



**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](http://www.penticton.ca)

**Tuesday, March 15, 2022**  
**at 1:00 p.m.**

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**
  - 6.1 Minutes of the March 1, 2022 Regular Council Meeting 1-7 Adopt
7. **Consent Agenda:**

*Recommendation: THAT Council approve the Consent Agenda.* 8-25

*Consent Agenda:*

  1. *Minutes of the March 1, 2022 Committee of the Whole Meeting;*
  2. *Minutes of the March 1, 2022 Public Hearing;*
  3. *Heritage and Museum Advisory Committee Meeting Draft Minutes of March 2, 2022;*  
 Miller
  4. *Economic Prosperity and Development Services Advisory Committee Meeting Draft Minutes of March 4, 2022;*  
 Watt
  5. *Arts, Creative and Cultural Innovation Advisory Committee Meeting Draft Minutes of March 4, 2022;*  
 Regehr
  6. *Release of Items from Closed Meeting:*  
 THAT Council accept the resignation of Gerald Buzzell from the Heritage and Museum Advisory Committee;  
 AND THAT Council appoint Peter Achtem and Emily Fitzowich to the Heritage and Museum Advisory Committee.  
 THAT Council accept the resignation of Gary Dean, Julia Barber and Michaela Wooldridge from the Parks and Recreation Advisory Committee;

AND THAT Council appoint Cameron Baughen, Joanna Grimaldi and Raymond Stassi to the Parks and Recreation Advisory Committee.

THAT Council accept the resignation of Sharon Fletcher and Frank Conci from the Economic Prosperity and Development Services Advisory Committee;

AND THAT Council appoint Walter Sobool and Anthony Policicchio to the Economic Prosperity and Development Services Advisory Committee.

THAT Council accept the resignation of Aaryn Secker from the Safety and Security Advisory Committee;

AND THAT Council appoint Susan Greba to the Safety and Security Advisory Committee.

## 8. Staff Reports:

Haddad	8.1	Downtown Business Improvement Area Bylaw No. 2022-09 <i>Staff Recommendation:</i> THAT Council direct staff to proceed with the renewal process for the Business Improvement Area (BIA) for a further five-year period; AND THAT Council approve the initiative petition process whereby Council gives notice of its intention to adopt the Downtown Business Improvement Area Bylaw unless it is objected to by a majority of the owners representing at least one-half of the value of the properties in the specified area; AND THAT Council approve the notice which will be published March 23 and 30 and sent to each affected property owner; AND THAT Council give first, second and third reading to "Downtown Business Improvement Area Bylaw No. 2022-09".	26-39
Coates/Lewis	8.2	In-Year Grant Requests: Jean Minguy Memorial Police Youth Academy, the Cat's Paw Productions Society, and the Okanagan Fest of Ale Society <i>Staff Recommendation:</i> THAT Council approve the following in-year grant requests for 2022 as listed below and fund the additional grant budget through administrative savings: <ul style="list-style-type: none"><li>• \$3,000 cash to the Jean Minguy Memorial Police Youth Academy;</li><li>• \$500 cash to the Cat's Paw Productions Society; and</li><li>• \$4,000 in-kind to the Okanagan Fest of Ale Society.</li></ul>	40-42
Johnson	8.3	Cleland Theatre AV Equipment Upgrades <i>Staff Recommendation:</i> THAT Council direct the Manager of Recreation, Arts & Culture to prepare and submit an application to the Canada Cultural Spaces Fund requesting \$410,000 for the Cleland Theatre Audio/Visual (AV) Equipment Upgrade project.	43-79
Kassian	8.4	Blue Communities Project Delegation <i>Staff Recommendation:</i> THAT the City continue to support sustainable practices in our community through strategic initiatives related to the design and operation of our public infrastructure including water and wastewater systems and continue to increase the number of publicly available water bottle fill stations at City owned facilities and parks to reduce reliance on bottled water.	80-83
Robson	8.5	City of Penticton and Regional District of the Okanagan Similkameen Agreement to Process Biosolids from the Okanagan Falls Waste Water Treatment Facility <i>Staff Recommendation:</i> THAT Council approve the "Biosolids Acceptance Agreement" for the Okanagan Falls (Ok Falls) Waste Water Treatment Facility between the City of Penticton and the Regional District of the Okanagan Similkameen (RDOS) for a 5-year term as contained in Attachment "A" to this report; AND THAT Council authorize the Mayor and Corporate Officer to execute the Agreement.	84-90

- Vere 8.6 1201 Moosejaw Street: Request for Notice on Title 91-99  
Re: 1201 Moosejaw Street  
*Staff Recommendation:* THAT the owner of 1201 Moosejaw Street (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 1, District Lot 7 Similkameen Division Yale District, Plan 10265, located at 1201 Moosejaw Street, stating the following: "Failure to obtain 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.
- Collyer 8.7 Zoning Amendment Bylaw No. 2022-14 100-127  
Development Permit PL2021-9222  
Re: 273 Scott Avenue  
*Staff Recommendation:* THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-14", a bylaw to rezone Lot 1 District Lots 202 and 250 Similkameen Division Yale District and of District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8161, located at 273 Scott Avenue, from the RD1 (Duplex Housing) zone to the RM2 (Low Density Multiple Housing) zone; AND THAT Council forward "Zoning Amendment Bylaw No. 2022-14" to the April 5, 2022 Public Hearing;  
AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-14", require the applicant to pay \$9,500 for the cost of a new fire hydrant to meet multifamily development spacing requirements;  
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-14", approve "Development Permit PL2021-9222" for Lot 1 District Lots 202 and 250 Similkameen Division Yale District and of District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8161, located at 273 Scott Avenue, a permit to approve the form and character of a proposed 8-unit cluster housing development on the subject property.
- Collyer 8.8 Development Variance Permit PL2022-9262 128-140  
Re: 2703 Hawthorn Drive  
*Staff Recommendation:* THAT Council approve "Development Variance Permit PL2022-9262" for Lot 15 District Lot 2710 Similkameen Division Yale District Plan EPP69185, located at 2703 Hawthorn Drive, a permit to vary Section 5.4.2.1 and Section 5.4.2.2 of Zoning Bylaw 2021-01 to increase the maximum height of a retaining wall to 3.41m above approved grade.

9. **Public Question Period**

10. **Recess to a Closed Meeting:**

*Resolution:* THAT Council recess to a closed meeting of Council pursuant to the provisions of the Community Charter as follows: Section 90 (1)

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

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

12. **Bylaws and Permits:**

Collyer	12.1	Zoning Amendment Bylaw No. 2022-11 Development Variance Permit PL2021-9160 Re: 220 Nelson Avenue	141-145	2 <sup>nd</sup> /3 <sup>rd</sup> /Adopt Approve
Collyer	12.2	Zoning Amendment Bylaw No. 2022-12 Re: 1701 Fairford Drive	146-147	2 <sup>nd</sup> /3 <sup>rd</sup>
Collyer	12.3	Zoning Amendment Bylaw No. 2022-13 Re: 1196 Fairview Road	148-149	2 <sup>nd</sup> /3 <sup>rd</sup>

13. **Business Arising**

14. **Council Round Table**

15. **Public Question Period**

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

16. **Adjournment**

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

**Tuesday, March 1, 2022**  
**at 1:00 p.m.**

**Present:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Watt

**Absent:** Councillor Sentes

**Staff:** 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  
Paula McKinnon, Deputy Corporate Officer

**1. Call to Order**

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

**2. Introduction of Late Items**

**3. Adoption of Agenda**

**It was MOVED and SECONDED**

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

**CARRIED UNANIMOUSLY**

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

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

**5. Reconvene the Regular Council Meeting**

Council reconvened the Regular Council Meeting at 1:17 p.m.

**6. Adoption of Minutes:**

6.1 Minutes of the Regular Meetings of Council

55/2022

**It was MOVED and SECONDED**

THAT Council adopt the minutes of the February 15, 2022 Regular Meeting of Council as presented.

**CARRIED UNANIMOUSLY**

**7. Consent Agenda:**

56/2022

**It was MOVED and SECONDED**

THAT Council approve the 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;
4. Parks and Recreation Advisory Committee Meeting Draft Minutes of February 14, 2022;
5. Community Sustainability Advisory Committee Meeting Draft Minutes of February 16, 2022.

**CARRIED UNANIMOUSLY**

**8. Committee and Board Recommendations**

**9. Correspondence**

**10. Staff Reports:**

10.1 Sportsplex Surface Replacement

57/2022

**It was MOVED and SECONDED**

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.

**CARRIED  
Councillor Miller, Opposed**

10.2 Energy Audit Financing

58/2022

**It was MOVED and SECONDED**

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.

**CARRIED UNANIMOUSLY**

10.3 Active Transportation Grant Funding Opportunity

59/2022

**It was MOVED and SECONDED**

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.

**DEFEATED**

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

60/2022

**It was MOVED and SECONDED**

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; and
- Green Avenue (Highway 97 to South Main Street), with design and construction in 2023, at an estimated total project cost of \$2.2M;

AND THAT Staff conduct further evaluation of the Lakeshore Drive (Riverside Drive to Martin Street) project.

**CARRIED**

**Councillor Miller, Opposed**

10.4 Development Permit PL2021-9095

Re: 903 Vernon Avenue

61/2022

**It was MOVED and SECONDED**

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".

**CARRIED**

**Councillor Miller, Opposed**

Council recessed the meeting at 2:44 p.m. and reconvened the meeting at 2:59 p.m.

10.5 Zoning Amendment Bylaw No. 2020-46  
Development Variance Permit PL2020-8782  
Re: 665 Westminster Avenue East

62/2022

**It was MOVED and SECONDED**

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.

**CARRIED  
Councillor Miller, Opposed**

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

63/2022

**It was MOVED and SECONDED**

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.

**CARRIED UNANIMOUSLY**

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

64/2022

**It was MOVED and SECONDED**

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.

**CARRIED UNANIMOUSLY**

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

65/2022

**It was MOVED and SECONDED**

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.

**CARRIED UNANIMOUSLY**

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

66/2022

**It was MOVED and SECONDED**

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".

**CARRIED UNANIMOUSLY**

**11. Public Question Period**

**12. Recess into a Closed Meeting**

67/2022

**It was MOVED and SECONDED**

THAT Council recess at 4:28 p.m. 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.

**CARRIED UNANIMOUSLY**

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

Councillor Miller left the meeting at 7:18p.m.

**14. Bylaws and Permits**

14.1 Zoning Amendment Bylaw No. 2020-34  
Re: 2644 South Main Street

68/2022

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2020-34".

**CARRIED UNANIMOUSLY**

14.2 Zoning Amendment Bylaw No. 2021-38  
Re: 726, 738, 750 Westminster Avenue West

69/2022

**It was MOVED and SECONDED**

THAT Council adopt "Zoning Amendment Bylaw No. 2021-38".

**CARRIED UNANIMOUSLY**

14.3 Zoning Amendment Bylaw No. 2022-10  
Re: 585 Jermyn Avenue

70/2022

**It was MOVED and SECONDED**

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-10".

**CARRIED UNANIMOUSLY**

Councillor Miller returned to the meeting at 7:20 p.m.

**15. Land Matters**

15.1 Agricultural Land Reserve Exclusion Application  
Re: 610 Pineview Road

71/2022

**It was MOVED and SECONDED**

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.

**CARRIED**  
**Councillors Bloomfield and Miller, Opposed**

**16. Notice of Motion**

**17. Business Arising**

72/2022

**It was MOVED and SECONDED**

THAT Council direct staff to send a letter to the Minister of Health, with a copy to Interior Health, requesting a Car program in Penticton to support the health and safety of the community.

**CARRIED UNANIMOUSLY**

**18. Council Round Table**

**19. Public Question Period**

**20. Adjournment**

73/2022

**It was MOVED and SECONDED**

THAT Council adjourn the regular meeting of Council at 7:41 p.m.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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

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

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

**Tuesday, March 1, 2022**  
**Recessed from the Regular Council Meeting at 1:00 p.m.**

**Present:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Watt

**Absent:** Councillor Sentes

**Staff:** 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  
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 March 1, 2022 be adopted as presented.

**CARRIED UNANIMOUSLY**

3. **Delegations:**

3.1 FortisBC Renewable Gas News Release: Comprehensive Review

Shelly Martens, Community and Indigenous Relations Manager, and Brooklyne Maligaspe, FortisBC, provided Council with a presentation on renewable gas and decarbonization and also informed Council of FortisBC's recent application to the British Columbia Utilities Commission (BCUC).

4. **Adjourn to Regular Meeting**

**It was MOVED and SECONDED**

THAT Council adjourn the Committee of the Whole meeting held March 1, 2022 at 1:17 p.m. and reconvene the Regular Meeting of Council.

**CARRIED UNANIMOUSLY**

Certified correct:

Confirmed:

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Angie Collison  
Corporate Officer

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John Vassilaki  
Mayor

**Public Hearing**  
held electronically and at City Hall, Council Chambers  
171 Main Street, Penticton, B.C.

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

**Present:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Watt

**Absent:** Councillor Sentes

**Staff:** Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Angela Campbell, Acting General Manager, Finance & Administration  
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  
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. 2022-10.

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

**2. "Zoning Amendment Bylaw No. 2022-10" (585 Jermyn Avenue)**

The purpose of "Zoning Amendment Bylaw No. 2022-10" is to amend Zoning Bylaw No. 2021-01 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).

The applicant intends to rezone the property to allow three units.

The Corporate Officer advised that one letter 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.

- Applicant available to answer questions.

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

- Lyn Kelsey, Oakville Street, stated that the property is evolving, raised concern about any potential impacts to church parking on Jermyn Avenue.

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. 2022-10” was terminated at 6:07 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

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

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

**Public Hearing**  
held electronically and at City Hall, Council Chambers  
171 Main Street, Penticton, B.C.

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

**Present:** Mayor Vassilaki  
Councillor Bloomfield  
Councillor Miller  
Councillor Regehr  
Councillor Robinson  
Councillor Watt

**Absent:** Councillor Sentes

**Staff:** Donny van Dyk, Chief Administrative Officer  
Angie Collison, Corporate Officer  
Angela Campbell, Acting General Manager, Finance & Administration  
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  
Paula McKinnon, Deputy Corporate Officer

**1. Call to order**

Mayor Vassilaki called the public hearing to order at 6:07 p.m. for "Agricultural Land Reserve Exclusion Application for 610 Pineview Road".

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

**2. "Agricultural Land Reserve Exclusion Application (ALR) for 610 Pineview Road"**

The purpose of "Agricultural Land Reserve Exclusion Application for 610 Pineview Road" is as follows:

To exclude 3.8 hectares/9.3 acres from 610 Pineview Road, Lot 1 District Lot 2710 Similkameen Division Yale District Plan EPP22470.

The applicant intends to develop a residential subdivision on the subject property.

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

### **DELEGATIONS**

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

- Brad Elenko via Zoom, Applicant, provided timeline and history of the application and the Agricultural Land Commission (ALC) approval to date, stated land has been excluded from ALR with conditions. The OCP changed to 'detached residential' in 2005, supported by Council and public in 2011 and 2019 resulting in 16-year process to date. Commented that only 30% of land is available for agriculture, challenging to make land work from a farming perspective.
- Georgia and Tammy Zenic, Pineview Road, spoke in opposition to the application. Purchased home because of orchard and view of lake being permanent fixtures. Commented that homes would disrupt their view. Asked that owners consider option of selling the land as a peach orchard rather than subdividing.
- Lynn Lockhardt via Zoom, Property Owner of one of the properties considered for exclusion in original application. Commented that the review of these properties took place years ago. Does not agree if applicant is trying to expedite process by submitting new application, however, if it is a follow-up to the original application then has no issues with it.
- Henry Tessen, Pineview Road, participated in Community Planning process and opposed the exclusion of ALR land. Noted Agricultural Advisory Committee denied application twice. Residential developments have been prioritized over protecting agricultural land. Does not feel ALR land should be given up, times have changed from 17 years ago. Recommended that Council deny the exclusion application and amend the OCP designation from detached residential to agriculture.
- Lori Goldman via Zoom, Dauphin Avenue, concerned about climate and development that takes up our food sustainability and leaves us at risk of fire. Concerned development may cause water issues, expanding on the hills needs to be considered now that we have experienced heat dome, smoke and frightening situation last year. Food and water sustainability and climate adaptation needs to be taken into consideration, should densify what we already have.
- Roland Curnow, Juniper Drive, did not receive notice of Public Hearing but spoke with neighbours. Inquired whether a new proposal is required to the ALR. Expressed that money already spent on project is irrelevant. Two construction projects end of street that are not compliant with noise, dust and work safe laws, concerned the same would happen with this project, spent a lot of money to have a home with a view, does not want to listen to construction. ALR was put in place to conserve Agricultural land, many reasons Agricultural land is needed in BC and Canada.
- John Bilodeau via Zoom, Poplar Grove Road, agrees with previous speaker, too much agricultural land is being lost each year to urban sprawl, Province responded by introducing BC Lands Commission Act to help farmers and farming. Concerned about a precedent being set by taking land away from the ALR to support more housing. Penticton is a gem with agricultural patches being ripped out. Shoulder-to-shoulder unimaginative cul-de-sacs are a dated concept, if land needs to be taken out of ALR, should get more creative with the land. Hopes the farmland will remain as farmland.
- Dori Lionello, Juniper Drive, commented if land is developed her view will improve. Expressed when people buy land in an agricultural area, they expect the ALR land to

remain. Commented that she is pro development but not at the cost of losing farmland. OCP needs to be cross-checked with ALR land. Commented various wildlife in the area, would be a shame to lose this.

- Elizabeth Cucnik via Zoom, Valleyview Road, echoes the sentiment of all previous speakers about supporting the integrity of the landscape, consider the value and history of the area. Expressed opposition to the application. Commented that development would affect their view. Consider treating land as a historical monument of Penticton.
- Nicole MacMillan, Juniper Drive, did not receive notice of Public Hearing, husband saw the sign. Echoes all previous speakers. Purchased home two years ago, their forever home, purchased because of the agricultural land in front. Hopes Council will keep the land agricultural.
- Al and Allison Caputo via Zoom, Juniper Drive, did not receive notice. Purchased home with understanding that land around them would not be developed. Provided a letter to Council. Echoes many concerns raised by previous speakers. Expressed opposition to the proposal.
- Colleen Potter via Zoom, Pineview Road, submitted letter to Council. Commented that she is in agreement with all concerns raised by previous speakers. Consider relooking at OCP. Commented on importance on preserving farmland and greenspace which makes Penticton special and was the reason for moving to the City.

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.

- Figuera, Daughter-in-law, commented that father-in-law started process slowly with neighbours with lots of help, paid for it all and gave land away. Some subdivisions are existing because of land donated from her father-in-law.
- Brad Elenko via Zoom, Applicant, responded to concerns regarding the land being ALR, stated the ALC's mandate is to preserve agricultural land and it was that body that excluded the land for specific reasons with some conditions. Commented there was a push from City to look at areas that might be developed. Mr. Figera donated a portion of Pineview Road, dedicated to services. Expressed comments from speakers who recently purchased properties are unfair, OCP is the long-term plan for these lands and they have been designated residential-use. Agricultural policies don't apply for these lands.

The public hearing for "Agricultural Land Reserve Exclusion Application for 610 Pineview Road" was terminated at 7:17 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

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Angie Collison  
Corporate Officer

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John Vassilaki  
Mayor

## Heritage & Museum Advisory Committee Meeting

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

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

**Council Liaison:** James Miller, Councillor

**Staff:** Blake Laven, Director of Development Services  
Anthony Haddad, General Manager of Community Services  
Kelsey Johnson, Manager of Recreation, Arts, and Culture  
Len Robson, Public Works Manager  
JoAnne Kleb, Public Engagement Program Manager  
Rebecca Van Huizen, Legislative Assistant

**Regrets:** Dennis Oomen, Museum Manager

1. **Call to Order**

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

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Heritage and Museum Advisory Committee adopt the agenda for the meeting held on March 2, 2022 as presented.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

3.1 Minutes of the February 2, 2022 Heritage and Museum Advisory Committee

**It was MOVED and SECONDED**

THAT the Heritage and Museum Advisory Committee adopt the minutes of the February 2, 2022 meeting as presented.

**CARRIED UNANIMOUSLY**

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

##### 4.1 Civic Places and Spaces Engagement Update

Councillor Miller joined the meeting at 1:10 p.m.

The Public Engagement Program Manager displayed a PowerPoint presentation on the update of the Civic Places and Spaces Engagement Process and anticipated next steps.

The floor was opened to the Committee Members for questions and comments.

A Committee Member thanked staff for adding heritage comments and summary into the engagement update.

##### 4.2 Neighborhood Heritage Value Review

The Public Engagement Program Manager and Director of Development Services presented the proposed project work plan for the Committees information and displayed a PowerPoint.

The floor was opened to the Committee Members for questions and comments. Committee Members thanked staff for putting the Neighborhood Heritage Value Review together.

A Committee Member questioned if the review goes far enough. Excited about the heritage consultant as bringing them in will help to achieve the goals outlined. The Committee Member indicated that it would make more sense to do workshops with each neighborhood, so that they could each raise their concerns and staff could learn how the property owners see their individual neighborhoods. They noted that going to public review first is putting the cart before the horse. They also felt that there is not enough input from the Committee based on the flow chart that was presented and that the Terms of Reference for this process is not clear.

A Committee Member confirmed that the community-led heritage reports/reviews referenced on the PowerPoint presentation included the Heritage Report from Peter Achtem. Staff responded that yes, the Heritage Report from Mr. Achtem will inform this work as well as other reports from the other areas that have been received to date.

A Committee Member questioned what would the timeline be for this process. Staff expect this process to take 6-8 months, but noted this is depending on hiring the heritage consultant. Staff noted to the Committee that there are Council touchpoints and Committee touchpoints that are required throughout this process. A Committee Member brought up that if this process takes 6-8 months, then there is the potential to lose more heritage structures and buildings if they have active development proposals. Staff noted to the Committee that owners and developers have certain rights to build and develop under the current development bylaws.

A Committee Member expressed excitement about the indigenous consultations piece and wanted clarity on whether that will include consultation with the Penticton Indian Band on certain development proposals on the 3 presented area maps. Staff responded that the City is in discussions with the Penticton Indian Band on how best to advise them of active developments that are occurring. A Committee Member also expressed concern about the proposed 6-8 months' timeline for the process as they reiterated the same comment that the

City will continue to lose all the heritage that they are trying to save. Asked staff if there was a way to put something in place now to slow down the loss of heritage.

Staff noted that there is no way to expedite this process that wouldn't cause backlash and opposition to the project in those areas. Staff shared the goal is to build excitement and consensus in the neighbourhoods on what makes each are special and that will take time. A Committee Member inquired if there was a way to do a workshop between the Heritage and Museum Advisory Committee and staff to go over the details of the heritage review.

Councillor Miller provided anecdotal comments regarding a specific development proposal on Spiller Road that went before Council last year and the engagement that happened with the Penticton Indian Band regarding that development. Noted that he would like staff to utilize the expertise of the Heritage and Museum Advisory Committee on more projects.

The Public Engagement Program Manager noted to the Committee that a workshop separate from a Committee meeting would be a great way for the Committee Members to provide their individual input to staff. Staff committed to organize a workshop with interested committee members to further refine the process to conduct the review.

A Committee Member questioned if this workshop could include neighborhood ambassadors from the proposed areas of Lakeshore Drive, Front Street, and the Windsor Area to better include their ideas in the process. Staff noted that this is something that they can look into.

#### 4.3 2022 Light Scroll Project - Update

The Public Works Manager presented a PowerPoint presentation on the Light Scroll Project.

The floor was opened to the Committee Members for questions and comments. Committee Members provided their individual input on design and where the best locations would be within the City.

A Committee Member suggested that the one advantage to the Light Scroll Project is that it will help to light up that specific area as some locations are seen as a 'trouble' spot and the project would assist in lighting up that area and reducing the mischief down there during summer months. A Committee Member suggested replicating the design of the previous light scroll to acknowledge that it is representing heritage loss. A Committee Member noted that with this light scroll project it will help to encourage the public come out and explore the City and will add to that sense of community. A Committee Member questioned staff if the Light Scroll will be lit all year round. Staff indicated the intention is this will be a year round fixture. The benefit and feature of a year round fixture is during the summer they can be multi-purpose. Noted to the Committee that the \$100,000 cost in the presentation is for just one Light Scroll. A Committee Member suggested a plaque in front of the Light Scroll to commemorate heritage that has been lost.

Staff indicated the next steps would be to present the Light Scroll Project Update to the Arts, Creative & Cultural Innovations Committee and then plan to come back at the next scheduled Heritage and Museum Advisory Committee Meeting with more finalized details.

## 5. **Next Meeting**

The next Heritage and Museum Advisory Committee meeting is tentatively scheduled to be held on April 6, 2022 at 1:00 p.m.

6. **Public Question Period**

7. **Adjournment**

**It was MOVED and SECONDED**

THAT the Heritage and Museum Advisory Committee adjourn the meeting held on March 2, 2022 at 2:33 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Rebecca Van Huizen  
Legislative Assistant

DRAFT

## Economic Prosperity and Development Services Advisory Committee Meeting

to be held via Zoom  
Friday, March 4, 2022  
at 8:00 a.m.

**Present:**

Sean Ingraham, Chair  
Cary Berger  
Derek Badger  
Diane Kereluk  
Drew Barnes  
Jeff McGinley  
Judy Richards  
Kelly Mercer  
Larry Olson  
Sandra Oldfield

**Council Liaison:**

John Vassilaki, Mayor  
Campbell Watt, Councillor

**Staff:**

Anthony Haddad, General Manager of Community Services  
Blake Laven, Director of Development Services  
Carly Lewis, Economic Development Manager  
JoAnne Kleb, Public Engagement Program Manager  
Rebecca Van Huizen, Legislative Assistant

**Regrets:**

Alexandra Nuth  
Brian Murphy  
Chris Allen  
Eric Corneau  
Josie Tyabji  
Nathan Little

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

The Economic Prosperity and Development Services Advisory Committee meeting was called to order by the Chair at 8:02 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 March 4, 2022 as presented.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

- 3.1 Minutes of the February 11, 2022 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 February 11, 2022 meeting as presented.

**CARRIED UNANIMOUSLY**

4. **New Business**

- 4.1 Civic Places and Spaces Engagement Update

The Public Engagement Program Manager displayed a PowerPoint presentation on the results of the Civic Places and Spaces Engagement Update process and anticipated next steps.

The floor was opened to the Committee Members for questions and comments.

A Committee Member asked about the timeline to advance the proposals. Staff noted the timeline will be driven by the needs of facilities. Staff also noted that all of these proposed projects are very different in their scope and costs which will be subject to grants, annual budget, and borrowing processes. A Committee Member questioned staff if there was any feedback provided by the Okanagan Hockey School regarding the Twin Arenas. Staff replied that they have received letters of support and are very supportive of a new arena as it provides a big opportunity to bring in tournaments and increase economic development.

A Committee Member noted that they were aware of comments from those worried about losing housing in the North Gateway. Staff responded that they are engaging with members of the public and noted there is a potential for housing to be included in some of these projects.

- 4.2 North Gateway Engagement Summary

This Public Engagement Program Manager displayed a PowerPoint presentation providing an update on the North Gateway Engagement Summary.

The General Manager of Community Services provided additional comments on the North Gateway Engagement Summary and went over next steps.

The floor was opened to the Committee Members for questions and comments.

A Committee Member asked staff if there was any special engagement with the community with those who may be displaced through the North Gateway revitalization. Staff noted that they have begun communication with affected property owners. Staff clarified that the Official Community Plan and Zoning of properties will not change through this process. A Committee Member asked if staff have received any feedback from the public regarding concerns of losing the quaintness and small town feel of the downtown. Staff responded that the City is trying to find the balance of retaining the small town and community features but also recognizing that growth in the City is happening very quickly.

- 4.3 Public Realm Project

The General Manager of Community Services displayed a PowerPoint presentation on upcoming Capital Plan Projects. Noted that this update was at the request of the Committee at the previous Economic Prosperity and Development Services Committee Meeting.

5. **Next Meeting**

The next Economic Prosperity and Development Services Advisory Committee meeting is tentatively scheduled to be held on Friday, April 8, 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 March 4, 2022 at 8:46 a.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Rebecca Van Huizen  
Legislative Assistant

## Arts, Creative and Cultural Innovations Advisory Committee Meeting

held via Zoom  
Friday, March 4, 2022  
at 1:00 p.m.

**Present:**

Timothy Tweed, Chair  
Brenda Longland, Vice Chair  
Anita Petersen  
Calvin Meiklejohn  
Juliana Buitenhuis  
Kim Palmer  
Paul Crawford

**Council Liaison:**

Frank Regehr, Councillor

**Staff:**

Anthony Haddad, General Manager of Community Services  
Blake Laven, Director of Development Services  
JoAnne Kleb, Public Engagement Program Manager  
Kelsey Johnson, Manager of Recreation, Arts & Culture  
Len Robson, Public Works Manager  
Rebecca Van Huizen, Legislative Assistant

**Regrets:**

Erica Stewart  
Mairoula Dimopoulos

1. **Call to Order**

The Arts, Creative and Cultural Innovations Advisory Committee was called to order by the Chair at 1:05 p.m.

2. **Adoption of Agenda**

**It was MOVED and SECONDED**

THAT the Arts, Creative and Cultural Innovations Advisory Committee adopt the agenda for the meeting held on March 4, 2022 as amended to include Item 4.3 d) South Okanagan Similkameen Arts Society (SOS Arts) verbal update.

**CARRIED UNANIMOUSLY**

3. **Adoption of Minutes**

3.1 Minutes of the January 21, 2022 Arts, Creative and Cultural Innovations Advisory Committee

**It was MOVED and SECONDED**

THAT the Arts, Creative and Cultural Innovations Advisory Committee adopt the minutes of the January 21, 2022 meeting as amended to update the word “Junior Premier” to “Juniorpreneur” on page three bullet point two.

**CARRIED UNANIMOUSLY**

The Chair reminded the Committee Members to please try and attend the meetings on time as at the last meeting, Committee Members and staff were waiting for 15 minutes to achieve quorum.

4. **New Business**

4.1 Civic Places and Spaces Engagement Update

The Public Engagement Program Manager displayed a PowerPoint presentation providing the results of the Civic Places and Spaces Engagement process and anticipated next steps.

Paul Crawford entered the meeting at 1:19 p.m.

The floor was opened up to the Committee Members for questions and comments.

A Committee Member suggested that coming up with a phased master plan for the replacement of the buildings as this would help to identify timelines and locations of buildings. A Committee Member questioned how the existing buildings will be kept functional while working through this process. Staff responded that the City has an existing Capital Program to keep the buildings safe and operational.

4.2 2022 Light Scroll Project Update

The Public Works Manager displayed a PowerPoint presentation providing an update on the Light Scroll Project and anticipated next steps.

The floor was opened up to the Committee Members for questions and comments. Committee Members provided their individual input on design and where the best locations would be within the City.

A Committee Member asked if there was an opportunity to put this out to bid to encourage those working in trades or from Okanagan College to apply. Staff responded that once the final design is completed, the City would then go out for a Request For Proposal (RFP) process. A Committee Member suggested that if the location is within the North Gateway area, there could be an opportunity to partner with developers to help offset costs. A Committee Member agreed with comments made by the Heritage and Museum Advisory Committee that the decorative scroll could be utilized to help light up certain areas and provide safety. A Committee Member asked if the money allocated for the light scroll will expire. Staff responded that the money allocated will not expire. Noted that when Staff goes to Council and gets the approvals, they would be planning to build within that budget year.

Staff indicated the next steps and noted they plan to come back at the next scheduled Arts, Creative & Cultural Innovations Advisory Committee Meeting with more finalized details.

#### 4.3 Representatives Update

##### a. Penticton Art Gallery

- Gearing up for next series of openings
- Next Saturday is last day of the Mike Sime exhibition
- Gearing up for Ignite the Arts Festival noted tickets are selling well
- Will be running over a 9 day period
- Grateful for support of BC Arts Council and City of Penticton
- Noted there are tons of free and paid programming – go to the Penticton Art Gallery and check it out!

##### b. Okanagan School of Arts

- Number of programs being launched
- Trying to align them with the Ignite the Arts Festival
- Excited to be offering a class in Introduction to American Sign Language on March 21
- Showtime! Community Theatre group is still recruiting
- Lots of great things coming down the pipelines
- Encouraged the public to go like the Okanagan School of Arts Facebook Page
- Noted biggest challenge is people find out about the programs
- Annual General Meeting will be happening in a couple weeks

##### c. Penticton Arts Council

- Mentioned that there was vandalism at the front door of Leir House.
- Expressed gratitude to City of Penticton for their financial assistance to help fix that

##### d. South Okanagan Similkameen Arts Society (SOS Arts)

- Noted there were a couple workshops during COVID
- Talking with Regional District of Okanagan Similkameen, gauge support to hold an information session – slated to be held electronically via Zoom on March 23 and 24.
- Developing a regional arts strategy

#### 5. **Next Meeting**

The next Arts, Creative and Cultural Innovations Advisory Committee meeting is tentatively scheduled to be held on Friday, April 8, 2022 at 1:00 p.m. via Zoom.

#### 6. **Public Question Period**

#### 7. **Adjournment**

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

THAT the Arts, Creative and Cultural Innovations Advisory Committee meeting held on March 4, 2022 be adjourned at 2:18 p.m.

**CARRIED UNANIMOUSLY**

Certified Correct:

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Rebecca Van Huizen  
Legislative Assistant

DRAFT

# Council Report

penticton.ca

**Date:** March 15, 2022 File No: 0550-20  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Anthony Haddad, General Manager Community Services  
**Subject:** **Downtown Business Improvement Area Bylaw No. 2022-09**

## Staff Recommendation

THAT Council direct staff to proceed with the renewal process for the Business Improvement Area (BIA) for a further five year period;

AND THAT Council approve the initiative petition process whereby Council gives notice of its intention to adopt the Downtown Business Improvement Area Bylaw unless it is objected to by a majority of the owners representing at least one-half of the value of the properties in the specified area;

AND THAT Council approve the notice which will be published March 23 and 30 and sent to each affected property owner;

AND THAT Council give first, second and third reading to "Downtown Business Improvement Area Bylaw No. 2022-09".

## Strategic priority objective

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

## Background

Established under Section 215 of the *Community Charter*, a Business Improvement Area allows Council to grant money to an applicant for the purpose of planning and implementing a business promotion scheme that is clearly outlined by bylaw.

At the request of the Downtown Penticton Business Improvement Association (DPBIA), this report is being brought forward to commence the process to support the downtown business community for the next five years – by creating Downtown Business Improvement Area Bylaw No. 2022-09. The goal of the DPBIA is to enable the development and undertaking of programs to improve and beautify the downtown, promote the downtown districts and businesses, bring customers to the downtown, stimulate the economy, and support the community – funded only by the downtown properties that are subject to the bylaw. These typically

include physical improvements, events and activities, promotional activities, art projects, advisory and advocacy, safety, and member communications.

The Downtown Penticton BIA was originally formed in 1997 and has been a community partner with the City, working together to create a vibrant, exciting downtown through the implementation of many priorities over the years. The DPBIA was created as a not-for-profit organization through a municipal bylaw that requires membership from all businesses within the DPBIA boundary. Funding for the DPBIA is through an annual special levy, paid through property taxed by the downtown property owners. The cost of a membership (levy) is calculated based on the commercial assessment of each parcel.

Subject to Section 215 of the *Community Charter*, the Business Promotion Scheme to be undertaken by the Downtown Penticton Business Improvement Association pursuant to the provisions of this bylaw shall encompass the following activities:

- General marketing and promotion of downtown Penticton including organization and/or support for large and small events;
- The improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in the business improvement area including the use of security cameras to safeguard infrastructure;
- The removal of graffiti from buildings and other structures in the business improvement area;
- The encouragement of business in the business improvement area including efforts towards potential new businesses and filling vacant spaces or properties.

Staff have worked with the DPBIA over the last few months to ensure the proposal being brought forward meets the legislative requirements for this process.

The boundary of the Downtown Penticton BIA is provided within Attachment B.

### **Proposed Bylaw & Process**

The proposed bylaw outlines the formula and cost allocation that is proposed for each of the property owners falling within the boundary of the DPBIA. As part of the upcoming process, each property owner subject to the levy that is located within the boundary will receive a letter stating specifically how much money on an annual basis will be levied through the BIA program.

A municipal council can initiate the establishment of a local area service by providing an opportunity for a petition against the proposed service, which means that the bylaw cannot be adopted if at least 50 percent of owners representing at least 50 percent of the assessed value of land and improvements that would be subject to the local tax sign a petition opposing the local area service.

Property owners will have 30 days to petition against the bylaw in order for the bylaw to not be successful. In order for a petition for a local area service to be denied, the petition must be signed by the owners of at least 50% of the parcels that would be subject to the local service tax, and the persons signing must be the owners of parcels that in total represent at least 50% of the assessed value of land and improvements that would be subject to the local service tax.

The boundary includes a total of 705 parcels of land, however those that can petition against the bylaw are properties that are subject to the levy within assessment Classes 5 & 6 (light industry and business), which total 313.

Should Council support the staff recommendation the process will commence over the coming week.

**Financial implication**

The fee that will be levied on Class 5 and Class 6 taxable land and improvements within the specified area is noted below in the table and is based on \$1,000 of general purpose assessments, subject to a maximum levy per roll of \$12,000.00, and a minimum of \$300.

The following table shows the proposed levy for the 2022-2026 period, including the annual increases. Also shown is the previous levied amounts for Council’s information.

Rate Scenarios for 2022-2026				Bylaw # 2017-12			
<b>Minimum:</b>	\$300			<b>Minimum:</b>	\$288		
<b>Maximum</b>	\$12,000			<b>Maximum</b>	\$2,888		
Year	Levy Amount	Rate*	% Increase	Year	Levy Amount	Rate*	% Increase
2022	\$303,523	1.0474	26.68%	2017	\$206,691	1.1000	
2023	\$315,664	1.0921	4.00%	2018	\$218,250	1.1000	5.59%
2024	\$328,290	1.1384	4.00%	2019	\$233,673	1.1000	7.07%
2025	\$341,422	1.1864	4.00%	2020	\$239,019	1.1000	2.29%
2026	\$355,079	1.2363	4.00%	2021	\$239,603	1.1000	0.24%
* per \$1,000.00 of assessed value on Class 5 and Class 6 taxable land and improvements							

**Alternate recommendations**

Council also have the following alternatives to consider with regards to this proposal.

**Petition for local service area**

In accordance with Section 212 of the *Community Charter*, petitions can also be initiated by local residents interested in receiving a service in their area, or in this case the DPBIA, on behalf of the downtown property owners. Because the threshold for obtaining the petition for the local area service is high (petition must be signed by at least 50 percent of the owners representing at least 50 percent of the assessed value of land and improvements that would be subject to the tax), this type of process is not typically followed with a BIA renewal process. Petitions that meet the threshold are usually the result of prior discussion with the municipality to ensure that the information outlined in the petition can be translated into a workable service and local area service bylaw.

In this case should Council wish to follow this process, the DPBIA would need to bring forward a petition signed by at least 50 percent of the owners representing at least 50 percent of the assessed value of land and improvements that would be subject to the tax.

**Not Support the proposed Bylaw**

Council may not choose to move forward with the proposed bylaw, and in that case, should direct staff to abandon the proposal. This would result in there being no BIA for the upcoming year.

**Amend the Proposed Bylaw**

Should Council wish to see changes to the proposed bylaw, Council can direct staff to work with the Downtown Penticton Business Improvement Association and make changes to the Downtown Business Improvement Bylaw. Specific direction should be provided to ensure that the bylaw reflects the wishes of Council.

**Attachments**

Attachment A – DPBIA request for renewal correspondence

Attachment B – Map of Downtown Penticton boundary

Attachment C – Newspaper advertisement

Attachment D – Downtown Business Improvement Area Bylaw No. 2022-09

Respectfully submitted,

Anthony Haddad  
General Manger Community Services

Concurrence

Director of Finance and Administration  <i>AMC</i>	Chief Administrative Officer  <b>DyD</b>
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DOWNTOWN  
PENTICTON

February 18, 2022

Memo To: Mayor Vassilaki and Council

From: Downtown Penticton Business Improvement Association Finance Committee

Subject: DPBIA 5-Year Renewal Levy Budget 2022-2026

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### Request

Downtown Penticton Business Improvement Association Levy Renewal Budget for approval as per the Business Improvement Area Bylaw for raising funds to enable the DPBIA to implement a *Business Promotion Scheme*.

### Executive Summary

The DPBIA is the City of Penticton's only business improvement association. The DPBIA is a non-profit organization that serves approximately 600 businesses and property owners in the downtown core area. Its mission is to promote and advocate for the interests of businesses and property owners within the BIA boundaries, which contributes to the economic, cultural, and social fabric of the wider community and the City of Penticton.

The five-year budget is attached for the Mayor and Council's review along with the Certificate of Liability Insurance from HUB International Insurance Brokers. This policy expires March 2022 and the new policy will be in place for 2023 prior to March 31, 2022.

The last five years, the levy remained at \$239,000, including the Graffiti Levy of \$28,800. This calculation is based on \$1.1000 per \$1000.00 of assessed value on Class 5 and Class 6 taxable land and improvements. The budget proposed indicates a slight increase to \$1.0474 to \$1.2363 per \$1000.00 of assessed value on properties over the next five years. Notably, the increase covers inflation.

Upon initial review of the budget, it shows an increase over the traditional levy however, this is a result of the DPBIA not having any inflationary increases included in the budget over the last 5-year term. This situation has been addressed in the 2022-2026 term by taking into account existing cost pressures and inflationary costs moving forward to 2026.

As this is a five-year budget, the DPBIA has included a 3.5 % inflation increase for products and services, as the DPBIA will not have the opportunity to revisit the levy each year.

We trust this executive summary provides enough detail for council to recognize and approve the continuation of this BIA funding which will allow the Downtown Penticton Business Improvement Association to continue operations.

Respectfully submitted by the Downtown Penticton Business Improvement Association Finance Committee and the Board of Directors.



## Downtown Penticton Business Improvement Association Five Year Renewal Levy Budget 2022 - 2026

DPBIA

Proposed 5 Year Budget

	2022	2023	2024	2025	2026	
<b>Revenue</b>						
Property Levy	274,723	285,856	297,439	309,491	322,030	Levy paid by property owners
Graffiti Removal Levy	<u>28,800</u>	<u>29,808</u>	<u>30,851</u>	<u>31,931</u>	<u>33,049</u>	Graffiti removal levy
<b>Subtotal - Levy Revenue</b>	<b>303,523</b>	<b>315,664</b>	<b>328,290</b>	<b>341,422</b>	<b>355,079</b>	
Graffiti Removal partnerships	33,000	34,155	35,350	36,588	37,868	City of Penticton & Waste Connection
Grants and Sponsorships	15,600	3,100	0	0	0	Remote Guard Service CoP Grant
Community Market Net	<u>70,000</u>	<u>80,000</u>	<u>90,000</u>	<u>90,000</u>	<u>90,000</u>	Market revenue less expenses = Net
<b>Sub-total other Revenue</b>	<b>118,600</b>	<b>117,255</b>	<b>125,350</b>	<b>126,588</b>	<b>127,868</b>	
<b>Total Annual Revenue</b>	<b>422,123</b>	<b>432,919</b>	<b>453,640</b>	<b>468,010</b>	<b>482,947</b>	<b>Total Revenue</b>
<b>Expenses</b>						
Programs and Events	65,000	67,275	69,630	72,067	74,589	
Promotions Advertising	30,000	30,000	32,137	33,262	34,425	
Graffiti Removal/Remote Guard	73,200	75,762	78,414	81,158	83,999	
Administration/Operations	66,468	65,866	72,653	73,688	74,825	
Wages and Benefits	187,455	194,016	200,806	207,835	215,109	
<b>Total Annual Expenses</b>	<b>422,123</b>	<b>432,919</b>	<b>453,640</b>	<b>468,010</b>	<b>482,947</b>	<b>Total Expenses</b>
<b>Net</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	



**Certificate of Liability Insurance**

This certificate of Insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by the policies scheduled herein. It is furnished as a matter of information only, confers no rights upon the holder and is issued with the understanding that the rights and liabilities of the parties will be governed by the original policy or policies as they may be lawfully amended by endorsement.

<b>Certificate Holder</b> City of Penticton 171 Main Street Penticton, BC V2A 5A9	<b>Name and address of Insured</b> Downtown Penticton Association Suite 3 - 212 Main Street Penticton, BC V2A 5B2
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Type of Insurance	Insurer	Policy Number	Deductible	Limits of Liability
Commercial General Liability	Certain Underwriters at Lloyd's of London, under UMR No. B0572NA20BN03	2009225	\$1,000 Bodily Injury/Property Damage Deductible  \$1,000 Personal Injury / Advertising Liability deductible  \$1,000 Non-Owned Automobile Liability Deductible	\$5,000,000 Bodily Injury & Property Damage – Each Occurrence  \$5,000,000 Products Completed Operations – Aggregate  \$5,000,000 Personal and Advertising Injury – Aggregate  \$5,000,000 Non-Owned Automobile Liability  \$250,000 Tenants Legal Liability – Any One Premises  Including Cross Liability

Policy Effective Date: March 31, 2021 to Policy Expiry Date: March 31, 2022

Operations Covered: Business Improvement Association Excluding: Parades, Bouncy Castles, Liquor Events, Rock/Metal/Hip-Hop/Rap Bands, Stunts, Pyrotechnics, Aircrafts, Races, Precision Driving, Mechanical Devices including Pony Rides, Film Productions, Water Activities

Additional Insured(s): City of Penticton, 171 Main Street, Penticton, BC V2A 5A9

It is hereby understood and agreed that City of Penticton is added as Additional Insureds to the above noted policy with respect to Commercial General Liability – but only with respect to the operations of the Named Insured. Policy limits are not increased by such addition.

**CANCELLATION NOTICE:**

Should the above described policy be cancelled before the expiration date thereof, the Insurer will endeavour to mail 30 days written notice to the Certificate Holder, but failure to mail such notice shall impose no obligation or liability of any kind upon either the Insurer or HUB International Insurance Brokers.

Issued at: Nanaimo, BC

HUB International Insurance Brokers

Date: March 29, 2021

Authorized Representative  
Debbie Cosman



# Schedule A to Downtown Business Improvement Area

Bylaw No. 2022-09

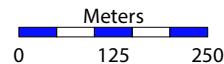
**Legend**

- Business Improvement Area (2022)
- Legal Parcel



**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.

1:10,000  
 February-23-17  
 9:03:57 AM



**Downtown Business Improvement Area – Bylaw No. 2022-09**

**TAKE NOTICE THAT** the Downtown Penticton Business Improvement Association (DPBIA) has requested that City Council establish (pursuant to Section 215 of the *Community Charter*) a Business Improvement Area, and to designate properties therein as a specified area for the purpose of raising funds to enable the Association to implement a Business Promotion Scheme within the Business Improvement Area. Pursuant to Section 215 of the *Community Charter*, a Business Promotion Scheme may include (a) general marketing and promotion of downtown Penticton including organization and/or support for large and small events, (b) the improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures, (c) the removal of graffiti, (d) the encouragement of business in a business improvement area.

It is the intention of the Municipal Council of the Corporation of the City of Penticton to establish a Business Improvement Area and to designate a specified area (as described below) for the purposes of imposing an annual levy for a period of five (5) years commencing May 1, 2022. The maximum amount to be raised in each of the five (5) years will be determined by the imposition of a levy (see chart) per \$1,000.00 of assessed value on Class 5 and Class 6 taxable land and improvements within the specified area on the basis of general purpose assessments subject to a maximum annual levy per roll of \$12,000.00 and a minimum levy per parcel of \$300. It should be noted that any change in assessed value will vary the amount of the levy.

Year	Levy Amount	Rate
2022	\$303,523	1.0474
2023	\$315,664	1.0921
2024	\$328,290	1.1384
2025	\$341,422	1.1864
2026	\$355,079	1.2363

All funding raised by the imposition of the levy will be expended only by the Downtown Penticton Business Improvement Association and only for projects provided for in the Association’s annual budget, which in each of the five (5) years must be approved by the members of the Association at its annual general meeting prior to submission to the City.

It is estimated that the sum of \$303,523.00 will be raised in the year 2022 based on the total 2022 assessed value of land and improvements of class 5 and 6 properties within the specified area.

**Description of Specified Area**

Generally lying South of Lakeshore Drive East between Ellis Street and Martin Street to Eckhardt Avenue to the South with some properties also on Haynes, Brunswick, and Winnipeg Street.

**AND TAKE NOTICE** that the City Council intends to proceed with the adoption of “Downtown Business Improvement Area Bylaw No. 2022-09”, UNLESS a majority of the owners representing at least one-half of the assessed value of the parcels which are liable to be specially charged petition the Council not to proceed and are received by the Corporate Officer at the City of Penticton, 171 Main Street, Penticton B.C. **on or before April 29, 2022 at 4:30pm.**

Please take note that where there are two or more owners of a property, both must sign a petition for the vote to be effective. If there are more than two owners of a property, the majority are required to sign the petition.

Angie Collison  
Corporate Officer

**The Corporation of the City of Penticton**

**Bylaw No. 2022-09**

*A bylaw to renew the Business Improvement Area for the Downtown Penticton Business Improvement Association.*

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WHEREAS the Council may, by majority vote, grant money to a corporation or other organization for the purpose of planning and implementation of a Business Promotion Scheme;

AND WHEREAS the Council has received an application from the Downtown Penticton Business Improvement Association for a grant of money under a business improvement area scheme;

AND WHEREAS before a Council grants money for a Business Promotion Scheme, the Council shall pass a business improvement area bylaw;

AND WHEREAS a notice of the intention of Council to establish a local service area for the purpose of funding the "Downtown Penticton Business Improvement Association", (known hereafter as the Applicant) to do certain works and services and to market and promote business within the business improvement area, has been advertised, and served upon the owners of the parcels liable to be specially charged;

THEREFORE BE IT RESOLVED that the Municipal Council of the Corporation of the City of Penticton in open meeting assembled hereby enacts as follows:

**1. Title:**

This bylaw may be cited for all purposes as the "Downtown Business Improvement Area Bylaw No. 2022-09".

**2. Designation of Area:**

For the purposes of this bylaw, the Downtown Business Improvement Area to which this Bylaw is applicable, being the local service area for the business improvement services, shall be comprised of those tracts of land shown shaded in green on Schedule "A" attached hereto and forming part of this bylaw.

**3. Grant/Tax:**

Based on the assessed values of land and improvements, the annual costs of the business improvement area service shall be recovered by applying an annual tax rate to the properties that are assessed in Class 5 and 6 within the business improvement area subject to a maximum levy of \$12,000.00 and a minimum levy per parcel of \$300.00. The annual rate will differ for each year and will be applied per thousand dollars of assessed value.

Year	Levy Amount	Rate
2022	\$303,523	1.0474
2023	\$315,664	1.0921
2024	\$328, 290	1.1384
2025	\$341,422	1.1864
2026	\$355,079	1.2363

The City shall pay the revenue from this tax to the Applicant on or before the first day of February and July in each year of the grant.

**4. Term:**

The term of the grant under this Bylaw shall be five (5) years commencing May 1, 2022.

**5. Expenditure:**

The money granted under this Bylaw shall be expended only (1) by the Applicant; (2) in accordance with the conditions and limitations set out in this bylaw; (3) for the Downtown Business Promotion Scheme set out in Schedule "B" attached hereto and forming part of this bylaw.

**6. Recovery:**

All of the money granted to the Applicant pursuant to this bylaw shall be recovered under this Bylaw within the Downtown Business Improvement Area shown on Schedule "A".

**7. Conditions and Limitations:**

- 7.1 The money granted pursuant to this Bylaw shall be expended by the Applicant for the purpose of carrying out the Downtown Promotion Scheme more particularly set out in Schedule "B".
- 7.2 The Applicant shall submit to the Chief Financial Officer, on or before April 1<sup>st</sup> of each year, 2022 through 2026 inclusive, a budget for the Association's fiscal year which contains information sufficient in detail to describe all anticipated expenses and revenues and which has been approved by a majority of the members present at the Annual General Meeting of the Association.
- 7.3 The Applicant shall submit to the Chief Financial Officer an annual financial statement which shall be prepared in accordance with generally accepted accounting principles and shall include a balance sheet and a Statement of Revenue and Expenditure. The financial statement shall be prepared on a calendar year basis. The financial statement relating to the year of the grant shall be submitted by the Applicant on or before the first day of April of the year following.

**8. Insurance:**

The Applicant shall contract for General and Comprehensive liability insurance coverage in the amount of FIVE MILLION DOLLARS (\$5,000,000) with the City of Penticton named as an additional insured and shall deliver proof of coverage annually to the City.

**9. Expiration Date:**

This bylaw shall come into effect May 1, 2022 and cease to have effect on the 30<sup>th</sup> day of April 2027.

**10. Severability:**

If any section, subsection or clause of the Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this Bylaw.

READ A FIRST time 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 \_ and \_ of \_\_, 2022 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.

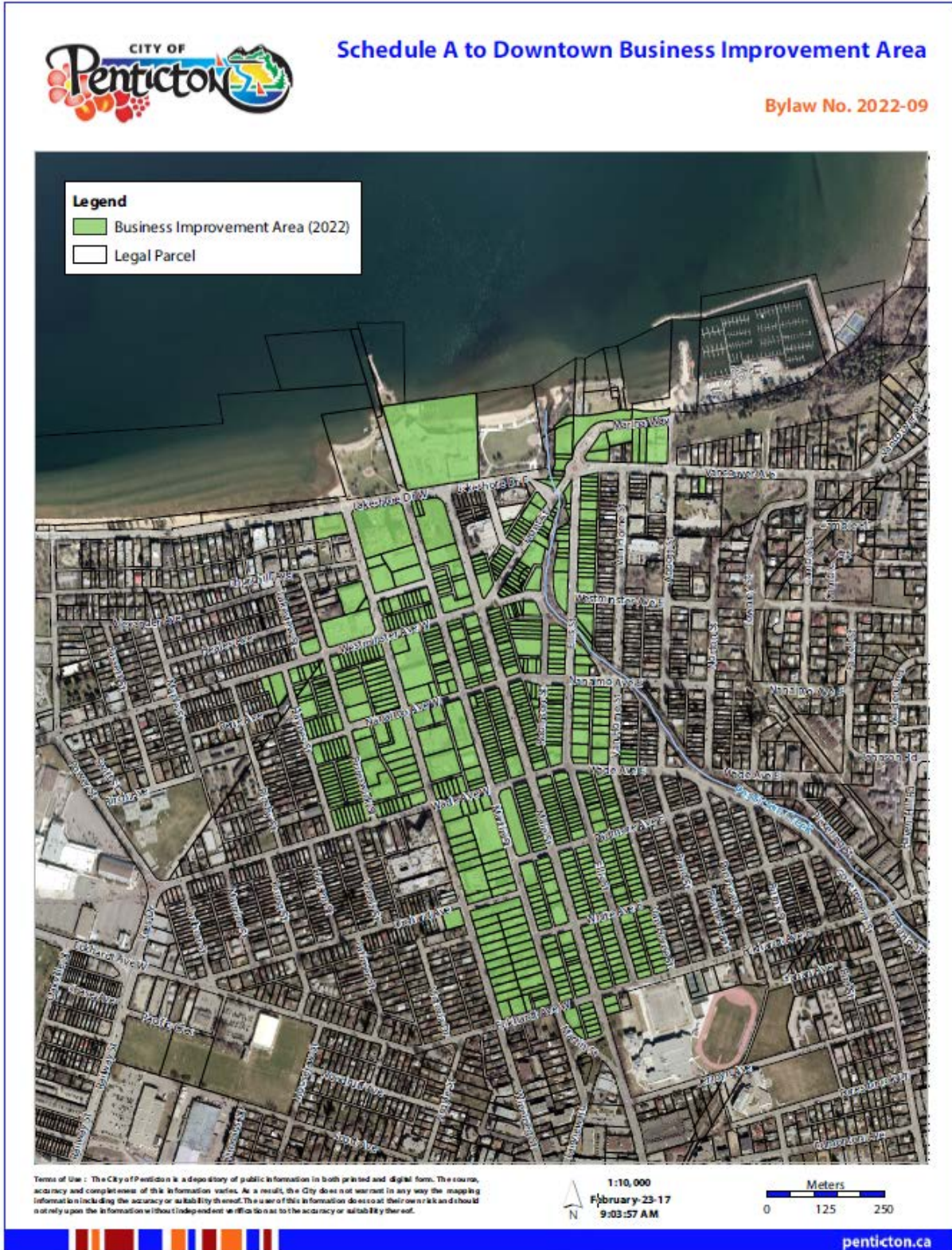
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John Vassilaki, Mayor

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Angie Collison, Corporate Officer

### SCHEDULE "A"



## **SCHEDULE "B"**

### **BUSINESS PROMOTION SCHEME**

The Business Promotion Scheme to be undertaken by the Downtown Penticton Business Improvement Association pursuant to the provisions of this bylaw shall encompass the following activities:

- a) General marketing and promotion of downtown Penticton including organization and/or support for large and small events;
- b) The improvement, beautification or maintenance of streets, sidewalks or municipally owned land, buildings or structures in the business improvement area including the use of security cameras to safe guard infrastructure;
- c) The removal of graffiti from buildings and other structures in the business improvement area;
- d) The encouragement of business in the business improvement area including efforts towards potential new businesses and filling vacant spaces or properties.

# Council Report

penticton.ca

**Date:** March 15, 2022 **File No:** 1850-20  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Amber Coates, Financial Analyst  
Carly Lewis, Economic Development Manager  
**Subject:** **In-Year Grant Requests: Jean Minguy Memorial Police Youth Academy, the Cat's Paw Productions Society, and the Okanagan Fest of Ale Society**

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## Staff Recommendation

THAT Council approve the following in-year grant requests for 2022 as listed below and fund the additional grant budget through administrative savings:

- \$3,000 cash to the Jean Minguy Memorial Police Youth Academy;
- \$500 cash to the Cat's Paw Productions Society; and
- \$4,000 in-kind to the Okanagan Fest of Ale Society.

## Strategic Priority Objective

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

## Background

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

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

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

## **Financial Implication**

During the budget process an amount is allocated to 'other' grants to fund requests that are made during the year. The current remaining budget available to allocate is \$6,500. Funding these requests using the above principles, which is contained in the staff recommendation, would utilize all remaining budgeted funds for 2022 plus funding an additional \$1,000 funded through administrative savings.

## **Analysis**

### The Jean Minguy Memorial Police Youth Academy

The Jean Minguy Memorial RCMP Youth Academy will be held at the Vernon Military Camp May 8-14, 2022. The Youth Academy is dedicated to Constable Jean Minguy, who lost his life while on duty in June, 2005. The RCMP, in partnership with School District 22, have designed this work experience program for students aged 16-18 (as of April 1, 2022), who are interested in police sciences or law enforcement as a potential career. It simulates a Police Academy environment in which the students experience a variety of activities that a police cadet would have to complete, but in a condensed format.

The Jean Minguy Memorial Police Youth Academy has requested a cash grant of \$3,000. In both 2018 and 2019, the academy received support in the amount of \$3,000 from the City of Penticton; and in keeping with the principles that were used during the regular grant process of funding requests at previously approved levels, staff is proposing a \$3,000 cash grant.

### The Cat's Paw Productions Society

Cat's Paw Productions Society is a brand new not-for-profit organization looking to make a meaningful impact on the arts scene in Penticton. Their mission statement is "To foster a collaborative and inclusive musical theatre space filled with kindness, while bringing a more fringe experiences to audiences." As stated in the society's application, the three founding members have extensive backgrounds in musical theatre and this venture is something they are all extremely excited and passionate about.

The society is bringing a musical theatre production of The Rocky Horror Show to the Tempest Theatre November 17-19, and 24-26, 2022, with eight shows over the course of the two weeks.

The 2022 request is for \$6,000 of cash. Staff have reviewed this special event individually, in alignment with the process used during the regular grant intake. Based on the special events grant policy eligibility criteria and the cost per resident benefiting, staff are proposing a \$500 cash grant.

### The Okanagan Fest of Ale Society

The Okanagan Fest of Ale has been bringing together craft beer lovers and craft brewers to celebrate since 1996. Every year, Penticton is host to one of the largest and longest running annual beer festivals in the Pacific Northwest. This two-day event features entertainment, food and the opportunity to sample a diverse array of quality crafted beverages. The society is planning to host the first ever outdoor Okanagan Fest of Ale the weekend of May 14<sup>th</sup>, 2022.

The 2022 request is for \$4,801.64 of in-kind for park rental and miscellaneous items such as picnic tables, mobile stage and washrooms rentals. Based on the special events grant policy eligibility criteria, similarly funded events and the cost per resident benefiting, staff would recommend the level of funding for this event be \$4,000.

**Alternate Recommendations**

THAT Council approve the following in-year grant requests for 2022 as listed below and fund the additional grant budget through administrative savings:

- \$3,000 cash to the Jean Minguy Memorial Police Youth Academy;
- \$500 cash to the Cat’s Paw Productions Society; and
- \$4,802 in-kind to the Okanagan Fest of Ale Society.

Respectfully submitted,



Amber Coates  
Financial Analyst

Carly Lewis  
Economic Development Manager

Concurrence

Director of Finance and Administration	Chief Administrative Officer
<i>AMC</i>	<b>DyD</b>

# Council Report

penticton.ca

**Date:** March 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Kelsey Johnson, Manager of Recreation, Arts & Culture  
**Subject:** **Cleland Theatre AV Equipment Upgrades**

File No: 8160-20

## Staff Recommendation

THAT Council direct the Manager of Recreation, Arts & Culture to prepare and submit an application to the Canada Cultural Spaces Fund requesting \$410,000 for the Cleland Theatre Audio/Visual (AV) Equipment Upgrade project.

## Strategic priority objective

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

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

## Background

In 2016, the City of Penticton received a number of recommendations for the improvement and modernization of operations to the Cleland Theatre through a Theatre Consultant Report. The report identified that the facility's sound and lighting equipment was deficient, outdated and hindering the City's ability to attract promoters and professional performances, ultimately recommending the City to pursue capital grants for upgrading the equipment.

The majority of the audio equipment is now over 30 years old and is not adequate in quality or size for touring groups. Touring groups must rent suitable equipment, at their own cost, if they choose to perform at the Cleland, which has become a major deterrent for rentals. Most recently, we have experienced three consecutive audio equipment failures in 2022 that have affected booked shows.

The lighting is original to the theatre and is inadequate for a large number of the shows presented. There has been some circuit failures and, as of 2017, replacement parts are not available for the majority of the equipment rendering repair and replacement impossible.

## Asset & Amenity Management Plan

The Asset & Amenity Project Management Plan (AAMP) identified that the Cleland Theatre is limited by poor quality and inadequate sound and lighting systems and has become a deterrent for potential rentals. The AAMP provides three possible solutions to address the Cleland Theatre deficiencies and challenges, all of which include the recommendation to upgrade the audio-visual equipment.

## **Proposal**

To address the replacement of the failing AV equipment, and in line with the direction coming from the AAMP, staff have developed a phased approach for the AV Equipment Upgrade project:

### Phase 1: Carpentry & Electrical Upgrades (2022 Q2-Q3)

The first phase of the project is required prior to implementing phases 2 and 3. The updates will address the power distribution for stage lighting circuits, theatre lighting network controls, theatre light DMX distribution and house light controls.

Carpentry is required to create speaker shelves, located on each side of the stage, which will sustain the weight of line array speakers. These shelves are required to ensure the speakers do not impede on the stage performers or interrupt sight lines for attendees.

### Phase 2: Audio Equipment Upgrades (2022 Q3)

The second phase consists of the sound design and installation of all theatre audio equipment.

The current audio system is undersized and inadequate for music touring groups. Due to this, we are unable to meet industry standard needs for touring groups.

Upgrades to the audio system will ensure that we meet the needs of rental clients with the house sound system and compatibility with the client's equipment. Providing a full complement of audio equipment with the rental of the facility elevates the Cleland Theatre to be technically comparable to other theatres within the region, ultimately increasing the City's ability to retain current clients and attract new shows and performances. The expected lifespan of the audio equipment is 20-25 years.

### Phase 3: Lighting Upgrades (2022 Q4-2023 Q1)

The third phase consists of design and upgrade of both house and stage lighting equipment.

Due to a number of circuit failures and the inability to repair and replace failed lighting, there is reduced lighting coverage on the stage and we are limited with minimal color change ability. Further, the outdated equipment is not compatible with the more common LED lighting systems that touring groups use.

House and stage lighting upgrades will address the above-mentioned deficiencies, providing better stage coverage and thousands of color options. Converting to LED technology will reduce power consumption (estimated 90kw to 13.5kw), reduce operating costs through savings of light bulbs and gel replacements, and reduce the heat output, putting less stress on the facilities cooling systems. The expected lifespan for the upgraded lighting system is 40 years.

Sourcing additional grant funds and proceeding with technical upgrades has been identified as a priority initiative within the 2022 Corporate Business Plan, and as noted above within the long-term strategic facility initiatives contained within the AAMP.

### **Financial implication**

The full project cost is estimated at \$820,000

- Phase 1: \$65,000
- Phase 2: \$260,000
- Phase 3: \$495,000

Up to 50% of the total project cost is eligible for the Canada Cultural Spaces Fund. Council has approved an allocation of \$410,000 within the 2022 General Capital Fund for the Cleland Theatre Upgrade Project.

Grant funding is not guaranteed and processing times are approximately 30 weeks. Due to the critical need to address the failing audio equipment, staff will move forward with phases 1 and 2 after submitting the application but prior to notification of the grant submission. The scope of phase 3 will be assessed after receipt of the funding notification to determine the feasibility of lighting upgrades.

Should the City of Penticton be successful with the grant funding request of \$410,000, the full project cost will be covered. If the grant request is not approved or approved in portion, staff will continue to seek other funding opportunities and assess the scope of phase 3, investigating options to delay this upgrade or implement the upgrades with an alternate phased strategy. Further delays in implementing the AV Equipment Upgrade project poses a risk to Cleland Theatre operations. Staff are planning to utilize the funds allocated within the 2022 General capital fund to move forward with phase 1 and 2 best position the City to begin modernizing the theatre.

### **Analysis**

The Cleland Theatre is a community asset in need of vital technical equipment upgrades. The antiquated equipment is directly affecting our ability to market the facility to touring groups and promoters with many opting to rent competitor theatres in neighboring municipalities. Additionally, the proposed upgrades will increase safety and energy efficiency.

Demand for live entertainment and performing arts continues to increase and it is expected to surge higher as we emerge from the COVID-19 pandemic. Staff have worked closely with community groups, touring groups and promoters, developing new partnerships to increase professional performances within the facility. The Cleland Theatre has a positive reputation within the arts and culture communities throughout the province, however, the added equipment rental and crew costs have become a major deterrent for current and potential clients. Upgrading the AV equipment now will position the Cleland Theatre as a premiere venue of choice not only for the immediate outpouring of arts and entertainment performances, but also for decades to come.

The Cleland Theatre is an important asset within the community and entertainment facilities within the SOEC Complex. As identified through some of the early planning for the City's North Gateway Redevelopment and Investment Strategy, the Cleland Theatre provides for a unique entertainment and community based facility that will help sustain the area into the future. Use of the facility will continue to

grow with the modernization and reinvestment being proposed, all in support of creating more vibrant activity for our arts and culture community.

After reviewing the Canada Cultural Spaces Fund guidelines and consulting with a Program Advisor, staff have determined the Cleland AV Equipment Project meets the criteria and eligibility for funding.

Staff recommend that the City submits an application to the Canada Cultural Spaces Fund and proceeds with phase 1 and 2 of the project to ensure the Cleland Theatre can continue to operate without further disruptions caused by equipment failures.

**Alternate recommendations**

THAT the City not pursue an application for the Canada Cultural Spaces Fund.

**Attachments**

Attachment A – Canada Cultural Spaces Fund Application Guidelines

Attachment B – 2016 Theatre Consultant – Site Observations

Attachment C – (Phase 1) Electrical Upgrade Scope

Attachment D – (Phase 2) Audio Equipment Upgrade Scope

Attachment E – Asset & Amenity Management Project – Cleland Theatre

Attachment F – Cleland Theatre Technical Information

Respectfully submitted,

Kelsey Johnson

Manager of Recreation, Arts & Culture

Concurrence

<p>General Manager of Community Services</p> <p><i>KH</i></p>	<p>Director of Finance &amp; Administration</p> <p><i>AMC</i></p>	<p>Chief Administrative Officer</p> <p><b>DvD</b></p>
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## **Application Guidelines – Canada Cultural Spaces Fund**

### **Objectives and expected results for the Canada Cultural Spaces Fund**

The objectives of the Canada Cultural Spaces Fund (CCSF) are to contribute to:

- improved physical conditions for professional arts and heritage related collaboration, creation, presentation, preservation, and exhibition; and
- increased and improved access for Canadians to arts and culture.

The CCSF achieves these objectives by supporting:

- the construction and/or renovation of arts and/or heritage facilities, including creative hubs; and
- the acquisition of specialized equipment and the development of feasibility studies for the construction or renovation of arts and/or heritage facilities, including creative hubs.

The expected results

- Artists, creators and heritage practitioners have access to professional cultural facilities; and
- A variety of arts and heritage experiences are available in a wide range of communities.

Ultimately, the long-term results of the CCSF will allow Canadians to value and access arts and heritage spaces in their community for creation, collaboration, presentation, preservation and exhibition.

### **Application deadline**

There is no established deadline date to submit a funding application under the CCSF, as applications are accepted on a continuous basis.

### **Who can apply**

To be eligible for funding, your organization must be:

- A not-for-profit arts and/or heritage organization operating in a professional manner, incorporated under the Canada Not-for-Profit Corporations Act, or under the equivalent provincial or territorial legislation. Applicants must demonstrate that they have been active in the execution of their arts and heritage mandate for at least the previous two years, and that their programming is accessible to all Canadians;
- A not-for-profit organization, incorporated under the Canada Not-for-Profit Corporations Act, or under the equivalent provincial or territorial legislation, that is proposing the development and management of a creative hub; or
- A provincial/territorial government, a municipal administration, one of their agencies or an equivalent Indigenous peoples' institution or organization that has historically demonstrated its support to professional artistic or heritage activities including Indigenous cultural practice in their community.

Your mission, letters patent, by-laws or other governance documents must clearly demonstrate how the applicant organization supports professional artistic, creative and/or heritage practices.

### **Eligible projects**

To be eligible for funding from the Canada Cultural Spaces Fund, your project must aim at:

- the construction and/or renovation of arts and/or heritage facilities, or creative hubs;
- the acquisition of specialized equipment; or
- the development of feasibility studies for the construction or renovation of arts and/or heritage facilities, or creative hubs.

For a construction and/or renovation project, your organization must demonstrate that they own the property or they have a long term lease (minimum of 10 years).

The following projects are not eligible for support under the CCSF:

- historic building renovations or restorations that are not directly linked to professional arts or heritage programming;
- construction or renovations to the physical envelope of buildings not owned by you;
- projects related to regular or routine maintenance of a building;
- projects primarily involving space for worship or congregational purposes, cemeteries or tourism signage;
- design or production of exhibition content or artistic works; and
- purchase and installation of public art as part of a stand-alone project.

### **Eligible expenses**

Only project-related expenses, which can be of cash and in-kind value, are eligible; these may include administrative costs directly related to the project, including salaries, carrying costs, calls for tender, services to provide materials in both official languages, and project audit.

### **Construction or Renovation projects**

- Professional fees such as architectural, engineering and technical services, project management and environmental assessment;
- Construction and/or renovation of cultural infrastructure, including:
  - Property acquisition and transfers;
  - Project's interest on short-term financing;
  - Demolition and excavation;
  - Materials and labour;
- Fire, safety and security systems;
- Systems and measures to improve accessibility and mobility;
- Environmental practices and sustainable construction (e.g. LEED, ecoENERGY);
- Specialized equipment;
- Permanent seating;
- Purchase and installation of public art as part of construction or renovation project; and

- CCSF Construction or Renovation Acknowledgement Signage (Required for Contributions over \$100,000).

### Specialized Equipment

- Sound and lighting equipment;
- Removable seating;
- Stage curtains;
- Staging and rigging equipment;
- Multimedia equipment;
- Portable dance floor;
- Purchase and installation of an integrated data collecting and ticketing system;
- Environmental control systems;
- Storage system;
- Exhibition cases, panels and interactive displays related to a permanent exhibition;
- Installation costs and initial training related to the operation of specialized equipment;
- Hanging system for exhibition; and
- Hygrothermograph.

### Feasibility Study

- Professional fees related to the assessment of the viability of the project;
- Professional fees related to the design, market analysis and resources required to operate the new or renovated site; and
- Professional fees related to specialized technicians.

### Non eligible expenses

The following expenses are **not eligible** for support under the CCSF. This list is not exhaustive:

#### Construction or Renovation projects

- Restoration and refurbishment of artefacts/collections;
- Commissioning and purchasing of works of art;
- Landscaping;
- Parking lots;
- Gift shops;
- Commercial beverage and food facilities; and
- Long-term accrued interest on financing.

### Specialized Equipment

- Musical instruments and cases;
- Office equipment, furniture and computers dedicated to administrative tasks;
- Administrative systems; and
- Equipment for commercial beverage and food facilities or gift shops.

Costs related to the development of the project proposal and/or applications are not eligible.

In-kind contributions are considered real contributions to the cost of the proposed project but are not reimbursable. Donated goods and services may be considered in-kind contributions if they:

- are essential to your project's success;
- are eligible and would otherwise have to be purchased or paid for by you;
- can be measured at fair market value (i.e. in relation to similar goods and services); and
- are balanced by an equal revenue in your budget (i.e. total in-kind expenses equal total in-kind revenues).

We cannot fund expenses incurred before we receive your application. If you incur expenses for your project before receiving written confirmation of your funding approval, you will be doing so at your own risk.

### **Eligibility**

We are responsible for determining the eligibility of each applicant, its project and project-related expenses.

The CCSF is highly competitive. Requests for funding typically exceed our available resources. If your organization is eligible, submitting an application does not guarantee funding.

### **Limits of government assistance**

To ensure the success of your project, we encourage you to have other funding sources. This may include contributions from your organization, the private sector, other levels of government, or other federal institutions.

The total financial assistance received from the CCSF and other levels of government (federal, provincial, territorial and municipal) cannot exceed 100% of your total project-related costs.

The CCSF cannot recommend your project for approval before two-thirds of the total funding required has been confirmed. This calculation takes into consideration the CCSF recommended amount.

The Program's support for an individual project is limited to 50% of total eligible expenses. Maximum contribution amounts are set per type of project.

- The maximum contribution payable for an individual construction or renovation project is \$15,000,000 or 50% of total eligible project costs, whichever is less.
- The maximum contribution payable for an individual project in respect to the purchase or rental of specialized equipment is \$5,000,000 or 50% of total eligible project costs, whichever is less.
- The maximum contribution payable for an individual feasibility study is \$500,000 or 50% of total eligible project costs; whichever is less.

In exceptional circumstances, we can fund up to 75% of eligible expenses per project. The specific funding criteria related to exceptional circumstances include:

- projects occurring in rural or remote areas;

- underserved communities and groups, such as:
  - official-language minority communities,
  - Indigenous communities,
  - ethnocultural communities; and
- any other exceptional cases determined by us.

### **Applying for more than 12 months**

You may request funding for a project spanning more than 12 months. You must then show that there is a need for a multi-year commitment and that you have the capacity to complete the project. This is demonstrated with a realistic project timeline and budget projections as well as sound governance.

### **How to apply**

Read these Application Guidelines in their entirety before completing your application. We encourage you to contact us before completing an application.

You must meet all eligibility requirements and submit a complete application package to be considered for funding. A complete application package includes the [application form](#) and all supporting documents that are required for your organization and/or project type. Please refer to the Application Form checklists for the list of supporting documents.

### **Application process**

- Complete, sign and date the Application Form;
- Attach all the required supporting documents; and
- Submit your application through only **one** means (i.e. by email, by mail, in-person, etc.).

### **Email submissions**

We encourage you to submit your application package electronically to the nearest [office of the Department of Canadian Heritage](#).

### **Mail or in-person submissions**

You can mail, courier or hand-deliver your complete application package to the nearest [office of the Department of Canadian Heritage](#).

Please [contact us](#) if you wish to submit your application package by fax.

### **How applications are evaluated**

We fund projects that have clear objectives and measurable results. Your application will be evaluated based on the Evaluation criteria below.

The assessment will be based on information provided in your application. We may request additional information for assessment purposes, which must be provided within ten business days.

Applications will be assessed according to the extent to which the proposed project is expected to contribute to Program objectives, and the extent to which it will address the needs of underserved communities and groups, such as official-language minority communities, Indigenous communities, and ethnocultural communities.

As part of the project review of applications to CCSF, consultations may be undertaken with other federal departments or agencies, other provincial/territorial governments and municipal administrations as well as provincial/territorial arts boards or arts councils. In the context of these consultations, applicant information may be shared with these stakeholders.

Failure to comply with any conditions of a previously funded project will be considered in the evaluation of your new application and could result in a rejection of your new application.

### **Evaluation criteria**

We will evaluate your application based on the following criteria:

#### **A. Availability and quality of spaces**

- Impact of your project on the number and/or capacity of available spaces at the local, regional and/or national level;
- Impact of your project on physical conditions, including technological and safety features;
- Impact of your project on working spaces for artists, staff and other users;
- Benefits to other arts and heritage organizations at the local, regional and/or national level;
- Creative hubs will also be assessed according to the degree to which they:
  - bring together professionals from a range of arts or heritage sectors and creative disciplines;
  - bring together a range of business models, such as not-for-profit and for-profit organizations and self-employed creative workers;
  - provide users with affordable shared space, equipment and amenities; and
  - provide users with opportunities for collaboration and/or professional development.

#### **B. Access to professional arts and heritage experiences**

- Impact of your project on audience accessibility, including disabled access;
- Impact of your project on your capacity to reach audiences, including underserved communities and groups;
- Impact of your project on your capacity to enhance programming and increase access to underrepresented disciplines;
- Creative hubs will also be assessed according to the degree to which they provide public access space and programming.

#### **C. Viability of project and long-term financial impact on your organization**

- Organizational management capacity, ability to manage the project effectively, history of your organization, including capacity to submit reports in a timely fashion;
- Past and present financial situation of your organization and confirmation of other sources of revenues for the project; and

- Ability to manage the financial impact of the project on long-term operations e.g. increased maintenance costs, additional staff requirements.

### **Application processing time**

Please refer to the [Service standards for Canadian Heritage funding programs](#) or [contact the Program](#).

We will acknowledge receipt of your application within two weeks of receiving your application in our office.

### **Funding decisions**

Please note that decisions regarding eligibility and funding amounts are final.

### **How funding is provided**

We will determine if funding will be disbursed as a grant or as a contribution.

A grant is a payment issued to a recipient for a project. The conditions you agreed to at the time of application will apply. At the end of your project, you may be required to submit a report and/or participate in the evaluation of results.

A contribution is a conditional payment issued for a specific purpose, as outlined in a funding agreement. The funding agreement is signed by your organization and by us and specifies the terms and conditions to receive payment. At the end of your project, you must submit a final report.

### **Funding conditions**

You may be required to submit interim reports during your project. If you receive \$250,000 or more as a contribution, you are required to submit an audited financial report.

Additional conditions may apply and, if applicable, will be included in your funding agreement.

### **Workplace well-being**

The Government of Canada is strongly committed to promoting healthy workplaces where harassment, abuse and discrimination are not tolerated. Organizations that receive funding from Canadian Heritage must take measures to create a workplace free from harassment, abuse and discrimination.

### **Official languages requirements**

We are committed to taking positive measures to enhance the vitality of official-language minority communities and to promote the use of English and French in Canadian society. If you receive funding, you agree to comply with the official languages requirements set out in your application and in your funding agreement.

### **Diversity and inclusion**

It is expected that all activities undertaken as part of funded projects will take into consideration the needs of diverse Canadians, including but not limited to Indigenous Peoples, Canadians of various faiths, cultures, ethnicities, abilities, sexual orientations and gender identities.

### **Acknowledgement of financial assistance**

If you receive funding, you must publically acknowledge – in English and in French – the financial support received from the Government of Canada in all communications materials and promotional activities. Additional requirements may be included in your funding agreement.

For additional information, please refer to our [Guide on the public acknowledgement of financial support](#).

### **Environmental Assessment Act**

If you receive funding, your project may be subject to the provisions of the [Canadian Environmental Assessment Act, 2012](#). If your activities are to be carried out on federal lands, we will contact you for additional information prior to the start of your project.

### **Access to information requests**

We are subject to the [Access to Information Act](#) and the [Privacy Act](#). The information you submit in your application may be disclosed in accordance with these acts.

### **Disclosure of information**

By submitting your funding application, you authorize us to disclose any information submitted with this application within the Government of Canada or to outside entities for the following purposes:

- to reach a decision;
- to evaluate the results of the project; and
- to support transparency, accountability and citizen engagement.

### **Audits of recipients and evaluation of the Program**

We reserve the right to audit your accounts and records to ensure compliance with the terms and conditions of your funding agreement. We also conduct periodic Program evaluations, during which you may be required to present documentation.

You must keep any records, documents, or other information that may be required to perform the audit or the evaluation for five years. Demonstrated failure to maintain such records may result in the repayment of amounts previously received.

### **Contact us**

For further information, please contact us:

Department of Canadian Heritage  
Canada Cultural Spaces Fund  
15 Eddy Street  
Gatineau, Quebec  
K1A 0M5

November 4, 2016

## **Cleland Theatre Site Visit Observations**

### **Cleland Theatre General Observations**

- Love, love, love the location next to the community centre; not only is this a high traffic area, but there is some cost savings to running this venue that many stand along theatres would never see (ie. facility maintenance, custodial, utilities, management, staffing efficiency); this is a huge asset in a market where funding for operations of theatres is few and far between.
- Absence of parking with casino coming in
- There is an opportunity to share marketing and admin with convention centre next door
- Convention centre is IATSE; this is rate limiting to a theatre the size of the Cleland Theatre
- Discussions with management at SOEC reveal that they do have an interest in expanding, and also have some excellent, industry specific expertise that may be lacking within the municipal structure. Management at SOEC suggested he would like to see a hotel developed nearby, the theatre expanded to 700-800 seats, expand the convention centre, share resources for ticketing, stage equipment, projectors, and staffing). Lots of people already go to the SOEC box office looking for tickets to the events at the Cleland; the public is used to using that box office. This ticketing company is American based, and upon first glance, ticketing fees are cost prohibitive for the tickets sold at the Cleland (ie. \$11 service charges would be too high).
- The ticketing company charges the SOEC for their services, and the SOEC adds an additional service charge over and above this to generate revenue for their own operations.

### **Cleland Theatre Liquor Licensing**

- A challenge is addressing this change with staff (additional custodial)
- One suggestion was to consider partnering with wineries as a starting point
- Main costs: labour to coordinate volunteers, volunteers require Serving It Right \$35/certificate, liquor costs (variable depending on sales), supplies costs (variable depending on sales), annual licensing fee \$200
- Need to investigate liquor licensing the Cleland Theatre versus expanding the red line area of the SOCS (there may be a possible cost savings to doing this)
- There is an opportunity to bill out the custodial costs to the client, and therefore recover labour costs
- Custodial costs should be factored in to facility rental; need to research whether or not this is done
- Managing event logistics is a part of doing business; events are not cookie cutter; there seems to be a lack of industry expertise within city infrastructure; this is not abnormal – many municipalities have this challenge – it is probably the reason why many municipalities have chosen to outsource the management of the theatre operations to a non-profit society; there are numerous pros and cons to doing this

### **Cleland Theatre Operations**

- Management needs more flexibility to operate (ie. negotiate rental rates, book shows, write grants, facilitate event hosting within the community)
- There seems to be a shortage of industry specific knowledge and expertise within city infrastructure

- Consider setting up some sort of a structure to allow a contractor / organization to operate the theatre with a bit more autonomy
- Artistic endeavours are challenging to quantify and manage; the variables change from show to show, and a cookie cutter approach may not work within a rigid structure
- Need to be able to apply for funding, negotiate contracts, solicit donations, provide tax receipts, etc.
- More autonomy from city and/or partner with Spectra
- There are pros and cons to having a non-profit society operate the theatre
- Ultimately management needs the ability to manage their own budget and respond to market trends and industry practices in a more rapid fashion
- Facility rental contractual items and costs have to be approved by council; this rate limits a managers ability to negotiate and develop business
- Jurisdiction for the manager to work with rental clients to manage event costs and revenues; events are variable and require the ability to be flexible
- Need to be able to write grant without requiring an endorsement from Council
- Need to be able collect sponsorships and manage those funds (ie. dedicated funds for specific project)
- City accounting system is not conducive to tracking show revenues and costs (this is a special project in itself!)

#### **Cleland Theatre Facility**

- Cleland Theatre is dated, needs paint, need to be more warm and cozy like some of the other competing venues
- Frank Venables Theatre is probably the strongest competitor venue – they have a gorgeous new interior, ticketing system, state of the art tech, and a brand new facility
- Ideally the space should be clean, modern, and comfortable for touring artists, performers, commercial and non-profit clients
- Challenging to sell the venue in the state it is now, especially without provision of ticketing, marketing, front of house, and tech support (that is reflected in the rental numbers)
- Potential renters would value and see more “bang for their buck” in some of the competitor theatres in neighboring municipalities
- Lack of infrastructure (event management, ticketing, front of house, technical) is not conducive to acquiring commercial clients; the location and market place however is far enough away from neighboring venues that it does warrant show (ie. more convenient for a patron to see a show in Penticton than Kelowna or Oliver)
- One promoter, Gene Daniels, suggested it was a lot of work to put on a show at the Cleland Theatre because the theatre was not a “one stop shop” for support with ticketing, marketing, technical items
- The equipment is dated (lighting, sound); this makes it hard to attract technical expertise that is proficient in the use of the equipment; touring groups avoid the venue because they do not have the expertise to operate the dated equipment; labour costs for operating manual lighting grids vs. electronic lighting grids are higher
- The space is however clean and clutter free; for a venue of this age it is neat and tidy
- The resident technician is skilled, highly knowledgeable of the local players in the arts community, and has good relationships with the local players
- Facility maintenance needs to be coordinated and completed in a timely fashion (lots of different paint colours and themes going on in/around the facility); dry wall chipping, etc.

- Overall décor seems older; theatres that people travel to are generally rich, vibrant, warm, dramatic
- Space seems a bit institutional; that said, the space has huge potential – reminds me of the Tidemark Theatre when we started, which means its possible
- A facelift, some new sound and lighting equipment, and some resources dedicated for staffing and theatre development would go a long way
- No lighting at the rear of the house
- The spotlight could easily be in a museum 😊 That said, it is functional; neat to see equipment this old!
- There are grant monies for improving space (ie. Cultural spaces) that municipalities are able to apply for; these funds are geared towards improving the space for artists and the creation of their work
- The venue desperately needs a projector / screen (\$15,000 capital upgrade); film is one of the fastest growing types of events for non-profits to utilize as fundraisers
- Recommend writing a small capital grant or allocating TIF/CIF to acquire this equipment; theatre should have its own equipment
- With the federal Liberal government, arts funding is going to increase; recommend allocating some staffing resources dedicated to writing grants to find funds for theatre improvements

#### **Cleland Theatre Programming**

- Currently the venue does not do any of its own programming
- This will rate limit the venues ability to apply for grants as a “professional presenter”
- Many grant institutions (ie. BC Arts Council, Canada Heritage) require the organization to present professional (ie. paid) artists in order to be eligible for grant funding
- Programming is a way for a venue to elevate it’s profile in the community (ie. booking Buffy Sainte Marie has a certain amount of cache to it – it’s prestigious, looks good, great promo for the venue, etc.)
- Revenue can be generated from this events from tickets, merchandise, liquor and concession sales

#### **Cleland Theatre Marketing**

- Great signage; theatre is well marked; signage may need to “pop” more from the building - hard to see from the road – but overall the theme is consistent with the rest of the signage, and it is visible from the road
- There are two marquis signs in/around the facility; is it possible to utilize these to promote shows and upcoming events at the Cleland?
- Is there any video marketing of the upcoming events that happens in/around the facility? Airport? There are numerous TVs in/around the facility.
- Facebook/Twitter needs to be attended to more regularly; friends need to be “invited” to “like” the page in order to build a social media network around the page; content should be engaging vs. sharing materials; show names, dates, show start times, doors open times should be clearly labelled in each post/event. Who is responsible for the social media marketing? People in the community should be tagged in the posts, pictures of patrons taken and added – this develops a sense of community around the page.
- The arts and culture division of the City of Penticton website is not readily visible on the front page of the municipal website. Cultural tourism seems to be a significant tourism driver for the area, and the City has a significant investment in infrastructure into its development. Need to

establish some more prime real estate on the website dedicated to arts, culture, and events that drive economic spinoffs into the community.

- Recommend investing \$50 a month on Facebook ads to increase the traffic to the Facebook site. Utilize Google Ad Words to increase theatre's visibility in the search engine.
- E newsletters are a great way to get the word out about upcoming events and shows; this type of marketing is linked to the theatre's ticketing system. In the absence of a ticketing system, there is a lost opportunity to assist rental clients in the development of their events (ie. ticket sales), and this ultimately effects their success, and their ability to rent the facility. Without ticket sales, cross marketing is not possible, profit margins decrease, and rental clients suffer. Recommend installing some form of ticketing system whereby revenues and contacts are generated for the municipality, and therefore improving its ability to increase the usage of the facility.
- Billboards seem to be a prominent form of advertising in and around the Penticton area; investigation of the costs with Pattison Outdoor Advertising determined that billboards (while highly visible) are not exactly cost effective, with rates running from \$ 600 to \$ 900 for each 4 week block, plus production costs depending on material used ranging between \$ 165 to \$ 800 per print
- Recommend investigating the acquisition of some Province of BC Blue tourism signage along the main corridors marketing the existence of a cultural venue/theatre; signage should be placed in such a way as to coordinate with the existing marquis signage whereby tourists and locals can see the events coming up at the venue

#### **Proposed New Theatre & Site**

- Drove past the proposed site
- City has allocated this site for the development of a new theatre
- Site seems to be somewhat small for the proposed 800 seat venue (parking?)
- Site is located within the City's proposed arts and culture district; however, it is distant from the two other main venues in town that conduct similar business and logistics (South Okanagan Event Centre and arena)
- Is there enough parking for 800 patrons at this site? Would the parking be underground?
- Proposed site seems to be away from the rest of the action.
- As a venue manager, I would probably rather be in close proximity to my counterparts whereby I might be able to share equipment, staff, marketing, management resources, technical support, custodial, etc.
- Lori Mullin sent me the presentation the group sent to Council; need to see more detail, specifically how would this facility be funded from an ongoing operations standpoint? Would the City be responsible? What relationship does the City have with SOPAC? What authority do they have?
- Looked at the SOPAC website ([www. Sopac.com](http://www.Sopac.com)); site has not been updated in a few years – is this group still active and in what capacity? How much have they fundraised towards this initiative?
- Population growth appears to be stable
- Lots of snowbirds away Sept – June; the main season for a theatre is Sept – June.

#### **The Cannery**

- 120 seat venue
- Privately owned; funky, fun, and located next to a progressive, artsy restaurant

- Operated by a theatre production co-op; participants divide the proceeds up amongst themselves at the end of the production after all costs have been paid; interesting concept – have never seen this before
- Projector
- This venue is not conducive to loading in/loading out of shows as sets are built, and remain up for longer periods of times
- This venue is similar to the Rivercity Stage in Campbell River (privately owned, used for production of theatre)
- The theatre coop has an exclusive lease from the owner of the building
- They do about 5 shows per year
- The group is not super keen to rent out their venue, although they did say they would consider this on a case by case basis

#### **Frank Venables Theatre (Oliver)**

- Gorgeous new facility operated by a non-profit society but owned by the School District
- A professional theatre
- Theatre has its own website
- Front of house, ticketing, technical, and marketing service provided
- Need to investigate their ticketing system TixHub
- Some very nice technical specifications – lighting grid is accessible without ladders
- Venue is brand new rental rates are reasonable
- They built a box office but don't use it; it's used for storage; interesting
- About a 30 minute drive from Penticton; very scenic location
- Funded by an arts and culture function by the residents of the relevant areas of the regional district
- Receive approximately \$105,000 in funding each year
- Have an operating deficit of about \$10,000
- School district covers cost of utilities, property taxes, etc.

#### **Centre Stage Theatre (District of Summerland)**

- Owned by the School District of Summerland
- Operated by the District of Summerland
- District staff coordinate bookings
- Seems to be utilized for local non-profit bookings more so than professional bookings

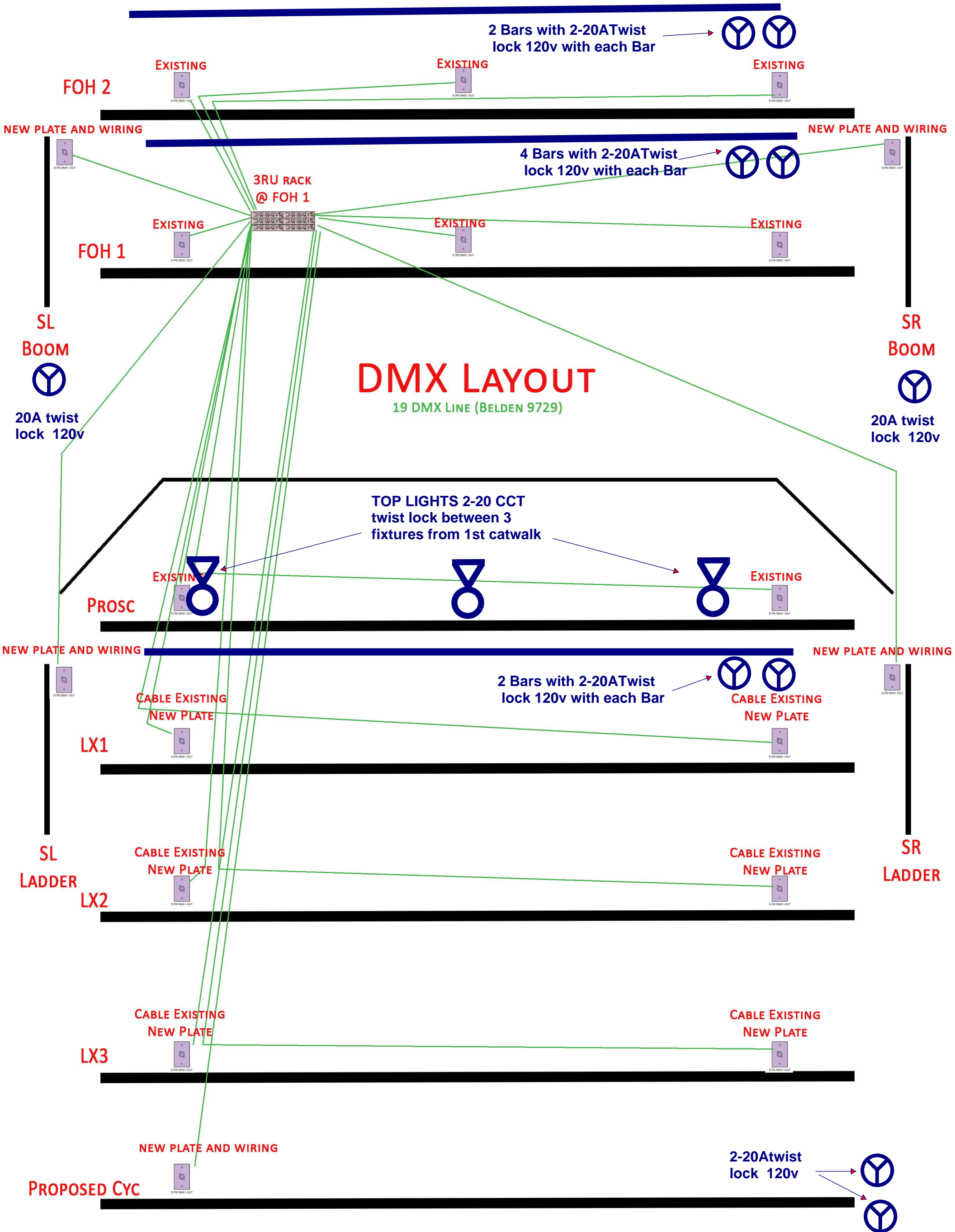
#### **Kelowna Community Theatre (Kelowna)**

- Owned by the City of Kelowna
- Operated by the City of Kelowna
- City has dedicated management for this venue
- This theatre does not do its own ticketing
- Comparable venue to the Cleland Theatre
- Kelowna Community Theatre has its own website
- Professionally presenting venue
- 250+ events per year
- 853 seats venue
- \$1.50 CIF per ticket

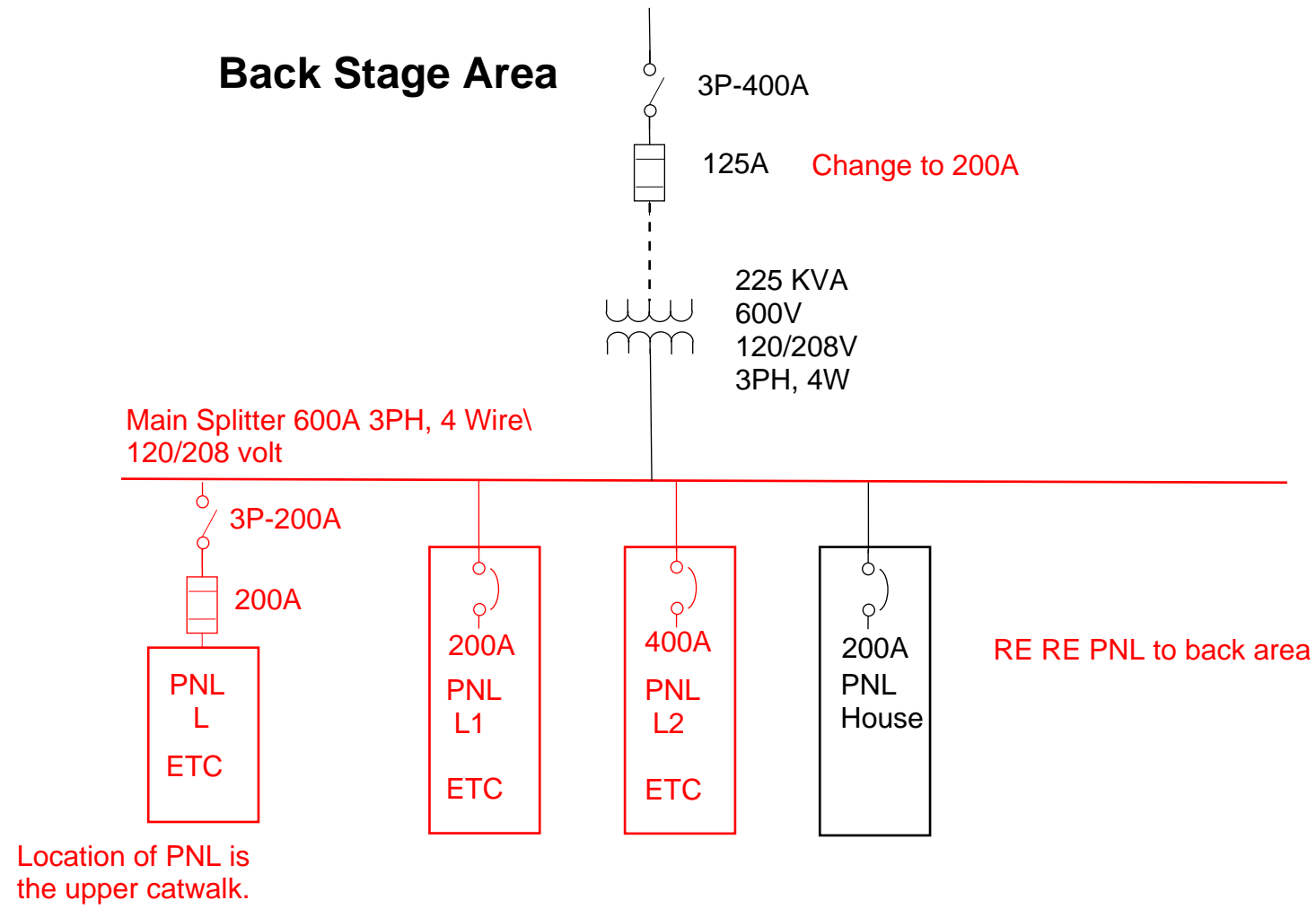
- Concession; drinks allowed in the house
- Front of house, technical, marketing, rentals coordination, and management services provided
- Volunteer ushers, ticket takers, bartenders, concession, merchandise sales
- Need to visit this theatre – very similar to Cleland Theatre structure (best operational model so far)

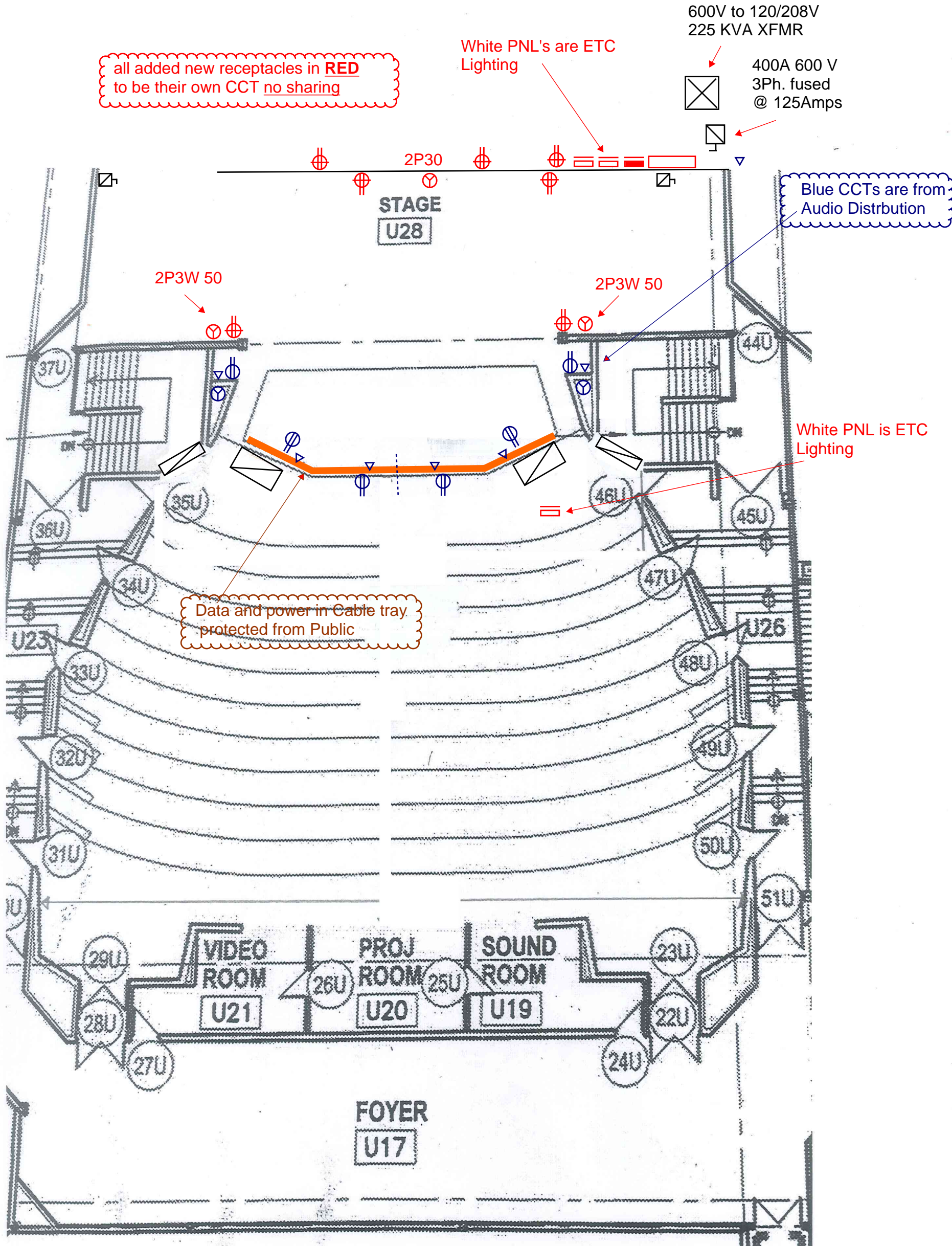
**Orchard House (Kelowna)**

- Smaller facility located in a residential area near downtown
- Looks a bit like an apartment building
- Older décor
- Owned and operated by a private citizen
- Standing room only room for a couple hundred people
- More of an informal setting for events
- Didn't consider this a comparable venue to the Cleland Theatre



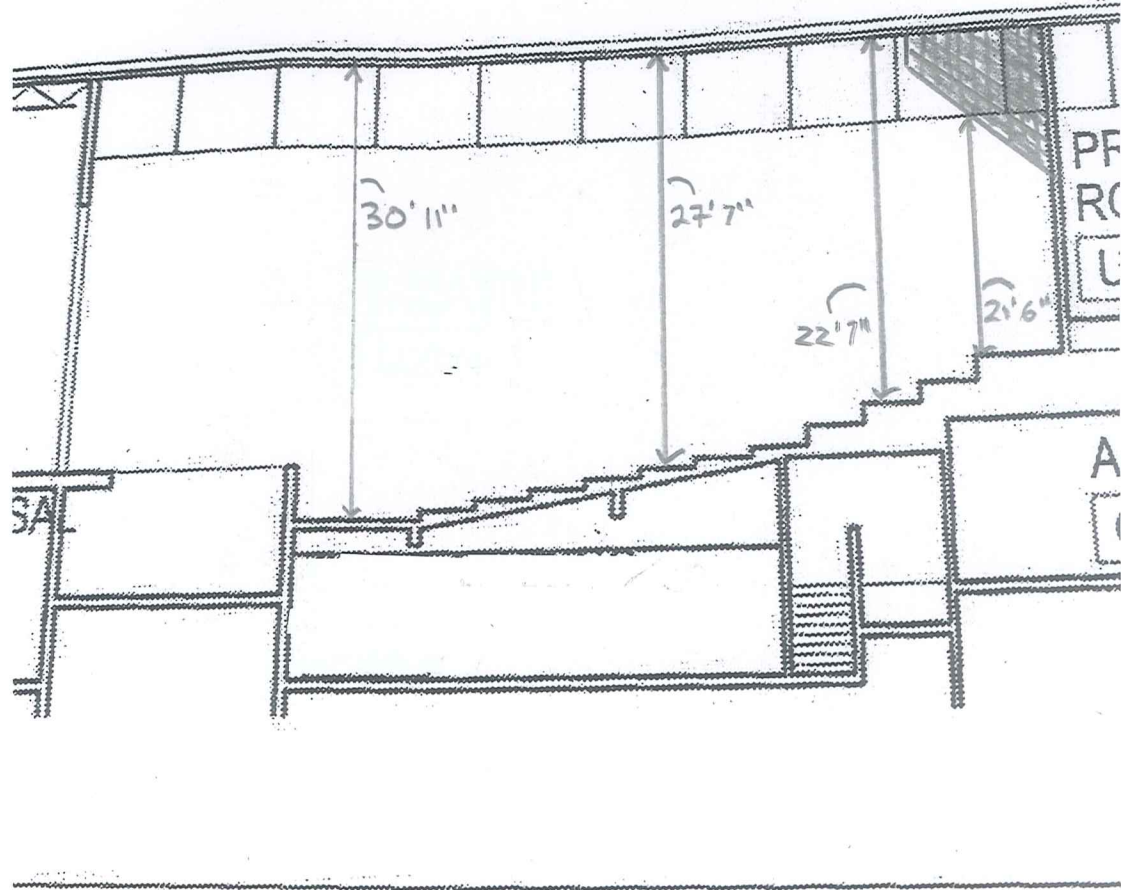
### Back Stage Area





5

SIDE View



**Cleland Community Theatre, Penticton BC. Stage and House Lighting Specification**

<b>SCHEDULE 1. POWER DISTRIBUTION – STAGE LIGHTING CIRCUITS</b>							
<b>Circuit</b>	<b>Location</b>	<b>Outlet Type</b>	<b>Mounting</b>	<b>Cable/ Wiring</b>	<b>Connector</b>	<b>Termination</b>	<b>Circuits</b>
SL 1 - 12	FOH 1 Front Top Rail	Existing Plugging Strip	Existing Strand 12 Circuit Connector strip	Home Run	20Amp TLG	ETC Sensor IQ Panel	12
SL 13 - 26	1st Electric	Existing Plugging Strip	Existing Strand 14 Circuit Connector strip	Home Run	20Amp TLG	ETC Sensor IQ Panel	14
SL 27 - 34	2nd Electric	Existing Plugging Strip	Existing Strand 8 Circuit Connector strip	Home Run	20Amp TLG	ETC Sensor IQ Panel	8
SL 35 - 42	3rd Electric	Existing Plugging Strip	Existing Strand 8 Circuit Connector strip	Home Run	20Amp TLG	ETC Sensor IQ Panel	8
SL 43, 44	Side Slot Boom SL	Existing Outlet Box	Existing Strand 2 Circuit Twist-Lock L5-20R Box	Home Run	20Amp TLG	ETC Sensor IQ Panel	2
SL 45, 46	Side Slot Boom SR	Existing Outlet Box	Existing Strand 2 Circuit Twist-Lock L5-20R Box	Home Run	20Amp TLG	ETC Sensor IQ Panel	2
SL 47, 48, 49	Side Ladder SL Wall Box	New Outlet Box	ETC 9103C - 3 Twist-Lock L5-20R	Home Run	20Amp TLG	ETC Sensor IQ Panel	3
SL 47, 48, 49	Side Ladder SR Wall Box	New Outlet Box	ETC 9103C - 3 Twist-Lock L5-20R	Home Run	20Amp TLG	ETC Sensor IQ Panel	0
SL 50, 51	Floor Pocket Downstage ( Shared Circuit)	Existing Outlet Box	Strand - 2 Twist-Lock L5-20R	Home Run	20Amp TLG	ETC Sensor IQ Panel	3
SL 50, 52	Floor Pocket Centre ( Shared Circuit)	Existing Outlet Box	Strand - 2 Twist-Lock L5-20R	Home Run	20Amp TLG	ETC Sensor IQ Panel	0
SL 51, 52	Floor Pocket Upstage ( Shared Circuit)	Existing Outlet Box	Strand - 2 Twist-Lock L5-20R	Home Run	20Amp TLG	ETC Sensor IQ Panel	0
SL 53, 54	Lighting Booth Left ( Shared Circuit)	Existing Outlet Box	Strand - 2 Twist-Lock L5-20R, 1 Circuit	Home Run	20Amp TLG	ETC Sensor IQ Panel	1
SL 53,54	Lighting Booth Right ( Shared Circuit)	Existing Outlet Box	Strand - 2 Twist-Lock L5-20R, 1 Circuit	Home Run	20Amp TLG	ETC Sensor IQ Panel	1
SL 55, 56	FOH 2 Catwalk Front Top Rail SL	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 57, 58	FOH 2 Catwalk Front Top Rail SL	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 59, 60	FOH 2 Catwalk Front Top Rail SR	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 61, 62	FOH 2 Catwalk Front Top Rail SR	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 63, 64	FOH 2 Catwalk Rear Top Rail SL	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 65, 66	FOH 2 Catwalk Rear Top Rail SR	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 67, 68	Proscenium Bar	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 69, 70	Proscenium Bar	New Plugging Strip	ETC 9900 Series Connector Strip 8 feet ( 4 outlets)	Home Run	20Amp TLG	ETC Sensor IQ 24 Panel Catwalk	2
SL 71	New Cyc Pipe SL	New Outlet Box	ETC 9102C - 2 Twist-Lock L5-20R	Home Run	20Amp TLG	ETC Sensor IQ Panel	1
SL 72	New Cyc Pipe SR	New Outlet Box	ETC 9102C - 2 Twist-Lock L5-20R	Home Run	20Amp TLG	ETC Sensor IQ Panel	1

**NOTES**

Floor Pockets Currently Share 3 circuits SL 50, 51, 52  
 Recommend 2 circuits each ( Total 6) SL 50,51, SL 52,53, SL 54,55

PLEASE CONFIRM Side Ladder SL + SR Wall Box  
 Have Existing wiring and Outlet Box?

IQ24 located Catwalk - 16 Circuits for Lighting SL55 - SL 70  
 IQ 48 located Backstage Electrical Cage SL1 - SL 54, and SL71,SL72

8 Circuits available for Audio  
 Total 56 Circuits 16 for Future or add more circuits

**TOTAL 72**  
**8 for Audio**  
**8 extra**

<b>SCHEDULE 2. Theatre Lighting Network</b>							
<b>ETHERNET CONTROL CIRCUITS</b>							
<b>Circuit</b>	<b>Location</b>	<b>Outlet Type</b>	<b>Mounting</b>	<b>Cable/ Wiring</b>	<b>Wiring method</b>	<b>Termination</b>	
TL 1, TL2	Booth above Lighting control desk	2 x Ethercon RJ45 Cat5e	Two Gang. Booth front Wall @ 1200 AFF	CAT 5e	Home Run	Booth TL Network in New Audio Equipment Rack	
TL 3, TL4	Booth above Lighting control desk	2 x Ethercon RJ45 Cat5e	Two Gang. Booth front Wall @ 1200 AFF	CAT 5e	Home Run	Booth TL Network in New Audio Equipment Rack	
TL 5	ETC IQ48 Relay Panel Back Stage		Direct run through Conduit to Ethernet Switch	CAT 5e	Home Run	Booth TL Network in New Audio Equipment Rack	
TL 6	ETC IQ24 Relay Panel		Direct run through Conduit to Ethernet Switch	CAT 5e	Home Run	Booth TL Network in New Audio Equipment Rack	
TL 7	ETC ERN2 Paradigm HL Control		Direct run through Conduit to Ethernet Switch	CAT 5e	Home Run	Booth TL Network in New Audio Equipment Rack	
TL 8	ETC IQ24 Relay Panel FOH 2		Direct run through Conduit to Ethernet Switch	CAT 5e	Home Run	Booth TL Network in New Audio Equipment Rack	
TL 9-14	FOH 1 Catwalk		6 x Direct run through Conduit from 6 x ETC 4-port Gateway	CAT 5e	Home Run	Booth TL Network in New Audio Equipment Rack	
TOTAL 14 Circuits							

Supply and Install of Conduit and Cat5e cable By Electrical Contractor  
 All Ethernet and Low voltage Terminations By Lighting Contractor



## Cleland Theatre – Audio Supply & Installation Scope

- 6 x Double 6" high intelligibility extreme resolution, active speaker system
- 4 x 2-way passive vocal monitor
- 2 x 12"-2way full range monitor (left mount)
- 2 x 12"-2way full range monitor (right mount)
- 2 x 2x1000 UHD amplifier, rack mount (2RU)
- 1 x 4x1000 watt channel, rack mount power amplifier for ESD Modules
- 2 x Ultra low frequency Very High Definition Double 21" Subwoofer System
- 4 x Very High Definition Dual Channel, 3200 Watt Subwoofer Amplifier
- 2 x Wide dispersion active driven speaker
- 4 x 2x15" SL Bass enclosure
- 2 x AMP Dedicated SL power amplifier
- 1 x 1000w powered dual 12" sub
- 1 x Input X 4 Output Super Analog Controller with built in VHD Line Drivers for ESD Modules and other passive speaker systems
- 1 x Dynamic Harmonics Control
- 2 x delay
- 2 x 2-channel active DI box
- 1 x Radial AV DI
- 2 x Radial DI
- 1 x Dynamic kick drum microphone with high output Neodymium element.
- 1 x Low-profile, half-cardioid condenser boundary microphone with integrated preamplifier with XLR connector and 2- position contour switch. For use with kick drums, piano and any low frequency application.
- 1 x dynamic mic (snare)
- 3 x studio condenser microphone
- 4 x clip on dynamic cardioid microphone for percussion
- 6 x vocal mic
- 2 x dynamic vocal microphone
- 11 x round base mic stand
- 11 x 2-piece, steel boom arm with T-bar locking screw clamp.
- 2 x One-piece, folding, extra low-level, steel microphone stand with zinc die-cast base and boom arm
- 1 x 12-channel 35' drum snake
- 2 x Haze Machine
- Misc. Distro, cabling, connectors, brackets
- Techs for installation tuning and training

ASSET AND AMENITY MANAGEMENT PROJECT

Cleland Theatre



# Cleland Theatre - Current State

## Business Objective

The Cleland Community Theatre is Penticton’s premiere performing arts venue and hosts productions ranging from symphonies and comedians to international performers, inspirational speakers and community groups.

## Current Status / Challenges

- The 403-seat theatre is currently limited by poor quality (inadequate) sound and lighting systems.
- Potential renters are required to provide own sound & lighting equipment to meet requirements for use (a deterrent to rental).
- No center aisle - Access to seats by side-aisles only.
- Other non-Theatre aspects are adequate (to good) – parking, ease of access, adjoining spaces for functions and presentations.
- The operating conditions of this asset cannot be defined as its costs are not separate from the overall Community Centre costs
- Location of the Theatre inside the Community Centre is both:
  - **Beneficial** - the building maintenance costs are absorbed by the Centre operations; and
  - **Restrictive** - functions must operate around the other Centre uses, such as the swimming pool and gymnasium.
- Recreation currently performing an operations review



## Current Operational Status (3-year average) and Asset Condition

Asset	Cleland Theatre
<b>Condition of each asset (Age)</b>	<b>FCI 79% (39)</b>
<b>Replacement Cost</b>	(incl. in Comm Centre)
<b>Annual CAPEX</b>	\$0
<b>Annual OPEX</b>	\$53,106
<b>Annual REVENUE</b>	-\$75,316
<b>Services</b>	
<b>ALL EXPENDITURE (Annual)</b>	\$0
<b>Annual REVENUE</b>	-\$75,316
<b>Ave Annual Cost Balance</b>	<b>-\$22,210</b>
<b>Avg. 5-year CAPEX budget plan</b>	\$178,000



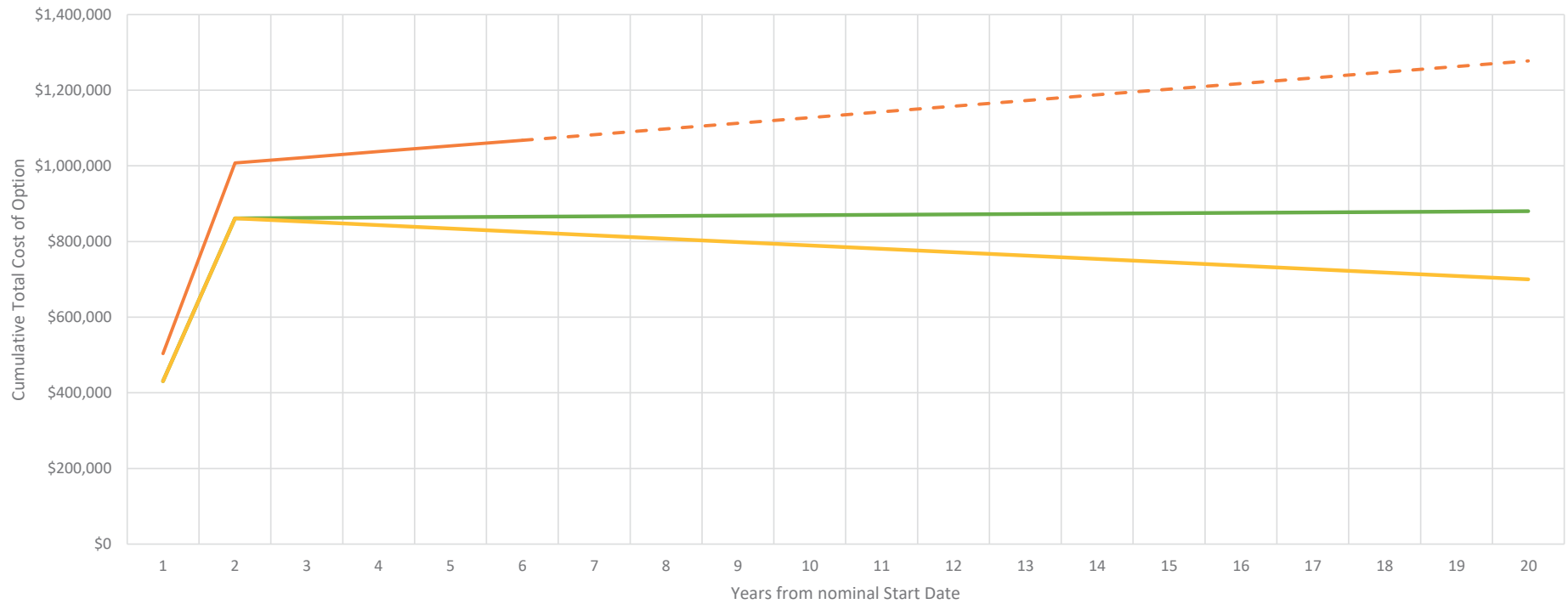
## Solutions and Risks/Benefits

Possible Solutions	Potential Risks, Benefits
<p><b>Option 1 – City upgrades audio-visual equipment and continue with current operating functions as-is</b></p> <ul style="list-style-type: none"> <li>• The current status of the Theatre is continued, with continued pattern of use and revenue.</li> <li>• No significant upside potential with this option.</li> </ul>	<ul style="list-style-type: none"> <li>• The asset is not fully costed, and actual operating profit / loss is not easily determined.</li> <li>• Current financial status remains.</li> <li>• Audio-visual equipment will be replaced; the current equipment does not meet acceptable performance standards</li> </ul>
<p><b>Option 2 – City upgrades audio-visual equipment and investigates possible new seating rearrangements, with increased marketing efforts</b></p> <ul style="list-style-type: none"> <li>• The City upgrades the audio / lighting equipment.</li> <li>• The enhanced functionality could lead to a wider target market</li> <li>• Rental costs to account for the enhanced functionality</li> <li>• City to undertake proactive marketing campaign and seek to maximize utilization.</li> </ul>	<ul style="list-style-type: none"> <li>• Capital cost to be borne by the City.</li> <li>• Risk that the investment does not materialize into increased use and increased revenue.</li> <li>• Positive aspect – the revenue and use increases.</li> <li>• Increased use could lead to increased use of surrounding facilities and enhance economic benefit.</li> </ul>
<p><b>Option 3 – City upgrades audio-visual equipment and enters into an operating agreement with a management company</b></p> <ul style="list-style-type: none"> <li>• Operator is fully responsible for marketing and growing the theatre business.</li> </ul>	<ul style="list-style-type: none"> <li>• There is confirmed interest in this option.</li> <li>• City may benefit from fixed revenue based on operating agreement.</li> <li>• Responsibility of growing the theatre business transferred to Operator.</li> </ul>



# Financial Projections – Cleland Theatre

- - Option 1 – City upgrades audio-visual equipment and continue with current operating functions as-is - Net costs
- Option 2 – City upgrades audio-visual equipment and investigates possible new seating rearrangements, with increased marketing efforts - Net costs
- Option 3 – City upgrades audio-visual equipment and leases the Theatre to Management Company - Net costs





## Conclusions and Recommendations

### **Option 3 – City upgrades audio-visual equipment and enters into an operating agreement with a management company**

- Lease agreement may cover potential cost share of maintenance and upkeep and revenue share option.
- Lessee is fully responsible for marketing and growing the theatre business.

This approach allows the City to retain full control of the asset while gaining maximum benefit from the use of the Theatre.

Similar art, cultural and entertainment functions occur at the SOEC Events Centre suggesting this is an established and viable market, and this additional space provides an added space and venue that could attract new and different events to the City.



**CLELAND COMMUNITY THEATRE  
325 Power Street  
Penticton, B.C. V2A 7K9**

Theatre Booking:	Carey Swales	250-490-2430 carey.swales@penticton.ca
Theatre Technician	John Clarke	250-490-2439 john.clarke@penticton.ca

The Cleland Community Theatre is located in the Penticton Community Centre, 325 Power St. There is no resident stage manager or crew, stage carpenter or electrician. The theatre is managed by the City of Penticton Recreation Department, and technical services are contracted to a local company, Penticton Stage-Tech.

**Stage Dimensions:**

The proscenium is not adjustable. There is no fly system but there are limited dead-hang possibilities from the grid.

Proscenium Width	36' 6"
Proscenium Height	16' 0"
Depth-front curtain to back wall	31' 0"
Depth-front curtain to cyc cloth	26' 0"
Wing Space - Stage Right	19' 3"
Wing Space - Stage Left	19' 3"
Apron	15' deep - 36' wide
Working Height of Grid	22'

**Stage Draperies:**

All the draperies are dead-hung and of Black Hessian fire retardant material. The fullness is sewn into the travellers only. The main curtain is on a manual traveller controlled Stage Right. There is a 17' high, 48" wide cyclorama hung 5' from the back wall to allow clear passage across the stage. The draperies consist of:

Three (3) sets of legs	17' high, 8' wide
Three (3) borders	6' high, 48' wide
One (1) Upstage Traveller	17' high, 46' wide
One (1) Midstage Traveller	17' high, 54' wide

**Stage Floor:**

The stage floor is level. It is made of sealed pine with Masonite on top and is in good condition. It conforms to the requirements of the Actors Equity Association by providing air space of at least one and five-eighth (1 5/8") inches between the concrete and the wood stage floor.

**Orchestra Pit:**

The pit is located beneath the apron and can accommodate approximately 20 musicians, depending on the set up. There are no music stands or music stand lights available. The dimensions of the pit are:

Length-	- 45'
Width	- 15'
Depth	- 7' 6"
Total Area	- 675 square feet
Stage floor opening	- 18' 9" x 6'
Stage floor for pit removable in	4' x 6' sections

**Load-In Facilities:**

The loading ramp is situated at the rear stage door. The door is 12' x 12' and is at stage level and at truck bed level. A 50' tractor trailer can easily back up to the door. There are storage facilities in the scene dock and parking available in the Community Centre parking lot.

**Dressing Rooms:**

There are two (2) star dressing rooms (capacity of 2) and two (2) chorus dressing rooms (capacity of 8). Each dressing room has a sink, shower, toilet, mirrors, tables, chairs and AC outlets.

**Electrical:**

There are 208/120 volt, 3 phase, 200 amp electrical boxes located upstage left and right for connection of portable lighting systems.

The theatre is equipped with a Strand GXS lighting board with Genius and Kaleidoscope lighting software (150 channels). 48 - 1.2K dimmers and 54 - 2.4K dimmers available. Please see attached circuit/dimmer plot.

The following instruments are available:

18 ETC 26° source 4	
3 ETC 36° source 4 jr.	
1 Altman 30" - 50" zoom series 600	
1 Strand 6 by 16 Lekolites	- 1000 Watts
17 Strand 6 by 12 Lekolites	- 1000 Watts
14 Strand 6" Fresnels	- 500 Watts
8 Strand 12" Scoops	- 500 Watts
4 Strand 18" Scoops (Fixed Focus)	1000 Watts
1 Capital Followspot	- 1000 Watts
10 Colortran 6x12 Elipsoidal	- 1000 Watts
10 Par 64	- 1000 Watts

- 6 ETC Source Four 36°
- 18 ETC Source Four 26°
- 12 ETC Par Nel
- 8 Music Stands

There is a catwalk to all F.O.H. positions with access to side slot locations. There are fixed ladders and lighting posts 3' downstage of the proscenium arch. The electrical pipes onstage are dead-hung, but a 17' ladder is available. All instruments, outlets and extensions use 20 amp twist lock plugs. Some adapters are available for "u" ground connectors.

The house lights are dimmer-controlled from the control room. The backstage work lights are on a separate system.

**Sound Equipment:**

- House Cluster - Left and Right - EAW JF200 (Mids/Highs)
- Left and Right - EAW SB180 (Subs)
- Crest Amplifiers for above speakers
- 1 Pair Peavey 1245 Wedge Monitors
- 2 - Yorkville powered speakers
- 2 - C D Players
- 2- Denon DN-500R Decks (record/Playback)
- 1 - Allan & Heath QU24 Digital Mixer
- 1- Digico SD9 Digital Mixer

Microphones Available

- 4 - Shure SM 58
- 7 - Shure SM 57
- 1 - Shure ULXP4 Wireless Mic- w/ Lav/Handheld mic
- 2 - Crown PCC Microphones

Program Sound To

- Stage R
- Dressing Rooms
- Rec/Green Room
- Lobby

**Intercom:**

There is a Clear-Com System with 6 double muff headsets. Lines are accessible to: Light Control, Sound Control, Projection Room, Stage Right, Stage Left and Upstage Centre. There is no direct communication between backstage and the house manager. There are chimes to signal the audience from the foyer. It is possible to signal the dressing rooms through the sound system.

**Pianos**

1 - 6' Steinway Grand

1 - Bell Upright Piano

**Lighting Circuits**

1st FOH - 36 channels - 1-2K Rosco IPS Dimmer  
Channels 55 - 90

2nd FOH - 12 Channels - 2.4K Dimmers  
Channels 1 - 12

Proscenium Bar - 12 Channels 1-2KK Rosco 1PS Dimmer  
Channels 91 - 102

1st Electric - 14 Channels 2-4K Dimmers  
Channels 13 - 26

2nd Electric - 8 Channels 2-4K Dimmers  
Channels 27 - 34

3rd Electric - 8 Channels 2-4K Dimmers  
Channels 35 - 42

Side Slot/ Left & Right - 4 circuits - 2-4K Dimmers  
Channels 43 - 46

Wall Boxes - 3 Channels 2-4K Dimmers  
Channels 47 - 49

Floor Pockets - 2 Channels 2-4K Dimmers  
Channels 53 - 54

**CLELAND COMMUNITY THEATRE  
2 CIRCUITS/DIMMER**

<b>DIMMER NO.</b>	<b>CIRCUIT NO.</b>	<b>LOCATION</b>
1	2	F.O.H. (Catwalk)
2	1	"
3	3	"
4	4	"
5	5	"
6	6	"
7	7	"
8	8	"
9	9	"
10	10	"
11	11	"
12	12	"
13	13	1st Electric
14	14	"
15	15	"
16	16	"
17	17	"
18	18	"
19	19	"
20	20	"
21	21	"
22	22	"
23	23	"
24	24	"
25	25	"
26	26	"
27	27	2nd Electric
28	28	"
29	29	"
30	30	"
31	31	"
32	32	"
33	33	"
34	34	"
35	35	3rd Electric
36	36	"
37	37	"
38	38	"
39	39	"
40	40	"
41	41	"
42	42	"

**CLELAND COMMUNITY THEATRE  
2 CIRCUITS/DIMMER  
(Continued)**

DIMMER NO.	CIRCUIT NO.	LOCATION
43	43	Side Slot Left/Right
44	44	"
45	45	"
46	46	"
47	Stage Left    Stage Right	Wall Boxes
48	47 48 49    47 48 49	4 - 3 Way
49		
50	Down    Centre    Up	Floor Pockets
	50      50      51	
51	51      52      52	
	50      50      51	
52	51      52      52	6 - 2 way
53	Booth Left    Booth Right	Lighting Booth
	54 53      53 54	
54		2 - 2 Way
55		
56		
57		
58	Inoperable	
59		
69		

# Council Report

penticton.ca

**Date:** March 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** David Kassian, Community Sustainability Coordinator

File No: 6440-01

**Subject: Blue Communities Project Delegation**

## Staff Recommendation

THAT the City continue to support sustainable practices in our community through strategic initiatives related to the design and operation of our public infrastructure including water and wastewater systems and continue to increase the number of publicly available water bottle fill stations at City owned facilities and parks to reduce reliance on bottled water.

## Strategic priority objective

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

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

## Background

At the March 17, 2021 meeting of the Community Sustainability Advisory Committee (CSAC) the Blue Communities Project (BCP) appeared as a delegation. During the presentation, BCP presented sample resolutions based on recognizing water as a shared resource. The three main principles are:

1. Recognize water and sanitation as human rights
2. Ban or phase out the sale of bottled water at municipal facilities and events
3. Promote publicly financed, owned and operated water and wastewater services

The Community Sustainability Advisory Committee discussed the matter with the following outcome:

**It was MOVED and SECONDED**

THAT the Community Sustainability Advisory Committee will refer the project and presentation to Staff for further consideration and additional investigation; and that Staff will report back to the Committee.

**CARRIED UNANIMOUSLY**

At the August 19<sup>th</sup> meeting of the CSAC, staff presented on the principles and objectives of a Blue Community as well as highlighting the aspects of a Blue Community that the City of Penticton currently meets and does not meet.

The City has met many of the objectives of the Blue Communities Project including operating a publicly owned water and wastewater system and providing potable tap water at public facilities and events. The objectives that the City have not met are banning bottled water at municipal facilities and events, and lobbying to various levels of government.

The Community Sustainability Advisory Committee discussed the matter and passed the following resolution:

**It was MOVED and SECONDED**

THAT the Community Sustainability Advisory Committee recommend that Council joins the Blue Communities Project, and continues to support sustainable practices in our community through strategic initiatives related to the design and operation of our public infrastructure including water and wastewater systems and continues to increase the number of publicly available water bottle fill opportunities at City owned facilities and parks.

**CARRIED UNANIMOUSLY**

**Financial implication**

The primary financial implication if the City were to join the BCP would be the cost associated with banning bottled water at municipal facilities and events. While the City is already phasing out the reliance on bottled water by increasing filling stations both in facilities and in our parks, a full ban would likely expedite this need. The cost of installing an outdoor water bottle fill station is approximately \$8,000 to \$10,000. The cost of installing an indoor water bottle fill station is approximately \$4,000 to \$6,000. Both costs can be higher or lower depending on the services required for the fill stations. Staff have not determined how many stations (both inside and out) would be required to support a ban of bottled water.

While much smaller from a monetary perspective, the other financial impact of joining BCP would be the staff resources required to undertake the required lobbying efforts. While not necessarily a monetary impact, this would detract staff resources from other City priorities.

**Analysis**

*Recognizing the rights to water and sanitation:*

In order to fulfill the requirements of the BCP, the City would need to undertake lobbying campaigns to various organizations advocating for universal access to potable water and sanitary sewer access. The points below summarize the organizations to be lobbied and the purpose of lobbying those specific organizations:

- Provincial Government
  - Enshrine the human rights to water and sanitation in Provincial law.
- Federal Government

- Enshrine the human rights to water and sanitation in Federal law.
- Develop a national plan of action to implement the human rights to water and sanitation.
- To fulfill its responsibility to support municipal infrastructure by investing in the National Water and Wastewater Infrastructure Fund\* (staff could not locate any information on a fund under this title) that would address the growing need to renew existing water and wastewater infrastructure and build new systems, and that would only fund public projects.
- Federation of Canadian Municipalities
  - Forward the resolutions from the Blue Communities Project to the Federation of Canadian Municipalities for circulation to its members.

Staff took the position that the City has met its primary community obligation to provide world class water and waste water treatment for its residents and visitors and that lobbying for other communities and other levels of government to do and promote the same is outside of its usual sphere of influence (and capacity). Further evidence of the City's commitment to providing high quality water is the expanded use of City water for the West Bench community with provisions to extend further in the area. In addition we note that the City has not invoked its rights under bylaw to disconnect water and sewer services for non-payment of utility bills.

*Phasing out the sale of bottled water in municipal facilities and at municipal events:*

The City can phase out the use of bottled water at City owned facilities and events where feasible, and find alternatives to bottled water sold out of vending machines. One option suggested by the CSAC was to ban the sale of bottled water, but instead to sell reusable water bottles in the vending machines that can be filled from nearby potable water stations. This idea can certainly be explored further as the City continues to expand its network of water stations.

Staff notes that bottled water is an expensive commodity compared to the clean filtered water available from refillable water bottle fill stations or water jugs and glasses, and agrees that better efforts could be made in this regard. However staff also noted that bottled water also provides an important, useful, convenient and safe alternative option for drinking water in some specific situations and suggests that choice be preserved.

The City will be applying to the federal Enabling Accessibility Fund in 2022, and a component of the application will be to increase the quantity of publicly available potable water stations that will be accessible to all. In summary, the City can make progress on this item without going through the formal process of becoming a blue community.

*Promote publicly financed, owned and operated water and wastewater services:*

Staff notes that the City of Penticton currently has no plans to privatize its publicly financed, owned water and waste water treatment systems.

Staff also notes that lobbying for other communities and other levels of government to do and promote the same is outside of its usual sphere of influence, and would detract staff resources from other City priorities.

**Summary**

CSAC debated all the above and after due consideration recommended the City joins the Blue Communities Project. Staff has taken the position that the City of Penticton is already committed to many of the philosophies and goals promoted by the BCP, and while staff applaud the efforts of the BCP, note that there is no need for Penticton to become a member of this organization to continue to expand upon the many sustainable initiatives already underway and planned for the community. This is reflected in the Staff Recommendation.

Alternatively Council could take the position that the City should commit to do more through definition of specific objectives either independently by staff or by affiliation with the Blue Communities Project and/or other advocacy organizations.

**Alternate recommendations**

THAT Council directs staff to develop specific objectives for further consideration by Council.

Respectfully submitted,

David Kassian  
Community Sustainability Coordinator

Concurrence

Director of Finance & Admin  <i>AMC</i>	GM Community Services  <i>AS</i>	GM Infrastructure  <i>KD</i>	CAO  <b>DyD</b>
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# Council Report

penticton.ca

**Date:** March 15, 2022 File No: 5370-01  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Len Robson, Public Works Manager  
  
**Subject: City of Penticton and Regional District of the Okanagan Similkameen Agreement to Process Biosolids from the Okanagan Falls Waste Water Treatment Facility**

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## Staff Recommendation

THAT Council approve the “Biosolids Acceptance Agreement” for the Okanagan Falls (Ok Falls) Waste Water Treatment Facility between the City of Penticton and the Regional District of the Okanagan Similkameen (RDOS) for a 5-year term as contained in Attachment “A” to this report;

AND THAT Council authorize the Mayor and Corporate Officer to execute the Agreement.

## Strategic priority objective

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

## Background

On July 22, 2013 the City entered into an agreement (Sludge Dewatering and Handling Agreement) with the RDOS to dewater and process the sewerage waste from the Ok Falls Waste Water Treatment Facility. Essentially liquid waste from Ok Falls Sewer Treatment Facility was delivered to the City Waste Water Treatment Plant Facility for processing and then combined with the City’s biosolids and hauled to the City Compost Facility for further processing into a reusable final product.

Recently the Ok Falls Plant upgraded their process to include dewatering of the liquid waste. This coincided with the expiration of the previous agreement, and prompted the drafting of a new agreement with the RDOS. Under the new agreement, the dewatered biosolids will now be delivered directly to the City Composting Facility.

## Financial implication

Currently, the City receives approx. \$92k annually from the RDOS for dewatering and processing the biosolids. The new proposal of dewatering and processing at the Ok Falls Treatment Plant then bypasses the Penticton Treatment Plant by delivering the biosolids to the City Compost Facility resulting in a

reduction in cost for the RDOS. This reduction in cost for the RDOS translates to a reduction of an estimated \$40K revenue for the City.

Although there will be no significant cost savings as a result of this change in service, there will be less wear on the plant equipment and the resources that were previously directed towards dewatering the biosolids at the AWWTP will be redirected to other duties.

Under the new agreement, the RDOS will be responsible for all costs for the City to compost the dewatered biosolids.

**Analysis**

The agreement ensures that all costs associated with the Ok Falls biosolids processing will be recovered from the RDOS. The agreement limits the annual volumes, specifies the acceptable characteristics of the biosolids, and outlines terms of the agreement, and applicable fees, all of which are agreeable to the RDOS and City staff.

**Alternate recommendations**

- 1. That the Okanagan Falls Biosolids Acceptance Agreement be sent back to staff with direction for modifications; or
- 2. That staff be directed to abandon further work on an agreement with the RDOS to process the Okanagan Falls biosolids.

**Attachments**

Attachment "A" – Biosolids Acceptance Agreement

Respectfully submitted,



Len Robson, ASCT  
Public Works Manager

Concurrence

<p>General Manager/ Director</p> <p><i>KD</i></p>	<p>Acting General Manager of Finance</p> <p><i>AMC</i></p>	<p>Chief Administrative Officer</p> <p><b>DyD</b></p>
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## BIOSOLIDS ACCEPTANCE AGREEMENT

This agreement ("**Agreement**") dated for reference the \_\_\_ day of \_\_\_\_\_, 202\_\_ is between:

**THE CORPORATION OF THE CITY OF PENTICTON,**  
a municipal corporation having an address at  
171 Main Street, Penticton, B.C. V2A 5A9  
("**City**")

and:

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN,**  
a regional district having an address at  
101 Martin Street, Penticton, B.C. V2A 5J9  
("**RDOS**")

(either party henceforth referred to as "**Party**" and collectively as "**Parties**").

WHEREAS:

- A. The RDOS operates the Okanagan Falls Wastewater Treatment Plant where wastewater is treated and dewatered, resulting in production of wastewater solids ("**Biosolids**") as one of the by-products;
- B. The City owns and operates a biosolids composting facility situated at 901 Spiller Road, Penticton, BC ("**City Composting Facility**");
- C. The Composting Facility has the capacity to accept and handle Biosolids up to a certain quantity;
- D. The RDOS intends to construct a biosolids composting facility ("**RDOS Composting Facility**") at a future date and, until such time that the facility begins operations, seeks to deposit Biosolids at the City Composting Facility; and
- E. The City and the RDOS wish to enter into this Agreement under which the RDOS will deliver and the City will accept Biosolids at the City Composting Facility, all on the terms set out herein,

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of one dollar (\$1.00) and the premises and mutual agreements and covenants herein contained (the receipt and adequacy of such consideration being mutually acknowledged by each Party), the Parties covenant and agree as follows:

## 2 TERM

### 2.1 General

This Agreement shall come into effect on the date that the last signatory executes it ("**Effective Date**") and shall remain in effect until the earlier of the following:

- a) five years after the Effective Date; or
- b) until the RDOS Composting Facility is constructed and is able to receive wastewater solids for composting.

### 2.2 Termination and Suspension

- a) Either Party may terminate this Agreement by giving the other Party written notice no less than 6 months before the intended date of termination.
- b) Notwithstanding paragraph (a), if the City has been ordered by a governmental body with the appropriate authority to cease operations of the City Composting Facility or if the City, acting reasonably, determines that operation of the City Composting Facility is contrary to law, the City may provide written notice of termination to RDOS, the delivery of which shall have the effect of immediately terminating the Agreement.

- c) If either Party is in breach of its obligations under this Agreement, the non-breaching Party may serve on the former a written demand to correct the breach within 30 days and, if the breach is not corrected in the said period, the non-breaching Party may terminate the Agreement immediately by providing written notice to the breaching Party.

### **3 TERMS FOR ACCEPTANCE OF BIOSOLIDS**

#### **3.1 Biosolids to be accepted**

- a) The RDOS may deliver Biosolids at the City Composting Facility and, provided that such delivery is in accordance with the terms established in this Agreement, the City shall accept such Biosolids.
- b) RDOS shall have ownership of the Biosolids until the Biosolids are deposited at the City Composting Facility, at which time the ownership of the Biosolids will transfer to the City.

#### **3.2 Deposit conditions**

- a) RDOS may deposit Biosolids at the City Composting Facility from Tuesday through Friday, between the hours of 8:30 am to 12:30 pm. Deposits may be made on Mondays provided a 72-hour notice is provided by the RDOS to the City.
- b) Prior to conducting the first deposit of Biosolids under this Agreement, RDOS must provide results of analysis of a sample of Biosolids to the City indicating that the characteristics of Biosolids are within the limits or ranges provided in Schedule "A" and receive approval of the same from the City. Following such initial approval, all Biosolids deposit under this Agreement must be within the limits or ranges provided in Schedule "A".
- c) RDOS must conduct tests of Biosolids samples for compliance with subsection (b) at a frequency no less than once every three months and provide the results of such tests to the City.
- d) Any Biosolids delivered to the City Composting Facility must be delivered in spill and odour-proof containers.
- e) The RDOS shall provide to the City documentary record ("**Weigh Slip**") of the weight of Biosolids in each container used to deposit such Biosolids at the City Composting Facility.
- f) The City reserves the right to not permit the RDOS to deposit Biosolids that do not meet any conditions stated herein, in which event it will be solely RDOS' responsibility to dispose off the Biosolids.

#### **3.3 Volume of deposits**

- a) RDOS may not deposit more than 780 metric tonnes of Biosolids to the city Composting Facility per year. The City may, at its sole discretion, cause the said maximum volumes to be amended by providing written notice to the RDOS at least two weeks before such amendment becomes effective.
- b) Nothing in this Agreement shall be construed as placing an obligation on RDOS to deliver any minimum quantity of Biosolids to the City Composting Facility during the Term. For certainty, the RDOS may, at its sole discretion, choose to not deliver Biosolids to the City Composting Facility or choose to deliver the Biosolids to any other disposal site not operated by the City.

#### **3.4 Outage**

- a) The City shall provide the RDOS written notice of any planned outage of the City Composting Facility at least 48 hours before such planned outage.

#### **3.5 Acceptance fee and invoicing**

- a) RDOS shall pay the City a fee of \$69 per metric ton of Biosolids deposited to the City Composting Facility ("**Fees**") in the manner set out herein.

- b) The City may, by written notice to RDOS, increase the Fees provided that no such increase may come into effect less than two weeks after provision of said notice.
- c) The City may deliver an invoice of Fees to RDOS once a month detailing the weight of Biosolids deposited during the invoicing period and Fees incurred for the same.
- d) The RDOS shall pay any Fees invoiced by the City within 30 days of receipt of the invoice.

**4 General conditions**

- a) Each Party will indemnify and hold harmless the other Party from and against any and all claims, liabilities, losses, suits, and expenses (including reasonable attorney fees) ("**Loss**") to the extent that such Loss arises out of:
  - i. inaccuracy of any representation made by the indemnifying Party in this Agreement;
  - ii. breach of the Agreement by the indemnifying Party; or
  - iii. a negligent or unlawful act of the indemnifying Party.
- b) Each of the Parties acknowledges and agrees that the other Party has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) other than those contained in this Agreement and that no agreement collateral hereto will be binding upon the Parties unless made in writing and signed by the Parties and that this Agreement constitutes the entire agreement between the Parties.
- c) In the event either Party is unable to perform its obligations under the terms of this Agreement because of extraordinary natural events or disasters, pandemic or epidemic, strikes, equipment or transmission failure or damage reasonably beyond its control, or other causes reasonably beyond its control, such Party shall not be liable for damages to the other for any damages resulting from such failure to perform or otherwise from such causes.
- d) Any notice or other communication required by or provided for in this Agreement will be deemed sufficiently given if delivered by commercially reasonable means:
  - To the City at:  
 171 Main Street  
 Penticton, British Columbia, V2A 5A9  
 Attention: Corporate Officer  
 Email:  
 Fax No: (250) 490-2402
  - To the RDOS at:  
 101 Martin Street  
 Penticton, British Columbia, V2A 5J9  
 Attention: Regional District Administrator  
 Email:  
 Fax No: (250) 492-0063
- e) This Agreement and everything herein contained shall enure to the benefit of and be binding upon the Parties hereto and each of their respective successors and permitted assigns.
- f) This Agreement may not be assigned, either in whole or in part during the term by either of the Parties.
- g) If the Parties to this Agreement are unable to agree on the interpretation or application of any provision herein, or are unable to resolve any other issue in dispute pertaining to this Agreement, on notice by either Party to the other, the Parties agree to promptly, diligently and in good faith take all reasonable measures to negotiate an acceptable resolution to the disagreement in dispute.

IN WITNESS WHEREOF the Parties hereto have executed this agreement as of the day and year first above written.



**Schedule "A"**  
**Acceptable Characteristics of Biosolids**

<b>Parameter</b>	<b>Acceptable limit (mg/l unless stated otherwise)</b>
Arsenic	25
Cadmium	7
Chromium	364
Cobalt	52
Copper	640
Lead	169
Mercury	5
Molybdenum	4
Nickel	60
Selenium	4
Zinc	523
Moisture Content	Between 16%-20%



# Council Report

penticton.ca

**Date:** March 15, 2022 File No: N\city\Address\Moosejaw St\1201  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Ken Kunka, Building and Permitting Manager  
**Address:** 1201 Moosejaw Street  
**Subject:** **1201 Moosejaw Street: Request for Notice on Title**

## Staff Recommendation

THAT the owner of 1201 Moosejaw Street (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 1, District Lot 7 Similkameen Division Yale District, Plan 10265, located at 1201 Moosejaw Street, stating the following:

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

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

## Executive Summary

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

## Strategic Priority Objective

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

## Background

On November 8, 2021, staff issued building permit BP012918 for interior renovations to the single-family dwelling at the Property. The permit came about after an investigation by the City of unpermitted construction was occurring at the Property. Throughout framing inspections on December 13, 2021 and December 14, 2021 for BP012918, staff identified additional unpermitted construction to the single-family dwelling that had not been included in the original permit drawings for BP012918. During a meeting with the owner and agent on December 21, 2021, staff directed that revised drawings, which included the additional unpermitted construction, be submitted by January 14, 2022, so that these works could be

included in BP012918. On February 1, 2022, staff first cautioned the owner and agent that staff may commence escalating enforcement action should the revised drawings not be submitted. Because staff did not receive the obligatory revised drawings by February 18, 2022, staff then cancelled the active building permit on February 24, 2022, and required that a new building permit application for the single-family dwelling at the Property be made by the owner or agent.

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

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

As outlined in division 1 of the *Community Charter*, local governments have the authority to regulate construction. In the City of Penticton, the power to regulate construction is exercised through the *Building Bylaw No. 2021-21*, and the failure to obtain a building permit falls under the *Building Bylaw No. 2021-21* as well.

#### **Financial implication**

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

#### **Analysis**

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

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

- The potential safety risks for occupants and users of the single-family dwelling, as a result of construction that is non-compliant with the *British Columbia Building Code*;
- If the City should choose not to enforce, then the potential for legal claims as a result of possible damages to surrounding properties;
- A reputation of not enforcing bylaws to ensure compliance with the City's pertinent regulations;
- The Chronology of Events that details staff's efforts to bring the Property into compliance (Attachment A).

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

**Attachments**

Attachment A – Chronology of Events

Attachment B – December 13, 2021 Inspection Photographs

Attachment C – December 14, 2021 Inspection Photographs

Respectfully submitted,

Ken Kunka, ASCT RBO  
Building and Permitting Manager

Concurrence

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

### Chronology of Events

1201 Moosejaw Street

Date of Documentation	Description	Associated Document
February 24, 2022	Staff informed the owner and agent that building permit BP012918 had been cancelled and that staff would seek a Notice on the Property Title.	
February 21, 2022	Owner requested an extension to complete the revised drawings.	
February 16, 2022	Owner claimed to be able to meet the date for compliance of February 18, 2022	
February 11, 2022	Staff informed the owner and agent that the received drawings were deficient and that revised drawings were required by February 18, 2022	
February 3, 2022	Staff received inadequate revised drawings from the owner.	
February 1, 2022	Staff informed the owner and agent that the revised drawings were required by February 4, 2022.	
January 24, 2021	Staff advised the owner that staff had expected the revised drawings by January 14, 2022.	
January 14, 2021	Owner informed staff of the progress on the revised drawings.	
December 22, 2021	Staff sent an e-mail to the owner and agent regarding the meeting with staff and that revised drawings were required by January 14, 2022.	
December 21, 2021	Staff had a meeting with the owner and agent, and it was agreed that revised drawings would be submitted to staff by January 14, 2022.	
December 16, 2021	Staff informed the owner and agent that a meeting to discuss unpermitted construction was required.	
December 15, 2021	Staff attended to the Property and posted a Stop Work Order to the single-family dwelling.	
December 14, 2021	Staff conducted a second framing inspection and reconfirmed additional unpermitted construction to the single-family dwelling had occurred.	Attachment C
December 13, 2021	Staff conducted a framing inspection and identified additional unpermitted construction to the single-family dwelling had occurred.	Attachment B
November 9, 2021	BP012204 was issued for an interior renovation to the single-family dwelling at the property.	
October 19, 2021	The owner's agent submitted a building permit application for the unpermitted construction.	
October 15, 2021	Staff returned to the Property and posted a Stop Work Order to the single-family dwelling.	
October 15, 2021	Staff conducted an inspection of the Property and verified that unpermitted construction was occurring in the single-family dwelling	
October 15, 2021	Staff received information that unpermitted construction was occurring at the Property.	

**Attachment B – December 13, 2021 Inspection Photographs**



*A photograph of the exterior of the bathroom group that was added without a review and in a section of the single-family dwelling that may not have a foundation.*



*A photograph of the low slope roof section that had metal roofing, which is not permitted by the British Columbia Building Code.*



*A close-up photograph of the low slope roof of the bathroom group that is unvented, but is required to have vents by the British Columbia Building Code.*



*A photograph of an unpermitted addition of a covered entry on the north side of the single-family dwelling at the Property. The noted deficiencies for the covered entry include the 4-inch by 4-inch posts and a ledger that has been improperly attached to the exterior wall through the new siding.*

**Attachment C – December 14, 2021 Inspection Photographs**



*A photograph of the interior of an eastern front window of the single-family dwelling that required a king stud to be installed against a cripple stud.*



*A photograph of the attic space of the single-family dwelling that appeared to be being finished for living space.*



*A photograph of the interior of the bathroom group that was not included in the drawings that were submitted for the building permit BP012918. One of non-compliant issues with this room is that the exterior walls are not constructed of full studs which results in a 'hinged wall'.*



*A second photograph of the interior of the bathroom group that contains a window that lacks a required lintel.*



*A third photograph of the interior of the bathroom group that shows the insulation of the exterior walls and in the ceiling of the low sloped roof. The insulation of the room was required meet the values given in the British Columbia Building Code and to be noted on the revised drawings.*

# Council Report

penticton.ca

**Date:** March 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner II  
**Address:** 273 Scott Avenue

File No: RMS/273 Scott Ave

**Subject: Zoning Amendment Bylaw No. 2022-14  
Development Permit PL2021-9222**

## Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-14", a bylaw to rezone Lot 1 District Lots 202 and 250 Similkameen Division Yale District and of District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8161, located at 273 Scott Avenue, from the RD1 (Duplex Housing) zone to the RM2 (Low Density Multiple Housing) zone;

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-14" to the April 5, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-14", require the applicant to pay \$9,500 for the cost of a new fire hydrant to meet multifamily development spacing requirements;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-14", approve "Development Permit PL2021-9222" for Lot 1 District Lots 202 and 250 Similkameen Division Yale District and of District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8161, located at 273 Scott Avenue, a permit to approve the form and character of a proposed 8-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 rezone the property from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) with the intent of constructing an 8-unit cluster housing development. The plans show four (4) duplex buildings (Figure 1). The proposed multifamily use is considered within the Multifamily Development Permit Area. The applicant has submitted a development permit application for Council's consideration in conjunction with their rezoning application.



Figure 1 - Renderings of proposed development

### Background

The subject property is located on the north side of Scott Avenue, east of Argyle Street (Figure 2). The property contains a single detached dwelling constructed in 1940. Surrounding land uses are residential in nature, consisting of a mix of single detached dwellings, duplexes, townhomes, and apartment buildings on this block of Scott Avenue. The property is located within walking distance of the downtown core, nearby schools, and close to the new Lake-to-Lake bike route.

The subject property is currently zoned RD1 (Duplex Housing) and is designated 'Ground Oriented Residential' by the Official Community Plan (OCP).

There have been previous development proposals on this property. In 2011, a development application package was submitted for a four-storey, 16 unit apartment building which Council denied in 2014 after three public hearings. In 2016, a similar development application package was resubmitted for a four-storey, 16 unit apartment building which Council denied in 2016 after one public hearing. In 2018, a development application package was submitted for a three-storey, 8 unit apartment building, however that file was closed prior to Council consideration due to that applicant deciding not to proceed at that time. The current proposal offers a building type not previously proposed (cluster housing).

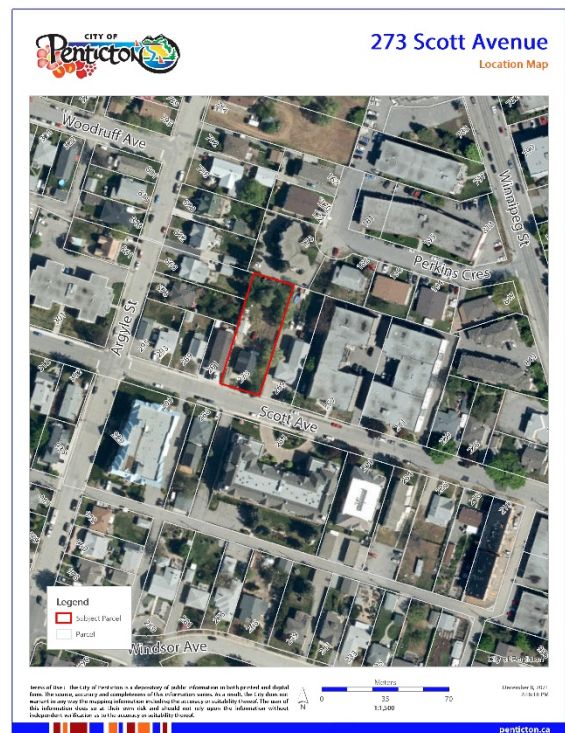


Figure 2 - Property location map

### Technical Review

This current development application package was reviewed by the City's Technical Planning Committee (TPC). The TPC identified the need for a new fire hydrant on Scott Avenue as a result of the proposed multifamily development. The City's spacing standards between fire hydrants would not meet minimum

requirements if the multifamily development proceeds. Therefore, staff are recommending that prior to adoption of the Zoning Amendment Bylaw, Council require the applicant to pay a \$9,500 flat fee for a new fire hydrant. The new fire hydrant will eliminate the multifamily spacing issue between the existing fire hydrants resulting from this multifamily development. The applicant has revised the plans based on the information and details requested by the Committee. In addition, comments related to the future building permit application have been provided to the applicant.

**Development Statistics**

The following table outlines how the proposed development meets the applicable Zoning Bylaw regulations:

	<b>RM2 Zone Requirement</b>	<b>Provided on Plans</b>
<b>Minimum Lot Width*:</b>	18 m	22.86 m
<b>Minimum Lot Area*:</b>	540 m <sup>2</sup>	1,449 m <sup>2</sup>
<b>Maximum Lot Coverage:</b>	40%	37.3%
<b>Maximum Density:</b>	0.8 Floor Area Ratio (FAR)	0.78 FAR
<b>Vehicle Parking:</b>	1 space per unit 1 visitors space per 4 units <b>Required: 10 parking spaces</b>	8 parking spaces 2 visitor parking spaces <b>Total: 10 parking spaces provided</b>
<b>Bicycle Parking:</b>	0.5 Class I spaces per unit 0.1 Class II spaces per unit	Garages provided for each dwelling unit, no Class I required ** 1 Class II bike rack provided
<b>Required Setbacks</b>		
Front Yard (Scott Ave):	3.0 m	3.0 m
Side Yard (west):	3.0 m	3.0 m
Side Yard (east):	3.0 m	8.2 m
Rear Yard (north):	6.0 m	6.0 m
<b>Maximum Building Height:</b>	12 m	9.6 m
<b>Amenity Space:</b>	20m <sup>2</sup> per unit Total = 160 m <sup>2</sup>	9.2 m <sup>2</sup> deck per unit 17 m <sup>2</sup> to 21 m <sup>2</sup> fenced yard per unit 44 m <sup>2</sup> common amenity space Total: 280 m <sup>2</sup>
<b>Other Information:</b>	*Lot width and area are only applicable for subdivision applications. ** Section 6.4.3.5 of the Zoning Bylaw states that where multifamily developments are designed with each unit having its own garage, no Class I bicycle parking is required because the garage itself would provide secure bike storage	

**Analysis**

*Rezoning*

The property is designation 'Ground Oriented Residential' by the OCP. This land use designation supports cluster housing, fourplexes, higher-density rowhouses, townhouses and bareland strata developments

(Figure 3). The proposed 8-unit cluster housing development is a consistent use with the 'Ground Oriented Residential' designation.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
	<p>Medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas.</p>	<ul style="list-style-type: none"> <li>• Duplexes with suites</li> <li>• Cluster housing</li> <li>• Fourplexes higher-density rowhouses</li> <li>• Townhouses and stacked townhouses</li> <li>• Bareland strata developments</li> </ul>	<ul style="list-style-type: none"> <li>• Residential</li> <li>• Limited Service/ Retail</li> </ul>	<ul style="list-style-type: none"> <li>• Up to 3 ½ storeys</li> </ul>	<ul style="list-style-type: none"> <li>• RM2</li> <li>• RM5</li> <li>• C2</li> </ul>

Figure 3 - Excerpt from Land Use Designations table (OCP)

Staff consider that the proposed rezoning to the RM2 zone will allow for development that conforms to the following OCP Policies:

- Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
  - The property is located in an existing developed area with municipal services.
- Policy 4.1.1.4 Ensure all new developments fully cover the cost of the required infrastructure and services they require, including roads, water, sewer, storm water, and provision of parks, schools, and emergency services.
  - The developer is responsible to cover development costs including any required infrastructure upgrades, including the recommended payment for the additional fire hydrant. The developer will also pay Development Cost Charges (DCC's) at the building permit stage to help offset the increased demand on municipal infrastructure.
- 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.
  - There are several multifamily developments located along this block of Scott Avenue. The property is located within a block of the Lake-to-Lake bike route, a bus route, and is close to schools and the downtown. The submitted development permit application demonstrates the applicable Development Permit Area Guidelines in the OCP are met.
- Policy 4.1.3.4 Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or larger, to accommodate families.
  - All 8 units are proposed to have 3-bedrooms with a den, and 2 full bathrooms. These units provide an accommodation option for families.
- 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.
  - The subject property is located near the Lake-to-Lake bike route and a bus route on Winnipeg Street. It is located within a ten minute walk to Penticton Secondary School, KVR Middle School, King's Park, and stores and restaurants in the downtown.

- 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.
- The applicant has submitted a Development Permit application in conjunction with the rezoning request for Council’s consideration. Attachments ‘D’ and ‘E’ show how the proposed development meets the applicable OCP design guidelines. The design consists of four duplex buildings, which is a shift from the previous apartment proposals and this design change may address some concerns raised during previous public hearings for development on the subject property.
- 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).
- This property is located at the edge of a primarily single detached neighbourhood to the west, but this block of Scott Avenue already contains several older and newer multifamily housing developments in the form of apartments and townhomes. This block of Scott Avenue is designated by the OCP for more intensive, ground oriented residential development in the future (Attachment ‘B’). Staff have worked with the applicant to implement the Development Permit Area guidelines.

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.

Given that there is adequate policy through the OCP to support the development, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2022-14” and forward it to the April 5, 2022 Public Hearing to allow citizens to give their comments and feedback on the proposal.

#### *Development Permit*

The proposed development is included in the Multifamily Residential Development Permit Area, which is established in the OCP to enhance neighbourhoods and create sensitive transitions in scale and density of new multifamily developments by addressing issues such as privacy, landscape retention, and neighbourliness. The applicant has provided a letter of intent and development permit analysis with their submission (Attachment ‘D’). Staff have also completed a development permit analysis (Attachment ‘E’) that shows how the development conforms to the applicable design guidelines.

The OCP allows for minor variances through a development permit, rather than a standalone development variance permit application. The applicant is proposing a reduced landscape buffer width along the east property line (Figure 4). Section 5.1.4 of the Official Community Plan allows variances to landscape buffers in cases where “the proposed building locations make establishment of a buffer difficult or impossible or where the trees will not thrive...in cases where the buffer is reduced, compensatory planting elsewhere on site or in the adjacent public realm is required.” In this instance, the east landscape buffer is reduced in width on these plans from 3.0m to 1.8m, as a result of the driveway providing access into each garage. The west landscape buffer remains at the 3.0m required width. Staff are supporting the variance through the development permit because the landscape plan shows that the required number of trees and shrubs will be planted along the reduced buffer, at the ratios required by the Zoning Bylaw: 1 tree per 10m and 1 shrub per 1m. As a result, no additional plantings elsewhere on site or public realm are required. This reduced

buffer allows vehicle access into the garages of each unit and maintains some landscaping along this side of the property adjacent to the neighbouring duplex. Staff also note that the driveway itself increases the setback between the proposed buildings and the eastern neighbour to provide more physical separation, an additional form of buffering.

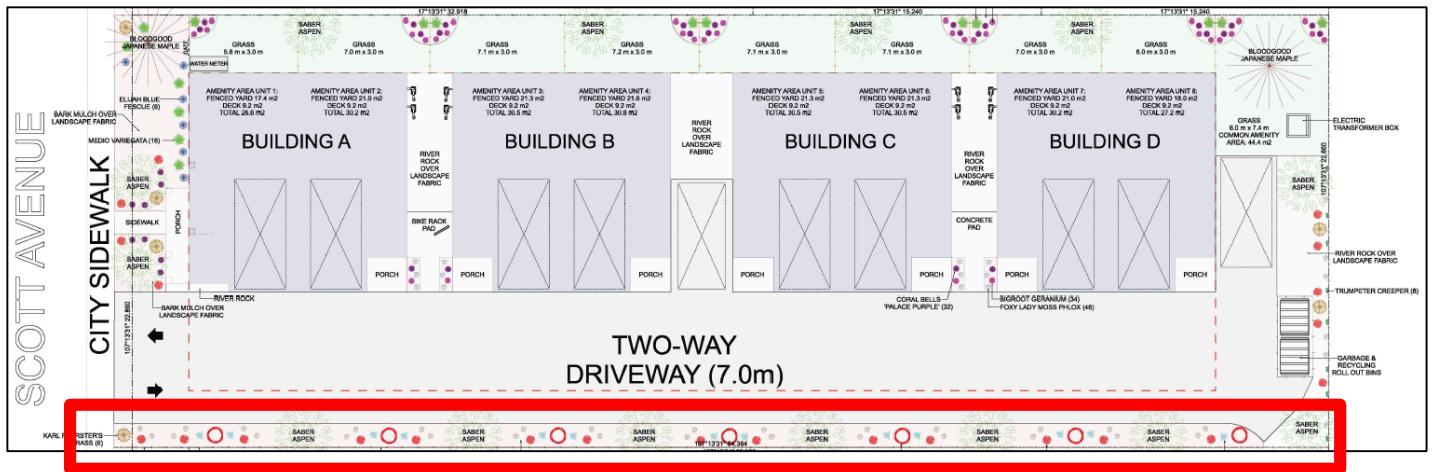


Figure 4 - Landscape buffer reduced to 1.8m (outlined in red)

The proposed development has been designed with the OCP policies in mind and with due consideration of impacts on neighbouring properties. As such, staff recommend that Council consider approving the Development Permit, subject to the adoption of the Zoning Amendment Bylaw.

**Alternate Recommendations**

Council may consider the proposed rezoning is not suitable for this property. If this is the case, Council should close and abandon the application. Staff are recommending against this option, as the proposed rezoning conforms to the future land use designation as set out in the OCP. Staff note that the public may be interested in reviewing the revised plans as the current design is a substantial change from previous development proposals on this property.

- 1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2022-14".

**Attachments**

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Images of Subject Property
- Attachment D – Letter of Intent and Development Permit Analysis (applicant)
- Attachment E – Development Permit Analysis (staff)
- Attachment F – Zoning Amendment Bylaw No. 2022-14
- Attachment G – Draft Development Permit PL2021-9222

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner II

Concurrence

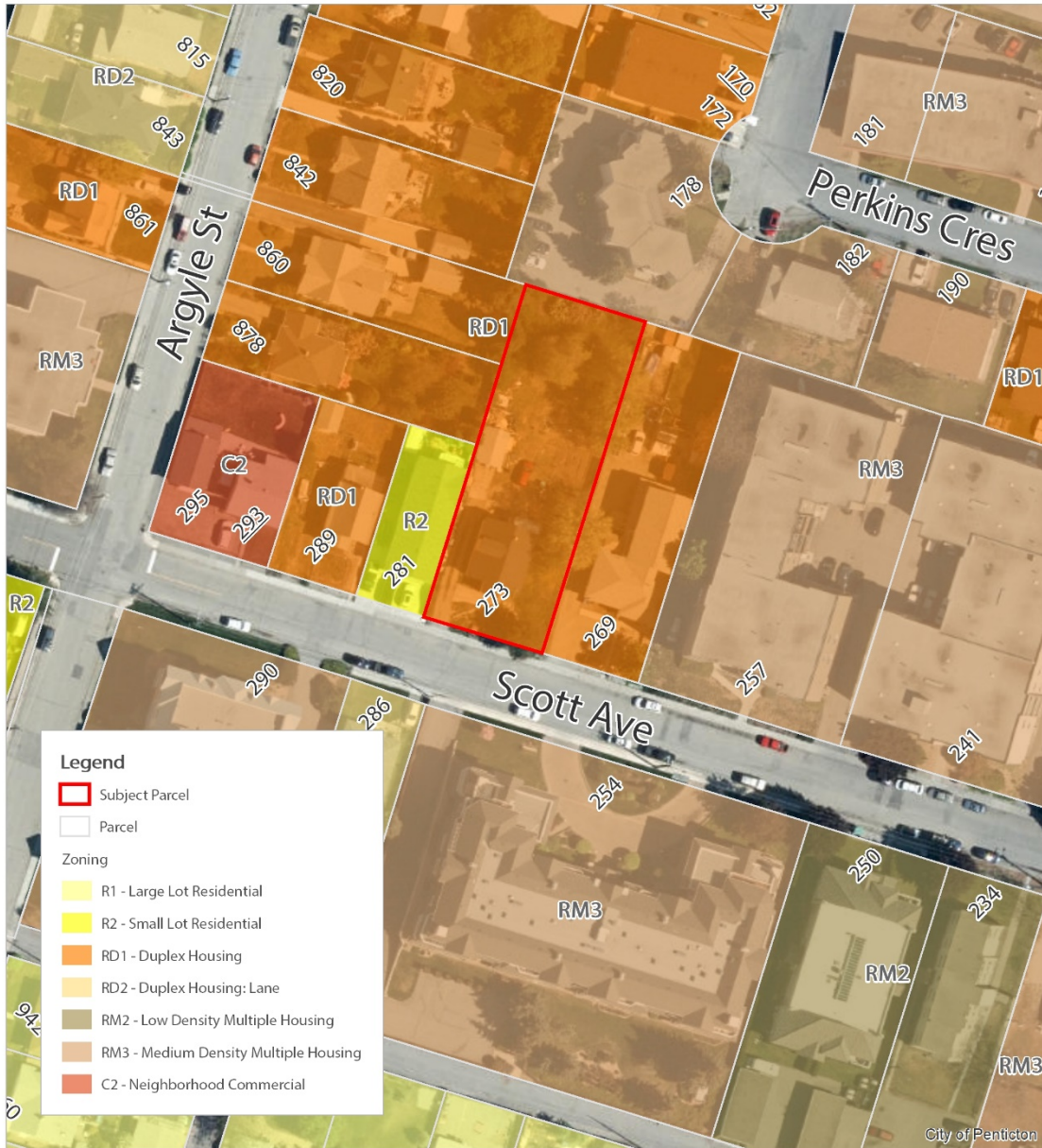
Director of Development Services  <i>BL</i>	Chief Administrative Officer  <b>DyD</b>
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Attachment A – Zoning Map

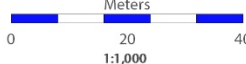


# 273 Scott Avenue

Zoning Map



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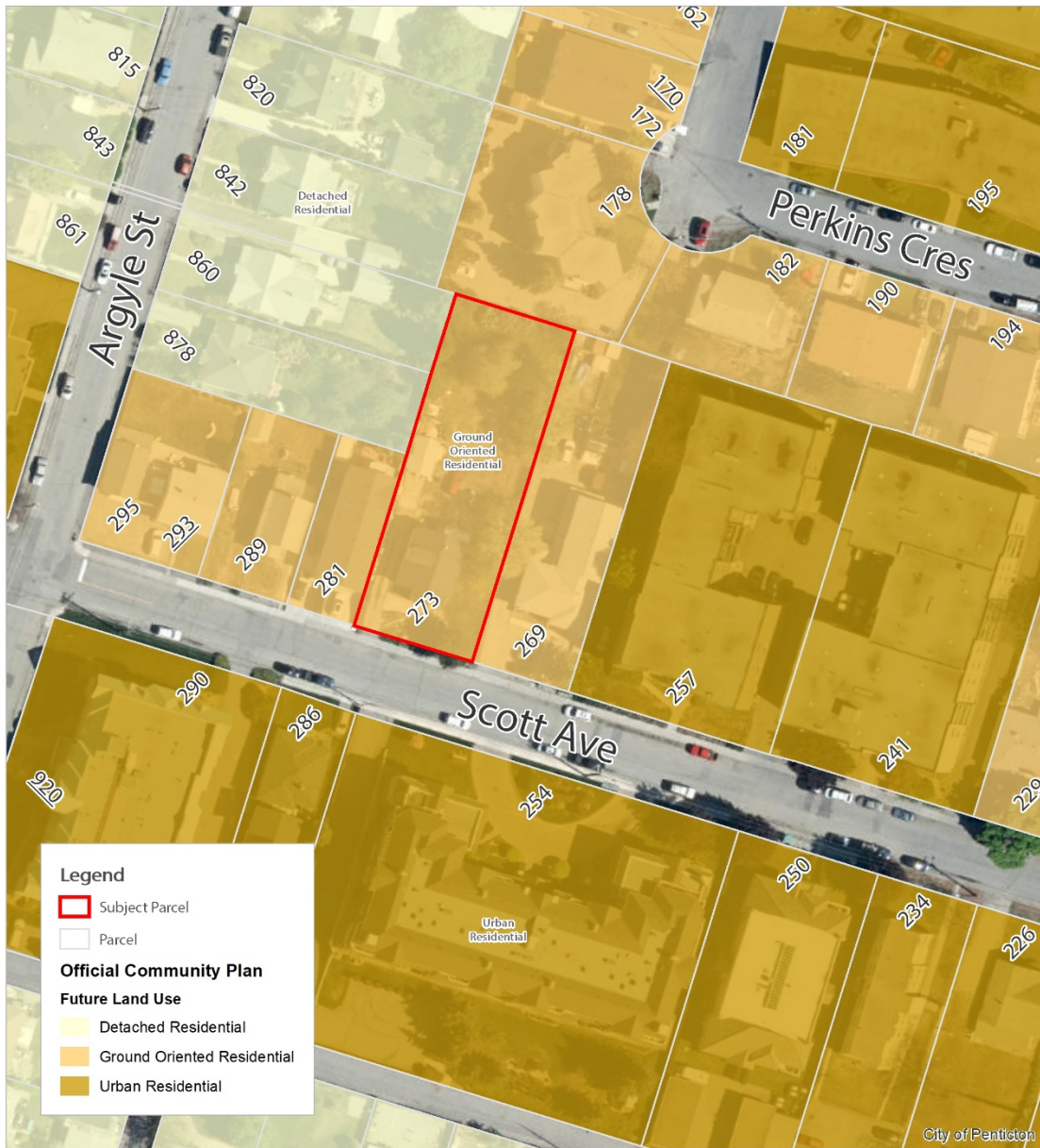
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Attachment B – Official Community Plan Map



# 273 Scott Avenue

Official Community Plan Map



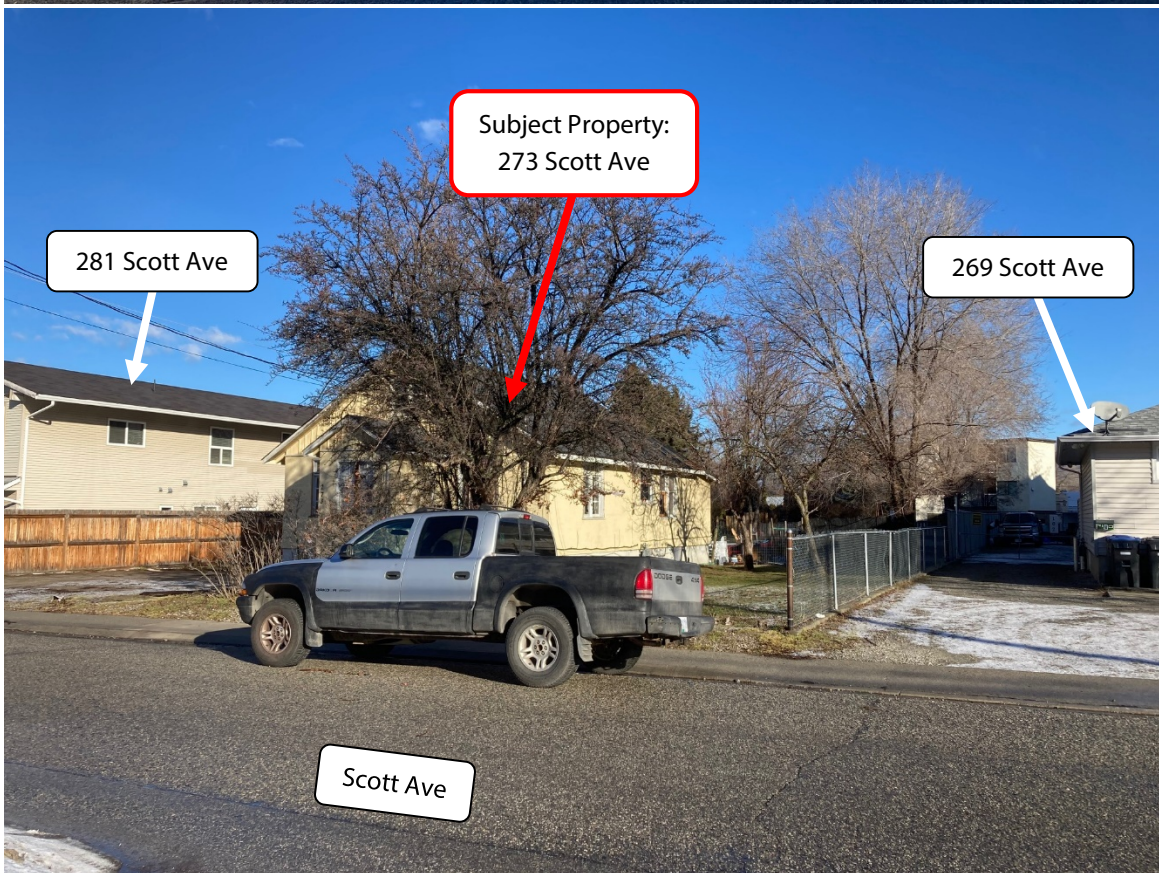
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Attachment C – Images of Subject Property



Attachment D – Letter of Intent and Development Permit Analysis (applicant)



December 3rd, 2021

Giroux Design Group Inc.  
23216 Garnet Valley Rd.  
Summerland, BC V0H 1Z3

City of Penticton  
273 Scott Ave.  
Penticton, BC V2A 2J5

Re: 273 Scott Ave. 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 273 Scott Avenue. The property is currently zoned RD1 (Duplex Housing) and currently houses an older single-family home which is suited for demolition.

The proposal is to rezone the property to RM2 (Low Density Multiple Housing) and build four duplexes for a total of eight units. Access to the development is from Scott Avenue where a two-way 7 m wide drive aisle provides access to garage parking with two additional guest parking spots on site. The three-storey duplexes will be modest in size 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 Ground Oriented Residential development which allows for multiple duplexes.

The property currently fronts Scott Avenue. 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,

A handwritten signature in black ink, appearing to read 'Tony Giroux', is written over a light blue horizontal line.

Tony Giroux **ASTTBC.RBD**  
Owner/Registered Building Designer  
Giroux Design Group Inc.

273 SCOTT AVE: DEVELOPMENT PERMIT ANALYSIS

PEDESTRIAN CONNECTIVITY

The development is on a road with pedestrian sidewalks and within walking and biking distance to the downtown business core and shopping. The location is central to parks and schools. City Bus stops are also located nearby, allowing easy access to transit.

PARKING

Each duplex has garage parking spots accessed from a drive lane coming from Scott Avenue with two additional visitor parking spots. 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 Building 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 leaves fall. 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 unit closest to Scott Ave faces the street with a covered porch to improve street appeal. The entry doors of the other units face the drive aisle along the interior side yard with a covered porch for each door. The duplexes are three storey buildings and will nicely suit the neighbourhood which is comprised of duplexes, homes, and town houses. At 9.58 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. Neighbourhood meeting was held at the City Hall in Penticton prior to design to hear potential concerns of neighbours and to address the needs of the community. Feedback was considered in the design of the units.

LANDSCAPING (ENHANCING THE URBAN FOREST)

The landscaping plan for the development includes one tree at the front of the property along Scott Ave, trees along the drive aisle and additional trees along rear yards of the development for a total of 16 trees which is a significant increase to the property. At the entrance of each duplex there is a modest planting bed with plantings and additional planter beds with plantings along Scott Ave creating a pleasing aesthetic and curb appeal for the development and a pleasant environment for occupants. Plantings are also located along the full length of the drive aisle. To provide a clean easily maintained space along the interior side yards river rock is used for landscaping. Grass common areas are planned along the North, South and West property lines in addition to the 3 m landscape buffer. Grass rear yards creating pleasant private areas.

WASTE MANAGEMENT

Garbage and recycling collection is provided by dumpsters at the north end of the drive aisle in a compound surrounded by a wood screen fence and placed on a concrete pad.

FENCES

6' high wood privacy fences will be installed along the full length of the north, east and west property lines except in the front yard where they are 4' high. 6' privacy fence will also be installed between each of the duplex rear yards.

We believe that the 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.

Attachment E – Development Permit Analysis (staff)

**Development Permit Analysis**

The proposed development is located within the Multifamily Residential Development Permit Area. The following analysis demonstrates how the proposal is aligned with the applicable design guidelines.

- Guideline G3* Private and semi-private open spaces should be designed to optimize solar access.
- The yard amenity spaces for each unit face west and second floor balconies face towards the east, both of which allow 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 3.0m setback. Staff note that the closest unit to the street is designed to face the street in a positive way, with a covered porch and sidewalk leading from the public sidewalk to the main unit entry.
- 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 driveway at the side of the property with windows and main entries facing this area, as well as towards Scott Avenue. 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. Two outdoor visitor parking spaces are located on-site, one near the middle of the development and one at the back of the property.
- 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 minor projections, roof overhangs, and other design elements to make the facades more visually appealing. 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 south façade facing Scott Avenue is designed with the main entry to the unit facing the street, with a covered patio, multiple façade materials, and minor projections all providing interesting architectural features. A path connects this unit entry directly to the public sidewalk. Large windows also face towards the street in a positive way, rather than having this most visible unit facing the side driveway.
- Guideline G26 Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*
- The three storey design is similar to the built form of other multifamily developments on this block of Scott Avenue, which generally range between 3 and 4 floors. The upper level balconies face towards the driveway, rather than facing west where they would look over the three neighbouring residential properties on that side and have a more negative impact on privacy. The at-grade amenity lawns on this side of the buildings will be screened by fencing and landscaping which reduces outdoor amenity overlook.
- 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 side driveway. The unit adjacent to the street has a main entrance facing Scott Avenue in a positive way. This design provides visual overlook onto the public realm.
- Guideline G35 Tree planting...*
- The landscaping plan shows three trees planted along the front yard, and six trees along each side yard. 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. The west landscape buffer meets the required tree and shrub planting ratios, as well as the required 3m width. The east landscape buffer also meets the tree and shrub ratios, however it is proposed at 1.8m rather than 3.0m due to the driveway providing access to each unit. Staff are recommending that the landscape buffer width along the east property line be reduced through the development permit, as allowed for by the OCP. 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 storage bins will be stored at the rear of the property in a screened enclosure. This location will not impede vehicle access and located the bins in an easily serviced location.

*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 and a second floor deck. These amenity spaces, in addition to a common amenity lawn, provide both semi-private and shared outdoor spaces on the property 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.

The Corporation of the City of Penticton

Bylaw No. 2022-14

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. 2022-14".

2. Amendment:

Zoning Bylaw No. 2021-01 is hereby amended as follows:

2.1 Rezone Lot 1 District Lots 202 and 250 Similkameen Division Yale District and of District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8161, located at 273 Scott Avenue, from RD1 (Duplex Housing) to RM2 (Low Density Multiple 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

RECEIVED the approval of the day of , 2022

Ministry of Transportation on the

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 2022-14

Date:

Signature:

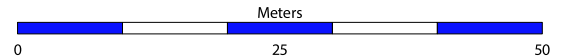


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1:720

March 9, 2022 8:48:40 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

## Development Permit

Permit Number: DP PL2021-9222

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 Lots 202 and 250 Similkameen Division Yale District and of District Lots 1 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 8161
  - Civic: 273 Scott Avenue
  - PID: 003-928-772
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of an eight-unit cluster housing development 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 landscape buffer width along the east property line from 3.0m to 1.8m.
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
  - 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.

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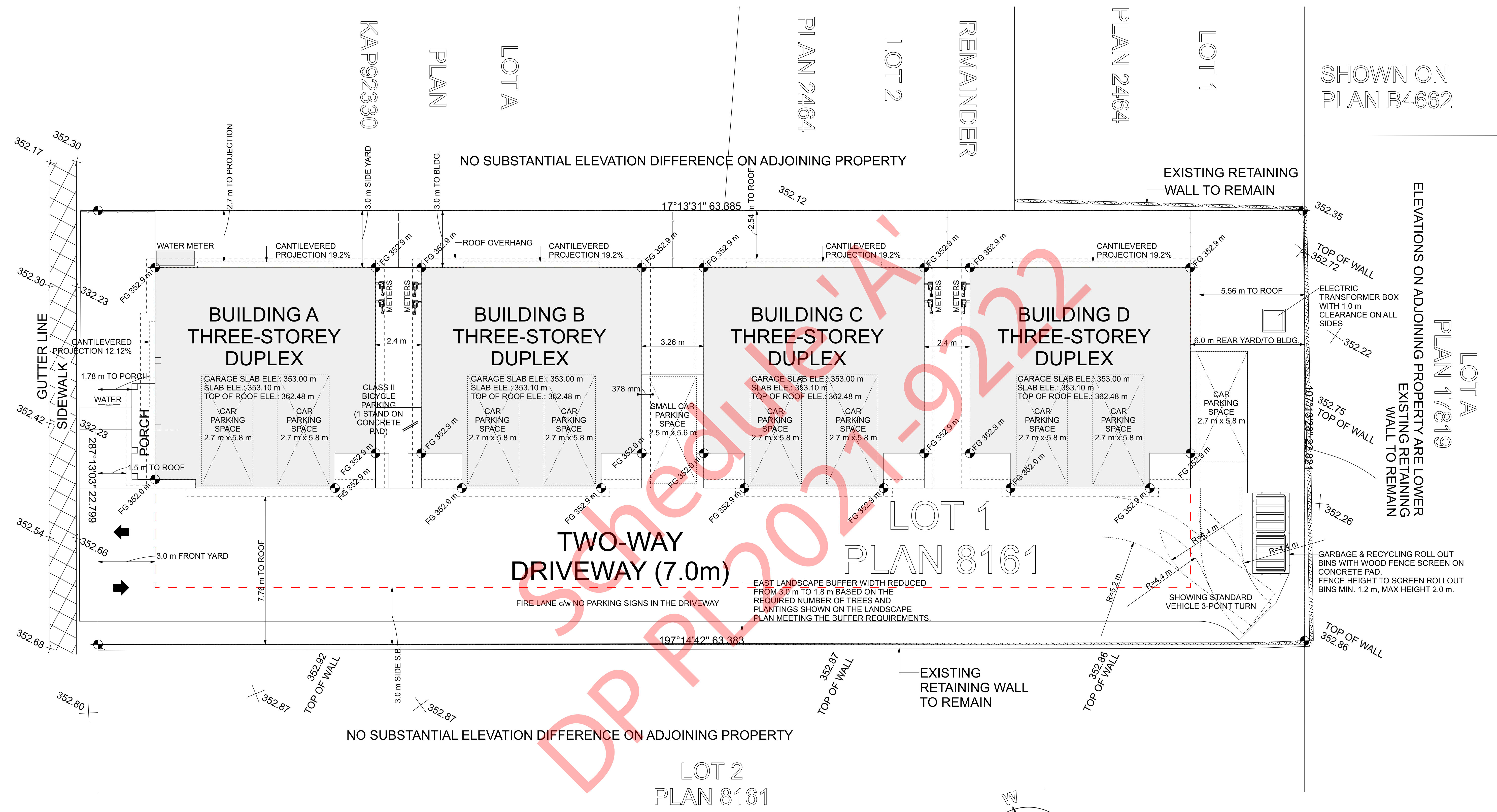
Angela Collison  
Corporate Officer

SCOTT AVENUE

### SITE PLAN

SCALE: 1:100  
CIVIC ADDRESS: 273 SCOTT AVENUE, PENTICTON, BC  
LEGAL DESCRIPTION: LOT 1, PLAN 8161, DL 202 & 250 and DL 1 & 4, Grp 7, SDY(YL)D  
PID: 003-928-772

BASED UPON A FIELD SURVEY COMPLETED 2 MARCH 2020.  
ELEVATIONS ARE GEODETIC AND REFERRED TO CITY OF PENTICTON  
INTEGRATED MONUMENT #4306  
STEVEN J. BUZIKIEVICH PROFESSIONAL LAND SURVEYOR FILE. 20-006



SHOWN ON  
PLAN B4662

ELEVATIONS ON ADJOINING PROPERTY ARE LOWER  
EXISTING RETAINING  
WALL TO REMAIN  
PLAN 17819  
LOTA

SINGLA BROTHERS CONSTRUCTION  
273 SCOTT AVENUE  
PENTICTON, BC  
DESIGN BY: AIG DATE: 1/31/22  
DRAWN BY: AIG REVISED:

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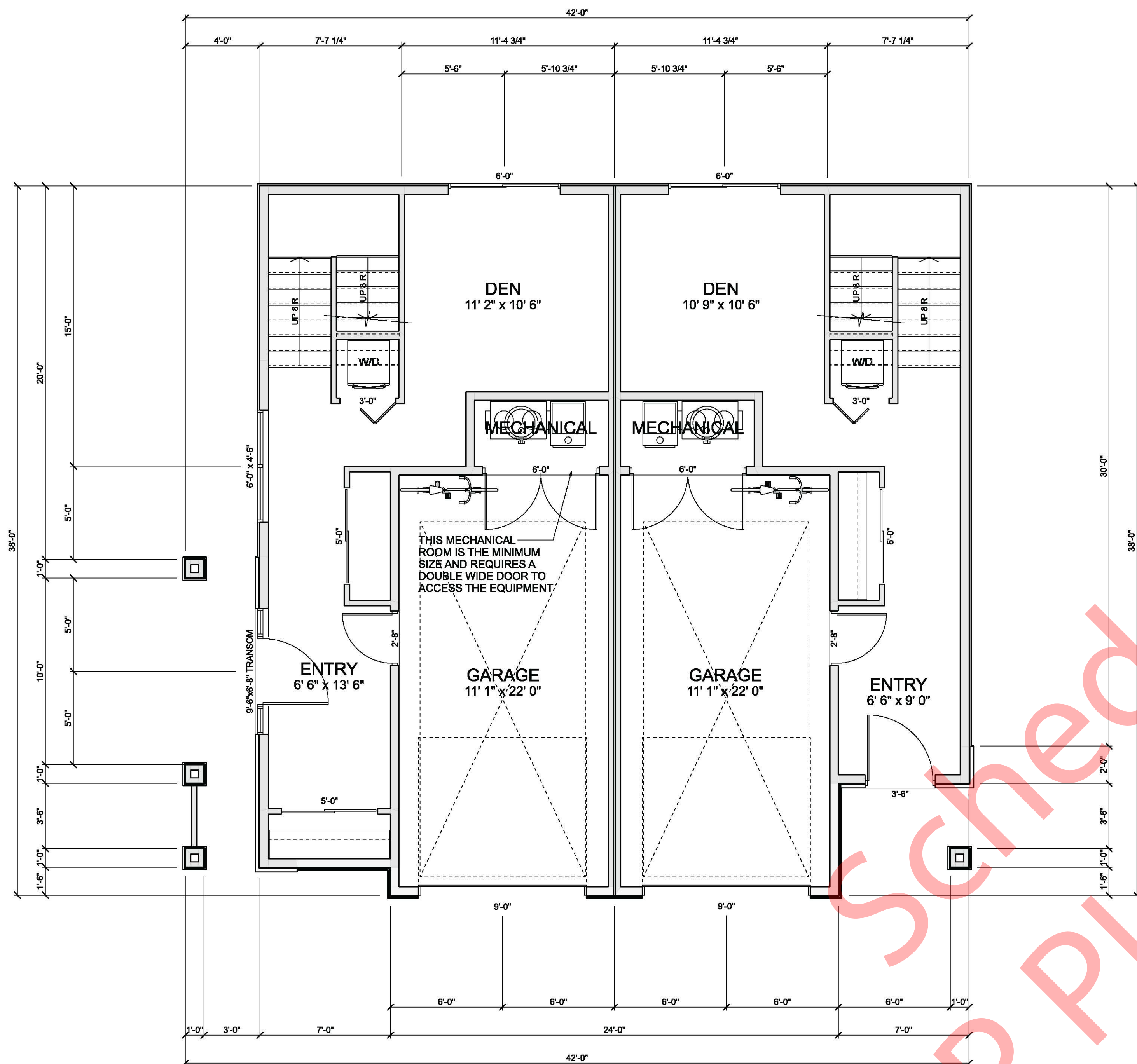
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WP-5619  
SLAB  
SHEET NO.  
A2

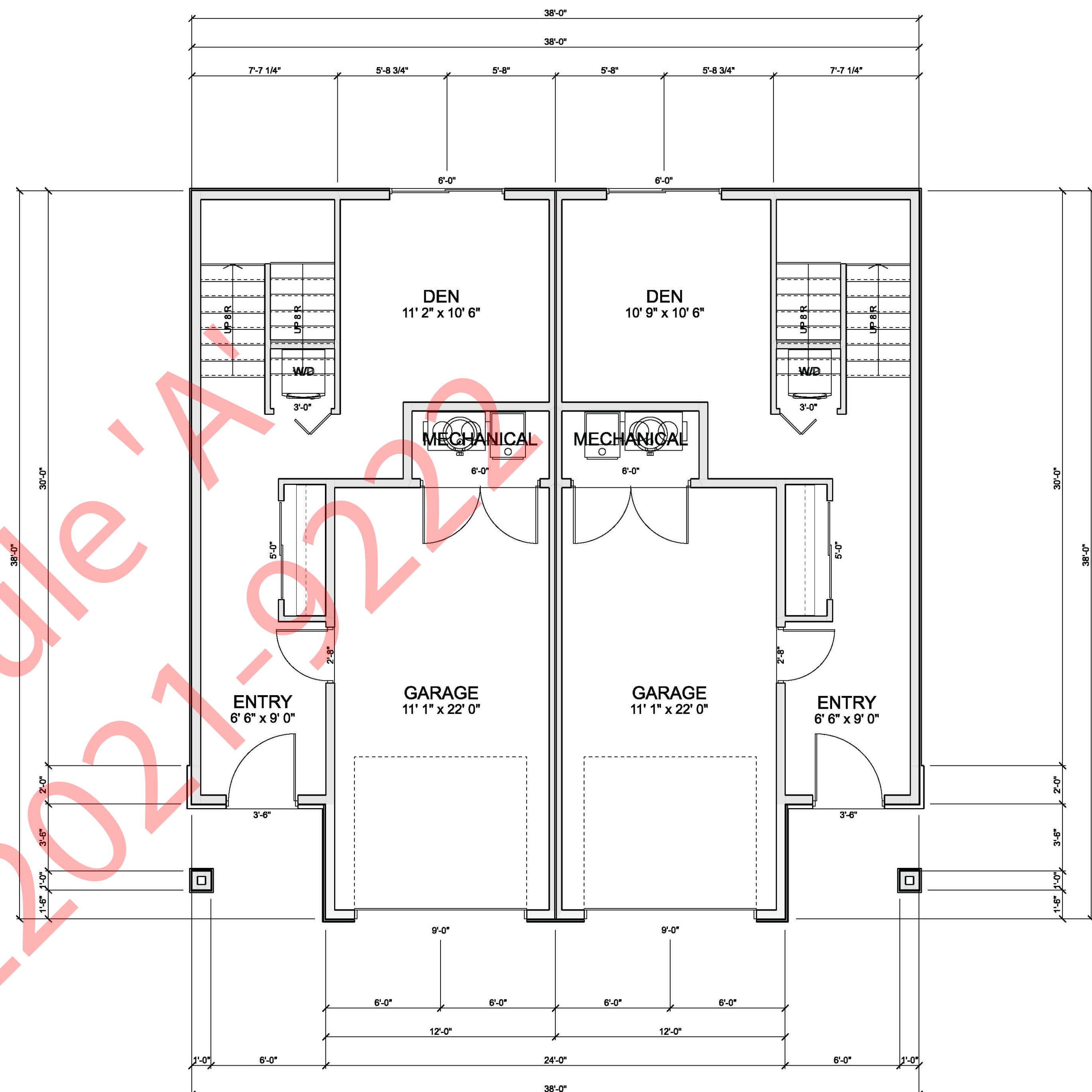
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Site Plan





**LOWER FLOOR PLAN (BUILDING A)**  
 SCALE: 1/4" = 1'-0"  
 LOWER FLOOR LIVING AREA: 661.7 sq ft.  
 GARAGE AREA & MECHANICAL: 615.2 sq ft.



**LOWER FLOOR PLAN (BUILDINGS B-D)**  
 SCALE: 1/4" = 1'-0"  
 LOWER FLOOR LIVING AREA: 630.2 sq ft.  
 GARAGE AREA & MECHANICAL: 615.2 sq ft.

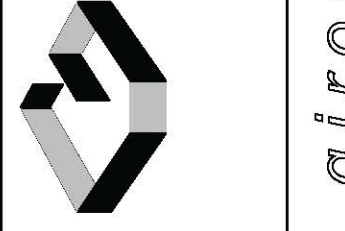
Schedule A  
 DR PL 2021-9221

SINGLA BROTHERS CONSTRUCTION  
 273 SCOTT AVENUE  
 PENTICTON, BC  
 DESIGN BY: AJG DATE: 1/13/22  
 DRAWN BY: AJG REVISED:

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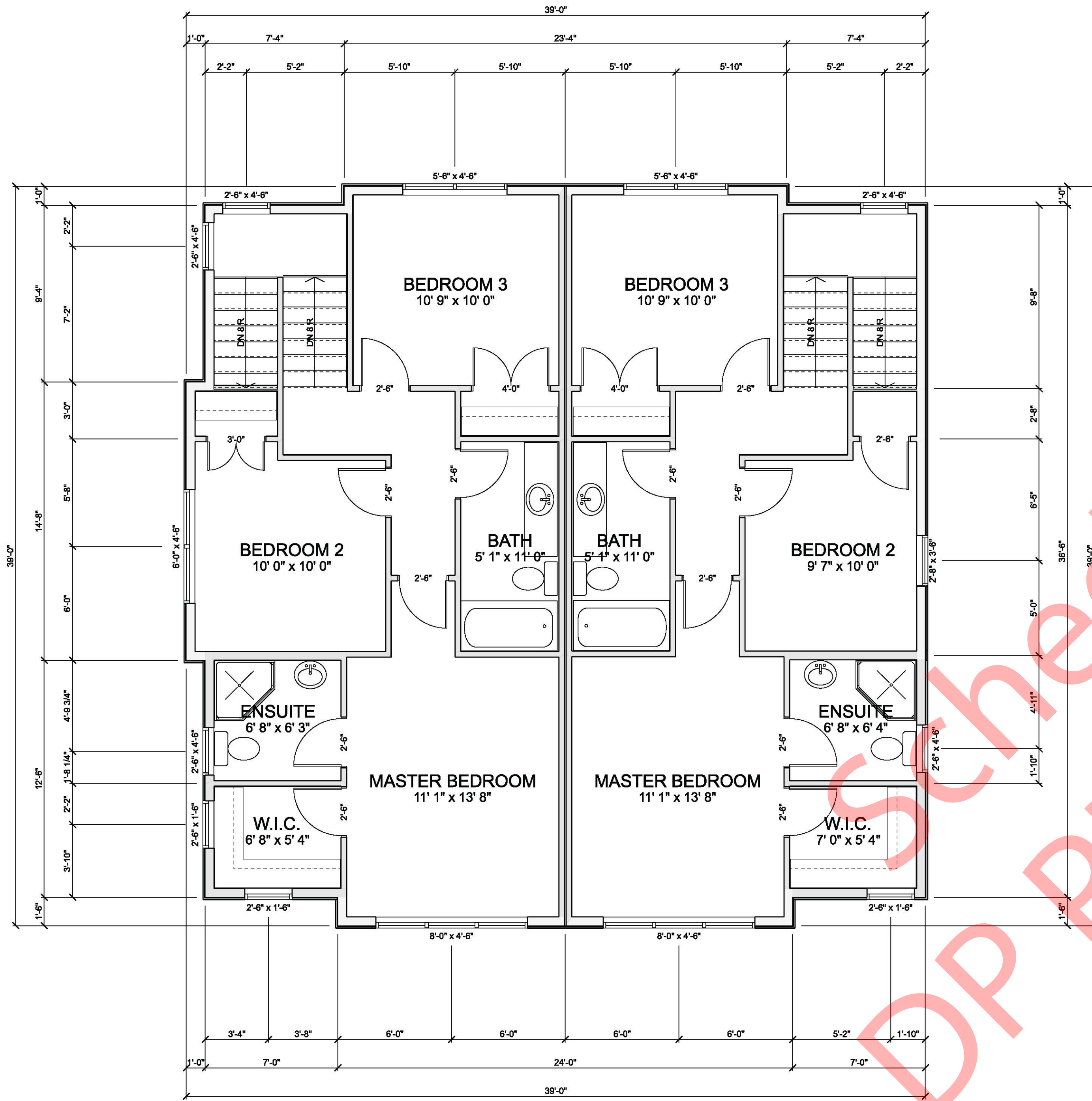
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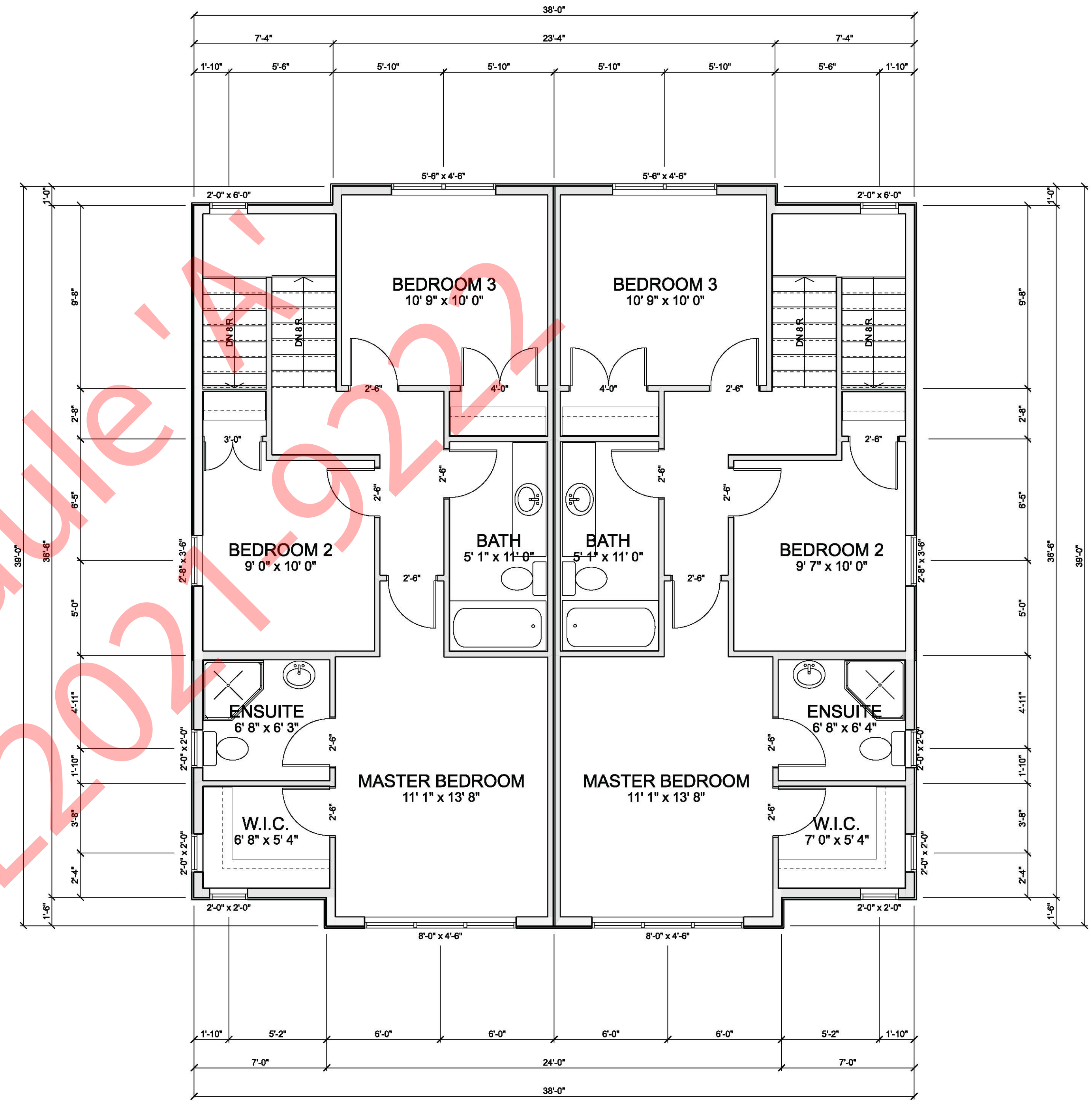
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Lower Floor Plans





UPPER FLOOR PLAN (BUILDING A)  
 SCALE: 1/4" = 1'-0"  
 UPPER FLOOR LIVING AREA: 1332.7 sq. ft.



UPPER FLOOR PLAN (BUILDINGS B-D)  
 SCALE: 1/4" = 1'-0"  
 SECOND FLOOR LIVING AREA: 1318.0 sq. ft.

SINGLA BROTHERS CONSTRUCTION  
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 work in accordance with the drawings. The purchaser shall not be entitled to construct more than one dwelling unit.

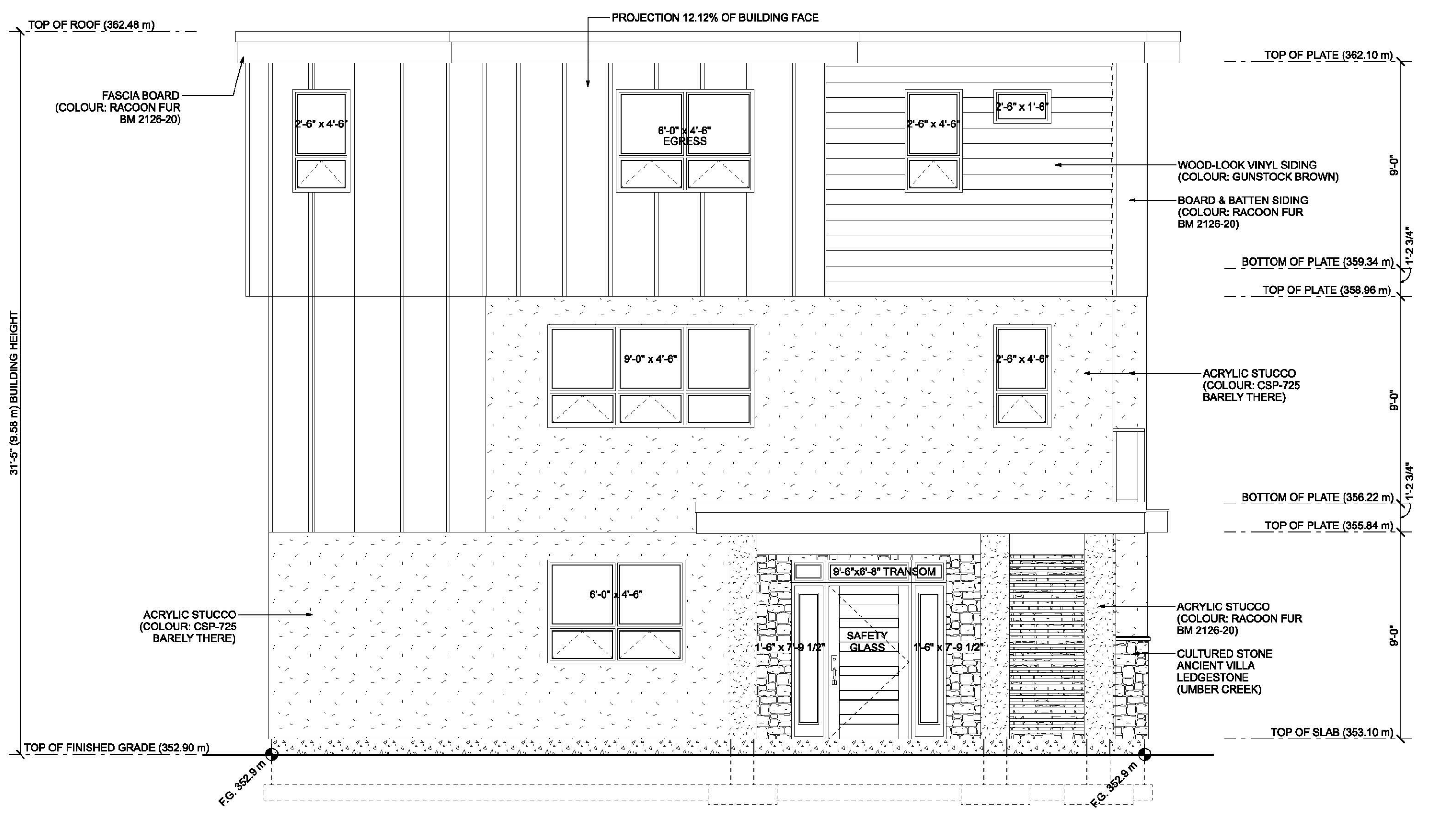
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 Upper Floor Plans

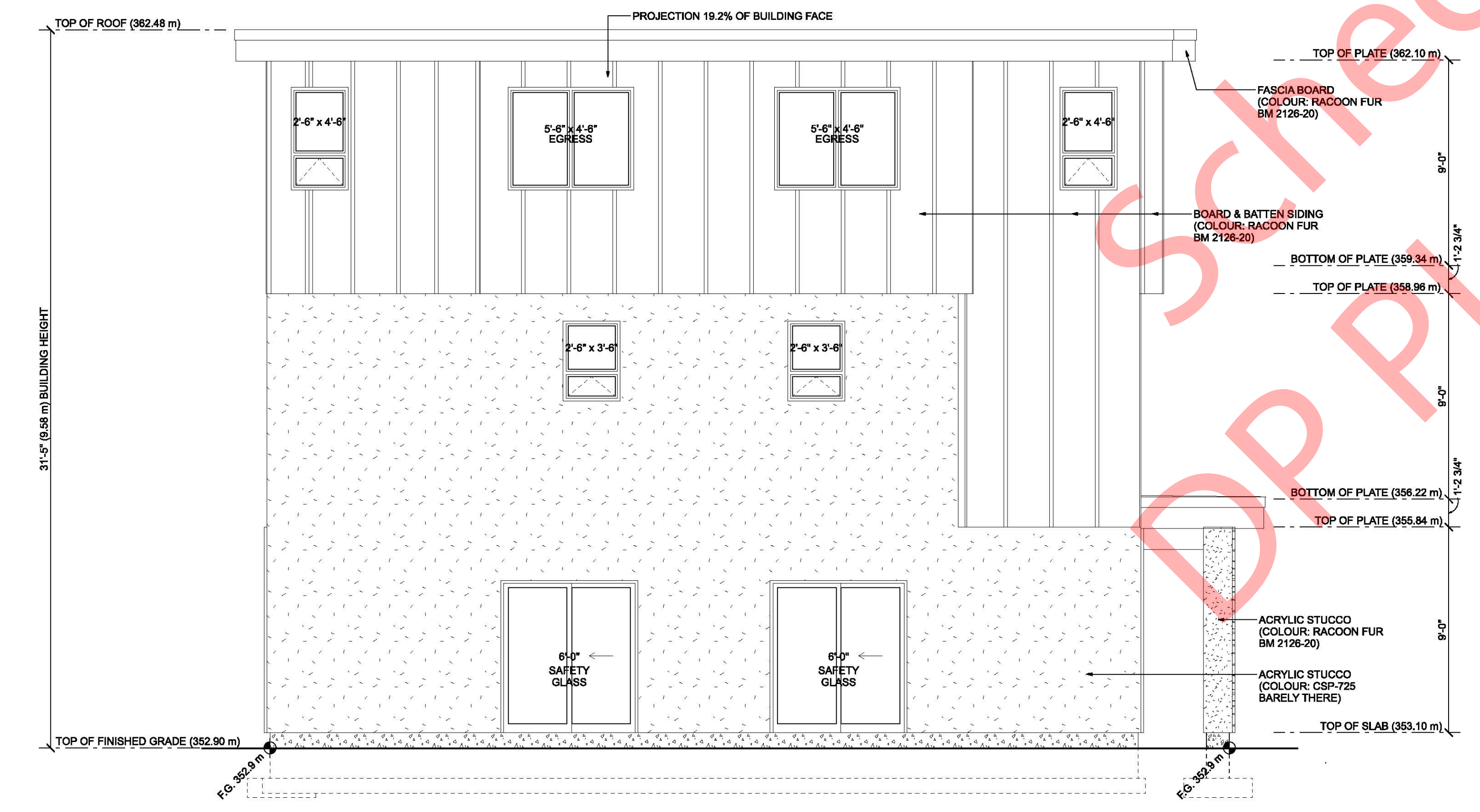
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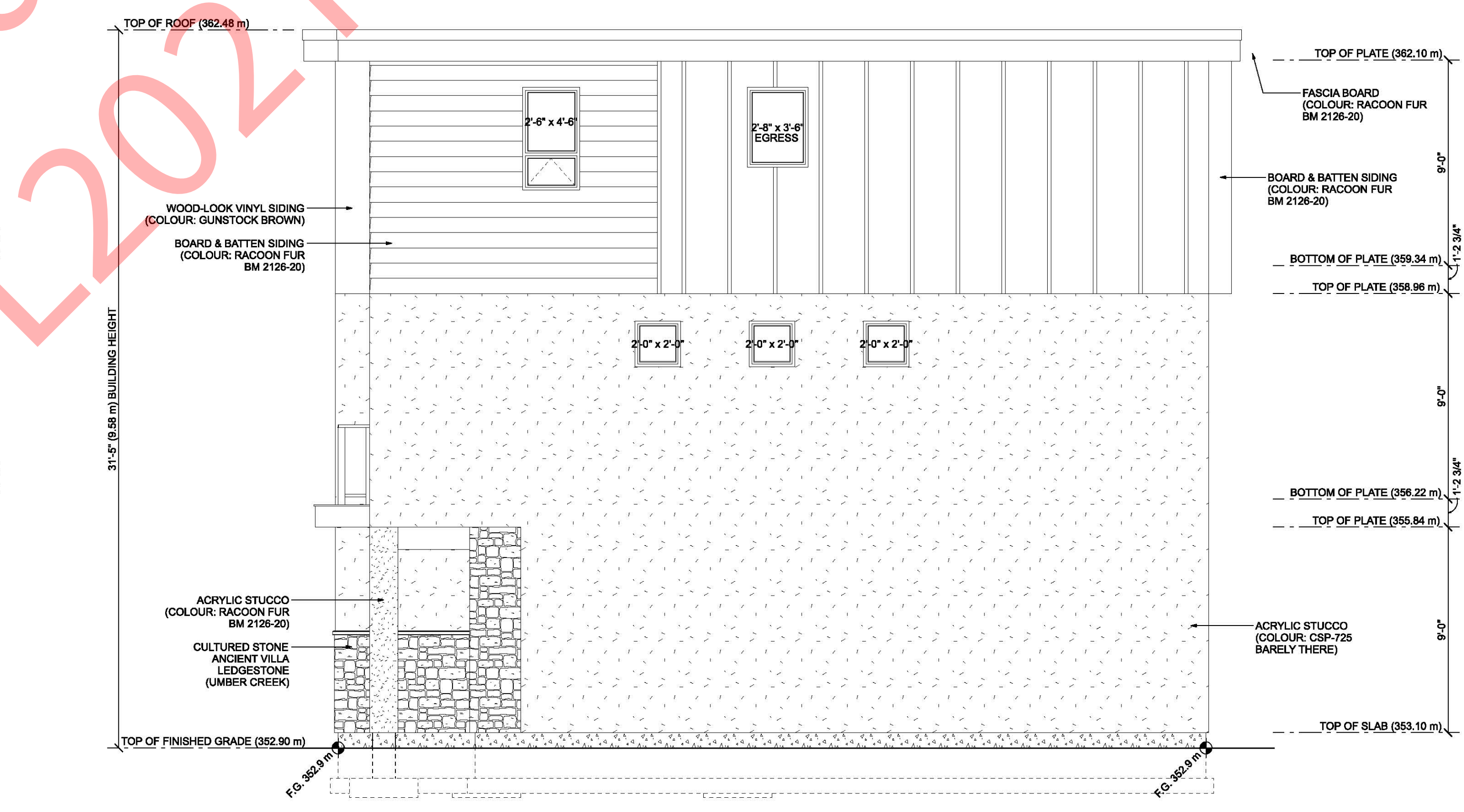
**BUILDING A- SOUTH ELEVATION (FACING SCOTT AVE)**  
SCALE: 1/4" = 1'-0"



**BUILDING A- EAST ELEVATION (FACING DRIVE LANE)**  
SCALE: 1/4" = 1'-0"



**BUILDING A- WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



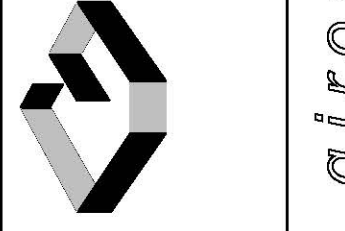
**BUILDING A- NORTH ELEVATION (FACING BLDG B)**  
SCALE: 1/4" = 1'-0"

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273 SCOTT AVENUE  
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DRAWN BY: AJG REVISED:

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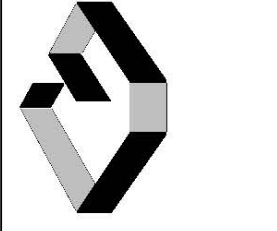
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2022

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site conditions, these drawings may not be suitable or legal for use in the  
construction of a building in all localities. Consequently, these drawings are not to  
be used for the construction of a building in any locality without the written consent  
of the design professional and until the drawings have been brought into conformity with all local requirements.  
Additionally, Giroux Design Group is unable to accept any liability for the accuracy  
of the drawings. Therefore, the builder must carefully inspect all dimensions and details in these  
drawings and assume responsibility for the same.

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phone: 250.276.4373 e-mail: contact@girouxdesigngroup.com  
web: www.girouxdesigngroup.com



PLAN NO.  
**WP-5619**  
SLAB  
SHEET NO.  
**A10**

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Renderings

**Date:** March 15, 2022  
**To:** Donny van Dyk, Chief Administrative Officer  
**From:** Steven Collyer, Planner II  
**Address:** 2703 Hawthorn Drive  
**Subject:** **Development Variance Permit PL2022-9262**

File No: RMS/2703 Hawthorn Dr

### Staff Recommendation

THAT Council approve “Development Variance Permit PL2022-9262” for Lot 15 District Lot 2710 Similkameen Division Yale District Plan EPP69185, located at 2703 Hawthorn Drive, a permit to vary Section 5.4.2.1 and Section 5.4.2.2 of Zoning Bylaw 2021-01 to increase the maximum height of a retaining wall to 3.41m above approved grade.

### 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 two retaining walls on the subject property in preparation for constructing a new home. The lower retaining wall will add onto an existing retaining wall, increasing the retaining wall height to 3.41m (11 feet). A second retaining wall will be set inside the new retaining wall and have a height of 2.4m (8 feet). The proposed 3.41m (11 foot) retaining wall exceeds two sections of the Zoning Bylaw which set the maximum height within a required yard at 1.2m (4 feet) and outside a required yard at 2.4m (8 feet). As such, this Development Variance Permit application has come forward for approval of the increased retaining wall height.

### Background

The subject property is located on the west side of Hawthorn Drive in the new Panorama Ridge subdivision (Figure 1). The property is located in a residential area with surrounding lots currently being



Figure 1 - Property location map

built-out with single detached homes. The subject property is set above an existing residential subdivision along Evergreen Drive to the west.

The Panorama Ridge subdivision is being developed in two phases. The subject property is part of Phase 1, which was approved in 2016. As part of subdivision approval, a 1.5m retaining wall was built in the rear yards of five lots along the west side of Hawthorn Drive. The wall was engineered so that additional height could be added in the future, subject to the specifications required on each lot when they developed. In the case of the subject property, the plans show a single detached home and a swimming pool. In order to create a level area for a swimming pool, the applicant is proposing to increase the height of the existing wall from 1.5m to 3.41m and to build a second retaining wall above this wall with a height of 2.4m, creating a terraced finish. The applicant has submitted a letter of intent which describes the proposed works (Attachment 'C') and the geotechnical engineer has reviewed the proposed design within the geotechnical covenant area (Attachment 'D') with no concerns.

### **Technical Review**

This application was reviewed by the Technical Planning Committee. The retaining wall requires a building permit prior to construction, to ensure long term structural stability. Building permit requirements have been provided to the applicant and will be addressed as part of the building permit process. The applicant has already engaged a geotechnical engineer to advise on the future construction of the retaining wall (Attachment 'D').

### **Analysis**

When considering a variance to a City bylaw, staff encourages Council to consider if approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. The applicant is requesting to increase the height of a proposed retaining wall on the subject property from 1.2m within a required yard and 2.4m outside a required yard to 3.41m (Figure 2).

Staff have reviewed the application and are recommending approval based on the following:

1. The retaining walls are located in areas on the lot with minimal visual impact to surrounding neighbours.

The subject property and adjacent lots on the west side of Hawthorn Drive slope down to the west. The retaining walls are located in the rear yards, and approximately 10m along the north side property line and 3m along the south side property line. The maximum 3.41m height would be visible along the rear property line, with the retaining wall height reduced along the side property lines where the grade rises up towards the building pad. To the west is the established residential subdivision along Evergreen Drive. These homes are approximately 8m below the base of the existing 1.5m retaining wall to be added onto. In addition, there is a forested slope buffer behind these homes which helps reduce the visual impact from the proposed 3.41m retaining wall (Attachment 'C').

2. The maximum retaining wall height is 3.41m, however a large portion of the lower wall will be less than 3m in height.

As shown on the development variance permit plan (Attachment 'E'), and visualized in the image below (Figure 2), the maximum 3.41m retaining wall height will be near the centre of the lot. As the retaining wall gets closer to the side property lines, the height lowers to less than 3m (Figure 2).

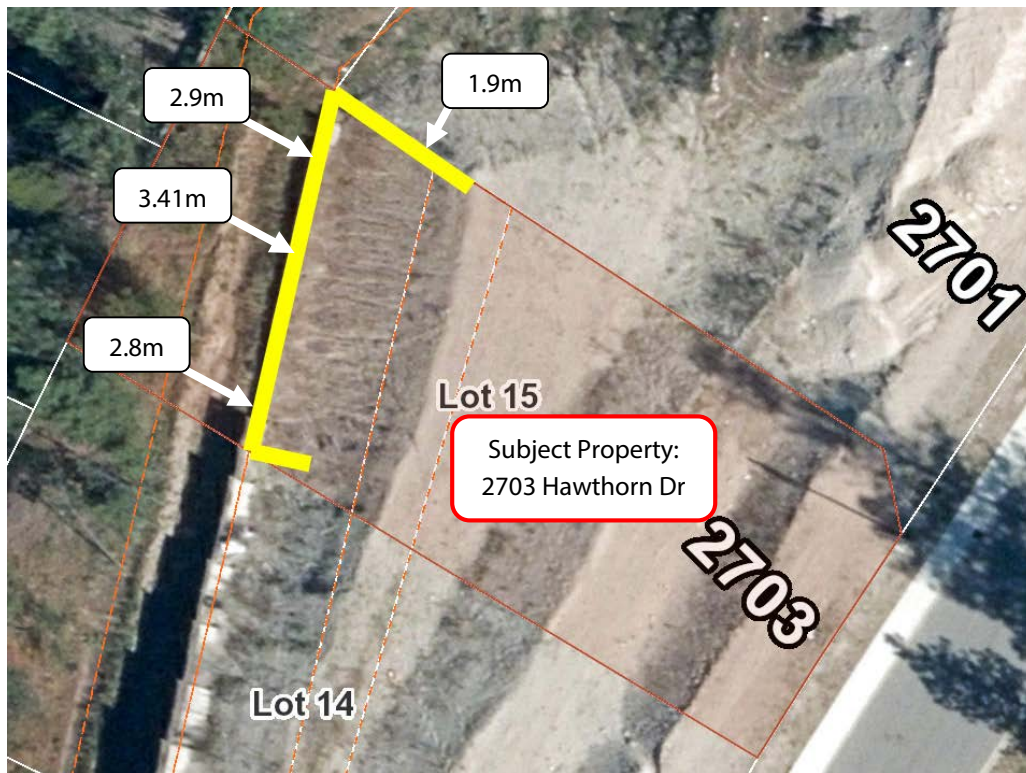


Figure 2 - Proposed lower retaining wall (yellow) with exposed height labelled. Not pictured: the second retaining wall proposed to the east of this lower wall, which will meet Zoning Bylaw regulations.

3. The retaining wall design is terraced to help mitigate impacts of increased height.

The applicant has submitted a plan showing two retaining walls on the property, separated by at least 7m (23 feet). This design is considered to have less impact than one retaining wall built to the total height (5.8m). In addition, the higher retaining wall ranges from 7.5m (24ft 6in) to 12.5m (41ft) away from the rear property line, which provides additional setback from the neighbours on Evergreen Drive to the west.

4. A geotechnical engineer has reviewed the design of the proposed retaining walls within this geotechnical covenant area on the subject property.

The applicant has provided a letter from the geotechnical engineer on this proposal (Attachment 'D'). Staff requested confirmation that a geotechnical engineer reviewed the proposed retaining wall design prior to DVP consideration, as the works are occurring within a geotechnical covenant area which was established at the time of subdivision. The geotechnical engineer confirmed that the proposed retaining wall is safe to build from a geotechnical perspective, in part because the existing 1.5m retaining wall was designed to be added onto in the future, supporting heights up to 8.25m. A building permit will be required for the proposed retaining walls, should Council ultimately approve the request for 3.41m height.

Staff consider the request to increase the height of a proposed retaining wall on the subject property from 1.2m within a required yard and 2.4m outside a required yard to 3.41m is reasonable in this instance. As such, staff are recommending that Council approve the Development Variance Permit and that Council direct staff to issue the permit.

**Alternate Recommendation**

Council may consider the requested variance unreasonable in this instance, and require the applicant to revise their plans in order to design a retaining wall which meets the Zoning Bylaw regulations.

- 1. THAT Council deny “Development Variance Permit PL2022-9262”.

**Attachments**

- Attachment A – Zoning Map
- Attachment B – Photo of Property
- Attachment C – Letter of Intent
- Attachment D – Letter from Geotechnical Engineer
- Attachment E – Draft Development Variance Permit PL2022-9262

Respectfully submitted,

Steven Collyer, RPP, MCIP  
Planner II

Concurrence

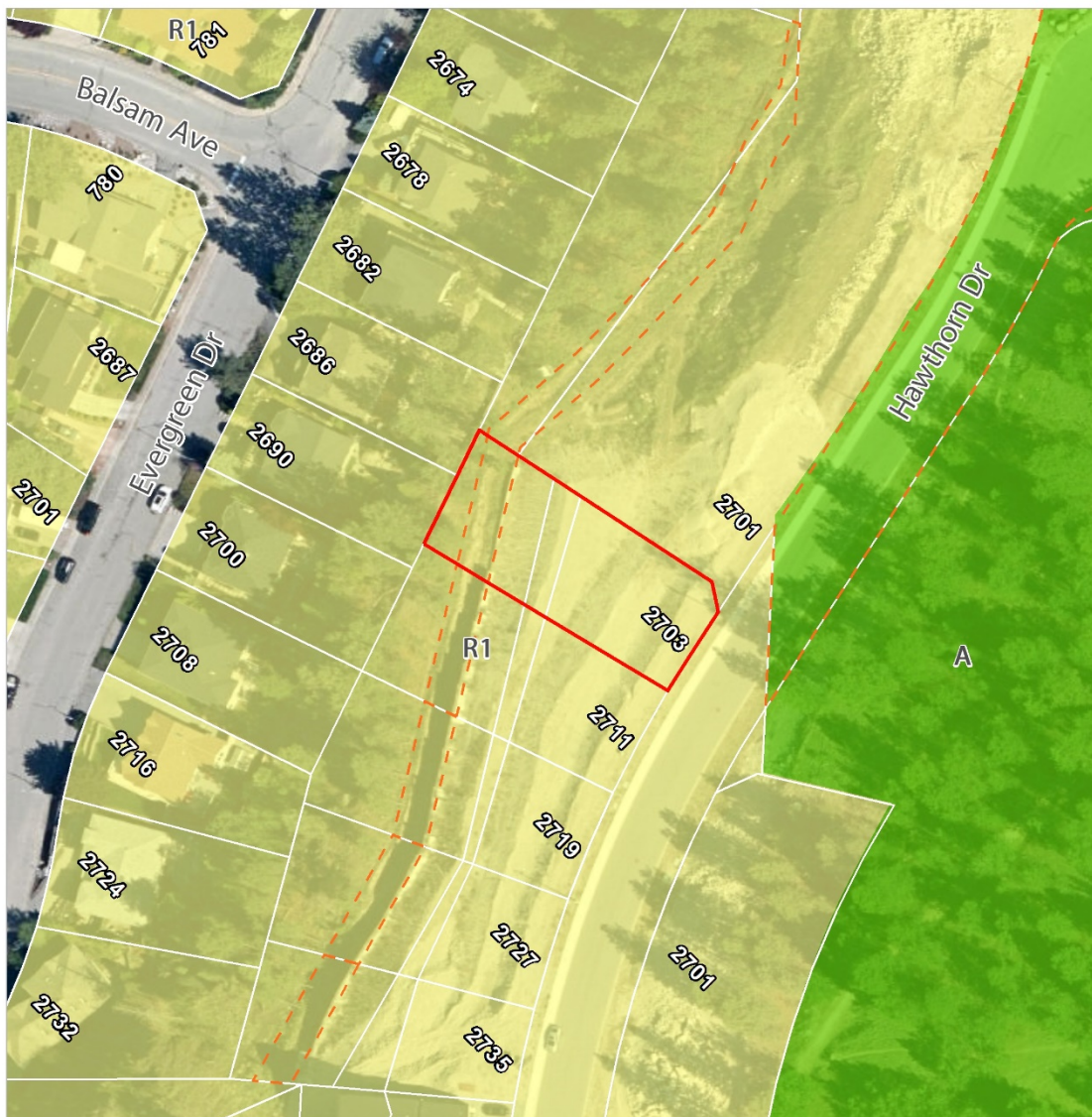
Director of Development Services  <i>BL</i>	Chief Administrative Officer  <b>DvD</b>
--	---

Attachment A – Zoning Map



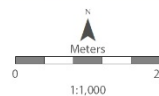
# 2703 Hawthorn Drive

## Zoning Map



**Legend**

- Subject Parcel
- Zoning Bylaw R1 - Large Lot Residential
- A - Agriculture



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February 11, 2022 11:42:40 AM

[penticton.ca](http://penticton.ca)

Attachment B – Photo of Property



Attachment C – Letter of Intent



January 25, 2022

Ecora File No.: 213207

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

**Attention: Planning Department**

**Reference: Development Variance Permit for 2703 Hawthorne Drive for Retaining Wall height**

---

Ecora Engineering and Resource Group Ltd. (Ecora) was requested to submit a Development Variance Permit for a retaining wall. The subject property is a single family lot (Lot 15) located in Phase 1 of the Panorama Estates development located east of Evergreen Drive. This is a large 1078m<sup>2</sup> lot and is down sloping from Hawthorne Drive to the west. The lower part of the lot is forested and has "No Disturb and No Build Covenant" areas that includes a wildlife corridor. The Covenant provides for works in these areas when authorized by a geotechnical engineer, except for the wildlife corridor.

At the time of subdivision in 2018, a "possible future retaining wall" of 6 – 7 m high was approved in this area, but a wall of 1.5m was actually built on Lot 15. In 2021, the City's Zoning Bylaw was amended to limit retaining walls to a height of 2.4m and not more than 1.2m high within a yard setback.

Extensive geotechnical work has been carried out for the building of a new house on the lot. It is now proposed that 2 retaining walls be constructed, a lower wall of 3.4m, and a second wall of 2.4m that is stepped back to support a deck and pool adjacent to the house. The second wall is compliant with the Zoning Bylaw. See attached Plan.

This application is for the following Zoning Bylaw variances:

5.4.2 Retaining Walls

- .1 No retaining wall in a required yard shall exceed 1.2m – varied to allow a wall to be located in part of the north side yard. This wall is for the lower wall to turn the corner, starting at 2.9m in height at the bottom and stepping up the slope to meet grade for a distance of about 10m; and
- .2 No retaining wall outside of required yards shall exceed 2.4m – varied to allow a wall of 3.4m.

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

Points in favour of this application:

- At the subdivision stage, grade challenges were identified, but the proposal for 2 stepped walls provides for a significantly reduced impact than the original scheme for a 6 – 7m wall;
- The proposed lower wall is located considerably down slope of neighbouring homes on Hawthorne Drive and should have no visual impact;
- The lots to the west fronting on Evergreen Drive are at least 6 m below the lower wall and there is a forested slope to visually screen the wall; and
- The lot to the north is currently in the development stage and the proposed wall in the side yard is in the lower area of the future lot and should not negatively impact future house construction.

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

Sincerely

**Ecora Engineering & Resource Group Ltd.**



Donna Butler, MCIP, RPP  
Senior Planner  
Direct Line: 250 492 2227 x1070  
Email: donna.butler@ecora.ca

Attachment D – Letter from Geotechnical Engineer



February 23, 2022

Ecora File No.: 213207

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

**Attention:** Steven Collyer, Planner II  
Planning Department

**Reference:** Development Variance Permit for 2703 Hawthorne Drive

---

Further to the Development Variance Permit (DVP) application for a retaining wall of 3.4 m at 2703 Hawthorne Drive, Penticton, Ecora Engineering & Resource Group Ltd. (Ecora) is writing to respond to the February 11, 2022 TPC Outcome Letter. The City of Penticton (CoP) staff have requested additional information on the following:

- **Geotechnical Covenant:** The location of the retaining wall is designated as a “No Disturb” area in the geotechnical covenant that was registered on the title at the time of subdivision of Panorama Estates Phase 1. The “Geotechnical Assessment Proposed Residential Subdivision 2740 Evergreen Drive” (IFU, Rev 2) dated May 2017 by Ecora state that “Revisions to No Build Covenants areas are subject to lot-specific geotechnical assessment undertaken by a Qualified Professional Geotechnical Engineer”
- **Retaining Wall Design:** At the time of subdivision, a retaining wall up to 11 lock-blocks high (approximately a maximum height of 8.25 m) was designed. The existing lock-block wall was constructed based on the long term design and the possibility of increasing the height of the retaining wall in future (see attached Drawing 15-224-A-003). The proposed 3.4 m retaining wall can be safely constructed from a geotechnical perspective. At the time of issuing a building permit, detailed design drawing and BC Building Code Schedules will be submitted

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

Sincerely

**Ecora Engineering & Resource Group Ltd.**

A handwritten signature in black ink, appearing to read "Brittany Linnett".

Brittany Linnett, P. Eng.  
Geotechnical Engineer  
Direct Line: 250.492.2227 x1059  
Email: [Brittany.Linnett@ecora.ca](mailto:Brittany.Linnett@ecora.ca)

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

## Development Variance Permit

Permit Number: DVP PL2022-9262

Owner Name  
Owner Address

### Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
  - Legal: Lot 15 District Lot 2710 Similkameen Division Yale District Plan EPP69185
  - Civic: 2703 Hawthorn Drive
  - PID: 030-187-672
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 retaining wall, as shown in the plans attached in Schedule 'A':
  - a. Section 5.4.2.1: to increase the maximum height of a retaining wall within any required yards from 1.2m to 3.41m above approved grade.
  - b. Section 5.4.2.2: to increase the maximum height of a retaining wall outside any required yards from 2.4m to 3.41m above approved grade.

### 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.

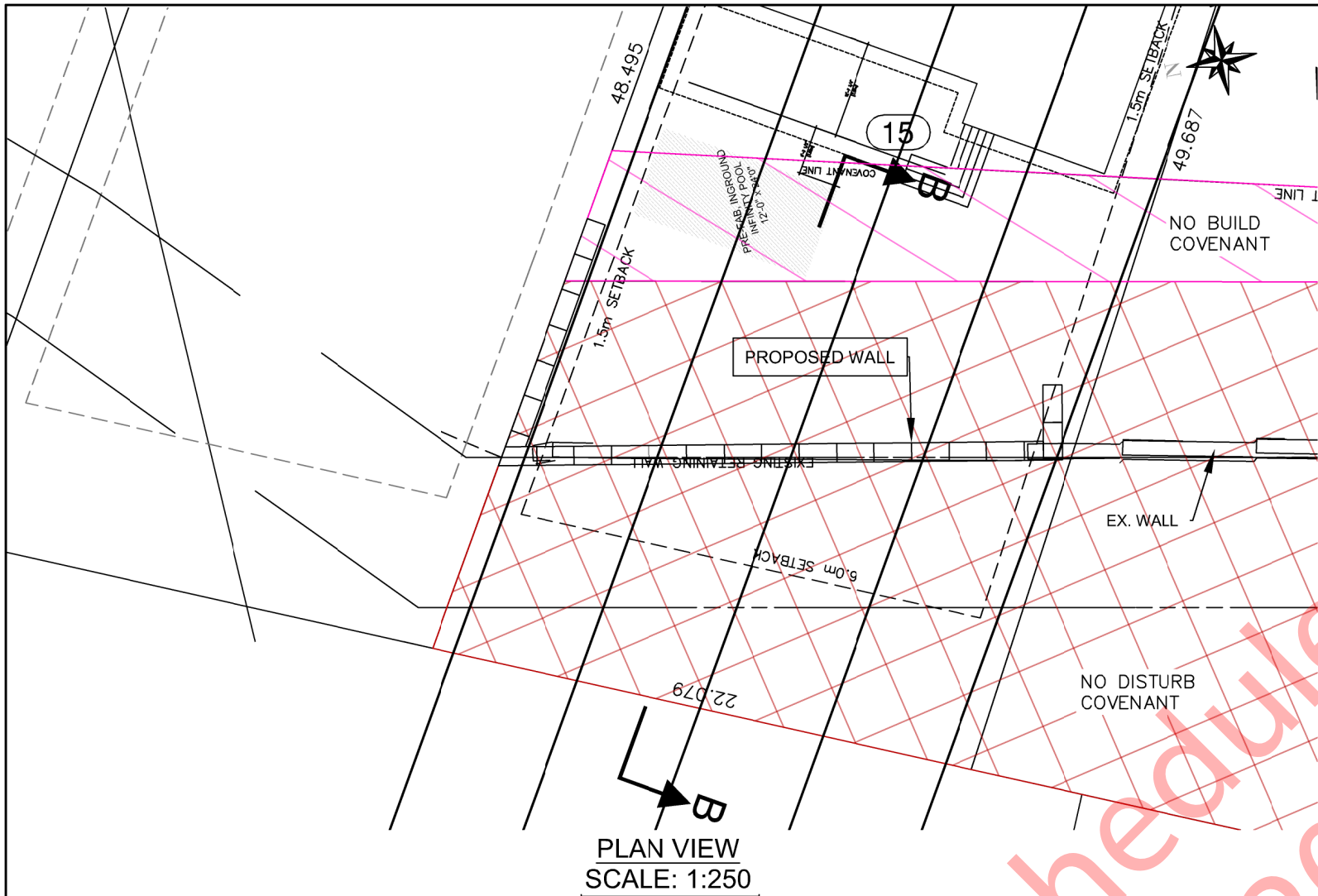
Authorized by City Council, the \_\_\_\_ day of \_\_\_\_\_, 2022.

Issued this \_\_\_\_ day of \_\_\_\_\_, 2022.

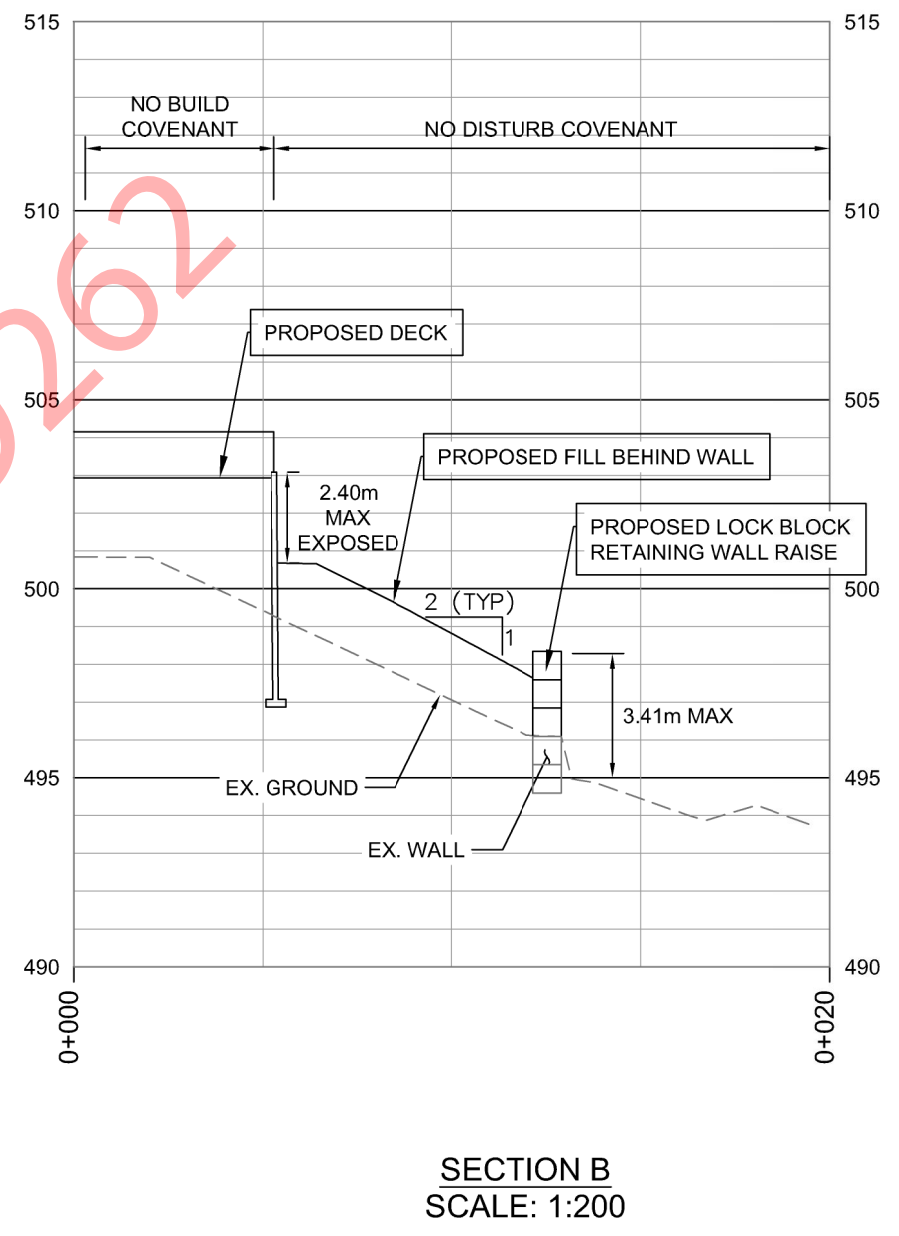
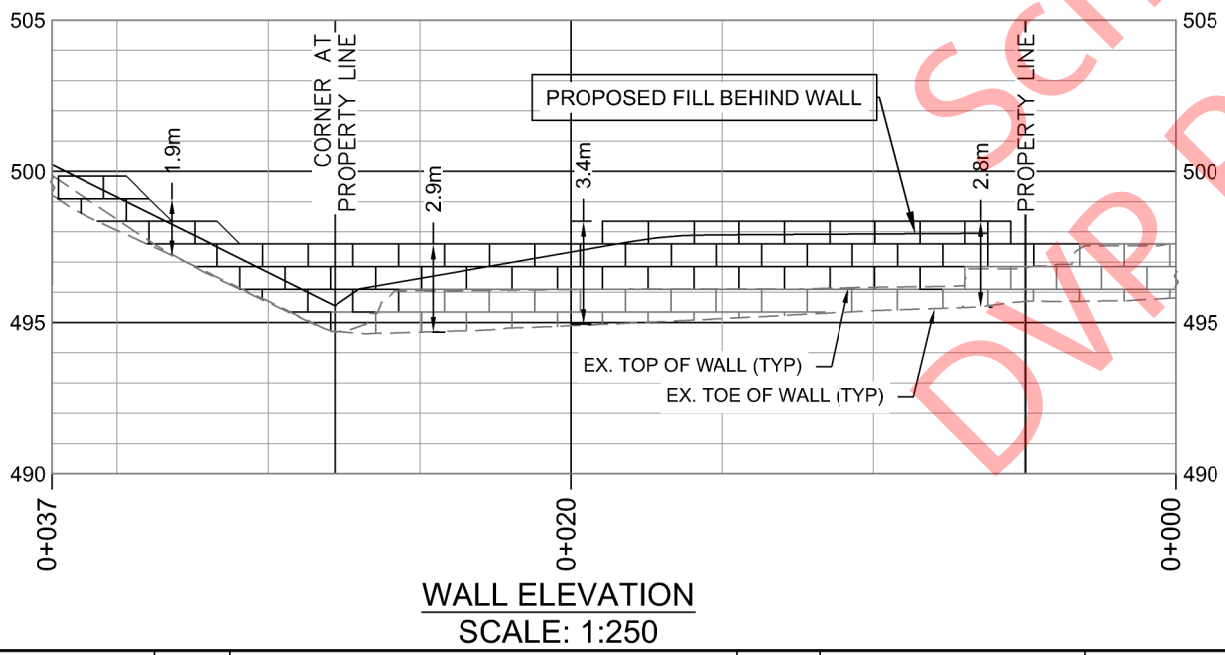
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Angela Collison  
Corporate Officer

DRAFT



NOTES:  
 -GEOTECH COVENANTS REFER TO ECORA'S "GEOTECHNICAL ASSESSMENT PROPOSED RESIDENTIAL SUBDIVISION 2740 EVERGREEN DRIVE, PENTICTON, B.C." PE-15-224-PAN REV 2, DATED MAY 15, 2017  
 -LOCKBLOCK WALL FROM ECORA'S "2740 EVERGREEN DRIVE RETAINING WALL DETAILS" DRAWING NO. 15-224-A-D003, D004 REV 12 RECORD DRAWINGS



A	DVP PL 2020-0162	GMW	VARIANCE APPLICATION	BL
NO.	DATE	DRN	REVISION	CH'KD

DESIGN:	BL
DRAWN:	GMW
CHECKED:	BL
DATE:	JAN 18, 2022
SCALE:	AS SHOWN

2703 HAWTHORNE DRIVE - PANORAMA  
 NEW RESIDENCE (LOT 15)  
 RETAINING WALL DETAILS

**ecora**  
 #201-264 MAIN STREET  
 PENTICTON, B.C.  
 V2A 5B2  
 PHONE: 250-492-2227  
 www.ecora.ca

Page 1 of 3  
 213207-C2.0  
 Rev.No  
 A

---

**From:** Michal Mosny  
**Sent:** Thursday, March 10, 2022 10:01 AM  
**To:** corpadmin; Planning Info - City of Penticton  
**Cc:** Mata Mosna; Council  
**Subject:** DVP PL2022-9262; 2703 Hawthorn Dr.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Attention: Corporate Officer, City of Penticton, Mayor of the City of Penticton, All Members of Penticton City Council  
171 Main Street, Penticton B.C. V2A 5A9  
Email: [corpadmin@penticton.ca](mailto:corpadmin@penticton.ca)

SUBJECT: DVP PL2022-9262; 2703 Hawthorn Dr.

Dear Mr. Tanguay,

We have received a letter of public notice regarding Development Variance Permit PL2022-9262 and this proposed Variance Permit directly affects our house and property on 2690 Evergreen Dr. (Lot 25).

We are **opposing** this proposal and we **do not agree** with increasing the maximum height of a retaining wall to 3.41m above approved grade.

We would like to ask you to represent the current bylaw and our interest in this matter please.

We would like to note that we are disappointed with how the development on Hawthorn Drive is progressing. The Wildlife corridor that leads behind our house was left in mess so that deer can barely pass by. They left also lot of dead branches that dried out and are/were fire hazard. On top of which the contractor has cut down way too many trees in the wildlife corridor which is very sad. We are not against the whole development and we do understand that the city has to move forward and develop. But here we see a huge change of the existing environment and the developer pushes way too much towards, concrete, walls, glass and minimizing any green spaces etc., in an area that used to be a forest. I think we should all try to use the benefit of the nature and plan development that suits the environment much better and is more sensitive to the surrounding.

Thank you very much in advance

regards

Michal & Martina Mosny  
2690 Evergreen dr.  
Penticton BC  
V2A 7Y3

**Late Submission for Item 8.8 -  
2703 Hawthorn Drive**

---

**From:** Deverill-Franklin, Sharlene  
**Sent:** Thursday, March 10, 2022 6:50 PM  
**To:** corpadmin; Planning Info - City of Penticton; Council  
**Cc:**  
**Subject:** DVP PL2022-9262; 2703 Hawthorn Dr.  
**Attachments:** 2686 Evergreen pic 1.jpg; 2686 Evergreen pic 2.jpg; 2686 Evergreen pic 3.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Attention: Corporate Officer, City of Penticton  
171 Main St, Penticton BC V2A 5A9  
Email: [corpadmin@penticton.ca](mailto:corpadmin@penticton.ca)

Dear Audrey Tanguay,

We have received a letter of Public Notice dated March 3, 2022 regarding Development Variance Permit PL2022-9262 in regards to the owner's request to amend the City Bylaw around the height of a retaining wall in order to construct a new home/pool. This request directly impacts our residence at 2686 Evergreen Drive (lot 24).

We **absolutely oppose** this proposal and we **do not agree** with increasing the maximum height above what is allowable within what are well established City Bylaws. We respectfully ask that you keep within what is set out in the Bylaw and represent our interest in this matter. Standards are established for a reason and this request sets a dangerous precedent when you look at this new development. An agreement to this creates significant potential the entire development on this side will continue to see retaining walls of this magnitude. We have 5 ft fences in our backyard. A wall of this height will extend more than 8 or more feet above the top of my fence. Allowing this will result in the depreciation of our home creating an eye sore in our backyard and the neighbourhood. Just take a drive up Balsam Ave and check it out for yourselves as you can already see the cheap block retaining wall in place. A local realtor has already confirmed other homes in the Wiltse area have suffered financial impact with the development of oversize retaining walls and large homes literally built on top of others peering down. If a retaining wall of this size was needed to support a home above ours, perhaps this should have been considered when the Developer presented it's build plans to the City. Allowing the home owner to build a retaining wall of this size to build a pool at the expense of us and our neighbours is quite honestly unneighbourly.

Unfortunately the letter from Steven Collyer, Planner II dated March 15, 2022 has provided incorrect information around this variance permit. He has indicated there will be minimal visual impact to surrounding neighbours and also indicates there to a forest buffer in between. I have included photos from my fence to this lot. You will be able to see there is no longer a forested buffer because the Developer removed all the trees except one pine and another small tree. The trees you see in his provided pic are those in my yard which do not provide an adequate block of a large unsightly retaining wall. One other tree just outside my fence is within my property line. At the time the trees were all removed, the City did acknowledge the Developer had over forested and created a plan for the Developer to replant. The Developer offered an empty apology returning to plant 5 or 6 small trees along the corridor but then removed the waterers shortly after which resulted in each one dying. There has been no further attempts to replant and if anything the most recent earth movement a few weeks ago created further damage to the expected "wildlife corridor" resulting in the inability for us and our neighbours to access our back gates and go out for a walk and have left it in such a state

that deer or other wildlife trying to move through are now up against our fences only to be barked at in close proximity by area dogs. Mr. Collyer's measurements have been underreported as well. You will be able to see from our provided photos this lot is much closer than what has been described.

While we are not opposed to development in the area, we do expect the City to ensure new builds follow what is set out in City bylaws. We look forward to an appropriate resolution in this matter.

Jesse and Sharlene Franklin  
2686 Evergreen Dr  
Penticton, BC

**SHARLENE DEVERILL FRANKLIN**  
**PANDEMIC HEALTH COORDINATOR**  
**SOUTH OKANAGAN, INTERIOR HEALTH**

[www.interiorhealth.ca](http://www.interiorhealth.ca)



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**Late Submission for Item 8.8 -  
2703 Hawthorn Drive**

---

**From:** Mike Perry  
**Sent:** Monday, March 14, 2022 12:32 AM  
**To:** corpadmin  
**Subject:** Attention: Corporate Officer, City of Penticton RE: DVP PL2002-9262; 2703 Hawthorn Dr.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Attention: Corporate Officer, City of Penticton  
171 Main Street, Penticton, B.C. V2ASA9  
Email: [corpadmin@penticton.ca](mailto:corpadmin@penticton.ca)  
RE: DVP PL2002-9262; 2703 Hawthorn Dr.

March 13, 2022

Dear Sir or Madame,

My name is Michael Perry and I reside at 2682 Evergreen Drive, Penticton, V2A7Y3, B.C. I am writing to you today in regards to the public notice that the city issued regarding the Development Variance Permit PL2002-9262 for 2703 Hawthorne Drive. My property as well as that of my neighbors will be affected by this matter and according to procedure, I am formally submitting my comments for review and consideration by city council. I sincerely hope that this document is actually read by city council as well as relevant parties prior to their March 15<sup>th</sup> deliberation.

Simply put, **I do not approve nor do I consent to the proposal.** Upon consulting with my neighbors, I determined that they also do not approve and **I ask that the city reject the Development Variance Permit.**

The reasons for my stance is as follows:

- 1: This action would exceed Two (2) sections of the zoning bylaw. The city has provided no written evidence or explanation which would explain the need for the retaining wall height increases. The city has literally not provided any data to justify a variance permit. Bylaws exist for a reason and I do not support any action which would circumvent them unless proper justification can be proven as necessary. **The city has not met this basic criteria.**
- 2: When I purchased my home, the area behind me was a forest and I was misled by multiple parties as to the true nature and specifications of the development from the very beginning. The development has been going on behind my home for approximately 6 years now. Throughout that time there has been a myriad of issues, changes, re-changes, zoning alterations, mismanagement and bungling to a degree which has left the whole community with a poor taste in our mouths. Significant incompetence has been demonstrated by all parties involved and we have little confidence that any further work will be completed with even a minimal degree of competency. Throughout my neighborhood there has been several new homes built and one thing that I have consistently noted is the need for substantial and immediate repair and reconstruction to foundations, retaining walls and more. It has been clearly demonstrated that the expertise to build functioning concrete earthworks in our community is sadly lacking.
- 3: The concrete wall behind my home is an eyesore. It is already bigger than we were initially told and now that we have gotten used to it, the city now wants to double its size! Making it bigger will only increase the problem and affect our property values and community morale. Our ability to sell our homes will be diminished as well as the ability to enjoy our property. Who wants to have a backyard view of an 11 ft. concrete wall let alone one with an additional recessed 8 ft. wall behind it? I have neighbors who are highly distraught over this matter and from my point of view, it has already had a negative impact on their mental health and this development will only compound that issue for them.

4: Many of my neighbors have already complained of issues with **overland flooding** because of the concrete retaining wall. Clearly somebody in the process either with the city or the developer bungled the job and steps were needed to be taken to address the issue. Meanwhile, multiple homes on my street were damaged by overland flooding. I have personally experienced some overland flooding in my home and I have very and strong concerns that further tinkering with the existing retaining wall will lead to real damage to my home. Both during the construction phase and ongoing. No information has been provided by any party that would alleviate my concerns.

5: This proposal potentially represents a significant financial risk. My property is already a difficult sell with a limited pool of potential buyers due to its unique construction and access limitations. Increasing the retaining wall will only serve to decrease the value of my property both cosmetically and in literal value. Additionally, I am concerned about the insurance risks involved. The development process behind my home has already significantly damaged my home which triggered a very expensive, long and difficult insurance claim. It took approximately 2 years to be resolved and it was a truly unpleasant and expensive ordeal which I do not wish to repeat. The damage was caused due to the developer's negligence and I have absolutely no confidence that the developer will not commit further catastrophic damage to my home.

Thank you for reading this document and I sincerely hope that you take my words into consideration and **DO NOT** approve the Development Variance Permit. I see no valid reason for the city to allow for the retaining wall to exceed current zoning bylaws. Even if you chose to disregard my testimony and anecdotal comments, you cannot deny the fact that the city has not provided any reason as to why the variance permit is required or needed. My conclusion is that it is not "needed" and that this is simply a request by the developer in order to add a cosmetic benefit or feature to the home that is to be constructed at 2703 Hawthorne drive.

Sincerely,  
Michael Perry  
2682 Evergreen Drive  
Penticton, B.C. V2A7Y3

**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	1	day of	March, 2022
A PUBLIC HEARING was held this	15	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 8 day of March, 2022 and the 9 day of March, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

---

John Vassilaki, Mayor

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Angie Collison, Corporate Officer



# Schedule A: Zoning Amendment Bylaw 2022-11

Date:

Corporate Officer:

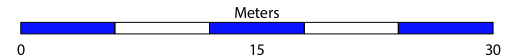


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February 24, 2022 10:06:58 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

## 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.

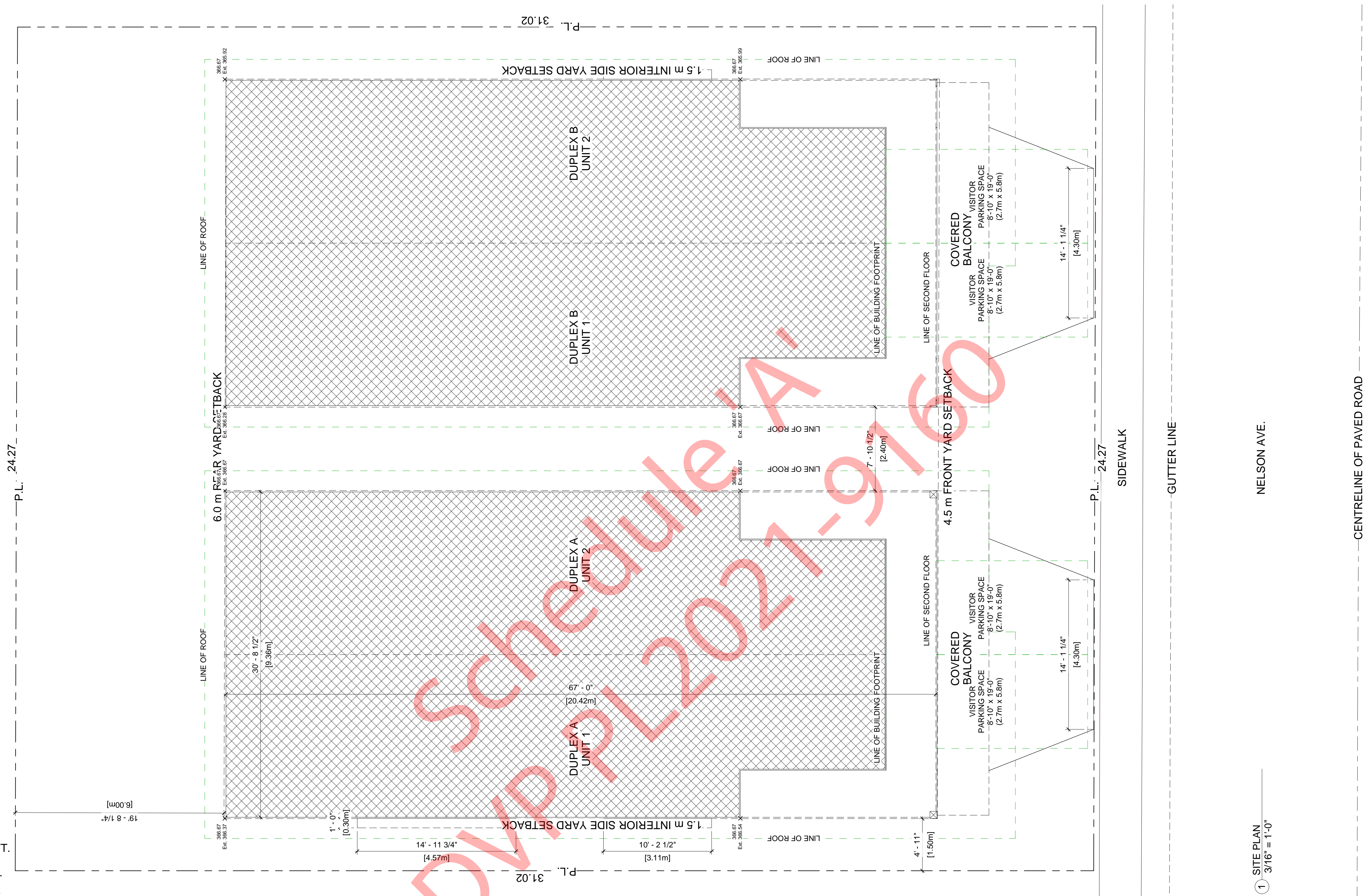
Issued this \_\_\_\_ day of \_\_\_\_\_, 2022.

---

Angela Collison  
Corporate Officer

**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



1 SITE PLAN  
3/16" = 1'-0"

- 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.

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"
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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 1 day of March, 2022
A PUBLIC HEARING was held this 15 day of March, 2022
READ A SECOND time this day of , 2022
READ A THIRD time this day of , 2022
RECEIVED the approval of the day of , 2022
Ministry of Transportation on the
ADOPTED this day of , 2022

Notice of intention to proceed with this bylaw was published on the 8 day of March, 2022 and the 9 day of March, 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:

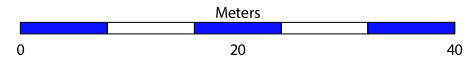


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February 24, 2022 8:43:36 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

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	1	day of	March, 2022
A PUBLIC HEARING was held this	15	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 8 day of March, 2022 and the 9 day of March, 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:

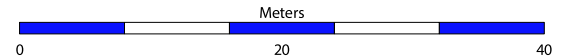


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February 24, 2022 8:45:43 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N