking lot;
d. Construction of a patio and/or pathway (with paving stone or stamped concrete) to the east of one tree (S14) and between two other trees (S15 and S16), but outside of the tree driplines;
e. Installation of landscape plantings (shrubs, perennials and ornamental grasses) on the private property but within the dripline of all City trees.

4. Recommendations for construction to proceed:
   a. Prior to construction, City may remove lower branches that will interfere with building activity;
   b. During construction, the site should be visited regularly (by the City) to review on-going concerns of contractors and to ensure the integrity of the 'tree protection zone';
   c. During dry periods of summer months, the trees should be washed (by the City) with water to remove construction dust from the leaves that may impair photosynthesis;
   d. Prior to the start of construction, the applicant must install a 'tree protection zone' to enclose the current lawn area. Fencing must meet minimum requirements of construction fencing as detailed within the arborist report provided;
   e. The applicant must ensure that all sub-contractors are informed that no activity is allowed within the 'tree protection zone', including lunch tables, storage of materials or driving of machinery; and
   f. Any changes made to the landscaping plan should be reviewed by the City and/or arborist for potential impacts.

All of the listed conditions will be included in the development permit.

The landscape plans submitted with the Development Permit application show conformance to the City's Tree Protection Bulletin with the ability to install tree protection fencing around each tree at the recommended distances. Nevertheless, when development occurs around trees, there are always risks that root systems can be damaged, leading to damage and / or worse for trees. While best practices are being adhered to, and the City's Parks Department and arborist oversite will be in place, should any trees be damaged, the City's Tree Protection Bylaw will require evaluation, compensation and replacement.

Development Statistics

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

	CT1 Zone Requirement (with site specific provisions)	**Provided on Plans**
Minimum Lot Width*:	20.0 m	82.0 m
Minimum Lot Area*:	930 m^2	6,818 m
Maximum Lot Coverage:	40%	27%
Maximum Density:	1.2 Floor Area Ratio (FAR)	0.94 FAR
Vehicle Parking:	Tourist Accommodation requires 0.66 spaces per room 105 hotel rooms Total required = 69 spaces	**Total provided = 76 spaces** (including 6 accessible, 4 small car) **1 loading space provided**

	Restaurant requires 1 space per 50m^2 of Net Floor Area** 332.95 m^2 Net Floor Area Total required = 6 spaces **Total required on site = 75 spaces** **1 loading space required**	
Bicycle Parking	Minimum of 2, plus one for every 125m^2 over 250m^2 Total required = 5 spaces of Class 1 Total required = 5 spaces of Class 2	Total provided = 5 spaces of Class1 Total provided = 13 spaces of Class 2
Required Setbacks Front Yard (Westminster Ave W): Interior Side Yard (west): Exterior Side Yard (east): Rear Yard (Vernon Ave):	 3.0 m 4.5 m 4.5 m 6.0 m	 3.0 m 4.5 m 16.99 m 51.36 m
Maximum Building Height	40 m	22.39 m (24.81 m to top of stairway and mechanical equipment on rooftop)
Other Information:	*Lot width and lot area are only applicable at the time of subdivision. **Staff proposing the usage of the current 2021-01 Zoning Bylaw parking requirement for restaurant, not the site specific requirement of 1 parking space per seat.	

Analysis

The subject property is considered within the Commercial and Mixed Use Development Permit Area. The intent of this development permit area is to encourage a wide range of developments that can support both commercial only use and mixed-use (e.g., retail, office, residential) preserving affordable forms of commercial development and allowing for people to move into higher-density, higher-amenity neighbourhoods. Staff have completed an in-depth analysis of how the proposed development conforms to the guidelines (Attachment 'D'). The applicants have also provided an analysis of how the development plans meet the guidelines (Attachment 'F').

The proposed development demonstrates a strong conformance with the applicable Development Permit guidelines. The proposed development has been designed with the OCP policies in mind. As such, staff recommend that Council approve the Development Permit.

In addition, staff consider that the proposed development is supported through the following OCP Policies:

OCP Goal 4.1.1	Ensure that Penticton retains its compact 'footprint' to help protect natural areas and environmental values and agricultural lands, avoid excessive infrastructure costs and hazard lands, and help create conditions that support transit and active modes of transportation.
Staff Comment	The proposed development is located in an existing area of the City and will utilize existing City infrastructure and services.
OCP Goal 4.3.1	Strategic Investment Areas Focus economic development and infrastructure investment in strategic areas to support existing public infrastructure and assets, and to encourage private investment.
OCP Policy 4.3.1.1	The northern gateway to intensify development around the SOEC/Community Centre/Memorial Arena campus and City parkland/beaches, to enhance the entryway to the city and the downtown, to support the established Lakeshore/Riverside tourist commercial precinct and to create opportunities for walking and cycling.
Staff Comment	The subject property is located in the area of the City known as the north gateway, which is a focal point and entranceway to the City and the downtown. This area is identified for targeted investment, which the proposed development will contribute towards.
OCP Policy 4.3.2.1	Encourage high quality commercial development by applying Development Permit Area Guidelines, updating and enforcing regulatory bylaws and fostering initiatives that improve the quality and infrastructure of commercial areas.
Staff Comment	Staff have worked diligently with the applicant(s) to ensure the proposal is aligned with the Zoning Bylaw, OCP and Development Permit Area Guidelines, to ensure a development that contributes positively to the community. This includes an appealing and interesting design, façade facing towards Westminster Ave W, an active frontage with patio areas, appropriate bike and vehicle parking, and landscaping, among others.
OCP Policy 4.3.2.3	Encourage intensification of vacant or underused service commercial parcels before designating additional service commercial areas.
Staff Comment	The subject is already zoned appropriately for the hotel and restaurant uses proposed and is also aligned with the OCP land use designation on the property. The proposed development does not require any rezoning to occur and therefore makes use of existing (tourist) commercial lands.
OCP Policy 4.3.5.1	Support and leverage priority industry clusters (tourism and events; wine, beer and spirit production; technology; manufacturing; agriculture), and identify new clusters as they emerge, to provide economic benefits including shared knowledge and increased innovation.
Staff Comment	The proposed development is within the tourist sector, which is identified as an industry cluster in Figure 3. Jobs associated with Accommodation and Food Services also make up 10.9% of jobs within the City of Penticton (according to 2016 Census data) as shown within Figure 4.
OCP Policy 4.3.6.1	Foster an environment that attracts new ventures in priority clusters.
Staff Comment	Staff have worked diligently with the applicants to encourage them to continue to develop an appealing design, and provide assistance where needed, to continue to support the proposal.

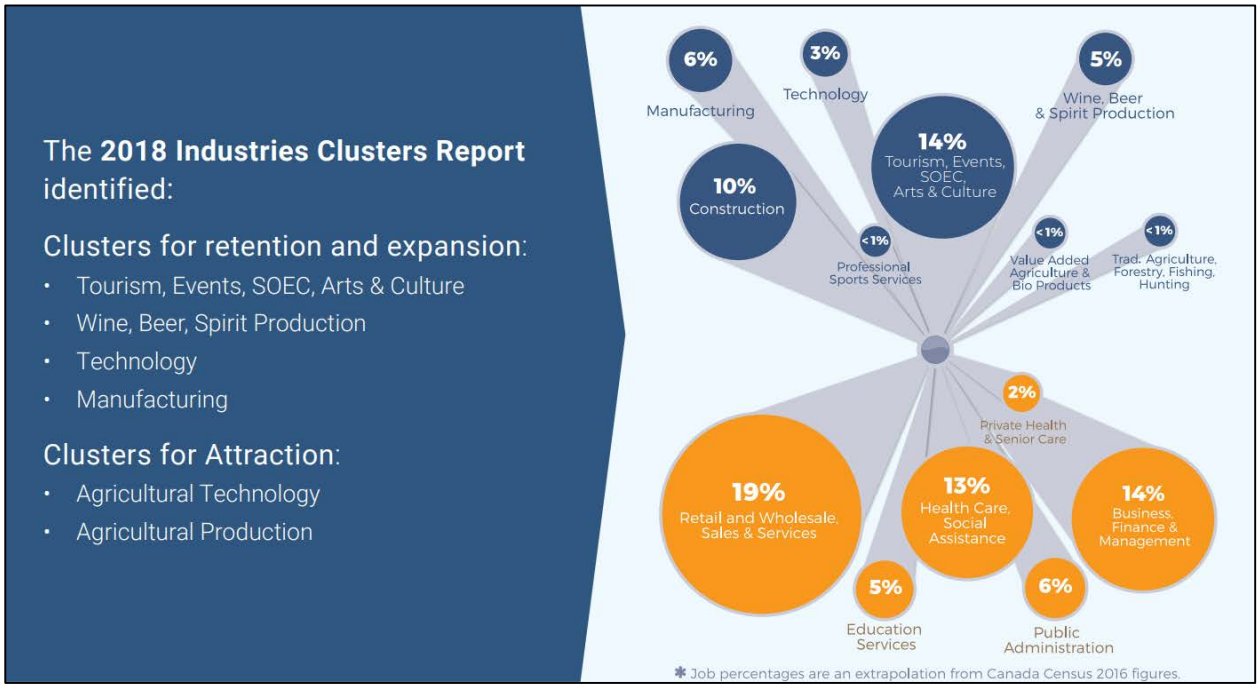


Figure 3 - Industry Clusters (excerpt from OCP)

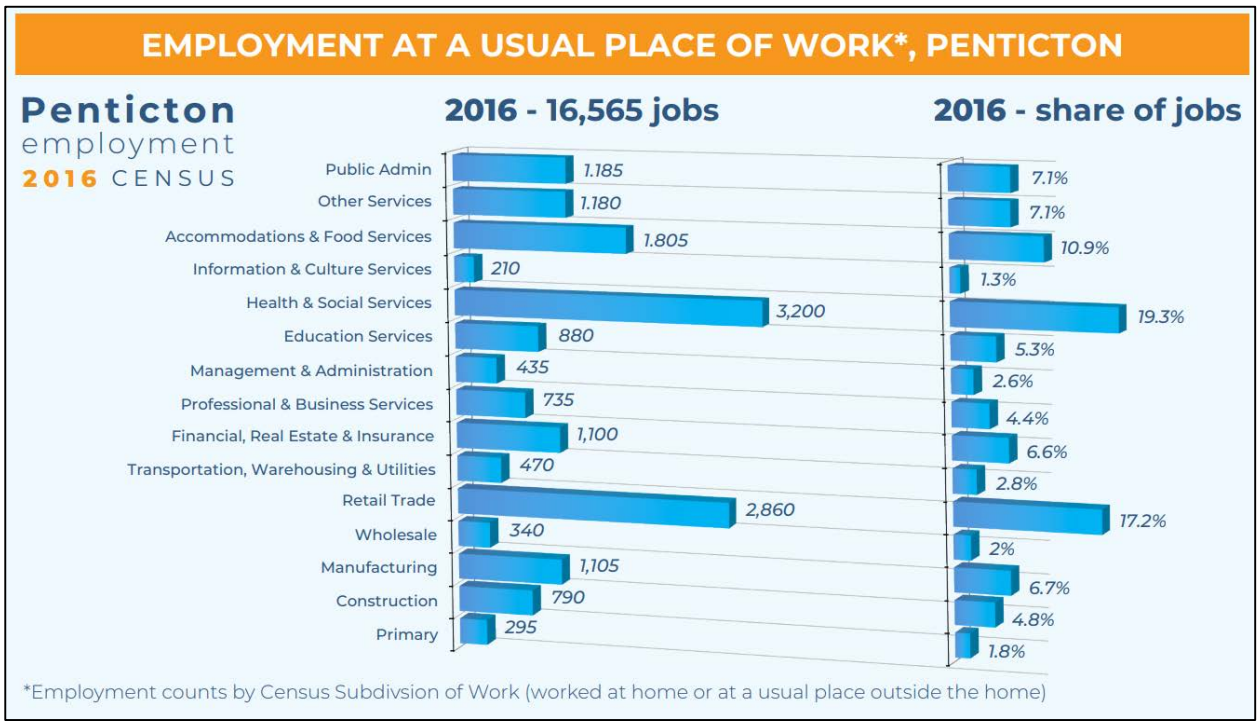


Figure 4 - Employment counts (excerpt from OCP)

Variances through Development Permit

Further, staff are recommending that Council approve a minor variance to the front yard setback along Westminster Ave W through the issuance of "Development Permit PL2021-9095" and that Council support

utilizing the current Zoning Bylaw parking standard of 1 space per 50m2 of floor area for the restaurant parking calculation.

With regard to the front yard encroachment, Official Community Plan Bylaw No 2019-08 Section 5.1.4 identifies variances to zoning standards that may be considered as a component of a Development Permit, provided that the resultant built form of the proposed building is consistent with the General OCP Development Permit Area Guidelines and the overall intent of the Zoning Bylaw.

The CT1 (Tourist Commercial) zone requires a 3.0m front yard setback along Westminster Ave W. Through the development and design stages of the proposal, staff worked with the applicant to encourage the incorporation of an active frontage towards Westminster Ave W, as this is a critical corridor for vehicle and pedestrian traffic, and is aligned with the vision identified by the community during the North Gateway process for far. The applicant proposed a design that includes patio spaces within the setback for the restaurant near the corner of Westminster Ave W and Alberni St, as well as a patio extending from the swimming pool and sauna portion of the hotel. The Zoning Bylaw (Section 4.9.4) allows for patio seating for restaurants in the CT1zone to encroach into any yard setback. The proposed development has two patios proposed within the setback, one for the restaurant and one for the pool and sauna. The restaurant patio is permitted as per Section 4.9.4, however the swimming pool and sauna patio requires further consideration.

OCP Section 5.1.4.1 allows for "minor variances to setbacks may be considered to: accommodate desirable architectural criteria, such as porches, balconies, projecting design features, awnings, and canopies, provided that the building face still meets required setbacks. Staff are proposing to reduce the setback for the patio associated with the swimming pool and sauna, and identify the following reasons to support the request:

1. The patio creates an active frontage, allowing for interactions between the private and public realms;
2. Swimming pools and saunas often only contain solid walls with minimal windows. In this instance, incorporating a patio helps to create an interesting and active façade;
3. The patio projection will provide an architectural feature, adding variety to the Westminster Ave W frontage.

Given that the proposed patio will provide a positive benefit to the building design, and create interaction between the public and private realms, staff consider the variance request is minimal and aligned with the OCP policy to allow the variance to be considered within the Development Permit.

As for the parking calculation, staff noted above the inconsistency in approach with the site specific wording of requiring one space per restaurant seat. The wording included in the site specific section is inconsistent with the City's current and historic approach to calculating parking and is not a reasonable level of parking for the proposed use. Also as noted above, staff assume an error likely occurred leading the parking rate to be as it is currently listed. Staff are recommending that Council support using the current parking standard.

Summary

In summary, Staff consider that the proposed development shows a strong conformance to the development permit guidelines, and the development is closely aligned with the OCP designation for the subject property. The proposed development will also contribute to the vision of the North Gateway Plan, with this property representing a key development in the area and hopefully acting as a catalyst for more

tourist commercial development and other investment to follow. Given the above, staff recommend that Council support the Development Permit, and associated minor variances to the patio projection and parking, and that Council direct staff to issue the permit.

Alternate Recommendations

Council may consider that the proposed development could be adjusted to meet the setback requirements. If this is the case, Council may wish to issue an amended Development Permit, not allowing for the patio projection to occur. This would require the applicant to remove the patio projection near the swimming pool and hot tub areas, which would require very minor alterations to the plan. Staff are not recommending this approach as the OCP does provide policy and guidance to encourage interesting and engaging street frontages, which the patio projection is achieving.

1. THAT Council approves "Development Permit PL2020-9095", for Lot 2 District Lot 366 Similkameen Division Yale District Plan EPP37269, located at 903 Vernon Avenue, a permit to allow for the construction of a 6-storey, 105-unit hotel building with restaurant;

   AND THAT Council does not support allowing a minor variance to the front yard setback to accommodate an at grade patio through the issuance of "Development Permit PL2021-9095".

   AND THAT staff be directed to issue amended "Development Permit PL2021-9095".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Development Permit Analysis (staff)
Attachment E – Letter of Intent
Attachment F – Development Permit Analysis (applicant)
Attachment G – CT1 (Tourist Commercial) Zone
Attachment H – Arborist Report
Attachment I – Draft Development Permit PL2021-9095

Respectfully submitted,

Nicole Capewell, RPP, MCIP
Planner II

Concurrence

Director of Development Services	Acting General Manager Finance and Administration	General Manager Infrastructure	General Manager of Community Services	Chief Administrative Officer
BL	AMC	KD	AH	DvD

Attachment A – Zoning Map

903 Vernon Avenue

Zoning Map

Legend

- Subject Parcel
- Site Specific Zoning

Zoning Bylaw

- R2 - Small Lot Residential
- RSM - Mobile Home Park Housing
- C4 - General Commercial
- C7 - Service Commercial
- C8 - Vehicle Service Station
- CT1 - Tourist Commercial
- P1 - Public Assembly
- P2 - Parks and Recreation

N

Meters

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Thursday, February 17, 2022 9:06:51 AM

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Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Looking toward subject property from Westminster Ave W

Looking toward subject property from Westminster Ave W

Looking toward subject property from intersection of Westminster Ave W and Alberni St

Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

Guideline G2 *Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*

- The applicants have proposed a building at the minimum setback of 3.0m along Westminster Ave W, which supports an active frontage with the public realm along Westminster Ave W.
- Further, the applicant is proposing patios to project into the front yard setback for both the restaurant and the swimming pool and hot tub of the hotel. These patio areas create outdoor areas for occupants of the hotel and restaurant to create connections between the public and private realms.

Guideline G9 *Pedestrian connectivity to adjacent properties is encouraged.*

- The proposed development incorporates pedestrian connections from the property to Westminster Ave W and Alberni Street, tying into existing pedestrian networks. This provides ideal pedestrian opportunities for walking to desired services and amenities in the area including the Penticton Trade and Convention Centre, South Okanagan Events Centre, Okanagan Lake, Lakawanna Park, Riverside Plaza, and others.

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

- The applicant has designed the front of the property to not have any fencing over 1.2m in height. Fencing along other property lines has been noted as 1.8m in some areas, which is permitted by Zoning Bylaw No. 2021-01 and assists with buffering between private properties.

Guideline G19 *All multifamily developments should accommodate sustainable modes of transportation.*

- The proposed development has included bicycle parking indoors and outdoors for patrons and employees. The applicant has also provided 8 additional Class 2 bicycle spaces than required by the Zoning Bylaw.

Guideline G21 *Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*

- Staff have worked diligently with the applicant to place an emphasis on the Westminster Ave W street frontage. Through discussions, the applicant introduced the patios for both the restaurant and the swimming pool areas, which create a connection between public and private realms.

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, semi-public and private areas.*

- The applicant has included patio areas on the front of the structures facing Westminster Ave W, as well as significant landscaping to assist with transitioning between the different public and private areas.

Guideline G27 *Development should activate the public realm and shared open spaces by placing actives uses at street-level.*

- The applicant has included patio areas on the front of the structures facing Westminster Ave W, at ground level.

Guideline G35 *Tree planting…*

- The applicant has proposed an extensive landscaping plan that includes all sides of the development as well as internally through parking areas.

Guideline G38 *Screening and Buffering*

- The applicant has proposed considerable amounts of landscaping throughout the development, including in parking areas to break up hard surfacing and along the street frontages.

Guideline G41 *Softscapes*

- The applicant has engaged a landscaping professional to complete the landscaping plan, ensuring that appropriate landscaping is provided, context of the Okanagan, and that each plant has enough spacing to survive long term on the property where it is placed.

Guideline G51 *Avoid negative light impacts on neighbours*

- The applicant has provided a lighting plan that proposes all downward facing lights.

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 applicant is proposing screening around all garbage and refuse areas to ensure minimal conflict with neighbouring properties and public realm.

Guideline CM1 *Retail building frontages…*

- The proposed development has retail (restaurant) entrances visible and accessible from the street.

Guideline CM4 *Locate parking areas to the rear or interior of a site rather than between the street and building.*

- The proposal has all parking at the rear of the property, with access from the front and rear of the site.

Guideline CM9 Clearly signed and generously sized entries to indicate primary pedestrian entrances.

The proposed design includes prominent signage at the Westminster Ave W access, indicating the hotel and restaurant uses on the property.

JM Architecture Inc.

Registered in BC - AB
Joe M. Minten - principal
Architect AIBC | AAA | MRAIC

2 June 2021

City of Penticton
Planning Department – Development Services Division
171 Main St.
Penticton B.C. V5A 5A9
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RE: Proposed Hotel Development
903 Vernon Ave.
Penticton B.C.

LETTER OF INTENT

The intent of this development is to provide the City of Penticton a 4+-Star hotel development with ancillary public services such as meeting room, fitness, pool and dining facilities

The lots is currently zoned CT1 – Tourist Commercial which permits this form of development as an outright use.

The lot is relatively flat and faces onto three civic streets: Westminster Avenue (north), Alberni Street (east - currently being redeveloped to a one-way street) and Vernon Avenue (south). The site plan provided in the Development Permit (DP) package illustrates the proposed final lot line configuration provided to the developer – minor adjustments are to be expected while the engineering department finalizes the new road alignments.

This development is located directly across the street (Alberni St.) from the Penticton Trade and Convention facility, the visitor center and community center/arena. As a key tourist accommodation facility this development aims to serve the needs of visitor and local citizens visiting the city and prime users of the neighbouring civic facilities.

The topography of the site is relatively flat. There are existing mature trees located along Westminster Avenue and at the intersection of Alberni and Vernon which are being retained. The landscaping plan illustrates the trees to be retained.

The proposed hotel building is six storeys in height with an attached two storey dining facility. The building proper faces onto Westminster Avenue; the dining facility anchors the intersection. The principal access to the hotel is from Vernon Avenue with a second access from Westminster Avenue. There are 86 parking spaces all at grade. Pedestrian access is from all adjoining streets with a specific access point - located mid-block - directed to the convention facility across Alberni Street.

Emergency and service vehicles can access the site from both driveways. Within the DP package there is an illustration to define the fire vehicle access route. Waste and recycling is controlled through below grade storage containment called Earth Bins; these are located south/west of the hotel and north of the pedestrian connector path at Alberni Street.

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The hotel facilities program supports 105 guestrooms, ancillary spaces for board room, fitness room, swimming pool, main floor guest reception/lounge areas, seasonal rooftop lounge, dining facility and support service rooms.

The form and character of the project adhere to the objectives of the city OCP directives as defined in Section 5 of the OCP. There is little impact to the neighbouring uses as the scale of this project fits within its commercial and institutional context.

The development will create new employment opportunities for residents and will provide added funding to the city taxation structures. Perhaps the most positive attribute the development brings to the community is the opportunity for the city to attract increasing public interest to users of the trade and convention facility by providing accommodation so close to it.

Further information is provided within the DP submission documents.

The city council and planning department are hereby requested to accept this application and support it through your approval process.

Best Regards

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2021-07-30

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Project 903 Vernon Avenue Penticton BC

Development Permit Analysis

The intent of this development is to provide a 4 Star hotel development with ancillary amenities such as meeting room, fitness, pool and dining facilities.

OCP 5.2 General Conditions

Site Planning

G1	Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.	The Site is relatively flat. Careful consideration is taken to retain the existing mature trees. There are two street access points to the hotel is from Westminster Avenue and from Vernon Avenue.
G2	Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours. • All site / landscape plans should incorporate the boulevard	The Site Plan provided includes the context of the development.
G3	Private and semi-private open spaces should be designed to optimize solar access	All private and public spaces in the hotel have windows for natural daylight and skylights iare also provided in the interior courtyard linking the hotel to the dining facility.
G4	Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development	A roof top patio is designed to provide added private outdoor lounge and dining with specificviews to the lake and moutains betond.

Framing Space

G5	Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.	The hotel and dining room are situated facing Westminster Avenue and tight to the minimum allowable setback which provides a strong street face. An entry to the hotel proper is provided from Westminster Avenue through the Interior Courtyard
G6	Building placement and orientation should respect significant public water, mountain and ridgeline views	As noted above the building addresses the civic street which itself is not directly related to these views - at upper level of the building these views are more directly captured..
G7	All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.	The sense of entry from the street defines territoriality as well as surveillance from the main building . There shall be well lit paths to the rear parking lot and secondary access to the main building.
G8	Secondary buildings should create comfortable and social, semi-public and semi-private spaces within interior courtyards and/or side-yards	The hotel is designed as a split or bifurcated design which harneses public spaces within a courtyard both external and internal providing a progression a spatial interaction for semi-private social activities.

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Prioritizing Pedestrians

G9	Secondary buildings should create comfortable and social, semi-public and semi-private spaces within interior courtyards and/or side-yards	Same as the G8 comments.
G10	Development of larger parcels should provide pedestrian connections to adjacent public areas and create an effective street-fronting block scale of 60m-190m.	The street fronting design of this building also provides pedestrian access form both Westminster Avenue and Albernit Street (facing the conventions facility
G11	Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas	This project is fully accessible from street edge to roof top patio.
G12	Where feasible, indicate pedestrian ways with continuity of paving treatments/paving materials	All pedestrian route are clearly defined - refer to site plan
G13	Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways	Not applicable to this development
G14	The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a "front stair" pedestrian connection shall be provided	Not applicable to this development
G15	Fencing facing an active public realm should be lowered and transparent or semi-transparent.	Not applicable to this development

Cars and Parking

G16	Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space: • Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4). • Where possible, shared automobile accesses should be considered to optimize land use, and to reduce impermeable surface coverage and sidewalk crossings	The proposal is designed while considering all the mentioned guidelines. Please refer to Site Plan and Fire Department Access Route plan.
G17	On-site parking location and design should minimize visual impact and provide safe connections for pedestrians: • Parking between the front of buildings and the street is not permitted. • Parking should be located at the rear of buildings/sites. • Shared parking (where varying uses have parking demands that peak at different times of the day) is encouraged to reduce parking requirements. • Outdoor surface parking areas should incorporate pathways that provide safe, accessible and comfortable pedestrian connections to entries/destinations.	Parking is mostly provided to the south side of the building away from the principal arterial road (Westminster Ave.) Several car spaces flank the north/south access off Westminter Ave and none of the parking directly affect the pedestrian movent to the hotel building.

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G18	Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.	Not applicable to this development
G19	All multifamily developments should accommodate sustainable modes of transportation through: • Provision of bike parking and/or safe storage of alternative transportation/ mobility equipment (bikes, mobility scooters, etc.). • Provision of electric vehicle charging stations. • Internal circulation and/or upgrades to adjacent rights-of-way to accommodate alternative transportation (e.g., multi-use pathways, separated bike lanes, etc.).	Not applicable to this development

Architecture

G20	Designs should respond to Penticton's setting and climate through use of: • passive solar strategies; • optimized placement of windows to maximize natural light; • energy-efficient building design; • passive solar principles; • landscape design and plantings that provide cooling through shade in summer months; • selecting roof materials to minimize heat loading and increase reflectivity.; and, • strategies for cross-ventilation.	All units have been designed with current best practices in mind for efficeint livability, energy efficiency. All plumbing fixtures will be low water consumption type. All appliances shall be selected on Energy star basis.

Orientation & Massing

G21	Orientation of buildings should face public spaces	The building proper faces onto Westminster Avenue, the dining facility anchors the intersection. The principal access to the hotel is from Vernon Avenue while the secondary access is from Westminster Avenue.
G22	Massing of larger buildings should be composed of multiple volumes to reduce visual impact on the pedestrian realm	The proposal complement the guidelines. Refer to elevations.
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 cantilevered upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.	The proposal is designed and mass with the vertical architectural articulation and is visually seperated with different colours and material.
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.	Not appropiate to this development

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G25	Where appropriate, stepped massing should be utilized to transition and improve the relationship between developments of differing scale. In areas where there is an OCP Land Use Designation change, adjacent building heights should not be greater than one-and-a-half storeys higher than existing adjacent development with additional storeys terraced back with a minimum stepback of 3.0 metres	Not appropriate to this development
G26	Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.	Not applicable to this development

Eyes on the Street

G27	Development should activate the public realm (e.g., sidewalks) and shared open spaces by placing active uses at street-level.	All public use spaces within the development are located on the main floor; the roof top patio is specific use for the hotel guests.
G28	Entries should be visible and clearly identifiable from the fronting public street	Provided.
G29	Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas	The hotel deisgn is situated on a lot which is open to viewing of all three streets it faces.
G30	Extensive blank walls (over 5m in length, and including retaining walls) along the street should be avoided.	Not applicabale to this development
G31	Provide screening (e.g., varied materials/textures, murals, greenwalls or vines) on solid walls that exist as a function of an internal program (e.g., for privacy, merchandising, etc.).	Not applicable to this development

Lanscape Architecture

G32	Stream and Riparian Protection (see Riparian DPA section) • Sites adjacent to creeks, lakes and wetlands should retain or enhance fish and/or riparian habitat, through: » Retention, enhancement and restoration of trees and shrubs that shade streams and stabilize soil, with a preference for native species; » Management of post-development total yearly flow, magnitude (in individual events), and duration to mimic pre-development conditions; and, » Management/restriction of access to protect stream banks and meet Riparian Area Regulations (RAR)	Refer to landscape letter attached

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G33	Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching • Employ xeriscaping principles (see Glossary) in landscape design that reduce the need for supplemental water from irrigation. • Employ strategies such as stormwater management reuse (including rain gardens and water reclamation) to minimize impact on infrastructure and the use of potable water. • Encourage landscaping using native drought-tolerant plant species rather than water-hungry varieties. • All trees and vegetated landscaping should be irrigated using a sub-surface irrigation system, programmed to maximize efficient water use (e.g., drip irrigation). • Where appropriate, increased depth of top soil is recommended as a means to retain water and ensure more drought-tolerant landscapes. • Trees should be planted to provide shading for shrubs and grasses and south and west faces of buildings. • Where appropriate, mulching may further reduce irrigation demand by retaining soil moisture	Refer to landscape letter attached

Enhance the Forest

G34	Tree retention • New development should retain, where possible, existing mature and native trees and protect their root systems; • Pre- Tree planting • Where space permits, landscaped areas, boulevards and setback areas adjacent to streets should be planted with trees with appropriate soil volumes to ensure longevity. • All areas with planted trees must be irrigated • All development fronting a public street shall plant a landscaped area fronting the public road with regularly spaced street trees no further than 10 metres apart, and at least 2.5 meters tall at the time of planting. • The planting of additional trees is strongly encouraged, particularly if existing trees cannot be preserved, in order to maintain and expand the urban forest canopy.and post-development tree surveys are required must be undertaken.	Refer to landscape letter attached

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G35	Tree planting • Where space permits, landscaped areas, boulevards and setback areas adjacent to streets should be planted with trees with appropriate soil volumes to ensure longevity. • All areas with planted trees must be irrigated • All development fronting a public street shall plant a landscaped area fronting the public road with regularly spaced street trees no further than 10 metres apart, and at least 2.5 meters tall at the time of planting. • The planting of additional trees is strongly encouraged, particularly if existing trees cannot be preserved, in order to maintain and expand the urban forest canopy.	Refer to landscape letter attached

Functional Use of Landscapes

G36	Habitat: designs should provide for and/or enhance habitat value (e.g., birds, pollinators, etc.) through the use of selected plant material (food & nutrients) and/or structural/grading improvements (e.g., hibernacula, pools, etc.).	Refer to landscape letter attached
G37	Stormwater management: mitigate impacts of runoff by diverting stormwater to infiltration galleries or other appropriate green infrastructure.	Refer to landscape letter attached
G38	. Screening & Buffering • Where appropriate (and in consideration of FireSmart principles and native ecosystems), screen walls and/ or landscape buffers (e.g., berms, shrub beds, hedges and/or trees) should be used to manage transitions and/or conflict between incompatible uses (e.g., industrial uses and/or parking); • Buffer design should complement neighbourhood character and landscape setting (refer to "Materials Selection – Hardscapes and Softscapes") • Notwithstanding the screening regulations in the Zoning Bylaw , landscape buffers should be utilized to reduce the visual impact of service areas and surface parking, including:	Refer to landscape letter attached
G39	Defining the Public- and Private Realms • Clearly signaled transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkways, ramp, stair), semi-private (e.g., stoop, balcony) and private (e.g., entry) realms shall be clearly defined to enhance both the privacy of residences and the pedestrian experience, and may include: » Landscape terracing (e.g., grading, retaining); » Structures (e.g., fences, pergolas, trellises), » Planting (e.g., low hedges) and/or » Changes in surfacing materials.	Refer to landscape letter attached

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G40	o. Energy • Landscape designs should support shading strategies (passive cooling) with deciduous plantings that allow increased solar gain in winter months; • Landscape designs should accommodate windbreaks (perpendicular to the direction of winter prevailing winds) to reduce heat loss in winter.	Refer to landscape letter attached

Material Selection

G41	Softscapes • Plant materials (size) and planting densities should be designed to meet and exceed the British Columbia Landscape and Nursery Association (BCLNA) Standards; • Landscape designs should consider opportunities for seasonal interest (e.g., colourful foliage and/or flowering at various times of the year). • Structural diversity in plant palette composition – including combinations of groundcovers, shrubs of various heights and trees – is encouraged. • Landscape design shall consider aesthetic qualities, plant suitability and soil volumes to ensure "right plant, right place" and to maximize growth to maturity of plants and trees. • Plant selection should emphasize local/native plants and/or similarly hardy/well-adapted plants to Penticton's desert climate. • Invasive species are prohibited. • Synthetic turf is prohibited.	Refer to landscape letter attached
G42	Hardscapes • Material selection should reflect an extension of overall functional design and should emphasize local, natural, climate appropriate materials. • Landscape construction should prioritize robust, durable and easily-maintained materials. • Retaining walls should use natural-looking textures and natural colours. • Colours should complement Penticton's natural setting and associated palette. • Minimize the use of impervious surfaces and/or incorporate rainwater management strategies where surface runoff is captured. • Where feasible, minimize the use of low albedo (heat-absorbing) surfacing materials to reduce heat island effect (i.e., use lighter-coloured, more reflective materials).	Refer to landscape letter attached

Special Considerations

Corner Lots

G43	Address both fronting streets in a pedestrian-friendly way, preferably with pedestrian entrances and/or windows on both facades;	The vehicular entry is from the Westminster Ave and also from Vernon Avenue, while the pedestrain access is designed along the Westminster ave and the Alberni Street.

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G44	Support wayfinding by framing views(or open space) and/or utilizing landmark architectural elements(if apropriate)	The entry from westminster Ave is through the transition of usable spaces which indirectly enhance the entrance to the main building while the entrance from Vernon Ave is from parking lot to the Porte Cochere.
G45	Utilize corner entrances, angled facades at intersections, and stepped designs in areas of higher pedestrain traffioc and commercial uses. Where open space is proposed for a corner lot, amenities like seating,drinking fountains, and garbage receptacles should be incorporated into open space designs.	Not appropiate to this development
Public Art		
G46	Opportunities for the inclusion of public art should be explored in public and semi-public open spaces, especially plazas.	Not appropiate to this development
G47	Historical references should be carefully and collaboratively chosen.	Not applicable to this development
Lighting		
G48	Lighting shall be provided for all building entrances, walkways, driveways, parking areas and loading areas and should be sufficient to provide clear orientation,personal safety and site security,including allowing for overlook from adjacent buildings.·The scale and intensity of lighting should be adapted to its setting and application: ·Lighting design shall prioritize pedestrian-scaled lighting while ensuring vehicular access and parking is sufficiently lit for safe maneuvering;. Light fixtures should utilize"cut-off" (zero intensity at or above an angle of 90degree) luminaries to minimize glare;.Warmer light sources(<4000k) are strongly encouraged.	Not applicable at this time of application. Will provide and follow the guidelines later as the project forwards.
G49	Minimize light pollution through the use of full cut-off lighting,avoiding light reflectance,and directing lighting downwards. Exceptions may be made for signage and architectural lighting(e.g. enhancing special features or aethetic qualities)	Noted.
G50	Avoid lighting that illuminates streams, wetlands, lakes and other natural areas.	Not applicable to this development.
G51	Avoid negative light impacts on neighbours.	Noted.
Signage		
G52	Signage should complement overall form and character as an extension of associated building and landscape designs.	Signage location and form are provided in the DP package - refe to the elevations provided
G53	All signage shall comply to the City of Penticton's Sign Bylaw, (which regulates the number, size, type, form, appearance and location of signs).	Noted.

Utilities,Mechanical Services and Servicing

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G54	Mechanical/Utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building.	Noted.
G55	Where this is unachievable, units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street	Noted.
G56	Units shall not obstruct private views onto public space that might otherwise provide safety through passive surveillance.	Noted.
G57	Units shall not be installed in in riparian setbacks (SPEA) and Environmental Protection areas	Noted.

Waste Management

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 pedestrain traffic.	Waste and recycling is controlled through below grade storage containment called Earth Bins; these are located south/west of the hotel and north of the pedestrain connector path at Alberni Street.
G59	Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.	Not applicable to this project
G60	Clear access to refuse/recycling areas must be provided.	Refer to site plan

Fences

G61	Fencing located along a street edge should be low and/or not create a solid barrier (i.e. it should be visually transparent).	Not applicable to this project
G62	Fencing along the street edge should be supplemented with low profile landscape plantings.	Not applicable to this project
G63	All plans should show intended fencing.	

5.3.3.7 Commercial & Mixed Use Guidelines

Site Planning

Framing Space

CM1	. Retail building frontages: ·shall meet the sidewalk at grade; ·are encouraged to be built to the property line so that a continuous commercial street frontage is maintained; ·may be set back at a maximum of 4.0m from the property line to allow for an active outdoor use such as a courtyard or patio, or to respond to a building setback from an adjacent property, where necessary (see Figure 5-18). ·may feature outdoor displays and patios provided a minimum 2.0m wide clear pedestrian zone within the public sidewalk is maintained.	Not applicable to this project

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CM2	. Plazas Outdoor eating areas and street-side plazas are encouraged and should: ·be located adjacent and connected to a public sidewalk and at centres of activity, such as transit exchanges, intersections of important streets and retail streets, thus providing a focal point for these areas. ·be framed by buildings on a minimum of two sides to create well defined edges. The buildings should have active uses facing the plaza such as shop entrances, food/beverage, or recreation/community. ·account for user comfort in their design by incorporating: » protection from wind and excessive sun through appropriate siting and use of suitable plants and landscape structures (e.g., layered plantings, screen walls / trellises etc.). » comfortable and functional furnishings such as lighting, seating, trash receptacles and restrooms in high-traffic locations.	Not applicable to this project
CM3	Mixed-use developments require thoughtful consideration to create synergies in mix and placement of uses. ·Mixed-use buildings should be designed with compatible uses, with more public uses (e.g., retail, commercial) on the ground floors fronting high pedestrian traffic areas and more private uses (e.g., residential, office) on upper floors or along quieter streets. ·Mixed-use developments should be ground-oriented and should address, activate and, where setbacks allow, expand the public realm. ·Mixed-use developments require additional consideration for resident amenity spaces within and/or adjacent to buildings	Not applicable to this project

Parking

CM4	Locate parking areas to the rear or interior of a site rather than between the street and building.	refer to site plan - most of the parkign is off Vernon Street; a few spaces are off the internal access off Westminster Ave,
CM5	Support a "Park Once" approach by locating and connecting parking to the greater pedestrian network.	Not applicable to this project
CM6	Provide off-street parking access from secondary streets if lane access is not possible.	Parking is directly accessed from Vernon Avenue

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CM7	Small Frontages: retail bays shall be no wider than 15 metres in order to create or maintain a fine-grained pattern of shops. A maximum spacing of 10 metres for entrances is desired along the key pedestrian-oriented high streets. ·A larger retailer may combine bays internally; however, the external bay articulation should be maintained (see Figure 5-21).	Not applicable to this project
CM8	Building Projections: building projections that do not incorporate living space (e.g., roof overhangs, cornices and entry features) may encroach up to 1.25 metres into street right of way, provided that they are no less than 2.75 metres above the sidewalk.	Not applicable to this project
CM9	Clearly signed and generously sized entries to indicate primary pedestrian access.	Porte Cochere is provided at the principal entry to the hotel
CM10	Visual connection to the store interior maintained through at least 75% glazing along the primary store frontage. Windows shall be transparent and clear of obstructions (e.g., posters, decorative decals, reflective and highly tinted glass, etc.) looking onto display materials and/or active uses.	Not applicable to this project
CM11	Outdoor spaces that serve to complement the street realm (e.g., street-side plazas, outdoor eating and cafe seating areas);	Not applicable to this project
CM12	Blank walls should be no greater than 20% of the storefront along the primary store façade; secondary façades should be no greater than 50% blank. ·Where blank walls exist as a function of a building's internal program (e.g., merchandising and/or "back of house"), opportunities for creating interest shall be explored, including: murals, architectural design features, etc.	Not applicable to this project

Weather Protection

CM13	Awnings and canopies are encouraged on all buildings with street-oriented retail at grade to form a sheltered environment for pedestrians. Other commercial, light industrial and multifamily apartment residential uses shall have awnings overtop of main entrances.	None of these items are applicable to this project
CM14	Design awnings and canopies as an extension of the architectural expression of the building façade.	

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CM15	Canopies should have a minimum vertical clearance of 2.75m measured from the sidewalk. Canopies should preferably extend out over the sidewalk by at least 1.8m while maintaining a minimum 0.6 m setback from the outer face of the curb.	
CM16	Placement of awnings and canopies should balance weather protection with daylight penetration. Avoid opaque canopies that run the full length of façades.	

Signage

CM17	Notwithstanding the City of Penticton's Sign Regulations Bylaw, the following are preferred or acceptable types of commercial signage: ·Projecting two-dimensional or blade signs suspended from canopies and awnings, maintaining minimum clearances from sidewalks and driveways for safety and to reduce vandalism. ·Flush-mounted fascia signs ·Externally lit signs ·Small vertical banners and projecting signs ·Cut-out or silhouette letter signs mounted on storefronts.	There are two type of signage proposed for this project; a) fascia signs as illustrated in the elevations and b) one freestanding signs - one facing Westminster near the pedestrian entry and another off Vernon Avenue
CM18	. Notwithstanding the City of Penticton's Sign Regulations Bylaw, the following the following are strongly discouraged types of commercial signage: ·Internally lit plastic box signs ·Large signage on awnings ·Pylon (stand alone) signs ·Rooftop signs	
CM19	Signage on commercial buildings shall clearly identify uses and business name and be pedestrian-oriented (e.g., installed along the business's primary pedestrian corridor and access).	Refer to elevations
CM20	Signage directing traffic to parking shall be provided and visible from the street.	Not illustrated at this time but well noted.

Intergrated Lighting, Signage and Weather Protection Design

CM21	A signage and lighting program for commercial developments should be designed, with signs, lighting, and weather protection architecturally integrated from the outset. The signage and lighting plan should be provided with the Development Permit application.	refer to plans and elevations

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REGISTERED ARCHITECT JOE M. MINTEN PROVINCE OF BRITISH COLUMBIA

2021-08-17

L.A. West Associates (Kamloops) Inc. Landscape Architecture Environmental Planning
#104, 147 Victoria St. Kamloops BC V2C 1Z4 Ph: 250-3749831 Fx: 250-3741294 www.lawest.ca

Aug. 03, 2021

JM Architecture
Building 4 - 15243 91 Avenue
Surrey, B.C. V3R 8P8

Attn: Mr. Joe Minten, Architect, AIBC

Dear Sir:

Re: Proposed Four Points Sheraton, 903 Vernon, Ave. Penticton, BC – Landscape Design

Following is our response to the City of Penticton OCP guidelines regarding the heading of 'Landscape Architecture' pages 5-101 – 103, for the above referenced project.

G32 – N/A

G33 – Xeriscape principles have been implemented via the use of drought tolerant shrubs, perennials and ornamental grasses. Trees have been strategically located to provide shading for parking areas and pedestrian areas. Soil volumes for planting beds will be 0.4m depth with a minimum of 10m3 of topsoil provided per tree. Mulching with landscape fabric below will be used to reduce maintenance. Rain gardens and storm water management will be determined through further design.

G34 – Existing trees are shown on the topo survey and will be retained wherever possible.

G35 – Street trees will be retained wherever possible and new trees will be added along street frontages.

G36 – Habitat values have been considered using plants and trees that flower and produce seeds and/or fruit that attract pollinators and birds. Fruit bearing trees are not recommended because of higher maintenance requirements and to reduce attracting bears and pests.

G37 – Stormwater management on site will be further determined in conjunction with a civil engineer upon implementation of detailed site design.

G38 – Screening and buffering will be provided using fencing and plantings along property lines, including trees and plants in parking islands and along public roads. Additional plantings to screen infrastructure (transformers, garbage enclosures, etc.) will also be used. Landscaping between every 4 parking stalls has not been provided due to meeting parking requirements for the development.

G39 – The public and private realms are clearly defined using landscape plantings, paving treatments, fencing and portable planters.

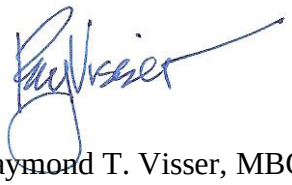
G40 – Energy conservation has been addressed through trees for shading and Green-roof.

G41 – An extensive planting design has been developed for the site that includes a diverse and hardy selection of plant species that meets or exceeds the BCLNA and Canadian Landscape Standard (https://www.csla-aapc.ca/standard).

G42 – Hardscape materials have been chosen for functionality, strength, durability, resistance to vandalism, low maintenance and to supplement the architectural character of the project.

I trust this is satisfactory at this time. Please feel free to contact me if you require any further information.

Sincerely,



Raymond T. Visser, MBCSLA,
L.A. WEST Associates (Kamloops) Inc.

cc. Mr. Parm Kandola, Mundi Hotel Enterprises Inc.

11.10 CT1 – Tourist Commercial

PURPOSE

This ***zone*** provides for commercial visitor accommodation, entertainment and services.

11.10.1 PERMITTED USES

The ***permitted uses*** in this ***zone*** are:

.1 ***accessory use, building*** or ***structure***
.2 ***day care centre, major***
.3 ***indoor amusement, entertainment and recreation***
.4 ***liquor primary licensed premise***
.5 ***outdoor amusement, entertainment and recreation***
.6 ***outdoor market***
.7 ***personal service establishment***
.8 ***recreation equipment sales, service and rentals***
.9 ***restaurant***
.10 ***retail store***
.11 ***security/operator dwelling unit*** (subject to accessory suites regulation 8.5)
.12 ***tourist accommodation***

11.10.2 SUBDIVISION AND DEVELOPMENT REGULATIONS

.1	Minimum ***lot width*** :	20.0 m
.2	Minimum ***lot area:***	930 m^2
.3	Maximum ***density:***	1.2 ***FAR***
.4	Maximum ***lot coverage:***	40%
.5	Maximum ***height:***	12.0 m
.6	Minimum ***front yard:***	3.0 m
.7	Minimum ***interior side yard:***	0 m and 4.5 m
.8	Minimum ***exterior side yard***	4.5 m
.9	Minimum ***rear yard:***	4.5 m
	.a except when ***abutting*** a ***residential*** or ***institutional zone***	6.0 m

11.10.3 OTHER REGULATIONS

.1 The ***gross floor area*** for a ***personal service establishment*** or for a ***retail store*** shall not exceed 100 m^2.

.2 ***Recreation and equipment sales, service and rentals*** shall be limited to bicycles, watercraft, sports equipment and motor scooters not exceeding a fifty-(50) cc engine.

.3 No more than one (1) ***security/operator dwelling unit*** is permitted on a site with a maximum ***gross floor area*** of 100 m^2.

11.10.4 SITE SPECIFIC PROVISIONS

In addition to the ***uses*** and regulations above:

.1 In the case of ***Lot*** A, KAP 63701, known as 21 Lakeshore Drive West, the following regulations shall apply:

.a	Maximum ***height***:	24m

.b	Minimum ***front yard***:		6.0 m
.c	Minimum ***side yard***:		
	i.	***interior side yard***	6.0 m
	ii.	***exterior side yard***	6.0 m
.d	Minimum ***rear yard***:		9.0 m
.e	Minimum ***building*** separation from internal ***streets***, surface ***parking spaces*** or ***walkways***		3.0 m
.f	Maximum casino games		
	i.	Slot machines	300
	ii.	Gaming tables	30

.2 In the case of ***Lots*** 8 and 9, District Lot 366, Plan 5419, located at 970 and 976 Vernon Ave.; Lot 8, District Lot 366, SDYD, Plan 3413 located at 954 Vernon Ave.; Lot A, District Lot 366, SDYD, Plan KAP84491 located at 950 Westminster Ave. W.; and Lot B, District Lot 366, SDYD, Plan KAP84491 located at 903 Vernon Ave.;

.a Hotel use

.b A use for the temporary accommodation of the travelling public under a rental pool scheme operated by a strata corporation; and/or in a strata plan by any person or family member under a time share use plan or time share ownership plan as defined in the Real Estate Act.

.c Residential use – up to 50% of the hotel floor area occupied by hotel rooms.

.d Eating and drinking establishments, indoor entertainment, recreation and amusement.

.e Retail trade and personal services to a maximum of 100m^2 in floor area.

.f Recreational equipment rentals including motor scooters not exceeding 55cc engine displacement, but excluding other motorized vehicles.

.g Conference facilities, including meeting rooms and kitchen facilities.

.h Professional offices, not to exceed 10% of the building in which they are located not to exceed 900m^2 (9,690 sq. ft.).

.i Notwithstanding the Subdivision and Development Regulations in Section 11.10.2, the following regulations apply to these properties:

.i Maximum Lot Coverage 40%

.ii Maximum Floor Area Ration 1.75

.iii Minimum Parcel Size 0.4ha

.iv Maximum Height 40m (subject to Penticton Airport Zoning Regulations.

.j Notwithstanding the Parking Requirements in Section 7.6, the following regulations apply to these properties:

USES	REQUIRED PARKING SPACES	REQUIRED LOADING SPACES
Hotels	0.66 spaces per room, plus 1 per seats in any eating and drinking establishment	1

CropHealth Advising & Research
PO Box 28098, Kelowna BC
Office 250- 717-1898 www.crophealth.com

To:	Date:
TODD WHYTE **Parks Supervisor** **Penticton Parks Department**	**Friday February 18, 2022** *4 pages from Mario Lanthier*

RISK ASSESSMENT - WESTMINSTER AVE CORNER ALBERNI ST

Scope of work

A construction project may occur on a vacant property bordering city-owned trees on Westminster Avenue. The request was to inspect the trees and confirm they are worthy of preservation. The site was inspected on February 17.

Work conducted

Three trees were examined on February17. The trees are located on Westminster Avenue, starting at the intersection of Alberni Street and going west along the south side of Westminster Avenue towards “Hotel Penticton”.

The trees were visually examined from the ground using a Level 2 assessment, following procedures outlined in ANSI A300 - Part 9 “Tree Risk Assessment” (2011) and the International Society of Arboriculture “Best Management Practices: Tree Risk Assessment” (2011).

Observations

The trees are mature American elms in good condition. The part most likely to fail would be a mid-size branch breaking during a wind storm (under 15 cm diameter).

Risk rating is “Low” for hitting pedestrians on the sidewalk (occasional use) or vehicles on the road (frequent use but minor consequence from a branch falling).

Mario Lanthier
Certified arborist, International Society of Arboriculture (PN-0964A)
Tree Risk Assessment Qualification (TRAQ), International Society of Arboriculture, renewed 2019

TREES EXAMINED: LOCATION AND HAZARDS

Above: Three trees were examined along Westminster Ave, going west from Alberni St. The trees were numbered during a previous inventory, a round metallic tag on the north side of the trunk, showing S14 (most west), S15 and S16 (closest to Alberni St).
To the left of the picture (south) is the vacant lot subject to construction activity.

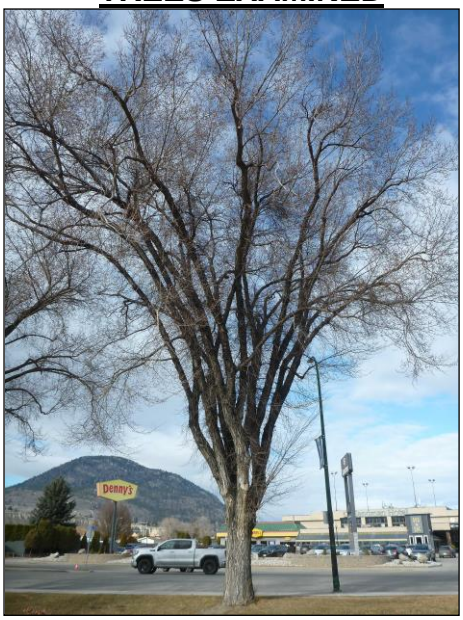
Right: Targets include vehicles on the road (frequent use), pedestrians on the sidewalk (occasional use) and street lamp posts (constant use and under the tree canopy).

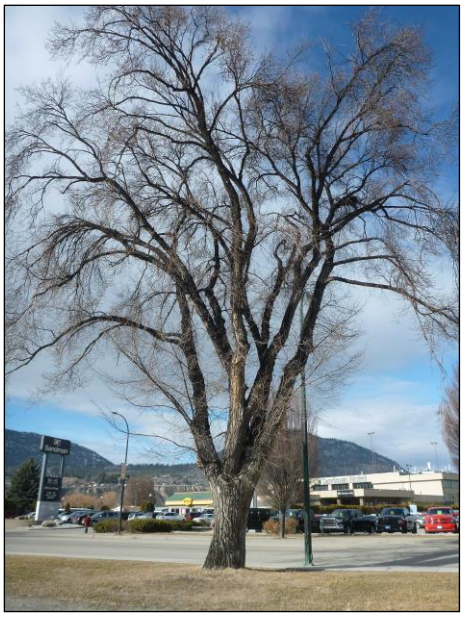
Above: Overall risk rating is “low”.

Left: All trees are American elms (*Ulmus americana*).
Failure is “probable” for branches falling during a wind storm, size < 15 cm diameter.

Right: Distance to target would be up to 5 metres.
Likelihood of impact would be “low” for pedestrians (few use this sidewalk, even during summer months) and “medium” for vehicle traffic (there is no parking on this street).
Consequences would be “significant” if hitting a pedestrian and “minor” for a vehicle.

TREES EXAMINED





Above left: Tree S14 (closer to Hotel Penticton).
The tree is 20 m tall, 77 cm diameter, crown spread of about 22 m, in good condition.
Right: Tree S16 (closest to Alberni Street).
The tree is 15 metres tall, 88 cm diameter, with a crown spread of about 12 metres.
The tree appears in good condition with normal growth for the species and age.

Above: Tree S15 on the south side of Westminster Ave West.
Left: The tree is 11 m tall, 71 cm diameter, spread about 10 m, in good condition.
The tree has a strong lean towards the south. Subsequent growth has self-corrected.
This condition has been present for numerous years. The condition appears stable.
Right: A ring of wood circling the trunk is visible on all elms on this street.
Cause unknown. This may be reaction wood from grafting at the time of propagation.

DETAILS ON THE RISK ANALYSIS

Risk rating is “Low” for pedestrians on the sidewalk and vehicles on the road.

Failure within 1 year	Likelihood of impacting target			
	Very low	Low	Medium	High
Imminent				
Probable		Pedestrians: Probable likelihood for branch breaking in wind	Car traffic: Probable likelihood branch breaking in wind	
Possible				
Improbable				

Failure + Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very likely				
Likely				
Somewhat likely		Low risk for cars		
Unlikely			Low risk for pedestrians	

Definitions

Likelihood of failure is based on normal weather conditions in the coming year. Failure is “possible” when unlikely to occur and “probable” when it is expected to occur.

Likelihood of impact is based on use of the site. Likelihood is “low” when it is not likely the failed part will impact the target and “medium” when the failed part may or may not impact the target. “High” means the failed part “most likely” will impact the target.

Consequence is defined as personal injury, value of the damaged property or disruption to normal activities.

Limitations of report

Trees always present a certain level of risk. The “risk assessment” determines whether a tree failure would cause an unacceptable degree of damage. The site manager must determine what level of risk is acceptable.

There is a limitation to the merit of our observations. The assessment was done without root excavation or testing of underground conditions. Trees are living structures and conditions may change over time. A new assessment may be required after unusual weather. Trees not covered in this report were not examined.

CropHealth Advising & Research
PO Box 28098, Kelowna BC
Office 250- 717-1898 www.crophealth.com

To:	Date:
TODD WHYTE **Parks Supervisor** **Penticton Parks Department**	**Friday February 18, 2022** *7 pages from Mario Lanthier*

TREE PROTECTION DURING CONSTRUCTION ON WESTMINSTER AVE

Background

A construction project is proposed on a vacant property at the corner of Westminster Avenue and Alberni Street. This report documents steps to be taken during the project to protect the City-owned trees growing along Westminster Avenue.

On February 17, a risk assessment was conducted for three trees bordering the proposed construction on Westminster Avenue. The trees were found to be worthy of preservation.

Relevant standards

The City of Penticton "Tree Protection Bylaw" (2001-26) "*prohibits the removal, destruction, trimming or cutting of any City trees without the permission of the Parks Supervisor. This Bylaw requires that fencing be installed at the dripline of trees, as per the guidelines below, during excavation or construction of any building structure*". The property owner is responsible for the condition of the landscaped portion of the boulevard adjacent to the property.

This report follows procedures in the American National Standard ANSI A300 – Part 5 "Management of Trees and Shrubs During Site Planning, Site Development, and Construction" (2005), and the International Society of Arboriculture "Best Management Practices - Managing Trees During Construction" (2016).

More information on this topic can be found in a publication of Oregon State University at https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em8994.pdf.

Mario Lanthier
Certified arborist, International Society of Arboriculture (PN-0964A)
Tree Risk Assessment Qualification (TRAQ), International Society of Arboriculture, renewed 2019

TREE MANAGEMENT

A large number of mature elms create a tree corridor along Westminster Avenue West from Riverside Drive to Power Street, then extending south onto Power Street. The three mature elms in front of the proposed development are part of this corridor.

Safety

Tree maintenance should be conducted only by arborists or trainees following recognized industry practices for tree care and safe work practices.

Location

The subject trees are growing on City property between the existing sidewalk and the proposed development. The trees are located on the south side of Westminster Avenue West, between Alberni Street and the Hotel Penticton. The trees are affixed on the north side of the trunk with a round metallic tag showing numbers S14 (closest to Hotel Penticton), S15 and S16 (closest to Alberni Street).

The "Landscape Plan" prepared by L.A. West Associates (Kamloops) Inc., dated May 2021, shows the trees at their current location.

Description

All three trees are American elms (*Ulmus americana*).
This species has "moderate tolerance" to development impacts [1] and "high adaptability" to environmental changes [2].

- Tree S14 (closest to Hotel Penticton) is 20 metres tall and 77 cm trunk diameter.
- Tree S15 is 11 m tall and 71 cm trunk diameter. This tree shows a lean of the trunk but all growth is self-corrected and the condition appears stable.
- Tree S16 is 15 m tall and 88 cm diameter.

Conservation rating

All three trees have "good" suitability for conservation.
The trees show normal growth and health for the species and the age. There is no structural defect that would require abatement measures. Although fully mature, the trees have the potential for longevity at this site.

---

[1] Matheny N. and J.R. Clark. 1998. Trees and Development – A Technical Gide to Preservation of Trees During Land Development. International Society of Arboriculture. Champaign IL. p178
[2] Dennis C. and W.R. Jacob. 2020. Protecting Trees During Construction. Colorado State University Extension. Fact Sheet NO 7.420. At https://extension.colostate.edu/topic-areas/yard-garden/protecting-trees-during-construction-7-420/

Limits of construction

Construction activities will impact the trees in the following ways.

- Removal of current paving material (asphalt) to the edge of the lawn area;
- Excavation of soil and construction of two buildings with walls that will be at the edge of the current canopy spread for trees S15 and S16;
- Construction of a paved driveway to the east of tree S16 to access the rear parking lot;
- Construction of a patio and/or pathway (with paving stone or stamped concrete) to the east of tree S14 and between trees S15 and S16, but outside of the tree driplines;
- Installation of landscape plantings (shrubs, perennials and ornamental grasses) on the private property but within the dripline of all City trees.

Effects on the trees

Based on the trunk diameter of the subject trees, the City of Penticton standard is to protect an area in a circle around the tree with a radius 4.5 to 5 metres from the trunk. For this project, this circle would interfere with construction activities. This report is recommending a protection zone in a rectangle shape that follows the current lawn area along the sidewalk, where tree roots are most likely currently found.

Construction effects on the subject trees should be minimal provided the current "Landscape Plan" is respected and no work activity is conducted close to the trees.

The plans reviewed do not specify grading, drainage or installation of irrigation. It is not possible to comment on roof overhead that may extend into the tree canopies.

Recommendations for the City

- The three American elms are recommended for retention.
- Prior to construction, remove lower branches that will interfere with building activity.
- During construction, the site should be visited regularly to review on-going concerns of contractors and to ensure the integrity of the "tree protection zone".
- During dry periods of summer months, the trees should be washed with water to remove construction dust from the leaves that may impair photosynthesis.

Recommendations for the developer

- Prior to the start of construction, a "tree protection zone" must be installed to enclose the current lawn area. Details are found later in this report for the design of fencing.
- Sub-contractors must be informed that no activity is allowed within the "tree protection zone"', including lunch tables, storage of materials or driving of machinery.
- No recommendation is made for changes to the submitted landscape plan.

SUBJECT TREES

Above left: The trees discussed in this report are mature elms along Westminster Ave. The planned construction is to the left on the picture, on the lot currently vacant.

Above right: The lawn area should be fenced to create a “tree protection zone”. The lawn area is 5.5 m wide, narrower than the tree canopy (12 to 20 m), but longer.

Above left: Person standing in the vacant lot next to the middle tree (S15). Based on the submitted plan, the person is at the outside wall of the proposed building.

Right: Person standing in the lawn area, east of tree closest to Alberni St (S16). Based on the submitted plan, the person is located at the edge of a proposed driveway.

TREE PROTECTION FENCE

Prior to the start of demolition or construction, a “tree protection fence” must be installed to prevent damage to trees during the construction project.

- The fence must be installed at the edge of the existing lawn area and enclose the three mature elm trees growing along Westminster Avenue.
- The fence must be made of study material such as chain link, wire mesh or wood with standard 2x4 pieces cross-braced with snow-type fencing.
- The fence must be 1.2 to 1.8 m high (4 to 6 feet) and solidly anchored to the ground.
- Signs must be installed on the fence, directed at construction workers, clearly stating “Tree Protection Area – Do Not Enter”, or words to that effect.
- The fence and the sign must remain in place for the duration of the construction.

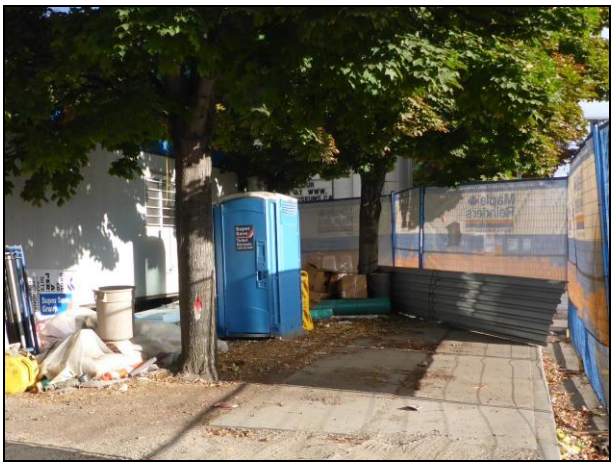
Above: Examples of suitable fencing made from chain link, 4 to 6 feet high, anchored.

Above left: Example of suitable fencing made from 2x4 wood and snow-fencing.
Right: Example of sign to be installed on the fencing to instruct construction workers.

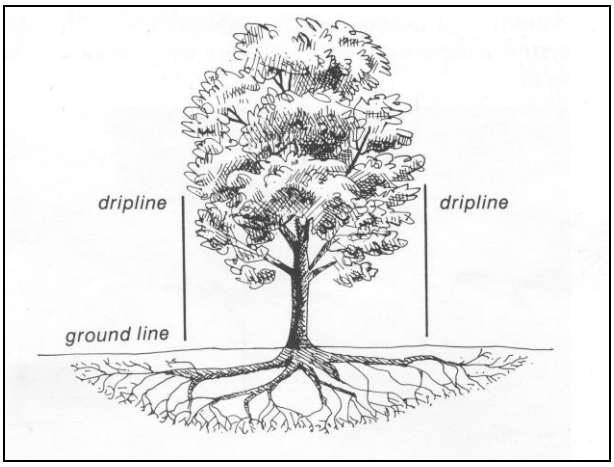
PROHIBITED ACTIVITIES NEAR THE TREES

The construction activities must limit damage to tree parts above-ground and below-ground. Any work within the fenced area, either above ground or below ground, must be discussed and approved in writing by a city representative.

- Construction workers must be instructed to avoid activities within the fenced area.
- The fenced area must be maintained clear of building materials, fill soil, equipment, not be used for storage of equipment and not to be used for tables and chairs.
- The construction activities must avoid direct injury to tree trunks; compaction of soil by driving equipment over the lawn area; lowering of the soil grade; accumulation of fill soil over the lawn area; or pruning of branches without direction by a city representative.



Above: Examples of activities not allowed inside the fenced area.
Left: Permanent storage of tools. Right: Use of area by workers.



Above left: Most tree roots important for uptake of water and food are found in the top 15 to 30 cm of soil and extend to an area just past the dripline from the tree canopy.
Right: Use of equipment close to the tree will cause soil compaction and root damage.

RECOMMENDATIONS TO THE CITY

All measures intended to protect the city trees should be written into the construction specifications and reviewed with the construction crews. Fines and penalties for violations should be built into the specifications. The severity of the fines should be proportional to the potential damage to the trees.

The trees proposed for protection are large mature elms. Such trees cannot be easily replaced. Removal and replanting would impact the tree corridor on this street.

Above left: Branches low on the trunk should be removed ahead of construction.
The branches are of minor importance for the trees and will interfere with construction.
Right: During dry periods of summer months, the trees should be washed with water.
The intent is to remove construction dust from the leaves that impair photosynthesis.

Above: Two insect pests will require maintenance in proximity of the proposed buildings.
Left: Elm leaf beetle adults feed on foliage during June, sometimes again in September.
The adults hide during winter months, either under rocks, debris or on building walls.
Right: European elm scale has been a problem on the subject trees.
When present in large number, honeydew drippings accumulate on the ground below.
Management requires spraying in June and July.

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

Development Permit

Permit Number: DP PL2021-9095

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 366 Similkameen Division Yale District Plan EPP37269

   Civic: 903 Vernon Avenue

   PID: 029-242-681

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 105-unit, 6 storey hotel as shown in the plans attached in Schedule 'A'.

4. In accordance with Section 489 of the Local Government Act, the following provisions of the City of Penticton Zoning Bylaw No. 2021-01 are varied by this permit:

   1. Table 4.1: to allow an at grade patio to project up to 2.651m into a front yard setback.
   2. Section 11.10.4.2.j: required parking shall be provided at the rate of 1 space per 50m^2 for a restaurant (eating and drinking establishment) use.

5. In accordance with Section 502 of the Local Government Act a deposit or irrevocable letter of credit, in the amount of $201,793.00 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:

   1. correct an unsafe condition that has resulted from a contravention of this permit,
   2. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
   3. repair damage to the natural environment that has resulted from a contravention of this permit.

6. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:

   1. The permit has lapsed as described under Condition 11, or
   2. 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.

7. 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

8. All requirements and expectations for the protection of the 3 American Elm boulevard trees contained within the Arborist Report (Schedule 'B') are required to be followed. Any damage to any of the trees will require evaluation, compensation and possible remediation and/or replacement by the applicant.

9. Minimum expectations and requirements for the protection and preservation of the three American Elm boulevard trees throughout construction of the proposed development include the following:

    1. Prior to construction, City may remove lower branches that will interfere with building activity;

    2. During construction, the site should be visited regularly (by the City) to review on-going concerns of contractors and to ensure the integrity of the 'tree protection zone';

    3. During dry periods of summer months, the trees should be washed (by the City) with water to remove construction dust from the leaves that may impair photosynthesis;

    4. Prior to the start of construction, the applicant must install a 'tree protection zone' to enclose the current lawn area. Fencing must meet minimum requirements of construction fencing as detailed within the arborist report provided;

    5. The applicant must ensure that all sub-contractors are informed that no activity is allowed within the 'tree protection zone', including lunch tables, storage of materials or driving of machinery; and

    6. Any changes made to the landscaping plan should be reviewed by the City and/or arborist for potential impacts.

10. 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'.

11. 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.

12. **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.**

13. 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.

14. 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 March, 2022.

Issued this _____ day of March, 2022.

_____

Angela Collison
Corporate Officer

FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

This document has been electronically certified with digital seals and signatures according to the Province of BC's AIBC and APEGBC. The authoritative original had been transmitted to you in electronic form. Any printed version can be relied upon as a true copy of the original when supplied by the original author, bearing images of the professional seal and digital certificate, or when printed from the digitally certified electronic file provided.

REGISTERED ARCHITECT JOSEPH WINTEN BRITISH COLUMBIA

2022-02-14

REISSUED FOR DP

FEB 14 2022

LOCATION MAP

PROJECT DATA			
PROJECT NAME	FOUR POINTS SHERATON HOTEL		
CIVIC ADDRESS	903 VERNON AVENUE PENTICTON, B.C		
LEGAL DESCRIPTION	LOT 2, DISTRICT LOT 366 SIMILKAMEEN DIVISION YALE DISTRICT, PLAN EPP37269		
CURRENT ZONING	CT1 (11.10 CT1-TOURIST COMMERCIAL) ZONING BYLAW No.2021-01		
ZONING BYLAW CLASS	COMMERCIAL ZONES		
CURRENT BYLAW	No. 2021-01		
PRIMARY USES	HOTEL		
LOT (SITE) AREA*	73434.92 SF / 6822.31 M2 (1.68 ACRES)		
BUILDING FOOTPRINT(AREA)*	17390 SF / 1615.58 M2		
FLOOR AREA (NET)*	FLOOR LEVELS	SF	SM
	MAIN FLOOR	15712.06	1459.69
	2ND FLOOR	12000.75	1114.90
	3RD FLOOR	10484.20	974.01
	4TH FLOOR	10484.20	974.01
	5TH FLOOR	10484.20	974.01
	6TH FLOOR	10484.20	974.01
	TOTAL FLOOR AREA	69649.61	6470.66
	*DENOTES DEFINATION IN ZONING BYLAW NO. 2021-01		

ZONING DATA	BY-LAW REQUIREMENTS	BY-LAW SECTION	PROPOSED OR PROVIDED
CURRENT ZONE	CT1-TOURIST COMMERCIAL	11.10CT1-TOURIST COMMERCIAL	SAME
AREA OF APPLICATION	CT1-TOURIST COMMERCIAL		SAME
	LOT 2, DISTRICT LOT 366		
	SIMILKAMEEN DIVISION YALE DISTRICT,		SAME
	PLAN EPP37269		
PERMITTED USES	TOURIST ACCOMODATION	11.10.1 (11)	
	RESTAURANT	11.10.1 (8)	
11.10.4 (2) & (9) SITE SPECIFICATIONS PROVISIONS (LOCATED AT 903 VERNON AVE.)			
11.10.2 (2) SUBDIVISION AND DEVELOPMENT REGULATIONS			

DEVELOPMENT CRITERIA	APARTMENT HOTELS	REQUIRED	PROPOSED
MINIMUM SITE FRONTAGE	11.10.2 (6)	3.0M	3.0M (REFER TO SITE PLAN)
MINIMUM INTERIOR SIDE	11.10.2 (7)(i)	0M-4.5M	4.5M (REFER TO SITE PLAN)
MINIMUM EXT. YARD	11.10.2 (7)(ii)	4.5M	17.97M(REFER TO SITE PLAN)
MINIMUM REAR YARD	11.10.2 (8)	4.5M	54.74M(REFER TO SITE PLAN)
MAX. HEIGHT OF BLDG.	11.10.4 (2)(9)(d)	40.0M (SUBJECT TO PENTICTON AIRPORT ZONING REGULATIONS)	
MAXIMUM F.A.R	11.10.4(2)(9)(b)	1.75	6470.66 SM / 6822.31 SM = 0.94
MAX. LOT COVERAGE	11.10.4(2)(9)(a)	40%	23.6%
MINIMUM PARCEL SIZE	11.10.4(2)(9)(c)	0.4ha	4.15ha

PARKING REQUIREMENTS	11.10.4(2)(10)	REQUIRED	PROPOSED
HOTELS		0.66 SPACES PER ROOM(105 ROOMS)+	69 SPACES
		DINING-ANCILLARY TO HOTEL 1 per 50 m2 NFA = 332.95/50= 6.6	7 SPACES
TOTAL SPACES INCLUDES			76 SPACES INCLUDES
(ACCESSIBLE SPACES &		TABLE 6.7	6 SPACES (ACC)
SMALL CAR)	6.1.5(3)	25% OF PARKING SPACES=20 SPACES	4 SPACES (SMALL CAR)
LOADING			1 LOADING SPACE
BICYCLE PARKING		MINIMUM OF 2, PLUS ONE FOR EVERY 125 M2 OVER 250 M2 -CLASS 2	13 BICYCLE PARKING
		MINIMUM OF 2, PLUS ONE FOR EVERY 125 M2 OVER 250 M2- CLASS 1	5 BICYCLE LOCKER

	GUEST SPACES	TOTAL NET SF
LOBBY AREAS	**LOBBY**	
	ENTRANCE VESTIBULE	157
	CIRCULATION	163
	LOBBY SEATING AREA	338
	LIBRARY	264
	BOARDING PASS PRINT	49
	LOUNGE AREA	800
	RECEPTION	198
	PUBLIC WASHROOMS	395
	TOTAL LOBBY AREAS	2364
RECREATION FACILITIES	**RECREATION FACILITIES**	
	FITNESS CENTER	664
	POOL & HOT TUB	1,849
	POOL WASHROOM	52
	TOTAL REC. FACILITIES	2,565
RETAIL	**RETAIL**	
	PANTRY	104
	TOTAL RETAIL	104
MEETING SPACES	**MEETING SPACES**	
	MEETING ROOM	336
	TOTAL MEETING SPACES	336
GUESTROOMS	**GUESTROOMS** (NOTE: SEE MATRIX FOR BREAKDOWN BY ROOM TYPE)	
	TOTAL GUESTROOMS 105	34,158
GUESTROOM SUPPORT	**GUESTROOM CORRIDORS & SUPPORT**	
	ELEVATOR LOBBY	913
	GUEST LAUNDRY	82
	GUEST CORRIDOR	6,827
	STAIRS	1,920

BACK OF HOUSE	TOTAL GUEST SUPPORT	9,742
	TOTAL GUEST SPACES	49,269
	BACK OF HOUSE	
	ADMINISTRATION	
	ADMIN.	409
	GM OFFICE	111
	SALES OFFICE	133
	ENGINEER OFFICE	117
	LUGGAGE STORAGE	62
	STORAGE CLOSET	18
		850
	EMPLOYEE AREAS	
	EMPLOYEE BREAKROOM	234
	BOH CORRIDOR	289
	EMPLOYEE WASHROOM	57
		580
	HOUSEKEEPING AREAS	
	LAUNDRY ROOM	828
	LINEN STORAGE	1,425
	SUPPLY STORAGE	441
		2,694
	PROPERTY TECHNOLOGY	
	SYSTEMS	73
		73
	MECH./ELEC./PLUMBING	
	MECHANICAL ROOM	303
	ELECTRICAL ROOM	284
	ELECTRICAL CLOSET	792
	POOL EQUIPMENT	107
	ELEVATOR EQUIPMENT	106
		1592
	TOTAL BOH SPACES	5,789

SUMMARY	
TOTAL NUMBER OF GUESTROOM FLOORS	6
TOTAL NUMBER OF FLOORS	6
GUEST SPACES	49,269
BACK OF HOUSE	5,789
TOTAL NET BUILDING AREA	55,058
WALLS & SHAFTS	12,389
TOTAL GROSS BUILDING AREA	67,447
TOTAL GROSS SQ. FT. PER ROOM	642

FOUR POINTS BY SHERATON

GUESTROOM MATRIX	ROOM TYPE									NET AREA		GROSS	AREA
ROOM TYPE	SIZE	MAIN FLOOR	2ND FLOOR	3TH FLOOR	4TH FLOOR	5TH FLOOR	6TH FLOOR	TOTAL	RATIO	(S.F.)	(S.M.)	(S.F.)	(S.M.)
Standard King	13'X25'	0	6	6	3	2	2	19	18%	227.6	21.2	319.3	29.7
King Suite w/Kitchen	26'X25'	0	0	0	2	2	2	6	6%	504.0	46.9	384.4	35.7
Accessible King	13'X30'	0	1	1	1	1	1	5	5%	273.6	25.4	396.3	36.9
Adjoining King	13'X25'	0	1	1	0	0	0	2	2%	227.6	21.2	319.3	29.7
Standard QQ	13'X30'	1	12	12	11	10	10	56	53%	289.9	26.9	384.4	35.7
Adjoining QQ	13'X30'	0	0	0	1	1	1	3	3%	289.9	26.9	384.4	35.7
QQ Suite w/Kitchen	26'X30'	2	2	2	3	3	3	14	13%	565.1	52.6	702.6	65.3
TOTAL UNITS		3	22	22	20	19	19	105	100%				
TOTAL UNIT W/KITCHEN		2	2	2	4	5	5	20	19%				
TOTAL NET AREA (S.F)		1,419.60	6,663.60	6,663.60	6,663.60	6,373.60	6,373.60	34,157.60		34,157.60	3,173.34	43,509.20	4,042.11
TOTAL GROSS AREA (S.F)		1,789.60	8,138.80	8,138.80	8,138.80	8,651.60	8,651.60	43,509.20					

DP ARCHITECTURAL DRAWING LIST

NO.	SHEET TITLE
DP-000	COVER PAGE
DP-001	EXISTING CONTEXT PLAN & STREETSCAPE
DP-100	SITE PLAN
DP-101	FDAR- Fire department Access route
DP-102	MAIN FLOOR
DP-103	MAIN & 2ND DINING AREA PLANS
DP-104	SECOND FLOOR PLAN
DP-105	THIRD FLOOR PLAN
DP-106	FOURTH FLOOR PLAN
DP-107	FIFTH FLOOR PLAN
DP-108	SIXTH FLOOR PLAN
DP-109	HOTEL ROOF FLOOR PLAN
DP-110	SITE LIGHTING - PARKING
DP-200	EAST & WEST ELEVATIONS / COLOR SCHEDULE
DP-201	NORTH & SOUTH ELEVATIONS
DP-300	BUILDING SECTIONS
DP-301	BUILDING SECTIONS
DP-302	SECTIONS-THROUGH SITE
DP-400	ENLARGED GUESTROOM PLANS
DP-900	3D VIEWS-RENDERS
DP-901	RENDERS
DP-902	RENDERS
DP-903	3D VIEWS-ROOF AREA

CONSULTANT INFORMATION

ARCHITECT		LANDSCAPE ARCHITECT	
BUSINESS NAME	JW ARCHITECTURE INC	BUSINESS NAME	L.A WEST
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TELEPHONE NUMBER	604 583 2003	TELEPHONE NUMBER	250.374.9631
EMAIL ADDRESS	JOE@JWARCHITECTURE.CA	EMAIL ADDRESS	Ray Visser
CONTACT PERSON	JOE WINTEN	CONTACT PERSON	Ray Visser <rvisser@lawest.ca>

DP PL2021-9095 Scheduled

2021-09 FOUR POINTS by SHERATON

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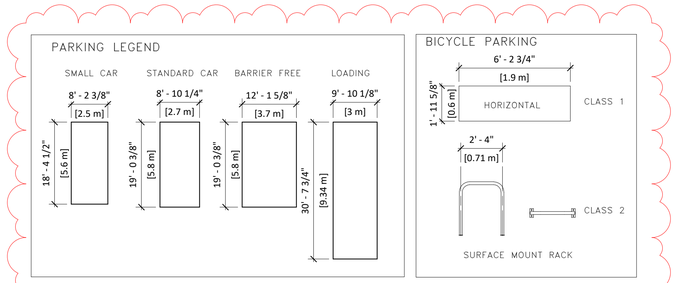

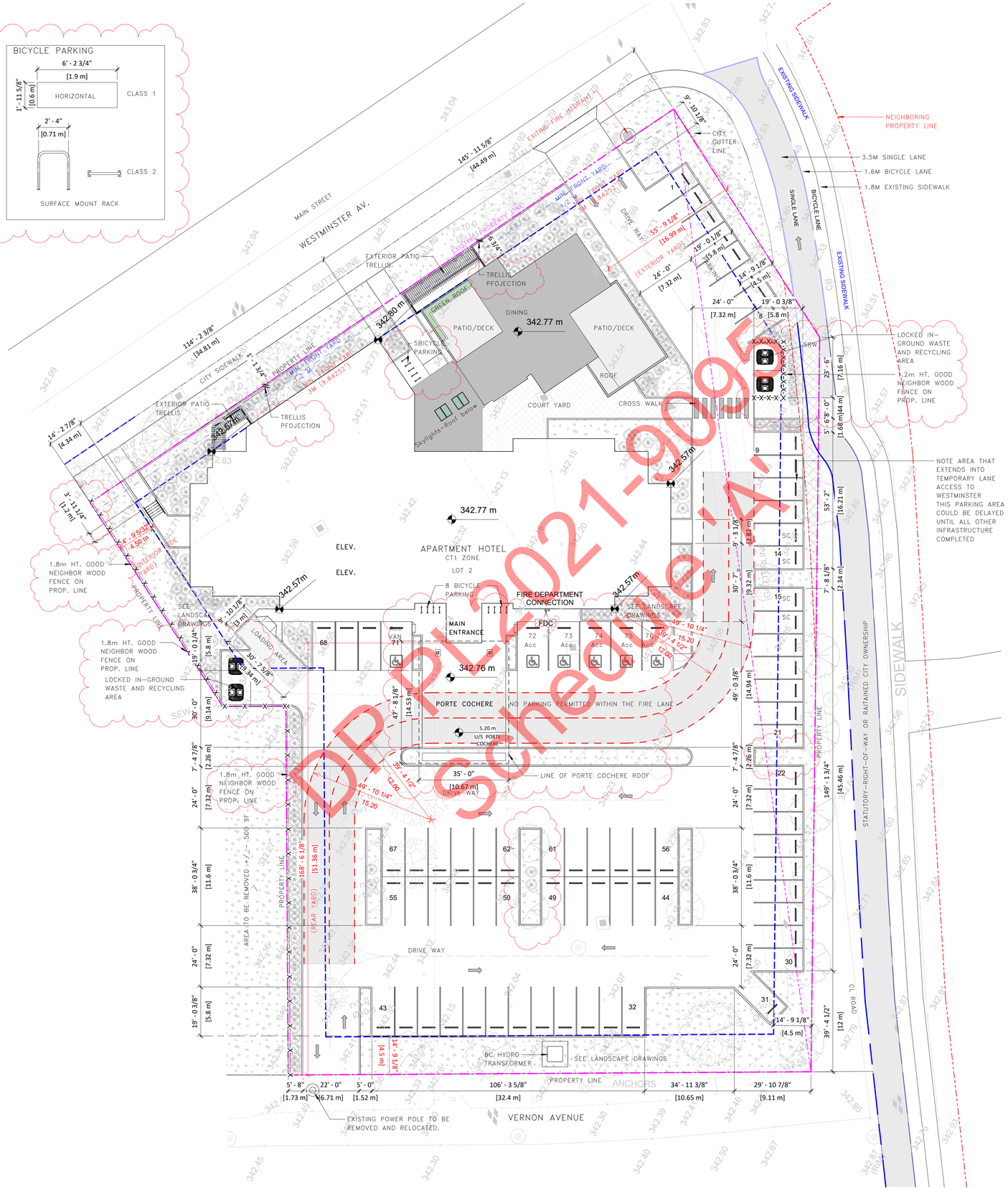

REV	DATE	DESCRIPTION	BY
6	2022-02-22	RE-ISSUED FOR DP	WH
5	2022-02-14	RE-ISSUED FOR DP	WH
4	2021-12-29	RE-ISSUED FOR DP	WH
3	2021-09-08	ISSUED FOR DP	TJ
2	2021-05-07	ISSUED FOR DP - REV	HM
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
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CH.	JMM
SCALE	As indicated

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ARCHITECT AIBC
JOE MINTEN
2022-02-22

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

SITE PLAN

1 Site
1" = 20'-0"

REV No. 04 | Project No. 2021-09 | DP-100

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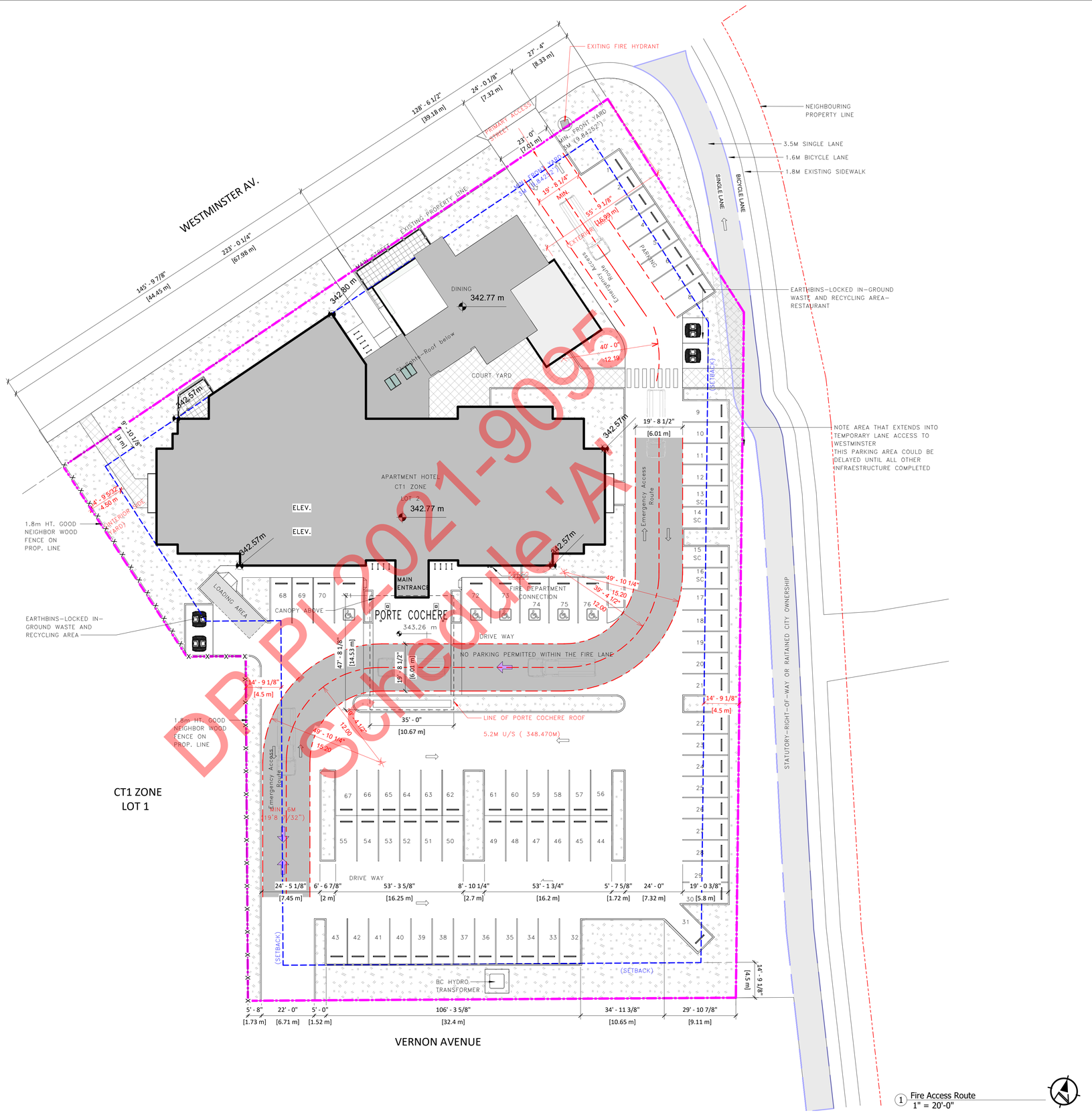

1 Fire Access Route
1" = 20'-0"

DP PL2021-9095 Schedule 'A'

REV	DATE	DESCRIPTION	BY
5	2022-02-14	RE-ISSUED FOR DP	WH
4	2021-12-29	RE-ISSUED FOR DP	WH
3	2021-09-08	ISSUED FOR DP	TJ
2	2021-05-07	ISSUED FOR DP - REV	HM
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	1" = 20'-0"

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2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

FDAR- Fire department Access route

REV No.	Project No.	DP–101
03	2021-09	

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DP PL2021-9095
DP PL2021-9095 Scheduled

REV	DATE	DESCRIPTION	BY
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2	2021-05-07	ISSUED FOR DP - REV	HM
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	1/8" = 1'-0"

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2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

MAIN FLOOR

REV No.	Project No.	DP-102
	2021-09	

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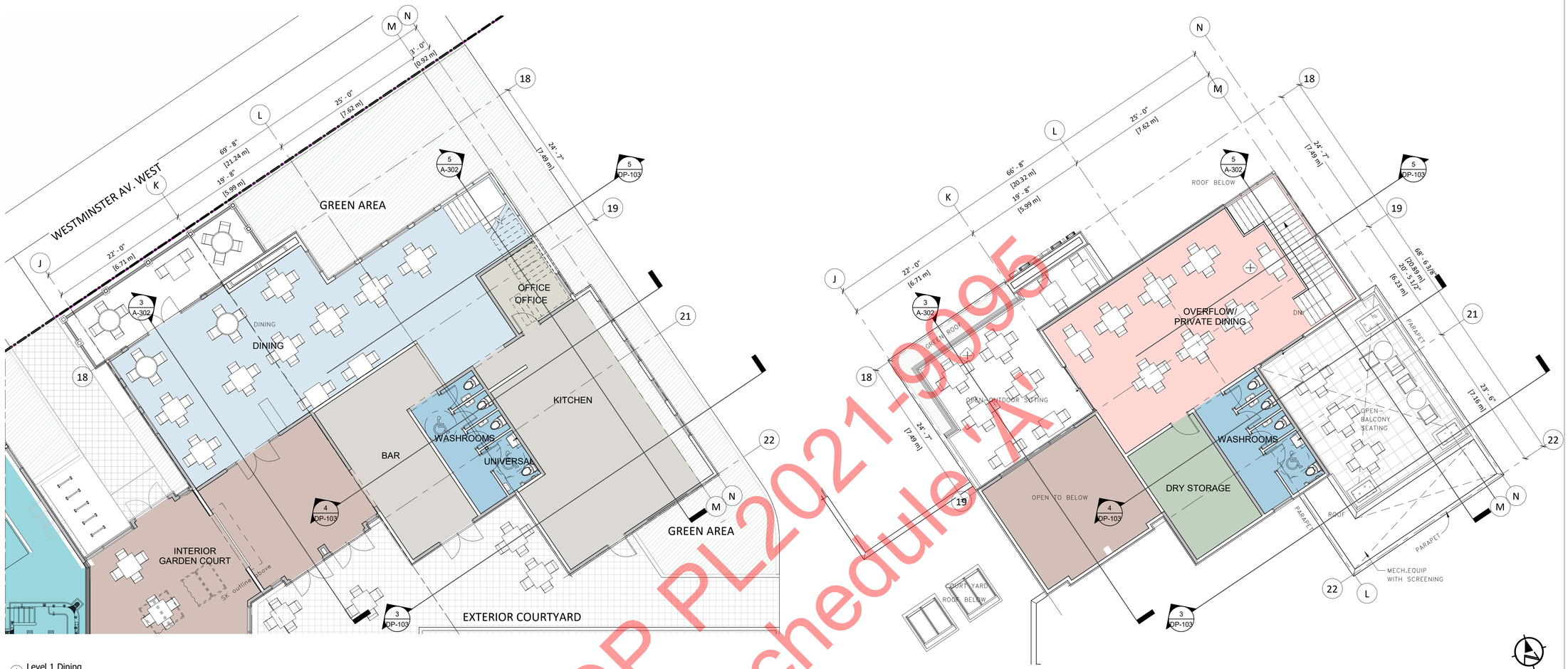

1 Level 1 Dining
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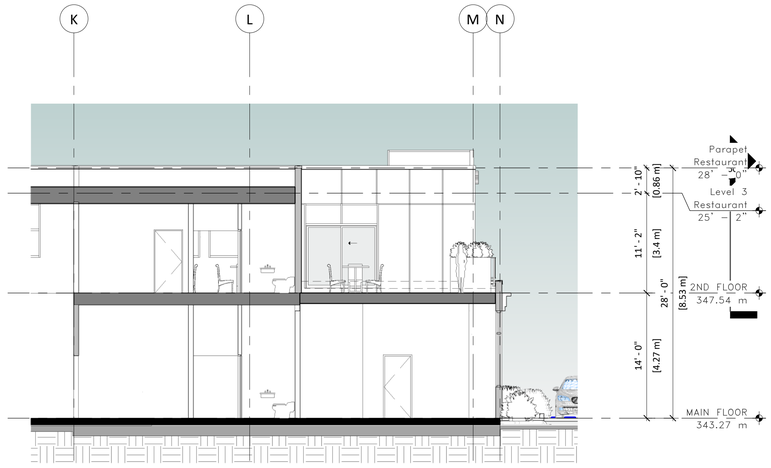
2 Level 2 Dining
1/8" = 1'-0"



4 Section 24
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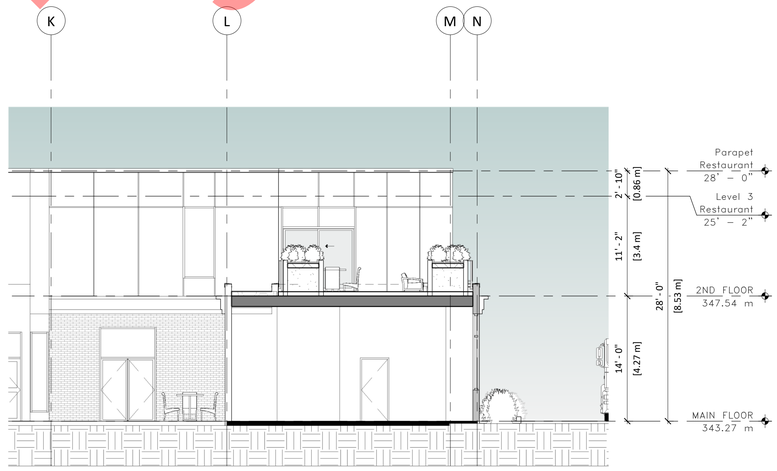

3 Section 28
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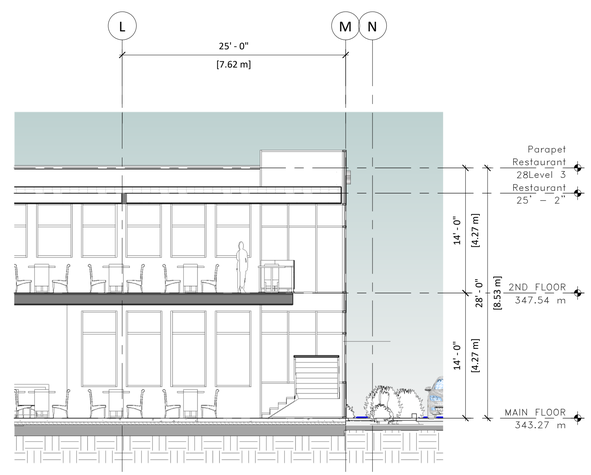

5 Section 25
1/8" = 1'-0"

DP PL2021-9095
Schedule 'A'

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5	2022-02-14	RE-ISSUED FOR DP	WH
4	2021-12-29	RE-ISSUED FOR DP	WH
3	2021-09-08	ISSUED FOR DP	TJ
2	2021-05-07	ISSUED FOR DP - REV	HW
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
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REGISTERED ARCHITECT JOE MINTEN PROVINCE OF BRITISH COLUMBIA

2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

MAIN & 2ND DINING AREA PLANS

REV No.	Project No.	
0.3	2021-09	DP-103

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1 2ND FLOOR
1/8" = 1'-0"

DP PL2021-9095 Schedule 'A'

REV	DATE	DESCRIPTION	BY
5	2022-02-14	RE-ISSUED FOR DP	WH
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1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
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REGISTERED ARCHITECT JOE MINTEN BRITISH COLUMBIA

2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

SECOND FLOOR PLAN

REV No. 0.3 | Project No. 2021-09 | DP-104

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1 3RD FLOOR
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2	2021-05-07	ISSUED FOR DP - REV	HW
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	1/8" = 1'-0"

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2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

THIRD FLOOR PLAN

REV No. 0.3 | Project No. 2021-09 | DP-105

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DP PL2021-9095 Schedule 'A'

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joe@jmarchitecture.ca - E

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DP PL2021-9095
Schedule 'A'

1 4TH FLOOR
1/8" = 1'-0"

REV	DATE	DESCRIPTION	BY
5	2022-02-14	RE-ISSUED FOR DP	WH
4	2021-12-29	RE-ISSUED FOR DP	WH
3	2021-09-08	ISSUED FOR DP	TJ
2	2021-05-07	ISSUED FOR DP - REV	HW
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	1/8" = 1'-0"

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2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

FOURTH FLOOR PLAN

REV No. 02 | Project No. 2021-09 | DP-106

2/14/2022 10:32:58 AM

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1 5TH FLOOR
1/8" = 1'-0"

REV	DATE	DESCRIPTION	BY
5	2022-02-14	RE-ISSUED FOR DP	WH
4	2021-12-29	RE-ISSUED FOR DP	WH
3	2021-09-08	ISSUED FOR DP	TJ
2	2021-05-07	ISSUED FOR DP - REV	HW
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	1/8" = 1'-0"

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2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

FIFTH FLOOR PLAN

REV No. 02 | Project No. 2021-09 | DP-107

2/14/2022 10:33:03 AM

DP PL2021-9095 Schedule 'A'

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DP PL2021-9095
Schedule A

1 6TH FLOOR
1/8" = 1'-0"

REV	DATE	DESCRIPTION	BY
5	2022-02-14	RE-ISSUED FOR DP	WH
4	2021-12-29	RE-ISSUED FOR DP	WH
3	2021-09-08	ISSUED FOR DP	TJ
2	2021-05-07	ISSUED FOR DP - REV	HW
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	1/8" = 1'-0"

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2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

SIXTH FLOOR PLAN

REV No.	Project No.	
0.3	2021-09	DP-108

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DP PL2021-9095 Schedule 'A'

1 T/O Roof
1/8" = 1'-0"

REV	DATE	DESCRIPTION	BY
5	2022-02-14	RE-ISSUED FOR DP	WH
4	2021-12-29	RE-ISSUED FOR DP	WH
3	2021-09-08	ISSUED FOR DP	TJ
2	2021-05-07	ISSUED FOR DP - REV	HW
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	1/8" = 1'-0"

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2022-02-14

Project Name
FOUR POINTS by SHERATON

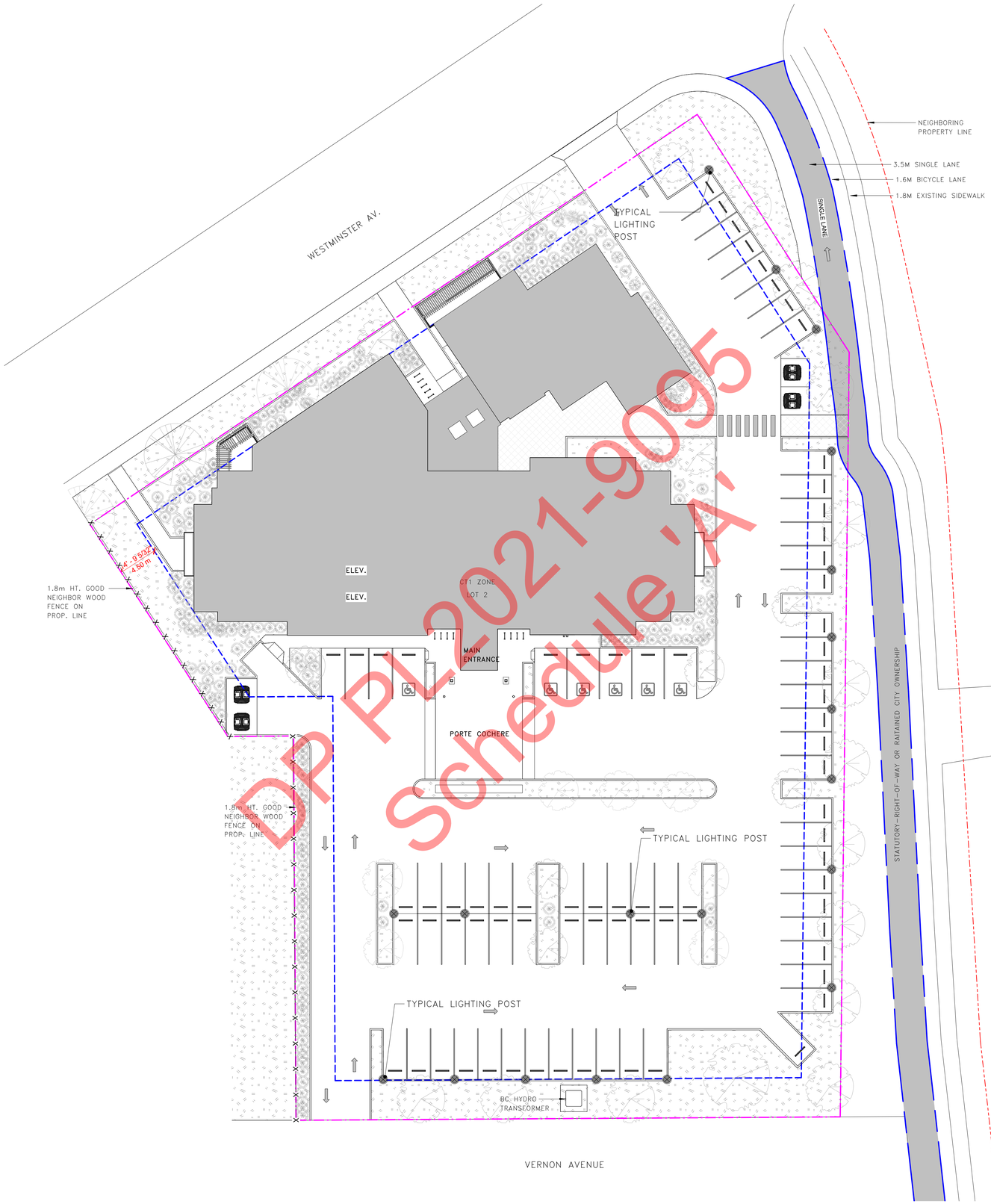
903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

HOTEL ROOF FLOOR PLAN

REV No. 0.3 | Project No. 2021-09 | DP-109

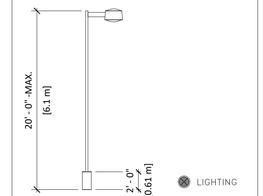
2/14/2022 10:33:28 AM



DP PL2021-9095
Schedule 'A'

RUUD LIGHTING

TYPICAL PARKING LOT LIGHTING



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REV	DATE	DESCRIPTION	BY
5	2022-02-14	RE-ISSUED FOR DP	WH

START DATE	2021-04-13
PROJECT No	2021-09
DR.	Author
CH.	Checker
SCALE	As indicated

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REGISTERED ARCHITECT — JOE MINTEN — PROVINCE OF BRITISH COLUMBIA

2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

SITE LIGHTING - PARKING

1 Site - Lighting
1" = 20'-0"

REV No.	Project No.	DP-110
	2021-09	

2/14/2022 10:33:37 AM

1 East
3/32" = 1'-0"

COLOUR SCHEDULE

01 EIFS W-080-7E EIFS- ADEX MEDIUM TEXTURE	02 EIFS W-117-2E EIFS- ADEX MEDIUM TEXTURE	03 EIFS W-203-7E EIFS-ADEX MEDIUM TEXTURE	04 BRICK MEDORA-BRICK SIZE: MODULAR TEXTURE: RUSTIC	05 RAILING ALUMINUM ANODIZED	06 WINDOW FRAME ALUMINUM ANODIZED	07 CLEAR GLASS

2 West
3/32" = 1'-0"

DP PL2021-9095 Schedule 'A'

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2	2021-05-07	ISSUED FOR DP - REV	HW
1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
SCALE	As indicated

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REGISTERED ARCHITECT JOE MINTEN PROVINCE OF BRITISH COLUMBIA

2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

EAST & WEST ELEVATIONS / COLOR SCHEDULE

REV No.	Project No.	
03	2021-09	DP-200

2/14/2022 10:34:13 AM

1 North
3/32" = 1'-0"

COLOUR SCHEDULE

01	EIFS	W-080-7E EIFS- ADEX MEDIUM TEXTURE
02	EIFS	W-117-2E EIFS- ADEX MEDIUM TEXTURE
03	EIFS	W-203-7E EIFS-ADEX MEDIUM TEXTURE
04	BRICK	MEDORA-BRICK SIZE: MODULAR TEXTURE: RUSTIC
05	RAILING	ALUMINUM ANODIZED
06	WINDOW FRAME	ALUMINUM ANODIZED
07	CLEAR GLASS	

2 South
3/32" = 1'-0"

DP PL2021-9095 Schedule A

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1	2021-07-29	ISSUED FOR DP	TJ

START DATE	2021-04-13
PROJECT No	2021-09
DR.	WH
CH.	JMM
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2022-02-14

Project Name
FOUR POINTS by SHERATON

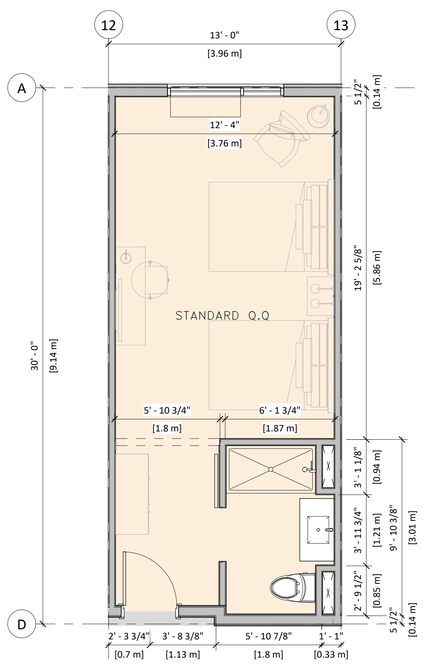
903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

NORTH & SOUTH ELEVATIONS

REV No.	Project No.	DP-201
03	2021-09	

2/14/2022 10:35:02 AM



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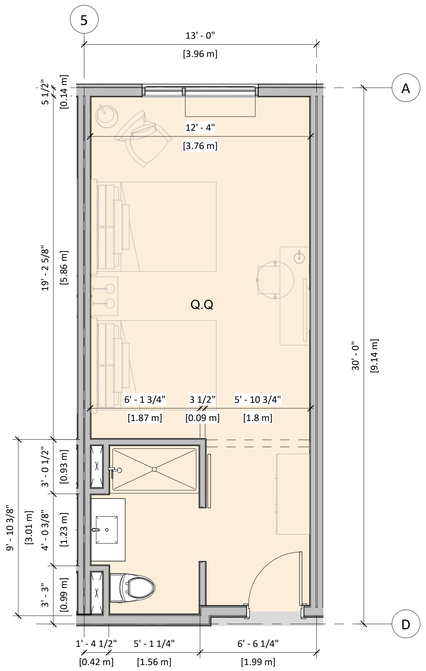
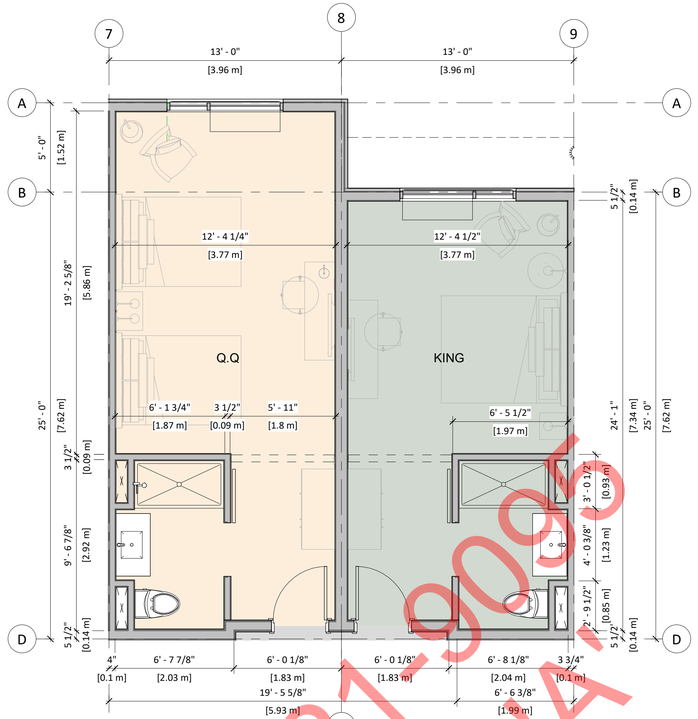
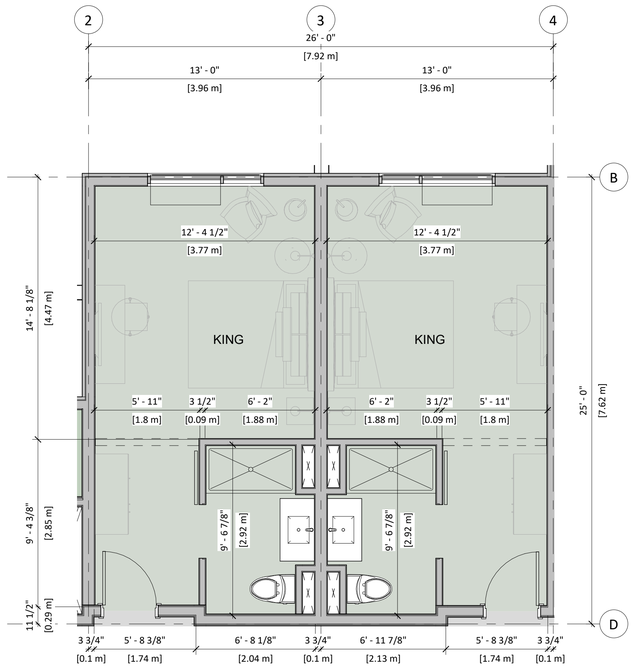
1/4" = 1'-0"



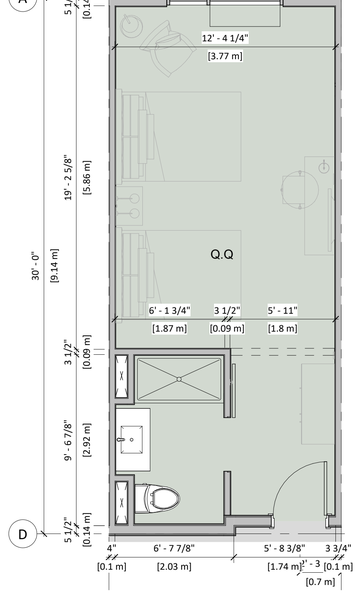
1 TYPE -Q.Q ADJ
1/4" = 1'-0"



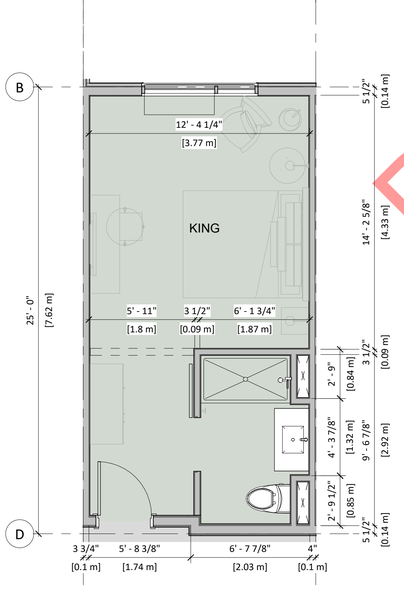
2 TYPE-Q.Q SUITE
1/4" = 1'-0"



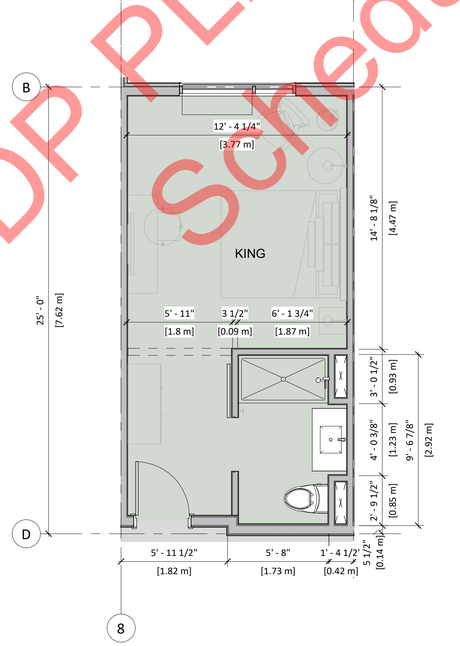
4 TYPE -KING SUITE
1/4" = 1'-0"



5 TYPE -ACC KING
1/4" = 1'-0"



6 TYPE - KING. ADJ
1/4" = 1'-0"



7 TYPE-STANDARD KING
1/4" = 1'-0"

DP PL2021-9095
Schedule A

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REGISTERED ARCHITECT JOSEPH MINTEN PROVINCE OF BRITISH COLUMBIA

2022-02-14

Project Name
FOUR POINTS by SHERATON

903 Vernon Avenue Penticton BC V2A 1P7

Client:
Mundi Hotel Enterprises Inc.

ENLARGED GUESTROOM PLANS

REV No.	Project No.	
0.3	2021-09	DP-400

2/14/2022 10:35:30 AM

(SEE SHT. L-2 FOR PLANTING PLAN)

PLANT LIST

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE/SPACING
TREES				
09	AP	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	30mm cal. Specimen
03	GB	Gingko biloba 'Princeton Sentry'	Princeton Sentry Ginkgo	50mm cal./ as shown
10	MS	Malus X 'Spring Snow'	Spring Snow Crabapple (fruitless)	40mm cal./ as shown
13	TC	Tilia flavesens 'Dropmore'	Dropmore Linden	60mm cal./ as shown
SHRUBS				
26	Bt	Berberis thunbergii 'Rose Glow'	Rose Glow Barberry	#2 pot/1.2M O.C.
96	Bx	Buxus sinica var. insularis 'Wintergreen'	Wintergreen Korean Boxwood	#2 pot/1.2M O.C.
17	Co	Cornus alba 'Baihalo'	Ivory Halo Dogwood	#2 pot/1.5M O.C.
25	Ea	Euonymus alatus 'Compactus'	Compact Burning Bush	#2 pot/1.5M O.C.
23	Ha	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	#2 pot/1.5M O.C.
17	Js	Juniperus scopulorum 'Medora'	Medora Juniper	#5 pot/1.5M O.C.
17	Jv	Juniperus horizontalis 'Prince of Wales'	Prince of Wales Juniper	#5 pot/1.5M O.C.
14	Tx	Taxus cuspidata 'Nana'	Dwarf Japanese Tew	#5 pot/1.5M O.C.
ORNAMENTAL GRASSES & PERENNIALS				
36	a	Astilbe 'Purple Rain'	Purple Rain Astilbe	#1 pot/0.6M O.C.
20	b	Bergenia 'Bressingham White'	Bressingham White Bergenia	#1 pot/0.6M O.C.
54	c	Calamagrostis x acutiflora 'Overdam'	Varigated Reed Grass	#1 pot/1.0M O.C.
50	g	Helictotrichon sempervirens	Blue Oat Grass	#1 pot/1.0M O.C.
201	h	Hemerocallis 'Happy Returns'	Happy Returns Daylily (yellow)	#1 pot/0.6M O.C.
16	s	Hosta 'Wide Brim'	Hosta Wide Brim - Variegated	#1 pot/0.6M O.C.
61	x	Nepeta X faassenii 'Dropmore Blue'	Dropmore Blue Catmint	#1 pot/0.6M O.C.
30	pa	Pennisetum alopecuroides	Fountain Grass	#1 pot/0.6M O.C.

NOTE: Layout of all plant material in the field to be approved by Landscape Architect prior to planting.

LEGEND

- PROPOSED DECIDUOUS TREE
- PROPOSED DECIDUOUS SHRUBS
- PROPOSED CONIFEROUS SHRUBS
- PROPOSED PERENNIALS & ORNAMENTAL GRASSES
- TURF GRASS
- PAVING STONE OR STAMPED CONCRETE
- IRRIGATION SLEEVE (3 / L-3)
- DECORATIVE BOLDERS (2 / L-3)
- PORTABLE PLANTER POTS c/w ANNUALS BY OWNER

NOTE:
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RAYMOND V. VISSER — LANDSCAPE ARCHITECT — BRITISH COLUMBIA SOCIETY OF LANDSCAPE ARCHITECTS

NO.	REVISION	DATE
09.	REISSUED FOR DP	02-11-22
08.	NEW SITE PLAN & DESIGN REVS.	02-02-22
07.	REISSUED FOR DP	12-24-21
06.	NEW SITE PLAN & DESIGN REVS.	12-10-21
05.	REISSUED FOR DP	09-13-21
04.	REISSUED FOR DP	08-13-21
03.	TOPO SURVEY & NEW SITE PLAN	08-06-21
02.	ISSUED FOR DP	05-07-21
01.	ISSUED FOR REVIEW	05-06-21

CONSULTANTS

L.A.West
Associates (Kamloops) Inc.
Landscape Architecture Environmental Planning
104 -147 Victoria Street, Kamloops, B.C. V2C 1Z4
TEL: (250) 374-9831 FAX: (250) 374-1294

PROJECT TITLE
FOUR POINTS BY SHERATON
903 VERNON AVE. PENTICTON, B.C.

MUNDI HOTEL ENTERPRISES INC.

SHEET TITLE
LANDSCAPE PLAN OVERALL

DRAWN	DRAWING NO.
RTV	L-1
SCALE	REPRODUCED/PLOTTED
1"=16'	
DATE DRAWN	
MAY 2021	

GENERAL NOTES:
1. ALL LANDSCAPING SHALL CONFORM TO THE LATEST EDITION OF THE CANADIAN LANDSCAPE STANDARD, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
2. ALL LANDSCAPING SHALL HAVE UNDERGROUND IRRIGATION INSTALLED.
3. LANDSCAPE GRADING SHALL CONFORM TO THE SITE GRADING & DRAINAGE PLAN PREPARED BY OTHERS, UNLESS OTHERWISE DIRECTED BY THE ARCHITECT / ENGINEER.
4. THIS PLAN WAS PREPARED FOR PERMIT APPLICATION ONLY AND SHALL NOT BE USED FOR CONSTRUCTION UNLESS APPROVED IN WRITING BY L.A. WEST ASSOCIATES INC. OR LABELLED AS 'ISSUED FOR CONST. (IFC)'.
5. SITE PLAN INFORMATION PROVIDED BY JMA ARCHITECTURE INC. AUG. 2021, SITE SURVEY INFORMATION PROVIDED BY MANDEVILLE LAND SURVEYING INC. - PENTICTON, BC., MAY 2021.
6. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES THAT MAY BE AFFECTED BY THE WORK AND MAKE GOOD ANY DAMAGE AT THE CONTRACTOR'S EXPENSE, TO THE SATISFACTION OF THE ARCHITECT/ENGINEER.

DP PL2021-9095 Schedule A

PLANT LIST

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE/SPACING
TREES				
09	AP	Acer palmatum 'Bloodgood'	Bloodgood Japanese Maple	30mm cal. Specimen
03	GB	Gingko biloba 'Princeton Sentry'	Princeton Sentry Ginkgo	50mm cal./ as shown
10	MS	Malus X 'Spring Snow'	Spring Snow Crabapple (fruitless)	40mm cal./ as shown
13	TC	Tilia flavesens 'Dropmore'	Dropmore Linden	60mm cal./ as shown
SHRUBS				
26	Bt	Berberis thunbergii 'Rose Glow'	Rose Glow Barberry	#2 pot/1.2M O.C.
96	Bx	Buxus sinica var. insularis 'Wintergreen'	Wintergreen Korean Boxwood	#2 pot/1.2M O.C.
17	Co	Cornus alba 'Bailhalo'	Ivory Halo Dogwood	#2 pot/1.5M O.C.
25	Ea	Euonymus alatus 'Compactus'	Compact Burning Bush	#2 pot/1.5M O.C.
23	Ha	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	#2 pot/1.5M O.C.
17	Js	Juniperus scopulorum 'Medora'	Medora Juniper	#5 pot/1.5M O.C.
17	Jv	Juniperus horizontalis 'Prince of Wales'	Prince of Wales Juniper	#5 pot/1.5M O.C.
14	Tx	Taxus cuspidata 'Nana'	Dwarf Japanese Tew	#5 pot/1.5M O.C.
ORNAMENTAL GRASSES & PERENNIALS				
36	a	Astilbe 'Purple Rain'	Purple Rain Astilbe	#1 pot/0.6M O.C.
20	b	Bergenia 'Bressingham White'	Bressingham White Bergenia	#1 pot/0.6M O.C.
54	c	Calamagrostis x acutiflora 'Overdam'	Varigated Reed Grass	#1 pot/1.0M O.C.
50	g	Helictotrichon sempervirens	Blue Oat Grass	#1 pot/1.0M O.C.
201	h	Hemerocallis 'Happy Returns'	Happy Returns Daylily (yellow)	#1 pot/0.6M O.C.
16	s	Hosta 'Wide Brim'	Hosta Wide Brim - Variegated	#1 pot/0.6M O.C.
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30	Pp	Pennisetum alopecuroides	Fountain Grass	#1 pot/0.6M O.C.

NOTE: Layout of all plant material in the field to be approved by Landscape Architect prior to planting.

LEGEND

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- IRRIGATION SLEEVE (3/L-3)
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RAYMOND V. VISSER — LANDSCAPE ARCHITECT

NO.	REVISION	DATE
O9.	REISSUED FOR DP	02-11-22
O8.	NEW SITE PLAN & DESIGN REVS.	02-02-22
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PROJECT TITLE
FOUR POINTS BY SHERATON
903 VERNON AVE. PENTICTON, B.C.

MUNDI HOTEL ENTERPRISES INC.

SHEET TITLE
LANDSCAPE PLANTING PLAN

DRAWN	DRAWING NO.
RTV	L-2
SCALE	
1"=16'	
DATE DRAWN	RE-PRODUCED/PLOTTED
MAY 2021	

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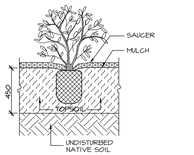
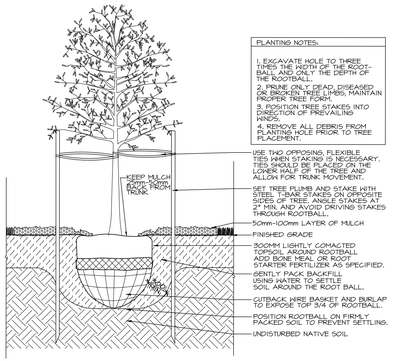
DP PL2021-9095 Schedule A



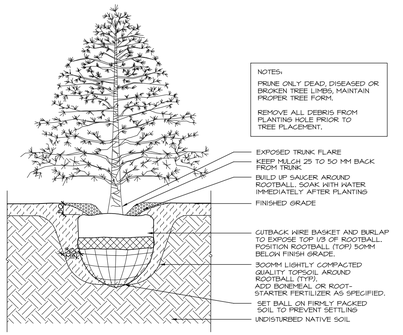
TYPICAL SHRUB PLANTING IN PLANTING BED

NOT TO SCALE



TYPICAL TREE PLANTING DETAIL (100MM CAL. OR LESS)

NOT TO SCALE



TYPICAL CONIFEROUS TREE PLANTING DETAIL (3.0M HT. OR LESS)

NOT TO SCALE

TYPICAL PLANTING DETAILS

LANDSCAPE SPECIFICATIONS

GENERAL

1. All landscape work undertaken shall conform to the B.C. Landscape Standard, latest edition, unless otherwise specified.

2. The Contractor shall be responsible for locating all underground utilities which may be affected by the work and report any possible conflicts to the Architect prior to construction. Any damage to existing utilities or site services must be repaired immediately to the satisfaction of the Architect or the Owner's representative. The Contractor is responsible for all costs for damages.

3. The Contractor shall leave the site in a neat and tidy condition at the end of each working day and at the completion of the contract. The Contractor shall ensure public safety is maintained at all times during the contract.

4. Materials substitutions will only be considered after a written list is submitted to the Architect prior to installation.

5. The Contractor shall notify the Architect, in advance, at least 24 hours prior to requesting an on-site field review of the work.

A. TREE PROTECTION (FROM BC LANDSCAPE STANDARDS 7TH ED.)

1. Critical Protection Zones for trees should be determined by referencing Table 1: Determining Critical Protection Zones for Trees.

2. Physical protection barriers, silt fences, shade or erosion protection shall be erected at the edge of the Critical Protection Zones before clearing, grubbing, excavation, or grading, or any other work occurs on the site.

3. Physical protection barriers shall meet all applicable municipal bylaws and regulatory requirements.

4. As a minimum, protective fencing should be erected outside the drip-line or as shown in Table 1: Guidelines for Determining Critical Protection Zones for Trees.

5. Signage should be provided at regular intervals along protective fencing indicating the function of the fencing, i.e. 'Tree/Plant Protection Area - Do Not Enter'.

6. Protective fencing and signage should be well maintained for all element Critical Protection Zones throughout construction. Damaged fencing or signs shall be repaired or replaced immediately.

7. Areas of trees and vegetation Critical Protection Zones shall be fence off by means of:
   .1 Chain link fence of at least a 1.2m (4ft) height mounted on steel or sturdy wooden posts. Fence posts should be installed no farther than 2.4m (8ft) apart.
   .2 Solid plywood hoarding mounted securely to steel or sturdy wooden posts. Posts should be installed no farther than 2.4m (8ft) apart.
   .3 Board fencing consisting of posts minimum of 4cm by 8cm (2" by 4") set in securely in the ground and extending at least 1m (3ft) above the ground and minimum 4cm by 8cm (2in by 4in) top and bottom rail. Fence posts should be installed no farther than 2.4m (8ft) apart.
   .4 Plastic fencing (International orange' polyethylene web fencing) securely mounted on a wooden framework consisting of posts minimum of 4cm by 8cm (2in by 4in) set securely in the ground and extending at least 1m (3ft) above the ground and with minimum 4cm by 8cm (2in by 4in) top and bottom rail. Fence posts should be installed no farther than 2.4m (8ft) apart.

8. Protective fencing shall be removed only when all construction is fully completed.

B. SITE PREPARATION

1. Rough/finish subgrade and have rough grading approved by the Architect prior to hauling and spreading topsoil. The Contractor is responsible for all survey.

2. Remove excess rocks, boulders, twigs, roots, stumps or other impediments not conducive to landscaping. dispose of these materials at an approved dumping location off-site unless otherwise directed by the Architect. Grade the site to drain away from buildings to comply with the Site Grading Plan or as directed by the Architect.

C. TOPSOIL & FINISH GRADING

1. Existing stockpiled or native topsoil shall be screened to remove rocks, weeds, grass and other deleterious material before being accepted for landscaping. Existing topsoil shall be amended with imported topsoil at a ratio of 1:1 and well blended by rototilling or other approved method. Testing existing topsoil will be paid for by the Contractor.

2. Imported topsoil shall be good quality, clean, loose well draining planting soil and shall be approved by the Architect prior to installation. The approved topsoil mix shall have the following characteristics:
a) maximum 15% clay content and 30-50% sand content;
b) pH of between 6.0 and 7.0 and a minimum organic content of 10%;
Testing of imported topsoil may be requested by the Architect and shall be paid by the Contractor until the required specification is met.

3. Topsoil shall be spread over a loose, scarified subgrade to depths as specified:
Dryland Grass/Wildflower (hydroseeded/seeded) areas: 75mm depth minimum;
Lawn grass (seeded or turf) areas: 150mm depth minimum;
Planting beds (shrub) areas: 400mm depth minimum;

Finish grade topsoil areas to permit finish landscaping as shown on the drawings. Backfill tree pits with a minimum 300mm of topsoil around all sides of the rootball unless otherwise specified.

4. Finish grade by leveling and hand-raking topsoil while removing all roots, stones, twigs and other deleterious material to grades and slopes as shown on the drawings or as directed by the Architect. Remove all rocks over 25mm diameter. Grade away from buildings at a minimum of 2% for positive surface drainage. Finish grade topsoil for planting beds 50mm (2") below curbs, sidewalks or planters to permit installation of mulch. Hand rake and finish grade topsoil for grass areas flush with the tops of curbs, sidewalks and planting beds to permit installation of grass seed or turf. Roll topsoil with 50 kg. roller and have finish grading approved by the Architect prior to grass seeding, turfing, shrub planting or mulch installation.

D. PLANT MATERIAL

1. All plant material shall be healthy, free of disease, pests, showing good growth characteristics and shall be No. 1 grade.

2. Plant material shall be guaranteed for a period of one (1) year from date of final acceptance/contract completion.

3. All plant material delivered to the site must be individually labeled with botanical and common names and labels left in place until the Architect has inspected and approved planting.

4. The Contractor shall supply the necessary planting soil, fertilizers, bonemeal, insecticides and anti-desiccants as required to ensure proper planting procedure. The Contractor shall maintain the plant material until final acceptance of the work and to the satisfaction of the Architect.

5. The Contractor shall supply and install tree support according to the planting details.

6. Finish all planting beds with 75mm depth of medium grade, clean, Fir bark mulch or shale rock mulch on landscape fabric to finished grade as shown or specified on the drawings.

7. Provide sample of mulch to Architect for approval prior to installation.

8. Avoid installing mulch in areas of groundcover or annual plantings, unless otherwise directed by the Architect.

E. TURFING

1. Grass sod (turf) shall be Canada No. 1 grade, cultured turf, composed of a minimum 50% Kentucky Bluegrass. Turf shall be healthy, free from weeds and disease and shall be installed on a smooth, even grade with tight joints in a running bond (brick laying) pattern. On slopes, install turf perpendicular to the direction of the slope. On steep slopes, secure turf with wooden pegs flush with top of turf.

2. Prior to laying turf, fertilize finish soil surface with a 16-32-6 turf-starter fertilizer (or approved equal) at the rate of 4kg/100m2. Roll turf lightly to obtain a smooth, uniform surface to be approved by the Architect prior to installation.

3. Water turf immediately after installation by underground irrigation or by manual methods, thoroughly soaking the turf and topsoil to a minimum depth of 75mm. Apply water as necessary to prevent drying-out and to ensure healthy turf development.

4. Protect new turf areas with appropriate signs, barriers or fencing to reduce damage. Repair all damaged areas immediately to the satisfaction of the Architect; repairs are the Contractor's responsibility until final acceptance.

5. Dead or discoloured turf will not be accepted and must be replaced at the direction of the architect.

6. Turf areas will only be accepted after:
   .1 Turfed areas are healthy, rooted and properly established.
   .2 Turf is free from open joints and dead spots and without weeds.
   .3 No soil is visible when turf has been cut to 38mm in height.
   .4 Turf areas have been mown at least twice.

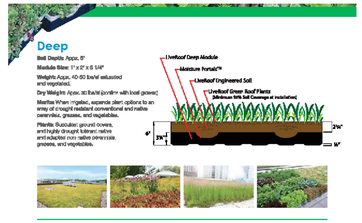
7. During establishment of turf areas, the Contractor is responsible for all landscape maintenance including watering, garbage pick-up, mowing, fertilizing, turf repair or replacement, topdressing and overseeding to the satisfaction of the Architect.

F. LANDSCAPE MAINTENANCE

1. The Contractor shall be responsible for providing all materials, equipment and labour required for the purpose of maintaining all new and existing landscaping during the course of the contract.

2. Maintenance of the landscaping by the Contractor shall include, but not limited to, the following:
   .1 The cutting of lawn areas to 38mm (1.5") height and at no time allowing the grass to exceed a height of 100mm (4"). All grass clippings shall be removed from the site;
   .2 Top dressing, fertilizing and weed control of all grass areas and planting areas to good horticultural practice;
   .3 Pruning, and the control of insects and diseases, for all plant material to good horticultural practice;
   .4 Operation and adjustment of the underground sprinkler system and/or manual watering such that all landscaped areas are watered adequately.
   .5 The nursing and protection of all seeded, hydroseeded, sodded or planted areas, as required to ensure adequate "catch" and growth of the plantings;
   .6 The cleanup and removal of garbage so that the site is left in a neat and tidy condition each day.
   .7 Topdressing of mulch to maintain the specified depth of cover.

3. All landscape maintenance procedures shall be to a high standard and shall be done to the satisfaction of the Architect.



NOTE: GREEN ROOF APPLICATIONS SHALL MEET STRUCTURAL ENGINEER'S APPROVAL PRIOR TO INSTALLATION.
CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF PRODUCT DETAILS FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
GREEN ROOF PRODUCTS AVAILABLE FROM NATS NURSERY, LANGLEY, BC.

4 / L-3 GREEN ROOF SPECIFICATIONS - EXAMPLE ONLY

SCALE NTS

IRRIGATION SPECIFICATIONS (CONTRACTOR TO PROVIDE SHOP DRAWING FOR DESIGN APPROVAL BY LANDSCAPE ARCHITECT)

GENERAL

1. All irrigation work shall conform to the latest edition of the Irrigation Industry Association of British Columbia 'Standards for Landscape Irrigation Systems' unless otherwise specified herein.

2. The Contractor shall schedule installation of the underground sprinkler system in conjunction with the installation of landscape work in the contract. During the contract, the Contractor shall have a qualified foreman, well versed in all aspects of irrigation work, continuously on the job.

3. The Contractor shall be responsible for locating all underground services which may affect the work and immediately repair any damage to the satisfaction of the Owner's Representative at no cost to the Owner.

4. The Contractor is responsible for obtaining all necessary permits for electrical and plumbing connections as may be required. The Contractor shall be responsible for obtaining CSA approvals on parts or equipment if this is not provided by others.

5. The Contractor shall provide design and all the components of the irrigation system as specified on the approved shop drawings. Substitutions for alternative parts will only be considered if the Contractor submits a list of proposed equals to the Owner's Representative, in writing, prior to beginning work. Approval for design and/or rejection of substitutions will be provided to the Contractor in writing by the Owner's representative.

6. The Contractor shall guarantee the installation and operation of the irrigation system for a period of one (1) year from the date of final acceptance of the contract. This guarantee shall not override a manufacturer's guarantee on parts if it is for a longer period of time.

7. The Contractor shall be responsible for winterizing the system in the fall and starting the system the following spring as part of this contract.

8. The Contractor shall provide the Owner's Representative with an As-Built reproducible original drawing (equal in scale of the design drawing) of the completed system before final acceptance to the satisfaction of the Owner's Representative. The Contractor shall provide the Operations Manual for the controller(s) and any other information necessary for the regular operation or maintenance of the irrigation system.

A. PIPE AND FITTINGS

1. Irrigation main line pipe must be Sch. 40 PVC. Lateral lines 50mm size to the inlet diameter of the sprinkler assembly. Sprinkler heads shall be set flush with finish grade and adjusted by the Contractor for maximum efficiency and minimum overspray.

2. Irrigation fittings shall be minimum Schedule 40 PVC molded fittings.

3. Pipe for drip emitter zones or microjets shall be 100 psi. E.H.S. polyethylene irrigation tubing installed with stainless steel clamps as approved by the Owner's Representative. Completely flush entire piping system before installing emitters or microjets.

4. Irrigation pipe shall be laid in straight lines wherever possible, minimizing bends to prevent stress and pipe cracking. Pipe layout will be at the discretion of the Owner's Representative.

5. Pipe shall be buried a minimum of 400mm (16") below finished grade and trenches must be backfilled with sand or approved non-abrasive material. Stones over 15mm diameter must be removed from trenches and shall not be used as backfill.

B. VALVES AND WIRES

1. Wire burial shall conform to the B.C. Electrical Code and local regulations. Valve wires shall be installed in the irrigation main line trench wherever possible.

2. Control wires from automatic valves to controller shall be direct burial type TW-40 minimum 14 gauge. The common neutral wire shall be white in wire sizing for proper operation of the irrigation valves shall be the responsibility of the Contractor.

3. All manual and remote control valves, double check/backflow preventers, pressure reducing valves, water meters, filters, drain valves and blow-out connections must be installed in valve boxes flush with the finished grade, unless otherwise noted on the plan. Lockable plastic valve boxes must be approved by the Owner's Representative prior to installation.

4. All double check valves/backflow preventers, pressure reducing valves and manual gate valves shall be bronze construction ('Hattis') or approved equal to conform to the local plumbing code.

C. SPRINKLERS

1. Pop-up sprinklers shall be mounted on triple swing joints equal in size to the inlet diameter of the sprinkler assembly. Sprinkler heads shall be set flush with finish grade and adjusted by the Contractor for maximum efficiency and minimum overspray.

2. Spray sprinklers on risers shall be installed on swing joints and shall be set plumb, approximately 300mm (12") above finished grade unless otherwise directed by the Owner's Representative. Risers shall be minimum Schedule 40 PVC. All spray sprinklers must include a filter screen.

3. Drip emitters shall be pressure compensating, self-flushing, with a discharge of 2.0 GPH. Set emitters slightly above finished grade for visual conformation of operation and ease of maintenance, unless noted otherwise on the plans.

4. Microjets shall be installed on poly riser extensions set 150mm (6") above finished grade. The location, layout and spray pattern of microjet heads shall be as noted on the plans or as approved by the Owner's Representative on site. The Contractor shall be responsible for providing full head to head coverage as directed.

5. All drip emitter zones and microjet zones shall include a 3/4" diameter y-strainer filter, 3/4" diameter pressure regulation valve and 3/4" diameter isolation valve in a valve box with the zone control valve.

D. CONTROLLER

1. Mount irrigation controller(s) in location as shown on the drawings, or as directed by the Owner's Representative. Use an approved fastening method when connecting to a building wall, either interior or exterior. Any damage to the building wall or interior fixtures must be repaired immediately, at the expense of the Contractor to the satisfaction of the Owner's Representative.

2. The controller shall be hard-wired directly into the nearest suitable electrical service panel or electrical outlet in accordance with the B.C. Electrical Code requirements, and to the satisfaction of the Owner's Representative. The Contractor shall obtain all necessary permits, inspections and approvals from the local approving authority.

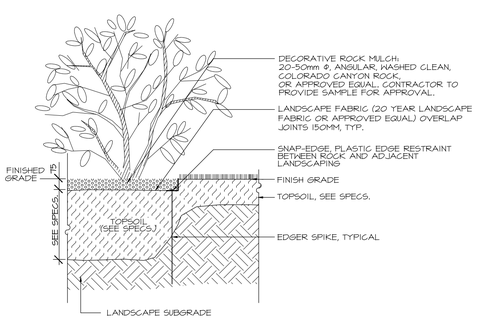
3. Interior Building Installation: mount the controller in a location as shown on the drawings and as approved by the Owner's Representative prior to installation.

4. Exterior Building Installation: mount the controller in a vandal proof, weatherproof, lockable, 3.2mm (1/8") steel box, of a suitable size for the irrigation controller. Finish the box with a minimum of 2 coats of rust inhibitive paint to match building colour or as directed by the Owner's Representative.

5. Exterior Remote Location: mount the controller in a vandal proof, weatherproof, lockable, painted pedestal cabinet or 3.2mm (1/8") steel box at a location as shown on the drawings. The Contractor shall provide a reinforced concrete pad on which to mount the controller. Including suitable sized electrical conduits located through the pad for control wires.

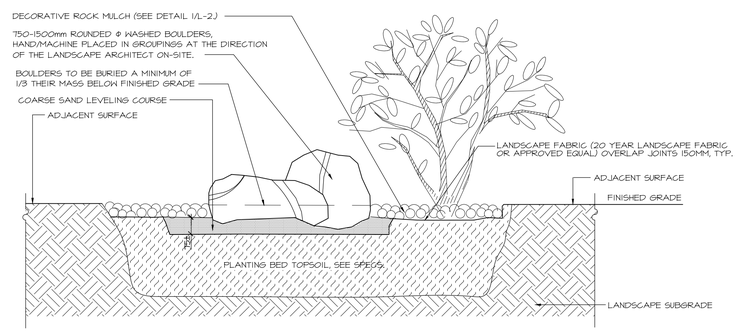
6. The Contractor shall prepare and submit shop drawings of any exterior controller installation, including the details of sizes, materials and construction methods for the weatherproof box to house the controller. Shop drawings must be approved by the Owner's Representative prior to construction or installation.

7. Connect valve wires to controller and provide approved electrical conduit fastened to the building wall to a minimum 450mm (18") below finished grade unless otherwise directed by the Owner's Representative.



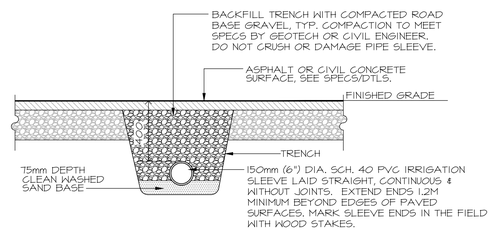
1 / L-3 DECORATIVE ROCK MULCH DETAIL

SCALE NTS



2 / L-3 BOULDER PLACEMENT & ROCK MULCH DETAIL

SCALE: N.T.S.



3 / L-3 IRRIGATION SLEEVE DETAIL

SCALE: N.T.S.

NO.	REVISION	DATE
09.	REISSUED FOR DP	02-11-22
08.	NEW SITE PLAN & DESIGN REVS.	02-02-22
07.	REISSUED FOR DP	12-24-21
06.	NEW SITE PLAN & DESIGN REVS.	12-10-21
05.	REISSUED FOR DP	09-13-21
04.	REISSUED FOR DP	08-13-21
03.	TOPO SURVEY & NEW SITE PLAN	08-06-21
02.	ISSUED FOR DP	05-07-21
01.	ISSUED FOR REVIEW	05-06-21

CONSULTANTS

BRITISH COLUMBIA SOCIETY OF LANDSCAPE ARCHITECTS — REGISTERED — RAYMOND V. VISSER — LANDSCAPE ARCHITECT

L.A.West
Associates (Kamloops) Inc.
Landscape Architecture Environmental Planning
104 -147 Victoria Street, Kamloops, B.C. V2C 1Z4
TEL: (250) 374-9831 FAX: (250) 374-1294

PROJECT TITLE

FOUR POINTS BY SHERATON
903 VERNON AVE. PENTICTON, B.C.

MUNDI HOTEL ENTERPRISES INC.

SHEET TITLE

LANDSCAPE DETAILS AND SPECIFICATIONS

D.P.W.N. RTV	DRAWING NO. L-3
SCALE SHOWN	
DATE D.P.W.N. MAY 2021	REPRODUCED/PLOTTED

DP PL2021-9095
Schedule 'A'

CropHealth Advising & Research
PO Box 28098, Kelowna BC
Office 250- 717-1898 www.crophealth.com

To:	Date:
TODD WHYTE **Parks Supervisor** **Penticton Parks Department**	**Friday February 18, 2022** *4 pages from Mario Lanthier*

RISK ASSESSMENT - WESTMINSTER AVE CORNER ALBERNI ST

Scope of work

A construction project may occur on a vacant property bordering city-owned trees on Westminster Avenue. The request was to inspect the trees and confirm they are worthy of preservation. The site was inspected on February 17.

Work conducted

Three trees were examined on February17. The trees are located on Westminster Avenue, starting at the intersection of Alberni Street and going west along the south side of Westminster Avenue towards "Hotel Penticton".

The trees were visually examined from the ground using a Level 2 assessment, following procedures outlined in ANSI A300 - Part 9 "Tree Risk Assessment" (2011) and the International Society of Arboriculture "Best Management Practices: Tree Risk Assessment" (2011).

DP PL2021-9095
Schedule 'B'

Observations

The trees are mature American elms in good condition. The part most likely to fail would be a mid-size branch breaking during a wind storm (under 15 cm diameter).

Risk rating is "Low" for hitting pedestrians on the sidewalk (occasional use) or vehicles on the road (frequent use but minor consequence from a branch falling).

Mario Lanthier
Certified arborist, International Society of Arboriculture (PN-0964A)
Tree Risk Assessment Qualification (TRAQ), International Society of Arboriculture, renewed 2019
Members of the B.C. Landscape Nursery Association
Western Canada Turfgrass Association - Canadian Nursery Landscape Association
International Society of Horticultural Sciences - International Society of Arboriculture

TREES EXAMINED: LOCATION AND HAZARDS

Above: Three trees were examined along Westminster Ave, going west from Alberni St. The trees were numbered during a previous inventory, a round metallic tag on the north side of the trunk, showing S14 (most west), S15 and S16 (closest to Alberni St).
To the left of the picture (south) is the vacant lot subject to construction activity.

Right: Targets include vehicles on the road (frequent use), pedestrians on the sidewalk (occasional use) and street lamp posts (constant use and under the tree canopy).

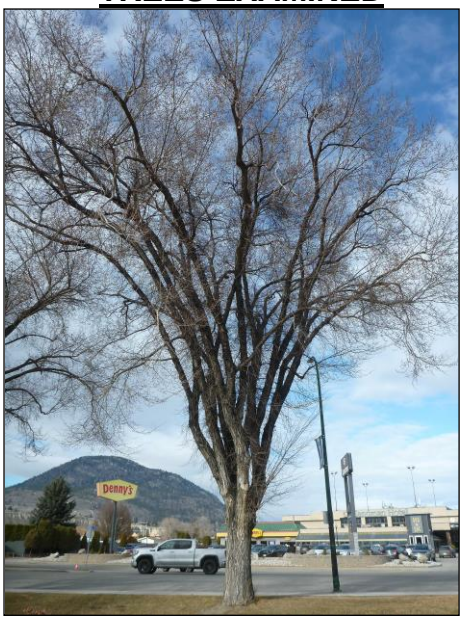
Above: Overall risk rating is “low”.

Left: All trees are American elms (*Ulmus americana*).
Failure is “probable” for branches falling during a wind storm, size < 15 cm diameter.

Right: Distance to target would be up to 5 metres.
Likelihood of impact would be “low” for pedestrians (few use this sidewalk, even during summer months) and “medium” for vehicle traffic (there is no parking on this street).
Consequences would be “significant” if hitting a pedestrian and “minor” for a vehicle.

DP PL2021-9095
Schedule 'B'

TREES EXAMINED



Above left: Tree S14 (closer to Hotel Penticton).
The tree is 20 m tall, 77 cm diameter, crown spread of about 22 m, in good condition.
Right: Tree S16 (closest to Alberni Street).
The tree is 15 metres tall, 88 cm diameter, with a crown spread of about 12 metres.
The tree appears in good condition with normal growth for the species and age.

Above: Tree S15 on the south side of Westminster Ave West.
Left: The tree is 11 m tall, 71 cm diameter, spread about 10 m, in good condition.
The tree has a strong lean towards the south. Subsequent growth has self-corrected.
This condition has been present for numerous years. The condition appears stable.
Right: A ring of wood circling the trunk is visible on all elms on this street.
Cause unknown. This may be reaction wood from grafting at the time of propagation.

DP PL2021-9095
Schedule 'B'

DETAILS ON THE RISK ANALYSIS

Risk rating is “Low” for pedestrians on the sidewalk and vehicles on the road.

Failure within 1 year	Likelihood of impacting target			
	Very low	Low	Medium	High
Imminent				
Probable		Pedestrians: Probable likelihood for branch breaking in wind	Car traffic: Probable likelihood branch breaking in wind	
Possible				
Improbable				

Failure + Impact	Consequences			
	Negligible	Minor	Significant	Severe
Very likely				
Likely				
Somewhat likely		Low risk for cars		
Unlikely			Low risk for pedestrians	

DP PL2021-9095 Schedule 'B'

Definitions

Likelihood of failure is based on normal weather conditions in the coming year. Failure is “possible” when unlikely to occur and “probable” when it is expected to occur.

Likelihood of impact is based on use of the site. Likelihood is “low” when it is not likely the failed part will impact the target and “medium” when the failed part may or may not impact the target. “High” means the failed part “most likely” will impact the target.

Consequence is defined as personal injury, value of the damaged property or disruption to normal activities.

Limitations of report

Trees always present a certain level of risk. The “risk assessment” determines whether a tree failure would cause an unacceptable degree of damage. The site manager must determine what level of risk is acceptable.

There is a limitation to the merit of our observations. The assessment was done without root excavation or testing of underground conditions. Trees are living structures and conditions may change over time. A new assessment may be required after unusual weather. Trees not covered in this report were not examined.

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To:	Date:
TODD WHYTE **Parks Supervisor** **Penticton Parks Department**	**Friday February 18, 2022** *7 pages from Mario Lanthier*

TREE PROTECTION DURING CONSTRUCTION ON WESTMINSTER AVE

Background

A construction project is proposed on a vacant property at the corner of Westminster Avenue and Alberni Street. This report documents steps to be taken during the project to protect the City-owned trees growing along Westminster Avenue.

On February 17, a risk assessment was conducted for three trees bordering the proposed construction on Westminster Avenue. The trees were found to be worthy of preservation.

Relevant standards

The City of Penticton "Tree Protection Bylaw" (2001-26) "*prohibits the removal, destruction, trimming or cutting of any City trees without the permission of the Parks Supervisor. This Bylaw requires that fencing be installed at the dripline of trees, as per the guidelines below, during excavation or construction of any building structure*". The property owner is responsible for the condition of the landscaped portion of the boulevard adjacent to the property.

This report follows procedures in the American National Standard ANSI A300 – Part 5 "Management of Trees and Shrubs During Site Planning, Site Development, and Construction" (2005), and the International Society of Arboriculture "Best Management Practices - Managing Trees During Construction" (2016).

More information on this topic can be found in a publication of Oregon State University at https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em8994.pdf.

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Tree Risk Assessment Qualification (TRAQ), International Society of Arboriculture, renewed 2019
Member of the B.C. Landscape Nursery Association
Western Canada Turfgrass Association - Canadian Nursery Landscape Association
International Society of Horticultural Sciences - International Society of Arboriculture

DP PL2021-9095
Schedule 'B'

TREE MANAGEMENT

A large number of mature elms create a tree corridor along Westminster Avenue West from Riverside Drive to Power Street, then extending south onto Power Street. The three mature elms in front of the proposed development are part of this corridor.

Safety

Tree maintenance should be conducted only by arborists or trainees following recognized industry practices for tree care and safe work practices.

Location

The subject trees are growing on City property between the existing sidewalk and the proposed development. The trees are located on the south side of Westminster Avenue West, between Alberni Street and the Hotel Penticton. The trees are affixed on the north side of the trunk with a round metallic tag showing numbers S14 (closest to Hotel Penticton), S15 and S16 (closest to Alberni Street).

The "Landscape Plan" prepared by L.A. West Associates (Kamloops) Inc., dated May 2021, shows the trees at their current location.

DP PL2021-9095
Schedule 'B'

Description

All three trees are American elms (*Ulmus americana*).
This species has "moderate tolerance" to development impacts [1] and "high adaptability" to environmental changes [2].

- Tree S14 (closest to Hotel Penticton) is 20 metres tall and 77 cm trunk diameter.
- Tree S15 is 11 m tall and 71 cm trunk diameter. This tree shows a lean of the trunk but all growth is self-corrected and the condition appears stable.
- Tree S16 is 15 m tall and 88 cm diameter.

Conservation rating

All three trees have "good" suitability for conservation.
The trees show normal growth and health for the species and the age. There is no structural defect that would require abatement measures. Although fully mature, the trees have the potential for longevity at this site.

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[1] Matheny N. and J.R. Clark. 1998. Trees and Development – A Technical Gide to Preservation of Trees During Land Development. International Society of Arboriculture. Champaign IL. p178
[2] Dennis C. and W.R. Jacob. 2020. Protecting Trees During Construction. Colorado State University Extension. Fact Sheet NO 7.420. At https://extension.colostate.edu/topic-areas/yard-garden/protecting-trees-during-construction-7-420/

Limits of construction

Construction activities will impact the trees in the following ways.

- Removal of current paving material (asphalt) to the edge of the lawn area;
- Excavation of soil and construction of two buildings with walls that will be at the edge of the current canopy spread for trees S15 and S16;
- Construction of a paved driveway to the east of tree S16 to access the rear parking lot;
- Construction of a patio and/or pathway (with paving stone or stamped concrete) to the east of tree S14 and between trees S15 and S16, but outside of the tree driplines;
- Installation of landscape plantings (shrubs, perennials and ornamental grasses) on the private property but within the dripline of all City trees.

Effects on the trees

Based on the trunk diameter of the subject trees, the City of Penticton standard is to protect an area in a circle around the tree with a radius 4.5 to 5 metres from the trunk. For this project, this circle would interfere with construction activities. This report is recommending a protection zone in a rectangle shape that follows the current lawn area along the sidewalk, where tree roots are most likely currently found.

Construction effects on the subject trees should be minimal provided the current "Landscape Plan" is respected and no work activity is conducted close to the trees.

The plans reviewed do not specify grading, drainage or installation of irrigation. It is not possible to comment on roof overhead that may extend into the tree canopies.

DP PL2021-9095
Schedule 'B'

Recommendations for the City

- The three American elms are recommended for retention.
- Prior to construction, remove lower branches that will interfere with building activity.
- During construction, the site should be visited regularly to review on-going concerns of contractors and to ensure the integrity of the "tree protection zone".
- During dry periods of summer months, the trees should be washed with water to remove construction dust from the leaves that may impair photosynthesis.

Recommendations for the developer

- Prior to the start of construction, a "tree protection zone" must be installed to enclose the current lawn area. Details are found later in this report for the design of fencing.
- Sub-contractors must be informed that no activity is allowed within the "tree protection zone"', including lunch tables, storage of materials or driving of machinery.
- No recommendation is made for changes to the submitted landscape plan.

SUBJECT TREES

Above left: The trees discussed in this report are mature elms along Westminster Ave. The planned construction is to the left on the picture, on the lot currently vacant.

Above right: The lawn area should be fenced to create a "tree protection zone". The lawn area is 5.5 m wide, narrower than the tree canopy (12 to 20 m), but longer.

Above left: Person standing in the vacant lot next to the middle tree (S15). Based on the submitted plan, the person is at the outside wall of the proposed building.

Right: Person standing in the lawn area, east of tree closest to Alberni St (S16). Based on the submitted plan, the person is located at the edge of a proposed driveway.

DP PL2021-9095 Schedule 'B'

TREE PROTECTION FENCE

Prior to the start of demolition or construction, a “tree protection fence” must be installed to prevent damage to trees during the construction project.

- The fence must be installed at the edge of the existing lawn area and enclose the three mature elm trees growing along Westminster Avenue.
- The fence must be made of study material such as chain link, wire mesh or wood with standard 2x4 pieces cross-braced with snow-type fencing.
- The fence must be 1.2 to 1.8 m high (4 to 6 feet) and solidly anchored to the ground.
- Signs must be installed on the fence, directed at construction workers, clearly stating “Tree Protection Area – Do Not Enter”, or words to that effect.
- The fence and the sign must remain in place for the duration of the construction.

DP PL2021-9095 Schedule 'B'

Above: Examples of suitable fencing made from chain link, 4 to 6 feet high, anchored.

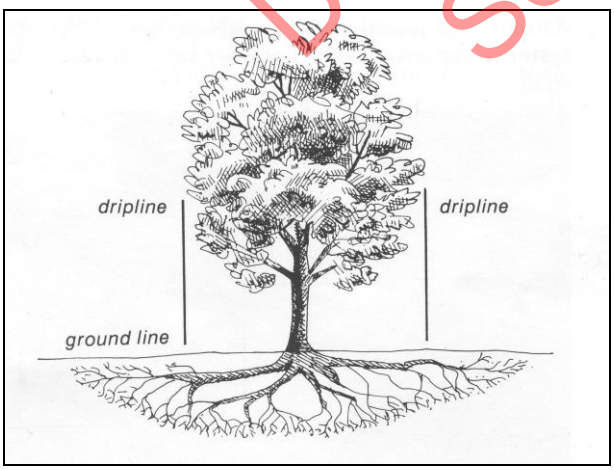
Above left: Example of suitable fencing made from 2x4 wood and snow-fencing.
Right: Example of sign to be installed on the fencing to instruct construction workers.

PROHIBITED ACTIVITIES NEAR THE TREES

The construction activities must limit damage to tree parts above-ground and below-ground. Any work within the fenced area, either above ground or below ground, must be discussed and approved in writing by a city representative.

- Construction workers must be instructed to avoid activities within the fenced area.
- The fenced area must be maintained clear of building materials, fill soil, equipment, not be used for storage of equipment and not to be used for tables and chairs.
- The construction activities must avoid direct injury to tree trunks; compaction of soil by driving equipment over the lawn area; lowering of the soil grade; accumulation of fill soil over the lawn area; or pruning of branches without direction by a city representative.

Above: Examples of activities not allowed inside the fenced area.
Left: Permanent storage of tools. Right: Use of area by workers.



Above left: Most tree roots important for uptake of water and food are found in the top 15 to 30 cm of soil and extend to an area just past the dripline from the tree canopy.
Right: Use of equipment close to the tree will cause soil compaction and root damage.

DP PL2021-9095
Schedule B

RECOMMENDATIONS TO THE CITY

All measures intended to protect the city trees should be written into the construction specifications and reviewed with the construction crews. Fines and penalties for violations should be built into the specifications. The severity of the fines should be proportional to the potential damage to the trees.

The trees proposed for protection are large mature elms. Such trees cannot be easily replaced. Removal and replanting would impact the tree corridor on this street.

Above left: Branches low on the trunk should be removed ahead of construction.
The branches are of minor importance for the trees and will interfere with construction.
Right: During dry periods of summer months, the trees should be washed with water.
The intent is to remove construction dust from the leaves that impair photosynthesis.

DP PL2021-9095
Schedule 'B'

Above: Two insect pests will require maintenance in proximity of the proposed buildings.
Left: Elm leaf beetle adults feed on foliage during June, sometimes again in September.
The adults hide during winter months, either under rocks, debris or on building walls.
Right: European elm scale has been a problem on the subject trees.
When present in large number, honeydew drippings accumulate on the ground below.
Management requires spraying in June and July.

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS/665 Westminster Avenue East
To: Donny van Dyk, Chief Administrative Officer
From: Michael Hodges, Development Infrastructure Manager and Steven Collyer, Planner II
Address: 665 Westminster Avenue East

Subject: **Zoning Amendment Bylaw No. 2020-46**
Development Variance Permit PL2020-8782

Staff Recommendation

THAT Council close and abandon "Zoning Amendment Bylaw No. 2020-46", a bylaw to rezone Lot C District Lot 202 Similkameen Division Yale District Plan 39999, located at 665 Westminster Avenue East, from R1 (Large Lot Residential) zone to RM1 (Bareland Strata Housing) zone, as the applicant has decided to proceed with a 7-lot subdivision under the existing R1 zoning;

AND THAT Council approve "Development Variance Permit PL2020-8782", as amended, a permit to vary Section 00400 part 3.0 of Subdivision and Development Bylaw 2004-81, to reduce the minimum road vertical curve on Oliver Place to a minimum Sag and Crest K-value to 0.6;

AND THAT Council approve "Development Variance Permit PL2020-8782", as amended, a permit to vary Section 00400 part 3.0 of Subdivision and Development Bylaw No. 2004-81, to increase the maximum road grade on Oliver Place from 15% to 17%;

AND THAT Council, in accordance with Section 507 of the *Local Government Act*, require the following excess and extended services for the subdivision:

- Full construction of road, curb, gutter and sidewalk across the full width of Oliver Place along the frontage of 665 Westminster Avenue East.

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 a seven (7) lot subdivision of the subject property (Figure 2). The proposal keeps the current R1 (Large Lot Residential) zoning of the property and provides access to each proposed lot from

a new cul-de-sac to be built off of Oliver Place. Based on the feedback from the public at the November 16, 2020 Public Hearing, the applicant has chosen to not proceed with the rezoning proposal to create RM1 (Bareland Strata) lots in this area and will be keeping the existing zoning of R1 (Large Lot Residential).

The applicant is still pursuing a Development Variance Permit application to amend the K-value (vertical curve) and road grade of Oliver Place, as the proposed road reconstruction cannot meet the Subdivision and Development Bylaw standards for K-value (vertical curve) and road grade due to the existing non-conforming grade of the road and the grades of adjacent built-up properties. The new proposal has taken into account comments made at the November 16, 2020 Public Hearing and further consultation with neighbouring properties.

Background

The subject property is located at the corner of Westminster Avenue East and Oliver Place (Figure 1). The property is 6,394m^2 (1.58 acres) in size and is currently vacant. Surrounding land uses are residential, consisting primarily of single detached dwellings. Oliver Place was dedicated as a road in 2019 as a result of a 3-lot subdivision to the northwest.

Figure 1 - Property location map

The subject property is currently zoned R1 (Large Lot Residential) and is designated 'Detached Residential' by the Official Community Plan (OCP).

The applicant submitted a subdivision application to create seven (7) lots (Figure 2). A number of works and services will be required as conditions of subdivision, and are discussed further in this report. Preliminary layout approval (PLA) for the subdivision was issued on April 14, 2021, as the subdivision plan met all Zoning Bylaw requirements.

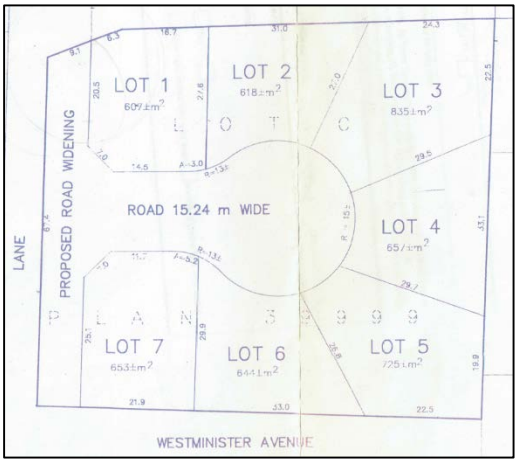


Figure 2 - Survey sketch for 7-lot subdivision

The previous development proposal was for an 11-lot subdivision, with 8 of those lots within a proposed bareland strata. Based on feedback at the November 2020 Public Hearing, the applicant is no longer proposing to create a strata development and instead each new lot will be freehold under the existing R1 (Large Lot Residential) zoning. The number of lots has been reduced, the lot areas have increased, and each lot will be accessed from a new cul-de-sac off Oliver Place. These changes address concerns previously raised by the public regarding the safety of driveways (previously proposed) onto Westminster Avenue East, which has existing visibility challenges.

The chart below highlights the changes from the previous development proposal:

	Previous Proposal	Current Plan
Minimum Lot Areas:	Ranging from 390 m^2 to 590 m^2	Ranging from 607 m^2 to 835 m^2
Number of Lots:	11	7
Vehicle Access:	Westminster Ave E – 3 lots New cul-de-sac off Oliver Pl – 8 lots	New cul-de-sac off Oliver Pl: 7 lots
Zoning:	R1 (Large Lot Residential) RM1 (Bareland Strata Housing) *site-specific*	R1 (Large Lot Residential)

The proposed new cul-de-sac will require a street name as a new municipal road. The applicant may choose a street name from the approved list, or go through the Heritage Advisory Committee to choose a street name not on the approved list. This item will come back for review once a street name has been identified by the applicant.

Financial Implication

The developer will be responsible for all associated costs with the proposed development, including road reconstruction and servicing. Prior to final subdivision approval, the applicant will be required to pay Development Cost Charges to the City. The City will be taking a road widening along Oliver Place from the subject property, and the City will be responsible for the associated legal costs. Staff are recommending that Council require the full width of Oliver Place to be constructed by the developer (the bylaw only requires up to the centre line), which will be fully at the cost of the developer (details below).

Technical Review

This application was reviewed by the City's Technical Planning Committee. With the updated plan, staff confirmed the proposed lots meet the lot width and lot area requirements of the R1 (Large Lot Residential) zone. A number of subdivision requirements have been provided to the applicant. Some of these subdivision requirements include:

- Road dedication along Oliver Place. An approximately 7.5m wide strip of land will be transferred from the subject property to the Oliver Place right-of-way
- Road reconstruction. The applicant will have to upgrade a half-width of Westminster Ave E, and the full width of Oliver Pl (subject to Council approval of the excess and extended service agreement)
- Installation of sidewalk, curb, and gutters along the road frontages and new cul-de-sac
- Planting of boulevard trees
- Connections to the municipal water and sanitary systems
- Strom drainage plan
- Geotechnical review

Excess and Extended Service

Section 507 of the *Local Government Act* allows a local government to require that the owner of land proposed to be subdivided or developed provide excess or extended services. Staff are recommending that

Council approve an excess and extended service agreement requiring the developer to fully construct road, curb, gutter, and sidewalk across the entire width of Oliver Place adjacent to the frontage of the subject property. This will improve the existing situation and give a complete appearance to the street, which functioned as a public lane prior to being dedicated as a road in 2019.

When Council approves an excess and extended service agreement, a developer is eligible for 'latecomer' payments when a property that benefits from the works redevelops within a 15-year period. If the benefitting lots were to redevelop, the City would be responsible for collecting funds from those developments and forwarding them back to the persons who completed the excess or extended services works. This has been communicated to the developer, who is in agreement with the proposal.

Analysis

Zoning Amendment Bylaw

Rezoning is no longer part of this development proposal. The subdivision plan has been revised in order for each lot to meet the R1 (Large Lot Residential) zone regulations. The lot is currently zoned R1. As such, staff are recommending that Council close and abandon "Zoning Amendment Bylaw No. 2020-46".

Development Variance Permit

The requested variance is similar to what was previously reviewed by staff in the fall of 2020. Although the Zoning Bylaw Amendment is no longer required based on the updated subdivision configuration, the proposal still requires variances to the Subdivision and Development Bylaw, because of the existing grade issues. Staff's analysis and recommendation is that Council approve the requested variances.

When reviewing a request to vary the Subdivision and Development Bylaw, staff consider whether the Bylaw requirements can be met and if following the Bylaw requirements would cause an unreasonable hardship on the developer or surrounding neighborhood.

The City's road design criteria is outlined in the Subdivision and Development Bylaw. The criteria require that all vertical and horizontal road alignments are designed utilizing the Subdivision and Development Bylaw standards and the current edition of the Transportation Association of Canada (TAC) guidelines. The Subdivision and Development Bylaw specifies the minimum vertical curve as defined by the K-value. The K-value represents the horizontal distance along which a 1% change in grade occurs on the vertical curve and it expresses the abruptness of the grade change in a single value. K-value is used in the engineering and design of roadways and lanes.

The applicant has submitted a proposed road design for Oliver Place. The plan requires a reduction to the minimum required K-value. The following section of the Subdivision and Development Bylaw is proposed to be reduced in order to accommodate the proposed road design:

- Reduce the minimum both of the Vertical Curve radius for a local residential road as specified in Schedule G Section 004400 Table 3 to a minimum K-value of 0.6.
- Increase the maximum road grade for a local residential road as specified in Schedule G Section 004400 Table 3 from 15% grade to 17% grade.

The proposed road design allows the road to be upgraded to a full width of 8 metres with curb and gutter, and sidewalk on the east side of the road. The boulevard will slope to the existing properties on the west of the road at a 6:1 grade (16%). This will maintain usable drive accesses for the home owners on the west side of Oliver Place to still access the road from the rear of their properties without having to complete any modifications.

Through the proposed road reconstruction the existing geometric limitations around road grades are being improved, but Oliver Place will remain steep. Without changing the grades on the surrounding existing properties there is no opportunity to substantially improve the grades on the road.

Staff have reviewed the two variance requests and consider that upgrading Oliver Place while meeting the standard K-value required by the Subdivision and Development Bylaw is not possible without significant negative impact on adjacent private properties. The construction of a bylaw-compliant road would require significant earthworks on the properties on the west side of Oliver place. The City has discussed these options with the homeowners and could not facilitate an agreement between the parties. It is staff's belief that it is not possible to reconstruct the road in accordance with the Subdivision and Development Bylaw requirements.

The proposed road design was referred to the City's traffic consultant for their expert consideration. The review from the traffic consultant is in Attachment A. The opinion of the traffic consultant is that the design proposed by the developer is safe and the best available option for this section of Oliver Place given the geometric constraints of the existing road and grading.

Staff believe the design proposed by the applicant is considered to be an appropriate design solution for this location. Staff will ensure that all other aspects of the road design comply with the Subdivision and Development Bylaw and TAC guidelines. Based on the information provided, staff are recommending that Council support the developer's request to reduce the K-value requirement to a minimum of 0.6 and increase the road grade to 17%.

Alternate Recommendations

Council may consider that the developer should follow the Subdivision and Development Bylaw K-value and road grade requirements. Staff are recommending against this option, because the proposed road reconstruction would improve the current situation and the design provided by the applicant is considered an appropriate alternative to meeting the Subdivision and Development Bylaw requirement in this instance. If Council chooses this option, Oliver Place will not be upgraded and will remain in its current form.

1. THAT Council deny "Development Variance Permit PL2020-8782".

Attachments

Attachment A – Traffic Consultant Report
Attachment B – Draft Development Variance Permit PL2020-8782

Respectfully submitted,

Michael Hodges	Steven Collyer, RPP, MCIP
Development Infrastructure Manager	Planner II

Concurrence

Director Development Services	General Manager Infrastructure	Chief Administrative Officer
BL	*KD*	DvD

Planning & Designing
Communities, Building Community
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28 December 2021

City of Penticton
Attn: Mr. Michael Hodges, P.Eng.
171 Main Street
Penticton, BC V2A 5A9

Re: Design Review – Oliver Place/Westminster Avenue E

Introduction

This letter provides documentation of my review on behalf of the City of Penticton of the proposed solution proposed (memo dated 3 June 2021) by Mr. Caleb Pomeroy of Watershed Engineering. It is my understanding that following typical transportation engineering guidelines and City bylaws created a design that impacted existing residents, and thus, a design with three proposed design exceptions is offered to avoid impacting existing properties.

While not ideal, proposing design exceptions is often done in retrofitting into existing (built) designs, when impacts to existing properties are to be avoided.

It should also be noted that the existing design of Oliver Place and the intersection with Westminster Avenue E is not fully compliant with today's engineering guidelines, and operates as a 'grandfathered' roadway designed to historical guidelines.

Discussion of Proposed Design Exceptions

1) Reduction of the Crest K value from City of Penticton Bylaw value of 7 to 0.6

The City's bylaw (2004) is on the high end as compared to the current Transportation Association of Canada (TAC) guideline of 6-7 for a 50 km/h roadway. Although the proposal is to reduce the crest K curve significantly, this is deemed an acceptable exception because:

A) It is on an uphill roadway approaching a stop sign, and so in theory, the operating speeds should be well under 30 km/h. (For reference, a 30 km/h roadway design requires a Crest K value of 1.6).
B) The sight lines in both directions on Westminster Avenue (eastbound and westbound) should be able to see an approaching the intersection (southbound). Furthermore, from Oliver Place, sightlines to the east, for the first potential conflict (for an approaching westbound vehicle) are generous, and sightlines to the west (for eastbound traffic) are adequate.

It is noted that visibility of pedestrians walking along the north side of Westminster Avenue (no sidewalk currently present), particularly for smaller children, could be slightly compromised for vehicles travelling southbound on Oliver Place, but again, due to the approach to the stop sign, it is not believed this will be a significant factor, and is considered a lower risk due to low frequency. Care should be taken when developing the property in the NE corner of the intersection to ensure the ample sightlines, particularly to the east, are preserved.

2) Reduction of the Sag K value from City of Penticton Bylaw value of 6 to 2.0

The City's bylaw (2004) is on the high end as compared to current TAC guidelines for a sag curve posted at 50 km/h, K value of 5-6. For a 30 km/h design speed, TAC guidelines suggest a sag value as low as 2.0 is acceptable. In this case, the proposed sag curve has ample visibility for both northbound and southbound directions. As such, the greatest risk for a reduced curve is night time visibility within the sag curve. For safety, I recommend providing adequate lighting within the sag curve along Oliver Place, which would help improve any potential issues during dark conditions.

3) Increasing the maximum slope of a residential street from 15% (City bylaw and TAC) to 17%

The current grade of Oliver Place is also greater than the typical 15% maximum (almost 20%), and is currently approximately 25m in length. The proposed design lessens the slope (slightly) to a 17% grade, but greatly reduces the length to about 5.5m. In short, while the proposed grade does not conforming to today's guidelines, the design provides a reasonable compromise, reducing the

impact over today's conditions, whilst still not impacting adjacent properties. For winter operations, the City should ensure that Oliver Place is sanded/plowed on a higher priority basis, due to the steep grade, as compared to a typical residential street.

Conclusion and Recommendations

The three proposed design exceptions are reasonable to accept in retrofitting Oliver Place, provided that winter operations are prioritized for the street, sufficient lighting is provided within the sag curve slope, and care is taken to ensure visibility is maintained for southbound vehicles looking to the east.

I would further recommend that the City designate the gazetted (posted) speed for Oliver Place at 30 km/h for the entire length, and should install as part of the redesign speed humps (for 30 km/h) at approximately 0+085m to help ensure the speeds stay within the range of posted speeds. If posted at 30 km/h, this also eliminates the second design exception.

I deliver every project with technical expertise, collaboration and passion to build communities and community. Thank you for our continued relationship in allowing me to bring my expertise and passion in building the Penticton community. I look forward to further collaborations.

Yours in Service,

Peter A. Truch, P.Eng., PTOE, FITE, IAP2 Trained

Attachment: 3 June 2021 Memo and Proposed Design

Watershed Engineering Ltd.

June 3, 2021

City File No.: SD PL2020-8910

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

Attention: **Michael Hodges | Development Infrastructure Manager**

Reference: **665 Westminster Development Variance Permit | Oliver Place Geometric Design**

As part of the proposed subdivision at 665 Westminster Avenue, the Preliminary Layout Approval (PLA) requires Oliver Place to be upgraded to conform with the City Subdivision and Development Bylaw 2004-81. Watershed Engineering Ltd. was retained by the Hayter Family to prepare the engineering design and infrastructure upgrades required by the PLA. During the preliminary design, it was identified that due to the natural topography and the existing development on Oliver Place, which has a current existing road grade of approximately 20%, designing to the City Bylaw standard would cause the addition of 2m of fill in places and also negatively impact existing properties beyond the RoW..

The attached design drawing R-01 has been prepared to balance the geometric design requirements, public safety and minimizing impacts to existing adjacent properties and infrastructure. Below is a list of the design criteria the does not conform to City of Penticton Bylaw 2004-84 and a portion of Transportation Association of Canada Design Guidelines:

- Requesting variance to Bylaw 2004-81 for Urban Local Residential road crest K value from 7 to 0.6. This variance allows the transition from Westminster Avenue to Oliver Place to occur over a shorter distance which minimizes the impact to the driveway at 198 Oliver Place.
- Requesting variance to Bylaw 2004-81 for Urban Local Residential road sag K value from 6 to 2.0. Reducing the sag allows the road profile to transition back to the existing grade which will accommodate the existing driveways.
- Requesting variance to Bylaw 2004-81 for Urban Local Residential road and Transportation Association of Canada for maximum grade from 15% to 17% for a distance of 5.5m. This variance will further reduce the fill required to meet the bylaw standards for the road design and will not impact existing properties outside of the RoW on Oliver Place.

The above noted variances are proposed to prioritize public safety while reducing impacts from development upgrades to existing property owners on Oliver Place. The site conditions and road safety will be improved by this design; however, the design does not fully conform to Bylaw 2004-81 and TAC.

We trust this memo meets your requirements. Should you have any questions, please contact the undersigned.

Sincerely,

Watershed Engineering Ltd.

PROFESSIONAL ENGINEER
PROVINCE OF BRITISH COLUMBIA
C. W. POMEROY
44733

Caleb W. Pomeroy, P.Eng, PMP
Principal Engineer
Direct Line: 250.803.1150
caleb.pomeroy@watershedengineering.ca

Attachments: Oliver Place Proposed Design

ENGINEERS & GEOSCIENTISTS BRITISH COLUMBIA | OQM CERTIFIED

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

Development Variance Permit

Permit Number: DVP PL2020-8782

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 C District Lot 202 Similkameen Division Yale District Plan 39999

   Civic: 665 Westminster Avenue East

   PID: 011-773-081

3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Subdivision and Development Bylaw 2004-81 to allow for the reconstruction of Oliver Place as part of a proposed subdivision, as shown in the plans attached in Schedule 'A':

   a. Section 00400 Part 3.0: to reduce the minimum road vertical curve on Oliver Place from a sag and crest K value of 6 to 0.6.

   b. Section 00400 Part 3.0: to increase the maximum road grade on Oliver Place from 15% to 17%.

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 Preliminary Layout Approval (PLA) for subdivision. In order to proceed with this development, the holder of this permit must hold a valid PLA signed by the City's Approving Officer.**

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

DRAFT

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.

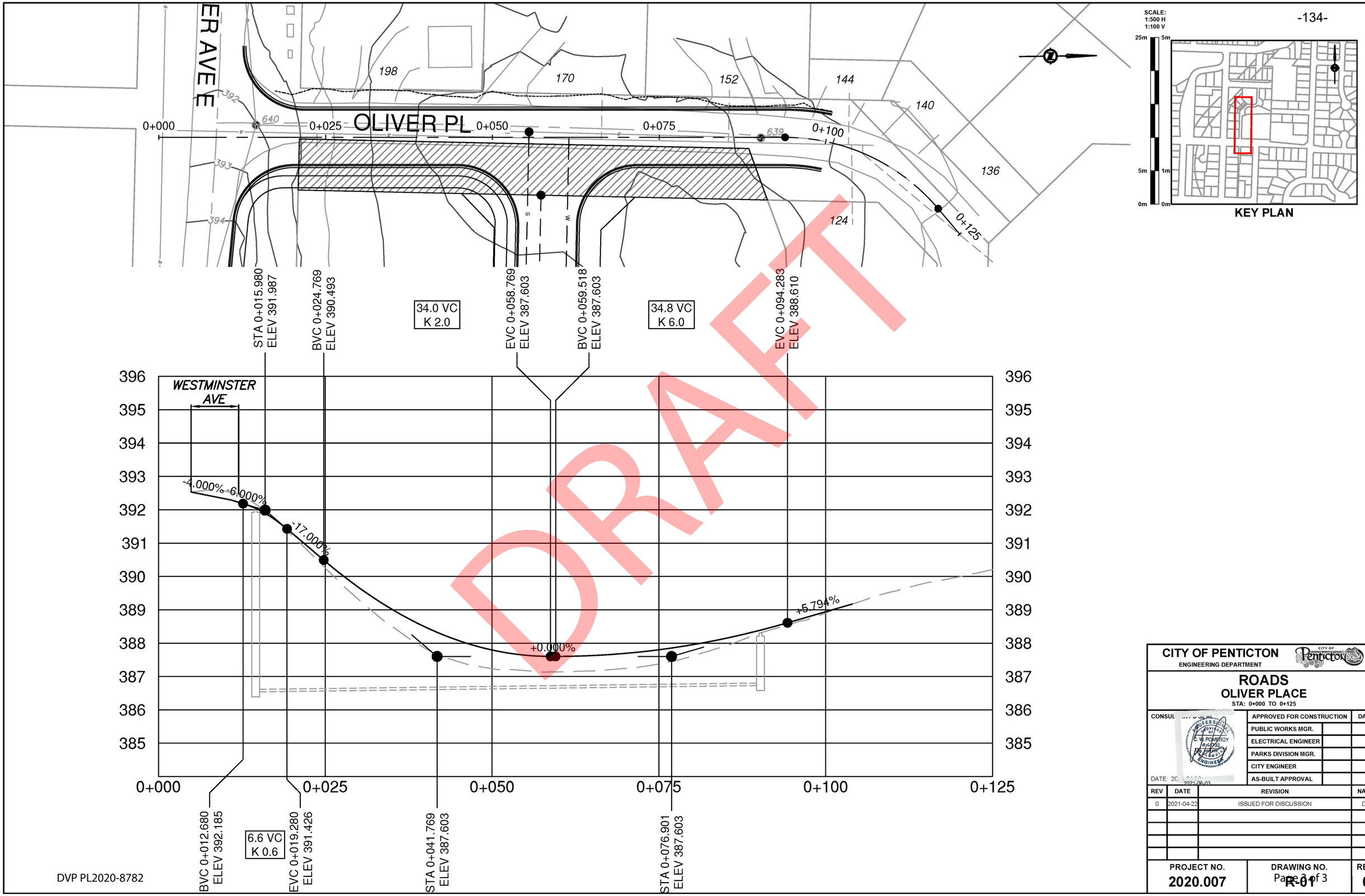
Authorized by City Council, the _____ day of _____, 2022.

Issued this _____ day of _____, 2022.

_____

Angela Collison
Corporate Officer

DRAFT



SCALE:
1:500 H
1:100 V

KEY PLAN

DRAFT

DVP PL2020-8782

CITY OF PENTICTON
ENGINEERING DEPARTMENT

ROADS
OLIVER PLACE
STA: 0+000 TO 0+125

CONSUL

APPROVED FOR CONSTRUCTION		DATE
PUBLIC WORKS MGR.		
ELECTRICAL ENGINEER		
PARKS DIVISION MGR.		
CITY ENGINEER		
AS-BUILT APPROVAL		

DATE: 2021-06-03

REV	DATE	REVISION	NAME
0	2021-04-22	ISSUED FOR DISCUSSION	DD

PROJECT NO.	DRAWING NO.	REV.
2020.007	R-01	0

The Corporation of the City of Penticton

Bylaw No. 2020-46

A Bylaw to Amend Zoning Bylaw 2017-08

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2020-46".

2. **Amendment:**

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

2.1 Rezone a portion of Lot C District Lot 202 Similkameen Division Yale District Plan 39999, located at 665 Westminster Avenue East, as shown in Schedule A, from R1 (Large Lot Residential) to RM1 (Bareland Strata Housing).

2.2 Add Section 10.7.3.4: "In the case Lot C District Lot 202 Similkameen Division Yale District Plan 39999, located at 665 Westminster Avenue East, as shown in Schedule A, from R1 (Large Lot Residential) to RM1 (Bareland Strata Housing), duplexes are not permitted, and townhouses are not permitted."

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

READ A FIRST time this 3 day of November, 2020

A PUBLIC HEARING was held this 16 day of November, 2020

CLOSED and ABANDONED bylaw by resolution #___/2021 this day of , 2021

Notice of intention to proceed with this bylaw was published on the 10 day of November, 2020 and the 11 day of November, 2020 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

665 Westminster Ave E

Rezone a portion of the subject property from R1 (Large Lot Residential) to RM1 (Bareland Strata Housing) with the following site-specific provisions:

- Notwithstanding Section 10.7.1.4, duplexes are not permitted.
- Notwithstanding Section 10.7.1.7, townhouses are not permitted.

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2020-46

Date: _____ **Corporate Officer:** _____

From: Erin Beck
Sent: Thursday, February 24, 2022 10:35 AM
To: corpadmin
Subject: DVP PL 2020-8782; 665 Westminster Ave E>

Attention: Corporate Office City of Penticton

I am writing to oppose granting any development variance for 665 Westminster Ave. W. I find it difficult to believe that the council would consider this given the stated opposition to this proposal and development in the past.

Erin Beck

152 Cambie Street

Penticton BC

Late Submission for Item 10.5 - 665
Westminster Avenue East

FEB 27/22
DEVELOPMENT VARIANCE PERMIT
PL 2020-8782

Greetings Councillor,

I would ask you to review my submissions to you on this matter from last year, both written and photographic. I thank you for this

Hopefully you now have the new report to council from Feb 17th, 2022. There have been some changes to this permit that will negatively affect our property.

The road will be raised by up to 2 meters of fill and the road will be moved east a couple of meters. They are then going to grade a 16° slope into our yard. Planning has stated that the road is out of compliance for k- vertical value but in the Nov 3rd, 2020 council report, planning states the road does meet minimum design requirements in TAC guidelines.

The engineering report states that the slope will be 16° into our yard and says it will be usable. So, you will trade the original road profile stating it is too steep, but give us the same slope for our driveways and yard. The current slope to the property from the road is 0% at the south end and the yard is above the road at the north end.

Comments on the Report to Council & Engineering Reports

• Report states that "earthworks" option had been discussed with property owner and could not facilitate an agreement. The discussion was all one way for the city and developer.

•The "earthworks" would destroy our yard with retaining walls and still slope into our yard towards the house. A drawing from the developer shows that to do this properly would be a major undertaking. There is a list of over 20 items to consider.

• City has used staff and outside engineering.

•Peter A. Truch report states that interaction of Oliver Place and Westminster Ave. E. operates under grandfathered roadway designed to historical guidelines. If this is allowed then Oliver Place is historically grandfathered.

•Report states that sightline from Oliver Place looking east is generous. This is not the case as there is a blind crest to the east that hides a vehicle. It is 210ft to blind spot, and a vehicle moving at vehicle moving at 50km plus the average driver break reaction time of ¾ of a second to 1 second, is not safe.

• The report states grade is 20%. The steepest 17.63% and only for a short distance. Please see table at the end.

•Given that:
•Abbot St. Has a 10° slope for 1 block.
•Above us on Westminster E. there is a 9° slope.
•Walden Cres. had an 8° slope.
•Pineview has an 8° slope.
Just a few of the roads that are steep and the city is not re-sloping them.

• The report also recommends speed bumps. SPEED BUMPS MAKE IT SOUND SAFE

• Moving the roadway to the east moves it much closer to the blind spot and the reaction time and the intersection will be too close.

• Please also note that 3 intersections are being created in a very short block. This again borders on being dangerous. The safe route of down Oliver Place to Cambie Place has been closed down by the city to create a cul-de-sac in nowhere land.

• The watershed engineering report has errors from wrong address to vague words like approximately, and false claims such as, fill not impacting properties.

Other Items

• There was a watermain break at Westminster E. and Farrell St. 1 week ago. This is one property away from ours. The potential to flood our property, from a raised road, is extremely high.

• With the road being raised the developer will obviously raise this 1.58 acre property 2 meters. This is a large amount of fill. Where is it coming from and is it certified? Given the developer's history of already filling the property with substandard fill, compacting it, and then having to remove it, then having to fill it again and compact it again. This stretched out over a couple years. The disruption cracked walls and converted us with dust. We spills not look forward to this again. It would have to be filled with new road being raised so they would not have a 16° grade into their property.

• Looking back in our records it shows the planning department has been sitting with and planning with the developer for the period of at least 3 years with no input from the homeowners affected. This points to a lack of communication.

• There are observed underground water courses in 665 Westminster E.

•As a matter of interest reading those engineering reports stating slope of road is 20%, I took my degree protractor and attached it to a long straight edge and took slope readings and converted degree to percentage. The slope on 93ft of the property as follows.
⟫15ft @ 10° or 17.63%
⟫20ft @ 9° or 15.84%
⟫15ft @ 8° or 14.05%
⟫5ft @ 7° or 12.28%
⟫15ft @ 6° or 10.51%
⟫5ft @ 5° or 8.75%
⟫5ft @ 4° or 6.99%
⟫13ft @ 2° or 3.44%

Thank you for your consideration,

Mike Herbert

Mike Herbert

JAN 4 2021
PL 2020-8782

DEAR COUNCILLORS

- THIS DEVELOPMENT VARIANCE REFERS TO THE RAISING OF THE ROADWAY OF OLIVER PLACE.
- THE CITY WISHED IT TO BE A K6 SLOPE. THE STAFF REPORT NOTED THAT THIS WOULD CREATE A SIGNIFICANT NEGATIVE IMPACT ON OUR PROPERTY.
- THE DEVELOPER PROPOSED A K4 SLOPE
- THIS VARIANCE WOULD RAISE THE ROAD 1.5M
- THE ROAD IS OUR ONLY ACESS TO OUR DRIVEWAY, PARKING AREA, GARAGE, YARD AREA
- CURRENTLY THE YARD GRADE IS EVEN TO THE ROAD ON THE SOUTH SIDE AND THE YARD IS ELEVATED ABOVE THE ROAD BY .5 M.
- THE VARIANCE WOULD PUT THE ROAD 1 M ABOVE OUR GARAGE FLOOR
- THE ROAD WOULD BE HIGHER THAN OUR BACK YARD AND WOULD BE HIGHER THAN THE BASEMENT WINDOWS
- THIS WOULD ALSO CREATE A DRAINAGE PROBLEM AS ALL THE RUN OFF RAIN/SNOW MELT WOULD END UP IN OUR YARD

- THE DROP OF 1.5 M TO OUR YARD WOULD BE TOO ABRUPT FOR OUR VEHICLES TO NEGOTIATE. ACESS WOULD BE IMPOSSIBLE

- PLEASE NOTE THAT IN THE STAFF REPORT IT STATES THE THE CURRENT ROAD DOES MEET AND COMPLIES WITH MINIMUM STANDARD OF TRANSPORTATION ASSOCIATION OF CANADA.

- LARGE TRUCKS USE THE CURRENT ROAD ALL THE TIME IE. GARBAGE TRUCKS
  - DUMP TRUCKS
  - TRUCKS WITH LARGE LONG TRAILERS LOADED WITH LARGE EXCAVATORS
  - LARGE FIRETRUCKS ALSO HAVE USED IT

- THE STAFF REPORT STATES THE EXISTING PROPERTIES ARE BUILT UP TO THE GRADE. THE PROPERTY EXISTS AS IT IS, NOT BUILT UP

- PUTTING OUR YARD IN A HOLE WOULD DEVALUE OUR PROPERTY GREATLY, CREATE A LOSS OF USE, DRAINAGE ISSUES, AESTHETIC ISSUES.

- SO IN OUR OPINION RAISING THE ROAD TO A K=1 VALUE CREATES A SIGNIFICANT NEGATIVE IMPACT

- IF THE VARIANCE WERE TO GO AHEAD FOR US TO TEAR DOWN THE GARAGE, FILL AND COMPACT THE YARD,

AND REBUILD THE GARAGE, BRINGING EVERYTHING BACK TO WHERE IT IS, WOULD COST US IN THE RANGE OF 50,000 - 60,000 DOLLARS.
WE FEEL AS TAXPAYING CITIZENS FOR 38 YEARS WE SHOULD NOT HAVE TO PAY AND GO THROUGH THIS PROCESS.

- IN THIS AGE OF COMMUNICATIONS, TO READ IN THESE REPORTS OF NOVEMBER 4, 2020 AND JANUARY 21, 2021, HOW STAFF SAT WITH THE DEVELOPER FOR A PERIOD OF OVER 1 YEAR DEVELOPING PLANS, THAT NO ONE CONTACTED THE AFFECTED PROPERTY OWNERS, WE FEEL THIS IS A FAILURE OF COMMUNICATIONS. STAFF SHOULD BRING ALL PARTIES TO THE TABLE TO CREATE A PLAN ACCEPTABLE TO ALL.

- FOR ALL THESE REASONS WERE ARE AGAINST THE VARIANCE PERMIT

- THANK YOU FOR YOUR TIME AND CONSIDERATION

Mike Herbert

Late Submission for Item 10.5 - 665
Westminster Avenue East

From: Dave Hutch
Sent: Tuesday, March 1, 2022 8:06 AM
To: corpadmin
Subject: DVP PL2020-8782; 665 Westminster Ave East

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Dear Corporate Officer,
Please find my comments with regards to the above noted Development Variance Permit under consideration.

Background + Analysis
The applicant is seeking a variance to increase the road grade and reduce minimum vertical curve. The proposed subdivision also proposes a typical cul du sac extension and widening of Oliver Place. From the information supplied (public notice mail out) it appears as though the subdivision is being done with minimal consideration of the neighbourhood context e.g. incremental approach. It appears as though the subdivision will "turn its back" to Westminster Ave

A significant portion of the subject site is significantly sloped and currently all pervious (eg. allows infiltration of water) with tree canopy, grass and shrub cover. The land immediately to the east of this site is also significantly sloped. This proposed subdivision layout along with resulting residential development, will likely remove the majority of the tree canopy cover and significantly reduce the pervious area with road works, driveway to access properties, buildings and the required retaining walls to develop such a sloped site. This will increase runoff to piped drainage systems and reduce ground water recharge. This also contributes to urban heat island effect, impervious surfaces retain heat and emit it back increasing local temperatures.

Rethink the subdivision + road layout to be harmonious with existing grades and adjacent neighbourhood street network

- Reconsider the cul du sac approach with a road design that works with existing grades to: reduce the impacts to steep slopes in the development site,
- reduce the amount of impervious surfaces to reduce run off and heat island effect.(e.g. road, driveways, retaining structures).
- consider larger context and promote pedestrian connectivity and street frontage on Westminster and;
- ensure tree canopy cover is replaced and/or increased through tree planting requirements within the development and along road rights of way.

Consider minimising widening Oliver Place
Ensure fire + rescue functionality minimums are met but reduce pavement to decrease impervious area, reduce run off and heat island effect.

Land values in this neighbourhood have risen significantly in the last few years. This proposed subdivision will significantly increase the value of this land and resultant development will likely be some of the higher value residential properties in the City. As such - a higher standard of environmental and community performance should be requested. The economics of this development can likely bear this incremental cost.

Dave Hutch
543 Westminster Ave. E.

Late Submission for Item 10.5 - 665
Westminster Avenue East

From: Geoff McKay
Sent: Monday, February 28, 2022 5:56 PM
To: corpadmin
Subject: Development Variance Permit 2020-8782

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My name is Geoff McKay and I own 144 Oliver Place. I am writing as an interested party in the application for Development Variance Permit 2020-8782, which I believe impacts not only me but all my neighbors and the character of and, more importantly, the safety of our neighborhood.

I grew up in Penticton and graduated from Pen Hi in 1985. Since then I have lived in numerous large cities around the world (New York, London, Seattle, Toronto) and while those experiences have been wonderful, I purchased my property a year ago with an eye toward returning home to exit the "rat race" as I decided that there is no place that can offer what Penticton can. Family and friends foremost, but also the recreation activities, pace of life and unique culture.

Another factor is that Penticton has successful maintained its character and values as it has only become more recognized across Canada and beyond as an amazing place to live. To be clear, I have worked in business my entire career and I am pro-growth - if it can be achieved safely and in keeping with the character of the community. I believe Penticton has successfully balanced growth and culture, and this truly separates us from certain of our neighboring communities. In my view this application violates the both the spirit and past practice of how Penticton has chosen to manage growth to date and is inconsistent with the successful balancing act that has enabled it to maintain its uniqueness while continuing to be vibrant and evolve.

Indeed, Council appears to already recognize this. They have said that "it is not possible without significant negative impact on adjacent private properties" and "it is not possible to reconstruct the road in accordance with the Subdivision and Development Bylaw requirements." Given that it seems quite clear to me that the project should not go ahead as planned. I do not pretend to be an engineer or city planning expert but those statements seem difficult to overcome without significant changes to the plan.
In terms of how this will impact the area, I break the issues into two phases:(1) pre-construction and construction and (2) post-construction.

The key issue for me during Phase 1 is access, or lack thereof, particularly during pre-construction when I understand the dump truck traffic will be particularly intense. For

perspective, there have been other units built next to me on Oliver Place since I purchased my home. While this is never ideal, it was handled well with a minimum of inconvenience, and importantly, the maintenance of free flowing access. There was access via the main road, and for a period of time, a second side road that has since been closed off with the welcomed addition of a cul de sac at the end of the street.

In this case there are two key differences – the scale of the development (7 lots) and the access to the development. I understand that the main road will now be blocked, and the only access will be a small path (not even a road) converted for temporary access for an extended period of time. Obviously there will be tremendous noise and dust, but also dangerously little access in case of emergency. I am fortunate not to be located adjacent to the temporary path, as these properties will be enormously impacted, but my property will also suffer from these circumstances.

Once construction is complete (Phase 2), the proposed entrance to the new Lot 7 properties would be directly at the bottom of a very steep hill on Oliver Place. We saw during this holiday season that our community can receive heavy snowfall, and I shudder to think how dangerous this entrance plan would be in such conditions – both due to the steepness and the sheer volume of vehicle traffic that would be generated by the proposed development plan. Oliver Place is a tiny street and does not seem suited to this even without the steepness of the hill, but that steepness take the danger to another level. Approving a variance to support that seems risky at best, negligent at worst.

Again, I am pro-growth but only if it can be safely and appropriately managed. I do not believe this proposal meets those criteria, and for those reason I oppose Development Variance DVP PL2020-8782.

Thank you.

Geoff McKay

Sent from my iPad

Late Submission for Item 10.5 - 665
Westminster Avenue East

Sharon Vatkin

124 Oliver Place
Penticton, BC V2A 0H1

Phone:

Email:

Attention:
Corporate Officer, City of Penticton
171 Main Street,
Penticton, BC V2A 5A9
Email: corpadmin@penticton.ca

Regarding:
665 Westminster Ave. E
Lot C, District Lot 202, Similkameen Division Yale District Plan 39999

Applications:
Development Variance Permit PL2020-8782

February 28, 2022

Penticton City Council:

I am writing to express my concerns regarding the proposed development variances to amend the K-value, vertical curve and increase the maximum road grade of Oliver Place at the intersection of Westminster E.

Westminster Ave. E. and Oliver Place road safety is a concern which **Development Variance Permit PL2020-8782** application does not address.

Vehicles traveling down Westminster Ave. E. disappear into a deep 'dip' in Westminster making the vehicle invisible from the view of a driver exiting Oliver Place.
Since the completion of the construction of a cul-de-sac at the north end of Oliver Place the only access to Oliver Place is from Westminster Ave. E. The increased traffic of dump trucks and construction equipment for the extended period of time needed to fill the development property will be a safety issue increasing the possibility of serious accidents.
My understanding is that this cul-de-sac development will include 7 houses and carriage houses. After development construction, the addition of an estimated 20 to 30 vehicles using Oliver Place daily adds to my concern for community safely.

The property at 198 Cambie Street will be seriously impacted by any changes to the vertical curve and road grade on the hill at this intersection. The proposed changes will result in this house being well below the grade of the hill and the road. I'm surprised this issue appears to have gone unresolved since Mayor and Council last discussed this application.

At a City of Penticton public meeting in January 2019 the Planning Department presented an optional road layout for this property (attached). It may be time to reconsider this alternative road access given the exiting property impact and road safety issue.

Health and compacting damage could be significant considering the amount of fill required to bring the proposed development up to the level of my property. Which I understand is the intention.

I estimate that this would require as much as 12,000 cubic meters of fill, or stated differently, 1600 dump truck loads. All of which will need compacting which will impact existing foundations and retaining walls.

The wind is constant on this hill either from the north or the south. Dust from the fill will be an unavoidable neighborhood issue for many months. This much landfill is a potential health risk for all the neighborhood.

Thank you for taking the time to consider my concerns.

Regards,

Sharon Vatkin

CAMBIE COURT - ULTIMATE ROAD LAYOUT

Scale: 1:1000
Plot Date: 2019/01/08
Drawn By: DCD

Late Submission for Item 10.5 - 665
Westminster Avenue East

From: Tom Moore
Sent: Sunday, February 27, 2022 9:27 AM
To: corpadmin
Subject: For March 1, 2022 (1:00pm) Council Meeting — DVP PL2020-8782 - 665 Westminster Ave. E. Development

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Penticton Mayor and Council.

We are the owners of 132 Oliver Place, Penticton. Our new home is currently being built on our lot by Agave Homes. We have reviewed the Report to Council prepared by City staff, and the reports from both the consultants hired by the City, regarding Development Variance Permit PL2020-8782.

We are well aware of the current acute housing shortage in Penticton. We support the development of new housing in Penticton and were well aware when we purchased our property last year that the vacant sites in our area would eventually have new housing built on them. However, we did not anticipate, and are very concerned and disappointed to learn, that the City of Penticton would consider allowing any of those developments to proceed in a way that does not conform to the City's own requirements and bylaws, nor that it would make a existing roadway and intersection more unsafe and dangerous than it is currently.

We strongly oppose City approval of the Variance Requests in their current form for the following reasons:

1. Dangerous and Unsafe Intersection at Westminster St at Oliver Pl Would be Made Worse if Variances are Approved

Oliver Place where it connects with Westminster St. is currently very dangerous, a site of frequent "near miss" accidents involving both vehicles and pedestrians. We have witnessed these "near misses" several times in the short time we've owned our property, and have had several hair-raising "near misses" ourselves at this intersection because:

A. The existing slope on Oliver Pl. travelling south and approaching the stop sign at Westminster St. is currently much too steep to safely and confidently enter Westminster St. after making a full stop, even when the road surface has no snow, slush, ice or loose gravel on it.

After checking to ensure there are no approaching vehicles or pedestrians on Westminster, drivers proceeding from the stop sign on Oliver into Westminster accelerate much slower than they normally would because they are trying to go from a complete stop on a steep hill. Because of this, by the time a driver has advanced part way into Westminster, any vehicles travelling southbound on Cambie St that turn east on to Westminster are suddenly right in front of vehicles entering Westminster off Oliver. The result is a near-miss collision every time.

Likewise, if a pedestrian is walking southward on the shoulder of Cambie St and turns east onto Westminster they cannot be seen by vehicles stopped at the stop sign on Oliver Pl.

If there is even a minimal amount of snow, ice or loose gravel on the Oliver Pl steep slope, accelerating from a complete stop at the stop sign to enter Westminster is even more difficult and precarious. A driver simply cannot get up enough speed to avoid vehicles turning east onto Westminster from Cambie St that were previously out of view.

B. The landscaping currently located on private property at the north-east corner of Cambie and Westminster blocks visibility almost completely making it a blind corner. Drivers stopped at the stop sign on the steep Oliver Pl slope simply cannot see any vehicles moving southbound on Cambie that turn east onto Westminster. Consequently, to accelerate from the stop sign on Oliver onto Westminster, drivers are required to enter onto Westminster blindly, and just "hope and bet" that there are no vehicles or cyclists turning east at the corner from Cambie southbound. Because the area currently has relatively low traffic volumes a driver can "bet" safely "most" of the time. But those "other" times a driver "bets wrong" and ends up in a near miss collision. It is impossible to see sufficiently to make a safe and sure decision to accelerate.

We would encourage Council members to drive their vehicles on Oliver Pl and then try to enter Westminster St to experience this unsafe situation for themselves.

If Council approves these two Variances Requests the current unsafe and dangerous intersection would be made worse because:

A. The Oliver Pl. slope would increase from the already too steep 15% to an even more steep 17%. The consultants report to the City clearly indicates the current situation is non-conforming and the exiting slope is too steep. Page 5 of the report states that even once the Applicant rebuilds the slope on Oliver Place it will remain too steep and will not conform. It will, in fact, be even less conforming than it is currently. So the request by the Applicant will result in an even more steep, more non- conforming and more dangerous and unsafe roadway and intersection than exists now.

B. If the Variance Application is approved and reconstruction of the Oliver Pl. road and slope proceeds it will eliminate any future possibility of reconstructing the road in a way that will make it conforming and the slope of the road less steep. A bad and dangerous situation will be locked in place for many decades no matter what future development or home building occurs along Oliver Place or Cambie St.

C. If the Variance Request is approved, the stop sign at the intersection of Oliver Pl and Westminster will, according to Michael Hodges, Engineer with the City of Penticton, be moved forward minimally. But this will still not improve visibility sufficiently for drivers to make a safe entrance onto Westminster due to the vegetation on the private property on the north east corner of the Westminster and Cambie intersection which, we understand, the City is without jurisdiction to remove.

That the City of Penticton would approve Variance Requests that would actually make a current unsafe and dangerous situation worse, and lock that situation in place for the long term, is unconscionable.

2. Need for Proper Consultation and Impact Information Session with Residents of Oliver Place.

Neither the Variance Applications, nor the reports from the two consultants hired by the City, speak to how vehicle traffic would be handled during construction of the Oliver Pl roadway. How can the City expect residents of Oliver Pl to support these Variance Applications, and the resulting development, when we've been given no information about the impact the construction would have on us?

To gain a better understanding of what would occur if the Variance Applications were approved we had good conversations on February 25, 2022 with both Stephen Collyer, Planner II, and Michael Hodges, Engineer, with the City of Penticton. They were both very helpful and informative. After those conversations we have several significant concerns that cause us to oppose approval of the Variances until such time that a proper Communication and Information meeting is held with all the current residents of Oliver Pl and the adjacent residents of Cambie St. with representatives from the City of Penticton Planning and Engineering departments present as well as representatives from the developer/applicant.

3. Vehicle Access and Egress from Oliver Place During Road Construction

Michael Hodges indicated residents would likely be asked to use the existing sloped pedestrian path/ bicycle lane that leads from the Oliver Pl. cul-de-sac northward down to Cambie Pl during some of the construction period, and these would be kept to a "minimum". But we as residents need more details. The current lack of information and answers to questions we have about access and egress to our homes during construction and means we have no choice but to oppose approval of the Variance Requests based on this alone. We just don't have enough knowledge about the impact it would have on us to do otherwise.

Questions and concerns include:

A. For how many days would our access be impacted? What hours of the day? What days of the week?
B. Would heavy construction vehicles and the many dump trucks bringing in fill to the new subdivision and roadway be allowed to use this temporary path as well?
C. Our house is located just a few feet away from this pedestrian and bike path. When we bought our property in 2021 this path was clearly designated as a pedestrian and bike path by the City. We would never have purchased the lot if we'd known it would be used as a roadway.
D. The location of the pedestrian and bike path is much closer to our new house than a roadway is allowed to be. What measures would be taken to mitigate the disruption, noise and dust we would experience being located just a few feet from vehicles going by.
E. The pedestrian/bike path is a single lane, is constructed of asphalt thinner than a roadway, and it covers city water pipes. Is it wide enough and strong enough to handle vehicle traffic, especially emergency vehicles such as fire trucks?
F. Who would be responsible for cleaning the mud, gravel and dust left from vehicles, especially construction vehicles?
G. How would cyclist and pedestrian use this path at the same time as vehicles, given the path is barely wide enough to handle the width of a car or light duty truck, and there is no room to expand it temporarily?
H. Who would be responsible for any damage to our property or house given the very close proximity to this path that would be turned into a road?

Because of the three issues outlined above we strongly oppose the Development Variance Permits PL2020-8782 for 665 Westminster St E, and ask the Penticton City Council to decline the these permits.

Sincerely,

Tom Moore and Ron Reavie
Owners, 132 Oliver Place, Penticton, BC
Email:

Late Submission for Item 10.5 - 665 Westminster Avenue East

From: Christina Bartleman
Sent: Thursday, February 24, 2022 12:51 PM
To: corpadmin
Subject: DVP PL2020-8782; 665 Westminster Ave. E.

Follow Up Flag: Follow up
Flag Status: Flagged

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We are the owners of 140 Oliver Place, Penticton, BC V2A 0H1, and it is our primary residence.

After reviewing the City Council's March 1, 2022 Council Report, we are wondering why the Development Variance Permit 2020-8782 is even up for debate.

Council recognizes that it "*is not possible without significant negative impact on adjacent private properties*" and "*it is not possible to reconstruct the road in accordance with the Subdivision and Development Bylaw requirements*".

We are completely against changing the slope of Oliver Place and against allowing access to the 7 lot development off of Oliver Place as it will generate significant negative impact to safety, cause incredibly loud noise, dust, dirt, and most importantly potential damage to property and persons by creating hazardous traffic and road conditions.

The only access during construction would be a small walkway/path converted into a temporary road that would have to accommodate cars, trucks, pedestrians, cyclists, emergency and service vehicles. Currently it is barely wide enough for one vehicle. The two houses that sit adjacent to the path are very close and would be exposed to noise and vehicle lights at all hours.

It will be extremely difficult and dangerous for any of the neighbours to walk or cycle anywhere without avoiding huge trucks, cars, fill, mud, and other obstacles or debris - especially along the narrow temporary road. We could potentially be trapped by major congestion.

Would the City of Penticton accept legal liability in the event of harm to a person or damage to a vehicle or property on this extremely narrow temporary road? Or if an emergency vehicle could not gain access?

Conversely, access in and out of the 7 lot cul de sac would be at the base of a very steep hill. During poor road conditions (i.e. snow and/or ice) vehicles could potentially slide directly into traffic and pedestrians exiting the cul de sac. Why should the city allow this to become a non conforming road? Is the City of Penticton willing to accept legal liability in the event of an accident?

The developer owns a large excavation company and would have understood the challenges with the topography and roads upon purchasing the property. His previous proposal was for access to 7 lots from Oliver Place and 3 lots from Westminster Avenue. Since Council has only approved 7 larger lots rather than 11 smaller lots; why not provide access from only Westminster Avenue? Why is Oliver Place still on the table? There must be a safer alternative. Is the developer putting cost before safety?

We believe the developer should only have access to his lots from Westminster Avenue and therefore we oppose Development Variance DVP PL2020-8782.

Thank you for hearing our concerns.

Sincerely,

Chris and Christina Bartleman

140 Oliver Place

Penticton, BC V2A 0H1

Late Submission for Item 10.5 - 665
Westminster Avenue East

February 27, 2022

Dear Mayor Vassilaki and Members of Penticton City Council,

It has recently come to my attention that the Council agenda for March 1, 2022 includes a revised variance request for the south end of the Oliver Place roadway.

Among the concerns arising from this request are the following:

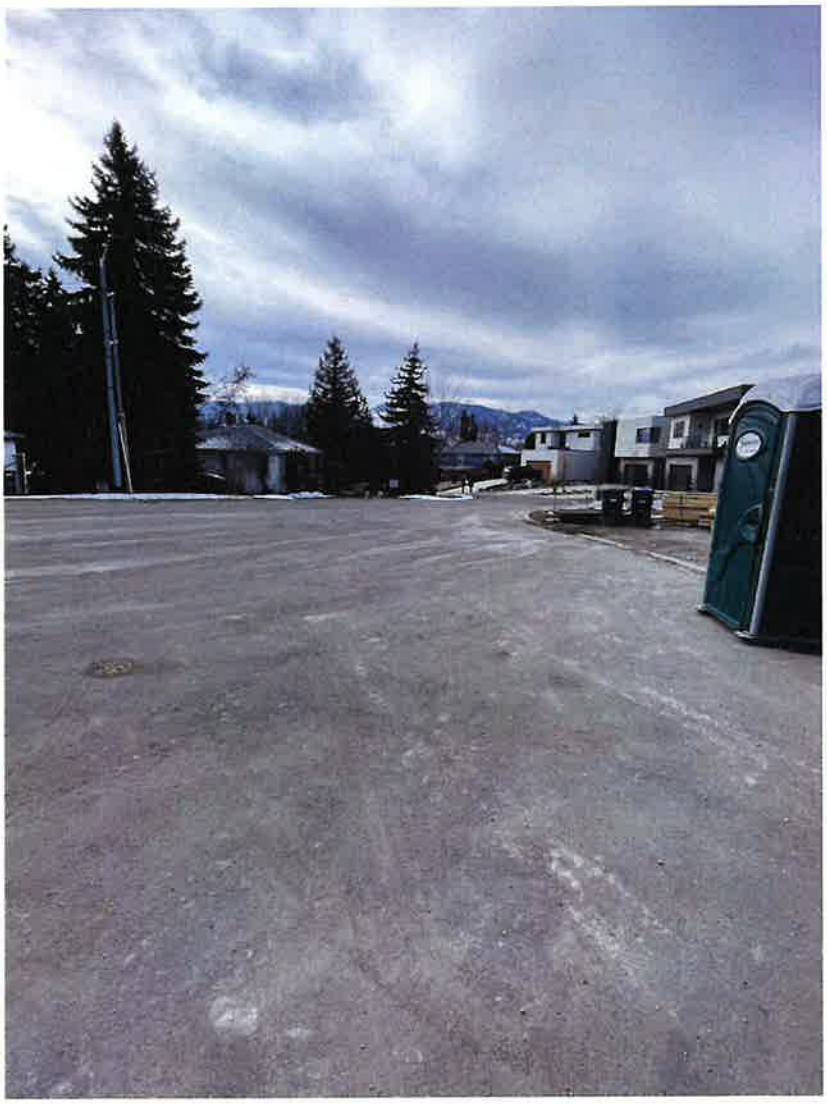
1. No agreement with this variance has been obtained from the property owner (Mr. Hebert) at 198 Cambie Street, whose only vehicular access to and from his property is via Oliver Place. Having visited the site and spoken with him on more than one occasion, I understand that his principal concern is the potential water runoff into his property if and when the grade of Oliver Place is raised. It is obvious when visiting the site that his basement access and egress, as well as his backyard, would be subject to flooding should the road grade and that of lands to the immediate east slope be raised.

The above photo is an approximate indication of the existing road grade and the importance of adequate attention to the possibilities of periodic flooding there should the road level be raised in any way. The report to Council does not mention this potential negative impact. The report also fails to cite the width of any revised driveway access that would be afforded to Mr. Hebert. Would it be a single "lane" access, or a wider access such as those allowed for the five new houses built at the north end of Oliver Place? As such, it is incomplete.

2. The City's traffic consultant report states: *"the design of Oliver Place and the intersection with Westminster Avenue E. is not fully compliant with today's engineering guidelines and operates as a 'grandfathered' roadway designed to historical guidelines."* Remarkably, however, the issue surrounding 198 Cambie Street remains unresolved. Also, a very large cul de sac at the north end of Oliver Place has now been constructed. That construction closed the original road's vehicular exit to Cambie Place (now pedestrian access only as shown in the next photo). Reopening of the north end of Oliver Place and changing Oliver Place to "one way" (north to south) could conceivably enhance traffic safety for vehicles now only able to exit Oliver Place via Westminster Ave. E.

The option of revisiting the closed cul de sac should be considered at this time.

3. Upon seeing the abrupt start of construction of the above cul de sac in April 2021, I posed the following question by email to the City: "*On what date, and by whom, was the cul de sac under construction (and nearing completion) at the north end of Oliver Place approved?*" On April 28, 2021, I received an email response from Michael Hodges, the City's Development Services Engineer, who explained that the cul de sac was part of a 1993 subdivision plan, but was not constructed. He stated that the design of this cul de sac, done in 2020 by Ecora Engineering, was approved via the City's standard subdivision process in October 2020.



That cul de sac, which seems overly large in area, was paved over the weekend of March I, 2021. It is perplexing that the City would approve this cul de sac, regardless of the fact that the issue for Mr. Hebert's property at the north end of Oliver Place remained unresolved.

4. The landform of the subject and surrounding area is comprised of glaciolacustrine deposits (clay silt soils and sand over mixed rock) which have

high potential for movement given the basin shape and vertical gully walls of the overall site.

Soil conditions in the immediate area of Oliver Place have resulted in various structure and infrastructure failures in recent years. Some of these include:

a) A deep sinkhole of approximately 6x4 feet which appeared overnight on the 200 block portion of the Farrell Street roadway.
b) Also on Farrell Street, despite careful soil compacting by the property owner's contractors, a swimming pool cracked and had to be removed after one year.
c) A water main broke a week ago at the intersection of Farrell Street and Westminster Ave. E., close to the only vehicular exit from Oliver Place. Another water main break happened earlier this year on nearby Haven Hill.
d) More than 20 years ago, a house adjacent to the rear of our property on Farrell street required slabjacking, having been built on an infilled gully.

5. In conclusion, the construction of the Oliver Place cul de sac, prior to the satisfactory resolution of impact on Mr. Hebert's property at the north end of the street, presents the distinct possibility of what is known as a "failed case" engineering scenario should damage to Mr. Hebert's property or structures occur as a result of this unfortunate sequence of events.

It is regrettable that certain road slope issues in related consulting reports for this variance are not clearly presented in layman's terms. This variance should not be approved by anyone who has not visited the scene and been made aware of the implications to Mr.Hebert's property of raising the grade of Oliver Place and its adjacent lands to the east.

Thank you for your consideration of the above.

Denis O'Gorman

280 Farrell Street, Penticton

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS/220 Nelson Ave
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 220 Nelson Avenue

Subject: **Zoning Amendment Bylaw No. 2022-11**
Development Variance Permit PL2021-9160
Development Permit PL2021-9161

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-11", a bylaw to rezone Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, from R2 (Small Lot Residential) zone to RD4 (Low Density Cluster Housing) zone;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-11" to the March 15, 2022 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-11", consider "Development Variance Permit PL2021-9160" for Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, a permit to vary Section 10.7.2.3 of Zoning Bylaw 2021-01 to increase the maximum lot coverage from 40% to 51%;

AND THAT Council, subject to approval of "Development Variance Permit PL2021-9160", approve "Development Permit PL2021-9161" for Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, a permit to approve the form and character of a four-unit cluster housing development on the subject property.

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 build a four unit cluster housing development on the subject property. The development plans show two side-by-side duplexes (Figure 1). In order to proceed with the proposed development, the applicant is proposing to rezone the property from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing). In addition, the applicant has submitted a Development Variance Permit application to request an increased lot coverage from 40% to 51%.

The proposed development falls within the Multifamily Residential Development Permit Area, and the applicant has submitted a Development Permit application for Council's approval of the form and character of the proposed development. The three applications are being presented to Council concurrently for their consideration.

Figure 1 - Rendering of proposed development

Background

The subject property is located on the south side of Nelson Avenue, east of Main Street (Figure 1). The property contains a single detached dwelling and is located in a residential neighbourhood primarily consisting of single detached dwellings with some duplexes. The property is within walking distance of the Main Street commercial corridor, Safeway Plaza, KVR trail, and the downtown.

Figure 2 - Property location map

The property is currently zoned R2 (Small Lot Residential) in the Zoning Bylaw and is designated 'Infill Residential' by the Official Community Plan (OCP).

Technical Review

This proposed development was reviewed by the Technical Planning Committee (TPC), a group of internal staff who review planning applications. The applicant updated the plans to show the information and details staff had requested. The applicant is responsible for any servicing upgrades to the development. Development Cost Charges (DCC's) will be paid at the building permit stage to help offset the increased demand on municipal infrastructure and services. Other future building permit requirements were sent to the applicant.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	RD4 Zone Requirement	Provided on Plans
Minimum Lot Width:	18 m	24.3 m
Minimum Lot Area:	540 m^2	754 m^2
Maximum Lot Coverage:	40%	51% - Variance Requested
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.8 FAR
Vehicle Parking:	1 parking space per unit 0.25 visitor parking spaces per unit Total: 5 spaces required	4 parking spaces in garages 4 parking spaces in driveways Total: 8 parking spaces provided
Required Setbacks Front Yard (Nelson Ave): Side Yard (east): Side Yard (west): Rear Yard:	 4.5 m * 1.5 m 1.5 m 6.0 m	 4.5 m 1.5 m 1.5 m 6.0 m
Maximum Building Height	10.5 m	7.2 m
Amenity Space	20 m^2 per unit Total: 80 m^2 required	36 m^2 rear yard per unit Total: 144 m^2 provided
Other Information:	* Minimum 6 m setback required from the back of sidewalk to the garage door in order to accommodate a vehicle parking in front of the garage door (Section 4.2.5). The plans meet this requirement.	

Analysis

Zoning Amendment

The OCP designation for the property is 'Infill Residential' which supports lower-height residential areas with new housing types compatible with existing single detached houses in character but providing more units per lot (Figure 3). Typical building types in the Infill Residential designation include duplexes, triplexes, and

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Infill Residential	Transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.	• Single detached houses with or without secondary suites and/or carriage houses • Duplexes with or without suites • Triplexes • Lower-density rowhouses • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop).	• Residential • Limited retail/ service	• 1 to 4 units per single lot • Consolidation of lots possible for lower scale multifamily developments • Generally up to 2 ½ storeys	• R1 • R2 • R3 • RD1 • RD2 • RD3 • C2

Figure 3 - Excerpt from Land Use Designations table (OCP)

lower-density rowhouses with up to 4 units per single lot. The proposed development of two duplexes is consistent with the OCP vision for the neighbourhood.

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

Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
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.
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.
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 4.2.1.7	Promote walking, cycling and transit use through strategic land use planning that facilitates denser, attractive, mixed-use communities that are rich in amenities.
Policy 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Staff consider that the application proposes an appropriately scaled development in an area of the community that has been identified for increased density within the OCP. The proposed 2-storey building height is considered compatible with the surrounding neighbourhood. The RD4 zone allows for a maximum of 4 dwelling units per property, which is aligned with the Infill Residential designation (Figure 3).

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to "Zoning Amendment Bylaw No. 2022-11", and forward the bylaw to the March 15, 2022 Public Hearing to hear comments and feedback from the public.

Development Variance Permit

When considering a variance to a City bylaw, staff encourages Council to consider whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. Staff have reviewed the requested variance and are recommending support for the following reasons:

1. Section 10.7.2.3: to increase the maximum lot coverage from 40% to 51%.
    a. The property is 557m^2 (6,000ft^2) in area. 40% lot coverage allows a maximum total building envelope of 301.5m^2 (3,245ft^2)
    b. The development has been designed at two stories, while three storeys is permitted. This building scale is expected to suit the street better than a three storey development because of the lower height homes surrounding this property. A three storey design could have met

the lot coverage allowance while providing a similar size living space in each unit, but could have negatively impacted neighbours' privacy.

c. The lot coverage calculation includes a 2nd floor cantilever and covered balcony designed over the driveway at the front of the property (Figure 4). The Zoning Bylaw requires that these cantilevered floor areas be counted towards lot coverage, even when the space below is open.
d. The increased lot coverage still allows 39% of the site for open, uncovered space including landscaping, yards and parking.

Figure 4 - Side view of proposed cantilever over driveways

Given the reasons above, staff support the variance request to increase the maximum lot coverage from 40% to 51% to facilitate the construction of two side-by-side duplexes on the subject property. Staff recommend that Council, subject to adoption of Zoning Amendment Bylaw No. 2022-11, consider this development variance permit.

Development Permit

The proposed development is included in the Multifamily Residential Development Permit Area (DPA) outlined by the OCP. The Multifamily Residential DPA is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention, and neighbourliness. The applicant has submitted a development permit analysis with their submission which outlines conformance with the OCP design guidelines (Attachment 'D'). Staff have also completed a development permit analysis (Attachment 'E') that shows how the development conforms to the DPA guidelines.

The proposed development has been designed with the OCP policies and guidelines in mind and is a project aimed at achieving the desired density for this area of the City with up to four units per lot, while being courteous in scale to the surrounding neighbours. As such, staff recommend that Council, subject to adoption of Zoning Amendment Bylaw No. 2022-11" and approval of "Development Variance Permit PL2021-9160", approve "Development Permit PL2021-9161" and direct staff to issue the permits.

Alternate Recommendations

Council may consider that the proposed Zoning Amendment Bylaw is not suitable or desirable for this site. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-11".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent and Development Permit Analysis (applicant)

Attachment E – Development Permit Analysis (staff)
Attachment F – Draft Development Variance Permit PL2021-9160
Attachment G – Draft Development Permit PL2021-9161
Attachment H – Zoning Amendment Bylaw No. 2022-11

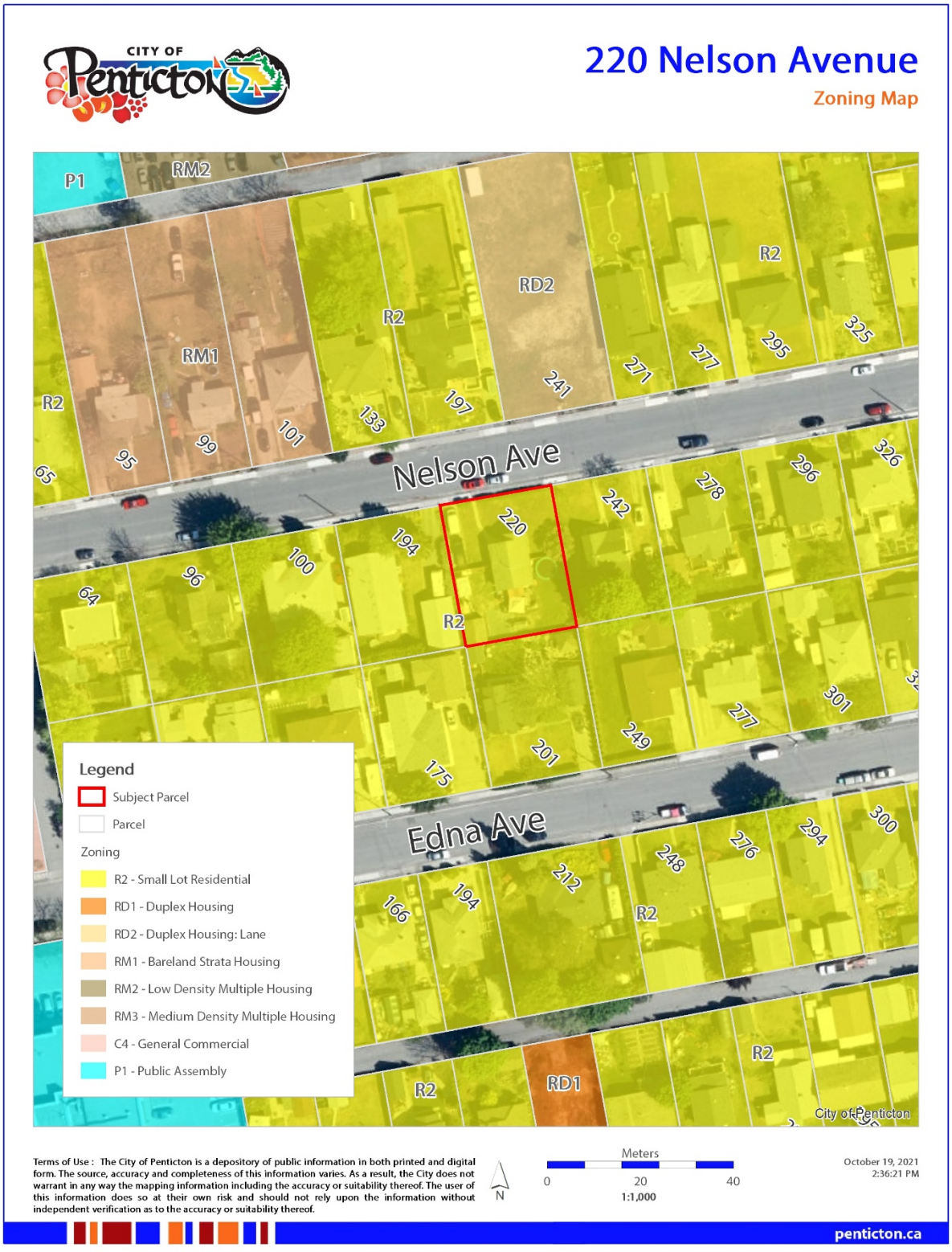
Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

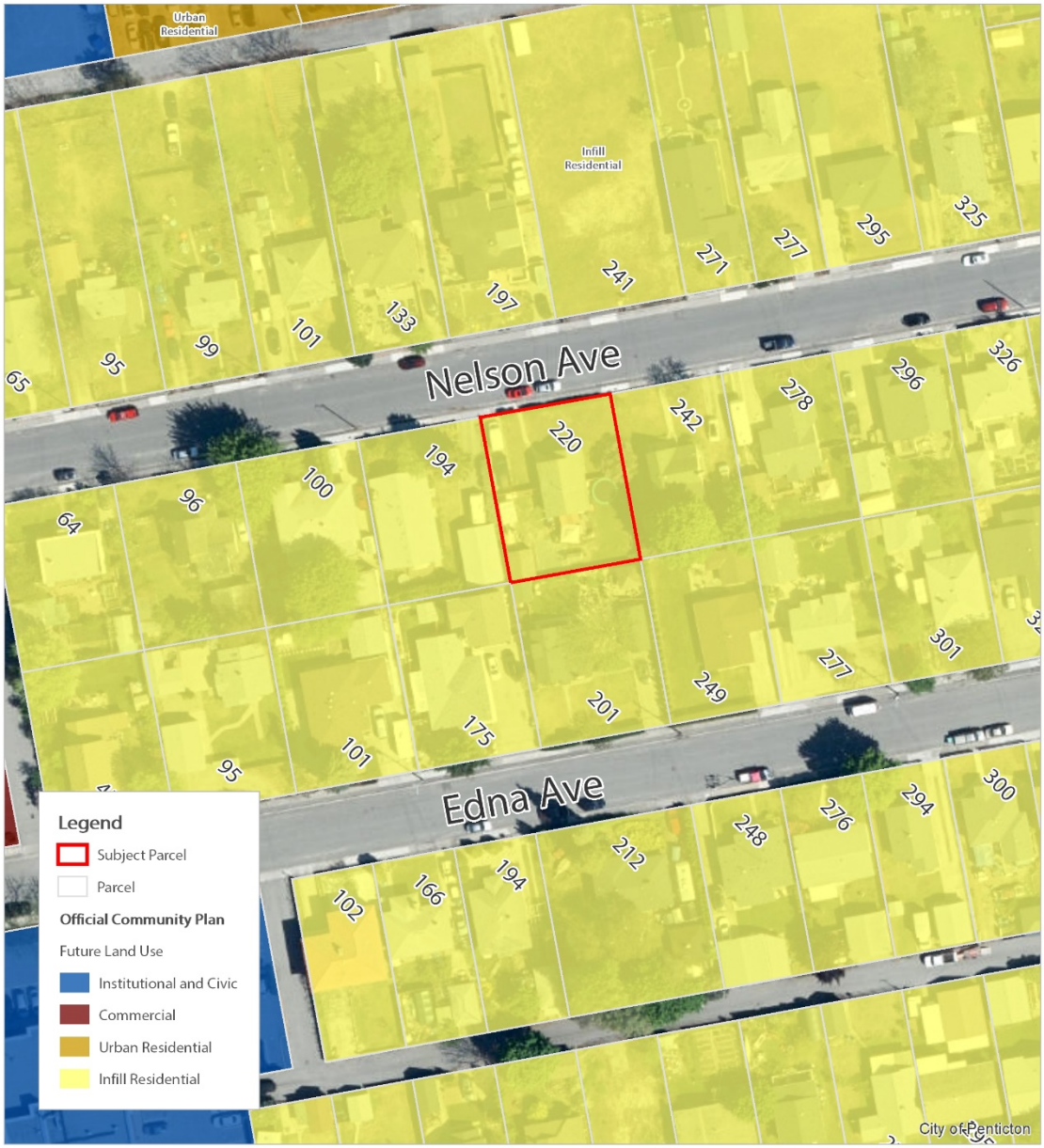
Attachment A – Zoning Map



Attachment B – Official Community Plan Map

220 Nelson Avenue

Official Community Plan Map



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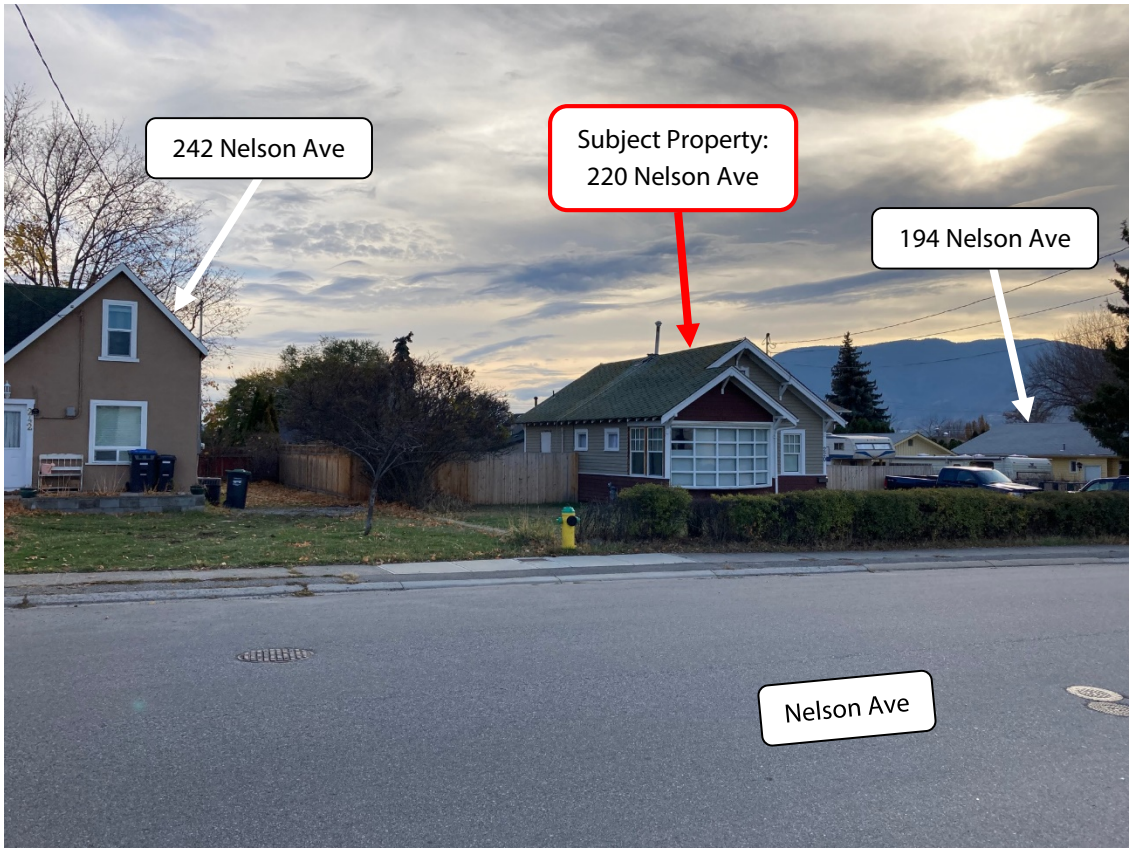
Attachment C – Photos of Property



Attachment D – Letter of Intent and Development Permit Analysis (applicant)

p + s people plus space planning and design

People plus Space: Planning and Design
10124 Main Street
Summerland, BC V0H 1Z0
250-486-1481
heather@peopleplusspace.ca

December 22, 2021

City of Penticton - Planning Department
Attn: Ms. Audrey Tanguay
171 Main Street
Penticton, BC V2A 5A9

Re: Rezoning/Development Variance Permit letter for 220 Nelson Avenue Penticton

On behalf of the property owner of 220 Nelson Avenue, we are respectfully providing supporting documentation for rezoning of the subject property. In addition to the rezoning application we are providing an application for a Development Variance Permit and Development Permit.

As per the Official Community Plan (OCP), the subject property's future land use is for Infill Residential. The property is currently zoned R2, Small Lot Residential. The owner would like to rezone the property to RD4, Low Density Cluster Housing. In this application it would allow for four dwelling units on a single lot. The owner is proposing to construct two duplex units on the property.

The supporting documents demonstrate the intent of the property and proposed layouts for the development. Regarding the zoning review, the two duplex units would meet the requirements for property line setbacks, floor area ratio (FAR) and building height. The variance requested would be for the lot coverage. With the design of the duplex units the owner would like to provide garage parking for each unit. As such, this would increase the lot coverage. We believe that the variance would be warranted given the additional indoor parking space and storage, while still accommodating the requirements of each unit. The request is for variance from 40% lot coverage to 51% lot coverage.

Regarding the Development Permit, the site analysis is outlined below.

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.)

- The site topography is relatively flat which provides ease of development with a side-by-side duplex with enclosed parking off Nelson Avenue.

G3. Private and semi-private open spaces should be designed to optimize solar access (see Figure G3).
G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

- The site has exterior amenity space for the occupants on the ground floor as well as a second floor patio. Access is provided on the north and south of the property with some covered and uncovered amenity space.

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

- The building is sited to provide a reduced front yard area in order to support the strong street definition guideline, as well as a front door that is visible from the street.

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

p + s people plus space planning and design

- The main floor building elevation is at grade.

G16. Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space: • Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4).
G18. Attached parking structures, their access and associated components (doorways, ramps, etc.) should be architecturally integrated into the building so as to minimize visual impact to the public realm.
G19. All multifamily developments should accommodate sustainable modes of transportation through: • Provision of bike parking and/or safe storage of alternative transportation/ mobility equipment (bikes, mobility scooters, etc.).

- All off street parking is provided off of Nelson Avenue as there is not a laneway located at this site. However, the owner is proposing to provide an enclosed parking space for each of the duplex units. This not only provides concealed parking but also additional storage for the units. This storage can easily be used by residents for alternative modes of transportation, such as bicycle storage.
- As noted in the renderings provided, the residence front door and garage door have a similar aesthetics that tie into the overall building scheme.

G20. Designs should respond to Penticton's setting and climate through use of:
• passive solar strategies;
• optimized placement of windows to maximize natural light;
• energy-efficient building design;
• passive solar principles;
• landscape design and plantings that provide cooling through shade in summer months;
• selecting roof materials to minimize heat loading and increase reflectivity.; and,
• strategies for cross-ventilation.

- An Energy Advisor will been engaged on the project to provide documentation and advised on the construction of the duplex.
- The landscape design includes plantings that are native to the Penticton climate; including, trees that will provide shade to the building.

G21. Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).

- Each duplex unit has their own ground-oriented private door that fronts Nelson Avenue

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 cantilevered upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.
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.
G28. Entries should be visible and clearly identifiable from the fronting public street.

- Each duplex building has a cantilevered front balcony with a setback garage and front door. Additional the exterior wall faces (at the side yard setbacks) have a second floor cantilever in order to break up the massing on both faces.

G35. Tree planting
• All development fronting a public street shall plant a landscaped area fronting the public road with regularly spaced street trees no further than 10 metres apart, and at least 2.5 meters tall at the time of planting.

- As noted on the landscape plan there are two trees planted in the front yard as well as an additional two trees planted in the rear yard.

p + s people plus space planning and design

If you have any questions or require additional information, please contact my office.

Regards,

Heather Shedden
MPl, BAAID

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 G3 Private and semi-private open spaces should be designed to optimize solar access.

- The yard amenity spaces for each unit face south, allowing solar access onto the amenity spaces and into the buildings themselves.

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

- The street-facing building is at the minimum 4.5m setback. An upper floor covered balcony is designed to project 1.5m further forward towards the street, an allowable projection under the Zoning Bylaw.

Guideline G7 *All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*

- The development design provides visual overlook onto the street with windows and main entries facing north. This provides for 'eyes on the street', naturally providing added security to these areas.

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 each unit are approximately 0.3m from grade.

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

- Each unit has its own garage space for one vehicle. One additional outdoor parking space is located in front of each garage. Sidewalks of a different material provide direct connections from the public sidewalk to each unit entrance.

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 proposed design features covered balconies facing towards the street, which provide visual interest to the development. Covered entrances are an attractive design feature and also provide weather protection.

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 front facades of the buildings are designed with projecting balconies on the second floor, a cantilever over the driveway, and

various façade materials. These design features provide a layering of elements between the public realm (street) and private realm (unit space).

Guideline G26 *Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*

- The development is two-stories high which is consistent with the one and two storey buildings along the street. This change helps maintain neighbour privacy by reducing the number of windows and angle of overlook onto neighbouring properties. In general, lower building heights lead to less potential for privacy impacts on adjacent properties. The upper level balconies face the street as opposed to neighbours, and rear lawns are at grade to maintain neighbour privacy.

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, and main unit entries on the buildings face towards the street. This design provides visual overlook onto the public realm.

Guideline G35 *Tree planting…*

- The landscaping plan shows three trees planted along the front yard, four trees along the rear property line, and three trees down each side of the property. Additional plantings are provided on the landscaping plan.

Guideline G38 *Screening & Buffering…*

- Landscape buffers are shown on the landscaping plan along both side property lines. Both sides meet the required tree and shrub planting ratios, at the required 1.5m width based on the setbacks of the RD4 zone. Fences are proposed along each side property line, and combined with the landscape buffers this will assist with screening the property and maintaining privacy between neighbours.

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.*

- As shown on the plans, the garbage/recycling bins will be stored beside each unit, behind fencing to screen them from public view when not placed out at the street for collection.

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 private yard space. These at-grade amenity spaces provide semi-private outdoor space for future residents.

Guideline MF2 *In an effort to promote community and social sustainability, multifamily developments should exhibit a preference for courtyard forms with views into them from ground-oriented ground floor units.*

- The amenity areas will be framed by the proposed buildings and are dedicated for each unit, with views onto them from the units.

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

Development Variance Permit

Permit Number: DVP PL2021-9160

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 14 District Lot 250 Similkameen Division Yale District Plan 910

   Civic: 220 Nelson Avenue

   PID: 011-969-784

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 four unit cluster housing development, as shown in the plans attached in Schedule 'A':

   a. Section 10.7.3.2: to increase the maximum lot coverage from 40% to 51%.

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.

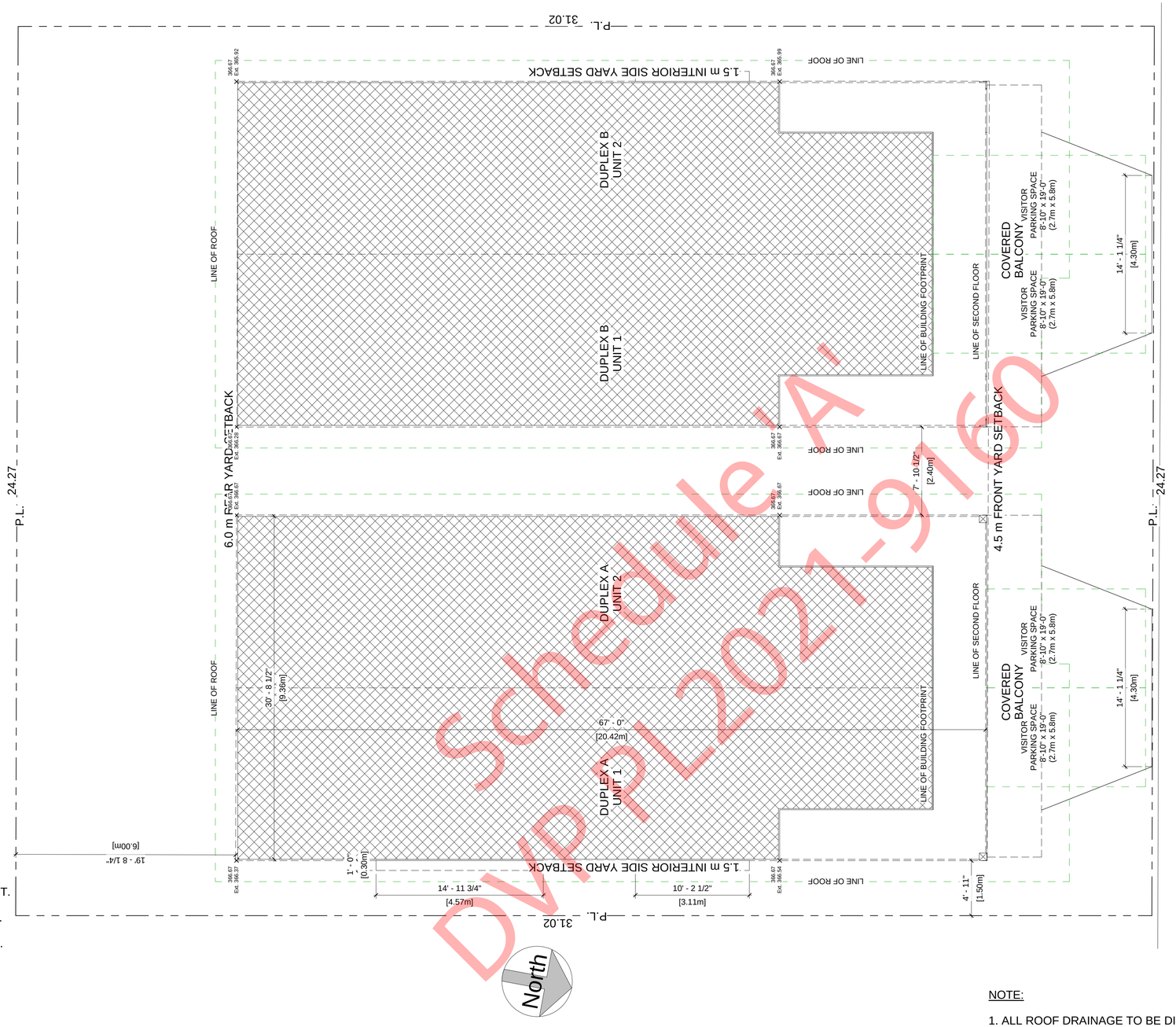
8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information 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



SITE PLAN
1 3/16" = 1'-0"

RD4 LOW DENSITY CLUSTER HOUSING

LOT AREA:	8105.1 SQ.FT.
TOTAL LIVING AREA PER BUILDING:	3238 SQ.FT.
COVERED AREA:	4122 SQ.FT.
MAXIMUM LOT COVERAGE:	40 %
PROVIDED LOT COVERAGE:	51.0 %
MINIMUM FAR	0.8
PROVIDED FAR	0.8
MAXIMUM BUILDING HEIGHT:	10.5 m
PROPOSED BUILDING HEIGHT:	7.2 m
REQUIRED FRONT YARD SETBACK:	4.5 m
PROVIDED FRONT YARD SETBACK:	4.5 m
REQUIRED INTERIOR SIDE YARD SETBACK:	1.5 m
PROVIDED INTERIOR SIDE YARD SETBACK DUPLEX A (WEST):	1.5 m
PROVIDED INTERIOR SIDE YARD SETBACK DUPLEX B (EAST):	1.5 m
REQUIRED REAR YARD SETBACK:	6.0 m
PROVIDED REAR YARD SETBACK:	6.0 m

NOTE:

1. ALL ROOF DRAINAGE TO BE DIRECTED TO ON-SITE APPROVED HOLDING TANK.
2. ALL ON-SITE RUN-OFF AND SURFACE DRAINAGE TO BE CONTROLLED ON-SITE. APPROVED ABSORBENT LANDSCAPING MATERIAL.
3. STORM WATER CALCULATIONS TO BE COMPLETED BY ENGINEER AS REQUIRED.
4. ROCK PIT AND/OR HOLDING TANK SIZES TO BE PROVIDED BY ENGINEER AS REQUIRED.
5. PROVIDE DRAINAGE AWAY FROM THE BUILDING FOUNDATION.
6. MIN. SLOPE AWAY FROM BUILDING FOR AT LEAST 5'-0": 5% (APPROX. 3/4" PER 12")
IF ROOF OVERHANG PROJECTS WITHIN 1.2 m OF PROPERTY LINE PROTECT SOFFIT (NON-VENTING SOFFIT) AS PER 9.10.15.5.(10) OF THE BCBC
GRADE ELEVATIONS TO BE CONFIRMED ON SITE BY CONTRACTOR; ELEVATIONS HAVE NOT BEEN VERIFIED ON-SITE BY PEOPLE PLUS SPACE. FOUNDATION WALL HEIGHTS MAY REQUIRE ADJUSTMENT TO SUIT SITE CONDITIONS AND MANUFACTURER SPECIFICATIONS.

Schedule 'A'
DVP PL2021-9160

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planning and design

People plus Space: Planning and Design
10124 Main Street
Summerland BC V0H 1Z0
250-486-1481
heather@peopleplusspace.ca

No.	Description	Date
1	ISSUED FOR REVIEW	2021-07-22
2	ISSUED FOR REVIEW	2021-08-05
3	ISSUED FOR REVIEW	2021-08-19
4	ISSUED FOR DP	2021-09-23
5	ISSUED FOR DP	2021-12-09
6	ISSUED FOR DP	2021-12-13
7	ISSUED FOR DP	2021-12-28

Nelson Duplex Units

220 Nelson Avenue, Penticton BC

SITE PLAN

Project number	Project Number
Date	2021-07-16
Drawn by	Author

ID-101

Scale 3/16" = 1'-0"

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

Development Permit

Permit Number: DP PL2021-9161

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 14 District Lot 250 Similkameen Division Yale District Plan 910

   Civic: 220 Nelson Avenue

   PID: 011-969-784

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a four 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).

DRAFT

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.

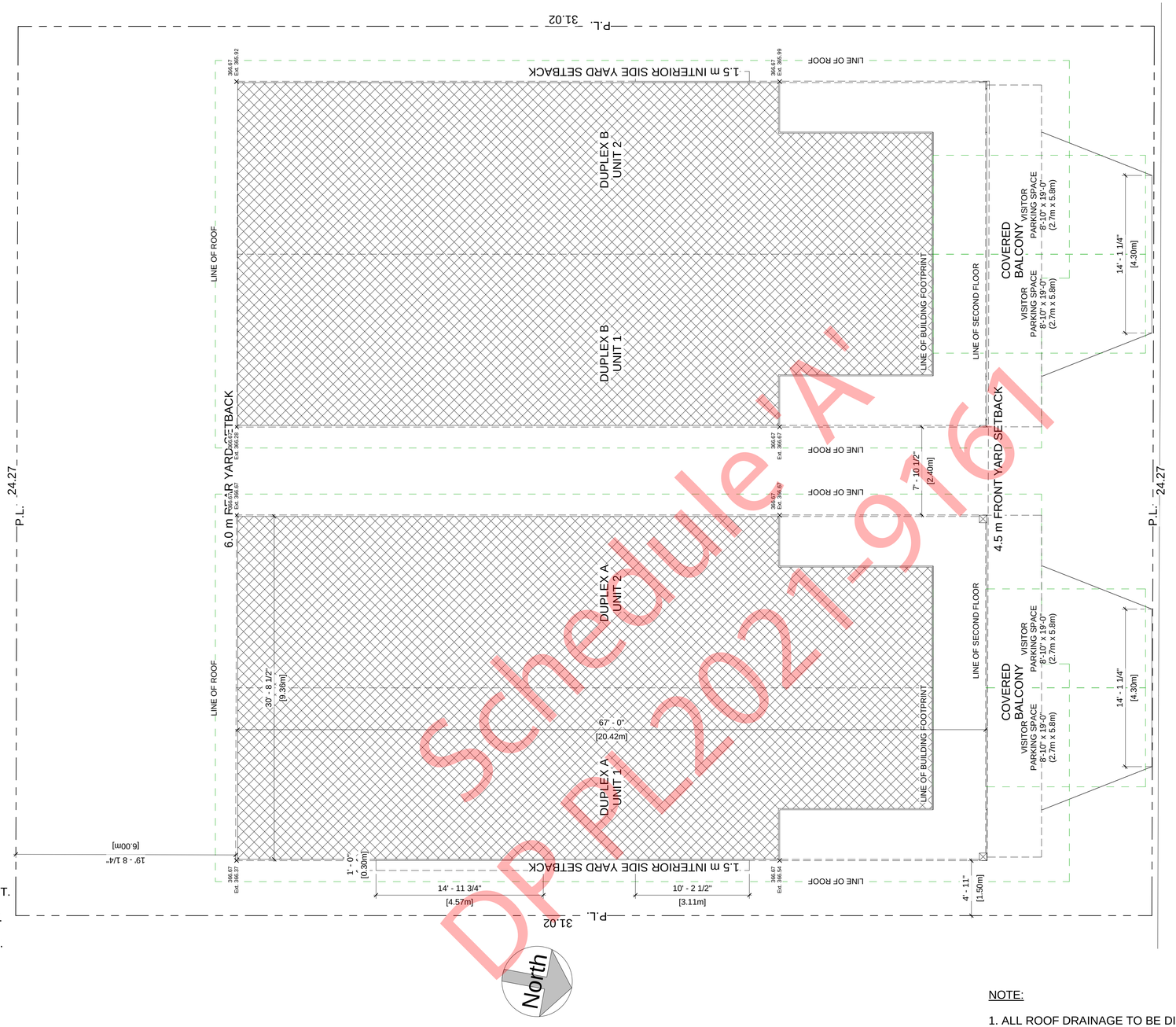
Authorized by City Council, the ____ day of _____, 2022.

Issued this ____ day of _____, 2022.

_____

Angela Collison
Corporate Officer

DRAFT



Schedule 'A'
DP PL2021-9161

RD4 LOW DENSITY CLUSTER HOUSING

LOT AREA:	8105.1 SQ.FT.
TOTAL LIVING AREA PER BUILDING:	3238 SQ.FT.
COVERED AREA:	4122 SQ.FT.
MAXIMUM LOT COVERAGE:	40 %
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MAXIMUM BUILDING HEIGHT:	10.5 m
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NOTE:

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planning and design

People plus Space: Planning and Design
10124 Main Street
Summerland BC V0H 1Z0
250-486-1481
heather@peopleplusspace.ca

No.	Description	Date
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4	ISSUED FOR DP	2021-09-23
5	ISSUED FOR DP	2021-12-09
6	ISSUED FOR DP	2021-12-13
7	ISSUED FOR DP	2021-12-28

Nelson Duplex Units

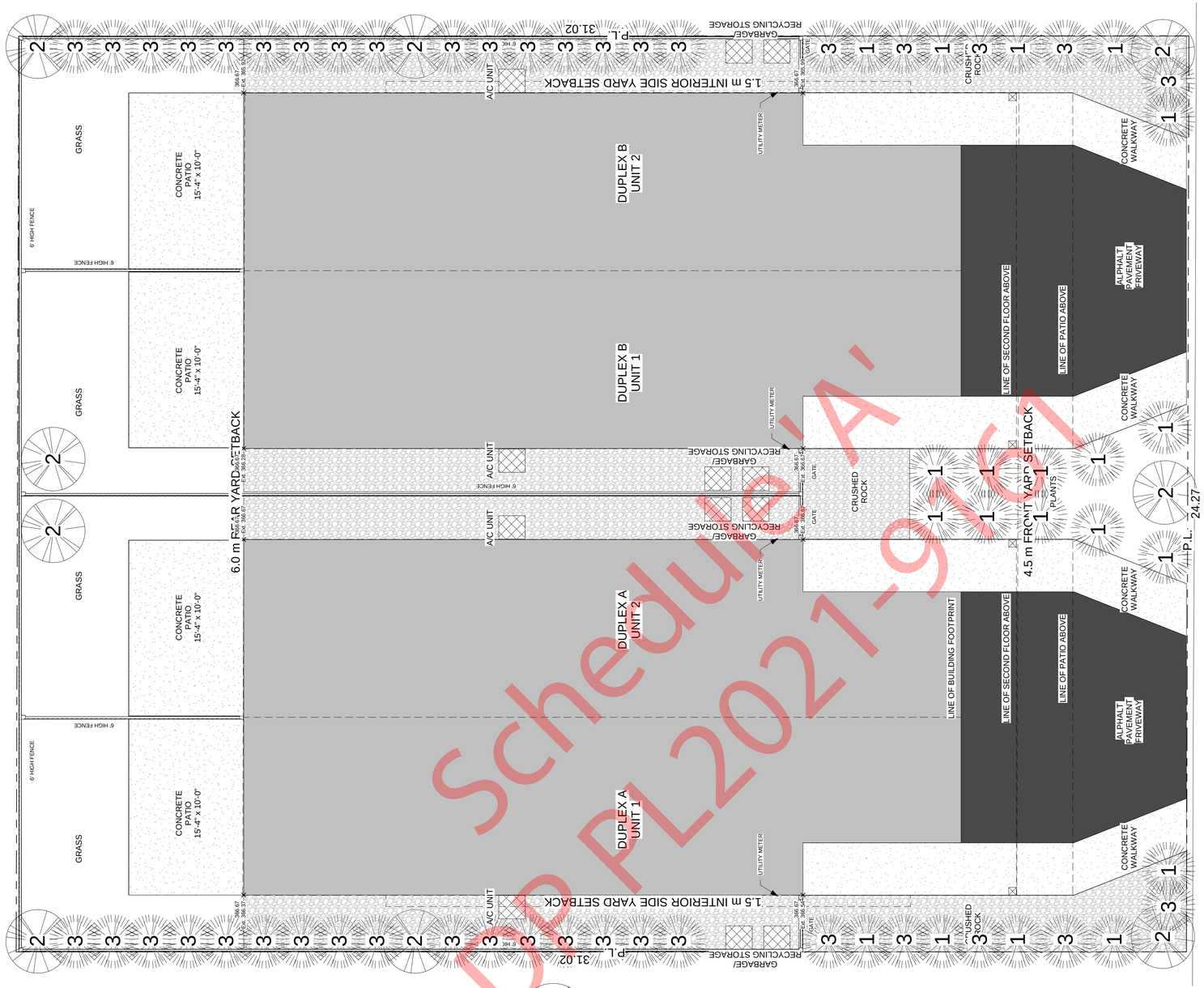
220 Nelson Avenue, Penticton BC

SITE PLAN

Project number	Project Number
Date	2021-07-16
Drawn by	Author

ID-101

Scale 3/16" = 1'-0"



LANDSCAPE PLAN
1 3/16" = 1'-0"

LANDSCAPE LEGEND

ITEM NO.	DESCRIPTION:	QUANTITY
01	GOLD JAPANESE FOREST GRASS	12
02	AMUR MAPLE	9
03	KARL FORESTER	42

LANDSCAPE NOTES:

1. ALL LANDSCAPED AREAS TO HAVE UNDERGOUND IRRIGATION C/W WATER SENSORS AND TIMER.

2. COVER PLANTER BEDS WITH LANDSCAPE FABRIC AND MULCH

3. LANDSCAPE FABRIC UNDER RIVER ROCK

4. Trees in front shall be either a deciduous tree with a minimum caliper of 60mm and a clear stem height of 1.5m or a coniferous tree with a minimum height of 2.5m.

NOTE:

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Scheduled DP PL2021-9161

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planning and design

People plus Space: Planning and Design
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250-486-1481
heather@peopleplusspace.ca

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6	ISSUED FOR DP	2021-12-13
7	ISSUED FOR DP	2021-12-28

Nelson Duplex Units

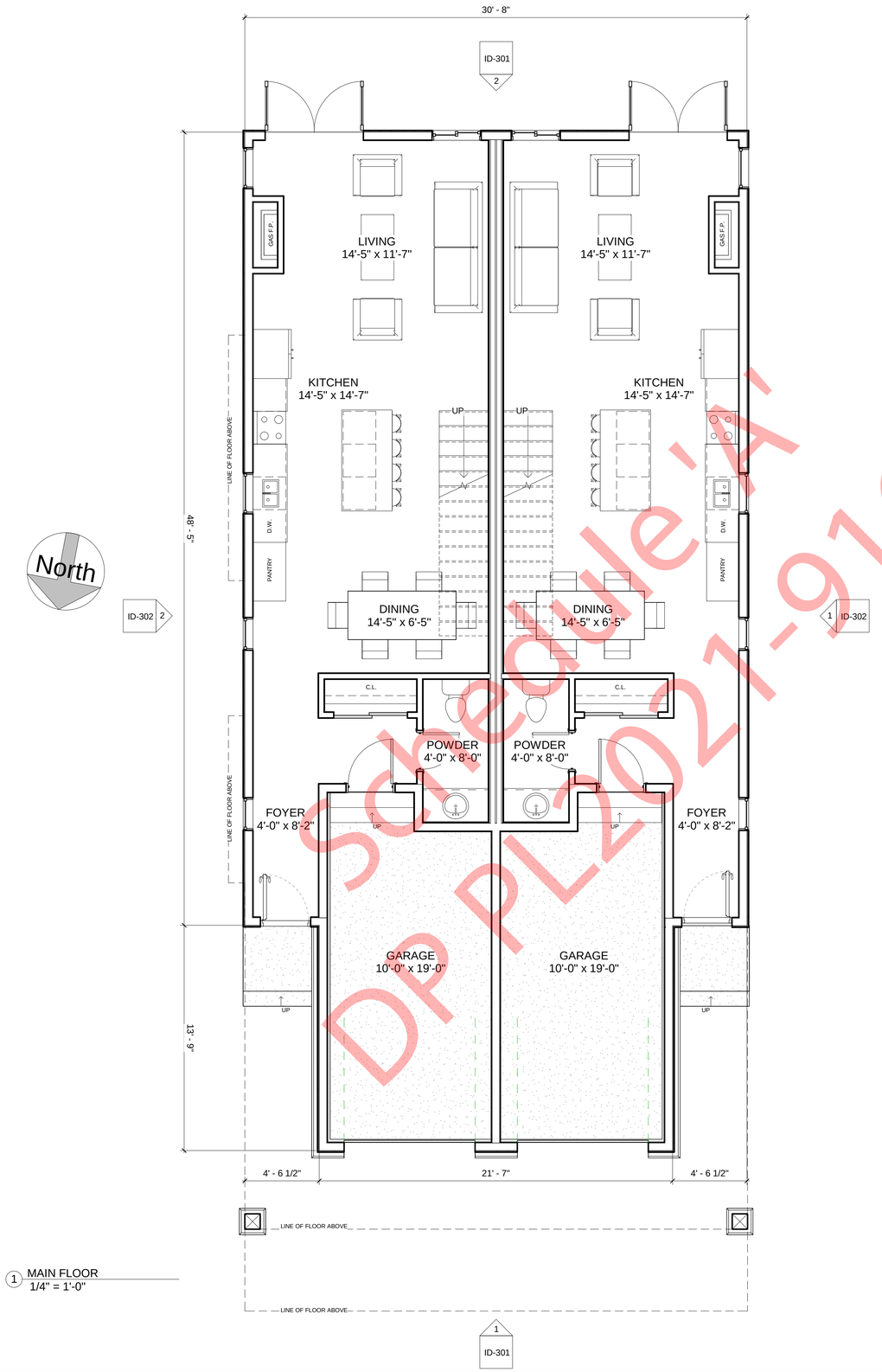
220 Nelson Avenue, Penticton BC

LANDSCAPE PLAN

Project number	Project Number
Date	2021-07-16
Drawn by	Author

ID-102

Scale 3/16" = 1'-0"



1 MAIN FLOOR
1/4" = 1'-0"

Schedule 'A'
DP PL2021-9161

TOTAL FLOOR AREA LEFT UNIT: 1,631.5 SQ.FT.
MAIN FLOOR: 618.5 SQ.FT.
SECOND FLOOR: 1013 SQ.FT.

TOTAL FLOOR AREA RIGHT UNIT: 1,606.5 SQ.FT.
MAIN FLOOR: 618.5 SQ.FT.
SECOND FLOOR: 988 SQ.FT.

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planning and design

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5	ISSUED FOR DP	2021-12-09
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7	ISSUED FOR DP	2021-12-28

Nelson Duplex Units

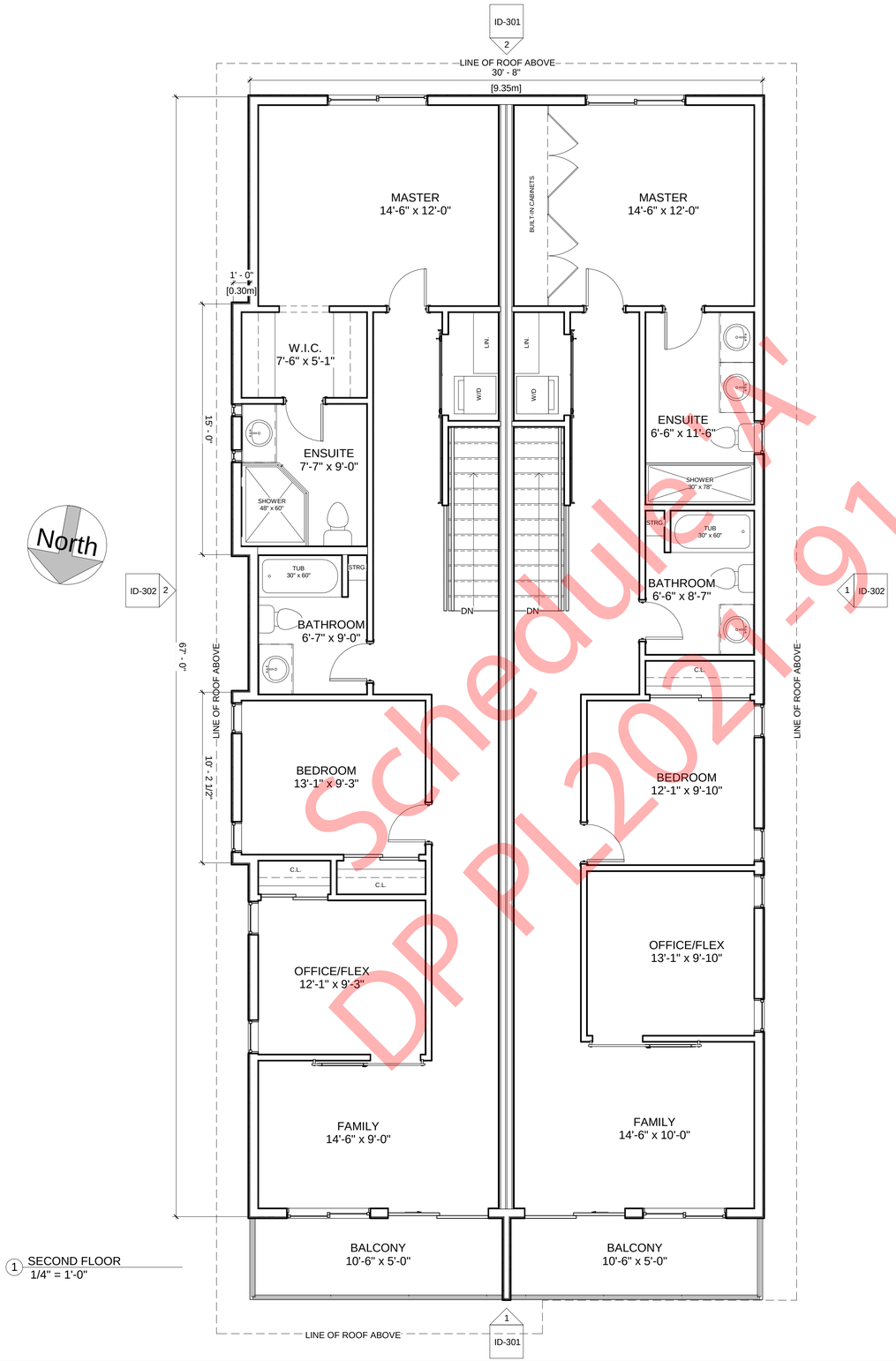
220 Nelson Avenue, Penticton BC

MAIN FLOOR PLAN

Project number	Project Number
Date	2021-07-16
Drawn by	J.P.F.

ID-200

Scale 1/4" = 1'-0"



Schedule A
DP PL2021-9161

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People plus Space: Planning and Design
10124 Main Street
Summerland BC V0H 1Z0
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5	ISSUED FOR DP	2021-12-09
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7	ISSUED FOR DP	2021-12-28

Nelson Duplex Units

220 Nelson Avenue, Penticton BC

SECOND FLOOR PLAN

Project number	Project Number
Date	2021-07-16
Drawn by	J.P.F.

ID-201

Scale 1/4" = 1'-0"

Schedule 'A'
DP PL2021-9161

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People plus Space: Planning and Design
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Summerland BC V0H 1Z0
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5	ISSUED FOR DP	2021-12-09
6	ISSUED FOR DP	2021-12-13
7	ISSUED FOR DP	2021-12-28

Nelson Duplex Units

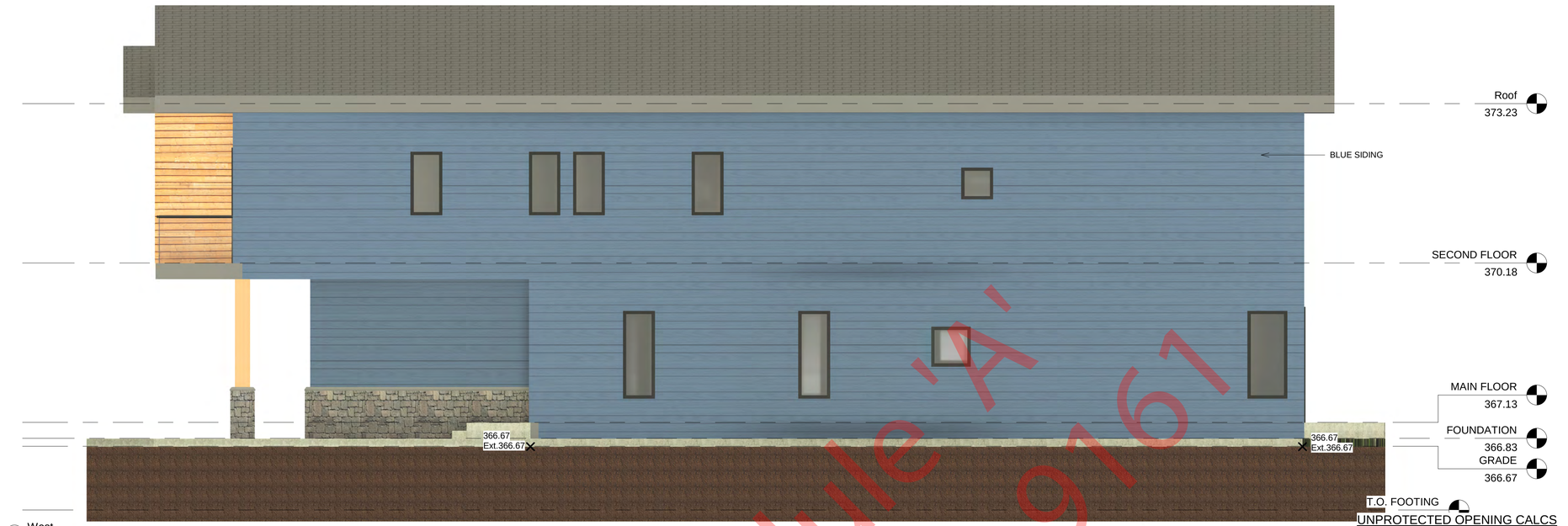
220 Nelson Avenue, Penticton BC

NORTH & SOUTH ELEVATIONS

Project number	Project Number
Date	2021-07-16
Drawn by	J.P.F.

ID-301

Scale	1/4" = 1'-0"



1 West
1/4" = 1'-0"

UNPROTECTED OPENING CALCS
BUILDING FACE: 108.8 SQ.M.
UNPROTECTED OPENINGS: 7.25 SQ.M.
LIMITING DISTANCE: 1.2 M
MAXIMUM PERCENTAGE: 7 %
ACTUAL PERCENTAGE: 6.7 %

2 East
1/4" = 1'-0"

UNPROTECTED OPENING CALCS FOR BUMPOUT
BUILDING FACE: 24.7 SQ.M.
UNPROTECTED OPENINGS: 1.7 SQ.M.
LIMITING DISTANCE: 1.2 M
MAXIMUM PERCENTAGE: 7 %
ACTUAL PERCENTAGE: 7.0 %

UNPROTECTED OPENING CALCS
BUILDING FACE: 80.8 SQ.M.
UNPROTECTED OPENINGS: 5.4 SQ.M.
LIMITING DISTANCE: 1.5 M
MAXIMUM PERCENTAGE: 8 %
ACTUAL PERCENTAGE: 6.7 %

Schedule 'A'
DP PL2021-9161

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planning and design

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7	ISSUED FOR DP	2021-12-28

Nelson Duplex Units

220 Nelson Avenue, Penticton BC

EAST & WEST ELEVATIONS

Project number	Project Number
Date	2021-07-16
Drawn by	J.P.F.

ID-302

Scale 1/4" = 1'-0"

The Corporation of the City of Penticton

Bylaw No. 2022-11

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. 2022-11".

2. **Amendment:**

2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone Lot 14 District Lot 250 Similkameen Division Yale District Plan 910, located at 220 Nelson Avenue, from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing).

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

READ A FIRST time this	day of	, 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 __ day of _____, 2022 and the __ day of _____, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-11

Date: Corporate Officer:

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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Coordinate System: NAD 1983 CSRS UTM Zone 11N

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS/1701 Fairford Dr
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 1701 Fairford Drive

Subject: **Zoning Amendment Bylaw No. 2022-12**
Development Permit PL2021-9191
Development Permit PL2021-9192

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-12", a bylaw to rezone Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, from R2 (Small Lot Residential) zone to RD3 (Residential Infill) zone, with the following site-specific provision:

- A maximum of two dwelling units shall be permitted on each lot;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-12" to the March 15, 2022 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-12" and final subdivision registration of the two lots, approve "Development Permit PL2021-9191" and "Development Permit PL2021-9192" for Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, permits to approve the form and character of a duplex development on each future lot.

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 rezone and subdivide the subject property to build one duplex on each future lot (Figure 1). In order to proceed with the proposed development, the applicant is requesting to rezone the subject property from the R2 (Small Lot Residential) zone to the RD3 (Residential Infill) zone. The applicant has also submitted two development permit applications for Council's consideration, in addition to the

rezoning request. The development permits will not be issued until the rezoning is adopted and the subdivision is registered with the Land Title Office.

Figure 1 - Rendering of proposed development

Background

The subject property is located at the corner of Fairford Drive and Industrial Avenue West (Figure 1). The property contains a single detached dwelling constructed in 1930, which is proposed to be demolished. Surrounding land uses include an eight-unit townhouse development across Fairford Drive to the east, a duplex facing Quebec Street to the west, and a single detached dwelling to the south. Ellis Creek runs along the north side of Industrial Avenue West. The property is located adjacent to a crosswalk and is within walking distance of commercial uses along the Main Street corridor. The future extension of the Lake-to-Lake active transportation route runs along Atkinson Street, one block east of the subject property.

The subject property is currently zoned R2 (Small Lot Residential) in the Zoning Bylaw and is designated 'Detached Residential' by the Official Community Plan (OCP).

Figure 2 - Property location map

Technical Review

This application was reviewed by the Technical Planning Committee (TPC), a group of internal staff who review planning applications. Staff note that the applicant is responsible for relocating an existing fire hydrant and existing electrical pole anchors to proceed with their design. Future subdivision requirements such as water and sanitary connections, and fees to be paid such as Development Cost Charges (DCC's) were identified to the applicant. Typical frontage upgrades and servicing requirements have been identified for the subsequent subdivision and building permit processes. These items have been communicated to the applicant.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	RD3 Zone Requirement	Proposed Lot A (corner lot)	Proposed Lot B (standard lot)
Minimum Lot Width: Standard Lot: Corner Lot:	 9.1 m 10.5 m	 n/a 12.3 m	 10.75 m n/a
Minimum Lot Area:	275 m^2	342 m^2	314 m^2
Maximum Lot Coverage:	55%	39.5%	43%
Maximum Density:	1.0 Floor Area Ratio (FAR)	0.75 FAR	0.81 FAR
Vehicle Parking:	1 per duplex unit 2 spaces per lot	2 parking spaces	2 parking spaces
Required Setbacks Front Yard (Fairford Dr): Interior Side Yard (south): Interior Side Yard (north): Exterior Side Yard (Industrial Ave W): Rear Yard (west):	 4.5 m 1.2 m 1.2 m 3.0 m 6.0 m	 6.0 m 1.3 m n/a 3.0 m 6.0 m	 6.25 m 1.5 m 1.3 m n/a 6.25 m
Maximum Building Height	10.5 m	8 m	8 m
Other Information:	Section 10.6.3.2 states that duplex developments in the RD3 zone with rear lane access must have vehicular access from the rear lane. There is no rear lane behind the subject property, therefore parking is proposed from Fairford Dr.		

Analysis

The Official Community Plan (OCP) designation for the subject property is 'Detached Residential', which supports lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods (Figure 3). Duplexes are one of the building types envisioned in this designation. The applicant is proposing to subdivide the property into two parcels, which will allow for a duplex to be constructed on each lot. The proposed development is a consistent building form with the forms envisioned by the 'Detached Residential' OCP designation. Staff note that the 'Detached Residential' land use designation does not include 'duplexes with or without suites' as a supported building type, and only supports 1-2 units per lot. In order to ensure the requested zoning does not conflict with the OCP designation and does not allow for additional density to be added in the future, staff have limited included a site-specific limitation of two dwelling units per property through the proposed zoning amendment.

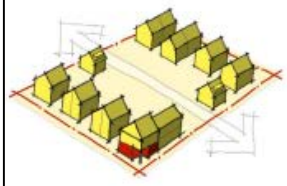
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Detached Residential 	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas	• Single detached houses with secondary suites or carriage houses • Duplexes • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop) • Manufactured homes	• Residential • Limited retail/ service	• 1 or 2 units per lot • Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw	• R1 • R2 • R3 • RD1 • RSM • C2
	Site-Specific Detached Residential Policy Statement: 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.				

Figure 3 - Excerpt from Land Use Designations table (OCP)

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

OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
OCP Policy 4.1.3.1	Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
OCP Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
OCP Policy 4.1.4.1	Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
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 closer to collector roads, services and amenities).
OCP Policy 4.2.5.2	Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Staff consider that the application proposes an appropriately-scaled development for the neighbourhood. Located at the corner of a major road (Industrial Ave), and with an 8-unit townhouse development across the street, the proposed rezoning would create a density transition towards the single detached homes further south on Fairford Drive. The two-storey building design is consistent with the primarily one and two-storey buildings in the surrounding area. The proposed rezoning and subdivision to allow duplex development is consistent with the increased density and building forms envisioned by the Detached Residential designation.

The OCP policies encourage infill development in areas close to services and shops to encourage walkability and active transportation. Staff note this property is within walking distance (approximately 600 metres) of shops and services along Main Street and is located near the future extension of the Lake-to-Lake bike route.

The applicant has not requested any variances from the Zoning Bylaw requirements for the proposed development.

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to "Zoning Amendment Bylaw No. 2022-12", and forward the bylaw to the March 15, 2022 Public Hearing to gather comments and feedback from the public.

Subdivision

The applicant has applied for subdivision of the subject property, as shown in Figure 4. Council is not the approval authority for subdivisions. Should the rezoning ultimately be adopted, staff will work with the applicant on all subdivision requirements to be completed by the applicant in order to register the subdivision with the Land Title Office, and legally divide the subject property into two parcels.

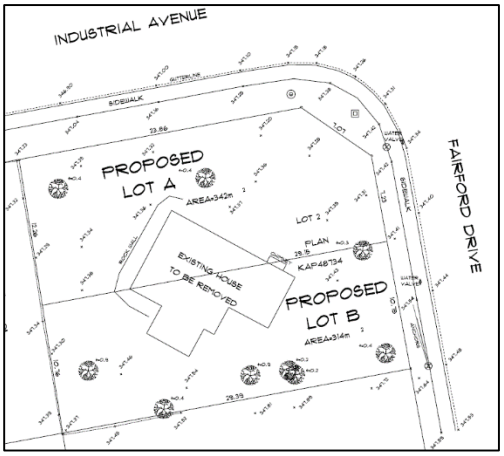


Figure 4 - Subdivision sketch

Development Permits

The proposed duplex developments are considered within the Intensive Residential Development Permit Area per the OCP, which is established to manage form and character that strengthens livability, neighbourliness, and visual interest.

The proposed development has been designed with the OCP design guidelines in mind. The development proposes a density that is aligned with the OCP designation, and provides a design that meets all Zoning Bylaw regulations for setbacks, parking and is well within the allowable building heights.

Staff have completed a development permit analysis that shows how the development conforms to the applicable design guidelines (Attachment 'D'). The applicant has also provided an analysis with their submission which outlines the project and its conformance to the OCP design guidelines (Attachment 'F'). As such, staff recommend that Council approve the Development Permits subject to adoption of the Zoning Amendment Bylaw, with the permits issued after the subdivision is registered with the Land Title Office.

Alternate Recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Staff are not recommending this option, as the proposal is well aligned with the OCP designation for the property, gently increasing density in a high-amenity area of the City with a site-specific limitation on the number of units to keep the development form consistent with the Detached Residential OCP designation.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-12".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Development Permit Analysis (staff)
Attachment E – Letter of Intent (applicant)
Attachment F – Development Permit Analysis (applicant)
Attachment G – Draft Development Permit PL2021-9191 (Proposed Lot A)
Attachment H – Draft Development Permit PL2021-9192 (Proposed Lot B)
Attachment I – Zoning Amendment Bylaw No. 2022-12

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

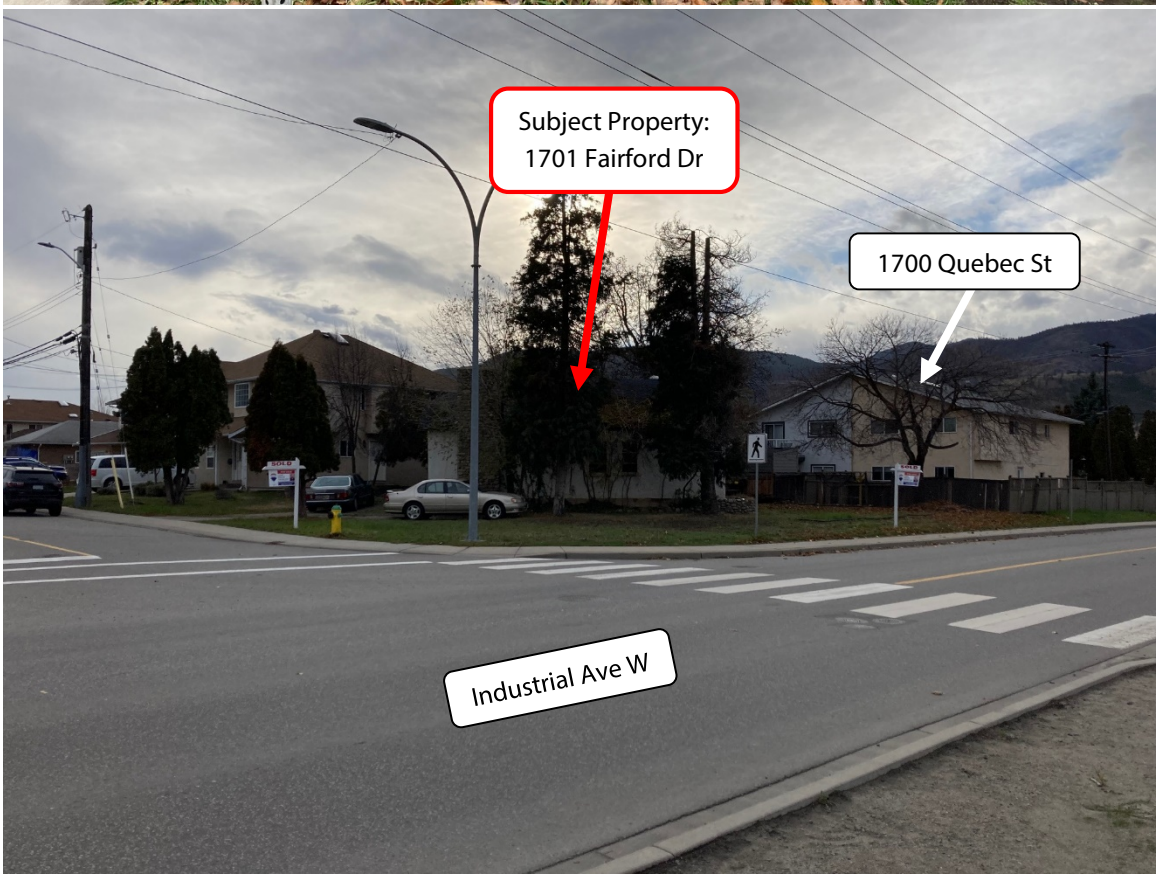
Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

1742 Fairford Dr
Subject Property:
1701 Fairford Dr


Subject Property:
1701 Fairford Dr
1700 Quebec St
Industrial Ave W

Development Permit Analysis

The proposed development is located within the Intensive 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.).*

- There are electrical pole anchors and a fire hydrant along the Fairford Dr frontage that impact the development as designed. The applicant will be responsible for relocated this city infrastructure, at their expense.

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

- The proposed duplexes are designed at a 6m front yard setback, which exceeds the minimum requirement of 4.5m in the RD3 zone but provides sufficient room for off-street parking. The proposed setback is similar to those of other homes on this side of the street, which on average have a 7m front yard setback.

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

- A barrier-free pedestrian walkway is provided to each proposed unit from Fairford Dr, with a direct sidewalk link on the proposed corner lot to the sidewalk on Industrial Ave W. These paths connect the unit entries to the parking spaces and the garbage/recycle cart storage areas.

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 each unit in the duplex are approximately 0.5m above the grade of the street.

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

- The parking area for the proposed development is accessed from Fairford Dr as there is no rear lane behind this property. One sidewalk on each proposed lot connects the rear unit to the parking area and the street, which minimizes conflict between vehicles and pedestrians on the site.

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 proposed duplex design includes covered porches facing the street as well as roof projections and minor cantilevers. These features provide interesting architectural features which help break up the mass of the 2-storey building faces.

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 entries to the units are about 3-4 steps above grade, leading to a covered porch amenity area. The roof overhanging this area breaks up the building face and provides an improved transition between the street, semi-private covered porch, and the interior space of the dwelling unit.

Guideline G26 *Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*

- Windows facing the neighbouring property to the south are smaller than those facing east and west towards the street and rear yard. This design choice, and by not having any outdoor 2nd floor amenity spaces, assists with maintaining privacy of neighbouring properties.

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 porches on the duplex buildings face towards the street to provide visual overlook onto the public realm.

Guideline G35 *Tree planting…*

- The landscaping plan shows one tree in the front yard of each proposed lot. One tree per property is also proposed in the rear yard. The applicant is responsible for planting two boulevard trees along the Industrial Ave W frontage. These trees are in addition to other plantings as shown on the landscaping plan.

Guideline G38 *Screening & Buffering…*

- Fences ranging from 1.2m to 1.8m in height are proposed along each side property line which will assist with screening the property and maintaining privacy between neighbours to the west and to the south.

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

- The plans show a sidewalk connection directly onto Industrial Ave W.

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 carts will be stored at the rear of the properties, screened from adjacent properties and public view by fencing.

Guideline IR1 *Building Siting: Front and year yard setbacks should relate to those of existing neighbouring buildings. The primary building's front setback should be no greater than 6.0m so that homes engage with the street.*

- The proposed duplexes are 6m from the front property line. The roof projects 0.6m towards the street. This design provides strong street connection with Fairford Dr while providing sufficient depth for a parking space off the street and a similar building setback as other homes along this side of Fairford Dr.

Attachment E – Letter of Intent (applicant)

GIROUX DESIGN group
Custom Home and Building Design Since 1950

February 10, 2022

Giroux Design Group Inc.
23216 Garnet Valley Rd.
Summerland, BC V0H 1Z3

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

Re: 1701 Fairford Drive Subdivision, Rezoning & Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposed rezoning and development of the property located at 1701 Fairford Drive. The property is currently zoned R2 (Small-Lot Residential) and currently houses an older single-family home which is suited for demolition.

The proposal is to subdivide and rezone the property to RD3 (Residential Infill) and build two duplexes for a total of four units. The two-storey duplexes will be modest in size with all parking from Fairford Drive and will provide much needed family housing close to schools, parks, and shopping. The proposal fits within the City of Penticton's Official Community Plan as the area is designated for Detached Residential development which allows for duplex zoning for a maximum of two units per lot.

The property currently fronts Fairford Drive and Industrial Ave. The proposed development requires no variances to the zoning bylaw, and we believe it meets the intent of providing modest densification to an area of town that has a mix of single-family homes, duplexes and townhouses as well as commercial.

Thank you for considering our proposal.

Best regards,

Tony Giroux ASTTBC.RBD
Owner/Registered Building Designer
Giroux Design Group Inc.

Attachment F – Development Permit Analysis (applicant)

1701 FAIRFORD DRIVE: DEVELOPMENT PERMIT ANALYSIS

PEDESTRIAN CONNECTIVITY
The development is on a major road with pedestrian sidewalks and bicycle lanes on the street. The location allows for easy walking or cycling to the nearby shopping, parks, and schools. City Bus stops are also located nearby, allowing easy access to transit.

PARKING
Each duplex has two parking spots accessed from Fairford Drive. No variances are required for parking as the required number of spaces are met.

DESIGN FOR CLIMATE
The building will meet the requirements of Step 3 of the BC Energy Code. Trees to be planted on the east and west property lines are deciduous trees which will provide shade during the summer and sunlight during the winter as the leave fall. The trees in the rear yard will provide privacy between the neighbouring property and the development. Each property has its own private rear yard to allow for outdoor living.

ORIENTATION & MASSING
Each unit has its own entry door, the entry door of the units closest to Fairford Drive face the street with a covered porch to improve street appeal. The entry doors of the other units face the rear yards with a covered porch for each door. The duplexes are two storey buildings which fits in the neighbourhood which is made up of two storey duplexes, houses and town houses. A 6' high privacy fence is to be installed along neighbouring property lines as well as between the two duplexes. At 8 meters tall the building is under the maximum height allowance. The style of the building is Modern style which will fit nicely in this neighbourhood.

LANDSCAPING (ENHANCING THE URBAN FOREST)
The landscaping plan for the development includes one tree at the front of each property along Fairford Drive and one additional tree in each of the rear yards of the development for a total of four trees. At the entrance and along the front face of each duplex there is a planting bed with plantings and additional planter beds with plantings along Fairford Drive creating a pleasing aesthetic and curb appeal for the development and a pleasant environment for occupants. To provide a clean easily maintained space along the interior side yards where heat pumps are located and bins will be stored, river rock is used for landscaping. Large grass areas are planned along Industrial Avenue and the rear yards creating pleasant common areas and private yards.

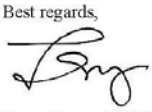
WASTE MANAGEMENT
Garbage and recycling containers are placed at the sides of the front two units, and in the rear yards for the rear units and will be moved to the curb on collection day.

FENCES
6' high wood privacy fences will be placed between the subdivided properties and along the west and south neighbouring property lines. The front yards will have fences between the neighbouring property to the south and between each duplex, these fences will be 4' (1.2 m) high. The property line adjacent to Industrial Avenue does not have a fence.

We believe that the subdivision, rezoning and development of this property is good use of the land and will provide much needed family housing for the city.

Thank you for considering our proposal.

Best regards,



Tony Giroux ASTTBC.RBD
Owner/Registered Building Designer
Giroux Design Group Inc.

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

Development Permit

Permit Number: DP PL2021-9191

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: Proposed Lot A (Legal to be updated after subdivision)

   Civic: Proposed Lot A of 1701 Fairford Drive (Civic to be updated after subdivision)

   PID: Proposed Lot A (PID to be updated after subdivision)

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex 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).

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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

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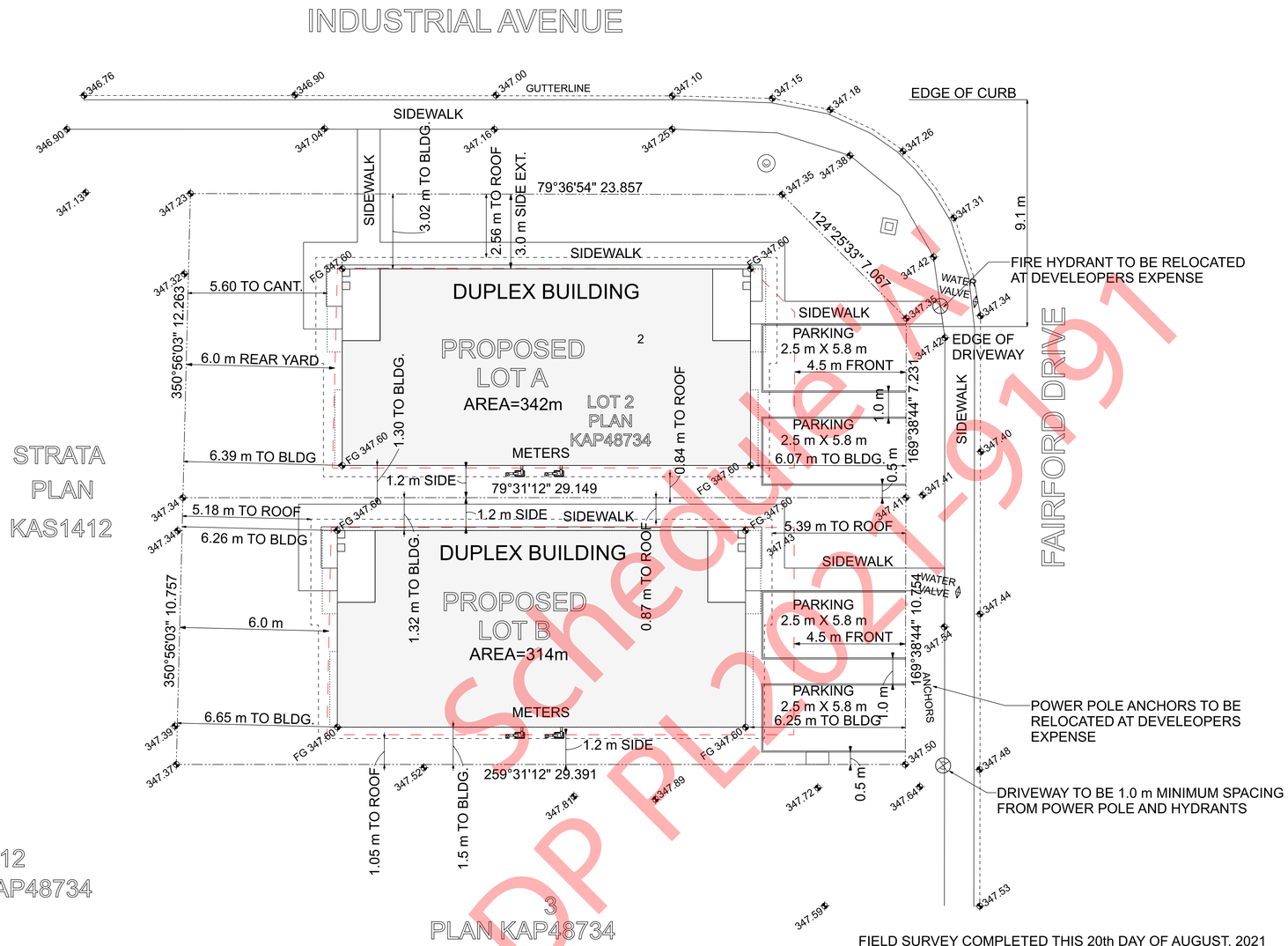

Scheduled
DP PL2021-9191

SITE PLAN

SCALE: 1:100
CIVIC ADDRESS: 1701 FAIRFORD DRIVE, PENTICTON, BC
LEGAL DESCRIPTION: PROPOSED SUBDIVISION OF LOT 2, DL 115, SDYD, PLAN KAP48734
PID: 018-039-219

CURRENT ZONING:
PROPOSED ZONING:

FIELD SURVEY COMPLETED THIS 20th DAY OF AUGUST, 2021
ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0)
DERIVED FROM PENTICTON MONUMENT #4326

MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
FILE: 21-251

LOT A ZONING COMPLIANCE TABLE (PROPOSED ZONING RD3)

REGULATION	REQUIRED	PROPOSED	VARIANCE REQUIRED
OCP DESIGNATION	DR	DR	NO
ZONING	R2	RD3	NO
MINIMUM LOT WIDTH	10.5	12.26 m	NO
LOT AREA	275 m2	342 m2	NO
MAXIMUM LOT COVERAGE	55%	39% (136.4 m2)	NO
MAXIMUM DENSITY	1.0 FAR	0.71 FAR (241 m2)	NO
MAXIMUM HEIGHT	10.5 m	8.0 m	NO
MINIMUM FRONT YARD (EAST)	4.5 m	4.5 m	NO
MINIMUM INTERIOR SIDE YARD	1.2 m	1.2 m	NO
MINIMUM EXTERIOR SIDE YARD	3.0 m	3.0 m	NO
MINIMUM REAR YARD (WEST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	2	2	NO

LOT B ZONING COMPLIANCE TABLE (PROPOSED ZONING RD3)

REGULATION	REQUIRED	PROPOSED	VARIANCE REQUIRED
OCP DESIGNATION	DR	DR	NO
ZONING	R2	RD3	NO
MINIMUM LOT WIDTH	9.1	12.26 m	NO
LOT AREA	275 m2	315 m2	NO
MAXIMUM LOT COVERAGE	55%	43% (136.4 m2)	NO
MAXIMUM DENSITY	1.0 FAR	0.77 FAR (241 m2)	NO
MAXIMUM HEIGHT	10.5 m	8.0 m	NO
MINIMUM FRONT YARD (EAST)	4.5 m	4.5 m	NO
MINIMUM INTERIOR SIDE YARD	1.2 m	1.2 m	NO
MINIMUM EXTERIOR SIDE YARD	3.0 m	N/A	NO
MINIMUM REAR YARD (WEST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	2	2	NO

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Site Plan

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

DESIGN BY:
DRAWN BY:
DATE: 1/31/22
REVISED:

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PLAN NO.
WP-5726
SLAB

SHEET NO.
A1

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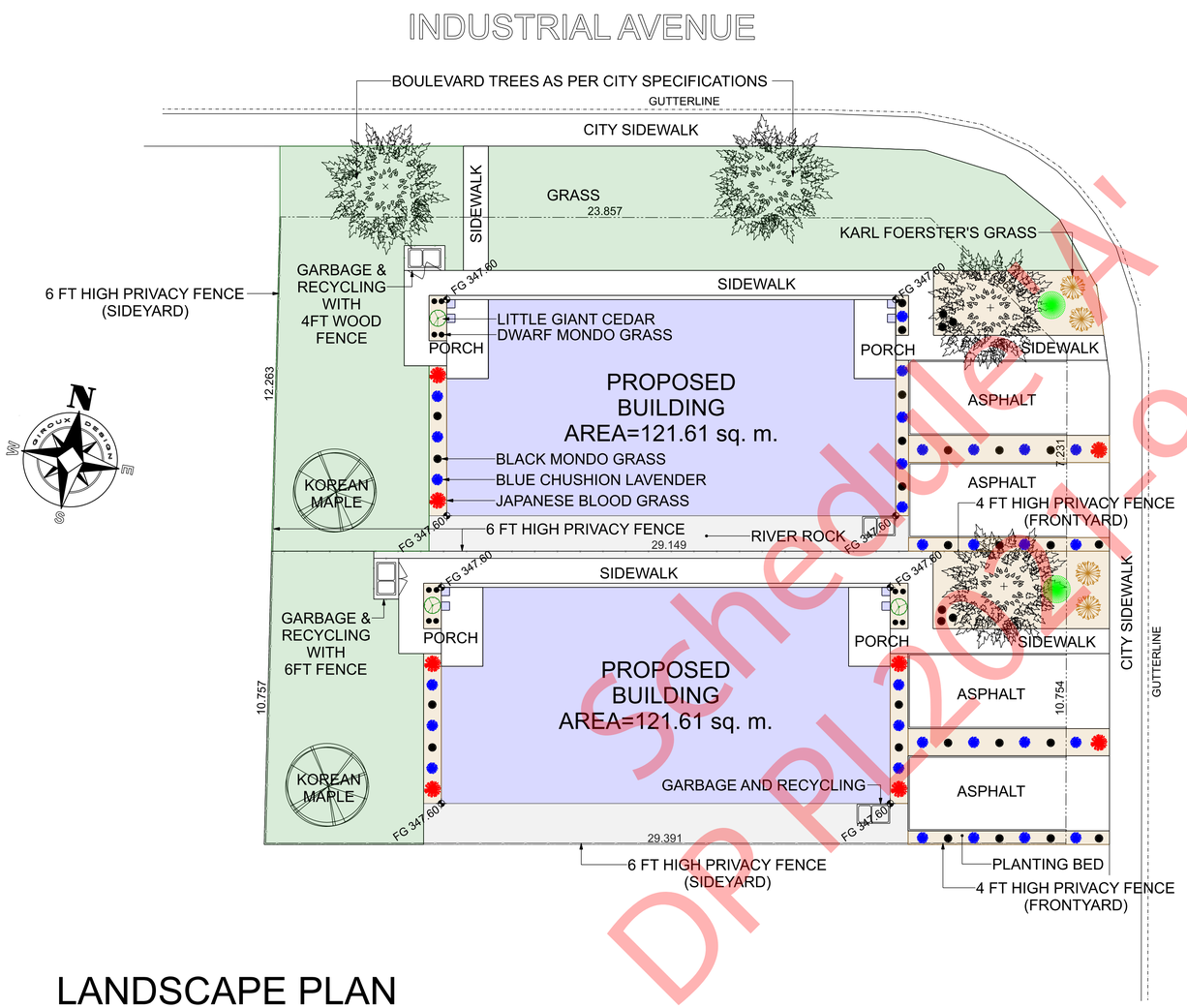

LANDSCAPE PLAN

SCALE: 1:100

CIVIC ADDRESS: 1701 FAIRFORD DRIVE, PENTICTON, BC

LANDSCAPE SCHEDULE

PLANTINGS:

Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens') 31 qty.
Blue Cushion Lavender (Lavandula angustifolia 'Blue Cushion') 30 qty.
Dwarf Mondo Grass (Ophiopogon japonicus 'Nanus') 12 qty.
Japanese Blood Grass (Imperata cylindrica 'Red Baron') 8 qty.
Japanese Forest Grass (Hakonechloa macra) 2 qty.
Karl Foerster's Grass (Calamagrostis x acutiflora Karl Foerster) 4 qty.
Little Giant Cedar (Thuja occidentalis 'Little Giant') 2 qty.

TREES:
Korean Maple (Acer pseudosieboldianum) 2 qty.
Crimson Sentry Norway Maple (Acer platanoides 'Crimson Sentry') 2 qty.
Boulevarde trees as per City Specifications (Arbores ut per civitatem speciem.) 2 qty.

GARBAGE DISPOSAL:
Garbage Container Garbage Conatiner 4
Recycling Container Recycling Container 4

GROUND COVER/HARD SURFACES:
Property Area (7076 sq.ft.)
Asphalt (865 sq.ft.)
Grass (2,495 sq.ft.)
Planting Beds-Bark Mulch (827 sq.ft.)
River Rock-2" Rainbow (659 sq.ft.)
Landscape Fabric (1485 sq.ft.)
Sidewalks (673 sq.ft.)

FENCING:
4' High Wood Fence (35 lin.ft.)
6' High 'Good Neighbour' Privacy Fence (313 lin.ft.)

LANDSCAPE NOTES:

SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS

ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m

NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION

NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA

LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.

LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT. (INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)

DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

Scheduled
DP PL2021-9191

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Landscape Plan

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

DESIGN BY:
DRAWN BY:
DATE: 1/31/22
REVISED:

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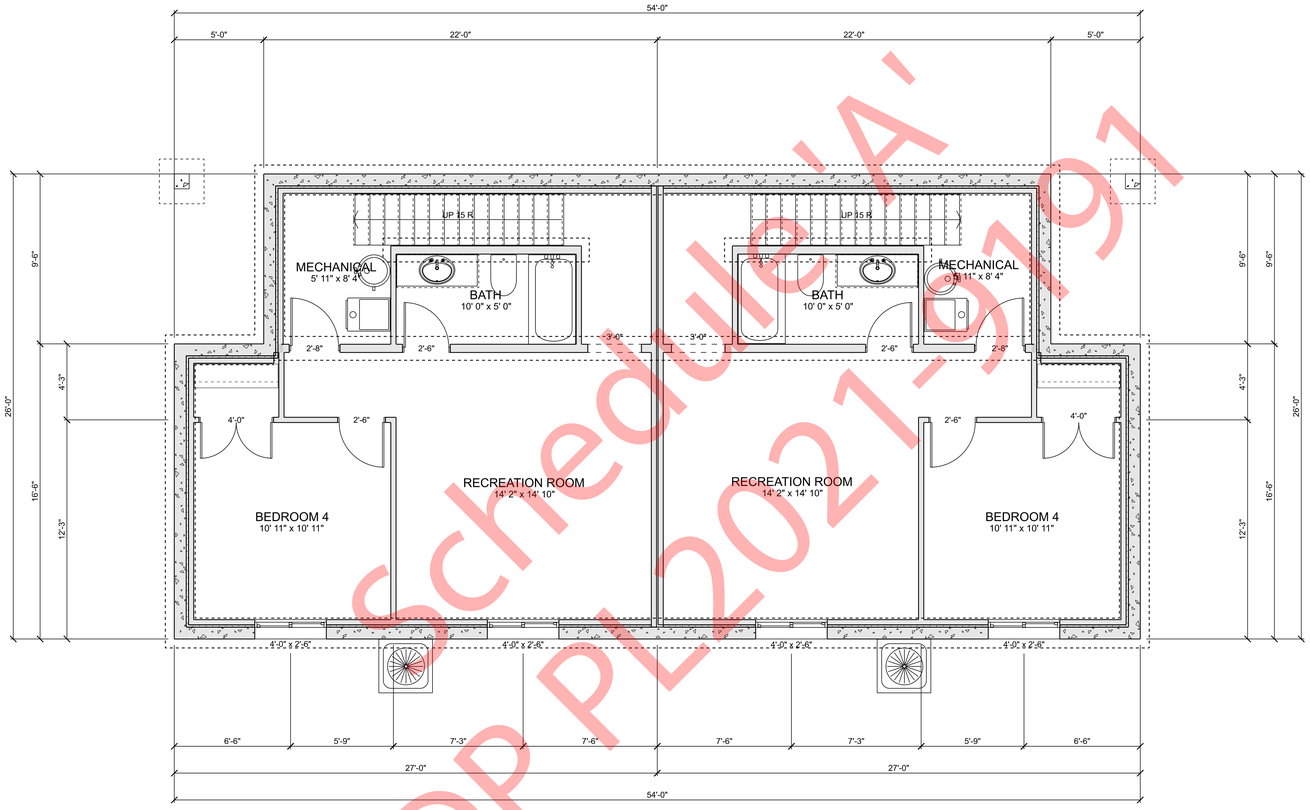

BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"
BASEMENT FLOOR LIVING AREA: 1309 sq ft.

Scheduled 'A'
DP PL2021-9191

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Basement Floor Plan

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

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Due to local codes, regulations and building practices and/or because of specific site conditions, the builder has the responsibility to review these drawings prior to construction of a building in all respects. Consequently, these drawings are not to be used as a guide for construction unless the builder has confirmed their suitability and utility in these respects. The builder must satisfy himself with respect to all dimensions. Additionally, Giroux Design Group is unable to accept any liability for the accuracy or overall integrity of these drawings in excess of their original purchase price. The builder is to verify and be responsible for all dimensions and details in these drawings and assume responsibility for the same.

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PLAN NO.
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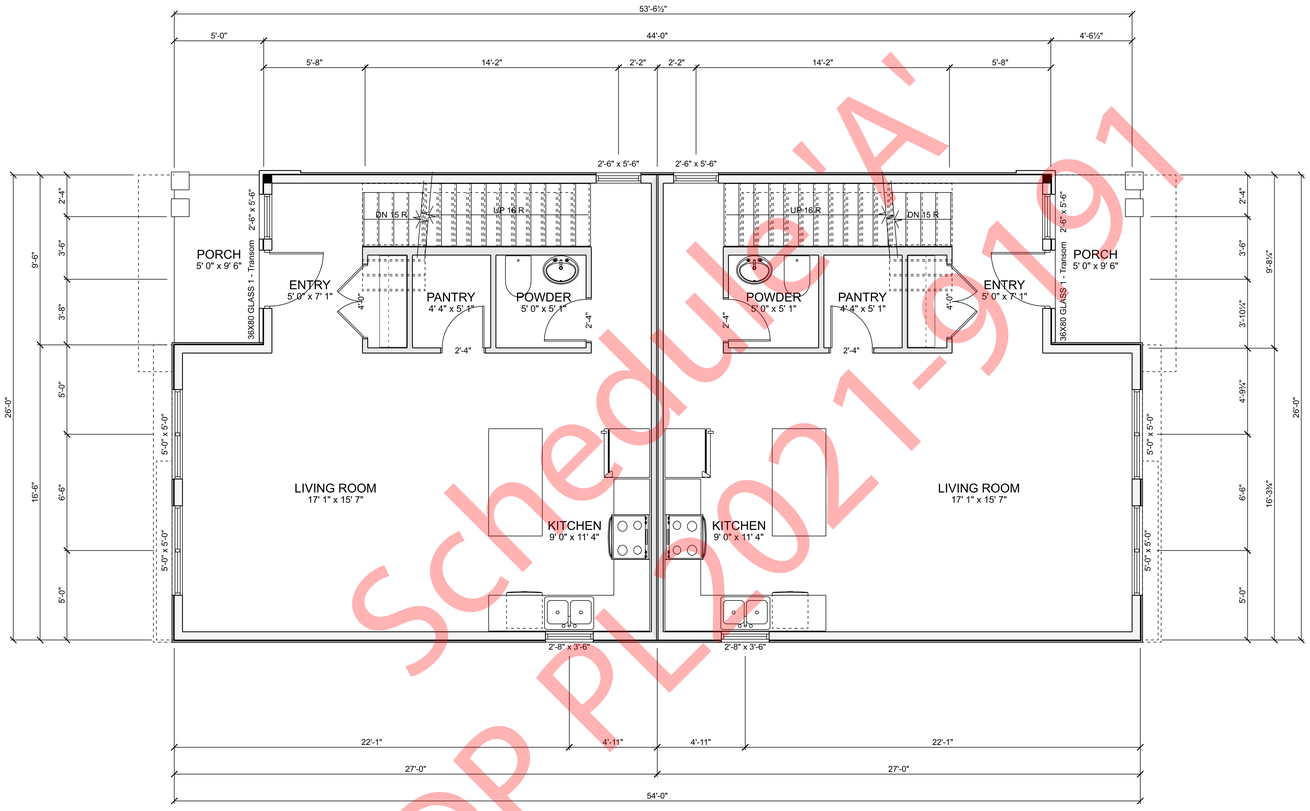

MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

MAIN FLOOR LIVING AREA: 1309.0 sq ft.

Scheduled 'A'
DP PL2021-9191

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

DESIGN BY:
DRAWN BY:
DATE: 1/31/22
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PLAN NO.
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Main Floor Plan

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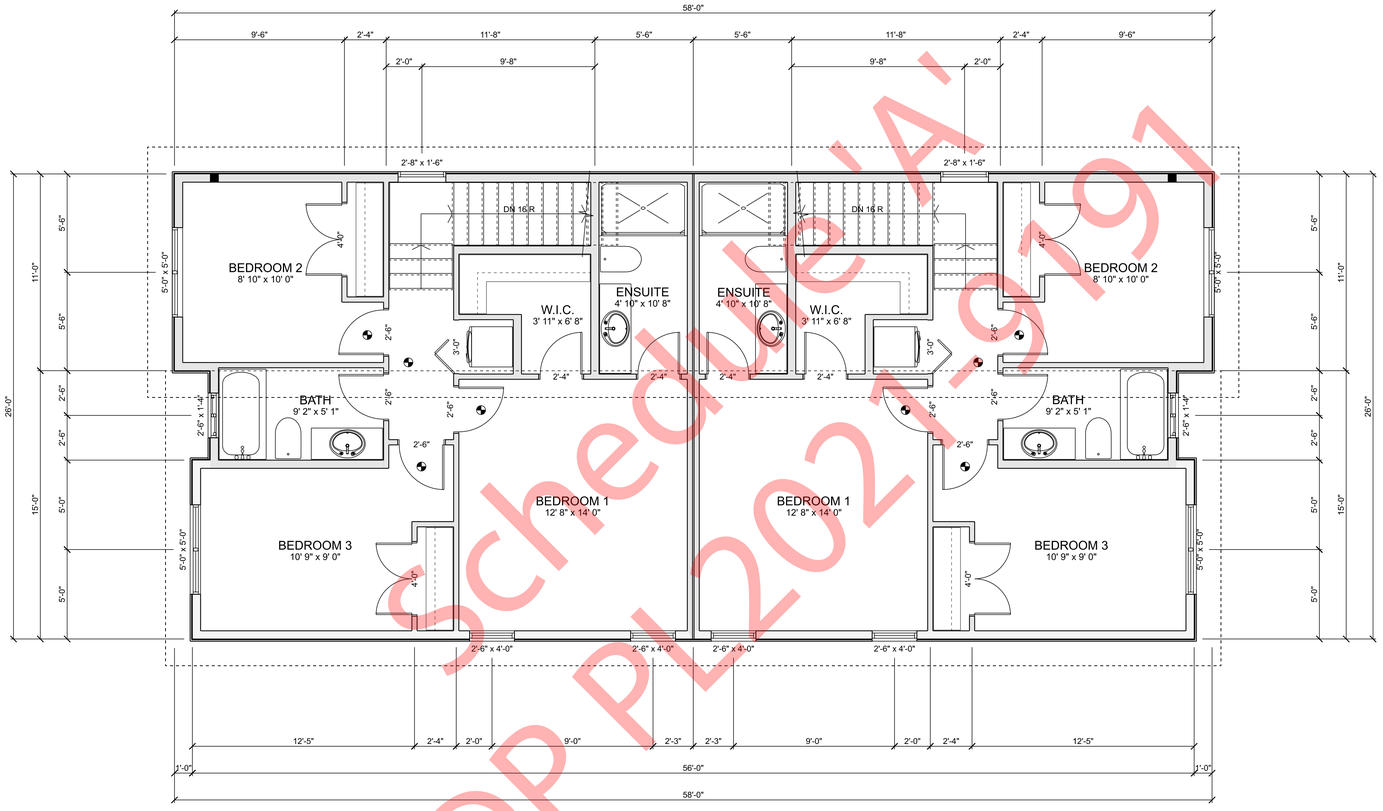

SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"
SECOND FLOOR LIVING AREA: 1468.0 sq ft.

Schedule 'A'
DP PL2021-9191

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Second Floor Plan

MATT BRISCOE
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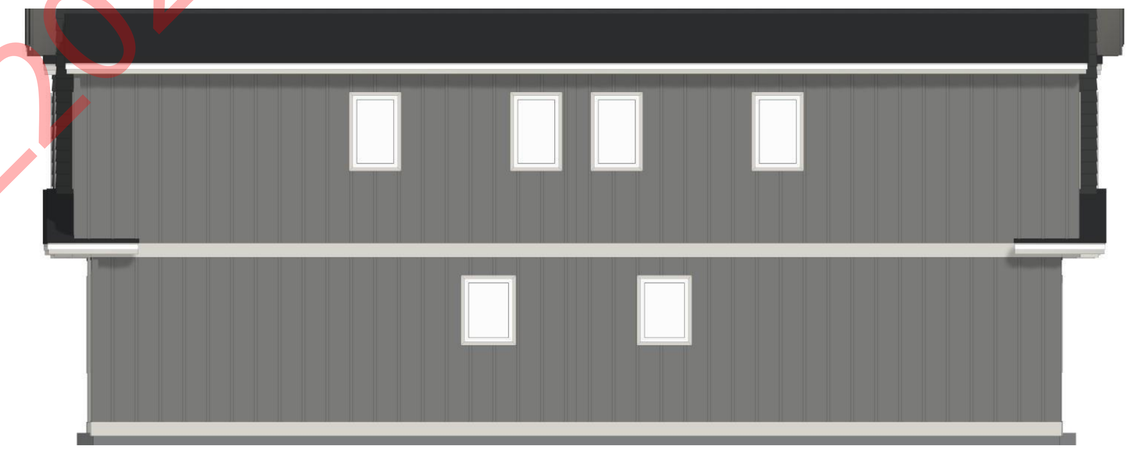
EAST ELEVATION (FACING FAIRFORD DR.)
SCALE: 1/4" = 1'-0"

NORTH ELEVATION
SCALE: 1/4" = 1'-0"

WEST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION (FACING INDUSTRIAL AVENUE)
SCALE: 1/4" = 1'-0"

Schedule 'A'
DP PL2021-9191

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Colour Exterior Elevations

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

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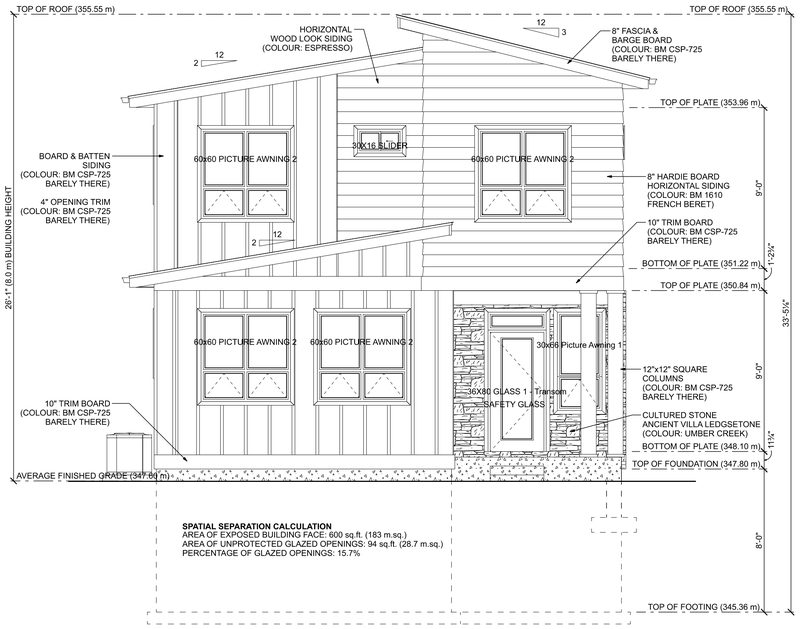
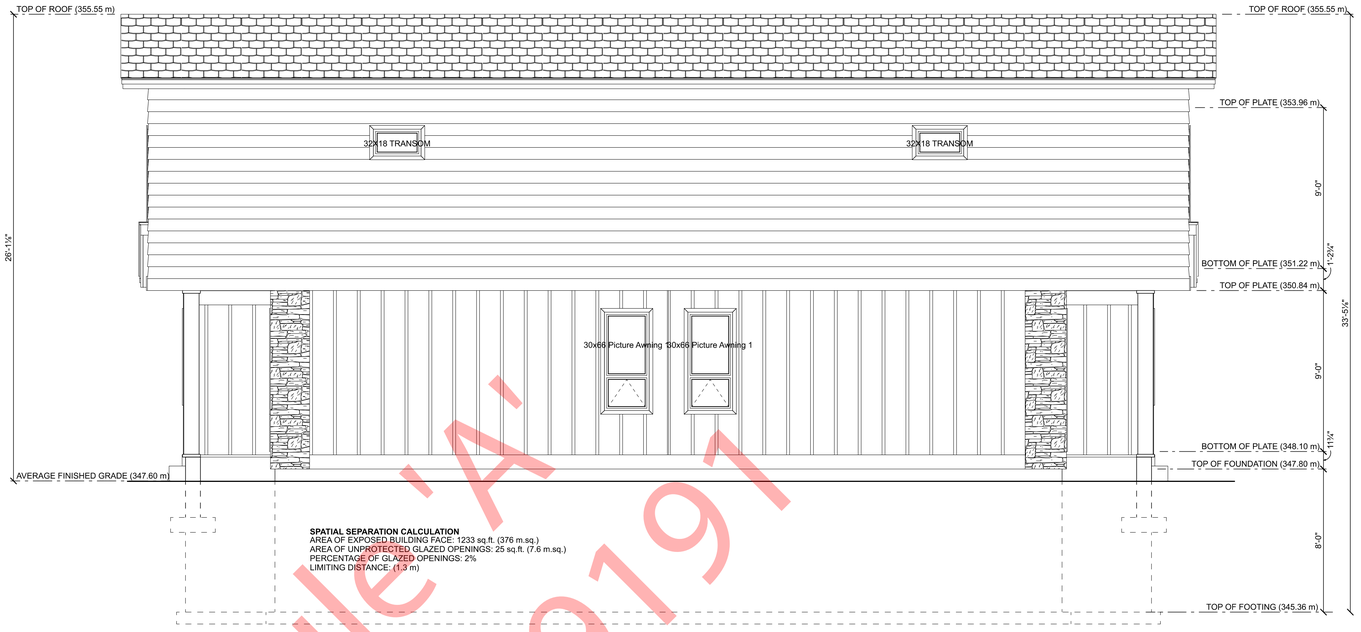


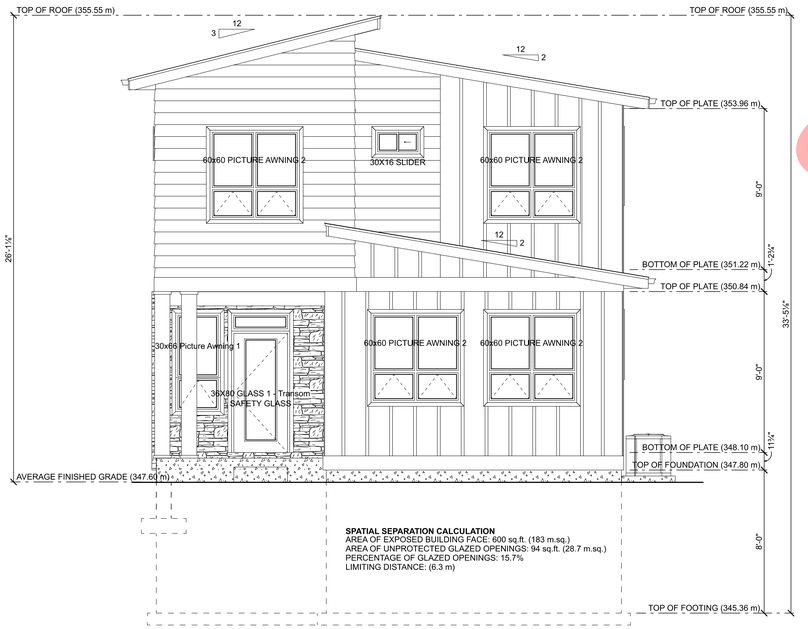
SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 600 sq.ft. (183 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 94 sq.ft. (28.7 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 15.7%

FRONT ELEVATION (FACING FAIRFORD DR.)
SCALE: 1/4" = 1'-0"



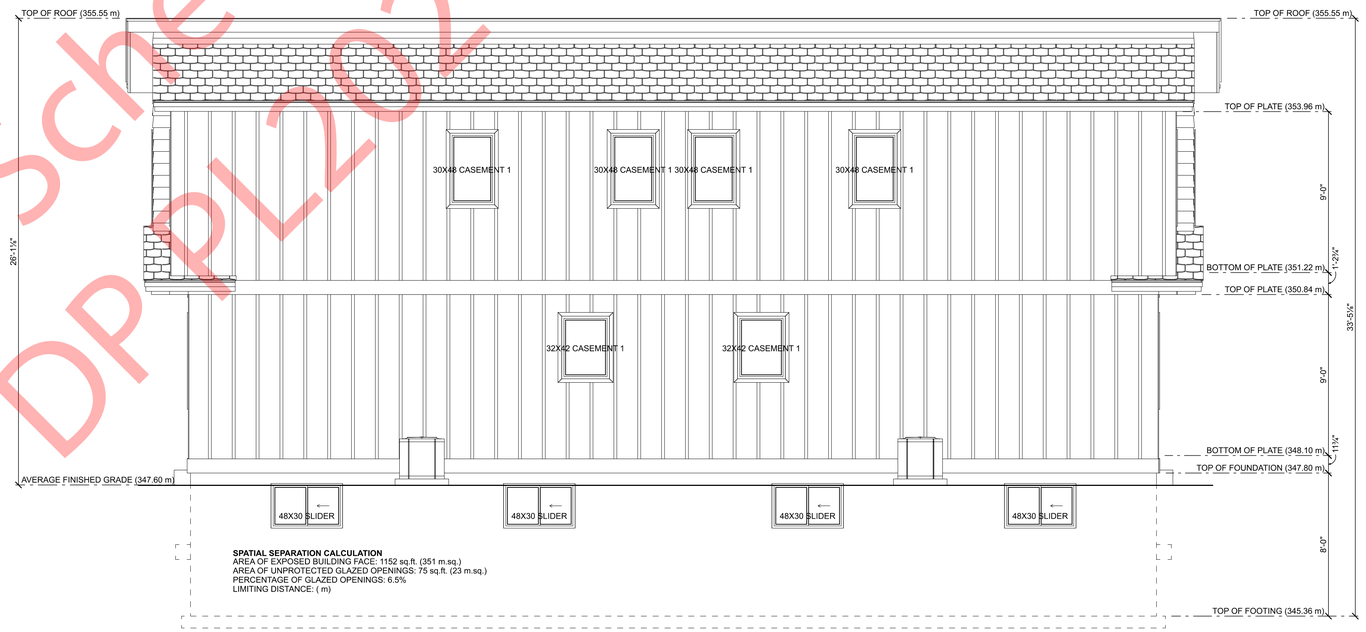
SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 1233 sq.ft. (376 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 25 sq.ft. (7.6 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 2%
LIMITING DISTANCE: (1.3 m)

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 600 sq.ft. (183 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 94 sq.ft. (28.7 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 15.7%
LIMITING DISTANCE: (6.3 m)

REAR ELEVATION
SCALE: 1/4" = 1'-0"



SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 1152 sq.ft. (351 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 75 sq.ft. (23 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 6.5%
LIMITING DISTANCE: (m)

LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Schedule 'A'
DP PL2021-9191

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Exterior Elevations (Lot A)

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

DESIGN BY:
DRAWN BY:
DATE: 1/31/22
REVISED:

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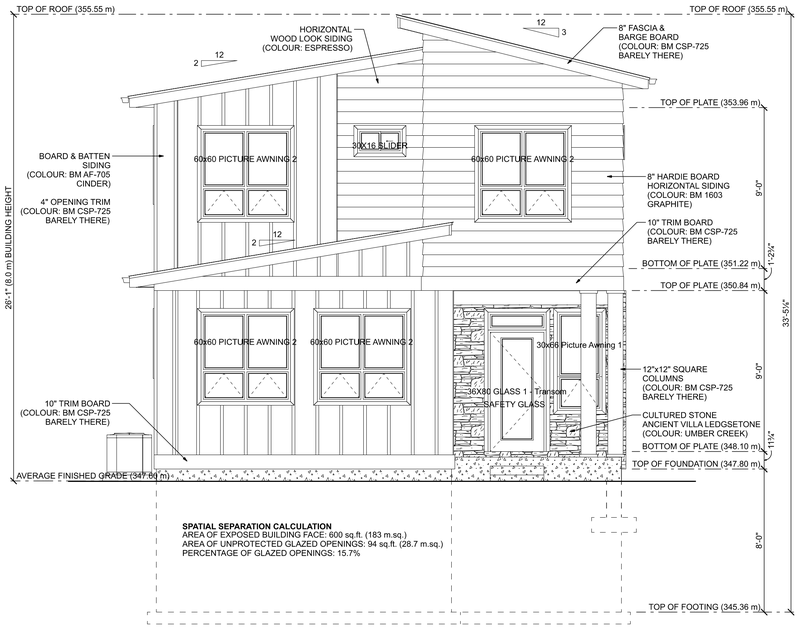
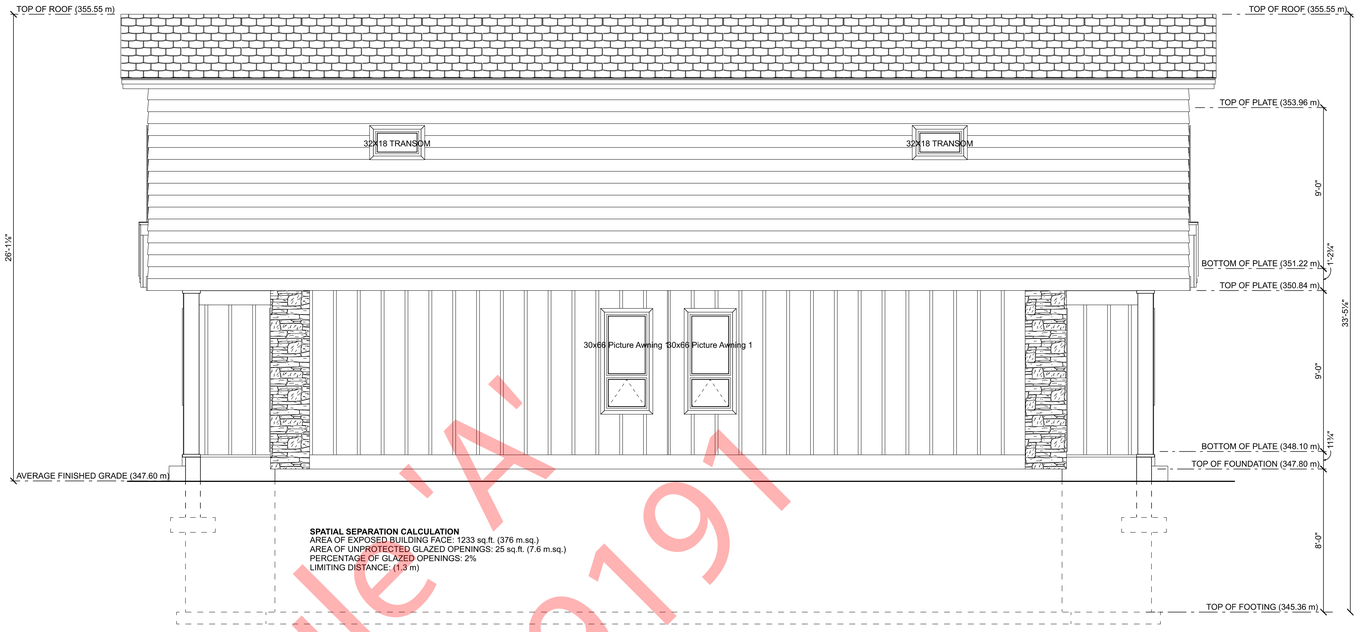
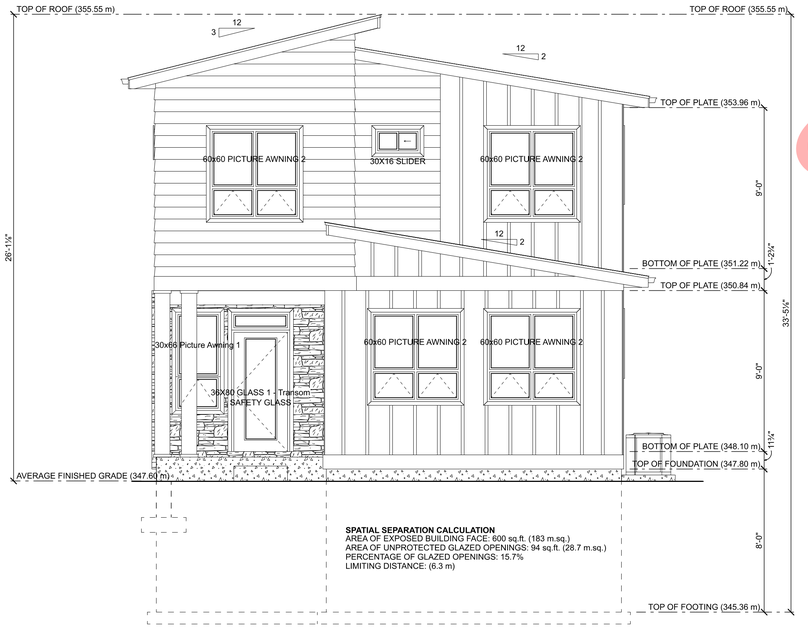


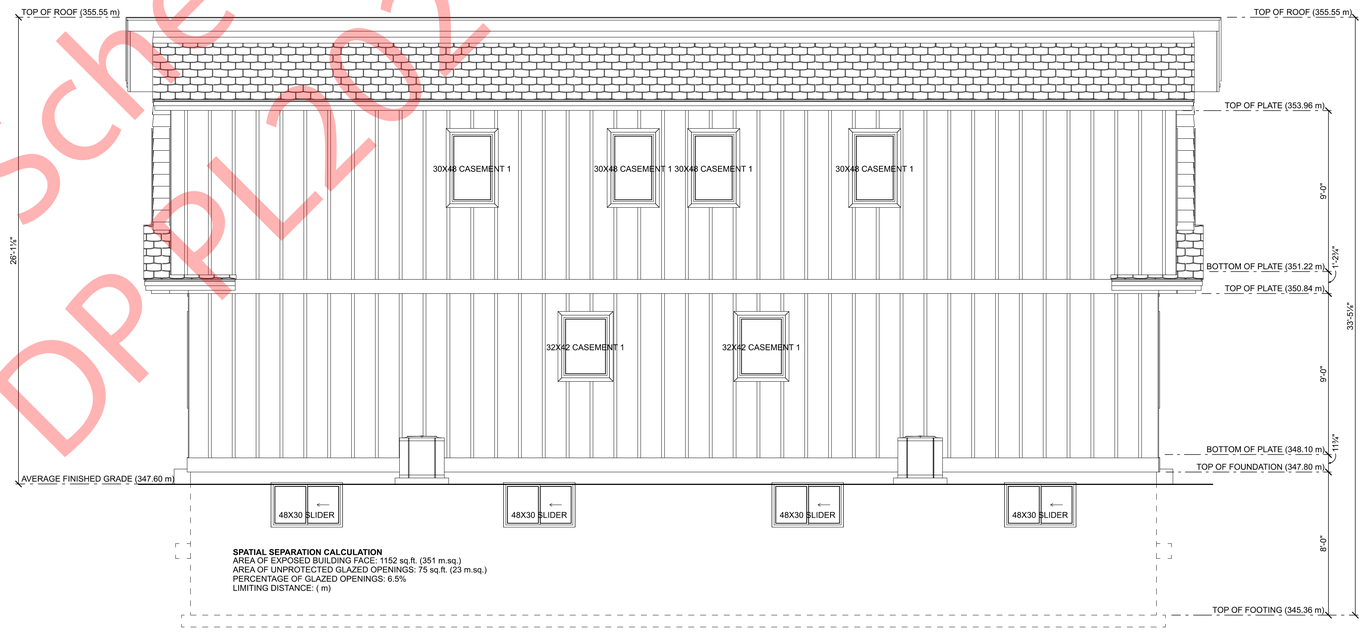
FRONT ELEVATION (FACING FAIRFORD DR.)
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Scheduled 'A'
DP PL2021-9191

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Exterior Elevations (Lot B)

MATT BRISCOE
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PENTICTON, BC

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DRAWN BY:
DATE: 1/31/22
REVISED:

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PLAN NO.
WP-5726
SLAB

SHEET NO.
A9

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

Development Permit

Permit Number: DP PL2021-9192

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: Proposed Lot B (Legal to be updated after subdivision)

   Civic: Proposed Lot B of 1701 Fairford Drive (Civic to be updated after subdivision)

   PID: Proposed Lot B (PID to be updated after subdivision)

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a duplex 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).

DRAFT

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.

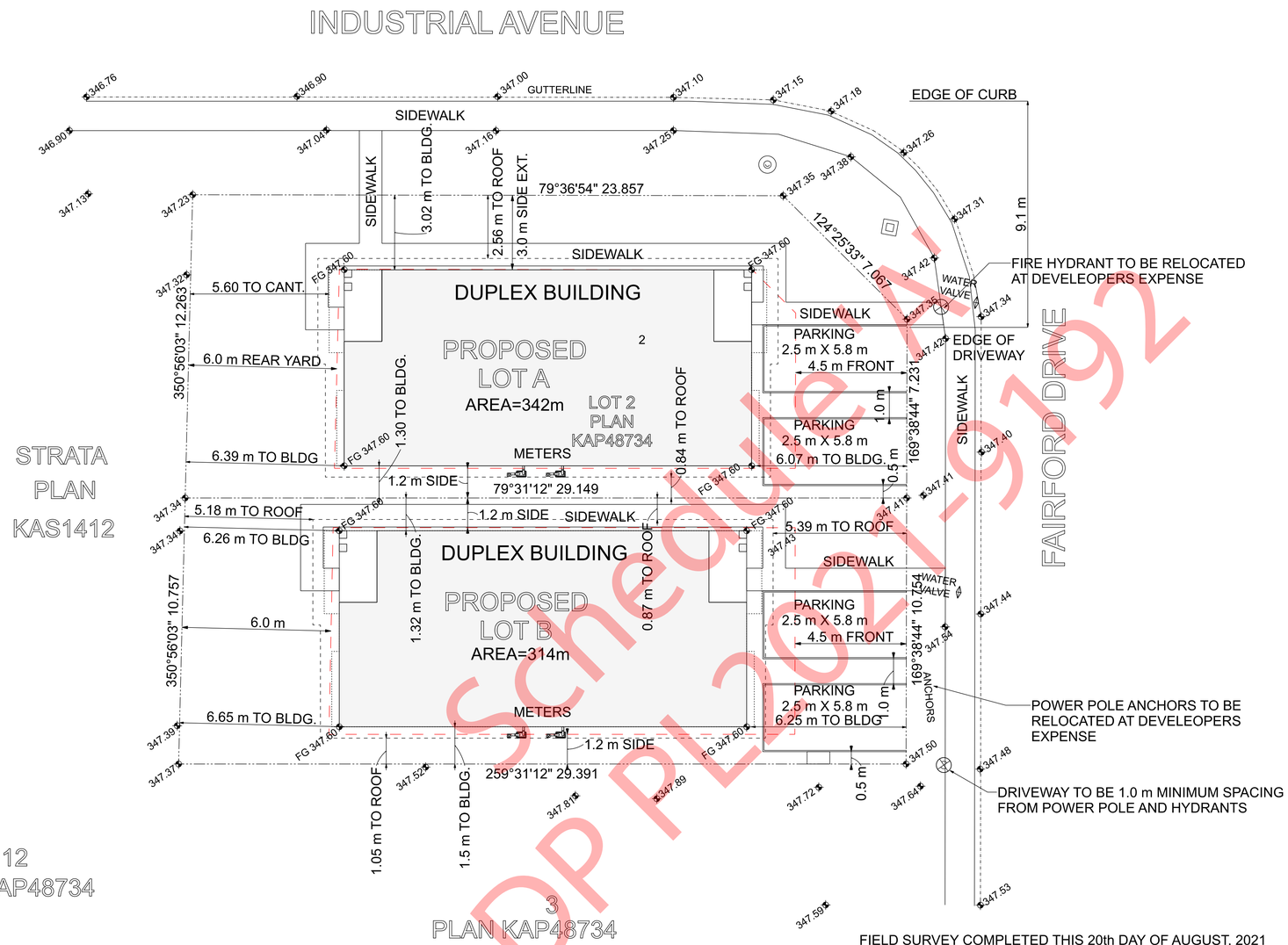
Authorized by City Council, the ____ day of _____, 2022.

Issued this ____ day of _____, 2022.

_____

Angela Collison
Corporate Officer

DRAFT



SITE PLAN

SCALE: 1:100
CIVIC ADDRESS: 1701 FAIRFORD DRIVE, PENTICTON, BC
LEGAL DESCRIPTION: PROPOSED SUBDIVISION OF LOT 2, DL 115, SDYD, PLAN KAP48734
PID: 018-039-219

CURRENT ZONING:
PROPOSED ZONING:

FIELD SURVEY COMPLETED THIS 20th DAY OF AUGUST, 2021
ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0)
DERIVED FROM PENTICTON MONUMENT #4326

MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
FILE: 21-251

LOT A ZONING COMPLIANCE TABLE (PROPOSED ZONING RD3)

REGULATION	REQUIRED	PROPOSED	VARIANCE REQUIRED
OCP DESIGNATION	DR	DR	NO
ZONING	R2	RD3	NO
MINIMUM LOT WIDTH	10.5	12.26 m	NO
LOT AREA	275 m2	342 m2	NO
MAXIMUM LOT COVERAGE	55%	39% (136.4 m2)	NO
MAXIMUM DENSITY	1.0 FAR	0.71 FAR (241 m2)	NO
MAXIMUM HEIGHT	10.5 m	8.0 m	NO
MINIMUM FRONT YARD (EAST)	4.5 m	4.5 m	NO
MINIMUM INTERIOR SIDE YARD	1.2 m	1.2 m	NO
MINIMUM EXTERIOR SIDE YARD	3.0 m	3.0 m	NO
MINIMUM REAR YARD (WEST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	2	2	NO

LOT B ZONING COMPLIANCE TABLE (PROPOSED ZONING RD3)

REGULATION	REQUIRED	PROPOSED	VARIANCE REQUIRED
OCP DESIGNATION	DR	DR	NO
ZONING	R2	RD3	NO
MINIMUM LOT WIDTH	9.1	12.26 m	NO
LOT AREA	275 m2	315 m2	NO
MAXIMUM LOT COVERAGE	55%	43% (136.4 m2)	NO
MAXIMUM DENSITY	1.0 FAR	0.77 FAR (241 m2)	NO
MAXIMUM HEIGHT	10.5 m	8.0 m	NO
MINIMUM FRONT YARD (EAST)	4.5 m	4.5 m	NO
MINIMUM INTERIOR SIDE YARD	1.2 m	1.2 m	NO
MINIMUM EXTERIOR SIDE YARD	3.0 m	N/A	NO
MINIMUM REAR YARD (WEST)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	2	2	NO

Scheduled
DP PL2021-9192

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Site Plan

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

DESIGN BY:
DRAWN BY:
DATE: 1/31/22
REVISED:

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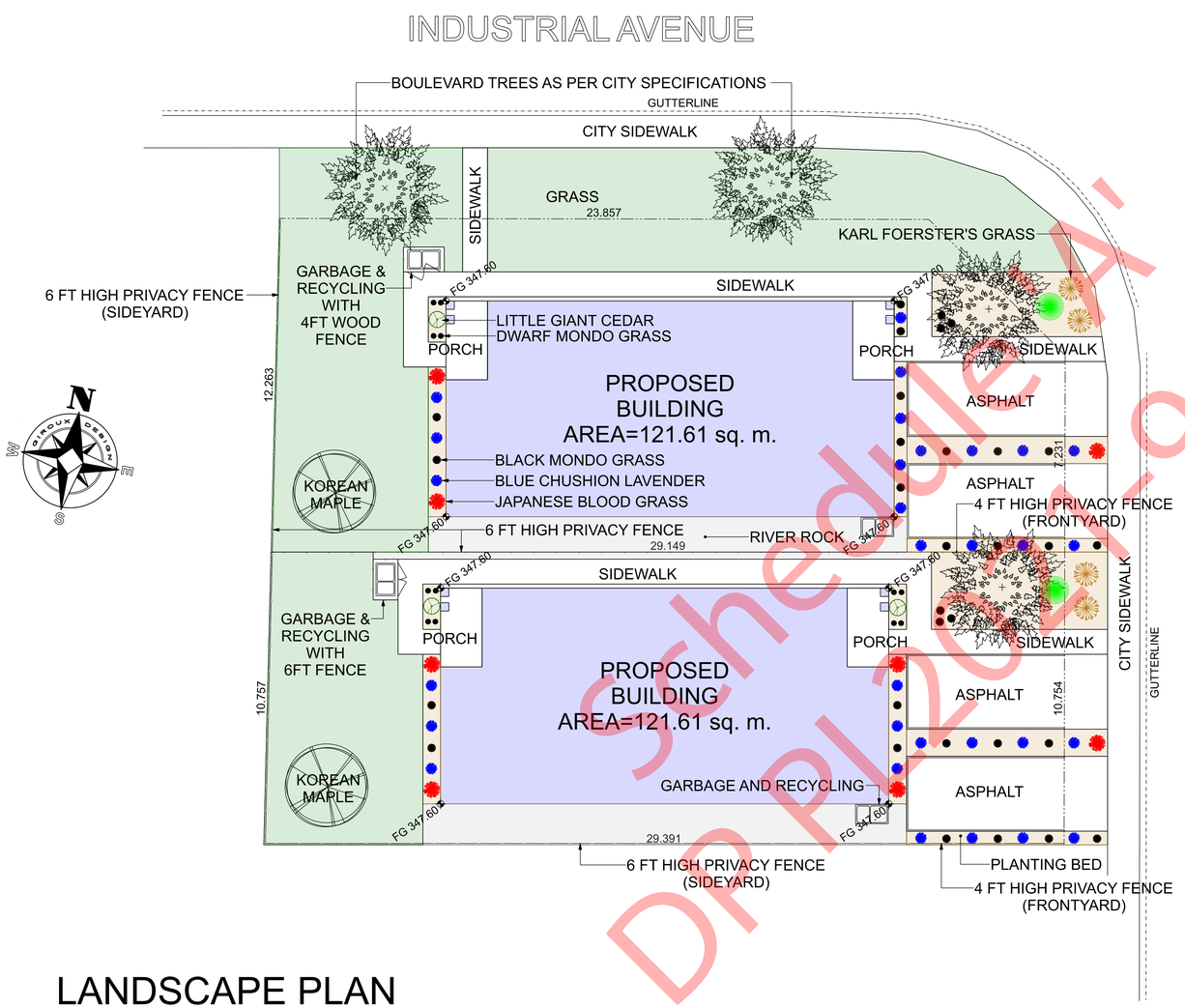

LANDSCAPE PLAN

SCALE: 1:100

CIVIC ADDRESS: 1701 FAIRFORD DRIVE, PENTICTON, BC

LANDSCAPE SCHEDULE

PLANTINGS:

Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens') 31 qty.
Blue Cushion Lavender (Lavandula angustifolia 'Blue Cushion') 30 qty.
Dwarf Mondo Grass (Ophiopogon japonicus 'Nanus') 12 qty.
Japanese Blood Grass (Imperata cylindrica 'Red Baron') 8 qty.
Japanese Forest Grass (Hakonechloa macra) 2 qty.
Karl Foerster's Grass (Calamagrostis x acutiflora Karl Foerster) 4 qty.
Little Giant Cedar (Thuja occidentalis 'Little Giant') 2 qty.

TREES:
Korean Maple (Acer pseudosieboldianum) 2 qty.
Crimson Sentry Norway Maple (Acer platanoides 'Crimson Sentry') 2 qty.
Boulevarde trees as per City Specifications (Arbores ut per civitatem speciem.) 2 qty.

GARBAGE DISPOSAL:
Garbage Container Garbage Conatiner 4
Recycling Container Recycling Container 4

GROUND COVER/HARD SURFACES:
Property Area (7076 sq.ft.)
Asphalt (865 sq.ft.)
Grass (2,495 sq.ft.)
Planting Beds-Bark Mulch (827 sq.ft.)
River Rock-2" Rainbow (659 sq.ft.)
Landscape Fabric (1485 sq.ft.)
Sidewalks (673 sq.ft.)

FENCING:
4' High Wood Fence (35 lin.ft.)
6' High 'Good Neighbour' Privacy Fence (313 lin.ft.)

LANDSCAPE NOTES:

SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS

ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m

NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION

NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA

LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.

LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT. (INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)

DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

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Landscape Plan

DP PL2021-9192

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1701 FAIRFORD AVE
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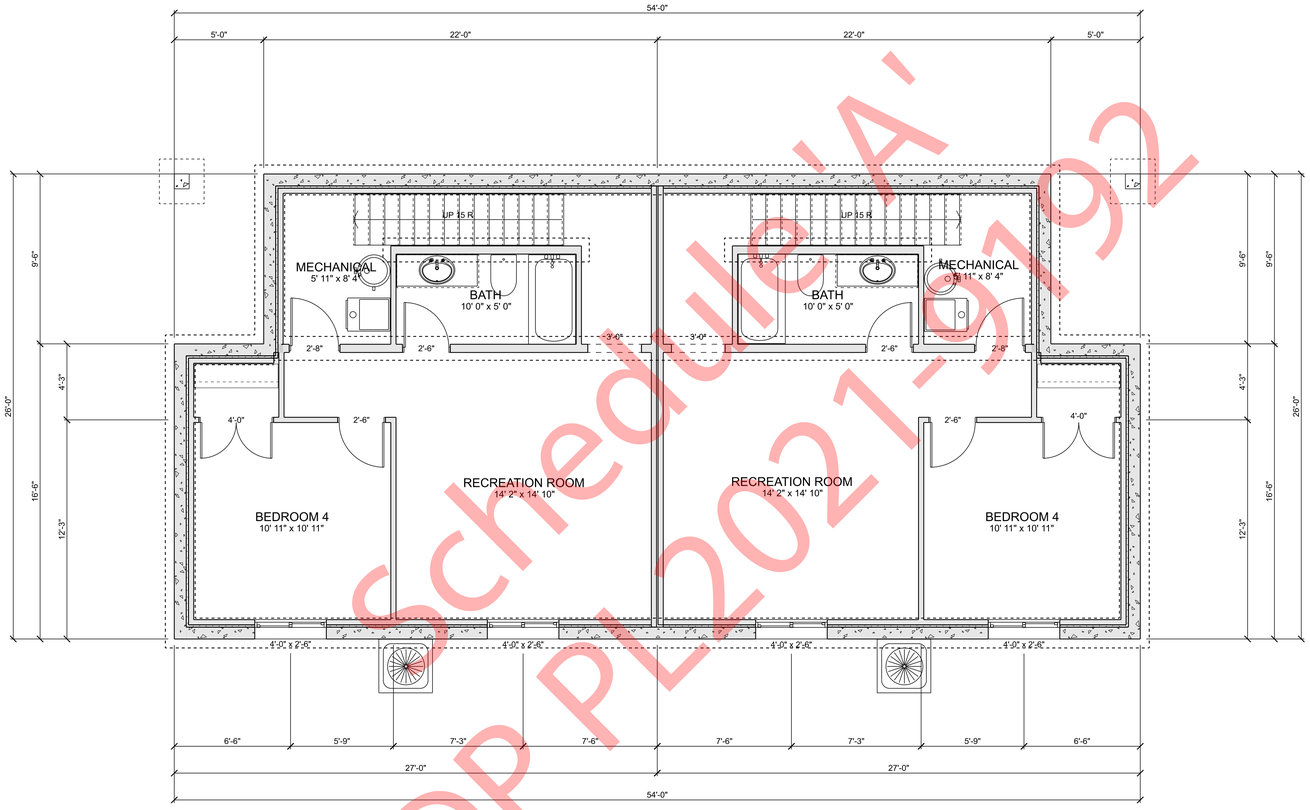

BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"

BASEMENT FLOOR LIVING AREA: 1309 sq ft.

Schedule 'A'
DP PL2021-9192

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Basement Floor Plan

MATT BRISCOE
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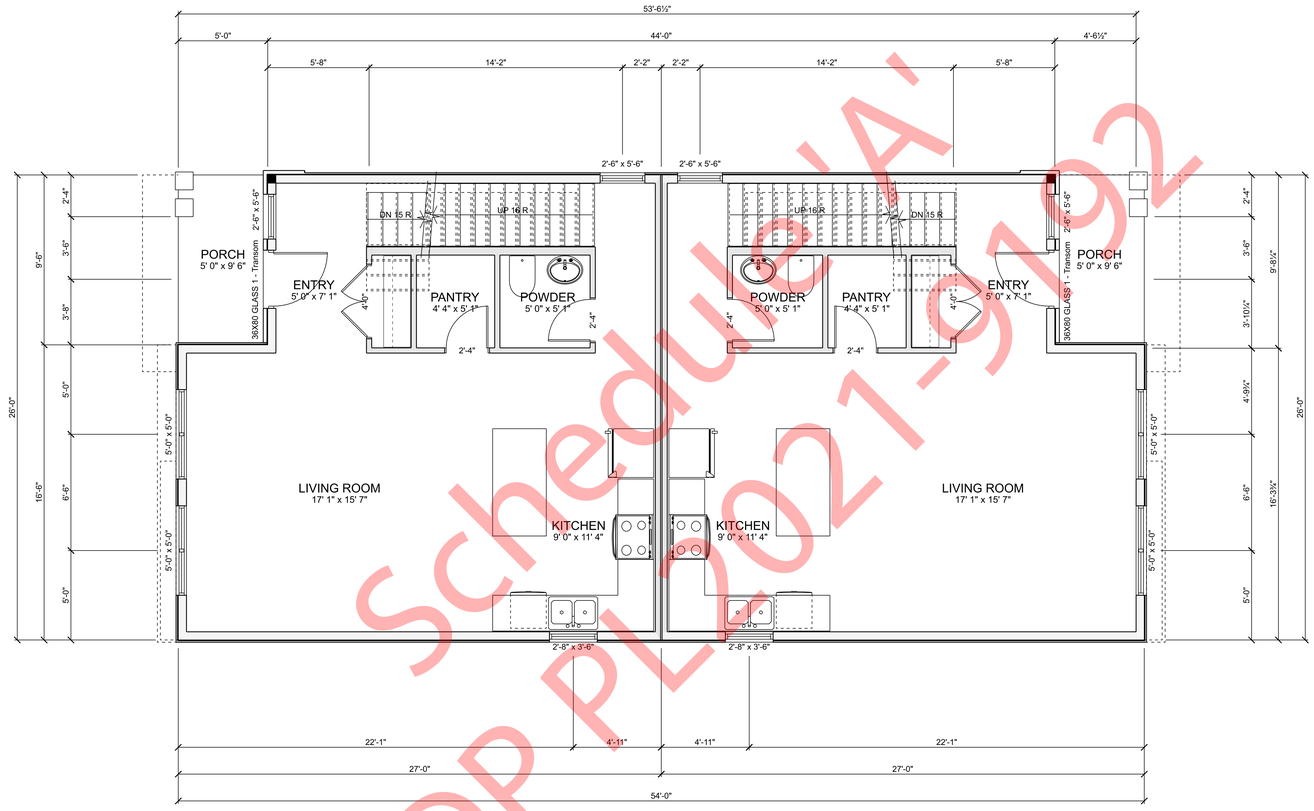

MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

MAIN FLOOR LIVING AREA: 1309.0 sq ft.

Schedule 'A'
DP PL2021-9192

MATT BRISCOE
1701 FAIRFORD AVE
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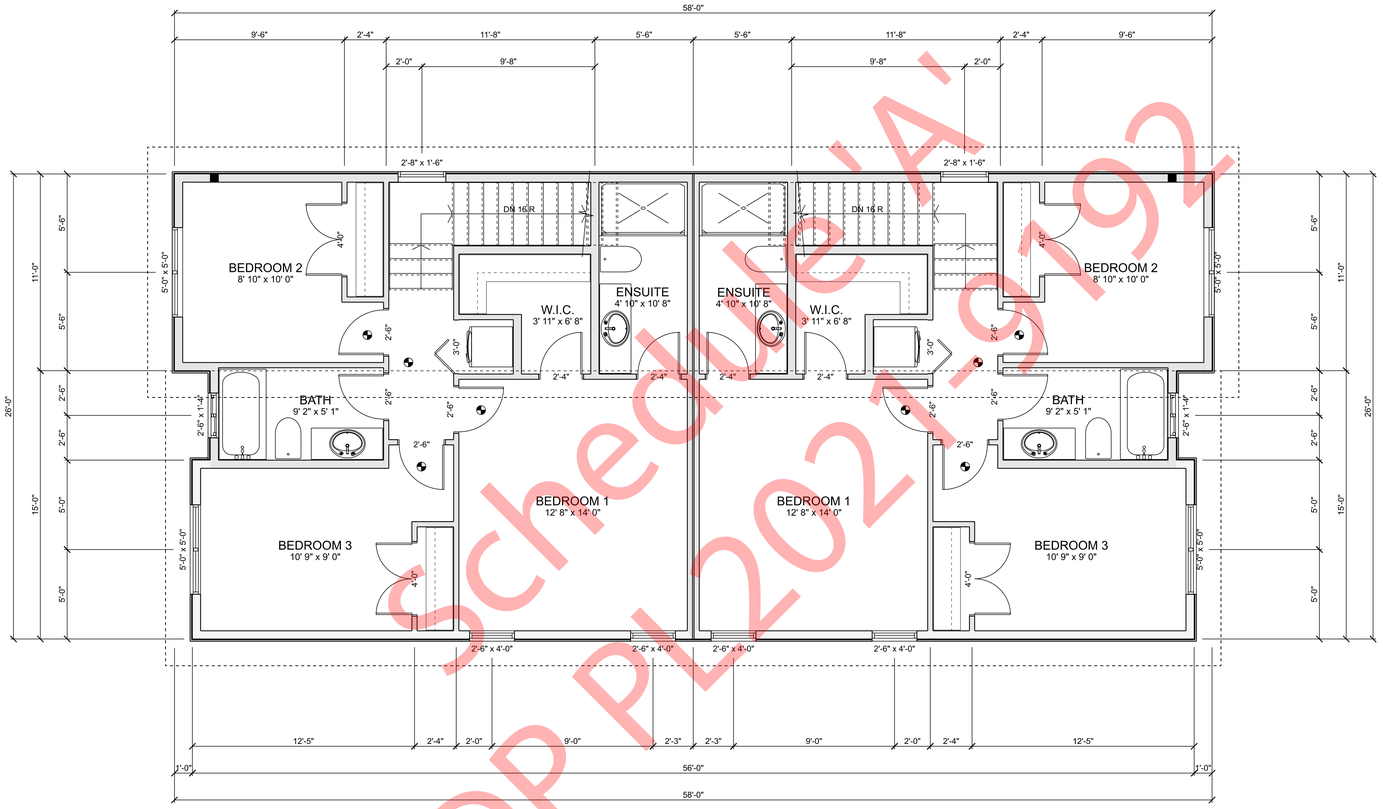
Main Floor Plan



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"
SECOND FLOOR LIVING AREA: 1468.0 sq ft.

Schedule 'A'
DP PL2021-9192

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Second Floor Plan

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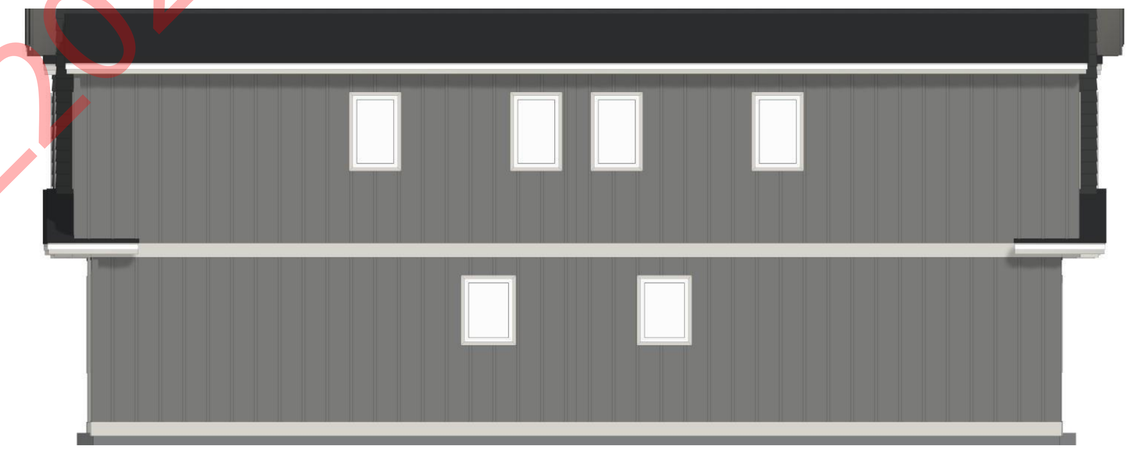
EAST ELEVATION (FACING FAIRFORD DR.)
SCALE: 1/4" = 1'-0"

NORTH ELEVATION
SCALE: 1/4" = 1'-0"

WEST ELEVATION
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION (FACING INDUSTRIAL AVENUE)
SCALE: 1/4" = 1'-0"

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Colour Exterior Elevations

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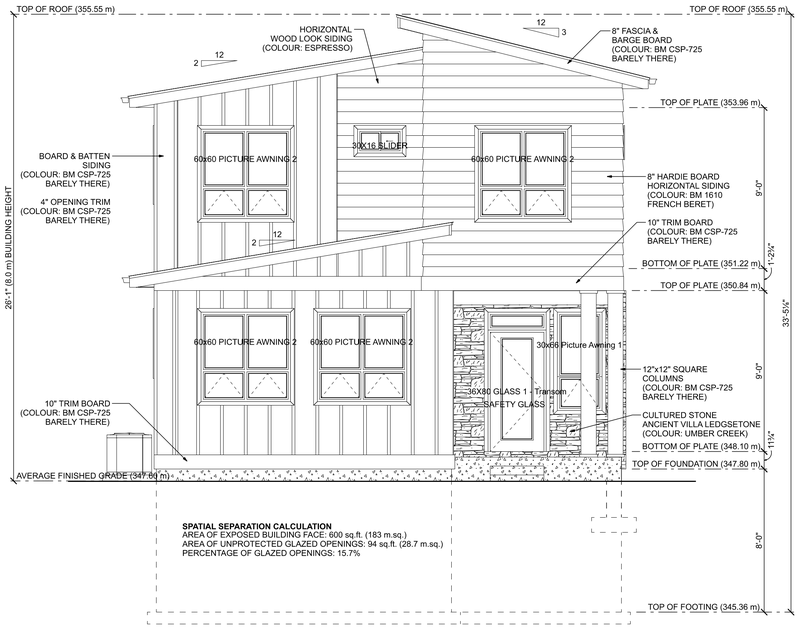
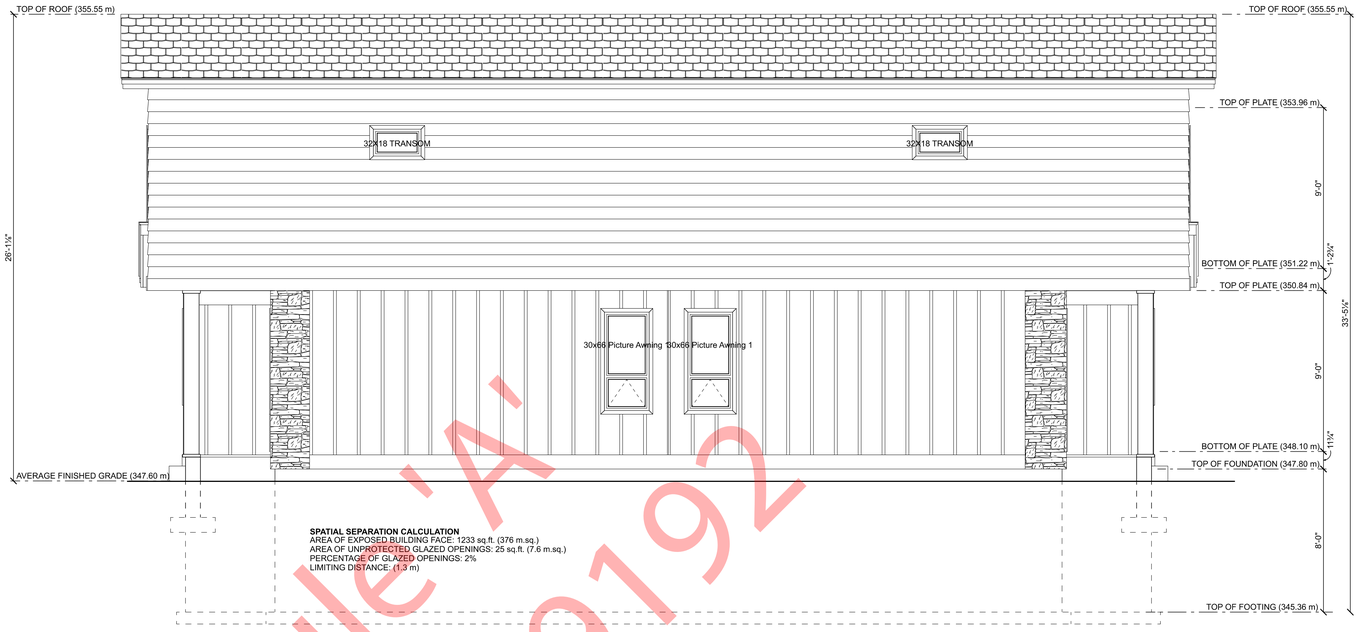


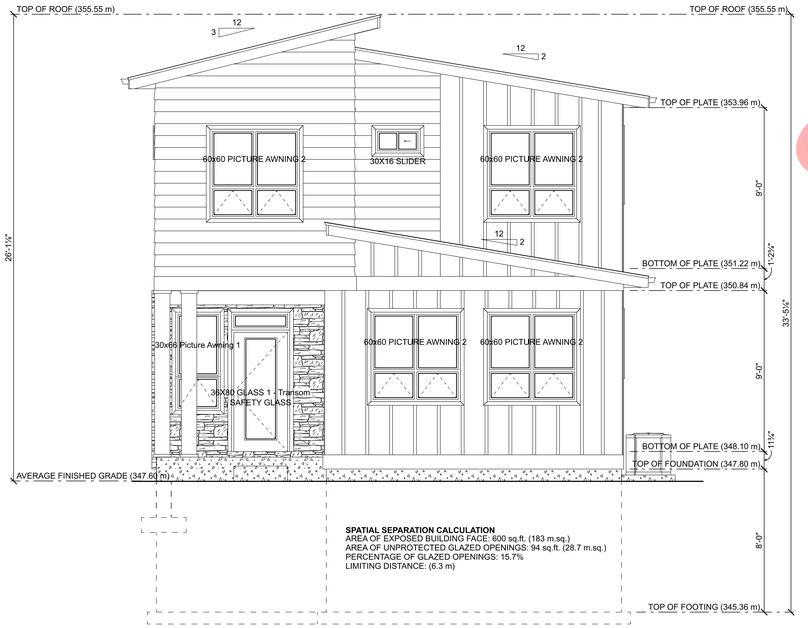
SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 600 sq.ft. (183 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 94 sq.ft. (28.7 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 15.7%

FRONT ELEVATION (FACING FAIRFORD DR.)
SCALE: 1/4" = 1'-0"



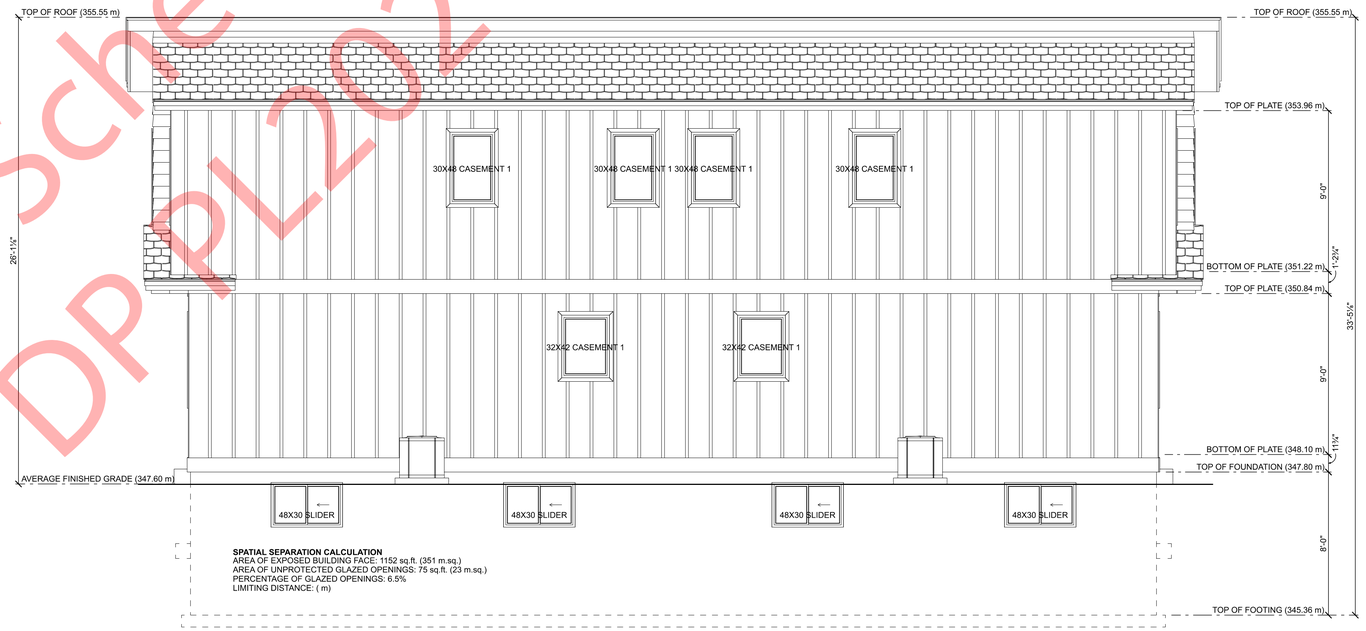
SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 1233 sq.ft. (376 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 25 sq.ft. (7.6 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 2%
LIMITING DISTANCE: (1.3 m)

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 600 sq.ft. (183 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 94 sq.ft. (28.7 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 15.7%
LIMITING DISTANCE: (6.3 m)

REAR ELEVATION
SCALE: 1/4" = 1'-0"



SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 1152 sq.ft. (351 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 75 sq.ft. (23 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 6.5%
LIMITING DISTANCE: (m)

LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Schedule 'A'
DP PL2021-9192

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Exterior Elevations (Lot A)

MATT BRISCOE
1701 FAIRFORD AVE
PENTICTON, BC

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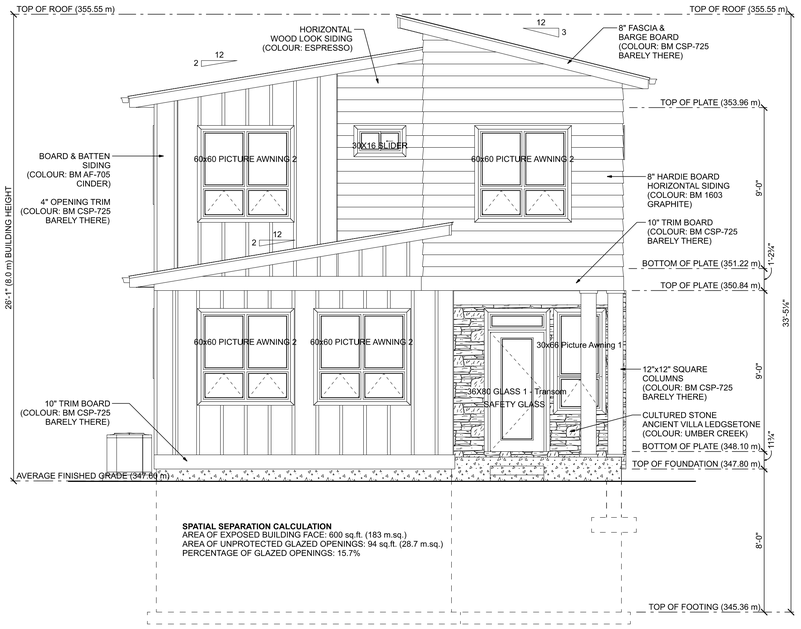
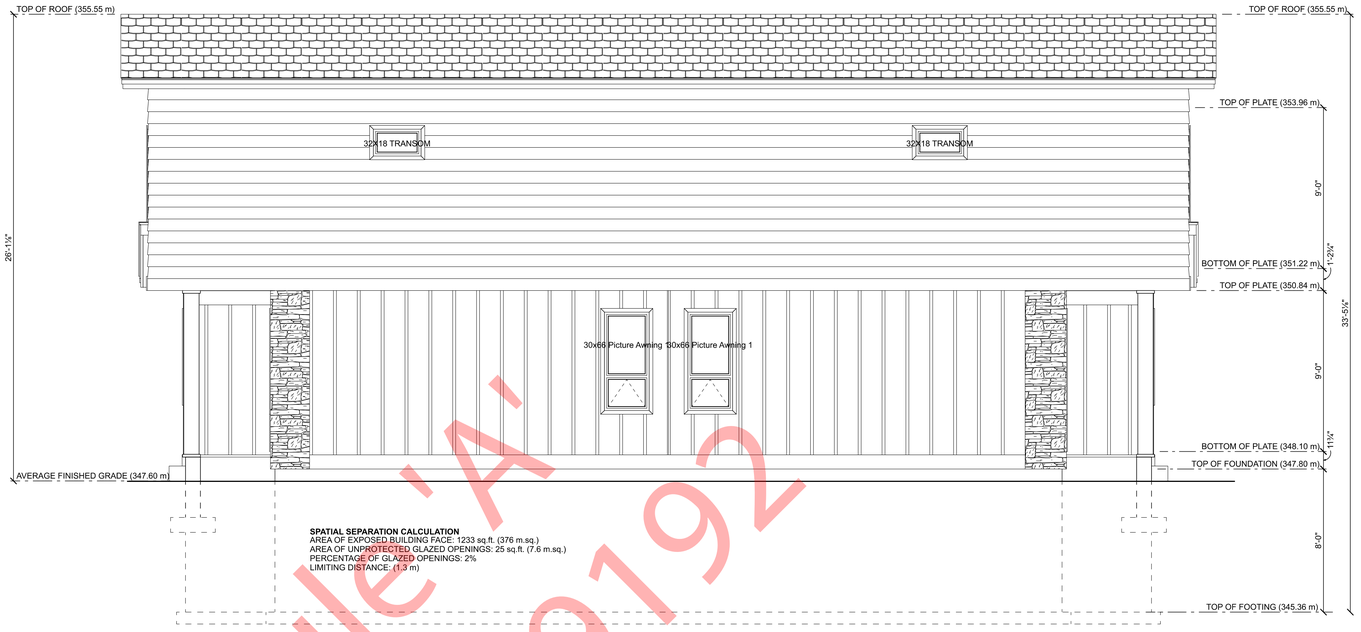


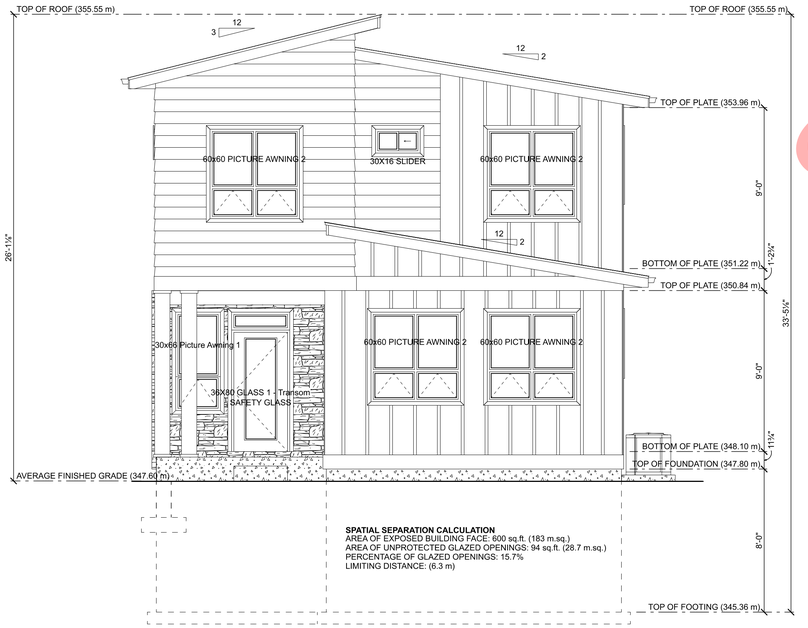
SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 600 sq.ft. (183 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 94 sq.ft. (28.7 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 15.7%

FRONT ELEVATION (FACING FAIRFORD DR.)
SCALE: 1/4" = 1'-0"



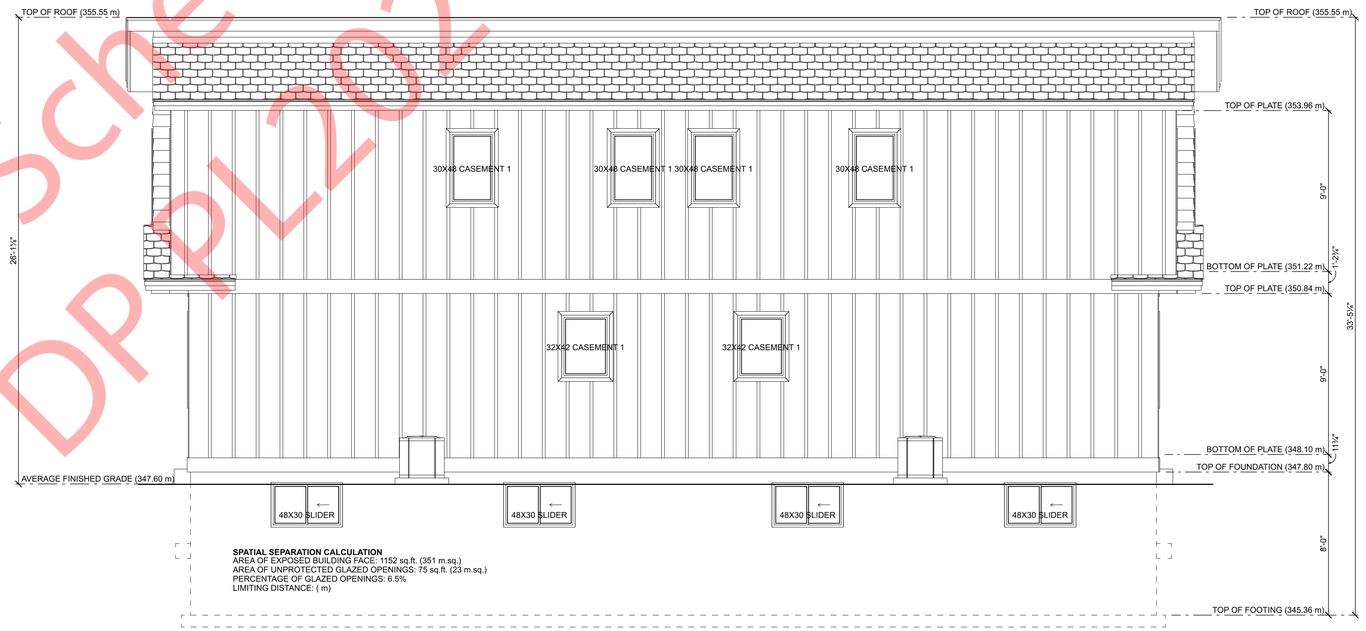
SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 1233 sq.ft. (376 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 25 sq.ft. (7.6 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 2%
LIMITING DISTANCE: (1.3 m)

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 600 sq.ft. (183 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 94 sq.ft. (28.7 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 15.7%
LIMITING DISTANCE: (6.3 m)

REAR ELEVATION
SCALE: 1/4" = 1'-0"



SPATIAL SEPARATION CALCULATION
AREA OF EXPOSED BUILDING FACE: 1152 sq.ft. (351 m.sq.)
AREA OF UNPROTECTED GLAZED OPENINGS: 75 sq.ft. (23 m.sq.)
PERCENTAGE OF GLAZED OPENINGS: 6.5%
LIMITING DISTANCE: (m)

LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Schedule 'A'
DP PL2021-9192

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Exterior Elevations (Lot B)

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DESIGN BY:
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The Corporation of the City of Penticton

Bylaw No. 2022-12

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. 2022-12".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, from R2 (Small Lot Residential) to RD3 (Residential Infill).

2.2 Add the following heading 10.6.4 SITE SPECIFIC PROVISIONS and add:
.1 "In the case of Lot 2 District Lot 115 Similkameen Division Yale District Plan KAP48734, located at 1701 Fairford Drive, a maximum of two dwelling units shall be permitted on each lot."

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

READ A FIRST time this	day of	, 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
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 __ day of ____, 2022 and the __ day of ____, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2022

_____
for Minister of Transportation & Infrastructure

Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-12

Date: Corporate Officer:

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Coordinate System: NAD 1983 CSRS UTM Zone 11N

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS/1196 Fairview Rd
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 1196 Fairview Road

Subject: **Zoning Amendment Bylaw No. 2022-13**
Development Permit PL2020-8849

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-13", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) zone to C1 (Commercial Transition) zone;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-13" to the March 15, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-13", require the following road dedications to be registered with the Land Title Office:

- A 0.6m road dedication along the Fairview Road frontage;
- A 2.3m road dedication along the Calgary Avenue frontage; and
- A 5m by 5m corner cut at the intersection of Fairview Road and Calgary Avenue;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-13", approve "Development Permit PL2020-8849", a permit to approve the form and character of a one-storey dental office on the subject property.

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 one storey, 439m^2 (4,730ft^2) dental office on the subject property (Figure 1). In order to proceed with the proposed development, a Zoning Amendment application has been submitted to rezone the subject property from the C2 (Neighbourhood Commercial) zone to the C1

(Commercial Transition) zone in order to allow 'health service' (which allows for a dental office) as a permitted use. The development is considered within the Commercial & Mixed Use Development Permit Area outlined by the OCP, as such the applicants have applied for a Development Permit for approval of the

Figure 1 - Rendering of proposed dental office

form and character of the proposed dental office.

Background

The subject property is 1,886m^2 in size and is located at the corner of Fairview Road and Calgary Avenue (Figure 2). The property previously contained a convenience store, residence, and accessory building which were all demolished in 2020. The subject property is currently vacant. Surrounding land uses range from low to medium density residential uses along Calgary Avenue, and some small scale commercial and institutional uses on Fairview Road (i.e. church, cemetery, utilities, and photography studio). The subject property is located within walking distance of Penticton Plaza with a number of shops and services. The Lake-to Lake bike route runs along Fairview Road next to the property, and the KVR trail is located nearby where it crosses Calgary Avenue.

Figure 2 - Location map

The subject property is currently zoned C2 (Neighbourhood Commercial) in the Zoning Bylaw and is designated 'Commercial' by the Official Community Plan.

Previous uses on the site had contaminated the lands. After submitting this application package in 2020, the applicant worked through the Ministry of Environment remediation requirements and obtained provincial approvals to proceed with the demolition (July 2020) and the rezoning (December 2021).

Technical Review

This proposed development was reviewed by the Technical Planning Committee, a group of internal City staff who review planning applications. The committee requested clarification on the proposed variances through the development permit for building projections into required yard setbacks, and the applicant prepared drawings which clearly show these proposed projections. The property is adjacent to the Lake-to-Lake bike route, and staff worked with the applicant to agree on an exit-only drive from the site onto Fairview Road, allowing some vehicle egress over the bike route but limiting potential conflicts compared to a full access driveway. Road dedications were identified along both the Fairview Road and Calgary Avenue frontages, in order to obtain right-of-way widths on the two streets which meet the City's bylaw standards. As such, staff are recommending that Council require the following dedications prior to adoption of the rezoning:

- 0.6m road dedication along Fairview Road frontage;
- 2.3m road dedication along Calgary Avenue frontage; and
- A 5m by 5m corner cut at the intersection of Fairview Road and Calgary Avenue.

Staff note that these dedications result in architectural projections into the required side yards, which are reduced along both street frontages as a result of the road dedications.

Development Statistics

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	C1 Zone Requirement	Provided on Plans
Minimum Lot Width:	13 m	50 m
Minimum Lot Area:	550 m^2	1,886 m^2
Maximum Lot Coverage:	40%	23%
Vehicle Parking:	1 space per 30m^2 net floor area Total: 14 spaces Maximum 25% small car spaces	22 spaces provided 25% small car spaces (5 spaces)
Required Setbacks Front Yard (Calgary Ave): Interior Side Yard (East): Exterior Side Yard (Fairview Rd): Rear Yard (North):	 3.0 m 1.5 m 4.5 m 6.0 m	 3.0 m 15 m 4.5 m 13.5 m
Maximum Building Height	10.5 m	5.3 m
Other Information:	3.0 m wide landscape buffer required along east, south, and west property lines – Variance through Development Permit Table 4.1 outlines the allowable building projections – Variances through Development Permit	

Analysis

Zoning Amendment

The property is designated as 'Commercial' by the OCP, a designation which supports a range of commercial uses including office, retail, goods and services. The proposed dental office development is consistent with the OCP vision for the subject property.

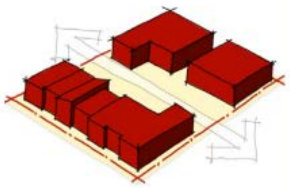
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Commercial 	Areas with a wide range of commercial uses including office, retail, goods and services.	• Commercial (retail/ office/service) buildings and mixed-use buildings (in specific areas, residential units limited to the second floor and above)	• Retail, Service • Office • Restaurant • Grocery Store • Residential (in specific zones)	• varies by zone	• C1 • C3 • C4 • C7 • C8

Figure 3 - Excerpt from Land Use Designations Table (OCP)

The applicant is proposing to rezone the property from C2 (Neighbourhood Commercial) to C1 (Commercial Transition). The reason for rezoning is to allow the use 'health service' on the property, which is permitted in the C1 zone. 'Health service' is defined in the Zoning Bylaw as

"The provision of physical or mental health services on an out-patient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical uses include but are not limited to medical and dental offices (underline added), *chiropractors, massage therapists, acupuncture clinics, health clinics, and counselling services."*

The purpose of the C1 zone is to allow limited, small scale, commercial development in mostly residential areas (Section 11.1). The proposed zoning is considered compatible with the surrounding land uses, and the C1 zone development regulations ensure the commercial use is kept within a moderate size and scale. For example, the maximum building height permitted in the C1 zone is 10.5m and a maximum lot coverage of 40%. The development plans show a proposal which meets these zoning regulations, with the exception of the requested variance for permitted architectural and roof projections and one reduced width landscape buffer.

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

Policy 4.3.2.1	Encourage high quality commercial development by applying Development Permit Area Guidelines, updating and enforcing regulatory bylaws, and fostering initiatives that improve the quality and infrastructure of commercial areas.
Policy 4.3.6.6	Support business investment and worker attraction to Penticton by adhering to high-quality urban design standards, mixing compatible land uses, providing parks, trails and amenities, protecting the natural environment, and supporting active transportation to create quality neighbourhoods.
Policy 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.

Staff consider that the proposed development provides an appropriately scaled commercial development. The proposed rezoning to the C1 (Commercial Transition) zone is consistent with the Commercial OCP designation and the development is considered compatible with adjacent residential uses.

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to "Zoning Amendment Bylaw No. 2022-13", and forward the bylaw to the March 15, 2022 Public Hearing to hear comments and feedback from the public.

Development Permit

The proposed development is included in the Commercial & Mixed Use Development Permit Area (DPA) outlined by the OCP. The Commercial & Mixed Use DPA is established to encourage a wide range of developments that can support both commercial-only and mix of uses (e.g., retail, office, residential), preserving affordable forms of commercial development. The applicant has submitted a development permit analysis with their submission which outlines the development's conformance with the OCP design guidelines (Attachment 'F'). Staff have also completed a development permit analysis that shows how the development conforms to the DPA guidelines (Attachment 'G').

Section 5.1.4 of the OCP allows for certain variances to be addressed through the development permit. This section states that minor variances to setbacks may be approved through development permit issuance to accommodate desirable architectural features, provided that the building face still meets required setbacks. The building design includes architectural projections into the required setbacks along both fronting streets, which are considered architecturally-desirable and provide visual interest to the building. Staff note the requested road widenings result in these projection variance requests coming forward, and that the dedication on the Calgary Avenue frontage is particularly large at 2.3m in width.

In addition, the landscape buffer is proposed to be reduced along the east property line from 3.0m in width to 1.8m in width. The landscape plan shows the required number of trees and shrubs will still be provided, but the reduced width is requested in order to meet the parking demands for this use. The landscape plan shows additional plantings provided next to the building, along the Fairview Road side, and at the southwest corner of the property to provide visual interest. The applicant has reached out to the affected neighbour to the east, who has signed a letter of support for the reduced landscape buffer width (Attachment 'E').

The following variances are requested through the Development Permit:

- Table 5.1: to reduce the width of the landscape buffer (east) from 3.0m to 1.8m.
- Table 4.1: to increase the permitted eaves and roof projection into a required front yard setback (Calgary Ave) from 1.5m to 2.4m.
- Table 4.1: to increase the permitted eaves and roof projection into a required exterior side yard setback (Fairview Rd) from 1.5m to 2.85m.
- Table 4.1: to increase the maximum architectural projection into the required front yard setback (Calgary Ave) from 25% of the building face projecting up to 0.6m to 38% of the building face projecting up to 1.8m.
- Table 4.1: to increase the maximum architectural projection into the required exterior side yard (Fairview Rd) from 25% of the building face projecting up to 0.6m to 41% of the building face projecting up to 0.7m.

The proposed development has been designed with the OCP policies and guidelines in mind and is a project aimed at achieving the desired form of commercial development in this area of the City, while being courteous in scale to the surrounding residential neighbours. The variances requested through the

development permit, as allowed for by the OCP, support a visually-appealing building design providing a positive face to both Fairview Road and Calgary Avenue. As such, staff recommend that Council, subject to adoption of Zoning Amendment Bylaw No. 2022-13" approve "Development Permit PL2020-8849" and direct staff to issue the permit.

Alternate Recommendations

Council may consider that the proposed Zoning Amendment Bylaw is not suitable or desirable for this site. If this is the case, Council should deny first reading of the Zoning Amendment Bylaw.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-13".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Subject Property
Attachment D – Letter of Intent (applicant)
Attachment E – Letter of Support (neighbour)
Attachment F – Development Permit Analysis (applicant)
Attachment G – Development Permit Analysis (staff)
Attachment H – Draft Development Permit PL2020-8849
Attachment I – Zoning Amendment Bylaw No. 2022-13

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

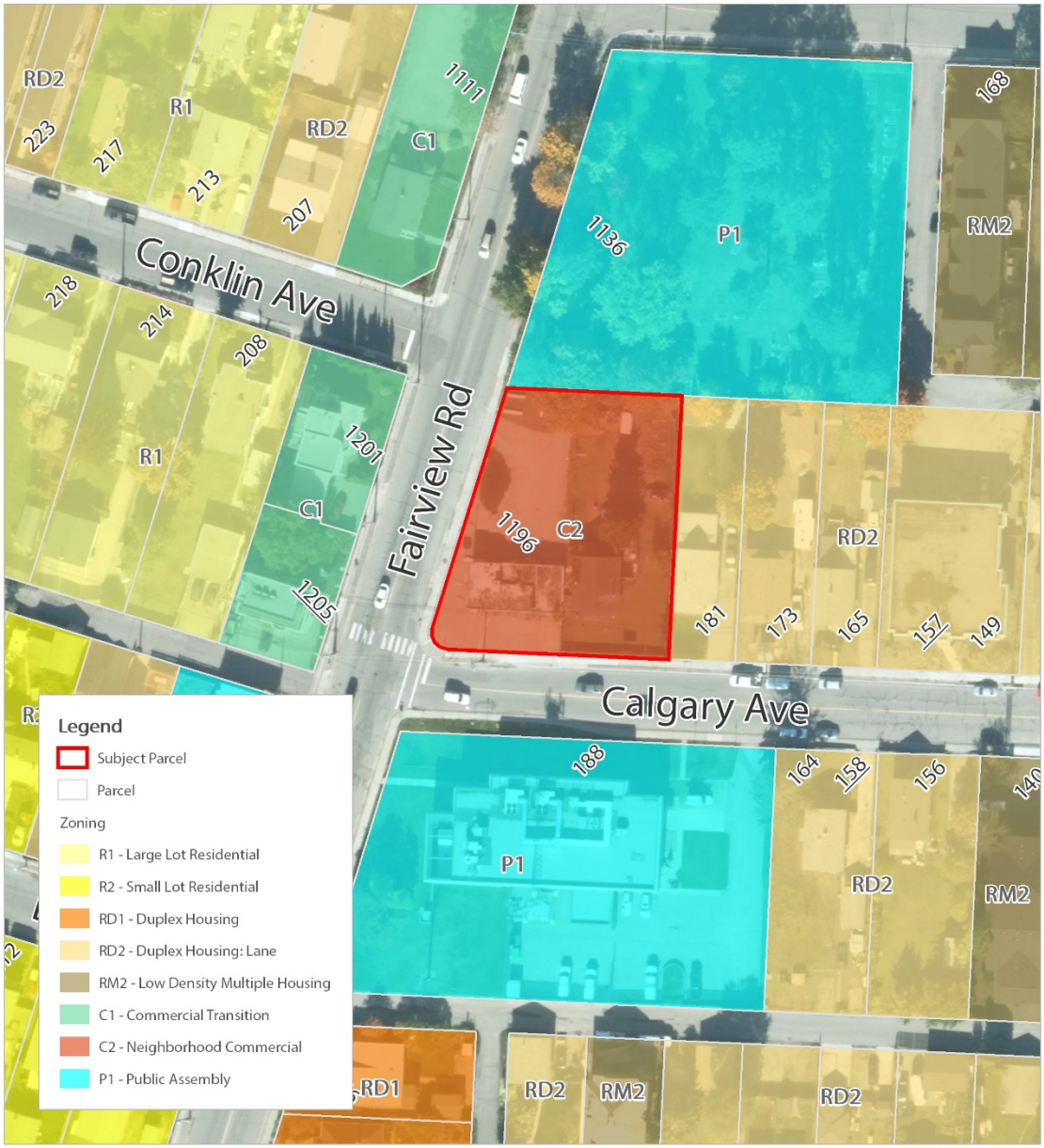
Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Zoning Map

1196 Fairview Road

Zoning Map



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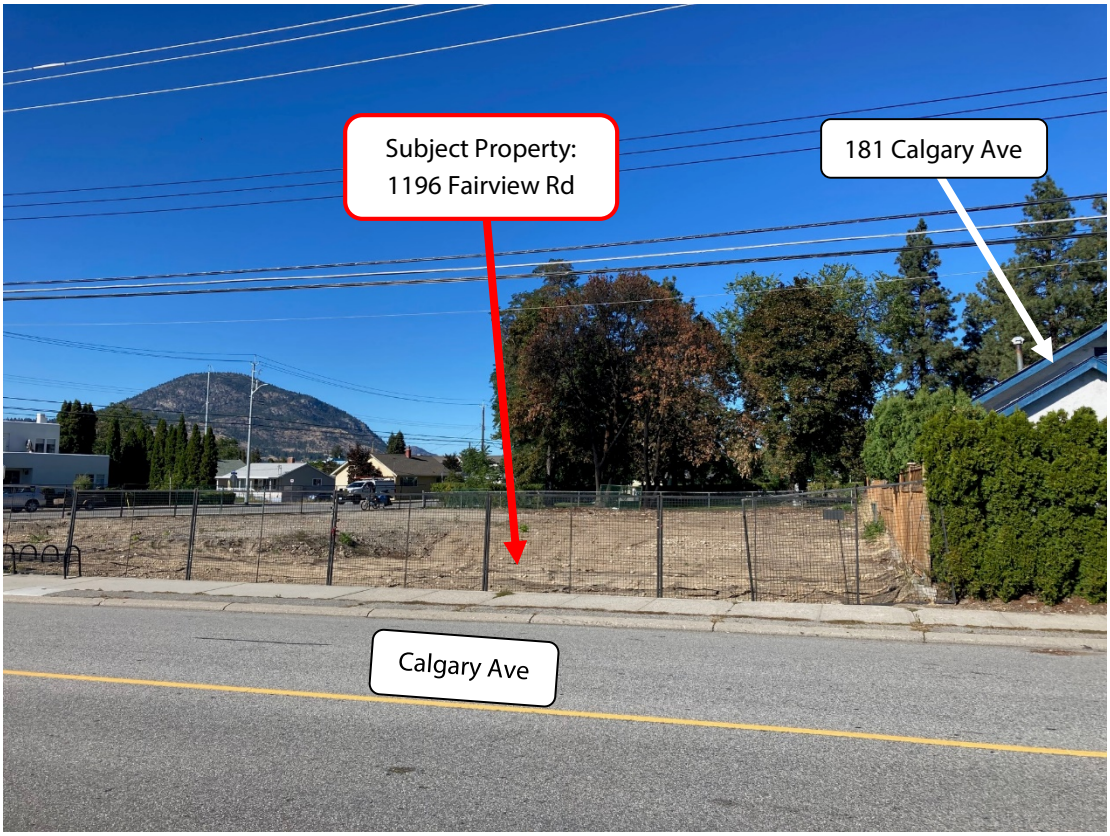
Attachment B – Official Community Plan Map

Attachment C – Photos of Subject Property



Subject Property:
1196 Fairview Rd

Subject Property:
1196 Fairview Rd

Attachment D – Letter of Intent (applicant)

SUVA ARCHITECTURE INC

John Saliken Architect AIBC AAA
Vancouver
720 - 999 W. Broadway V5Z 1K5
Penticton
166 Bassett St. V2A 5W2

Dec 3, 2021

Letter of Intent
1196 Fairview DP/ Rezoning Application

The Development Permit/ Rezoning Application for 1196 Fairview Rd, is for a 4,730 sf new purpose-built one-storey dental office. The current zoning C2 is to be rezoned to *C1 Commercial Transition* which allows for health service. The size and height of the building fits within all the C1 zoning bylaws, notwithstanding several minor variances.

SITE STATISTICS (all numbers are approximate to be verified by surveyor)

Site area before dedications	19,997 sf (1,858.45 sm)
Site area after dedications	18,232 sf (1,694.42 sm)
Building area gross	4,730 sf (439.59 sm)
Dedications	
Along Fairview Rd	1.968 ft (.6 m)
Along Calgary Ave	7.544 ft (2.3 m)
Building setbacks from new property line (after dedications	
Front (Fairview Rd)	9.84 ft (4.5m)
Front (Calgary Ave)	9.84 ft (3 m)
North Side	45.3 ft (13.8 m)
East Side	50 ft (15.24 m)
Corner Cut	27.88 ft (8.5 m)
Building height	17.5 ft (5.33 m)
Lot coverage (after dedications)	25%
Parking	22 stalls

VARIANCES (all numbers approximate)

The floor plan of the dental office has been carefully crafted by dental specialists to produce a highly functional and efficient floor plan. In addition, the site plan has been designed for maximum efficiency in the remaining site area. Due to the off-axis angle of Fairview Rd, the site is tapered and pinches at the north. In turn, the dental office fits snuggly into the southwest corner of the site. In an effort to create interesting urban architecture on a busy intersection, we ask for three small projection variances and one landscape variance.

1. Table 4.1: Variance required to increase the maximum architectural projection into the required front yard (Calgary Ave) from 25% of the building face projecting up to 0.6m, to 38% of building face projecting up to 1.8m

   The design intent is to have a thick heavy wall on the southwest corner that carves open to strategically frame the inside of the dental office with large windows. The carved openings strengthen views in/out, while maintaining privacy for the waiting room. To enhance the views, the entrance and waiting room walls project south into the setback. The projections enhance the street character and become a positive safe space, connecting inside and out, for natural surveillance. The thick walls frame the landscaping and

produce an invigorating public realm. The thickly articulated walls also mitigate solar heat gain, while shielding the large windows.

2. Table 4.1: Variance required to allow roof overhang projecting over corner cut by 7-4"(2.235 m)

   The site is located on a very busy corner, and the building fits tightly on the southwest corner. A large, sculpted roof overhang cantilevers out 7 ft (2.1 m) at the southwest to create an elegant wow factor for passing traffic. Similar to the thick wall, the overhang helps control solar heat gain, and allows the use of large windows, in an environmentally sensitive design.

3. Table 4.1: Variance required to increase the permitted eaves/roof projection into a required front yard setback (Calgary Ave) from 1.5m to 2.4m.

   Similar to item 3 above.

4. East side landscape buffer

   The landscape buffer on the east property line faces a residential area. The buffer zone between the edge of the parking stalls and the property line is 5.8 ft (1.76 m). This edge will be fenced, landscaped, and professional screened. The building is at least 50 ft away from the property line, and there are no overlooking windows onto the neighboring house or yards. This is a tight site, and pinches on the north end due to the offset street grid. The buffer space has been maximized with reference to safe efficient site planning. A letter of support has been provided by the neighbor.

John Saliken | **Principal**
Architect AIBC, AAA,
john@suvaarchitecture.com
direct 604 318 1904

Attachment E – Letter of Support (neighbour)

SUVA
ARCHITECTURE INC

John Saliken Architect AIBC AAA
Vancouver
720 - 999 W. Broadway V5Z 1K5
Penticton
166 Bassett St. V2A 5W2

Nov 12, 2020

1196 Fairview DP/ Rezoning Application
Landscape Buffer Variance

Dear Neighbor,

The City of Penticton Zoning Bylaw Table 5.2 requires a 3m (9.84') landscape buffer abutting a residential zone. The proposed landscape buffer on the east property line faces a residential zone. The proposed buffer between the edge of the parking stalls and the property line is 1.76m (5.8'). The east property line will be fenced, with a 1.8m (6') tall solid wood fence, and professionally landscaped with irrigation. It will have deciduous street trees at least 1/ 10m.

The proposed one storey building is over 50 ft away from the east property line, and there are no overlooking windows onto the neighboring house and yard. This is a tight site, and pinches on the north end due to the offset street grid. The buffer space has been carefully designed with reference to safe efficient site planning. It is our understanding that due to the distance of the building and the solid fence, that the reduced landscape buffer will not negatively affect the residential zone. Every effort has been made to design a safe, clean, and high-quality project.

We would be grateful if you would offer support of this variance.

Sincerely,

John Saliken | **Principal**
Architect AIBC, AAA,
john@suvaarchitecture.com
direct 604 318 1904

I/We support the variance as described above

Name DENNIS + SANDRA BOWHAY

Address 181 CALGARY AVE PENTICTON, B.C. V2A 2T7

Date NOV 25/2020

Signature

Dennis & Bowhay

Attachment F – Development Permit Analysis (applicant)

SUVA ARCHITECTURE INC

John Saliken Architect AIBC AAA
Vancouver
720 - 999 W. Broadway V5Z 1K5
Penticton
166 Bassett St. V2A 5W2

Sept 14, 2020

Development Permit Analysis
1196 Fairview DP/ Rezoning Application

OFFICIAL COMMUNITY PLAN REVIEW

Chapter 5 Development Permit Area Guidelines

5.1.4 Variances

1. Minor variances to setbacks may be considered to... accommodate desirable architectural criteria... projecting design features

See Letter of Intent for Variance request

Landscape Variances

1. Variances to landscape buffer requirements may be considered in cases where the proposed building locations make establishment difficult to thrive... reduced buffer... compensatory planting elsewhere on site

See Letter of Intent for Variance request

5.2.2 General Guidelines

G1 Significant site opportunities / constraints

The site is flat and vacant and outside of all special DP zones. It is surrounded by 2 busy streets.

G2 Site plan

As per the accompanying site plan, the building is located on the busy south west corner and pulled away from the quiet graveyard to the north and residential area to the east. The building is one storey and does not affect any neighbors by proximity and overlooking.

G3 Solar access

As a dental office, the interior solar access needs to be controlled for glare and overheating. However, large windows along the front south side open to the street and are shaded by architectural projections, thick walls, and a large overhang. The windows open to a landscaped garden. Each operating room has a large window facing the street and is protected by angled sculpted projections shading the windows from direct summer sun.

G4 Window views

Views are maximized looking out of the dental office with large windows in every room.

G5 Strong street definition / sensitive transitions

The building is designed to directly present an interesting architectural pattern along Fairview Rd and Calgary Ave. The strong architectural presence is enhanced on the corner with a large dramatic overhang. The building pulls away from the quiet neighbors to the north and east.

G6 Views

There are no significant water, mountain, or ridge views for the site.

G7 CPTED

CPTED principles are prevalent in the site plan and building plan. There are no dead-end corners, there are many windows, one in every room, high quality spaces and natural surveillance keep the site safe. Landscaping around the building is strategic in height for safety and views. The entrance is big and well lit with full glazing. A 6' tall black metal fence protects the surgery rooms, from the public.

G8 Secondary Buildings
Not Applicable
G9 Pedestrian connectivity
Public sidewalks connect all the neighboring properties. The front entrance naturally connects to Calgary Ave, through a landscaped accessible pedestrian area.
G10 Pedestrian connections for block scale 60 – 190 m
Not Applicable
G11 Barrier free
The entire site is barrier free.
G12 Pedestrian ways
Paving accents are intended for the pedestrian areas.
G13 Residential entrance
Not Applicable
G14 Residential outdoor space
Not Applicable
G15 Fencing public realm to be transparent
The fence along Fairview Rd is a traditional black metal picket fence with 4" spaces between the pickets. It is highly transparent and bordered with landscaping.
G16/17 Site and building access prioritize pedestrians... minimize visual impact... pathways
The vehicular access, drive aisles and parking spaces were designed as efficiently as possible due to site constraints, and a narrow tapering site. They are surrounded by wide walkways and landscaped permeable areas. The pedestrian entrances link directly to the parking area, for safe efficient pedestrian circulation. The parking is located behind the building shielding it from the street. The parking is screened from the neighbors with 6 ft tall fences and landscaping. However, there are no dead ends or dark corners and circulation through the parking area is safe and comfortable.
G18 Parking structures
Not Applicable
G19 Multifamily developments
Not Applicable
G20 Design should respond to Penticton's setting and climate
The building is designed for passive solar control with large windows facing south. The high sun path in the summer months will be blocked by the large projecting canopy. The cooler months when the sun is low, will allow the sun to penetrate into the building under the overhang. The west facing windows have deciduous trees protecting the glass from summer sun, and deep angled walls eliminate summer glare and afternoon heat gain. A large skylight naturally lights the reception desk all year.
G21 Orientation of building... face public spaces
The building is situated on the busy public corner of Fairview Rd and Calgary Ave with large windows facing out. The entrance is alongside Calgary Ave, open to the street. Fairview Rd is lined with windows, so that no public areas face blank elevations.
G22 Larger buildings
Not Applicable
G23 Upper storeys
Not Applicable
G24 Street facing layering
There is a layer of landscaping, fencing and walkways along the front edge of Fairview Rd and Calgary Ave.
G25 Stepped massing
Not Applicable
G26 Minimize impacts... adjacent dwellings
The building has no overlook on the adjacent dwelling, Impact on privacy is negligible. Fences and landscaping create a buffer.

G27 – G31 Eyes on the street

The building is designed to standard CPTED principles including "eyes on the street". Windows and doors open to every elevation. The parking area is wide, open and well lit, and leads directly to the front entrance. There are 2 street connections and walkways, with no dead-ends. The entry is clearly visible, and a landscaped staff seating area overlooks the parking area and covers the blank rear wall. The entrance and reception area looks out to the front through a large window for natural surveillance.

G32 Riparian

Not Applicable

G33 Water conservation for landscaping

Mulch and efficient sub surface drip irrigation help in water conservation for landscaped areas.

G34 Tree retention

Not Applicable

G35 Tree planting

Trees are planted along the perimeter of the site including Fairview Rd. They are closer than 10m apart and have water efficient irrigation.

G36 Landscape habitat

A rich landscape plan is proposed that will attract birds and bees.

G37 Stormwater

A large area of the site is permeable landscaped soil that will help control storm water runoff.

G38 Screening and Buffering

A landscape buffer is included along the east property line to the residential neighbor. A 6 ft (1.8 m) tall fence and trees screen the parking area from the house and residential yard.

G39 Defining public private realms

The public sidewalks will be bordered with green softscape along Fairview Rd and Calgary Ave clearly defining the public private interface.

G40 Energy

The entire west side of the building is passive solar controlled with a deciduous tree at each window.

G41-G42 See landscape drawings

G43-47 Corner Lots / Public Art – focal points

The building sits proudly on the corner of Fairview Rd and Calgary Ave. The entrance is not located on the outside corner, rather it is located to the east side, designed to create an efficient and safe connection to the parking area. The outside corner of the building is the waiting room inside. The building acts both as a viewing platform with large windows inside to out, but also offers privacy and protection to those in the waiting and lobby area. Carefully placed windows, and deep walls shelter sitting areas behind opaque walls, framed by large windows. The architecture is a landmark design with deep articulated walls and a large pronounced corner overhang. The design is sculpted along the south corner to enhance the public realm and create interest at a busy intersection.

G48-G51 Lighting

Lighting will be designed to meet criteria for this section.

G52 – G53 Signage

Signage will be designed to meet criteria for this section.

G54 – G57 Electrical Pad

The transformer pad is located in a landscaped area and does not obstruct private views for surveillance. There is no riparian area nearby.

G58-60 Waste Management

The garbage recycling area is in the rear corner of the lot, out of view, and creates no conflict with pedestrian patterns. The area has a screened enclosure, with direct access from the parking drive aisle.

G61-G63 Fences

The fence along Fairview Rd is a black metal picket fence with 4" spaces and is transparent. See site plan for fence locations

5.3.3.7 Commercial and Mixed-Use Guidelines

CM1 Not Applicable
CM2 Not Applicable
CM3 Not Applicable
CM4 Parking Areas to rear
See answer to G16-17
CM5 Not Applicable
CM6 Parking with no lane
The parking access is from both streets, Fairview Rd and Calgary Ave.
CM7 Not Applicable
CM8 Building projections
See answer to Variance request in Letter of Intent.
CM9-CM12 Commercial frontages
Mostly these DP items refer to a retail/ restaurant street frontage, and less to a standalone dental office. However, the dental office entrance will be clearly signed and indicate primary pedestrian access.
CM13-CM16 Weather protection
Mostly these DP items refer to a retail/ restaurant street frontage, and less to a standalone dental office. The overhang of the dental office does not cover the public sidewalk however, part of the building roof forms the covered entrance area.
CM17-CM21 Signage
All signage at the dental office is individual back lit channel letters or equivalent to offer a high-quality exterior finish. Signage is attached directly to the building face. Traffic signage will be visible from the street and building signage will be placed for pedestrian-orientation.
CM22-24 Not Applicable

John Saliken | **Principal**
Architect AIBC, AAA,
john@suvaarchitecture.com
direct 604 318 1904

Attachment G – Development Permit Analysis (staff)

Development Permit Analysis

The proposed development is considered within the Commercial & Mixed Use 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.).*

- The subject property is located at a prominent intersection of busy roads, and has been designed to engage with the corner. The Lake-to-Lake bike route runs along Fairview Road in front of this property, and as a result the driveway entrance onto Fairview Road has been designed as 'Exit Only' to limit interference with the bike lane.

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

- The proposed building is set close to the intersection of Fairview Road and Calgary Avenue, supporting strong street definition by placing parking in behind the building.

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

- The plans show a barrier-free access to the main entrance from both the parking area and the public sidewalk on Calgary Avenue.

Guideline G17 *On-site parking location and design should minimize visual impact and provide safe connections for pedestrians.*

- The parking area is proposed at the rear of the proposed building, not in between the building and the street.

Guideline G20 *Designs should respond to Penticton's setting and climate […]*

- The white exterior of the building reduces the heat absorption effect. Roof overhangs assist with limiting sunlight and heat directly into the building while still allowing large windows on the southern and western street facades.

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 plans show the street-facing facades of the proposed dental office feature various windows, architectural projections, and roof overhangs to provide visual interest and architectural character facing towards the street. The main entrance is clearly visible from Calgary Avenue and set close to the public sidewalk.

Guideline G26 *Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*

- The proposed building is set back approximately 15m (49 feet) from the adjacent residential property to the east. That setback and the one storey building design minimizes potential privacy impacts from the proposed development.

Guideline G28 *Entries should be visible and clearly identifiable from the fronting public street.*

- The primary entrance is clearly visible from Calgary Avenue. The landscaping plan shows an attractive corner at the intersection with an addressing sign to make the building easily identifiable.

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.*

- The building design features windows on all sides of the building, facing out towards both fronting streets as well as the parking area.

Guideline G35 *Tree planting […]*

- Nine (9) trees are proposed along the property lines abutting the cemetery to the north and the single detached home to the east. These trees, in addition to other plantings and fencing, will assist with buffering the proposed new commercial use from its neighbours.

Guideline G38 *Screening & Buffering*

- A landscape buffer is required along the east property line abutting a single detached home. The proposed landscape buffer width is 1.8m, which is less than the 3m wide normally required. The applicant has shown on the landscaping plan that the landscape buffer is sufficiently wide to provide the required number of trees and shrubs as per the Zoning Bylaw requirements. The reduced width of the landscape buffer is proposed to be varied through the development permit, as permitted by Section 5.1.4 of the Official Community Plan.

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

- The main entrance faces towards Calgary Avenue, and there are a number of vertical windows leading from floor to ceiling. These features in addition to architectural projections and roof overhangs provide visual interest to the street-facing facades at this corner property.

Guideline G58/59 *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. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.*

- The garbage and recycling storage area is located at the northeast corner of the property, far from either fronting street. The 1.8m (6 foot) high screening around the storage area will assist with shielding the receptacles from view.

Guideline G63 *All plans should show intended fencing.*

- Fencing is proposed along the two neighbouring property lines to buffer the dental office use form the cemetery to the north and the single detached dwelling to the east.

Guideline CM1 *Retail building frontages…*

- The proposed building is set close to the public sidewalks with a minimal setback to the property lines. The main entry is at the same level as the adjacent sidewalk on Calgary Avenue.

Guideline CM4 *Locate parking areas to the rear or interior of a site rather than between the street and building.*

- The parking area is behind the building and not located between the building and the street. This design choice provides a strong connection to the street.

Guideline CM10 *Visual connection to the store interior maintained through at least 75% glazing along the primary store frontage. Windows shall be transparent and clear of obstructions (e.g., posters, decorative decals, reflective and highly tinted glass, etc.) looking onto display materials and/or active uses.*

- The proposed building features large windows facing both streets.

Guideline CM14 *Design awning and canopies as an extension of the architectural expression of the building façade.*

- The design includes roof projections along the length of the building, with roof projections towards both fronting streets to provide architectural interest and shade. These features are architecturally integrated into the building design.

City of Penticton
171 Main St. | Penticton B.C. | V2A 5A9
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Development Permit

Permit Number: DP PL2020-8849

Owner Name
Owner Address

Conditions of Permit

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

2. This permit applies to:

Legal:	Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164
Civic:	1196 Fairview Road
PID:	010-850-163

3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a one-storey dental office as shown in the plans attached in Schedule 'A'.

4. In accordance with Section 489 of the Local Government Act, the following provisions of the City of Penticton Zoning Bylaw No. 2021-01 are varied by this permit:
    a. Table 5.1: to reduce the width of the landscape buffer (east) from 3.0m to 1.8m.
    b. Table 4.1: to increase the permitted eaves and roof projection into a required front yard setback (Calgary Ave) from 1.5m to 2.4m.
    c. Table 4.1: to increase the permitted eaves and roof projection into a required exterior side yard setback (Fairview Rd) from 1.5m to 2.85m.
    d. Table 4.1: to increase the maximum architectural projection into the required front yard setback (Calgary Ave) from 25% of the building face projecting up to 0.6m to 38% of the building face projecting up to 1.8m.
    e. Table 4.1: to increase the maximum architectural projection into the required exterior side yard (Fairview Rd) from 25% of the building face projecting up to 0.6m to 41% of the building face projecting up to 0.7m.

5. 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

DRAFT

c. repair damage to the natural environment that has resulted from a contravention of this permit.

6. The holder of this permit shall be eligible for a refund of the security described under Condition 5 only if:
   a. The permit has lapsed as described under Condition 9, 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.

7. 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

8. 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'.

9. 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.

10. **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.**

11. 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.

12. 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.

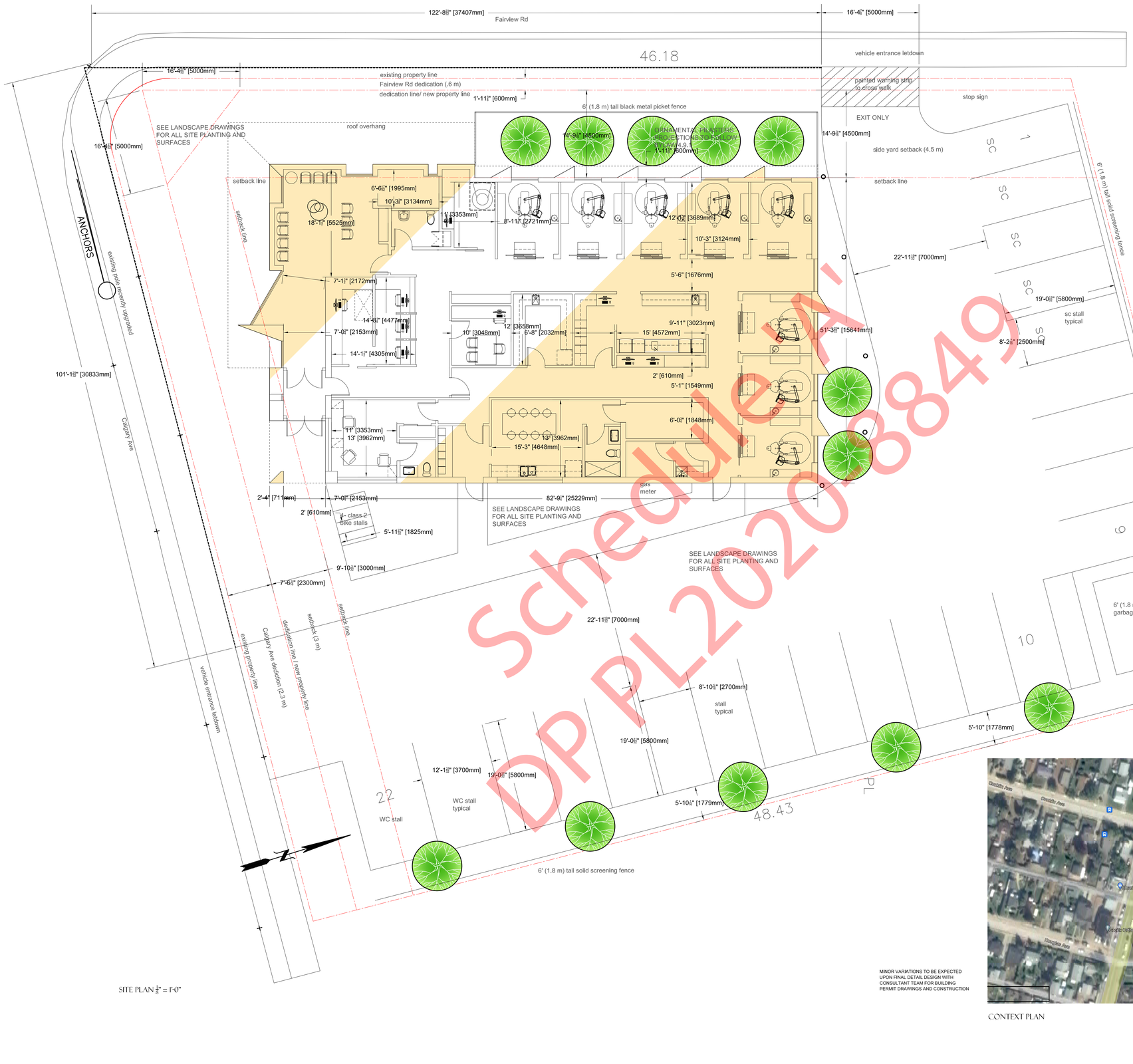
Authorized by City Council, the _____ day of _____, 2022.

Issued this _____ day of _____, 2022.

_____

Angela Collison
Corporate Officer

DRAFT



SITE PLAN $\frac{1}{8}$" = 1'-0"

CONTEXT PLAN

MINOR VARIATIONS TO BE EXPECTED UPON FINAL DETAIL DESIGN WITH CONSULTANT TEAM FOR BUILDING PERMIT DRAWINGS AND CONSTRUCTION

Schedule "A"
DP PL2020-8849

DP PL2020-8849

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REVISION
7.CORNER CUT REDUCED TO 5 M
6.EXIT ONLY ADDED
6.ACCESS PLAN CONSOLIDATED

REVISIONS:

7	FEB 23, 2022	RE- ISSUED FOR DP/REZONING
6	JAN 24, 2022	RE- ISSUED FOR DP/REZONING
5	JAN 20, 2022	RE- ISSUED FOR DP/REZONING
4	DEC 27, 2021	RE- ISSUED FOR DP/REZONING
3	NOV 12, 2021	RE- ISSUED FOR DP/REZONING
2	NOV 4, 2021	RE- ISSUED FOR DP/REZONING
1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL

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FAIRVIEW DENTAL CLINIC
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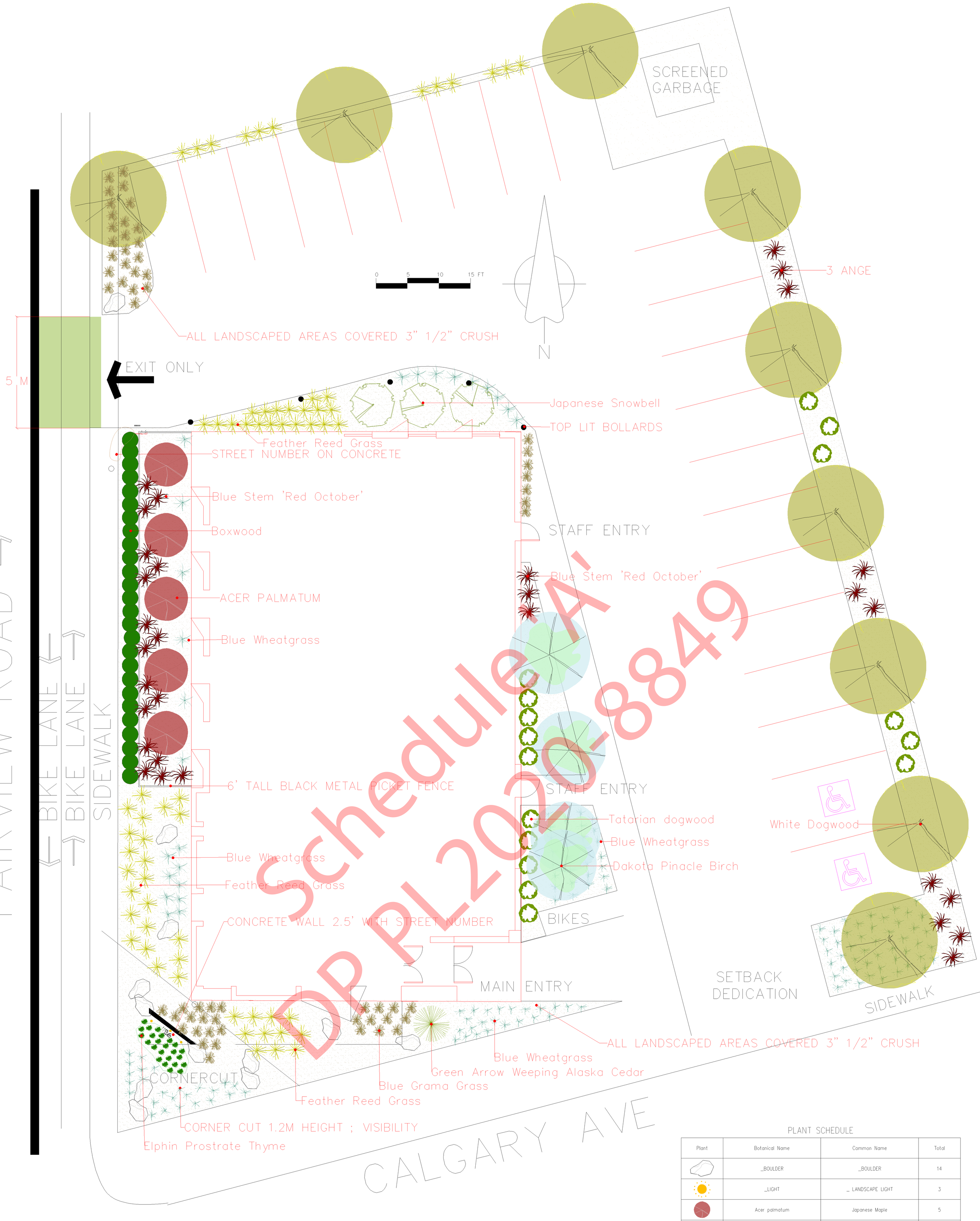
SCALE:	As indicated
DRAWN BY:	JS

SHEET TITLE:
SITE PLAN
CONTEXT PLAN
ACCESS

PROJECT No.:	20-003
DATE:	August 13, 2020
DRAWING No.:	REV.
A0.01	1



Schedule 'A'
DP PL2020-8849

PLANT SCHEDULE

Plant	Botanical Name	Common Name	Total
	_BOULDER	_BOULDER	14
	_LIGHT	_ LANDSCAPE LIGHT	3
	Acer palmatum	Japanese Maple	5
	Andropogon gerardii 'Red October'	Blue Stem 'Red October'	31
	Betula platyphylla 'Fargo'	Dakota Pinacle Birch	4
	Bouteloua gracilis 'Blonde Ambition'	Blue Grama Grass	59
	Buxus 'Green Gem'	Boxwood	26
	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	67
	Chamaecyparis nootakatensis 'Green Arrow'	Green Arrow Weeping Alaska Cedar	1
	Cornus florida	White Dogwood	9
	Cornus siberica	Tatarian dogwood	16
	Elymus magellanicus	Blue Wheatgrass	152
	Styrax japonicus	Japanese Snowbell	3
	Thymus 'Elphin'	Elphin Prostrate Thyme	24

NEW LANDSCAPE INSTALLATION NOTES:

- IRRIGATION ALL LANDSCAPING AREAS WILL BE SERVICED BY FULLY AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM
- NEW SOIL TO BE ADDED TO NEW PLANTING AREAS
- PLANTING AS PER DETAIL
- COMMERCIAL GRADE LANDSCAPE FABRIC TO BE USED IN ALL LANDSCAPING AREAS
- 3" DEPTH OF GRAVEL TO BE USED OVER ALL LANDSCAPE AREAS

PLANT MATERIAL:

- ALL TREES TO HAVE A MINIMUM CALIPER OF 60MM AND CLEAR STEM HEIGHT OF 1.5M
- ALL SHRUBS AND PERENNIALS TO BE MINIMUM NO 2 POT

MAINTENANCE:

- IRRIGATION TO BE BLOWN OUT EACH FALL BEFORE HARD FROST
- IRRIGATION TO BE ACTIVATED BY APRIL 1. CHECK ALL DRIP IS PROPERLY WORKING.
- FIRST TWO YEARS AFTER INSTALL: DRIP IRRIGATION TIMING TO BE 3 X PER WEEK UNTIL PLANT MATERIAL WELL ESTABLISHED. THEREAFTER IRRIGATION TIMING SHOULD BE CUT DOWN TO 1X PER WEEK.
- SHRUBS AND PERENNIALS SHALL BE CUT DOWN TO A HEIGHT OF 4-6" MARCH 15. ORNAMENTAL GRASSES ARE TO BE ALLOWED TO REMAIN THROUGH THE WINTER.

SHEET 1 OF 3 | DRAWING NO. | FILE NO.

REVISIONS

DATE	DESCRIPTION	APPROVED
10/15/2020	REVISIONS	
11/05/2021	REVISIONS	
12/16/21	REVISIONS	

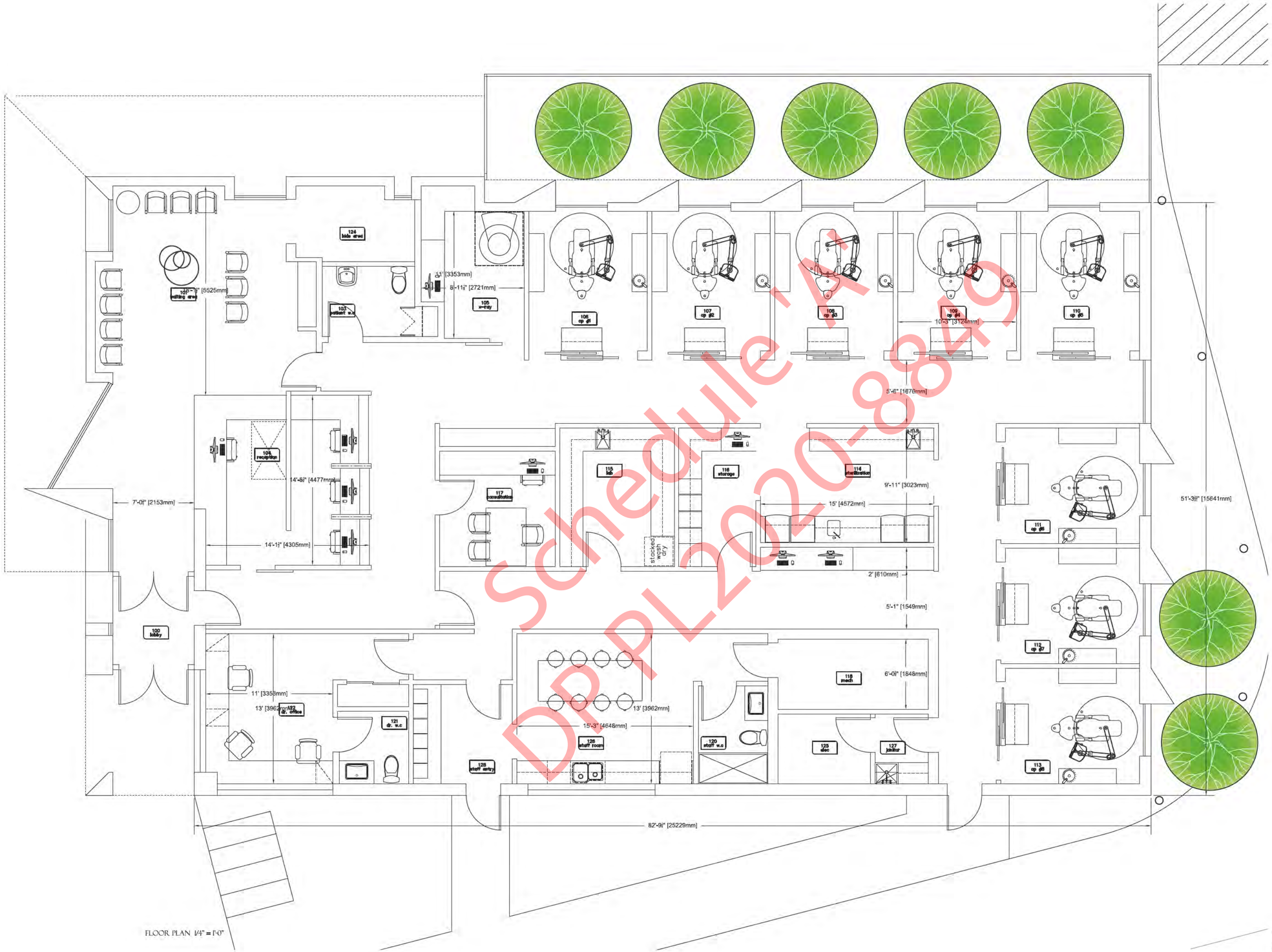
DIG IT DESIGN
LANDSCAPE DESIGN
Barb Lennie Davis
www.barblennie.com
250-460-1709 barblennie@gmail.com

LANDSCAPE DESIGN CONCEPT

DESIGNED BARB DAVIS
DRAWN 12/16/21
CHECKED

1196 FAIRVIEW ROAD, PENTICTON

APPROVED _____ DATE ____
TITLE _____ JOB CLASS ___



FLOOR PLAN 1/4" = 1'-0"

MINOR VARIATIONS TO BE EXPECTED UPON FINAL DETAIL DESIGN WITH CONSULTANT TEAM FOR BUILDING PERMIT DRAWINGS AND CONSTRUCTION

Schedule A
DP PL2020-8849

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REVISIONS:

4	DEC 27, 2021	RE-ISSUED FOR DP/REZONING
3	NOV 12, 2021	RE-ISSUED FOR DP/REZONING
2	NOV 4, 2021	RE-ISSUED FOR DP/REZONING
1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL

2021-12-28

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SCALE: As Indicated
DRAWN BY: JS
SHEET TITLE:
FLOOR PLAN

PROJECT No.: 20-003
DATE: August 13, 2020
DRAWING No.: A1.01 | REV.: 1

MATERIALS LEGEND	
#	DESCRIPTION
	FLASHINGS - PAINTED ALUMINUM
1	TILE OR STUCCO - LIGHT SHADE OF WHITE OR EQUIVALENT
2	FIBER CEMENT PANEL
3	STUCCO OR TILE - SHADE OF WHITE OR EQUIVALENT
4	CLEAR GLAZING OR EQUIVALENT
5	ANODIZED ALUMINUM FRAME OR EQUIVALENT
6	STEEL PAINTED DOOR
7	WOOD SOFFIT OR EQUIVALENT

NOTE: ALL MATERIALS TO BE FINALIZED POST TENDER.

1 South Elevation
1/4" = 1'-0"

2 West Elevation
1/4" = 1'-0"

Schedule 'A'
DP PL2020-8849

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REVISIONS:

1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL:

2021-12-28

CLIENT:

CONTACT:
ADDRESS:
CITY:
TEL:
EMAIL:

PROJECT:

FAIRVIEW DENTAL CLINIC
1196 Fairview Rd.
Penticton, BC V2A 5Z4

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VANCOUVER BC. V5Z 1K5
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john@suvaarchitecture.com
www.suvaarchitecture.com

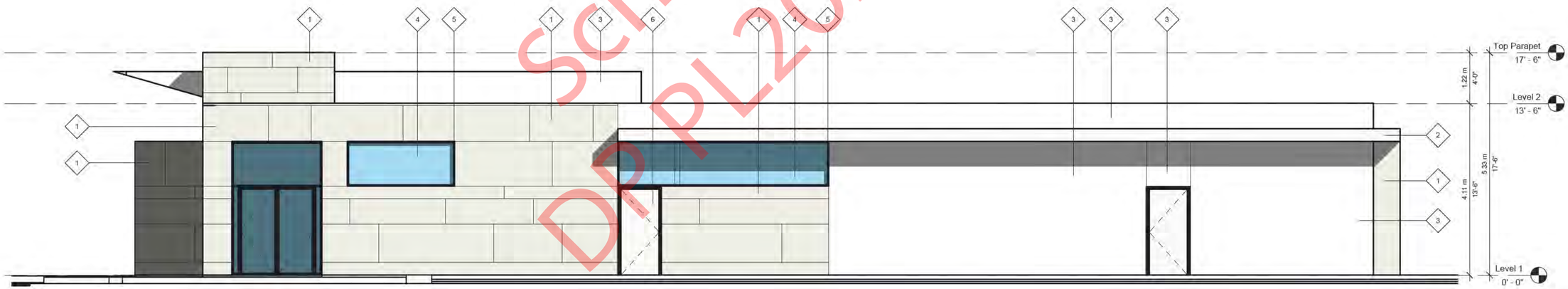
SCALE: 1/4" = 1'-0"
DRAWN BY: AB
SHEET TITLE:
ELEVATIONS - SOUTH & WEST

PROJECT No.: 20-003
DATE: August 13, 2020
DRAWING No.: A2.01
REV.: 1

MATERIALS LEGEND	
#	DESCRIPTION
	FLASHINGS - PAINTED ALUMINUM
1	TILE OR STUCCO - LIGHT SHADE OF WHITE OR EQUIVALENT
2	FIBER CEMENT PANEL
3	STUCCO OR TILE - SHADE OF WHITE OR EQUIVALENT
4	CLEAR GLAZING OR EQUIVALENT
5	ANODIZED ALUMINUM FRAME OR EQUIVALENT
6	STEEL PAINTED DOOR
7	WOOD SOFFIT OR EQUIVALENT

NOTE: ALL MATERIALS TO BE FINALIZED POST TENDER.

1 North Elevation
1/4" = 1'-0"



2 East Elevation
1/4" = 1'-0"

Schedule 'A'
DP PL2020-8849

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REVISIONS:

1	SEP 15, 2020	ISSUED FOR DP/REZONING

SEAL:

REGISTERED ARCHITECT
BRITISH COLUMBIA
2021-12-28

CLIENT:

CONTACT:
ADDRESS:
CITY:
TELL:
EMAIL:

PROJECT:

FAIRVIEW DENTAL CLINIC
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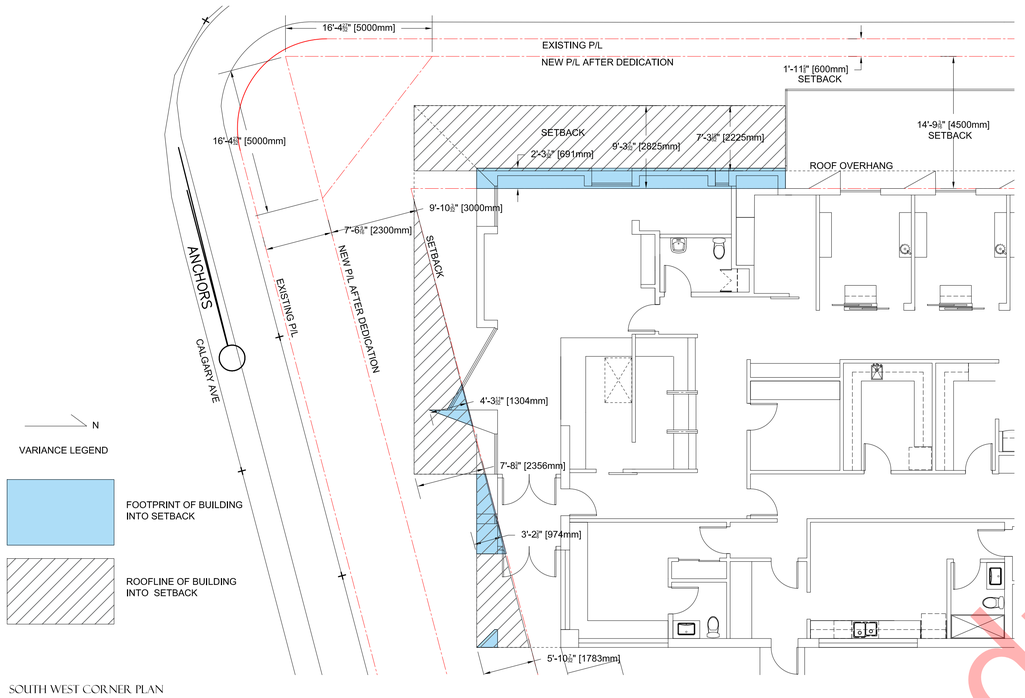
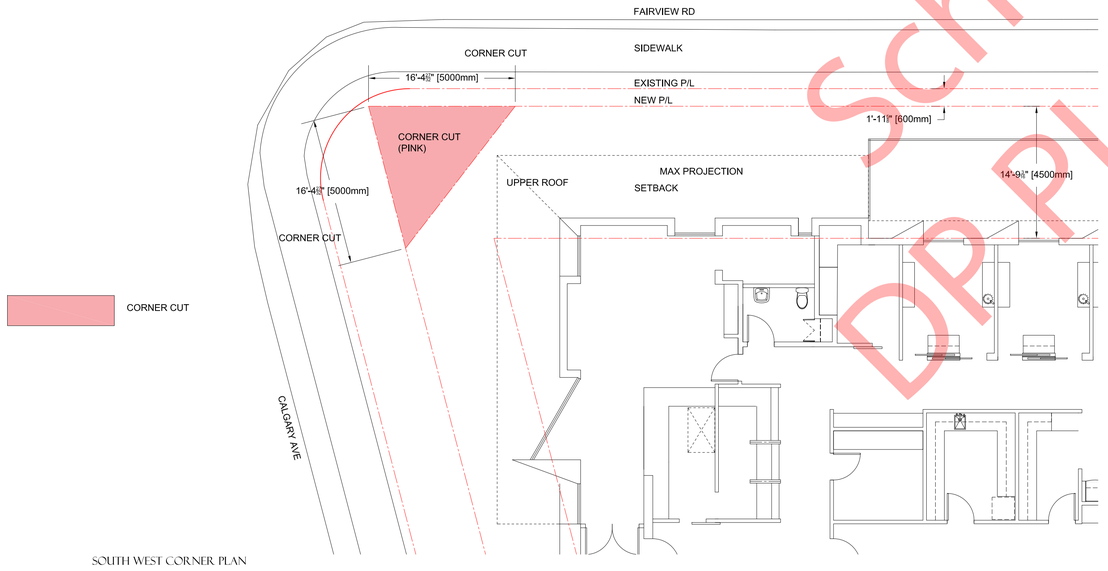
SCALE: 1/4" = 1'-0"
DRAWN BY: AB
SHEET TITLE:
ELEVATIONS - NORTH & EAST

PROJECT No.: 20-003
DATE: August 13, 2020
DRAWING No.: A2.02
REV.: 1



SOUTH WEST CORNER PLAN



SOUTH WEST CORNER PLAN

WEST ELEVATION
AREA 1370 SF
AREA IN SETBACK 560 SF
40.9%

SOUTH ELEVATION
AREA 853 SF
AREA IN SETBACK 325.6 SF
38%

(FROM FOOTPRINT OF) BUILDING INTO SETBACK

ROOFLINE OF BUILDING INTO SETBACK

CORNER CUT

MINOR VARIATIONS TO BE EXPECTED UPON FINAL DETAIL DESIGN WITH CONSULTANT TEAM FOR BUILDING PERMIT DRAWINGS AND CONSTRUCTION

Schedule 'A'
DP PL2020-8849

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REVISIONS:
2, CORNER CUT REDUCED TO 5 m

2	FEB 23, 3	ISSUED FOR 2022 DP/REZONING
1	DEC 27, 2020	ISSUED FOR DP/REZONING

SEAL

2022-02-23

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FAIRVIEW DENTAL CLINIC
1196 Fairview Rd.
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SCALE:	1/8"=1-0"
DRAWN BY:	JS

SHEET TITLE:
VARIANCES

PROJECT No.:	20-003
DATE:	OCT 1, 2021
DRAWING No.:	REV.
A4.01	1

The Corporation of the City of Penticton

Bylaw No. 2022-13

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. 2022-13".

2. **Amendment:**

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot 1 District Lot 250 Similkameen Division Yale District and of District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1164, located at 1196 Fairview Road, from C2 (Neighbourhood Commercial) to C1 (Commercial Transition).

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

READ A FIRST time this	day of	, 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 __ day of _____, 2022 and the __ day of _____, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Schedule A: Zoning Amendment Bylaw 2022-13

Date: Corporate Officer:

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February 24, 2022 8:45:43 AM

Meters

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Coordinate System: NAD 1983 CSRS UTM Zone 11N

Council Report

penticton.ca

Date: March 1, 2022 File No: RMS/296 Windsor Ave
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 296 Windsor Avenue

Subject: **Development Variance Permit PL2021-9200**

Staff Recommendation

THAT Council approve "Development Variance Permit PL2021-9200" for Lot 24 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3284, located at 296 Windsor Avenue, a permit to vary Section 10.1.2.8.a of Zoning Bylaw 2021-01, to reduce the minimum rear yard from 6.0 m to 1.146 m, in order to facilitate the construction of an addition to the single family dwelling.

AND THAT Council direct staff to issue "Development Variance Permit PL2021-9200".

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 an addition to their existing house to allow for an ensuite (Figure 1). The existing house on the property is located at 1.146m from the rear property and the addition proposes to be placed at the same setback. As such, the applicant has requested a variance to reduce the minimum rear yard setback from 6.0 m to 1.146 m to allow for an addition to the existing house. The preliminary plans submitted show the south wall is to be extended to the west of the existing building.

Figure 1 – Proposed addition

Background

The subject property is located on the south side of Windsor Ave, at the corner of Argyle St in a primarily residential neighbourhood (Figure 2). The property contains a single detached dwelling, which was constructed in 1951. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned R1 (Large Lot Residential) in the Zoning Bylaw.

The applicant will be required to apply for a building permit for the proposed ensuite (bathroom) addition prior to construction, should Council approve the requested variance.

Figure 2 – Property Location Map

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 roof eaves into each setback. This information was submitted by the applicant. Building permit requirements were sent to the applicant in order to expedite the future building permit process.

Development Statistics

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

	R1 – Large Lot Residential Requirement	Provided on Plans
Minimum Lot Width (corner lot)*:	18 m	38.1 m
Minimum Lot Area*:	560 m^2	671.7 m^2
Maximum Lot Coverage:	40%	21.2%
Required Setbacks Front Yard (Windsor Ave): Interior Side Yard (east): Exterior Side Yard (Argyle St): Rear Yard (south):	 6.0 m 1.5 m 3.0 m 6.0 m	 5.4 m (existing structure) 17.3 m 3.59 m 1.146 m – variance requested
Maximum Building Height	10.5 m	5.6 m
Comments	*Minimum lot width and area are only applicable for subdivision applications.	

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether there is a hardship that makes meeting 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 addition will be in line with the existing south wall of the house, and is adjacent to the neighbour's driveway.

   The subject house was constructed in its location according to the rules of the day when the house was constructed in the early 1950s. The house does not meet today's setback requirements. The proposed addition, though, rather than making the encroaching further, is merely extending the wall at the same setback as where the house currently sits on the lot.

Figure 3 – Photo of Proposed Location of Addition and Neighbour's Driveway

2. The proposed addition is located adjacent to the neighbour's driveway.

   The proposed addition is located 1.146 m from the southern property line, which is where the neighbouring properties driveway is located (Figure 3). It is anticipated that the impacts are lessened, as the driveway provides a buffer to the neighbouring property from the addition.

3. Corner lots have larger setbacks than mid-block lots, as they are subject to front, rear and exterior yard setbacks.

   Given the orientation of the home on the lot, and that the property is a corner lot, the setbacks on the property are more limiting than a standard mid-block lot. The Zoning Bylaw considers the front yard to be where the primary façade of the building faces, which in this case is Windsor Ave, and is subject to a 6.0m front yard setback. The rear of the lot (south property line) is also subject to a 6.0m setback. Given that the depth of the lot is 16.37m, achieving both of these setbacks becomes incredibly difficult.

4. The proposed addition is a single storey in height and does not contain any window openings.

   The existing house on the property is a single storey structure, and the addition proposed is also a single storey. In limiting to a single storey, impacts to the neighbours' privacy are anticipated to be lessened than a multi-storey addition would be. Further, the addition does not contain any window openings, which may be less desirable from the neighbours to the south.

Given that the above reasons, staff consider the variance request reasonable in this instance and recommend that Council direct staff to issue the permit.

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 PL2021-9200". If this decision is made, the applicant would need to update their plans to meet the Zoning Bylaw regulations. Staff are recommending against this option, as the requested variance is considered reasonable in this instance and the letter of intent indicates that there will be minimal impacts on surrounding properties.

1. THAT Council deny "Development Variance Permit PL2021-9200".

Attachments

Attachment A – Zoning Map
Attachment B – Official Community Plan Map
Attachment C – Photos of Property
Attachment D – Letter of Intent
Attachment E – Draft Development Variance Permit PL2021-9200

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

296 Windsor Avenue

OCP 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.

N

Meters

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Friday, November 26, 2021
10:10:39 AM

penticton.ca

Attachment C – Photos of Property

Subject Property:
296 Windsor Ave
Proposed addition
location
Argyle St
1020 Argyle St
Driveway

Attachment D – Letter of Intent

HAYWOOD DESIGN

November 05, 2021

City of Penticton
Attn: Planning Department
171 Main Street
Penticton, BC

Re: Letter of Intent in Support of Request for Rear Setback Variance

Current Zoning: R1 – Large Lot Residential

Civic: 296 Windsor Ave, Penticton, BC

Legal: LOT 24 DISTRICT LOT 1 GROUP 7 SIMILKAMEEN DIVISION YALE (FORMERLY YALE- LYTTON) DISTRICT PLAN KAP3284 - Folio: 00902-000, PID: 010-919-015

It is the pleasure of the current owners (Hanna and Maxwell Murray) of the property located at 296 Windsor Avenue, Penticton, BC to submit this Letter of Intent to pursue related approvals to proceed with a Rear Setback Variance Permit in advance of subsequent building permit(s) as required by the City of Penticton. Specifically, the owners are requesting a Rear Setback Variance from 6.0 meters to 1.146 meters to allow for the new construction of a bathroom addition to tie into the rear of their house off the master bedroom. Please see submitted Site Plan on sheet - A1.1.

In addition to this Letter of Intent, Hanna and Maxwell have had a conversation with their neighbour to the south to discuss the impact that the variance may have on their property. They express no concern and will support this variance.

As illustrated in the supporting drawings, the owners intend to build a small bathroom addition to their current principal dwelling. This new addition is outside of the current setbacks for the zoning on the property. Please refer to the Site Plan drawing on sheet A1.1 and take note of the existing setbacks indicated by a shaded area "BUILDABLE AREA WITHIN THE CURRENT SETBACKS" and you will notice that the existing principal dwelling is a non-conforming permitted building. The owners are requesting to build their new bathroom addition along the rear wall of the existing house which is currently located 1.146m off the Rear Property Line.

The proposed one-story bathroom addition has limited impact on the neighbouring properties. In particular, the lot is a corner lot with only one neighbour to the south. The proposed addition runs along their driveway and does not impede on any site lines or cause any negative impact. Currently, the area is

www.haywooddesignstudio.com | 250-328-4740 | 129 Nanaimo Ave. W. Penticton

nicely landscaped and features a rock retaining wall. This rock retaining wall will remain and the landscaping features will be replaced with the same intent.

In Closing, Hanna, Maxwell and I, look forward to working with the City of Penticton and its representatives throughout the variance approval process.

Sincerely,

David A. Haywood, B.Arch
Haywood Design

www.haywooddesignstudio.com | 250-328-4740 | 129 Nanaimo Ave. W. Penticton

Development Variance Permit

Permit Number: DVP PL2021-9200

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 24 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3284
Civic:	296 Windsor Avenue
PID:	010-919-015

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 an addition, as shown in the plans attached in Schedule 'A':

    a. Section 10.1.2.8.a of Zoning Bylaw 2021-01 to reduce the minimum rear yard from 6.0 m to 1.146 m.

General Conditions

4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.

5. In accordance with Section 504 of the *Local Government Act,* if the holder of this permit does not commence the development authorized by this permit within 2 years of the date of this permit, this permit shall lapse.

6. **This permit is not a building permit. In order to proceed with this development, the holder of this permit must hold a valid building permit issued by the Building Inspection Department.**

7. This permit does not constitute any other municipal, provincial or federal approval. The holder of this permit is responsible to obtain any additional municipal, federal, or provincial approvals prior to commencing the development authorized by this permit.

8. This permit does not include off-site infrastructure costs that may be required at the building permit stage, such as Development Cost Charges (DCC's), road improvements and electrical servicing. There may be substantial infrastructure and servicing costs payable at a later date. For more information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

DRAFT

Authorized by City Council, the 1st day of March, 2022.

Issued this _____ day of March, 2022.

_____

Angela Collison
Corporate Officer

DRAFT

ZONING ANALYSIS

SITE AREA:
[667.94m² (7189.73ft²) .17ac.]

EXISTING	PROPOSED
ZONING:	
R1 - LARGE LOT RESIDENTIAL	
R1 ZONING REQUIREMENTS:	
ALLOWED	PROPOSED
FAR:	
N/A	N/A
NET AREA:	
N/A BASED ON 0.95 FAR	N/A
MAX SITE COVERAGE FOR BUILDINGS:	
30%	21.3% 1384ft² + 147.5ft² (1531.5ft²) / 7189.73ft² =21.3% LOT COVERAGE
MAX SITE COVERAGE INCL HARD SURFACES:	
n/a%	n/a%
BUILDING HEIGHT	
10.0m [PRINCIPAL]	5.668m (OVERALL)

SETBACKS (ADDITION):

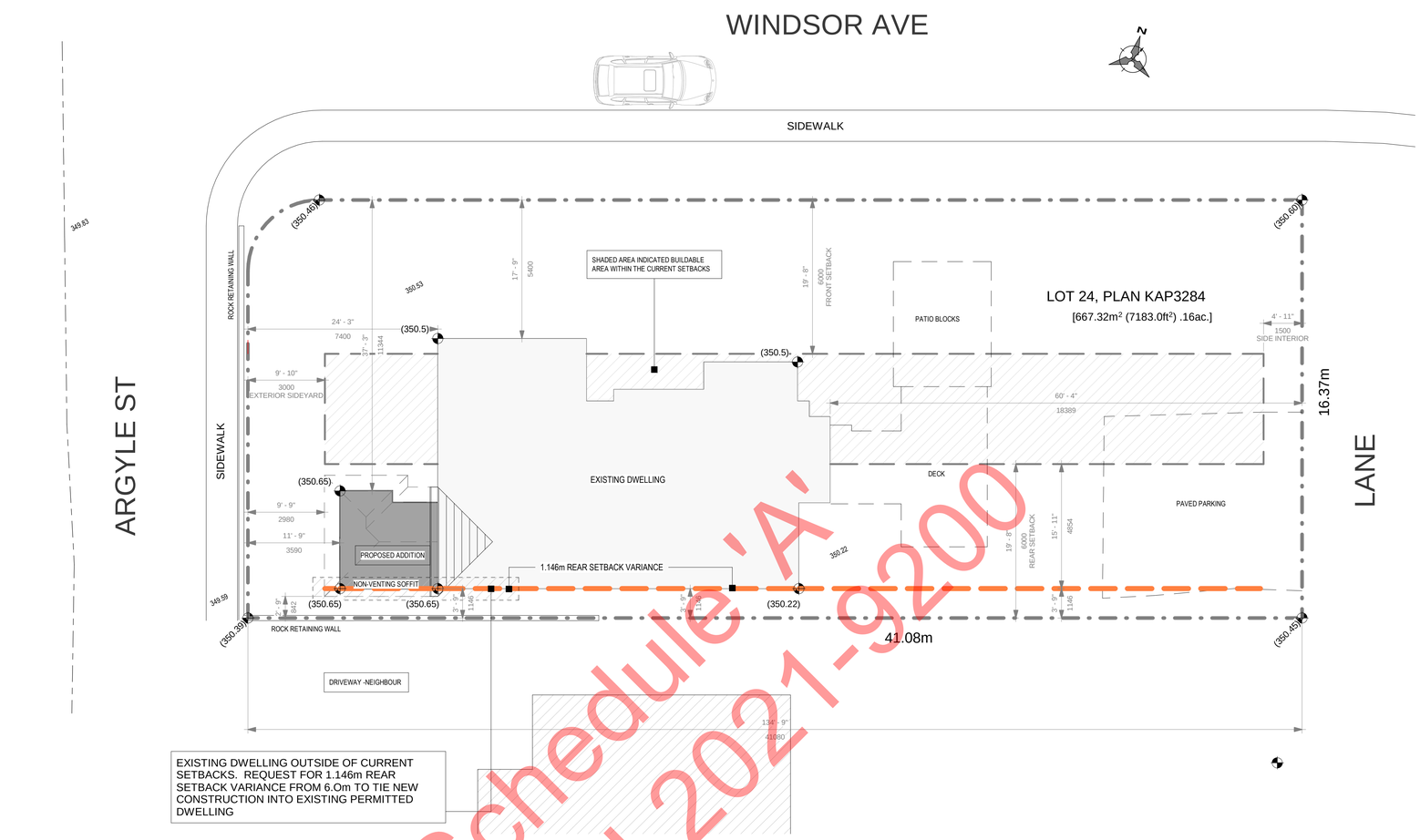
	PERMITTED	PROPOSED
FRONT:	6.0m	11.34m
SIDE (INT):	1.5m	n/a
SIDE (EXT):	3.0m	3.59m
REAR:	6.0m	1.147m [VARIANCE]

GENERAL SITE NOTES:

ROOF DRAINAGE SYSTEM SPLASH PADS REQUIRED FOR ROOF RAIN WATER LEADERS AS PER GEOTECH.

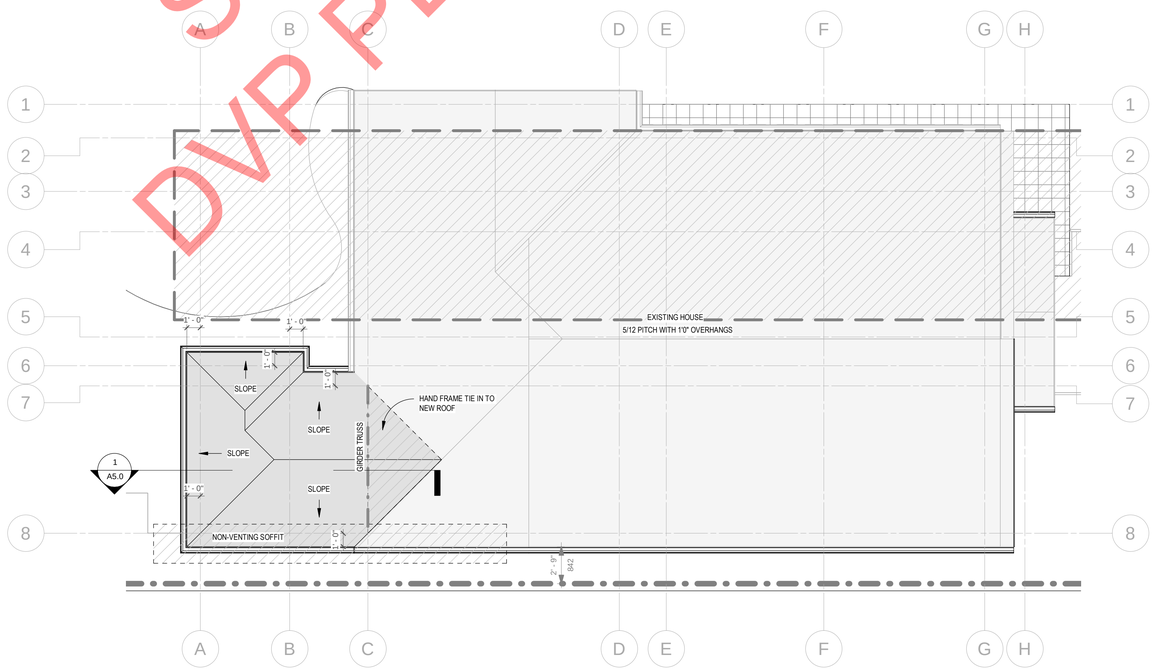
NO VENTED SOFFITING IN ANY OVERHANG THAT IS WITHIN 1.2m OF PROPERTY LINE

ALL DIMENTIONS ON PLAN ARE PERPENDICULAR TO PROPERTY LINES



EXISTING DWELLING OUTSIDE OF CURRENT SETBACKS. REQUEST FOR 1.146m REAR SETBACK VARIANCE FROM 6.0m TO TIE NEW CONSTRUCTION INTO EXISTING PERMITTED DWELLING

1 Site
1 : 100



2 ROOF PLAN
3/16" = 1'-0"

THIS DRAWING MUST NOT BE SCALED. VERIFY ALL DIMENSIONS AND DATUMS PRIOR TO COMMENCEMENT OF WORK. REPORT ALL ERRORS AND OMISSIONS TO THE DESIGNER. VARIATIONS AND MODIFICATIONS ARE NOT ALLOWED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DESIGNER.

Scheduled 'A'
DVP PL2021-9200

HAYWOOD DESIGN
129 Naniamo Ave. West
Penticton, BC
250.328.4740
david@haywooddesignbuild.com
www.haywooddesignbuild.com

PREPARED FOR:

No.	Description	Date
1	ISSUE FOR VARIANCE PERMIT -POST TPC	JAN. 18, 2022

296 WINDSOR AVENUE - RENO + ADDITION

SITE PLAN, ZONING & ROOF PLAN

Project Number	2020-38
Date	2022-01-18
Drawn By	DH
Checked By	DH
Scale	As indicated

A1.1

2022-01-19 4:34:01 PM

EXTERIOR FINISH KEYNOTE LEGEND

1. ROOF FASCIA - FASCIA PAINTED - WHITE TO MATCH (OR AS PER OWNER)

2. FIBRE CEMENT SIDING - HARDIE OR SIMILAR - COLOUR TO MATCH (OR AS PER OWNER)

3. ASPHALT SHINGLE - BROWN TO MATCH (OR AS PER OWNER)

EXTERIOR NOTES

ALL WINDOWS & DOORS SHALL CONFORM TO SECTION 9.7 2018 BCBC.

DOORS: U=1.8 MIN.
WINDOWS: U=1.8, SHGC=0.25

RESISTANCE TO FORCED ENTRY REQUIRED FOR WINDOWS WITHIN 2m OF FINISHED GRADE (9.7.5.3)

FLASHING REQUIRED ABOVE & BELOW ALL UNPROTECTED OPENINGS & HORIZONTAL TRANSITIONS

CLEARANCE BETWEEN STRUCTURAL WOOD ELEMENTS AND FINISHED GRADE SHALL NOT BE LESS THAN 1'-6" (450mm) UNLESS PRESSURE-PRESERVATIVE TREATED

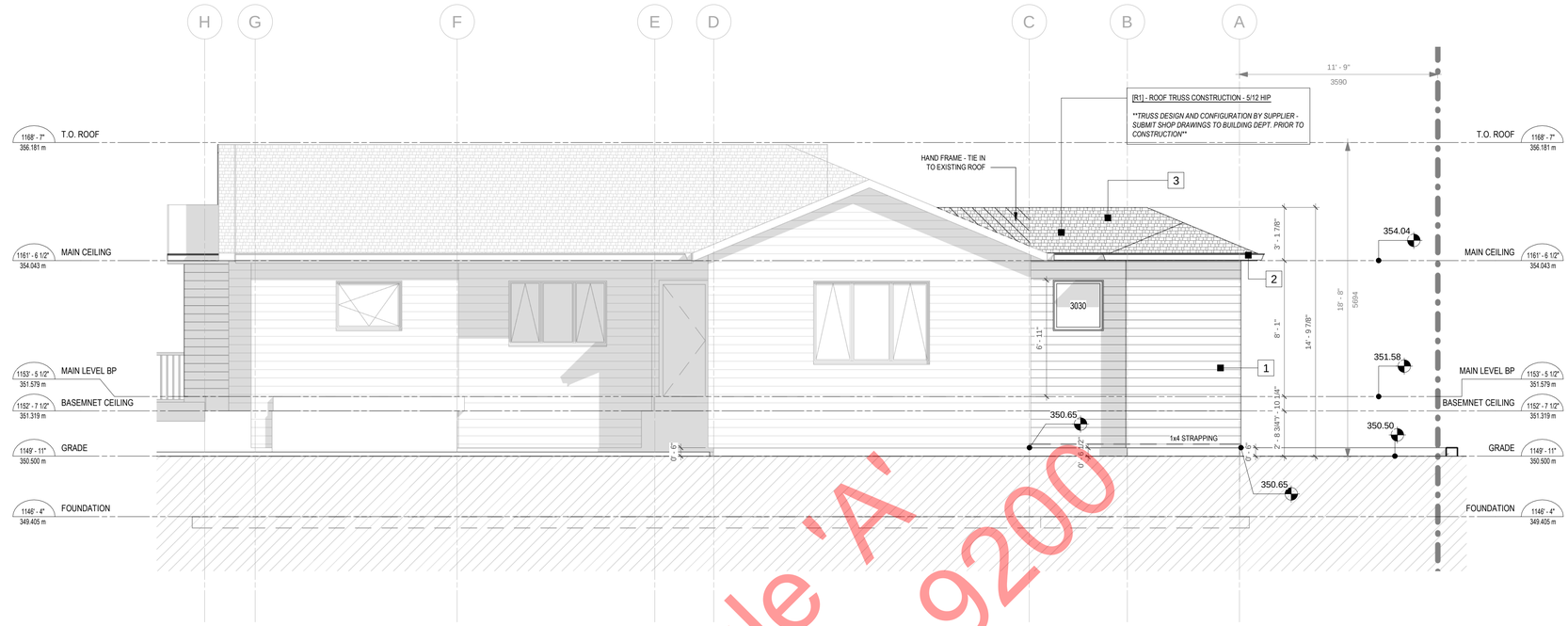
CONCRETE SHALL NOT BE POURED AGAINST FRAMING

NO SOFFIT VENTING IN ANY OVERHANG THAT IS WITHIN 1.2m SIDE SETBACK
ROOF VENTING 1/150 OR 1/300

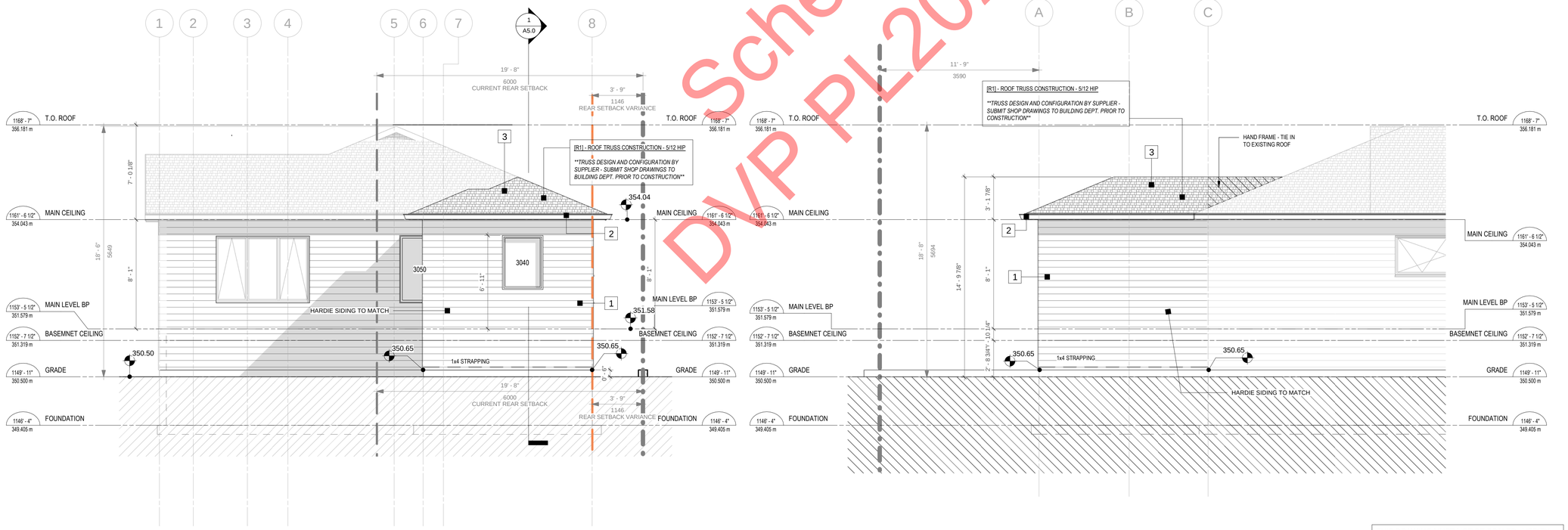
63mm AIR GAP BETWEEN UNDERSIDE OF SHEATHING AND TOP OF INSULATION

ALL OTHER GRADES SHOWN ARE EXISTING

ALL GRADES TO SLOPE AWAY FROM BUILDING



3 NORTH (FRONT)
1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"

2 SOUTH ELEVATION
1/4" = 1'-0"

Schedule 'A'
DVP PL2021-9200

THIS DRAWING MUST NOT BE SCALED. VERIFY ALL DIMENSIONS AND DATUMS PRIOR TO COMMENCEMENT OF WORK. REPORT ALL ERRORS AND OMISSIONS TO THE DESIGNER. VARIATIONS AND MODIFICATIONS ARE NOT ALLOWED WITHOUT WRITTEN PERMISSION FROM THE DESIGNER. THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DESIGNER.

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129 Naniamo Ave. West
Penticton, BC
250.328.4740

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www.haywooddesignbuild.com

PREPARED FOR:

No.	Description	Date
1	ISSUE FOR VARIANCE PERMIT -POST TPC	JAN. 18, 2022

296 WINDSOR AVENUE - RENO + ADDITION

ELEVATIONS

Project Number	2020-38
Date	2022-01-18
Drawn By	DH
Checked By	DH

A4.0

Scale: As indicated

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The Corporation of the City of Penticton

Bylaw No. 2020-34

A Bylaw to Amend Zoning Bylaw ~~2017-08~~ 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 ~~2017-08~~ 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. 2020-34".

2. **Amendment:**

2.1 Zoning Bylaw No. ~~2017-08~~ 2021-01 is hereby amended as follows:

Rezone Lot 7 District Lot 251 Similkameen Division Yale District Plan 6116 Except Plan M13211, located at 2644 South Main Street from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	18	day of	August, 2020
A PUBLIC HEARING was held this	1	day of	September, 2020
A SECOND PUBLIC HEARING was held	16	day of	November, 2021
READ A SECOND time this	16	day of	November, 2021
READ A THIRD time this	16	day of	November, 2021
ADOPTED this		day of	, 2021

Notice of intention to proceed with this bylaw was published on the 21 day of August, 2020 and the 25 day of August, 2020 and on the 9 day of November, 2021 and the 10 day of November, 2021 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone
2644 South Main St.

From R1 (Large Lot Residential) To
RM2 (Low Density Multiple Housing)

City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2020-34

Date: _____ **Corporate Officer:** _____

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	15	day of	February, 2022
RECEIVED the approval of the Ministry of Transportation on the	24	day of	February, 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*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this 24th day of February, 2022

Robert Bitte
for Minister of Transportation & Infrastructure

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:** _____

The Corporation of the City of Penticton

Bylaw No. 2022-10

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. 2022-10".

2. **Amendment:**

2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

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).

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

READ A FIRST time this	15	day of	February, 2022
A PUBLIC HEARING was held this	1	day of	March, 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 22 day of February, 2022 and the 23 day of February, 2022 in the Penticton Herald newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

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:** _____

Council Report

penticton.ca

Date: March 1, 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 Agricultural Land Reserve (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 Agricultural Land Commission (ALC) with support.

Background

This application was introduced to Council on February 15, 2022. The ALR Exclusion application process involves the local government holding a public hearing, which is scheduled for March 1, 2022. Following the public hearing, Council must choose to either forward this ALR Exclusion application to the ALC with Council's support (staff recommendation), or choose to not forward the proposal to the ALC (alternate recommendation). If Council forwards the application to the ALC, the ALC is the final decision making authority on excluding the lands from the ALR.

Staff's full analysis of this item is contained in the February 15th Council Report (Item 10.11). In summary, staff recommend forwarding the application to the ALC with support because the lands under consideration for ALR exclusion are identified for residential development by the Official Community Plan (OCP) Future Land Use Plan.

Alternate Recommendation

After the Public Hearing, should Council decide to not support the ALR exclusion application, staff recommend the Council pass the alternate recommendation. As outlined in the February 15th Council report, the OCP contains policies for the preservation of agricultural land. If Council were to consider the alternate recommendation, staff recommend that Council give direction to amend the OCP Future Plan Use Map to remove the lands from the Detached Residential designation and include the lands in the Agricultural designation to further protect the lands from non-agricultural development.

THAT Council not forward the Agricultural Land Reserve (ALR) Exclusion Application for 610 Pineview Road to the Agricultural Land Commission (ALC).

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.

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

Director of Development Services	Chief Administrative Officer
BL	DvD