



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

Tuesday, July 19, 2022
at 1:00 p.m.

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Adoption of Minutes:**
 - 4.1 Minutes of the July 5, 2022 Regular Council Meeting 1-7 Adopt
5. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda. 8-15

Consent Agenda:

 1. Minutes of the July 5, 2022 Committee of the Whole Meeting;
 2. Special Penticton and Ellis Creek Restoration Select Committee Meeting Draft Minutes of June 29, 2022;
Regehr
 3. Arts, Creative and Cultural Innovations Advisory Committee Meeting Draft Minutes of July 8, 2022.
Sentes
6. **Staff Reports:**
 - 6.1 2509 South Main Street Shovel Ready Project – Affordable Housing Reserve 16-21
Staff Recommendation: THAT Council approve the use of up to \$50,000 to be funded from the City of Penticton Affordable Housing Reserve to get 2509 South Main Street (Lot 1 District Lot 116 Similkameen Division Yale District Plan 2027 Except Plan M13339) to a shovel ready state for submission to a future capital grant funding program;
AND THAT Council direct staff to work with partners to get 2509 South Main Street to a shovel ready state in order to support a community submission to a future capital grant funding program;
AND THAT the Financial Plan be amended accordingly.
 - 6.2 Short Term (Vacation) Rental Program Update 22-35
Staff Recommendation: THAT Council receive into the record the report dated July 19, 2022 titled "Short Term (Vacation) Rental Program Update".

Dixon/ Chapman	6.3	Road Closure Bylaws for Nanaimo Avenue East and Kinney Avenue <i>Staff Recommendation: THAT Council give first, second and third reading to "Road Closure (Nanaimo Ave E between the left and right banks of Penticton Creek) Bylaw No. 2022-39", a bylaw that closes a portion of Nanaimo Avenue East to all vehicular traffic. THAT Council give first, second and third reading to "Road Closure (Kinney Ave between South Main St and Skaha Lake Rd) Bylaw No. 2022-40", a bylaw that closes a portion of Kinney Avenue to vehicles while maintaining right-of-way for pedestrians and cyclists.</i>	36-46
Dixon	6.4	Development Cost Charges Bylaw No. 2022-38 <i>Staff Recommendation: THAT Council give first, second and third reading to "Development Cost Charges Bylaw No. 2022-38"; AND THAT the bylaw be submitted to the Inspector of Municipalities for approval.</i>	47-56
Capewell	6.5	Official Community Plan Amendment Bylaw No. 2022-41 Zoning Amendment Bylaw No. 2022-42 Development Permit PL2021-9246 Re: 770 Argyle Street <i>Staff Recommendation: THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2022-41", and in accordance with Section 475 of the Local Government Act, Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with: 1. One or more persons, organizations or authorities; 2. The Regional District of Okanagan Similkameen; 3. Local First Nations; 4. School District #67; 5. The provincial or federal government and their agencies. AND THAT it is determined that the community engagement period carried out from April 7, 2022 to May 15, 2022 is sufficient; AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2022-41", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08, by amending the future land use designation for Lot E District Lot 202 Similkameen Division Yale District and of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 584, located at 770 Argyle Street, from 'Detached Residential' to 'Ground Oriented Residential'; AND THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-42", for Lot E District Lot 202 Similkameen Division Yale District and of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 584, located at 770 Argyle Street, a bylaw to rezone the subject property from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing); AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2022-41" and "Zoning Amendment Bylaw No. 2022-42" to the August 16, 2022 Public Hearing; AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-42", require a 1.1m road dedication along the western property line (Argyle Street) to be registered with the Land Title Office; AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-42", approve "Development Permit PL2021-9246", a permit to approve the form and character of the proposed development consisting of 10 dwelling units.</i>	57-113
Laven	6.6	Development Variance Permit PL2022-9354 Re: 744 Ross Avenue <i>Staff Recommendation: THAT Council approve "Development Variance Permit PL2022-9354" for Lot 15 District Lot 250 Similkameen Division Yale District Plan 8343, located at 744 Ross Avenue, a permit to vary Section 10.1.2.7.a of Zoning Bylaw 2021-01, to reduce the minimum exterior side yard from 3.0 m to 2.0 m, in order to facilitate the construction of an attached garage to the single family dwelling; AND THAT Council direct staff to issue "Development Variance Permit PL2022-9354".</i>	114-126

Laven 6.7 Zoning Amendment Bylaw No. 2022-43
Development Permit PL2022-9335 (747 Revelstoke Avenue)
Development Permit PL2022-9336 (755 Revelstoke Avenue) 127-156
Re: 747 and 755 Revelstoke Avenue
*Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-43", for Lot 49 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 and Lot 48 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 747 and 755 Revelstoke Avenue respectively, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane); AND THAT Council forward "Zoning Amendment Bylaw No. 2022-43" to the August 16, 2022 Public Hearing;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-43", approve "Development Permit PL2022-9335", for Lot 49 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 747 Revelstoke Avenue, a permit to approve the form and character of a duplex;
AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-43", approve "Development Permit PL2022-9336", for Lot 48 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 755 Revelstoke Avenue, a permit to approve the form and character of a duplex.
AND THAT Council direct staff to issue "Development Permit PL2022-9335" and "Development Permit PL2022-9336".*

Laven 6.8 Zoning Amendment Bylaw No. 2022-44 157-185
Development Variance Permit PL2022-9395
Development Permit PL2022-9280
Re: 561 Jermyn Avenue
*Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-44", for Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030, located at 561 Jermyn Avenue, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing); AND THAT Council forward "Zoning Amendment Bylaw No. 2022-44" to the August 16, 2022 Public Hearing.
AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2022-44", consider "Development Variance Permit PL2022-9395" for Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030, located at 561 Jermyn Avenue, a permit to vary Section 10.9.2.8.a of Zoning Bylaw 2021-01 to reduce the exterior side yard from 4.5 m to 1.8 m:
AND THAT Council subject to approval of "Development Variance Permit PL2022-9395", approve "Development Permit PL2022-9280", for Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030, located at 561 Jermyn Avenue, a permit to allow for the construction a four-unit townhouse development.*

7. **Public Question Period**

8. **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)

- (g) litigation or potential litigation affecting the municipality;*
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act;*

- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and Section 90(2)
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

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

10. **Bylaws and Permits:**

Collison	10.1	Official Community Plan Amendment Bylaw No. 2022-22 and Zoning Amendment Bylaw No. 2022-23 Re: 435 Green Avenue West	186-189	Adopt
Collison	10.2	Zoning Amendment Bylaw No. 2022-25 Re: 713, 737 and 795 Westminster Avenue West	190-193	Adopt
Collison	10.3	Zoning Amendment Bylaw No. 2022-26 Re: 221 Huth Avenue	194-195	Adopt
Capewell	10.4	Zoning Amendment Bylaw No. 2022-35 Re: 650 and 666 Eckhardt Avenue West	196-197	2 nd /3 rd
Collyer	10.5	Zoning Amendment Bylaw No. 2022-36 Re: 169 Maple Street	198-199	2 nd /3 rd
Collyer	10.6	Zoning Amendment Bylaw No. 2022-37 Re: 924 Fairview Road	200-201	2 nd /3 rd

11. **Notice of Motion**

12. **Business Arising**

13. **Public Question Period**

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

14. **Council Round Table**

15. **Adjournment**

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

Tuesday, July 5, 2022
at 1:00 p.m.

- Present:** Mayor Vassilaki
Councillor Sentes
Councillor Miller
Councillor Regehr
Councillor Robinson
- Absent:** Councillor Bloomfield
Councillor Watt
- Staff:** Donny van Dyk, Acting Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Anthony Haddad, General Manager, Community Services
Blake Laven, Director of Development Services
Len Robson, Public Works Manager

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

238/2022

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on July 5, 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 1:30 p.m.

6. Adoption of Minutes:

6.1 Minutes of the June 21, 2022 Special and Regular Meeting of Council

239/2022

It was MOVED and SECONDED

THAT Council adopt the Special and Regular Council Meeting minutes of June 21, 2022 as amended.

CARRIED UNANIMOUSLY

7. Consent Agenda:

240/2022

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the June 20, 2022 Public Hearings.

CARRIED UNANIMOUSLY

8. Staff Reports:

8.1 Section 57 Notice on Title

Re: 162 Wiltse Place

Jim and Denise McIntosh were provided an opportunity to make representation to Council and spoke in opposition to the Section 57 action.

241/2022

It was MOVED and SECONDED

THAT Council direct staff to work with the home owners of 162 Wiltse Place to address outstanding permits before the end of the year, before proceeding with a Section 57 Notice on Title.

CARRIED UNANIMOUSLY

8.2 Reconsideration Request for Remedial Action Requirements

Re: 434 Lakeshore Drive West

Property owner did not attend but provided comments to Council in writing.

242/2022

It was MOVED and SECONDED

THAT Council, pursuant to section 78 of the *Community Charter*, after reviewing the correspondence that is attached herein as Attachment A, and after providing the owners of the Property at 434 Lakeshore Drive West (the Property) having a legal description of: Lot 1, District Lot 4 Group 7 Similkameen Division Yale District Plan 35081 Except Plan EPP91648 (Parcel Identifier: 002-898-331) with the opportunity to make representations to Council, then reconfirm the remedial action requirements imposed on the Property, through Council Resolution No. 198/2022, on June 7, 2022.

CARRIED UNANIMOUSLY

8.3 Penticton Curling Club – Grant Application, Loan Agreement and 10-Year Lease Renewal Request

243/2022

It was MOVED and SECONDED

THAT Council receive into the record the report dated July 5, 2022 titled “Penticton Curling Club – Grant & Lease Request”;

AND THAT Council support the grant request by the Penticton Curling Club for a Capital Project Grant through the Community Gaming Grants;

AND THAT Council approve staff enter into a loan agreement with the Penticton Curling Club for an interest free loan to a maximum amount of \$100,000 to be repaid at \$1,500/month for building upgrades including electrical panel, carpet and bathrooms;

AND THAT Council authorize staff to enter into a 10-year nominal Lease agreement with the Penticton Curling Club, for the purpose of operating a curling club;

AND THAT the disposition of City lands be advertised pursuant to Section 26 of the *Community Charter*;

AND FURTHER THAT the Mayor and Corporate Officer be directed to execute the lease agreement.

CARRIED UNANIMOUSLY

8.4 North Gateway Redevelopment and Investment Strategy

244/2022

It was MOVED and SECONDED

THAT Council receive into the record the report dated July 5, 2022 titled “North Gateway Redevelopment & Investment Strategy – Proposed Plan”;

AND THAT Council approve the North Gateway Redevelopment & Investment Strategy and direct staff to move forward with implementation.

CARRIED UNANIMOUSLY

8.5 Signing Officers for SOEC 2022 and Subsequent Years

245/2022

It was MOVED and SECONDED

THAT Council approve signing authorities for the City’s SOEC bank accounts at Valley First Credit Union as follows:

- Cliff Last, Director of Finance, South Okanagan Events Centre
- Susan Coombes, Senior Finance Manager, South Okanagan Events Centre
- Dean Clarke, General Manager, South Okanagan Events Centre
- Kevin Webb, Assistant General Manager, South Okanagan Events Centre
- Mary Richards, PTCC Director of Sales, Penticton Trade and Convention Centre
- Donny van Dyk, Chief Administrative Officer, City of Penticton
- Angela Campbell, Director of Finance and Administration, City of Penticton
- Elma Hamming, Manager of Finance, City of Penticton

Signing officers for membership 2491223 (South Okanagan Events Centre) for the calendar year ended December 31, 2022 and subsequent years until changed.

CARRIED UNANIMOUSLY

8.6 In-Year Grant Request

246/2022

It was MOVED and SECONDED

THAT Council approve a \$5000 cash grant to the Canadian Mental Health Association, funded through surplus.

CARRIED
Councillors Regehr and Robinson, Opposed

8.7 Fees and Charges Amendment Bylaw No. 2022-07

247/2022

It was MOVED and SECONDED

THAT Council give first, second and third reading to “Fees and Charges Amendment Bylaw No. 2022-07”, a bylaw to amend:

- Appendix 4 – Building Department Fees;
- Appendix 6 – Cemetery;
- Appendix 7 – Electric Utility;
- Appendix 11 – Garbage Rates;
- Appendix 18 – Parking;
- Appendix 19 – Parks and Sports Fields; and
- Appendix 20 – Planning and Development.

CARRIED UNANIMOUSLY

The Mayor recessed the meeting at 2:55 p.m. and the meeting reconvened at 3:10 p.m.

8.8 Zoning Amendment Bylaw No. 2022-35
Development Variance Permit PL2021-9198
Development Permit PL2021-9199
Re: 650 and 666 Eckhardt Avenue West

248/2022

It was MOVED and SECONDED

THAT Council give first reading to “Zoning Amendment Bylaw No. 2022-35” for Lot 3 District Lots 2 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1655 Except Plan B4197, located at 650 Eckhardt Ave W and That Part of Lot 3 Shown on Plan B4197; District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1655, located at 666 Eckhardt Ave W, a bylaw to rezone the subject properties from C7 (Service Commercial) to C3 (Mixed Use Commercial)

AND THAT Council forward “Zoning Amendment Bylaw No. 2022-35” to the July 19, 2022 Public Hearing;

AND THAT Council, prior to adoption of “Zoning Amendment Bylaw No. 2022-35”, require a 2.9m road dedication along the northern property line (Eckhardt Avenue West) to be registered with the Land Title Office;

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

1. Design and construction to the centerline of Pacific Crescent from the western property line of 666 Eckhardt Ave to connect to Railway Street.

AND THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2022-35”, consider “Development Variance Permit PL2021-9198”, for the subject properties located at 650 and 666 Eckhardt Avenue West, a permit to vary the following sections of Zoning Bylaw No. 2021-01:

1. Section 11.3.2.5: to increase the maximum height from 18m to 21.1m; and,
2. Section 11.3.2.6: to reduce the minimum front yard from 3.0m to 2.0m

AND THAT Council, subject to approval of "Development Variance Permit PL2021-9198", approve "Development Permit PL2021-9199", for the subject properties at 650 and 666 Eckhardt Avenue West, a permit to allow for the construction of a 6-storey, mixed-use development, containing 2,600 sq. ft. of commercial retail space and 70 residential units.

CARRIED UNANIMOUSLY

8.9 Development Variance Permit PL2022-9326
Re: 109 Lee Avenue

Council invited the Applicant to speak to the DVP application and answer any questions.

249/2022

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2022-9326" for Lot 2 District Lot 189 Similkameen Division Yale District Lot 5411, located at 109 Lee Avenue, a permit to vary the following section of Zoning Bylaw 2021-01 in order to construct a carriage house:

1. Section 8.2.3.3: to increase the maximum building footprint for a carriage house in the R1 (Large Lot Residential) zone from 90m2 to 109m2;

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9326".

CARRIED
Councillor Sentes, Opposed

8.10 Zoning Amendment Bylaw No. 2022-36
Development Permit PL2022-9385
Re: 169 Maple Street

250/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-36", a bylaw to rezone Lot B District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP119095, located at 169 Maple Street, from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing); AND THAT Council forward "Zoning Amendment Bylaw No. 2022-36" to the July 19, 2022 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-36", approve "Development Permit PL2022-9385" for 169 Maple Street, a permit to approve the form and character of a four-unit cluster housing development consisting of two side-by-side duplexes.

CARRIED UNANIMOUSLY

8.11 Zoning Amendment Bylaw No. 2022-37
Development Variance Permit PL2022-9303
Development Permit PL2022-9302
Re: 924 Fairview Road

251/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-37", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 37914, located at 924 Fairview Road, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-37" to the July 19, 2022 Public Hearing;

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2022-37", require a 0.8m road dedication along the frontage of the subject property be registered with the Land Title Office;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-37", consider "Development Variance Permit PL2022-9303", a permit to vary Section 10.9.2.9 of Zoning Bylaw 2021-01, to reduce the required rear yard setback from 6.0m to 5.4m;
AND THAT Council, subject to approval of "Development Variance Permit PL2022-9303", approve "Development Permit PL2022-9302", a permit to approve the form and character of a 7-unit townhouse development.

CARRIED UNANIMOUSLY

8.12 Official Community Plan and Zoning Amendment Application
Re: 655 Ellis Street

252/2022

It was MOVED and SECONDED

THAT Council, following the Community Engagement for OCP Amendments Procedure, direct staff to commence public engagement for a proposed Official Community Plan amendment application to change the future land use designation from 'Ground Oriented Residential' to 'Urban Residential' and a Zoning Amendment Bylaw application to rezone the properties from P1 (Public Assembly) to RM5 (Urban Residential) in support of a three-storey, 16-unit apartment building located at 655 Ellis Street.

CARRIED UNANIMOUSLY

9. Bylaws and Permits

Councillor Miller declared a conflict of interest due to his employment in media and left the meeting at 3:48 p.m.

9.1 Public Notice Bylaw No. 2022-34

253/2022

It was MOVED and SECONDED

THAT Council adopt "Public Notice Bylaw No. 2022-34".

CARRIED UNANIMOUSLY

Councillor Miller returned to the meeting at 3:50 p.m.

10. Notice of Motion

11. Business Arising

254/2022

It was MOVED and SECONDED

THAT Council direct staff to work with the Downtown Penticton Business Improvement Association and install a rainbow crosswalk on Front Street.

CARRIED UNANIMOUSLY

12. Public Question Period

13. Council Round Table

14. Adjournment

255/2022

It was MOVED and SECONDED

THAT Council adjourn the July 5, 2022 Regular meeting of Council at 4:14 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

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

Tuesday, July 5, 2022
Recessed from the Regular Council Meeting at 1:00 p.m.

Present:	Mayor Vassilaki Councillor Sentes Councillor Miller Councillor Regehr Councillor Robinson
Absent:	Councillor Watt Councillor Bloomfield
Staff:	Donny van Dyk, Chief Administrative Officer Angie Collison, Corporate Officer Angela Campbell, Director of Finance & Administration Blake Laven, Director of Development Services Anthony Haddad, General Manager, Community Services Len Robson, Public Works Manager

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 July 5, 2022 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 2SLGBTQIA+ Crosswalk

Brett Turner, Executive Director for the Downtown Penticton Business Improvement Association (DPBIA) requested Council support the installation of a rainbow crosswalk on Front Street and Lakeshore Drive.

3.2 Penticton Curling Club

Cathy Jones, Treasurer and Chris Jones, Manager/Ice Technician, Penticton Curling Club, spoke of Curling Club successes and upcoming events. Requested a loan of \$100,000 to apply for a matching capital grant for building upgrades including electrical panel, carpet and bathrooms. If the grant is not successful, funds would be applied to plant electrical upgrades.

3.3 Regional Growth Strategy Update

Christopher Garrish, Planning Manager, RDOS, provided Council with an overview of the Regional Growth Strategy.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held July 5, 2022 at 1:30 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

John Vassilaki
Mayor

Special Penticton and Ellis Creek Restoration Select Committee Meeting

held via Zoom
June 29, 2022
at 9:00 a.m.

Present: Paul Askey, Freshwater Fisheries Society of BC (*Chair*)
Zoe Eyjolfson, Okanagan Nation Alliance (*Vice Chair*)
Bill Wickett, Alternate, Penticton Fly Fisheries Association
Sandy Ross, Parks and Recreation Advisory Committee Member
Maryssa Bonneau, Penticton Indian Band Natural Resources

Council Liaison: Frank Regehr, Councillor

Staff: Ian Chapman, Manager of Special Projects
Hayley Anderson, Legislative Assistant

Regrets: Gerry Turchak, Penticton Industrial Development Association
Rick Peleshytuk, Ministry of FLNRO, Regional Water Management
Tara White, Ministry of FLNRO – Fish & Wildlife Division
Kristen Dixon, General Manager of Infrastructure

1. **Call to Order**

The Special Penticton and Ellis Creek Restoration Select Committee was called to order by the Chair at 9:05 am.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the agenda as amended by adding item 4.2 for the meeting held on June 29, 2022.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of the February 3, 2022 Penticton and Ellis Creek Restoration Select Committee Meeting

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adopt the minutes as amended by correcting the accuracy of item 4.1 of the February 3, 2022 meeting.

CARRIED UNANIMOUSLY

Robert (Sandy) Ross joined the meeting at 9:16 am.

4. **New Business**

4.1 Penticton Creek Reach 3AU-3B Update

The Manager of Special Projects provided the Committee with an update on the Penticton Creek Reach 3AU/3B Restoration. The presentation included the tasks that had been previously completed, financial and contractual aspects as well as the next steps.

The Manager of Special Projects provided information on the financial and contract aspects of this portion of restoration. This included that 2 tenders had been received and the contract has been awarded. Funding for this portion has been secured along with a schedule.

The Manager of Special Projects provided information on the next steps of the project which will include alterations to two intersections associated with the Nanaimo Street Bridge removal. The intersection at Ellis Street and Westminster Avenue East will be altered to improve sight lines and add pedestrian crosswalks. This construction will be part of the creek construction and be completed post fish window (September/October 2022). A concept plan was presented for the intersection at Nanaimo and Van Horne Street to include improved sight lines, pedestrian crossing, walkway/bike path, sidewalk, road and lane connections. The intersection will be configured as an all-way stop and the opportunity will be taken to increase landscaping in the vicinity. The creekside walkway will be widened by approximately 0.6m and lighting will be added to improve safety of the area.

The Manager of Special Projects provided the plan for the property of the corner of Wade Avenue and Norton Street. Two layout concepts were provided with the second concept being the more favorable. The favored concept includes 1-2 signage locations; suggestions for signage material include information about the traditional lands of the Okanagan people, restoration work that is taking place along the creek as well as fish species and information about their spawning habits. The concept also included a raised boardwalk/wooden pathway off the bridge.

A Committee member questioned what amenities would be in the park. It was suggested that logs to sit on and a community gathering place be included in the concept. A committee member suggested that Penticton Flyfishers could contribute funds towards the new signage and interpretive area for viewing Kokanee. A committee member commented on the importance of areas like this for school groups and other groups receiving interpretive walks during the spawning run. There are few areas with good viewing and safe from traffic and noise that are ideal for stopping with a group. The member commented that the Freshwater Fisheries Society of BC could also potentially contribute to a fisheries interpretive area, but over a longer time frame as a funding proposal and review would be required. Several committee members commented they preferred option 2 of the two options shown for this area.

4.2 Update from Canadian Okanagan Basin Technical Working Group

Committee Member Zoe Eyjolfson from Okanagan Nation Alliance provided the Committee with an update on the Chinook salmon in Okanagan Lake. The temporary trial basis at Okanagan Lake Dam will be continuing this year. Some Chinook salmon are being released into Okanagan Lake as part of the recovery and monitoring program to help restore historic levels in the lake.

Zoe discussed that Chinooks are being caught out of the Okanagan Basin and mistaken for Sockeye or Kokanee salmon. It was discussed that Chinook are an endangered species and materials will be coming forward through different information channels to provide education on Chinook salmon in Okanagan Lake.

5. **Next Meeting**

The next Penticton and Ellis Creek Restoration Select Committee meeting is tentatively scheduled to be held on August 11 at 9:00 am.

6. **Public Question Period**

7. **Adjournment**

It was MOVED and SECONDED

THAT the Penticton and Ellis Creek Restoration Select Committee adjourn the meeting held on June 29, 2022 at 11:10 am.

CARRIED UNANIMOUSLY

Certified Correct:

Hayley Anderson
Legislative Assistant

Arts, Creative and Cultural Innovations Advisory Committee Meeting

held via Zoom
Friday, July 8, 2022
at 1:00 p.m.

Present: Timothy Tweed, Chair
Brenda Longland, Vice Chair
Juliana Buitenhuis
Paul Crawford
Calvin Meiklejohn
Kim Palmer

Council Liaison: Judy Sentes, Councillor

Staff: Anthony Haddad, General Manager of Community Services
Kelsey Johnson, Manager of Recreation, Arts & Culture
Hayley Anderson, Legislative Assistant

Regrets: Mairoula Dimopoulos
Anita Petersen
Erica Stewart

1. **Call to Order**

The Arts, Creative and Cultural Innovations Advisory Committee was called to order by the Chair at 1:02 pm.

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 July 8, 2022 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of the April 8, 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 April 8, 2022 meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 2022 Public Sculpture Exhibit Program

The Manager of Recreation, Arts & Culture provided a verbal update on the Public Sculpture Exhibit Program that was installed in May, 2022. During the installation it was identified that one piece wasn't designed to withstand the elements. Staff worked with the Artist and a new piece called Listen was installed.

The Committee discussed what the investment would be to install a sculpture on the north side of the Penticton Trade and Convention Centre on the corner of Westminster Avenue and Power Street. Staff will bring more information on the feasibility of that site to the Committee at the next meeting.

4.2 Helping Hand Repair Update

The Manager of Recreation, Arts & Culture provided an update on the Helping Hand Sculpture Repair. The sculpture was installed in partnership with Valley First in June of 2019. In May 2021 it was damaged and removed. Staff worked with the Artist through delays, due to Covid-19 restrictions. The proposal focuses on sculpture stability with the inclusion of a bench to increase interaction with the piece. Staff are confident that these changes will address the issues of the previous sculpture. Staff anticipate the final sculpture will be installed by fall 2022.

A Member of the Committee brought up the concern of children climbing on the sculpture. Staff responded that this has been taken into consideration and was determined to be low risk.

4.3 Call for Artists – Permanent Outdoor Mural: City of Penticton and IRONMAN Canada Partnership

The Manager of Recreation, Arts and Culture provided an update on the Permanent Outdoor Mural: City of Penticton and IRONMAN Canada Partnership. The City of Penticton and IRONMAN Canada put out a Call to Artists on June 20, 2022 for a permanent art mural to be located on the west wall of the building at 185 Lakeshore Drive. The mural will represent the iconic IRONMAN event and will be in 4 sections displaying swim, bike, run, and community. The installation will begin August 17, 2022 with a tentative reveal date of August 24, 2022.

The Mural will be chosen by a jury with members from the City of Penticton, IRONMAN, Penticton Art Gallery, Travel Penticton, Chamber of Commerce, and Arts, Creative & Cultural Innovation Advisory Committee. Committee Members Juliana and Brenda volunteered to be part of the jury process.

Calvin Meiklejohn joined the meeting at 1:32 pm.

Representatives Update

- a. Penticton Art Gallery
 - New exhibit featuring street art from Mexico City opening July 8, 2022
- b. Okanagan School of Arts
 - The recent production at Tempest Theatre had one sold out show with the others bringing in good attendance
 - Productions will start again in September with a December show at the Many Hats Theatre
 - The School is working on refocusing their programs to those with greater impact
- c. Penticton Arts Council
 - Two pottery exhibits opening July 9, 2022 at the Leir House

5. **Next Meeting**

The next Arts, Creative and Cultural Innovations Advisory Committee meeting is tentatively scheduled to be held on Friday, August 5, 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 July 8, 2022 be adjourned at 1:40 pm.

CARRIED UNANIMOUSLY

Certified Correct:

Hayley Anderson
Legislative Assistant

Council Report

penticton.ca

Date: July 19, 2022 File No: 5080-01
To: Donny van Dyk, Chief Administrative Officer
From: Adam Goodwin, Social Development Specialist; Jamie Lloyd-Smith, Social Development Coordinator
Address: 2509 South Main Street (Lot 1 District Lot 116 Similkameen Division Yale District Plan 2027 Except Plan M13339)
Subject: **2509 South Main Street Shovel Ready Project – Affordable Housing Reserve**

Staff Recommendation

THAT Council approve the use of up to \$50,000 to be funded from the City of Penticton Affordable Housing Reserve to get 2509 South Main Street (Lot 1 District Lot 116 Similkameen Division Yale District Plan 2027 Except Plan M13339) to a shovel ready state for submission to a future capital grant funding program;

AND THAT Council direct staff to work with partners to get 2509 South Main Street to a shovel ready state in order to support a community submission to a future capital grant funding program;

AND THAT the Financial Plan be amended accordingly.

Strategic Priority Objective

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

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

Background

The City purchased 2509 South Main Street for the Point intersection round-about project with the understanding that there would be land remaining at the end of the road project for other projects that would benefit the community. When the City purchased 2509 South Main Street, the Shielings Motel was being used as affordable, long-term rentals by a private landlord. The City worked closely with the South Okanagan Similkameen Brian Injury Society (SOSBIS) to ensure that all of the tenants were successfully relocated in a respectful manner. SOSBIS was able to lead the relocation of all of the tenants within the timeframe.

Under the City's Land Disposition Council Policy, the City and SOSBIS entered into a non-binding Memorandum of Understanding (MOU) in November 2020. The decision to enter into the MOU was due to the benefits that would be derived for the community by working with SOSBIS on an affordable/attainable housing project. The MOU includes several provisions:

- SOSBIS took leadership and responsibility for tenant relocation
- The City would sell the remainder portion of the lands from the round-about project to SOSBIS for a future attainable housing project
- The City would provide support to SOSBIS to help move an attainable housing project forward (e.g., letter of support)

The City provided support to SOSBIS in 2021 to submit an application to a provincial capital housing program to build housing at 2509 South Main Street. This submission was not successful in receiving capital funds to move forward with constructing attainable housing at the time. The City and SOSBIS met with some prospective funders to get feedback for the next application submission (to increase the likelihood of receiving capital funding), and all prospective funders strongly recommended that the project be closer to a *shovel ready state* when the next funding application for these lands is submitted.

The proposed funds and associated project is to help this piece of land move closer to a shovel ready stage in order for attainable housing to be constructed on this property to benefit the community.

Financial Implication

The City's Affordable Housing Reserve is funded by developer contributions from a density bonus provision in the Zoning Bylaw permitting higher density development through contributions to the reserve. The Affordable Housing Reserve had a balance of \$224,043 as at December 31, 2021.

Based on preliminary discussions with architects and other firms, it is anticipated that it would cost up to \$50,000 to get 2509 South Main Street to a shovel ready state in order to submit a competitive application to a capital funding program. This would include funds to conduct a more comprehensive land development study, look at synergies with neighbouring affordable housing properties, and, if necessary, have the project progress through land use change processes (e.g., re-zoning) in order to get the attainable housing project to a shovel ready state. It is recommended that the funds to get the project to the shovel ready stage come from the Affordable Housing Reserve, as the purpose of the Reserve is to support affordable/attainable housing projects.

Climate Impact

In 2021, Council adopted the Community Climate Action Plan (CCAP) to works towards the City's environmental action goals. In general, multifamily developments are required to meet Step 1 of the Energy Step Code, at a minimum. Most capital grants for non-market housing now require a high-standard of energy efficiency. For example, a current capital grant for non-market housing from the federal government requires a 25% decrease in energy use from housing below the current standard. In addition, the land development study will consider the most environmentally friendly approach to the project that can be built within the available resources.

Analysis

Having attainable housing constructed at 2509 South Main Street would be a significant benefit to the community. It aligns with:

- recent data showing an urgent need for more attainable housing in Penticton;
- with policies and elements in the Official Community Plan;
- with the recent signing of the Memorandum of Understanding with 100 More Homes; and
- emerging roles and priorities in the City’s Social Framework (in development), and other City plans.

Recent data

As the City heard during consultations for the North Gateway Plan, there is an urgent need for more affordable and attainable housing in Penticton across Penticton. The 2017 City of Penticton Housing Needs Report and 2021 Regional District of the Okanagan Similkameen’s Housing Needs Assessment both showed that approximately 16% of households in Penticton are in core housing need (spend more than 30% of their income on housing, which puts them at a significant increased risk of poor social outcomes). Getting these lands to the shovel ready state will help get attainable housing built more quickly in the community which would support individuals in core housing need.

OCP Alignment

The proposed project to get 2509 South Main Street to a shovel ready state also aligns with policies and elements of the Official Community Plan that outline that the City will play a role with other governments, not-for-profits, and other community partners to support the development of attainable housing in Penticton (see table 1).

OCP Policy 4.1.2.1	Where the need is demonstrated, partner with senior governments, the non-profit housing sector and the development community to facilitate the development and operation of projects across the housing spectrum including shelters, transitional housing, supportive housing, non-market housing, and affordable rental and ownership housing for singles, families and seniors.
OCP Policy 4.1.2.2	Maximize the housing potential of existing land assets (sites and buildings) owned by non-profits and governments, including the City, through strategic partnerships and knowledge sharing.
OCP Policy 4.1.2.3	Recognize that while senior governments play the primary role in fostering, funding and delivering affordable housing, the City will provide support through technical assistance, supportive regulations, partnerships, community consultation and project facilitation.
OCP Policy 4.1.2.4	Support innovative models of affordable housing, such as modular housing and adaptive re-use of buildings, through technical and regulatory support, using pilot projects or housing demonstration projects.
OCP Policy 4.1.2.5	Engage in robust community consultation and work with community partners to gain support for affordable housing projects and to refine projects to reflect community input.

Table 1. OCP policies that align with the proposed project.

Memorandum of Understanding

This initiative aligns with the recent MOU that City Council signed with 100 More Homes. The MOU outlined that the City would seek opportunities to support community housing projects. Specifically, the MOU outlines that the City will help coordinate key initiatives in the community to support housing in the community, and will enter partnerships to support housing.

Social Framework

As directed by City Council (Resolution 22/2022), the City is working on the development of a Social Framework. To-date, targeted interviews, surveys, and workshops have been conducted. An emerging theme from the work to-date is that housing should be a City priority, and that the community is asking the City to lead some additional roles to support the development of attainable housing. The project also aligns with recommendations in the Penticton Age Friendly Action Plan around the urgent demand for more attainable housing in Penticton across all ages.

Next Steps

The current site for the project is vacant with existing affordable housing projects on the neighbouring property (i.e., Columbus Park operated by South Okanagan Similkameen Brain Injury Society, located 2575 South Main Street). Based on the unique size and location of the property, and given its proximity to existing affordable housing sites, this project will help move the project forward. The land development study aspect of the project will help to identify the best use of the site. The study is intended to review if there is any opportunity of incorporating unused lands from 2572 South Main Street or other neighbouring properties into the main site. The study will also help identify the best building type and design for the location with high-level renderings of a potential build. These renderings are required for most grant applications for projects to be considered shovel-ready.

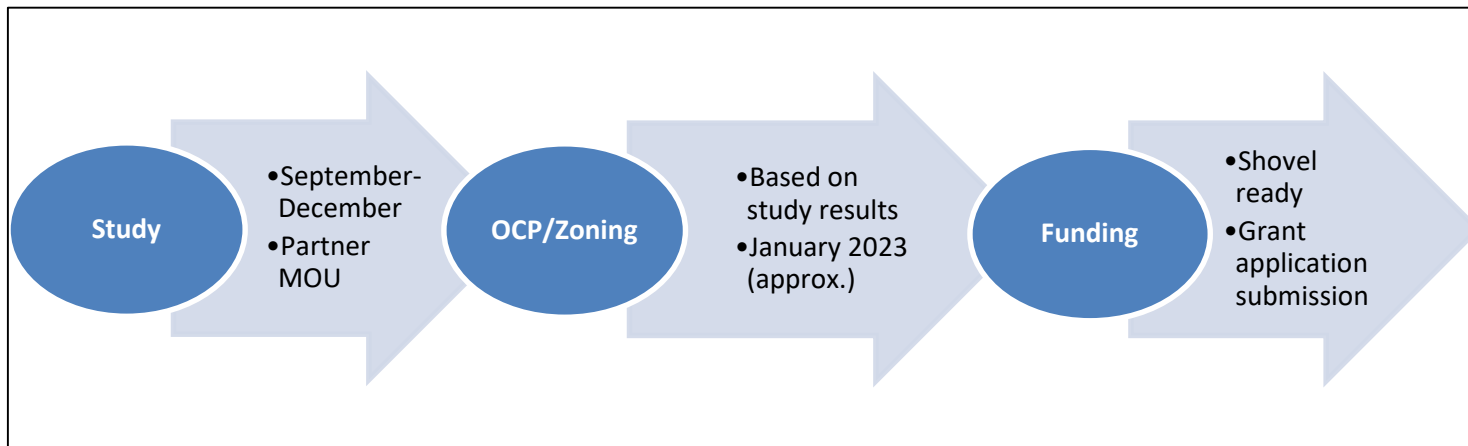


Figure 1. Next steps.

The property is currently designated 'Ground Oriented Residential' in the Official Community Plan (OCP). The Ground Oriented Designation supports multifamily residential developments generally 3 storeys in height with each unit having its own exterior entrance (i.e. cluster housing, townhomes). Once more details about the form of future development on the property is known, the required land use applications will be submitted. The current OCP designation supports ground-oriented development (i.e. cluster housing, townhomes). For example, if apartments or a mixed-use development is proposed, an OCP amendment

application would be required. The property will have to be rezoned from CT1 (Tourist Commercial) to a multifamily residential zone along with the required form and character development permit. OCP and Zoning Bylaw amendment applications are Council decisions, allowing Council to consider the future proposal in detail prior to changing the land use on the site.

Once the more comprehensive study is completed, and the re-zoning processes are approved, the lands will be in a more shovel ready stage to be used in a future capital funding program. This will increase the likelihood that attainable housing will be built more quickly.

Summary and Staff Recommendation

This project is to move the 2509 South Main Street site to a shovel ready state in order to submit a more competitive capital grant application to construct attainable housing. Using up to \$50,000 in funds from the City’s Affordable Housing Reserve will help move the site to the shovel ready stage. This \$50,000 investment could result in a \$6-10M investment in attainable housing in Penticton (a 12,000-20,000% return on investment; note, a 700-1000% return on investment is considered a best practice in the sector which this project would considerably exceed). Therefore staff are recommending that Council approve the use of up to \$50,000 from the Affordable Housing Reserve to support the project to get 2509 South Main Street lands to shovel ready status.

Alternate Recommendations

THAT Council direct staff to bring back additional information.

Attachments

Attachment A – Property Site Map

Respectfully submitted,

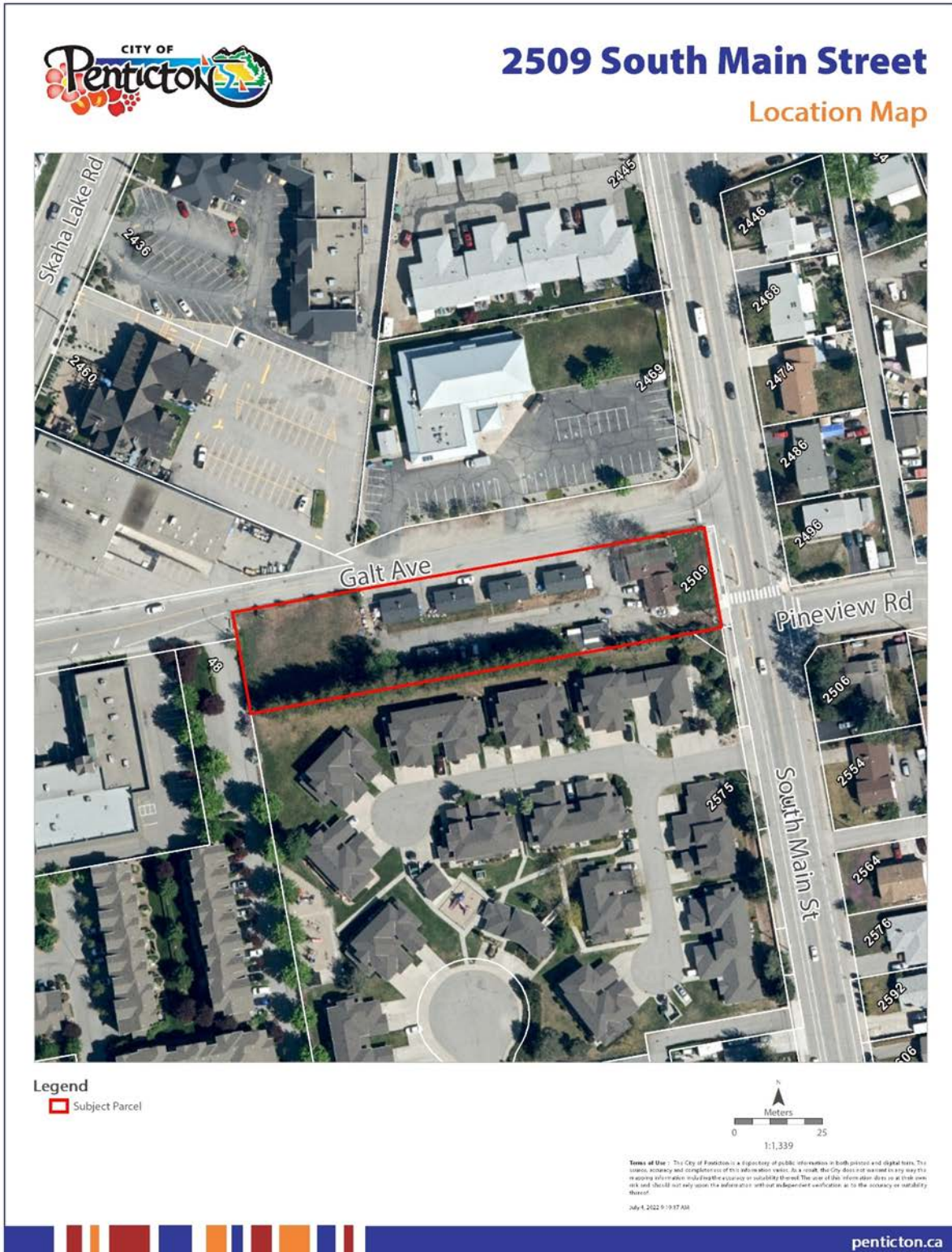
Adam Goodwin
Social Development Specialist

Jamie Lloyd-Smith
Social Development Coordinator

Concurrence

Director, Finance and Administration <i>AMC</i>	Director, Development Services <i>BL</i>	General Manager, Community Services <i>ABH</i>	General Manager, Infrastructure <i>KD</i>	Chief Administrative Officer DyD
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Attachment A – Property Location Map



Council Report



Date: July 19, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Blake Laven, Director of Development Services
Subject: Short Term (Vacation) Rental Program Update

File No: 4300-01, General

Staff Recommendation

THAT Council receive into the record the report dated July 19, 2022 titled "Short Term (Vacation) Rental Program Update".

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.

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

Background

This report is meant as an update for Council on the regulatory framework, financial picture and statistical analysis of the City's short term rental program.

This report is provided as information and does not recommend any amendments to the program at this time.

History of vacation rentals in Penticton

Penticton has a long history of supporting vacation rentals (short term rentals). Dating back to the early 1980s, Penticton residents would advertise their houses out to the vacationing public during Peachfest and Ironman to those looking for a more authentic and comfortable experience in the community, rather than a hotel or motel unit. With the advent of the internet and on-line accommodation platforms like VRBO (vacation rental by owner) and later Airbnb, the trend continued with Penticton, particularly in the summer event seasons, seeing many listings across these platforms.



Figure 1: Penticton Herald Classified Ads from the early 1990s

Furthermore, with the construction of the South Okanagan Events Centre (SOEC) bringing major events to the city and with the City's reputation for festivals and events growing with Elvis fest, Peach City Beach Grandfondo, Fest of Ale, dragon boat festival, Winefest, etc. - all added over the past 10-15 years - the City's hotel and motel numbers were / are just not sufficient to provide the number of desired tourist accommodation offerings to support these events and festivals. This lack of accommodations was evident when the City made the decision to support the construction of a new hotel on City land adjacent to the PTCC (105 room Four Points by Sheraton). Add to this the aging motel stock in Penticton and the fact that a lot of the existing motel stock is not located in desirable areas and the city has lost over 100 motel units over the past 7 years due to redevelopment into other land uses or shifting to long range affordable housing, it is easy to envision the demand for vacation rentals to fill the gap. We are in a situation where vacation rentals are integral to supporting the SOEC and Penticton Trade and Convention Centre (PTCC), two important City owned facilities, which contribute greatly to the local economy.

As the prevalence of the vacation rental industry grew and the number of listings in Penticton increased, a greater call for City involvement was desired by the public - property owners wanted a legal way to participate in the short term rental market and neighbours of vacation rental operations wanted to see regulations and restrictions on their use. Up until the early 2010s, traditional B and Bs were the only type of home business accommodation licensed by the City and required an extensive process for approval, involving zoning bylaw amendments and public consultation. This meant there were only a few licensed in the city. Around that time, the City began a process of permitting vacation rentals through amendments to the City zoning bylaw and establishing a licensing system. That licensing system also established a \$200 yearly 'tourism fee', intended to offset the tax that was levied against hotel room revenue (MRDT) and used for tourism marketing purposes.

In 2016, based on public concerns over some aspects of the vacation rental program, a new series of changes were adopted, which created the regulated 'short term rental' program that is currently in place.

Current regulations

The current short term rental program is regulated through two main bylaws, the Zoning Bylaw and the Business License Bylaw and is managed by a dedicated License Enforcement staff member.

The zoning bylaw creates a definition for vacation rental, which means "the rental of a dwelling unit to the vacationing public for a period of one (1) month or less." The zoning bylaw also establishes which zones owners of property may operate vacation rentals and includes the use in most residential zones. The use is further regulated by the "Specific Use Regulations" section which has the following rules in place:

- Requirement for a valid City of Penticton business license
- No change to the residential character of the unit
- No exterior signage advertising the vacation rental
- In the case of a single family house and a secondary suite or carriage house, only one may be used as a vacation rental
- Maximum of 2 persons per bedroom
- Restrictions on nuisances
- Requirements for adequate on-site parking for all guests

The Business License Bylaw also has additional regulations and creates a number of categories of vacation rental uses:

- Vacation Rental (minor) – resident owner operation of less than 30 days in a year
- Vacation Rental (major) - resident owner operation over 30 days or non-resident operation with less than 6 occupants
- Vacation Rental (major – high occupant) – operations with more than 6 person occupant load

Persons sharing their homes or renting for short periods of time (under 14 days a year) such as for special events are not required to be licensed.

The licensing process requires an application to the City and an inspection from the License Inspector for conformance to minimum health and safety standards as set out in the City Building Bylaw and City Fire and Life Safety Bylaw.

Under the Business License Bylaw the operation of a vacation rental requires the following conditions be met:

- Posting of contact numbers and maximum occupant load in a location visible from the street. The City has created specific branded decals that are required to be used
- Contact numbers for a responsible individual to be listed in the Business Directory
- All advertising to include the business license number
- Notification of all adjacent residents of a high occupant vacation rental and
- Require a 'reasonable host' review to consider renewals based on repeated bylaw infractions or nuisance enforcement files

Branding of the Short Term Rental program

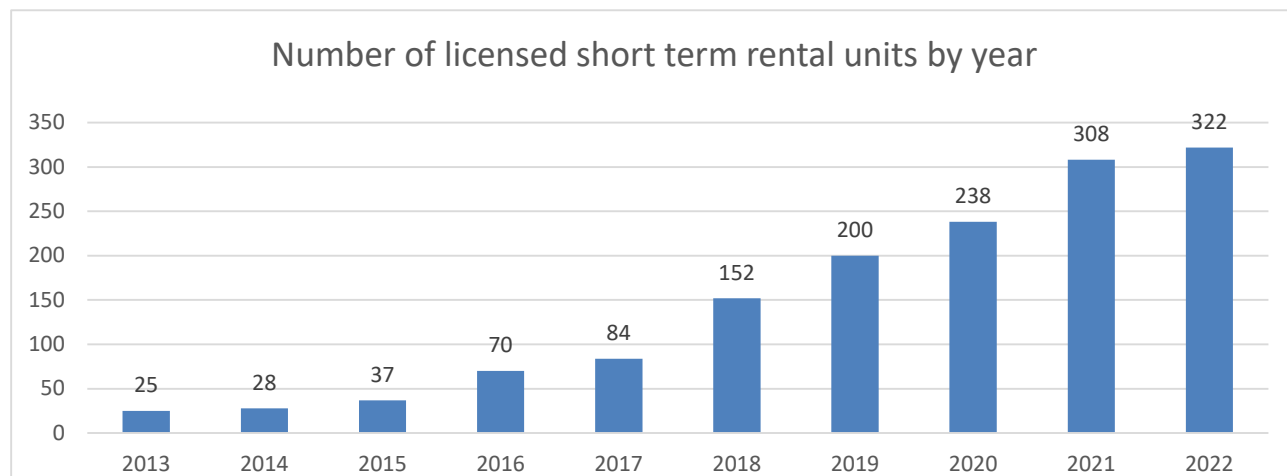
In 2019 the Licensing Department undertook a significant rebranding of the Short Term Rental Program with a focus on promoting the licensing of safe rental units for operators and guests. Staff worked with a marketing firm to establish a new logo and information related to the program including a decal, social media awareness campaign, updated brochures and video. A new webpage was also set up as a one stop place for information on the program.

License numbers



As of June 2022, there are 322 licensed short term rental units in the City of Penticton and approximately 40 that are in various stages of licensing approval. This represents a significant increase over when the program started, but does not necessarily mean there are more vacation rental units in the city. The number of units fluctuates, with between 450 – 500 units being listed at any given time in the community, meaning anywhere from 100 to 150 units are either advertising / operating unlicensed or in some cases are not required to be licensed. The license enforcement team is responsible for closing that gap between the number of advertised units and licensed units.

Enforcement



The City uses a third party application called Host Compliance that tracks vacation rental listings over a number of on-line vacation rental sites (Airbnb, Home Away, VRBO, Flipkey, Owner Direct etc). While the number of listings shifts from day to day, as of the writing of this report there are currently 476 short term rental units being advertised in Penticton. This represents a 68% compliance rate (476 advertised units - 320 licensed units = 156 unlicensed units advertised). This compliance rate continues to rise as the number of licensed units come on-line and enforcement of unlicensed units continue.

Since 2016, staff have opened 98 enforcement files to do with vacation rentals, with 3 currently active files. The majority of those files involve the operation of vacation rentals without proper permitting.

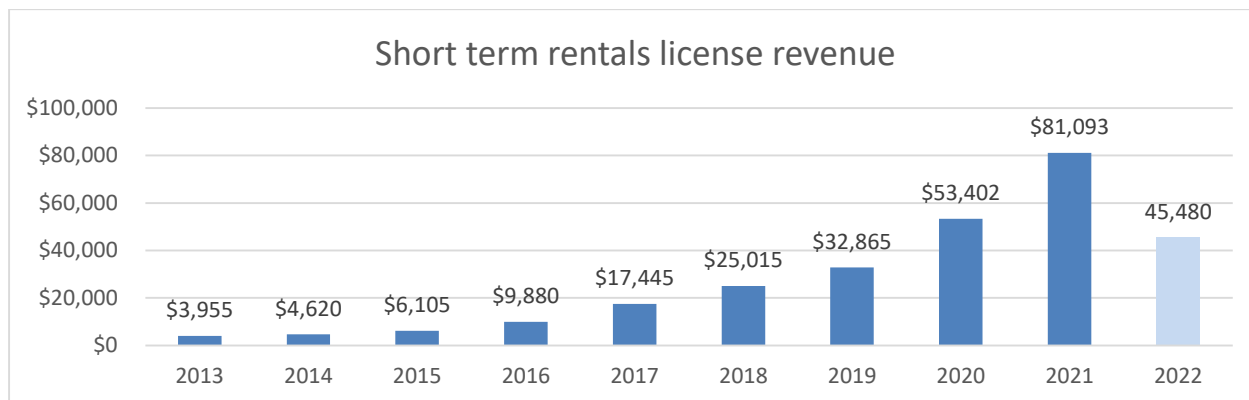
There are two ways that enforcement of unlicensed units are brought into compliance. The first is based on complaints. These types of files are the highest priority given the impacts to neighbours and usually result from unlicensed units not adhering to established expectations. The second way enforcement occurs is through the notification from Host Compliance that an unlicensed unit is being advertised. When the City is made aware of unlicensed units that are being advertised, a letter to the property owner is sent advising them of the licensing requirement and process. Often this will either result in the removal of advertising or an application to begin the licensing process.

The licensing process itself is quite involved and the City has produced a guide for prospective vacation rental operators to follow (Attachment A). As most operators are not experienced builders or business owners, staff do work closely to ensure all health and safety requirements are met, prior to licensing approval. And often, when inspections occur, illegal construction is found – sometimes this leads to enforcement actions, but more typically, leads to property permitting for the works. Vacation rentals are one way that building staff are able to legalize and inspect otherwise suspect works.

Revenue

Along with the number of short term rental units increasing, we have also been seeing a steady rise in revenue from the program. The cost of a short term rental license is based on the classification: \$190 yr (minor), \$260yr (major) and \$420yr (high occupancy).

Revenue is estimated to top \$90,000 in 2022. These funds are needed to offset the marketing, enforcement, inspection, IT components and administration of running the program. Currently, the program is not fully funded and staff will be requesting an increase in fees in 2023 to ensure the program is self-sufficient.



In addition to licensing revenue, short term rentals also generate tax revenue through the ‘on-line platform’ (OAP) portion of the Municipal and Regional District Tax (MRDT) program, a taxation scheme that allows for the collection of taxes of 3% on accommodation purchases (hotel or motel room stays). The funds collected through the program were originally required to be used to fund tourism marketing. In 2018, the program was expanded to allow for the collection of this tax on vacation rentals and the program requirements were amended pertaining to the use of the funds - the funds could be used for affordable housing initiatives. In 2021, Council directed staff that after the current agreement with Travel Penticton expires in June 2022, to designate all OAP funds towards affordable housing, with the intent that the funds go to support tourism sector worker housing. Provincial requirements require a plan for the use of the funds. The plan submitted includes planning work for 2022. Staff are anticipating \$80,000 - \$100,000 a year in funds through the program, which are directed into the Affordable Housing Reserve fund. Council will ultimately approve the use of the funds for any future projects.

Local Profile

Here are some interesting trends with regard to the makeup of our short term rentals in Penticton:

- 25% of short term rental offerings are in duplex or multi-family units
- 75% of short term rentals are offered in single family houses and single family houses with suites or carriage houses
- Number of bedrooms: 20% one bedroom, 37% two bedroom, 26% three bedroom, 6% 5 bedroom

Anecdotally staff see many different scenarios and reasons people operate short term rentals: individuals that purchase second homes in Penticton with the intent of moving here in the future and use vacation rentals to generate income when they are not using their second home; retirees operating vacation rentals in their own homes or suites during summer months, but don't want to share their homes longer term;

people wanting to run a vacation rental after long term renters move out etc. Often people operate the short term rental for a few seasons and then put their units back into long term rental.

There are also stories of rental housing being purchased and converted to vacation rental leaving previous tenants without housing. Owners are, however, required to follow provincial residential tenancy rules. Redevelopment of housing stock is often a reality that displaces renters regardless of whether the renovations or redevelopments are for short term rental, new owners wishing to move into the house or other reasons. Often there is a financial incentive to move from long term to short term rental that negatively impacts housing affordability, but it is also important to improve the City's aging building stock.

Housing affordability impacted by vacation rentals

The short term rental program takes some criticism for perceived negative impacts on housing affordability. It is often assumed that units being used for short term rental could or should be added to the City's long term rental stock, which would presumably make overall rentals more affordable if short term rentals were not permitted. The story, however, is a more nuanced. Many individuals who operate short term rentals are not interested in managing long term tenancies – so there isn't an exact number-for-number correlation.

Since 2016, the City has seen a large amount of purpose built rental housing constructed in Penticton, helping to offset the rise in vacation rental units. This new housing being constructed is both in apartment forms and a significant amount of new carriage houses and secondary suites. Since 2016, the City has approved 270 secondary suites, 91 carriage houses and over 1,600 multi-family units (many of which are rental apartments). Penticton does not have a requirement for licensing all types of long term rentals, so we do not have exact statistics on the number of rental units in the community, but based on an ownership rate of 65% in the community and a total dwelling count of just over 17,000, that means that there are approximately 6,000 units being rented out in Penticton. The 400-500 vacation rentals in the community are not an insignificant amount of units, but in comparison to the overall total number of rental units in the community and number of new units coming on every year, the impact of vacation rentals on the overall rental market is sometime overstated (less than 1% of the rental stock). So even if vacation rentals were prohibited and all short term rental units were moved into the long term housing stock, it would only have a slightly less than 1% increase in rental housing, if all units went into long term housing. As we have seen, many people operating short term rental do not have an interest in managing long term tenancies.

Short term rentals also have a positive benefit on certain types of housing. The vacation rental stock is integral to providing housing for college students who often look to live in Penticton from September to April. Okanagan College does not have any dedicated student housing, so without this important resource, it would be difficult to attract the numbers of out of region students that the local programs attract. Also short term rentals are important for construction or contract workers, who are in town for short periods of time. Vacation rentals are also often landing places for new individuals in the community looking to purchase or rent and the short term options provides a landing place and time to get to know the community before those longer term investments are made.

All this is to say that the impact on housing affordability is very nuanced and understanding the negative and positive impacts of the short term rental program is important to setting effective regulations and

policies. Staff continue to monitor impacts on the long term rental stock but are not currently concerned that the program is having a demonstrably negative impact on housing affordability in the community.

Finally, prior to the pandemic, staff were working on a long term rental licensing initiative. To have better statistics and to ensure adequate rental stock in the City, a long term licensing program is necessary. Staff intend to address this and re-initiate the long term licensing project as part of the overall housing policy approach.

Economic Activity Generated by Vacation Rentals

While specific values are difficult to account for, vacation rentals are an important part of the local tourist offering and an attractive accommodation type for the visiting public. The currently hotel stock cannot accommodate all of Penticton's visitors, especially during the summer months and when major events occur. The travelling public are also looking for a different vacation experience, and the homes and condominiums that are made available through the vacation rental program provide for a unique way to experience Penticton and support the many events and tourist businesses the community offers.

There are certain values to these accommodation types to our Tourism industry in attracting and competing with other communities across the Province and country for tourism dollars.

Financial implication

The short term rental program generates approx. \$80k per year in licensing revenues and a similar amount of OAP revenues is estimated. The licensing revenues mostly offset the costs of the program which includes staff time and administrative costs. Staff will be looking to raise the rates charged for short term rental licenses in the next Fees and Charges Bylaw update for 2023 to capture all of the administrative costs of managing the program.

Climate Impact

N/A

Analysis

The short term rental program is operating well and provides a good balance between supporting the tourism industry and providing quiet and peaceful residential areas. Vacation rentals are vital in supporting all of the major events that occur throughout the city over a calendar year, and are specifically integral to the South Okanagan Event Centre (SOEC) and Penticton Trade and Convention Centre (PTCC), two City owned facilities that are major contributors to the local economy. In the original development of the program in the early 2010s and through tweaks along the way, many of the earlier concerns and complaints that were voiced by the community have been addressed. Being a licensed operation brings with it the benefit of knowing that the business is safe for tourist occupation and that there is recourse for any nuisances. Penticton is now often approached by other municipalities on our approach to vacation rentals and has been a model for other communities.

This report is provided as information. No recommendations are being proposed at this time.

Attachments

Attachment A – Short Term Rental Guide

Respectfully submitted,

Blake Laven,
Director of Development Services

Concurrence

General Manager Community Services <i>BL</i>	Director of Finance and Administration <i>AMC</i>	Chief Administrative Officer DvD
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SHORT TERM RENTAL GUIDE

Nov. 2021 Bulletin No. L001 Revised: Nov. 10, 2021

WHAT IS A SHORT TERM RENTAL?

A Short Term Rental (STR) is the rental of an existing residential space for less than a month. The City considers this a business which requires a business licence if rented for 14 days or more in a year. An STR may be room(s) within a home, a secondary suite within a home, an entire home, a carriage house, or a dwelling unit within a multi-family building. Advertising may be facilitated by platforms (e.g. Airbnb); renters are primarily tourists and visitors.

WHAT ARE THE DIFFERENT CATEGORIES?

<p>Minor</p>	<p>Major</p>	<p>Major High</p>
<ul style="list-style-type: none"> • Business operates less than 30 days a year • The property owner is the principal resident • Maximum of 6 guests 	<ul style="list-style-type: none"> • Business operates 30 days or more a year • Maximum of 6 guests 	<ul style="list-style-type: none"> • More than 6 guests • Additional staff review and public consultation with adjacent neighbours are involved

WHAT IS THE PROCESS FOR OBTAINING A BUSINESS LICENCE?

Step1. Research

- Consult the neighbourhood; review building permit history and compare with current property plan (unapproved changes to the property, historical or recent, may require additional review and requirements regardless of ownership changes); review the checklist within this Guide; forward questions to staff.

Step2. Apply

- Submit application; staff will contact applicant to schedule an on-site review.
- Major High Occupant applications will involve public notification to adjacent properties.

Step3. Review & Resolve

- Staff will advise if further review or remediation is required and invoice when outstanding items have been resolved. Once all outstanding items have been remedied and payment is received, staff will forward the licence and related materials to Licensee.



SHORT TERM RENTAL GUIDE

WHAT ARE THE CITY'S REQUIREMENTS ?

Is strata approval required?

Some strata corporations have bylaws to limit or ban Short Term Rentals. Owners or residents violating a strata bylaw can be fined up to \$1,000 a day. Although the City does not require written approval from the strata, each applicant must do their own due diligence and review the regulations of their strata corporation to determine if rentals are allowable PRIOR to submitting application with the City.

Is insurance notification required?

Although the City does not require documentation from insurance providers, each applicant must do their own due diligence and make any necessary adjustments to their coverage PRIOR to submitting application with the City.

What building upgrades are required?

It is the property owner's responsibility to ensure the space they are renting is safe for guests. Depending on the age of your home or rental unit, improvements maybe required to meet life and safety standards. Improvements may need City approval PRIOR to beginning works – please contact staff for further direction. Rental units such as secondary suites or carriage homes must have been authorized by the City via building permits PRIOR to submitting application with the City.

The city's ultimate goal is to allow property owners to rent safe and healthy dwellings to the vacationing public while limiting nuisances to the surrounding neighbours.

↓ The following checklists are provided for convenience and should not be considered a replacement for reviewing pertinent applicable legislation.

✔ ZONING AND BUSINESS LICENCE BYLAW

Rentals are not to be advertised or operated without a valid business licence.

Rentals are only rented out by the property owner or permission from a property owner.

Structural changes that alter the residential character are not permitted.

The property is not permitted to have exterior signage advertising the rental.

Only one rental per property (except in multi-family buildings).

The property owner ensures renters do not create any form of nuisance that is disruptive to the surrounding residents' quiet enjoyment of their property.

A maximum of two (2) persons per bedroom.

Post the City issued placard in a visible location from the street (or common area for multi-units).

Contact numbers for Licensee is required to be listed on the City Business Directory.

All advertising is required to include the Business Licence number.

The licence may undergo a review if repeated infractions or nuisance issues have been filed.



SHORT TERM RENTAL GUIDE

✓ OVERVIEW OF STANDARD SAFETY AND HEALTH REQUIREMENTS

House and dwelling unit addressing shall be clearly visible from the street. Numbers should be a minimum of 100mm (4 inches) with a contrasting color to house.

Post a basic floor plan of the rental at or near the front door. Illustrate the location(s) of fire extinguishers, smoke & carbon monoxide alarms, electrical panel and utilities. Include 'call 911 in case of emergency' and the property address.

Post 'call 911 in case of emergency' and the property address on or near the back of every sleeping room door.

Hot tubs require a lockable cover and sited outside property setbacks. Hot tubs on decks or balconies may require review by a structural engineer. Hot tubs near the edge of a balcony may require fall protection.

Swimming pools must be surrounded by a minimum 1.2m (4') fence with self-closing and latching gates.

Mount one **3A10BC Rechargeable Fire Extinguisher** per floor, in a visible and accessible location. If the extinguisher is mounted in a cabinet or closet, the door cover must be clearly labeled. Extinguishers are to be serviced annually by certified Fire Protection Technician.

Smoke Alarms (S/A): shall conform to CAN/ULC-S531 with a battery back-up; hardwired to 120 volt power supply on or near the ceiling; and located: on each storey, in each sleeping room, in a location between the sleeping rooms and the remainder of the storey, and in the hallway. The S/A shall be wired (or wirelessly interconnected) so that the activation of one alarm will cause all alarms within the dwelling to sound.

Carbon monoxide (CO) alarms are required in dwelling units that have fuel fired appliances (gas or wood) or attached garages and are to conform to CAN/CSA-6.19 "Residential Carbon Monoxide Alarming Devices".

A certificate or receipt from a WETT certified Technician is required for dwellings that have wood burning fireplaces advising that the appliance has been reviewed and/or cleaned within the last year. Exterior open fire pits are not permitted.

Bedroom windows are to open without obstruction. The opening cannot be less than 0.35 m² (3.8 sqft) with no dimension less than 380 mm (15"). Where a window opens into a window well, a clearance of not less than 760 mm (30") shall be provided in front of the window. There should be no security grilles that require keys, tools or special knowledge of the opening mechanism.

Pathways to exterior exits such as hallways and stairs should be free and clear of obstructions at all times.

Stairs, guards and handrails are to be sturdy and in good general condition without missing or damaged steps. Treads shall have appropriate rise and run dimensions with compliant landings. Older homes may require additional or replacement of existing stairs, handrails and guards.

Decks and balconies are to be in good condition with sturdy guardrails where required. The surfaces are to be firm without dry rot or holes. Stoops and steps from deck are to comply with applicable code.

The door from a garage to the home must be a solid door with weather-stripping and self-closing hinges.

Plumbing fixtures must be supplied with potable water supply. Fixtures must have hot on the left and cold on the right. Drainage fixtures must have a trap to ensure sanitary gases will not enter the dwelling. Garden Hose connections must have a back flow device (i.e. vacuum breakers). Hot water tanks shall be installed per Code including a Temperature & Pressure Relief Valve, safe gas lines, flue vent, and combustion air.

An overflow pan and expansion tank are required when installed within finished space.



SHORT TERM RENTAL GUIDE

EXAMPLES AND TEMPLATES

Short Term Rental

Licensed



SHORT-TERM RENTAL

Address:

Business Licence:

Type:



For more information on this business, please visit:
Penticton.ca/bdirectory

Example of a Smoke, Carbon Monoxide and Fire Extinguisher Maintenance Log

Please use this document to record the dates when the alarms are tested and fire extinguisher maintained in the rental. Every alarm must be tested monthly and every entry must be initialed by the person undertaking the test. Smoke alarms, carbon monoxide alarms and fire extinguishers are required to be maintained in accordance with manufacturer’s instructions. Please make certain that this document is available to be produced at the request of City of Penticton staff.

Month	Date	Initial	Comment
Jan.			
Feb.			
Mar.			
Apr.			
May			
June			
July			
Aug.			
Sept.			
Oct.			
Nov.			
Dec.			

Annual Fire Extinguisher Maintenance required via certified Fire Protection Technician




SHORT TERM RENTAL GUIDE

EXAMPLES AND TEMPLATES CONT'D

Example of Sleeping Room Information

IN CASE OF EMERGENCY



Know 2 ways out of every room.

It is important to find 2 ways out of every room in the house in case one exit is blocked or dangerous to use.

ADDRESS OF RENTAL

NAME AND PHONE NUMBER OF PROPERTY CONTACT



Test alarms at least once a month by pushing the test button.



Some people, especially children and older adults, may need help to wake up. Make sure someone will wake them if the smoke alarm sounds.



Call 911 from a cell phone or neighbors phone. Stay outside until emergency crew says it is safe to go back inside.



Replace all smoke alarms when they are 10 years old or if they do not sound when tested.



When the smoke alarm sounds, get outside and stay outside. Go to your outside meeting place.

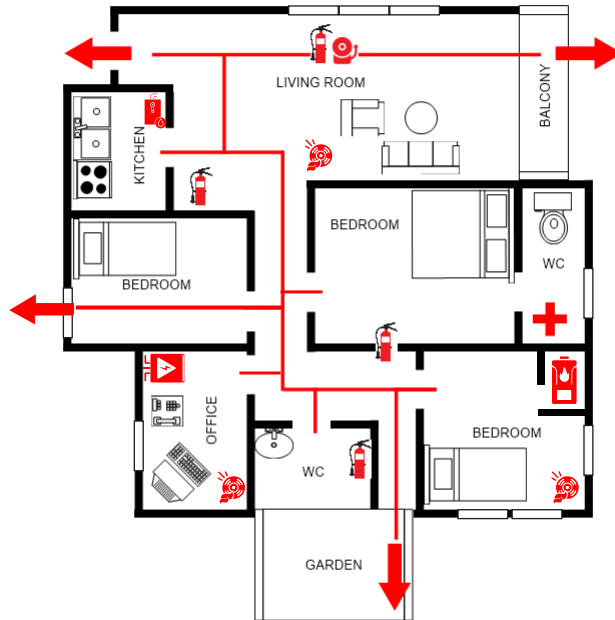


SHORT TERM RENTAL GUIDE

EXAMPLES AND TEMPLATES CONT'D

Example of a Floor Plan

CALL **911** IN CASE OF EMERGENCY



FIRE ALARM	ELECTRICAL PANEL	Property Address Here
FIRE EXTINGUISHER	FURNACE	
FIRST AID	SMOKE & CARBON MONOXIDE ALARMS	
EMERGENCY EXIT	HOT WATER TANK	
ROUTE		

Please note: Building Bulletins are prepared to provide convenient information for customers and should not be considered a replacement for reviewing the bylaw or associated legal documents. If there is any contradiction between this guide and relevant municipal bylaws and/or applicable codes, please refer to the bylaws and/or codes for legal authority.

Have Questions? We're here to help. Please contact Licensing Services
(250) 490-2488 or businesslicense@penticton.ca
Located at City Hall on the first floor at 171 Main St, Penticton BC V2A 5A9

Council Report

penticton.ca

Date: July 19, 2022 **File No:**
To: Donny van Dyk, Chief Administrative Officer
From: Ian Chapman, P.Eng., Manager of Special Projects
Subject: **Road Closure Bylaws for Nanaimo Avenue East and Kinney Avenue**

Staff Recommendation

THAT Council give first, second and third reading to "Road Closure (Nanaimo Ave E between the left and right banks of Penticton Creek) Bylaw No. 2022-39", a bylaw that closes a portion of Nanaimo Avenue East to all vehicular traffic.

THAT Council give first, second and third reading to "Road Closure (Kinney Ave between South Main St and Skaha Lake Rd) Bylaw No. 2022-40", a bylaw that closes a portion of Kinney Avenue to vehicles while maintaining right-of-way for pedestrians and cyclists.

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.

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.

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

Background

Nanaimo Avenue East between the left and right banks of Penticton Creek

The reason for the closure of this section of Nanaimo Avenue East is the removal of the bridge over Penticton Creek. See Attachment A for a sketch of the section of road to be closed – shown hatched.

The bridge removal was required to facilitate the restoration of the section of creek planned for the forthcoming fisheries window. The need for the removal of the bridge was first anticipated in the December 2017 Penticton Creek Master Plan which identified inadequate clearance beneath the bridge to conduct the creek flow anticipated in a 1 in 200 year storm event. This was confirmed in further analysis during the detailed design work for the current creek restoration project.

A report was provided to Council on July 7, 2020 providing the background on the bridge and its impediment to creek flows from which Council authorized the detailed design of the creek to proceed with the bridge removed (See resolution 196/2020 at Attachment B). In early 2021, the City conducted a formal engagement process relating to the proposed removal of the bridge, and the results were presented to Council on April 20, 2021. At the meeting, Council passed a resolution to receive the results of the public engagement, and to consider the installation of a pedestrian/cyclist bridge as part of a future budget process (See resolution 130/2021 at Attachment B).

While an engineer's report concluded that other existing connections to/from the area on Pickering Street/Haven Hill, Westminster Avenue East/Ellis and Abbot Street/Vancouver Hill were sufficient to meet traffic requirements, including access for emergency vehicles, staff have recently conducted additional traffic counts to confirm the original conclusions and contribute to our knowledge of local traffic needs. While not required, staff will be proceeding with improvements to the Westminster Avenue/Ellis Street intersection for construction in 2022 which will address some of the concerns raised by residents in the area. The initial concept being examined is to construct curb extensions, crosswalks, and improve sightlines, which will better facilitate left turning opportunities on to Ellis Street and safer crossing opportunities for pedestrians.

The right-of-way for the creek itself, annotated as a road in City plans, is not affected by the proposed closure of the section of Nanaimo Avenue East formerly occupied by the bridge. Furthermore it should be noted that the right-of-way for the closed portion of Nanaimo Avenue East will remain dedicated should the City have a different need for this corridor (including a pedestrian/cycling bridge) in the future.

Kinney Avenue between South Main Street and Skaha Lake Road:

The reason for the closure of this section of Kinney Avenue is to address the congestion that currently arises at this location related to the very short length between the two intersections available to store vehicular traffic waiting to make left turns. This situation was first identified in the 2005 transportation Master Plan and after consideration of several options the decision was taken by Council to proceed with the Point Intersection initiative to address this issue. See Attachment C for a sketch of the section of road to be closed – shown hatched.

The opportunity has also been taken to use this section of road that is no longer required for vehicles to accommodate the Lake to Lake Bike Route. The design calls for the existing corridor to be changed to accommodate only pedestrian and cycling infrastructure.

The section of Kinney Avenue to be closed to vehicular traffic provides frontage to two properties; The Husky gas station to the North and Salvation Army Thrift store to the South.

The Husky gas station at 2302 Skaha Lake Road currently has an active driveway behind the gas station store onto Kinney Avenue, but the property is served by 4 other active driveways; 2 onto South Main Street and 2 onto Skaha Lake Road which provide the main access to the fuel pumps and deliveries to the fuel storage tanks. The closure does not impact the continued use of these driveways. The City has provided a letter to the owner indicating the intent to close the driveway onto the Kinney frontage and a Husky representative has indicated that gasoline delivery trucks will continue to access the forecourt area via South Main Street

albeit taking a new route via either Galt Avenue, Green Avenue or Yorkton Avenue rather than Kinney as is the current practice.

The Salvation Army Thrift Store at 2399 South Main Street has no active driveways onto Kinney Avenue and is served by a single active driveway on South Main Street. The property also has evidence of 4 previously used but now inactive driveways; 1 onto Kinney Avenue, 1 onto South Main Street and 2 onto Skaha Lake Road. These were associated with the previous use of the property as a car dealership. The Lake to Lake project will run along the South Main Street frontage and the active driveway to the property is accommodated in the design. There is no impact of the closure or the project to the existing driveway on Skaha Lake Road. Staff notes that the owner of this property has expressed objection to the closure of the Kinney Avenue frontage to vehicle traffic citing his presumption of grandfathered rights of access to it if needed to support a future property use. Staffs position is that reopening this (or any other changes to driveways) would be subject to approval of an application for a driveway permit or corresponding development approvals in the future.

It should be noted that the right-of-way for the closed portion of Kinney Avenue will remain dedicated should the City have a different need for this corridor in the future.

Extensive engagement has been undertaken on the Penticton Creek Restoration project and associated removal of Nanaimo Avenue Bridge as well as the Point Intersection project and the inclusion of Kinney Avenue as part of the Lake-to-Lake bike route project. These significant projects have been thoroughly discussed and reported upon such that the closure of these short sections of Nanaimo Avenue East and Kinney Avenue to traffic are widely anticipated and expected. This final step – the Road Closure Bylaws – are a procedural step.

Analysis

This report brings forward the procedural bylaw process to facilitate each of these two projects which have already undergone significant planning and engagement efforts. After three readings of the bylaws by Council, notification will be completed in accordance with the *Community Charter*. Persons who consider themselves affected by the bylaws will have an opportunity to make representation to Council before the bylaws are adopted.

Of note, the contract for the Penticton Creek restoration project has commenced and the bridge was removed as the first step required to allow the creek works to proceed.

The Point Intersection project will be tendered shortly and will proceed later this fall carrying over to next spring.

Alternate recommendations

None.

Attachments

Attachment A – Sketch plan of road closure for Nanaimo Avenue East between the left and right banks of Penticton Creek

Attachment B – Council resolutions 196/2020 and 130/2021

Attachment C – Sketch plan of road closure for Kinney Avenue between South Main Street and Skaha Lake Road

Attachment D – Road Closure (Nanaimo Ave E between the left and right banks of Penticton Creek) Bylaw No. 2022-39

Attachment E - Road Closure (Kinney Ave between South Main St and Skaha Lake Rd) Bylaw No. 2022-40

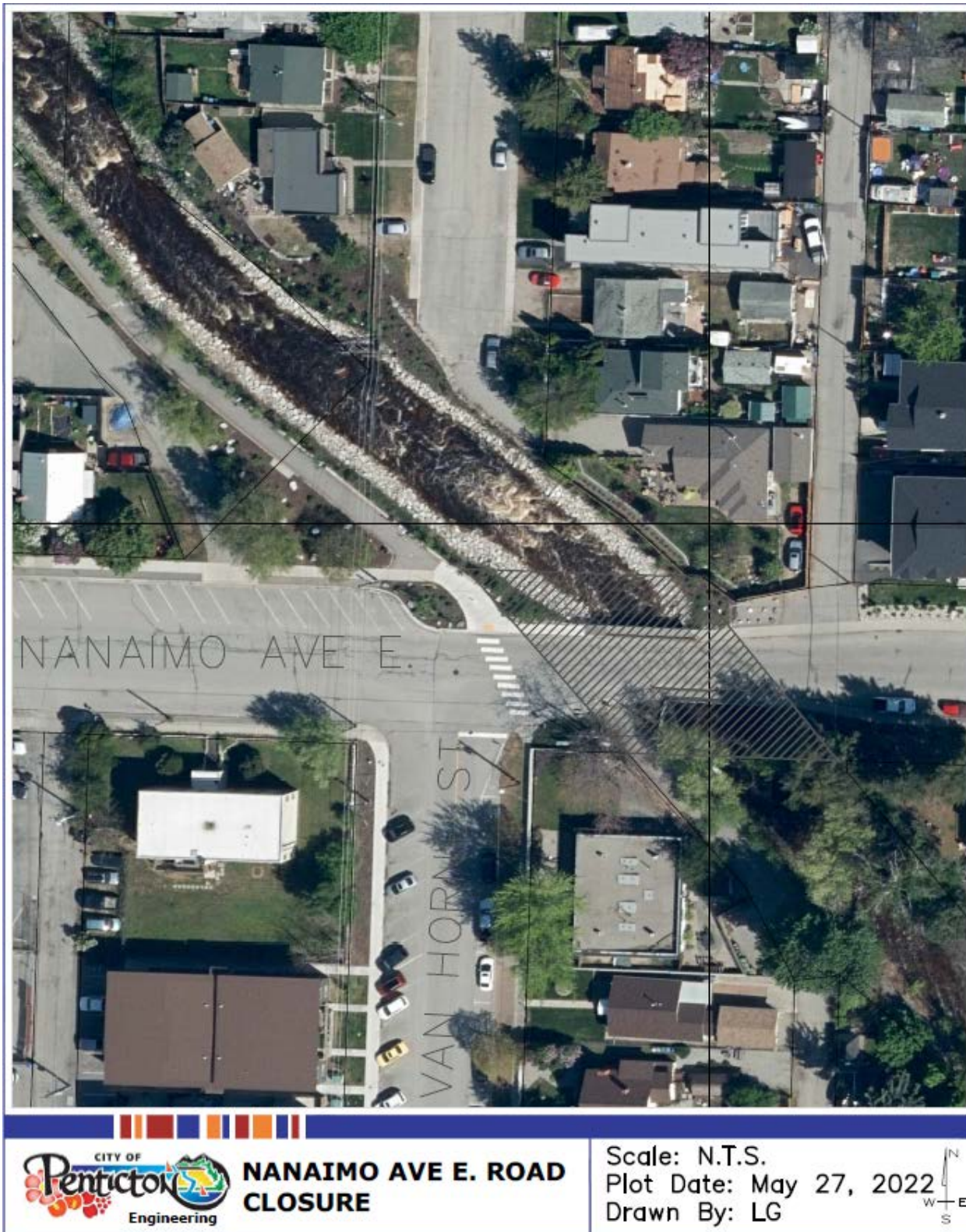
Respectfully submitted,

Ian Chapman, P.Eng
Manager of Special Projects

Concurrence

General Manager Infrastructure <i>KD</i>	Chief Administrative Officer DyD
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Attachment A – Sketch plan of road closure for Nanaimo Avenue East between the left and right banks of Penticton Creek



Attachment B – Council resolutions 196/2020 and 130/2021

9.2 Nanaimo Street Bridge and Penticton Creek

196/2020

It was MOVED and SECONDED

THAT Council request the Penticton Fly Fishers to ask the Regional District of Okanagan Similkameen Board to extend the grant deadline for the South Okanagan Conservation Fund Grant for the design of Penticton Creek Reach 3A Upper / 3B to December 31, 2020;

AND THAT Council authorize staff to design Penticton Creek Reach 3A Upper / 3B with the existing Nanaimo Avenue Bridge removed to allow for the passage of the 1:200 Year Design Flow;

AND THAT the Nanaimo Avenue bridge remain in place until the construction of Penticton Creek Reach 3A Upper / 3B;

AND THAT an evaluation and costing of options, public consultation and development of a recommendation to address the removal of the Nanaimo Avenue Bridge be considered in the 2022 budget process;

AND FURTHER THAT the construction of Penticton Creek Reach 3A Upper / 3B including how to address the removal of the Nanaimo Avenue Bridge be considered in the 2024 Budget process.

CARRIED UNANIMOUSLY

8.10 Nanaimo Bridge Public Engagement Summary

130/2021

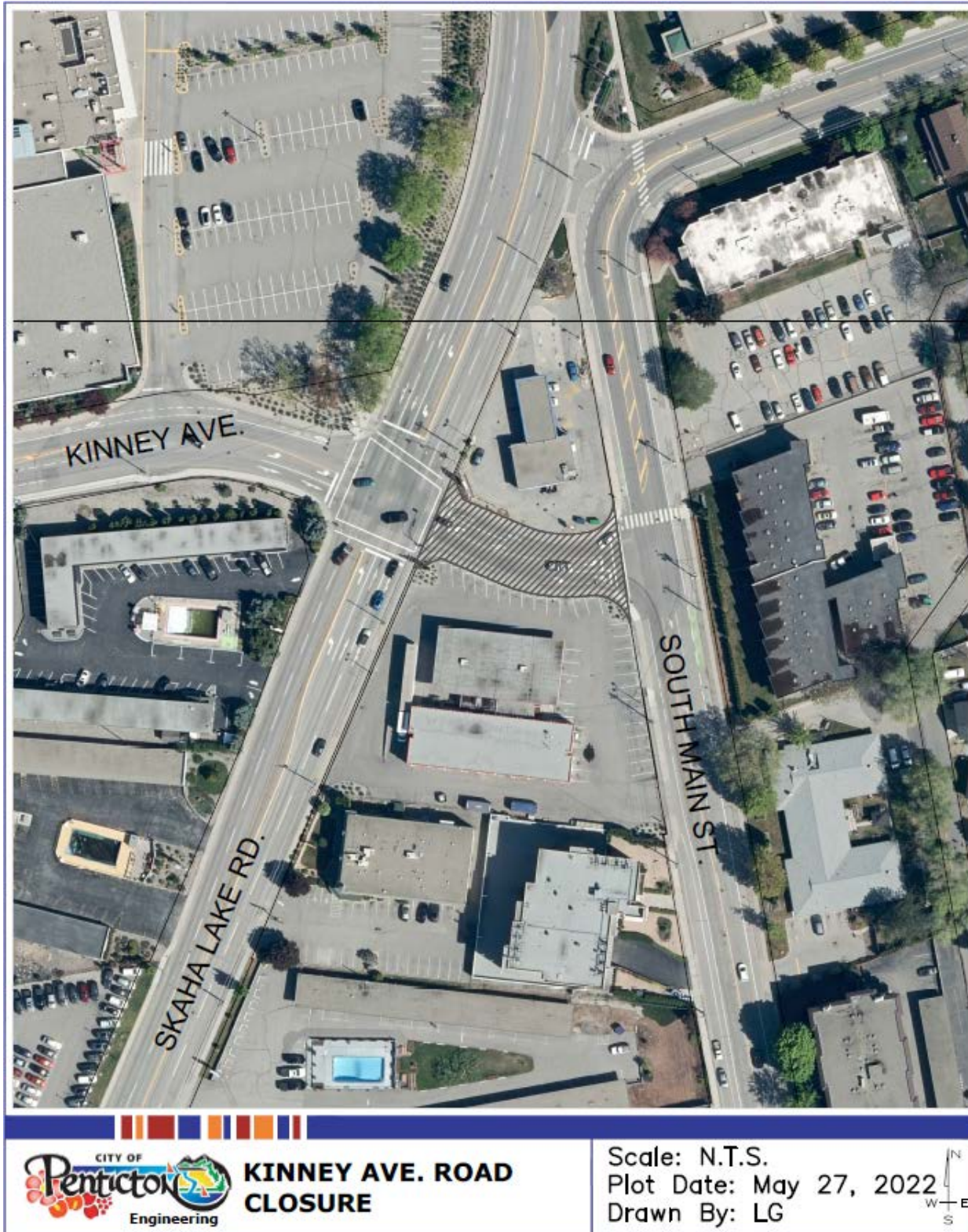
It was MOVED and SECONDED

THAT Council receive into the record the report dated April 20, 2021 titled "Nanaimo Bridge Public Engagement Summary";

AND THAT a pedestrian/cyclist bridge (to replace the Nanaimo Avenue Bridge) be brought forward as part of future capital budget deliberations.

CARRIED UNANIMOUSLY

Attachment C – Sketch plan of road closure for Kinney Avenue between South Main Street and Skaha Lake Road



**The Corporation of the City of Penticton
Bylaw No. 2022-39**

A Bylaw to close a portion of Nanaimo Avenue East to all vehicular traffic.

WHEREAS Section 40 of the *Community Charter* provides that a Council may, by bylaw, permanently close all or part of a highway that is vested in the municipality to all or some types of traffic;

AND WHEREAS the Council of the Corporation of the City of Penticton deems it necessary and expedient to close a portion of road along Nanaimo Avenue East to facilitate the restoration of Penticton Creek;

AND WHEREAS before adopting this bylaw, the Council has given notice of its intention in accordance with section 94.2 of the *Community Charter*;

AND WHEREAS before adopting this bylaw, Council has provided an opportunity for persons who consider themselves affected by the bylaw to make representation to Council;

AND WHEREAS before adopting the bylaw, Council has delivered notice of its intention to the operators of utilities whose transmission or distribution facilities or works will be affected by the closure;

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 "Road Closure (Nanaimo Ave E between the left and right banks of Penticton Creek) Bylaw No. 2022-39".

2. **Purpose:**

Authority is hereby given to the Corporation of the City of Penticton to close a portion of the road as shown in detail on Schedule 'A' attached hereto and forming part 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 __ day of ____, 2022 and the __ day of ____, 2022 in an online news source and a Penticton newspaper, pursuant to Section 94.2 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer



City of Penticton – Schedule ‘A’

Road Closure (Nanaimo Ave E between the left and right banks of Penticton Creek) Bylaw No. 2022-39

Date: _____

Corporate Officer: _____



City of Penticton – Schedule ‘A’

Road Closure (Kinney Ave between South Main St and Skaha Lake Rd) Bylaw No. 2022-40

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: July 19, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Kristen Dixon, GM of Infrastructure
Subject: **Development Cost Charges Bylaw No. 2022-38**

File No: RMS 1765

Staff Recommendation

THAT Council give first, second and third reading to "Development Cost Charges Bylaw No. 2022-38";
AND THAT the bylaw be submitted to the Inspector of Municipalities for approval.

Strategic priority objective

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

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

Background

The City's current Development Cost Charges Bylaw No. 2007-79 is largely out of date, and needs to be updated to reflect the projects necessary to support the growth plans in the Official Community Plan (OCP) as identified in the City's Integrated Infrastructure Master Plans. Accordingly, on November 3, 2020, Council endorsed preparation of a new Development Cost Charge (DCC) Bylaw to be developed in accordance with the Provincial DCC Best Practice Guide. A request for proposals was issued late 2020 to procure a consultant to assist with the DCC review and update, and Urban Systems was awarded the contract shortly thereafter.

At the same meeting, as an interim measure, Council also supported a 25% interim increase to the DCC rates to reflect construction inflationary increases, meant to bridge the gap until the larger update project was complete. That bylaw was approved by the Inspector of Municipalities, a requirement prior to adoption of DCC rate changes, on February 22, 2021 and adopted by Council shortly after.

Through 2021, extensive work was conducted by both Urban Systems and City staff to prepare updated draft DCC's, and these rates were presented to Council on April 12, 2022. At the meeting, Council endorsed the staff recommendation to proceed with the engagement process to gather feedback and input on the draft DCC rates and the assist factor.

On May 6, 2022, City staff and Urban Systems presented the draft DCC rates to the Economic Prosperity and Development Services Committee.

The City conducted an extensive engagement process from May 2 to May 29, 2022. Invitations to participate in the engagement were sent to about 90 representatives of local and regional developers and builders, and the City hosted two information sessions as well as an open house to provide opportunities for stakeholders and the community to learn more and ask questions.

A summary of the engagement process, the feedback received, and a comprehensive analysis of the results was provided to the members of the Economic Prosperity and Development Services Committee on June 10, 2022, and following that, to Council. At the June 19, 2022 Council meeting, Council directed staff to prepare an updated DCC bylaw with a 1% assist factor for all categories. This report brings forward the revised DCC bylaw accordingly.

Analysis

Since the conclusion of the engagement process, the City has received correspondence from approximately a dozen members of the Canadian Home Builders Association reiterating (and elaborating on) the position and feedback provided by the CHBA on June 6, 2022, which was included in the summary of engagement results and staff analysis presented to Council on June 19, 2022.

The City has undergone a robust process over the last year and a half to update the bylaw, and the attached bylaw is now available for first three readings. Following the first three readings, the bylaw and backgrounder report would then be submitted to the Inspector of Municipalities for formal approval before returning to Council for adoption and implementation.

All projects that have submitted an application for rezoning, development permit, subdivision or a building permit in advance of the new bylaw being adopted are grandfathered under the current rates, for a one year period. Any projects applied for after adoption of the bylaw would be subject to the new rates.

Financial implication

The financial implications of the attached bylaws were provided in the June 19, 2022 report.

Alternate recommendations

None.

Attachments

Attachment A – Development Cost Charges Bylaw No. 2022-38

Respectfully submitted,
Kristen Dixon, P.Eng, MBA
GM of Infrastructure
Concurrence

<p>Director of Development Services</p> <p><i>BL</i></p>	<p>Director of Finance and Administration</p> <p><i>AMC</i></p>	<p>Chief Administrative Officer</p> <p>DyD</p>
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Bylaw No. 2022-38

A Bylaw to impose development cost charges.

WHEREAS pursuant to the *Local Government Act*, Council is empowered to impose Development Cost Charges;

AND WHEREAS Council has adopted the City of Penticton Development Cost Charges Bylaw No. 2007-79 and now desires to repeal and replace that bylaw;

NOW THEREFORE the Municipal Council of The Corporation of the City of Penticton in open meeting assembled ENACTS as follows:

Title:

1. This bylaw may be cited for all purposes as "Development Cost Charges Bylaw No. 2022-38".

Administration:

2. The Director of Development Services is hereby appointed to administer this bylaw.

Definitions:

3. In this bylaw, unless the context otherwise requires, the definitions in the City of Penticton Zoning Bylaw, *Local Government Act*, *Land Title Act* and *Interpretation Act* govern, and the following definitions apply:

"Agricultural zone" means the Rural Zones as designated in the Zoning Bylaw.

"Apartment" means a residential building consisting of three (3) or more dwelling units on a lot, where each dwelling unit has its principal access from a common entrance or hallway. Ground level dwelling units may have the principal access from a common entrance or hallway or may have direct ground level access to the outside.

"Apartment in C5 and C6 Zone" means an Apartment unit on a parcel located within the C5 Urban Centre Commercial Zone or C6 Urban Peripheral Commercial Zone as set out in the Zoning Bylaw.

"Bare land strata lot" means the smallest unit of land defined on a horizontal plane according to a bare land strata plan under the provisions of regulations pursuant to the *Strata Property Act*.

"Boarding home" is defined as a building in which the owner or manager supplies accommodation and/or sleeping unit accommodation for remuneration. It may or may not include meal service. It includes lodges for senior citizens but does not include hotels, motels, temporary shelter services, congregate housing, or bed and breakfast homes.

"Building Bylaw" means the City of Penticton Building Bylaw as amended from time to time.

"Building permit" means permission or authorization in writing from the Chief Building Official to perform work regulated by the Building Bylaw.

“Chief Building Official” means the Chief Building Official of the City or an authorized representative.

“City” means The Corporation of the City of Penticton.

“Cluster Housing” means a group of three or more attached or detached dwelling units on a single parcel with common amenity areas.

“Commercial” means development in the commercial land use zones as designated in the Zoning Bylaw and/or the development in the agricultural zone of a commercial building, including but not limited to: wine sales, eating and drinking establishments, restaurants, retail shops and farmers markets contained within a building.

“Council” means the Council of the City of Penticton.

“Development” means the increase in commercial, industrial or institutional floor area; or the construction of dwellings.

“Development lands” means all the legal parcels of land that are included in the building permit application at the time of subdivision of land or building permit issuance.

“Development permit” means a permit issued in accordance with the Development Permit Areas of the City of Penticton Official Community Plan Bylaw.

“Director of Development Services” means the Director of Development Services of the City or an authorized representative.

“Duplex zoned lot” is a lot that according to the Zoning Bylaw permits duplex housing, including but not limited to the RD1, RD2 and RD3 zones.

“Dwelling” means dwelling as defined in the Zoning Bylaw.

“Floor area” means the total floor area of all storeys of all buildings or structures with a clear ceiling height of 1.8 metres or more, measured from the outside face of the exterior walls. This does not include the following sub-areas: Garages, other enclosed or open parking areas; and balconies, decks and patios.

“Increase in floor area” means the difference between the floor area that exists on the development lands at the time a building permit is issued and the amount that will exist when the construction authorized by the building permit has been completed, and in the case of development lands in respect of which a demolition permit has been issued within a 24 month period immediately preceding the issuance of the building permit, or the difference between the greatest gross floor area that existed on the development lands within that 24 month period and the gross floor area that will exist on the development lands when the construction authorized by the building permit has been completed.

“Industrial” means development in the industrial land use zones as designated in the Zoning Bylaw and or the development in the agricultural zone of an industrial building, including but not limited to: wine making, manufacture and processing.

"Institutional" means development in the Public Assembly and Recreation land use zones as -51- designated in the Zoning Bylaw and boarding homes that provide sleeping units only, not dwelling units.

"Lot" means a parcel of land, including Crown Land, which is legally defined either by registered plan or legal description.

"Parcel" refer to "lot" definition.

"Single family zoned lot" is a lot that according to the Zoning Bylaw permits single detached housing, including but not limited to the FG, A, RC, R1, R2 or R3 zones.

"Townhouse" means a building containing three (3) or more dwelling units that share common party walls, floors or ceilings with adjacent dwelling units, with each dwelling unit having a separate exterior entrance.

"Zoning Bylaw" means the current City of Penticton Zoning Bylaw.

Substantive Provisions:

4. Every person who obtains approval of a subdivision of a parcel of land under the *Land Title Act* or the creation of a bare land strata under the *Strata Property Act* shall pay to the City at the time of approval of the subdivision the applicable development cost charges as set out in Schedule "A", and Schedule "B" and in accordance with Sector Map "B1" and Sector Map "B2".
5. Except as provided in the *Local Government Act*, every person who obtains a building permit shall pay to the City at the time of issuance of the building permit the applicable development cost charges as set out in Schedule "A" and Schedule "B" and in accordance with Sector Map "B1" and Sector Map "B2".
6. Development cost charges will be imposed at the time of subdivision on each additional single family lot, duplex lot and bare land strata lot created.
7. Development cost charges will be imposed at the time of building permit issuance on the basis of the increase in floor area of commercial, industrial and institutional development, as the case may be.
8. Development cost charges will be imposed at the time of building permit issuance on the number of residential dwelling units in any building and/or mobile home, on a parcel that is not Single Family Zoned or Duplex Zoned or a Bare Land Strata Lot. The exemption under 561 (5) of the *Local Government Act* does not apply, and Development Cost Charges are payable on all dwelling units, including if the building permit is for fewer than 4 self-contained dwelling units.
9. In the RD3 Residential infill Zone and the RD4 Low Density Cluster zoning, each unit in addition to a single detached dwelling and secondary suite shall pay the Townhouse rate.

Refunds:

10. For development cost charges paid as part of subdivision approval process, if the subdivision is not approved, upon cancellation or expiry of the preliminary layout approval, the City will refund all development cost charges less an administrative fee of \$250.00.

11. For development cost charges paid as part of subdivision approval process, if the subdivision is approved, no refund will be provided.
12. For development cost charges paid as part of building permit, if construction beyond the footings has not started, as determined by the Director of Development Services, upon cancellation or expiry of the development permit and/or building permit and discharge the notice of the development permit from the title of the land, the City will refund all development cost charges less an administrative fee of \$250.00 and a discharge notice fee of \$250.00.
13. For development cost charges paid as part of building permit, if construction beyond the footings started, as determined by the Chief Building Official, the person seeking a refund must make a submission for a refund, in the prescribed form, to the Director of Development Services, or the designate.
Council will consider the matter at an open Council meeting and Council may by resolution:
- authorize the development cost charge refund, subject to conditions as recommended or as amended; or
 - refuse the request for a development cost charge refund;
 - refer the matter to staff or a future Council meeting; or
 - such other determination as Council may direct.

Repeal:

14. "City of Penticton Development Cost Charges Bylaw No. 2007-79" and the amendments hereto are repealed upon the adoption of this bylaw.

Schedules:

15. Schedules A, B, Sector Map B1 and Sector Map B2 are attached to and form an integral part of this Bylaw.

Effective date:

16. This bylaw shall take effect upon date of adoption.

READ A FIRST time 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 Inspector of Municipalities	day of	, 2022
ADOPTED this	day of	, 2022

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Schedule "A"
City-Wide Development Cost Charges Table

Land Use	Unit of Charge	Transport	Water	Sanitary Sewer	Storm Drainage	Parks	Total Development Cost Charges
Single Family Zoned and Duplex zoned Lots	per lot	\$6,522	\$5,862	\$6,944	\$0.00	\$4,215	\$23,543
Bare Land Strata Lot	per lot	\$4,743	\$4,263	\$5,050	\$0.00	\$3,066	\$17,122
Townhouse or Cluster House	per unit	\$4,743	\$4,263	\$5,050	\$0.00	\$3,066	\$17,122
Apartment	per unit	\$2,075	\$2,665	\$3,156	\$0.00	\$1,916	\$9,812
Apartment in C5 and C6 Zone	per unit	\$1,328	\$1,865	\$3,156	\$0.00	\$1,916	\$8,265
Commercial	per m2 floor area	\$65.10	\$11.99	\$20.52	\$0.00	\$12.57	\$110.18
Industrial	per m2 floor area	\$20.37	\$11.99	\$20.29	\$0.00	\$0.00	\$52.65
Institutional	per m2 floor area	\$83.70	\$14.65	\$17.36	\$0.00	\$0.00	\$115.71

Schedule "B"
Area Specific Development Cost Charges

Land Use	Unit of Charge	Gordon Ave Water Reservoir Sector Map "B1"	Columbia Heights Reservoir & Pump Station Sector Map "B2"
Single Family Zoned and Duplex zoned Lots	per lot	\$1,479	\$3,882
Bare Land Strata Lot	per lot	\$1,479	\$3,882
Townhouse	per unit	\$1,479	\$3,882
Apartment	per unit	\$1,479	\$3,882
Apartment in C5 and C6 Zone	per unit	n/a	n/a
Commercial	per m2 floor area	n/a	\$32.97
Industrial	per m2 floor area	n/a	n/a
Institutional	per m2 floor area	n/a	n/a

Council Report

penticton.ca

Date: July 19, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner II
Address: 770 Argyle Street

File No: RMS/770 Argyle St

**Subject: Official Community Plan Amendment Bylaw No. 2022-41
Zoning Amendment Bylaw No. 2022-42
Development Permit PL2021-9246**

Staff Recommendation

THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2022-41", and in accordance with Section 475 of the *Local Government Act*, Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

1. One or more persons, organizations or authorities;
2. The Regional District of Okanagan Similkameen;
3. Local First Nations;
4. School District #67;
5. The provincial or federal government and their agencies.

AND THAT it is determined that the community engagement period carried out from April 7, 2022 to May 15, 2022 is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2022-41", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08, by amending the future land use designation for Lot E District Lot 202 Similkameen Division Yale District and of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 584, located at 770 Argyle Street, from 'Detached Residential' to 'Ground Oriented Residential';

AND THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-42", for Lot E District Lot 202 Similkameen Division Yale District and of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 584, located at 770 Argyle Street, a bylaw to rezone the subject property from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2022-41" and "Zoning Amendment Bylaw No. 2022-42" to the August 16, 2022 Public Hearing;

AND THAT Council, prior to adoption of “Zoning Amendment Bylaw No. 2022-42”, require a 1.1m road dedication along the western property line (Argyle Street) to be registered with the Land Title Office;

AND THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2022-42”, approve “Development Permit PL2021-9246”, a permit to approve the form and character of the proposed development consisting of 10 dwelling units.

Strategic Priority Objective

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

Proposal

The applicants are proposing a multi-family development on the property located at 770 Argyle Street that features 5 duplex buildings (10 dwelling units). In order to facilitate the proposed development, the applicants are requesting the following:

1. To amend the Official Community Plan (OCP) future land use designation on the subject property from ‘Detached Residential’ to ‘Ground Oriented Residential’, and
2. To amend the zoning on the property from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing).

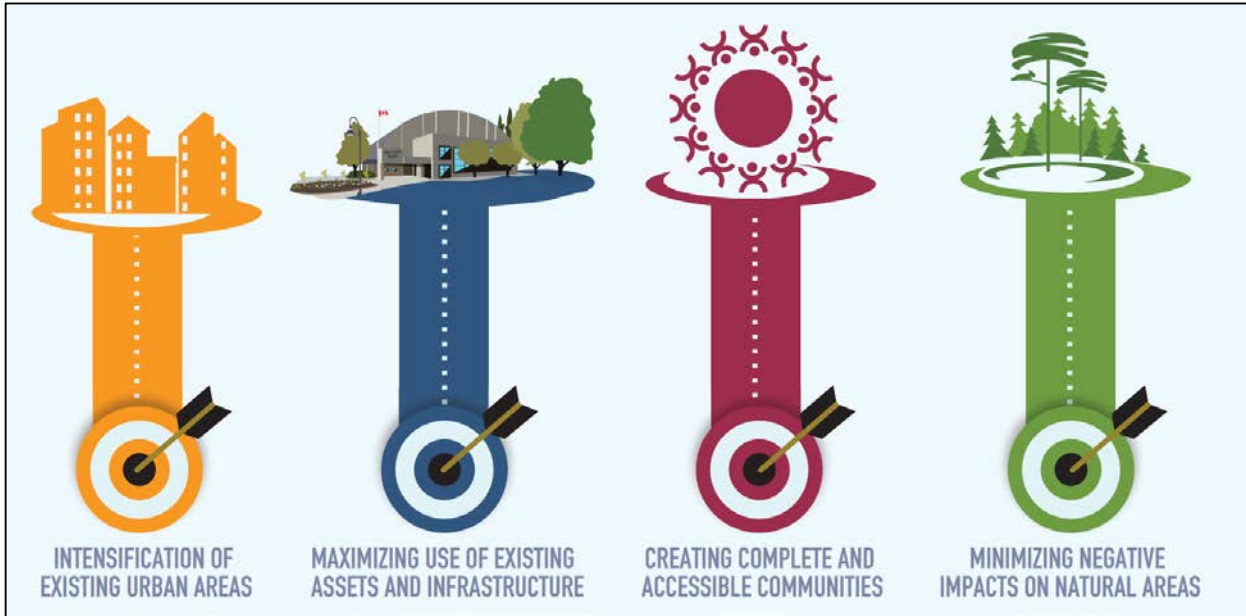
The applicant has submitted a Development Permit for the form and character of the proposed development, which has been included for Council’s consideration. This report also presents the engagement summary from the public engagement period that occurred between April 7, 2022 and May 15, 2022 for the proposed development.

Background

Official Community Plan

Official Community Plan Bylaw No. 2019-08 was adopted in August 2019, establishing a vision for Penticton’s growth over the next 30 years and beyond. It provides strategic policies and direction for meeting that vision. The plan, however, is not meant to be a static document; it includes a process, through meaningful community consultation, where amendments to the plan may be considered as long as the vision and intent of the OCP remains intact.

The OCP considers population growth and creates a growth plan for how the anticipated growth can be accommodated. Penticton’s growth plan places great emphasis on strategic and sensitive use of our limited land base. It recognizes that we must make the most efficient use of the land and infrastructure we have available, and also protect the natural environment that many residents value.



The OCP identifies a growth rate of 0.65% per year up to 2045, however this growth may not occur as a steady increase each year. There may be times over the next 25 years where the City sees substantial development and growth, and perhaps other times where the growth and pace of development is slower.

In 2021, Council adopted the *Community Engagement for OCP Amendments Procedure*, which outlines how public engagement for Official Community Plan amendments should occur. At the April 5, 2022 Council meeting, Council directed staff to begin engagement following this procedure for the proposed development on the subject property. The purpose of the engagement was to share information and gather public feedback on the proposal. A summary of this engagement is included in this report.

Property Description

770 Argyle Street is centrally located (Figure 1) and currently contains an older, single family home that was constructed in the 1930s. The property is not listed on the City’s Heritage Registry (or other level of recognition). The property is located south of Eckhardt



Figure 1 - Property Location Map

Ave W and is twice as large as the average property size along Argyle Street (with the exception of 784 Argyle St, directly south, which is the same size as the subject property).

770 and 784 Argyle Street are two properties along Argyle St that are significantly larger than the surrounding properties on Argyle Street, at just under 0.5 acres (Figure 2). In 2016, Council approved an OCP and Zoning Amendment for 784 Argyle Street to allow for a multi-family development (4 duplex buildings; total 8 dwelling units) to be constructed. That application was completed under the (previous) 2002 OCP, and the lot was re-designated to MR (Medium Density) and rezoned as RM2 (Low Density Multiple Housing) at the time.

Under the 2019 OCP, both properties, along with the general neighbourhood of Argyle Street, have been designated as 'Detached Residential', which supports lower density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas. This designation supports the neighbourhood as a primarily single family neighbourhood, with some duplexes to gradually increase density. Given the size of the subject property (0.5 acres), the lot would be significantly underutilized if it were to remain as a single family or duplex property.

Revisions to Plans

After the public engagement period was completed in May 2022, the applicant submitted a revised set of plans to address some of the comments received through the engagement period. Revisions completed primarily address the concerns regarding the form and character of the buildings not fitting with the neighbourhood (Figures 3 and 4). The applicant has submitted a letter that indicates they have reviewed the engagement summary and considered the comments provided in their revisions (Attachment 'G').

Address	Size	Units
783 Argyle St	0.090 acres	
777 Argyle St	0.110 acres	
801 Argyle St	0.110 acres	
815 Argyle St	0.143 acres	
843 Argyle St	0.143 acres	
714 Argyle St	0.160 acres	
792 Argyle St	0.160 acres	
861 Argyle St	0.172 acres	
728 Argyle St	0.180 acres	
293 Scott Ave	0.186 acres	
860 Argyle St	0.199 acres	
878 Argyle St	0.199 acres	
742 Argyle St	0.210 acres	
820 Argyle St	0.214 acres	
842 Argyle St	0.214 acres	
795 Argyle St	0.215 acres	
700 Argyle	0.250 acres	
798 Argyle St	0.250 acres	
755 Argyle St	0.275 acres	
763 Argyle St	0.312 acres	
756 Argyle St	0.390 acres	
784 Argyle St	0.493 acres	
770 Argyle St	0.495 acres	
301 Scott Ave	0.722 acres	
Average	0.246 acres	

Figure 2 - Lot Sizes on Argyle Street



Figure 3 - Rendering of Original Proposal



Figure 4 - Rendering of Revised Proposal

Required Applications

The proposal is to allow for multifamily residential development on the subject property. The following table outlines the planning applications that are required for the proposed development to proceed (prior to any building permits being issued):

Application Required	Description	Approval Authority
Official Community Plan Amendment Bylaw	To amend the future land use designation on the subject property from 'Detached Residential' to 'Ground Oriented Residential'	Council with community engagement. Public Hearing required.
Zoning Amendment Bylaw	To amend the zoning on the subject property from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing).	Council Public Hearing required.
Development Permit	To approve the form and character of the multi-family residential development	Council

Financial Implication

In accordance with the Fees and Charges Bylaw, the applicant was required to pay a recently introduced fee (\$5,500.00) to account for the required engagement for OCP Amendments in the City. This fee accounts for the staff time and resources that it takes to prepare and operate the engagement period for the proposal. This fee is in addition to the standard applicable fees also required for Zoning Amendments.

Climate Impact

The City of Penticton Community Climate Action Plan (CCAP) outlines a path towards a low carbon future: A future where City residents experience the benefits of a connected, healthy and economically prosperous community while taking action on climate change and adapting to climate impacts. The proposed development is helping to achieve this Plan by completing the following:

The development is representative of smart growth, adding housing in an area of the community without the need for infrastructure extensions and that is well serviced by amenities, sidewalks, and bicycle routes. This aligns with Shift 1.1 of the CCAP to optimize policies and bylaws for compact growth. The proposal encourages active transportation by providing Class 1 (secure) bicycle parking and Class 2 (racks) bicycle parking spaces. At this time, the applicants have not committed to electric vehicle charging stations being installed within the development.

The City's Building Bylaw requires the proposed buildings to meet Step 3 of the Energy Step Code for this scale of a project, however incentives for City building permit fees are in place to encourage the applicants to build to Step 4 of the Step Code. At this time, the applicant has not determined which step they will be aiming for.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Typical servicing requirements have been identified for the Building Permit stage of the project, if the rezoning and variance permit

applications are supported by Council. These items have been communicated to the applicant. A 1.1m road widening was identified along Argyle Street, to achieve the desired width along the right-of-way. This will be required as part of the Zoning Amendment. The applicant is aware and in agreement of the road widening and other technical items that were brought forward.

Development Statistics

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

	RM2 Zone Requirement	Provided on Original Plans	Provided on Updated Plans
Minimum Lot Width*:	18 m	23.7 m	23.7 m
Minimum Lot Area*:	540 m ²	2,014 m ²	2,014 m ²
Maximum Lot Coverage:	40%	32%	32%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.7 Floor Area Ratio (FAR)	0.7 Floor Area Ratio (FAR)
Maximum Building Height:	12 m	10.25 m	10.65 m
Vehicle Parking:	Total Required: 12 spaces - 1 per unit (10) - 0.25 visitor spaces per unit (2)	Total provided: 18 spaces (6 extra) - 1 per unit (10) - 8 visitor spaces provided	Total provided: 20 spaces (8 extra) - 1 per unit (10) - 10 visitor spaces provided
Bicycle Parking	Class 1 Total Required: 5 spaces - 0.5 per unit Class 2 Total Required: 1 space - 0.1 per unit	Class 1 Total Provided: 10 spaces (5 extra) - 1 per unit (provided in garages) Class 2 Total Provided: 2 space (1 extra) - 0.2 per unit	Class 1 Total Provided: 10 spaces (5 extra) - 1 per unit (provided in garages) Class 2 Total Provided: 2 space (1 extra) - 0.2 per unit
Required Setbacks	Front Yard (Argyle St): 3.0 m Side Yard (north): 3.0 m Side Yard (south): 3.0 m Rear Yard (east): 6.0 m	3.1 m 10.36 m 3.0 m 6.34 m	3.1 m 10.36 m 3.0 m 6.34 m
Amenity Space	Total Required 20 m ² per unit - 20% must be at grade	Total Provided: 21.62 m ² per unit - 88% provided at grade	Total Provided: 21.62 m ² per unit - 88% provided at grade
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.		

Community Engagement Summary

Staff launched the engagement period on April 5, 2022, utilizing the Shape Your City Penticton webpage platform as the main tool for sharing information and gathering public feedback on the proposed development. An information booth was set up at the Penticton Public Library as an alternative option of providing feedback for those who prefer paper or do not utilize the internet.

To advertise the engagement period, staff completed the following:

1. Mailed notices to property owners and tenants within 100m of the subject property,
2. Posted sign (1) on the subject property,
3. Reached out directly to stakeholder groups,
4. Issued a news release,
5. Placed advertisements in local newspapers, and
6. Conducted two information sessions; one online and one at the Penticton Public Library.

A letter was received from the Penticton Indian Band (PIB) (Attachment 'H') acknowledging that the proposed activity is located within syilx (Okanagan) Nation Territory. The PIB has requested that the applicant complete a Cultural Heritage Resource Assessment to determine the nature and extent of any potential impacts. A copy of the letter has been shared with the applicant, who is proceeding to contact the PIB regarding completing the request.

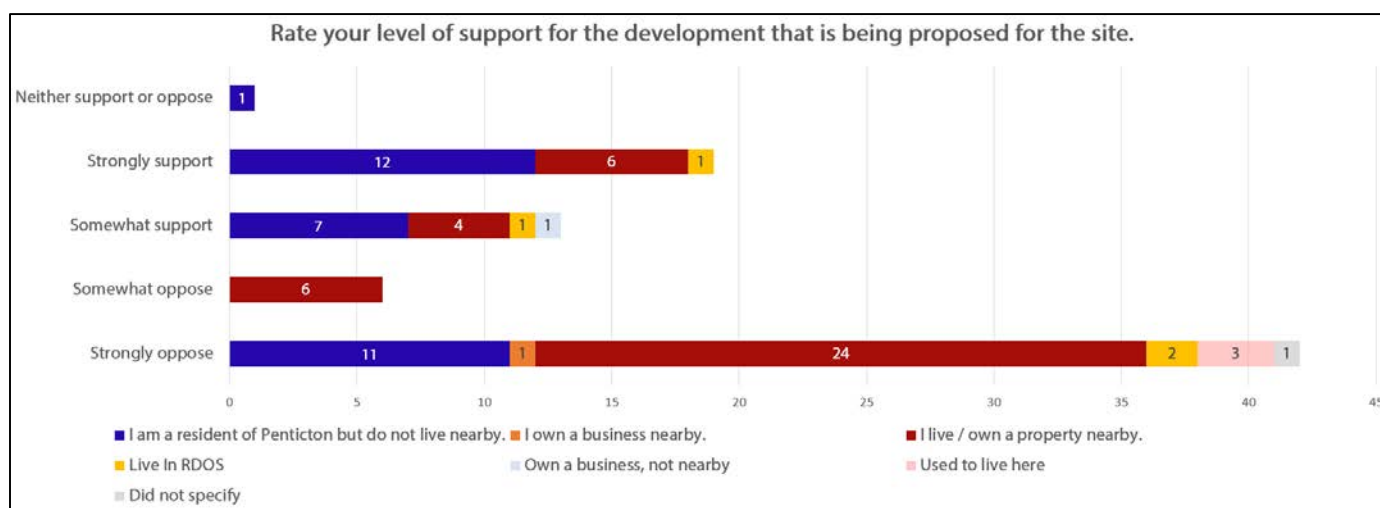
Approximately 21 people attended the online information session, and the Penticton Public Library in person event included interactions with 20 + people. The intent of both information sessions was to inform community members, share accurate information on the proposal and the process, and indicate how and where community members can share their comments, concerns and feedback on the proposal. The engagement period closed on May 15, 2022. A sample of the engagement results have been included as Attachment 'I'.

The following is a summary of the key findings from the feedback forms collected during the engagement period:

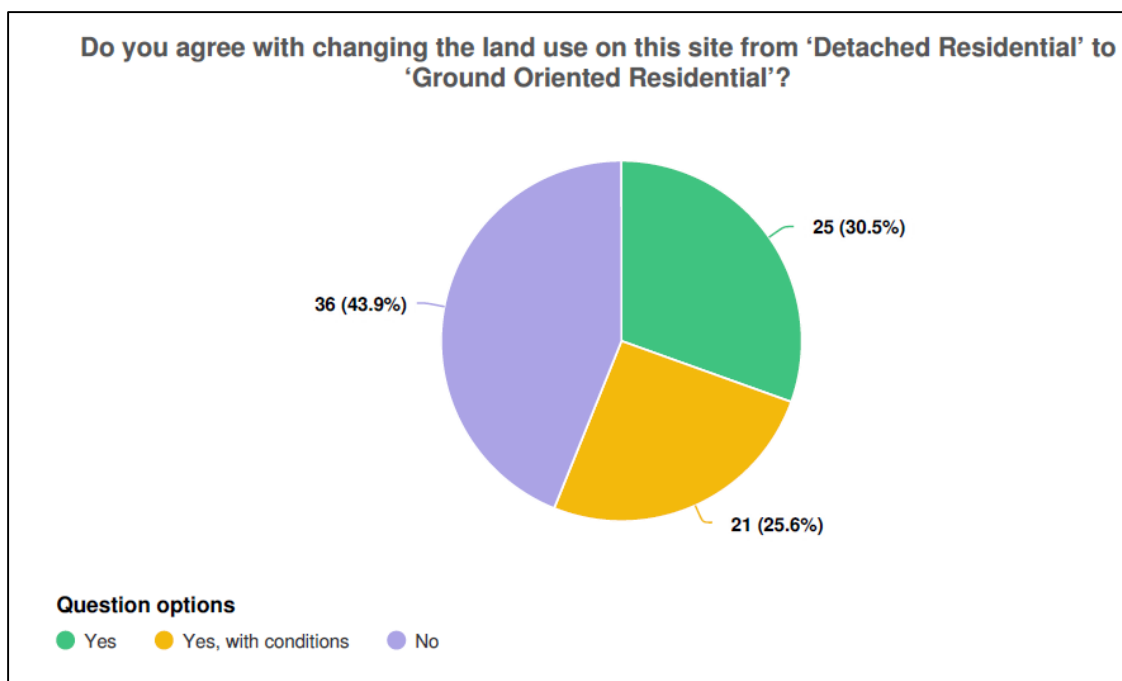
1. Of the 81 people who completed the feedback form, 50% indicated that they live near 770 Argyle Street. The majority of the remaining are residents of Penticton, but do not reside in the area. Some identified as having an interest in development in Penticton.
2. 56% agreed with changing the land use or agreed with conditions (from 'Detached Residential' to 'Ground Oriented Residential'), although 59% strongly or somewhat opposed the proposed development (the 10 unit duplex development being proposed).
3. The main reasons for opposing this application include concerns about:
 1. The density proposed by the applicant and the cumulative effects of increased density in the neighbourhood resulting from the addition of carriage houses and other multi-family developments is increasing pressure on street parking and adding to traffic in the neighbourhood.
 2. The loss of the historic character of the neighbourhood and the proximity of the area to other streets being considered for bylaw amendments to protect historic character.

3. The design of the development is not consistent with the form and character of the neighbourhood, specifically the height and appearance. Participants also expressed concerned about the height (3 storeys) and the impact on neighbouring properties.
 4. The lack of consideration of opportunities to address existing challenges with access to the neighbourhood through this development.
 5. A number of deer live at this site and there are concerns that they will move to other properties.
4. Those that support the proposal or support it with conditions offered the following comments:
1. The proposal is a good use of land in our city. The lot in question is too large for a single detached home.
 2. The developer should be encouraged to watch sightlines for traffic entering and existing this property given the nature of the traffic flows on Argyle Street.
 3. On-street parking needs to be discouraged for the development, as all too often increased density causes parking issues.
 4. Consider fewer units to allow for proper setbacks, more parking (2 spaces per unit, instead of 1.5 including visitor parking) and greenspace to minimize impact on neighbourhood.
 5. Identify opportunities to address traffic concerns existing in the area that may be exacerbated by more density.
 6. Encourage the developers of this and adjacent property to collaborate on a consistent design and to address some of the mutual concerns around parking and availability of green space on the developments.
 7. Consider including Argyle Street in the work to protect the form and character of historic neighbourhoods in Penticton.
 8. Ensure that the homes cannot be used as vacation rentals and look for ways to make them affordable.

The following chart shows the feedback form results to the questions **“Rate your level of support for the development that is being proposed for this site”**, relative to the participant’s interest in completing the form:



Additionally, the following chart demonstrates that the majority of participants agreed with changing the future land use designation on the site from 'Detached Residential' to 'Ground Oriented Residential':



Amendments Completed as a Result of Engagement

The engagement period was led by Planning Department staff with assistance from the Communications Department. The applicants listened through the engagement period, to ensure that they heard a fair representation of comments and concerns from the community and nearby neighbours. Once the engagement period closed, staff shared the results to the public (via Shape Your City) and the applicant.

Shortly after the closing of the engagement period, staff and the applicant met to discuss amendments to the proposal. The following items are amendments that the applicant has made to their plans to address the concerns raised by the public (see Development Concept Redesign (Attachment 'G') that indicates changes made):

1. Amended the form and character of the proposed development (Figures 5 and 6):
 1. A number of concerns were raised that the form and character of the original design was much too modern for the neighbourhood and would not fit within the area.
 2. The applicants have since amended the roof style from the previous flat-roof design, to a 6:12 roof pitch, which is similar to other styles in the area.
 3. The exterior finishes are comprised of board and batten siding with complementary colours for architectural projections.
 4. As a result of the roof type change, the height of the building is slightly increased, as pitched roofs are taller than flat roofs. The difference is 0.4m (~1' 3") and increases the height from 10.25m to 10.65m.



Figure 5 - Rendering of Original Proposal



Figure 6 - Rendering of Revised Proposal

2. Additional parking spaces

1. The neighbourhood was concerned that additional density would add traffic to the area and place stress to on-street parking in the area (which is already problematic).
2. The plans have been amended to include 2 additional visitor parking spaces. This brings the parking ratio on the property to 2.0 spaces per unit, which is significantly higher than the 1.25 spaces per unit that the Zoning Bylaw requires.

Analysis

Official Community Plan Amendment

Recognizing that the Official Community Plan (OCP) is a “living document”, amendments to the OCP are to be expected from time to time. While the OCP guides land use decisions up to 2045, it is likely that over that timeframe, changing trends or unexpected events will require the City and community to consider amendments to the plan. Proposals to amend the OCP that respect the overall vision and values of the OCP, but also allow for innovation and adaption as new opportunities arise, are considered by City Council, with the following considerations:

1. Alignment with broad OCP visions and goals
2. Provision of demonstrable social, economic and environmental benefits to the community
3. Assessment of cost and other implications for infrastructure – parks, roads, utilities, water, sanitary and storm sewer, public facilities
4. Suitability to context – form, character and design
5. All proposed amendments will be accompanied by meaningful public engagement, in addition to the required notification, and a formal Public Hearing.

The applicants are proposing to amend the Future Land Use designation on the subject property from ‘Detached Residential’ to ‘Ground Oriented Residential’. Explanations on what each designation means and what land use each supports are provided below.

Detached Residential Land Use Designation

The subject property’s OCP future land use designation is ‘Detached Residential’ (Attachment ‘B’). The ‘Detached Residential’ land use designation is described in the OCP as lower-density areas of single-detached houses and/or duplexes in primarily residential neighbourhoods including single detached bareland stratas (Figure 7). This designation supports up to 1-2 units per lot, and supports single detached houses, secondary suites, carriage houses, duplexes, as well as small scale neighbourhood commercial.

This land use designation supports the existing RD1 zone on the property, which allows for one single family dwelling, or one duplex building to be constructed.

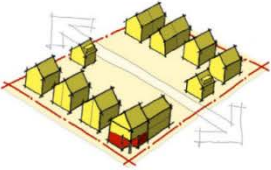
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Detached Residential</p>	<p>Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas</p>	<ul style="list-style-type: none"> • Single detached houses with secondary suites or carriage houses • Duplexes • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop) • Manufactured homes 	<ul style="list-style-type: none"> • Residential • Limited retail/ service 	<ul style="list-style-type: none"> • 1 or 2 units per lot • Generally up to 2 ½ storeys to reflect 30' maximum in Zoning Bylaw 	<ul style="list-style-type: none"> • R1 • R2 • R3 • RD1 • RSM • C2
<p>Site-Specific Detached Residential Policy Statement: 375 Smythe Drive: a maximum of 27 detached single-family houses are permitted on this site. Houses may include secondary suites but not carriage houses.</p>					

Figure 7 - Detached Residential Land Use Designation

Ground Oriented Residential Land Use Designation

The question for the community and Council to consider is whether the 'Ground Oriented Residential' land use designation is suitable at this location for multifamily development. This designation envisions medium-density residential areas with multifamily developments. This includes duplexes with suites, cluster housing, fourplexes, row housing, and townhouses (Figure 8). This change would allow for the rezoning of the lands to support a medium-density development. The current proposal would allow for 5 duplex buildings, totaling 10 dwelling units on the subject property.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Ground Oriented Residential</p>	<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"> • Duplexes with suites • Cluster housing • Fourplexes higher-density rowhouses • Townhouses and stacked townhouses • Bareland strata developments 	<ul style="list-style-type: none"> • Residential • Limited Service/ Retail 	<ul style="list-style-type: none"> • Up to 3 ½ storeys 	<ul style="list-style-type: none"> • RM2 • RM5 • C2

Figure 8 - Ground Oriented Residential Land Use Designation

Staff's Analysis

The subject lands are unique in that they are substantially sized compared to other lots in the area, and located in a desirable area of the City, near the downtown, Penticton Museum and Library, Penticton Secondary School and Kings Park. The property is within close distance of the Lake to Lake Cycling Route, which runs along Fairview Road, providing a link to either end of the City by bicycle once completed.

Given the substantial size of the subject property, which is just under 0.5 acres, the lot would be significantly underutilized if it were to remain for single family development. The proposed land use change is considered consistent with the broad OCP vision and goals, which provides a community vision and growth plan. The subject property is within the existing urban area of the City, maximizes existing assets and infrastructure, helps to create complete and accessible communities and minimizes negative impacts on natural areas.

Staff consider that there is sufficient policy in the Official Community Plan to support the requested land use change from ‘Detached Residential’ to ‘Ground Oriented Residential’. The following summary identifies specific OCP Policy intended to guide sustainable planning practices:

OCP Reference	Policy
OCP Goal 4.1.1	<p>Managing Growth Ensure that Penticton retains its compact “footprint” to help protect natural areas and environmental values and agricultural lands, avoid excessive infrastructure costs and hazard lands, and help create conditions that support transit and active modes of transportation.</p>
Staff’s Comments	<p>The subject property is located within the existing urban area of the City, and represents redevelopment of a brownfield site. Utilizing these existing sites within the City helps to ease pressure of development on greenfield sites on the outskirts of the City, allowing the City to grow up, rather than out.</p>
OCP Policy 4.1.1.1	<p>Focus new residential development in or adjacent to existing developed areas.</p>
Staff’s Comments	<p>The subject property is located within an already developed area, and doesn’t require the construction or extension of City services in order to proceed.</p>
OCP Goal 4.1.2	<p>Housing Affordability Increase the availability of affordable housing across the housing spectrum, from subsidized social housing to home-ownership options.</p>
Staff’s Comments	<p>The applicant has identified within Development Concept Redesign (Attachment ‘G’) that they are always concerned about the affordability of housing in the Okanagan, and it is their objective to create entry-level affordable housing. Staff note, specifics on what this entails have not been provided, and are not assured at this time. However, this is the indication that the applicant and their team has made within their application.</p>
OCP Goal 4.1.3	<p>Housing Diversity Ensure a range of housing types, sizes, tenures and forms exist throughout the City to provide housing options for all ages, household types, and incomes.</p>
Staff’s Comments	<p>The development proposes 10 townhouse style units (in the form of duplex) within an established neighbourhood in the City. Each unit will include:</p> <ul style="list-style-type: none"> - 1 car garage (plus 1 visitor space per unit as surface parking) - 3 bedrooms - 2.5 bathrooms - 40 sq. ft. private deck and 222 sq. ft. of at grade amenity space <p>These features help to provide desirable units that could be suited for a variety of future occupants.</p>

OCP Reference	Policy
OCP Policy 4.1.3.1	Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided from Development Permit Area Guidelines.
Staff’s Comments	The subject property is located within an already developed area, near existing residential, institutional, commercial and public spaces. There is adequate opportunity for residents to access services and amenities near the proposed development due to its central location.
OCP 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.
Staff Comments:	The proposal would provide 3-bedroom units to the area, providing a housing option for families.
OCP Policy 4.1.5.1	Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development area compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
Staff Comments:	Staff acknowledge that the subject property is located in a predominantly single-family neighbourhood, but also backs onto several multifamily developments that front onto Winnipeg Street. Given the significant size of the subject property, it would be underutilized to only provide a single family home or duplex on the subject site, which would not be making use of our limited land base.
OCP Policy 4.1.6.1	Ensure all residential neighborhoods in Penticton provide a range of appropriately scaled housing types and tenures, employment opportunities such as home-based businesses, transportation options like walking and cycling, social supports such as childcare facilities, and access to green space and parks.
Staff Comments:	The requested zone permits the use of home based businesses, which provides home owners with the opportunity to work from home, following regulations specified in the Zoning Bylaw. Further, multifamily units increase the range of housing forms within this predominantly single family neighbourhood, allowing opportunities for more families and residents to live in the area.
OCP Policy 4.2.3.8	Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
Staff Comments	The proposed development provides adequate bicycle parking, through Class 1 and Class 2 bicycle parking to account for both residents and visitors of the development.
OCP Policy 4.2.7.8	Ensure new residential developments provide an appropriate amount of parking for residents and their guests.

OCP Reference	Policy
Staff Comments:	The proposed development has provided parking in excess of the required amount through the Zoning Bylaw. The parking ratio is 2.0 spaces per unit, which exceeds the requirement of 1.25 spaces per unit.
OCP Policy 4.3.6.3	Recognize that business growth is reliant on adequate housing availability, and work to develop policies that encourage housing development as outline in Section 4.1 [of the OCP].
Staff Comments:	Providing additional housing units throughout the City, with a variety of types, tenures and sizes helps to ensure housing options for workers.

Given the support from OCP Policies, staff recommend that Council support the OCP land use designation change from ‘Detached Residential’ to ‘Ground Oriented Residential’.

Zoning Bylaw Amendment

In addition to an OCP Amendment, the applicants have also applied for a Zoning Bylaw amendment. The current zoning on the property is RD1 (Duplex Housing), as shown in Attachment ‘A’. The applicants are proposing to rezone the subject property from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing). This change in zoning is not aligned with the current OCP designation on the property, which is why this proposal has come forward as an OCP and Zoning Amendment package.

Should Council consider that amending the OCP designation on the property is appropriate, they may also consider that the proposed RM2 (Low Density Multiple Housing) zone is appropriate given the requested OCP designation of ‘Ground Oriented Residential’. The ‘Ground Oriented Residential’ designation envisions medium density residential areas with multifamily developments where each unit has an exterior door and construction is primarily wood frame, or bareland strata. This designation supports the development of duplexes with suites, cluster housing, fourplexes higher-density rowhouses, townhouses and stacked townhouses and bareland strata developments.

The subject property is considered an appropriate location for increased density due to its proximity to amenities and services nearby, including the Downtown, Penticton Museum and Library, Penticton Secondary School, and Kings Park. There are also adequate pedestrian and cycling connections for alternative modes of transportation. Further, the OCP policies that are referenced to support the OCP land use change also support the proposal to rezone the property to RM2 (Low Density Multiple Housing).

Given the above information, staff recommend that Council support the Zoning amendment from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing).

Development Permit

The proposed development is considered within the Multifamily Residential Development Permit Area, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention, and neighbourliness. The proposed development has been designed with the OCP design guidelines in mind. The development proposes a density that is aligned with

the 'Ground Oriented Residential' designation and provides a design that meets the Zoning Bylaw regulations for RM2 (Low Density Multiple Housing) without the need for variances.

The applicant provided a development permit analysis with their submission which describes the project and its conformance with the applicable OCP design guidelines (Attachment 'F'). Staff have also completed a development permit analysis (Attachment 'D') that shows how the development conforms to the applicable design guidelines.

The Official Community Plan (Section 5.1.4) allows for minor variances through a development permit in certain instances. The applicant is proposing a reduced landscaping buffer along the southern property line (Figure 9). Section 5.1.4 of the OCP allows for variances to landscaping buffers in the 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 planning elsewhere on site or in the adjacent public realm is required. In this instance the landscaping buffer along the northern property line is reduced in width from 3.0m to 1.0m, as a result of the drive aisle providing access to each unit's garage. Staff are supporting this variance, as the landscaping plan still provides the required number of trees and shrubs along all property lines. Parks Department staff also reviewed the plantings proposed and confirmed that they are suitable species for the smaller landscaping strip proposed, and will survive in this environment. As no plantings are reduced, staff are not requiring any compensatory plantings.

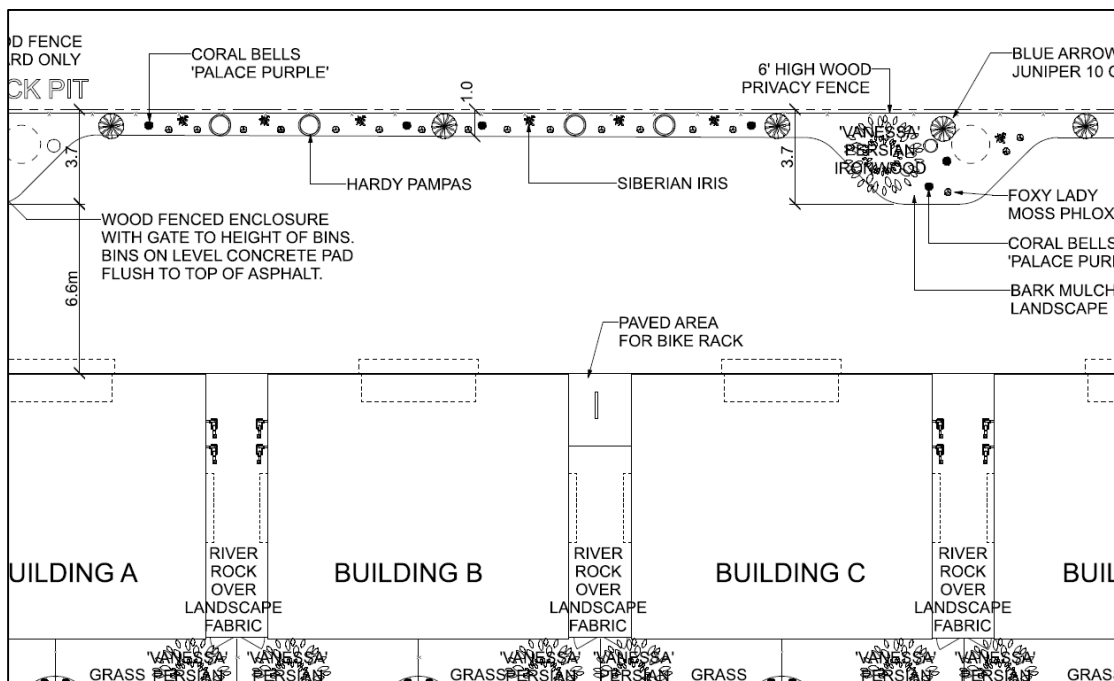


Figure 9 - Excerpt of plans showing reduced landscaping buffer (north)

Landscaping buffers assist with providing a natural buffer between properties and uses. They also help to increase the urban forest inventory throughout the City. In this instance, the drive aisle between the proposed buildings and the property line is over 10m in width, which reduces the overlook into the northern property. Staff consider that the added distancing between the property and the proposed buildings, as well as the proposed landscaping plan, which incorporates adequate plantings and species, make this a suitable variance through the Development Permit.

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

Summary

The proposed development meets a number of goals and policies of the Official Community Plan (OCP). The development was designed in keeping with the OCP, and has had several revisions made in response to the community engagement results, in an effort to address many of the concerns raised by the public. The community engagement period indicates that there is both support (56.1%) and opposition (43.9%) for changing the land use on the site, based on the feedback form completed through the community engagement period with 81 responses.

Ultimately, staff consider that there is significant OCP policy to support the land use change, and the updates made to the applicant's design plan have helped to address some of the concerns raised by the public. Given the review of the proposal within this report, staff are recommending that Council give first reading to "Official Community Plan Amendment Bylaw No. 2022-41" and "Zoning Amendment Bylaw No. 2022-42", and forward the bylaws to the August 16, 2022 public hearing. At this time, the community would have an opportunity to speak directly to Council to provide their comments, feedback and concerns on the revised proposal.

Alternate Recommendations

Council may consider the proposed development to be undesirable at this location, or not in keeping with the goals and policies of the Official Community Plan. If this is the case, Council should deny first reading of the Official Community Plan Amendment and Zoning Bylaw Amendment.

1. THAT Council deny first reading of "Official Community Plan Amendment Bylaw No. 2022-41" and "Zoning Amendment Bylaw No. 2022-42".

Council may consider the proposed land use change appropriate, however, there may be concerns with the development plans submitted. If this is the case, Council may choose to give first reading to the Official Community Plan Amendment and Zoning Bylaw Amendment, but not proceed with the Development Permit, and rather provide the applicant with specific direction to make revisions to the development plans prior to Council considering approval of the Development Permit.

2. THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2022-41" and "Zoning Amendment Bylaw No. 2022-42", and direct staff to work with the applicant to made further design changes to the Development Permit plans prior to further consideration.

Attachments

- Attachment A – Current Zoning Map
- Attachment B – Current Official Community Plan Map
- Attachment C – Photos of Subject Property
- Attachment D – Development Permit Analysis (staff)
- Attachment E – Letter of Intent (Applicant Submitted)

- Attachment F – Development Permit Analysis (Applicant Submitted)
- Attachment G – Development Concept Redesign (Applicant Submitted)
- Attachment H – Penticton Indian Band Letter
- Attachment I – Sample of Community Engagement Results
- Attachment J – Draft Development Permit PL2021-9246
- Attachment K – Official Community Plan Amendment Bylaw No. 2022-41
- Attachment L – Zoning Amendment Bylaw No. 2022-42

Respectfully submitted,

Nicole Capewell, RPP, MCIP
Planner II

Concurrence

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



770 Argyle Street

Zoning Map



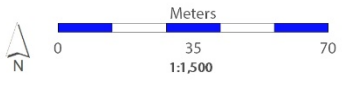
Legend

- Subject Parcel
- Parcel

Zoning

- R2 - Small Lot Residential
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing
- C1 - Commercial Transition
- C2 - Neighborhood Commercial

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Wednesday, February 2, 2022
2:21:31 PM

Attachment B – Official Community Plan Map

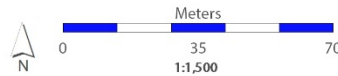


770 Argyle Street

Official Community Plan Map



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



Wednesday, February 2, 2022
2:19:57 PM



penticton.ca

Attachment C – Photos of Property



Looking towards subject property from Argyle St



Looking towards subject property from Argyle St

Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

- Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.*
- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.
- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The applicant has located the proposed building at the minimum required 3.0m front yard setback, which helps to maintain a connection with the street. They have proposed a front door on the unit closest to Argyle Street that faces the street to add a pedestrian scale to the development.
- 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 proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain ‘eyes on the street’ by keeping sightlines open from private property to the public streetscape.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- There are pedestrian connections provided to the sidewalk from the property, allowing pedestrian access to the public realm.
- Guideline G13 Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways.*
- The proposed development will be within 2ft. – 3ft. of the grade of the public sidewalk along Argyle Street.
- Guideline G15 Fencing facing an active public realm should be lowered and transparent or semi-transparent.*
- The proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain ‘eyes on the street’ by keeping sightlines open from private property to the public streetscape.
- Guideline G19 All multifamily developments should accommodate sustainable modes of transportation...*
- The proposed development includes bicycle parking spaces in excess of the Zoning Bylaw requirement. 1 Class 1 (secure) bike space has been provided for each unit within the garages. 2 Class 2 (racks) bike spaces have also been provided for guests visiting the development.

- Guideline G21 Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*
- The proposed development provides each unit with a balcony that looks north. The western most unit also features windows that overlook Argyle Street.
- 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 cantilevered upper floors may be considered as a means to break up massing while promoting overlook and/or weather protection.*
- The building includes variation to the design to include setbacks and stepbacks on several levels of the building, which help to break up the massing of the structures. The design also includes 5 duplex buildings (total 10 units), which also helps to break up the massing.
- Guideline G28 Entries should be visible and clearly identifiable from the fronting public street.*
- While the development is a townhouse style proposal with duplex buildings, with the majority of units facing internally towards the drive aisle. However, the western facing unit closest to the street has provided an entry way that is visible from the fronting public street.
- 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.*
- As noted above, the proposed development has overlook from the unit closest to Argyle Street over the street.
- Guideline G33 Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching*
- The proposed development includes a landscaping plan that provides adequate and appropriate designs that meet tree and shrub requirements of the Zoning Bylaw.
 - The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering and utilizes a drip system.
- Guideline G35 Tree planting...*
- Guideline G38 Screening and buffering...*
- Trees and shrubs have been provided along all of the property lines to provide landscape buffers.
 - The proposed development includes a landscaping plan that provides adequate buffering along all property lines.
- Guideline G55 Where (locating mechanical/utility cabinets at the rear of the property)is unachievable units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street.*
- The electrical transformer is located near the street, however it is incorporated into the landscaping plan and will be wrapped with a decorative vinyl wrap.
- Guideline MF4 Visitor parking...*
- The visitor parking is located along the northern property line, which is in public view and provides easy access to each unit along the development.



1236 Duncan Avenue East Penticton, BC V2A 2X2
Phone: (250) 770-0050 Email: designbyllewelyn@gmail.com

Letter of Intent

Project: Proposed 5 Duplex Development at 770 Argyle Street, Penticton, BC

To the City of Penticton Staff and Council,

We are looking for support when reviewing our proposal to develop an existing lot at 770 Argyle Street. The proposed development is a 5-unit duplex development, which has been designed to compliment the historical architecture of the neighborhood.

The proposed 3 storey design strives to achieve a minimal impact on the privacy of the adjacent dwellings, while minimizing views from the proposed dwelling towards neighbouring properties. The project will require the removal of existing trees and vegetation while putting back an equal number of appropriately sized trees that will compliment the development and the neighbourhood.

We feel that this development will compliment the aesthetic and heritage of the neighbourhood with respect to the massing and exterior material selections. The building's modern look will be inviting through the use of architectural detailing at both the front and sides.

This is certainly a challenging property to develop, given its narrow frontage. We have worked closely with the Planning Department staff to ensure that all Zoning Bylaw requirements are met, while achieving a quality residence to add to the character of this neighbourhood.

Sincerely,

Llewelyn Lloyd



1236 Duncan Avenue East Penticton, BC V2A 2X2
Phone: (250) 770-0050 Email: designbyllewelyn@gmail.com

Development Permit Analysis

Project: Proposed 5 Duplex Development at 770 Argyle Street, Penticton, BC

The proposed development is designed with a modern architectural style with a minimal presence facing the street. The accompanying Site Plan indicates 10 parking spaces within the units' garages, plus 10 additional off-street visitor parking spaces, with access from a laneway. The proposed 3 storey design achieves a minimal impact on the privacy of the adjacent dwellings, while minimizing views from the proposed dwelling towards neighbouring properties. The project will require the removal of the existing, overgrown mature trees, replacing them with an equal number of trees that will be more appropriate to the scale of the project. Landscaping will compliment the development as well as the approved development on the adjacent lot.

The proposed dwelling footprint comprises 33.8% of lot area. The proposed dwelling is 10.0m high and will complement the aesthetic and heritage of the neighbourhood with respect to the massing and exterior material selections. The building's side façade faces the street, and is reflected in the adjacent façades. Therefore, the details of the development are visually interesting along the laneway and inviting through the use of architectural detailing on all sides.

The proposed 5 duplex development will feature lap siding, with vertical siding cladding the architectural projections. The front doors will feature a complimentary accent colour. The flat roof of the building reduces the overall height, and a lower projecting shed-style roof across part of the front of the structure minimizes the overall massing of the front façade.

Sincerely,

Llewelyn Lloyd



1236 Duncan Avenue East Penticton, BC V2A 2X2
Phone: (250) 770-0050 Email: designbyllewelyn@gmail.com

Development Concept Redesign

June 16, 2022

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

**RE: Development Concept Redesign for
770 Argyle Street, Penticton**

This letter is in response to the Engagement Summary Letter, received June 10, 2022.

The following factors have been incorporated into the redesign of our proposal:

- **Design** - The change from a modern, flat-roofed design of these side-by-side duplexes to a 6:12 roof pitch addresses the concerns regarding the style fitting better into the character of the neighbourhood. The choice of exterior finishes will blend well with the historic character of homes in the area and will compliment the already approved development on the lot next door. The exterior finishes are comprised of board & batten siding with a complimentary colour accent for architectural projections, along with horizontal banding and splash boards. Matching window trim has also been added. The proposed duplexes are 6.0m from the property line, with 10 trees planted in the green space to provide a buffer for the adjacent properties.
- **Off-Street Parking** - A single car garage parking space has been provided in each of the 10 units, as well as 10 visitor parking spaces on the property. This provision is greater than what is required in the Zoning Bylaw for cluster housing developments.
- **Bicycle Parking** - A Class A bicycle parking space will be provided in each garage. In addition, 2 Class B bicycle parking spaces have been provided. Given the proximity of the new bicycle lanes on Martin Street which connects to Fairview Road, residents will have easy access to this provision to encourage bicycle use.
- **Density** - Penticton cannot grow without an increase in density. We see the effects of urban sprawl up on the hillsides as homes are increasingly built in forest interface areas. This proposed development will have far less impact on the neighbourhood than an apartment building. The use of duplexes gives a look of individual homes with a neighbourhood feel.

- **Height** - The height of this proposed development is no higher than the approved development at 784 Argyle Street next door.
- **Access** - Currently, there is no access through this property, as the lot behind has an apartment building which is private property. It does not make sense to provide access for those intent on criminal activity. Having a fenced property will give the homeowners a better sense of security.
- **Deer** - There is very little that can be done to accommodate urban deer. It's up to each homeowner to plant shrubs that discourage browsing.
- **Traffic** - Traffic safety is very important. Drivers must always use caution when entering a street. Cycling is certainly encouraged over vehicle use.
- **Vacation Rentals** - The City of Penticton regulates where vacation rentals are permitted, per the Zoning Bylaw.
- **Affordability** - The Developers are always concerned about the affordability of housing in the Okanagan. It is their objective to create entry-level affordable housing.

On behalf of the developers, we thank you for the feedback from the Engagement Findings and giving us the opportunity to provide responses to all of the concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Llewelyn Lloyd', with a horizontal line underneath the signature.

Llewelyn Lloyd
Design by Llewelyn



Penticton Indian Band
Natural Resources Department
841 Westhills Drive | Penticton, B.C.
V2A 0E8
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411
Fax: 250-493-2882

Project Name:

City OCP Amendment - 770 Argyle Street

FN Consultation ID:

L-220408-737ARGYLE

Consulting Org Contact:

Cheryl Hardisty

Consulting Organization:

[City of Penticton](#)

Date Received:

Friday, April 8, 2022

June 20, 2022

Attention: Cheryl Hardisty,

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan) Nation Territory and the Penticton Indian Band (PIB) Area of Interest. All lands and resources within the vicinity of the proposed project are subject to our unextinguished Aboriginal Title and Rights. The Penticton Indian Band has now had the opportunity to review the proposed project. Our preliminary office review has indicated the proposed project is located within an area of cultural significance and has the potential to impact PIB *tmx^wulax^w* (lands), *siw⁺k^w* (water, the lifeblood of the land) and syilx cultural heritage. Our *tmx^wulax^w* and *siw⁺k^w* is sacred to the syilx nation and it is PIB's responsibility to take care of all lands, waters and living things within the PIB Area of Interest.

As the proposed activity has the potential to impact irreplaceable syilx cultural heritage, the PIB is requiring a Cultural Heritage Resource Assessment be undertaken by qualified PIB Cultural Heritage Technicians to determine the nature and extent of any potential impacts. The PIB CHRA process involves in-field pedestrian surveys using either systematic or judgmental site sampling techniques undertaken by qualified PIB Technicians to assess the archaeological, cultural, and environmental resource potential of the study area, and to identify the need for project modifications and/or appropriate scope of further field studies if required.

The Penticton Indian Band makes information-based decisions and without a CHRA, we do not have enough information on potential impacts to syilx cultural heritage. Therefore, if our requirements are not fulfilled, we will have no other option but to reject the proposed project.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

Please contact me at your earliest convenience to discuss.

limləmt,

Maryssa Bonneau

Referrals Coordinator
Natural Resources Department
Penticton Indian Band
W: 250-492-0411
C: 250-486-3241
Referrals@pib.ca

Q8 Do you have any other comments about the proposal?

Screen Name Redacted

4/08/2022 12:28 PM

Any development close to the city core is important, especially when it's of the sort that has been proposed here. Densification strategy is the way to go, allowing more construction close to existing infrastructure.

Screen Name Redacted

4/09/2022 04:15 PM

The proposal is a good use of land in our city. The lot is question is too large for a single detached home. The developer should be encouraged to watch sightlines for traffic entering and exiting this property given the nature of the traffic flows on Argyle St. On street parking needs to be discouraged for the development, as all too often increased density causes traffic issues that the City of Penticton never anticipates or is concerned with. These 10 units will in all likelihood attract 20 extra vehicles to the area, if not more - this is the reality of our city given that often residents drive to other areas for employment. Downtown Penticton has not expanded the number of businesses or employers, so mom will drive to work, and dad will drive to work, two cars per household is normal and realistic. At this rate, the development is short of parking already. Traffic calming measures should be considered by the City of Penticton on Argyle St. at the same time as this development. The bump outs would provide for safe parking and would slow the traffic movement on this part of Argyle St. given the increased volumes.

Screen Name Redacted

4/10/2022 03:31 PM

We need the density in housing. Argyle is a lovely street, and, yes, this construction will stick out like a sore thumb for a while. However, after the debacle on the Warren/Parkway development, we have to ignore the NIMBYism and get on with putting in housing. Close to downtown is best for easy access to schools, grocery, and bike lanes to the beaches.

Screen Name Redacted

4/10/2022 05:25 PM

Stop allowing allowing so much multi dwelling building that is destroying out neighborhoods with no infrastructure in the rest of the city place to support it. Just stop.

Screen Name Redacted

4/10/2022 05:35 PM

We need family housing in Penticton. Please do not block this, build it.

Screen Name Redacted

4/10/2022 07:10 PM

This is a great location for infill.

Screen Name Redacted

4/10/2022 07:36 PM

The properties on either side of this proposal must be cringing right now!! Please put \$\$ into good design and aesthetics. This design does not fit the neighbourhood and will not "age" well. This neighbourhood is older with beautiful older homes that have stood the test of time. Thank You.

Screen Name Redacted

4/10/2022 08:22 PM

I would strongly like council to stand behind their OCP. The OCP already supports higher density development thorough out the city. Help protect the neighbourhoods where higher density simply does not make sense

Screen Name Redacted

4/10/2022 08:54 PM

Development must NOT allow vacation rentals! Needs to be for local families. NOT an investment property for out of towners. Penticton needs residential properties for locals to live in.

Screen Name Redacted

4/10/2022 09:46 PM

Increased density is great but I would love to see the City require developers to construct buildings that match the character of the neighborhood. We have so many of these soulless duplexes going up as infill around town and they are tacky.

Screen Name Redacted

4/10/2022 10:00 PM

Kindly go away.

Screen Name Redacted

4/12/2022 01:20 PM

It would be bad faith for the City to approve this project at the same time that there is a proposal to consider nearby Windsor Ave a heritage area. Argyle Street has similar historical significance to Windsor; I live in an arts and crafts house that was built in 1939-40 and is in immaculate condition. The house next door is from the same era; the house across the street built in 1925, etc. There are certainly some newer houses on the street--as there are on Windsor--but with the exception of the apartment building on the corner of Scott and Argyle, and the condos in between Scott and Windsor (heaven knows how these structures got approved), Argyle is full of interesting, historically-important single-family and duplex residences. What is the difference between this street and Windsor in terms of historical significance? Or, for that matter, Lakeshore, also being considered for Heritage status, which already includes numerous ugly apartments buildings and condos? Why isn't the whole of Cherryland being considered for heritage status? At the very least, a decision on Heritage status should be made prior to allowing any kind of further development.

Screen Name Redacted

I think it's great to develop the lot into multiple units. But there should

4/13/2022 01:09 PM	be fewer units with more parking (at least 2 spots per unit) and green space.
Screen Name Redacted 4/13/2022 08:32 PM	Mistakes have been made in the past please work to keep this Neighbour liveable and unique
Screen Name Redacted 4/13/2022 09:26 PM	The city needs to preserve the very few heritage residential areas in Penticton (K-Streets, Argyle, Windsor, Victoria Drive). These multi-units developments are needed but should not be at the expense of these unique neighbourhoods.
Screen Name Redacted 4/13/2022 10:14 PM	We need housing. This is a good site and a good neighbourhood to build density.
Screen Name Redacted 4/15/2022 04:02 PM	I do not object progress and understand the needs of the community but feel this development proposal does not fit with the feel and the people of the neighbourhood. The noise and traffic a development like this would bring to our street would be catastrophic.
Screen Name Redacted 4/18/2022 07:47 AM	There is no need for increased housing density in this area. Don't make a bad decision to start changing going an area for which you are already endorsing heritage status to a street in the same neighborhood. There are other large developments under your consideration which will significantly add density to Penticton. Think greater than one lot at a time, think in terms of neighborhoods. Don't make a "whoops" decision that you will later regret and be unable to change back. Change is good, so adding a second residence to the current zone is change, rezoning is not necessary nor desirable
Screen Name Redacted 4/18/2022 01:50 PM	Please ensure there is enough parking allotted to the residents of this development. Two spaces per unit.
Screen Name Redacted 4/18/2022 02:40 PM	Make it less ugly, add green space. Argyle should also be a designated bike boulevard that should integrate with Lake to Lake through Scott or Windsor. This lot should be combined with neighbouring property to produce something of more substance rather than cramming more boxes on a long skinny lot. It's obviously complicated, but this just seems like a shortsighted shortcut for a nice piece of property.

Screen Name Redacted

4/19/2022 06:57 PM

I am not opposed to development in my neighbourhood. What I'd like to see is a development that complements the character of the neighbourhood and does not add significantly to the street parking issues (already it is challenging to travel on the street when cars are parked on both sides). It should also be set back from the road sufficiently to provide a green barrier between the development and the street.

Screen Name Redacted

4/20/2022 12:43 PM

Please stop allowing these density projects in neighborhoods. The density is already far too much. I have lived in / owned my house on Argyle Street for 30 years and the neighborhood is getting denser and denser to the point of it getting unlivable. This newly proposed project is beyond terrible. Please do not do this. Thank you.

Screen Name Redacted

4/20/2022 02:04 PM

I also heard about the development next door that got approved... despite having no knowledge of the changes new owner/developer made since first proposal... what on earth are the city thinking destroying a perfectly nice block of houses and smacking densification upon everyone to the point of idiocy... how are anyone supposed to get around? Park!? Why would you add 21 new units altogether to a space that only had 2 units prior.... I'm in serious anxiety about how long I can save the value and equity in my home, the character of my community, before developers come and mow it all down on me. This town seems to be less and less interested in maintaining its community for residents and more interested in becoming a mini Vancouver slapping poor quality builds randomly with no thought to integration or visual and practical infrastructure planning within a neighborhood... it's all for money money money at the expense of residents...

Screen Name Redacted

4/20/2022 05:16 PM

More projects like this pleas

Screen Name Redacted

4/23/2022 09:31 PM

Why so much parking?

Screen Name Redacted

4/24/2022 05:46 PM

Construction ideally would use high end stone and stucco finishes, with large cornices and mouldings

Screen Name Redacted

4/24/2022 05:46 PM

Construction ideally would use high end stone and stucco finishes, with large cornices and mouldings

Development Permit

Permit Number: DP PL2021-9246

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 E District Lot 202 Similkameen Division Yale District and Of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 584
 - Civic: 770 Argyle Street
 - PID: 002-555-964
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of five duplex buildings (total 10 dwelling units) 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. 2021-18 are varied by this permit:
 - a. Table 5.1: to reduce the minimum landscaping buffer width abutting a residential zone from 3.0m to 1.0m.
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.

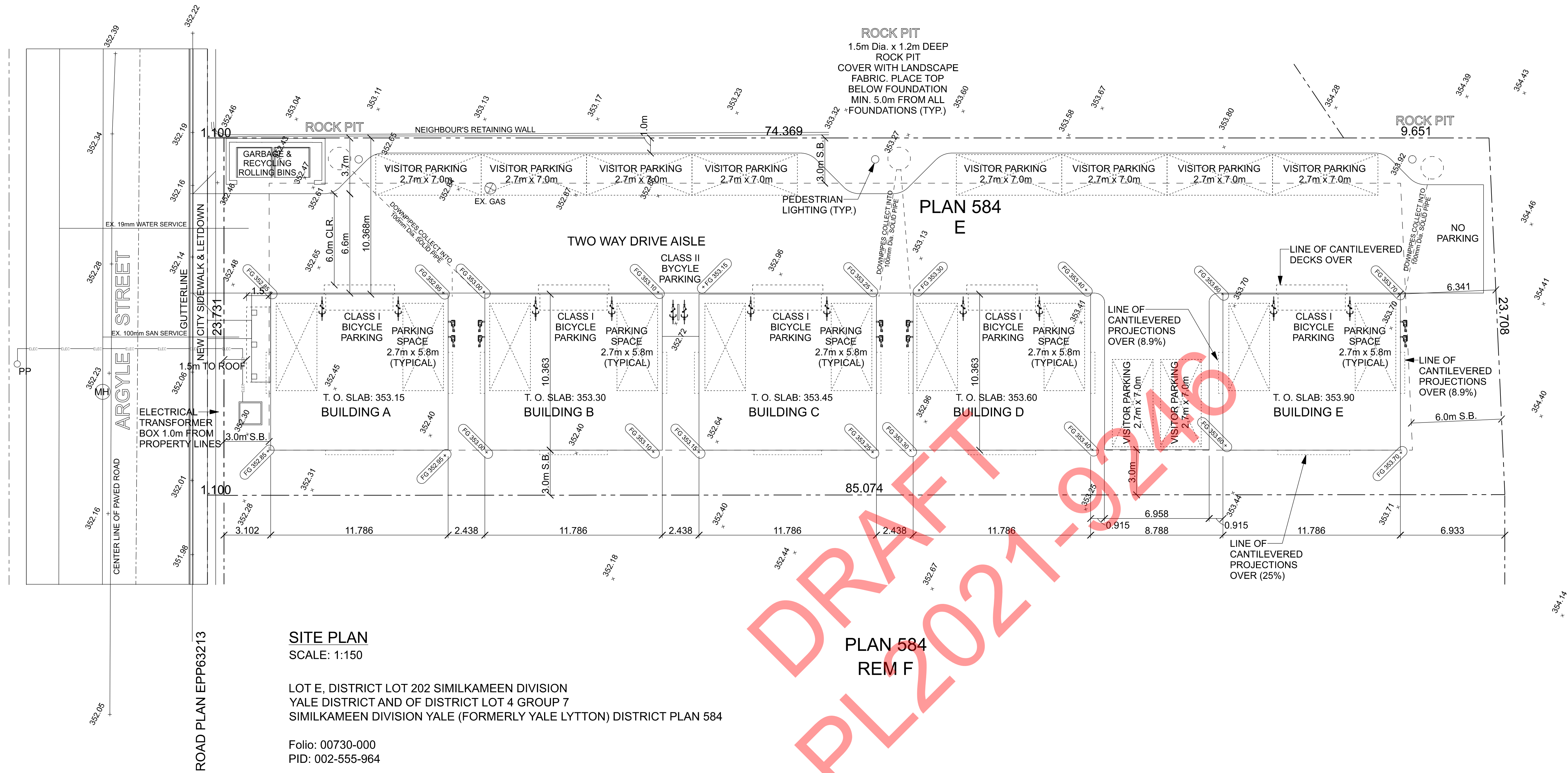
Authorized by City Council, the ____ day of _____, 2022.

Issued this ____ day of _____, 2022.

Angela Collison
Corporate Officer

PLAN 584
REM D

PLAN 23635
1



SITE PLAN
SCALE: 1:150

LOT E, DISTRICT LOT 202 SIMILKAMEEN DIVISION
YALE DISTRICT AND OF DISTRICT LOT 4 GROUP 7
SIMILKAMEEN DIVISION YALE (FORMERLY YALE LYTTON) DISTRICT PLAN 584

Folio: 00730-000
PID: 002-555-964

CIVIC ADDRESS:
770 ARGYLE STREET, PENTICTON, BC

LOT A: ZONING COMPLIANCE TABLE (CURRENT ZONING RD1 - REZONE TO RM2)			
REGULATION	REQUIRED PER RM2	PROVIDED ON PLANS	VARIANCE REQUIRED
LOT AREA	540m ²	1997m ²	N/A
NET FLOOR AREA		1392.6m ²	N/A
MINIMUM LOT WIDTH	18m	23.7m	N/A
MAXIMUM LOT COVERAGE	40%	33.8%	NO
MAXIMUM DENSITY	0.8 FAR	0.70 FAR	NO
MAXIMUM HEIGHT	12.0m	10.25m	NO
MINIMUM FRONT YARD (WEST)	3.0m	3.102m	NO
MINIMUM INTERIOR SIDE YARD (NORTH)	3.0m	10.368m	NO
MINIMUM INTERIOR SIDE YARD (SOUTH)	3.0m	3.0	NO
MINIMUM EXTERIOR SIDE YARD	4.5m	N/A	N/A
MINIMUM REAR YARD (EAST)	6.0m	6.341m	NO
PARKING SPACES (1 PER UNIT + 0.25 VISITOR)	10 + 3	10 + 10	NO
BICYCLE PARKING (CLASS I/CLASS II)	5/1	10/2	NO
AMENITY AREA (20m ² PER UNIT)	220m ²	283m ²	NO

PLAN 584
REM F

PLAN 23635
REM 2

PLAN 584

REM C

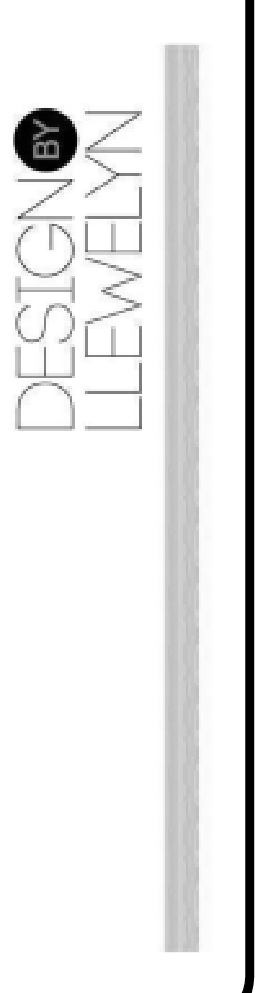
SITE PLAN

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd.
770 Argyle Street, Penticton, BC
DESIGN BY: LVL
DATE: 14 December 2021
REVISED: 17 June 2022

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Telephone (250) 770-0050
www.designbyllewellyn.com



PLAN NO.
21550
SHEET NO.
1 of 19

PROJECT:
 5 Duplex Development
 Matt & Karen Properties Ltd.
 770 Argyle Street, Peniticon, BC
 DESIGN BY: L.V.L.
 DATE: 14 December 2021
 DRAWN BY: L.V.L.
 REVISION: 17 June 2022

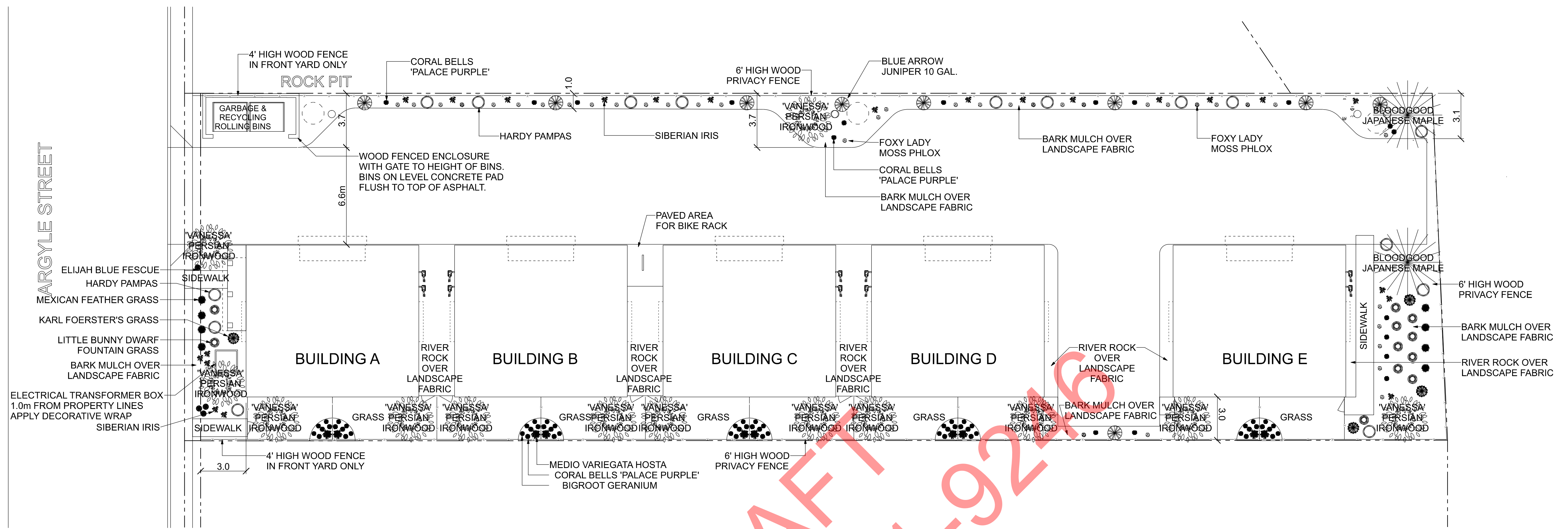
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DESIGN BY
 LLEWELYN

PLAN NO.
21550
 SHEET NO.
2 of 19



LANDSCAPE PLAN
 SCALE: 1:150

LANDSCAPE SCHEDULE

- PLANTINGS:**
- Coral Bells 'Palace Purple' (Heuchera micrantha 'Palace Purple') 47 qty.
 - Elijah Blue Fescue (Festuca glauca 'Elijah Blue') 4 qty.
 - Foxy Lady Moss Phlox (Phlox 'Foxy Lady') 40 qty.
 - Hardy Pampas (Erianthus ravennae) 15 qty.
 - Karl Foerster's Grass (Calamagrostis x acutiflora Karl Foerster) 7 qty.
 - Little Bunny Dwarf Fountain Grass (Pennisetum alopecuroides 'Little Bunny') 11 qty.
 - Mexican Feather Grass (Stipa tenuissima) 8 qty.
 - Siberian Iris (Iris sibirica) 22 qty.
 - Medio Variegata Hosta 10 qty.
 - Bigroot Geranium 30 qty.
- TREES:**
- Bloodgood Japanese Maple (Acer palmatum var. atropurpureum 'Bloodgood') 2 qty.
 - 'Vanessa' Persian Ironwood (Parrotia persica 'Vanessa') 12 qty.
 - Blue Arrow Juniper (Juniperus scopulorum 'Blue Arrow') 10 qty.
- GARBAGE DISPOSAL:**
- Garbage Tote - 1 Per Unit
 - Recycling Tote - 1 Per Unit
- GROUND COVER/HARD SURFACES:**
- Property Area 1997m²
 - Asphalt 825m²
 - Grass 191m²
 - Planting Beds - Bark Mulch 135m²
 - River Rock - 2" Rainbow 120m²
 - Landscape Fabric 255m²
 - Sidewalks 64m²
- FENCING:**
- 4' High Wood Fence 6m
 - 6' High 'Good Neighbour' Privacy Fence 220m
 - Bike Ring Stand 1 qty.

LANDSCAPE NOTES:

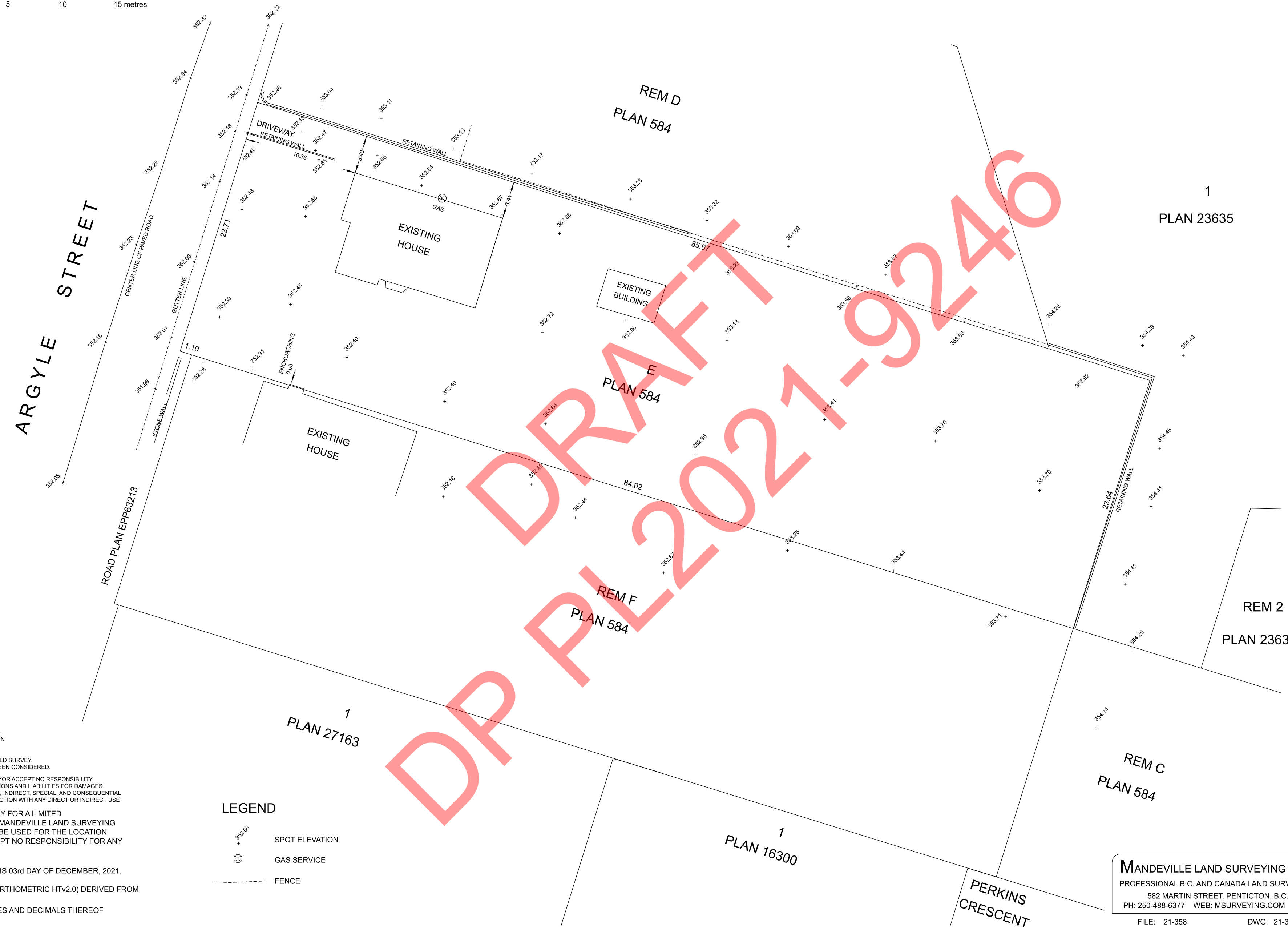
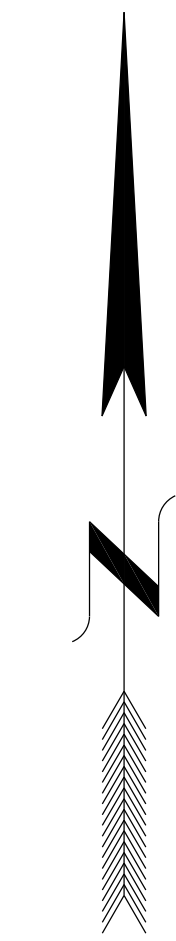
- SHRUBS SHALL BE A MINIMUM OF No.2 POT SHRUBS
- ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5m.
- NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION
- NO RETAINING WALLS OVER 1.2m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA.
- LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS AND TIMERS.
- LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, AND ASPHALT. INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)
- DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

LANDSCAPE PLAN

SITE PLAN OF LOT E, DL 202, SDYD & DL 4, Gp 7, SDYD, PLAN 584

CIVIC ADDRESS: 770 ARGYLE STREET, PENTICTON, B.C.
PID: 002-555-964

SCALE 1:250



NOTE: SUBJECT TO THE NON-FINANCIAL CHARGES AND INTERESTS WHICH MAY AFFECT THE PROPERTY. SEE CERTIFICATE OF TITLE AND RELATED CHARGE DOCUMENTS FOR CONFIRMATION.

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

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FIELD SURVEY COMPLETED THIS 03rd DAY OF DECEMBER, 2021.

ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTV2.0) DERIVED FROM PENTICTON MONUMENT #4315

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF UNLESS OTHERWISE NOTED

LEGEND

- SPOT ELEVATION
- GAS SERVICE
- FENCE

MANDEVILLE LAND SURVEYING INC.
PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
582 MARTIN STREET, PENTICTON, B.C.
PH: 250-488-6377 WEB: MANSURVEYING.COM
FILE: 21-358 DWG: 21-358

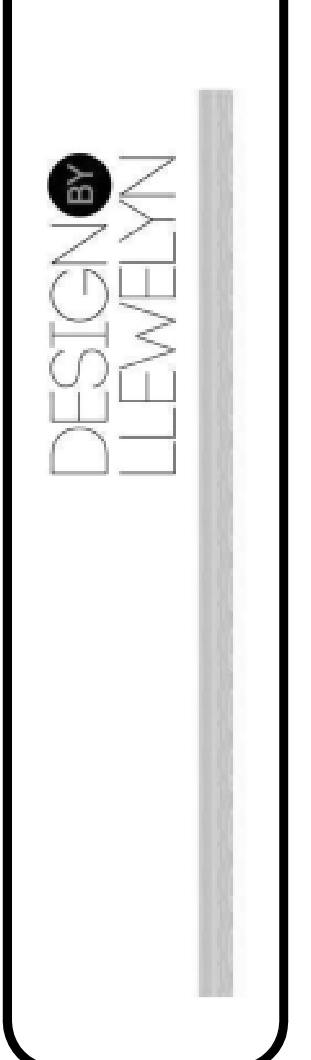
DRAFT 2021-9246

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd.
770 Argyle Street, Penticton, BC
DESIGN BY: L.V.L.
DRAWN BY: L.V.L.
DATE: 14 December 2021
REVISED: 17 June 2022

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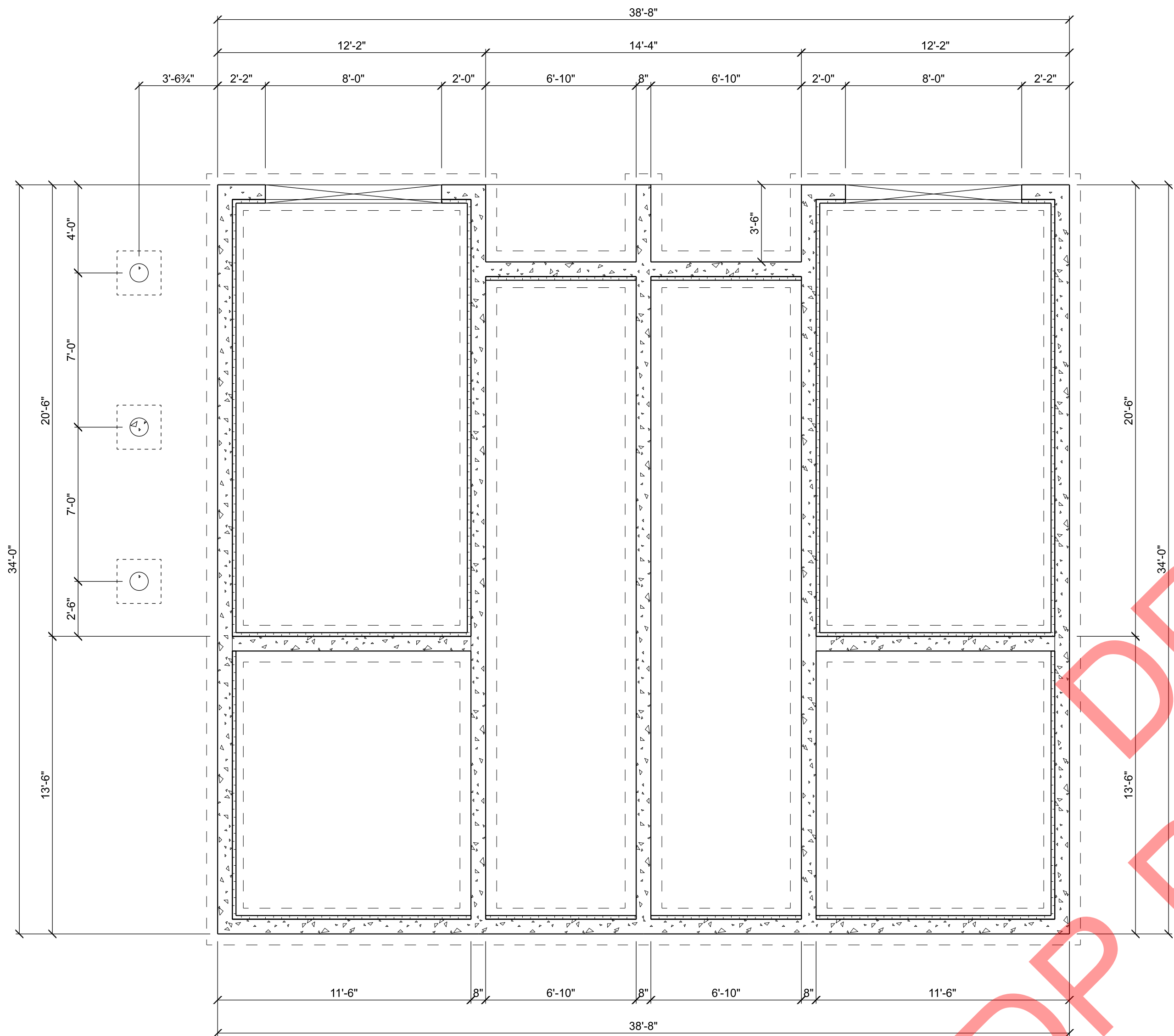
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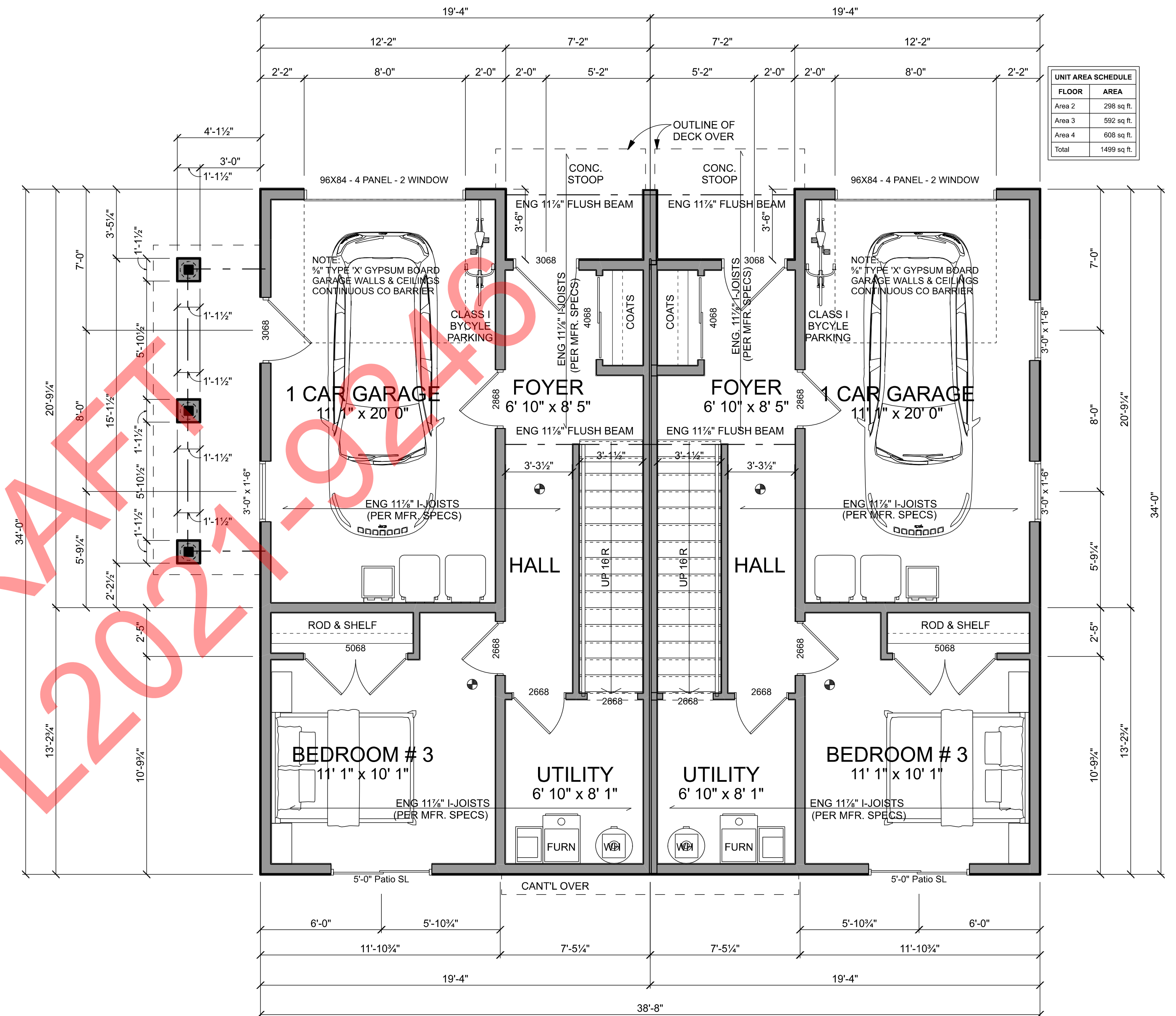


PLAN NO.
21550
SHEET NO.
3 of 19

SURVEYORS SITE PLAN



FOUNDATION PLAN - BUILDING A
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN - BUILDING A
SCALE: 1/4" = 1'-0"

FLOOR	AREA
Area 2	298 sq ft.
Area 3	592 sq ft.
Area 4	608 sq ft.
Total	1498 sq ft.

DRAFT 2021

FOUNDATION & MAIN FLOOR PLAN - BUILDING A

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd
770 Argyle Street, Penikese, BC
DESIGN BY: L.W.L.
DRAWN BY: L.W.L.
DATE: 14 December 2021
REVISED: 17 June 2022

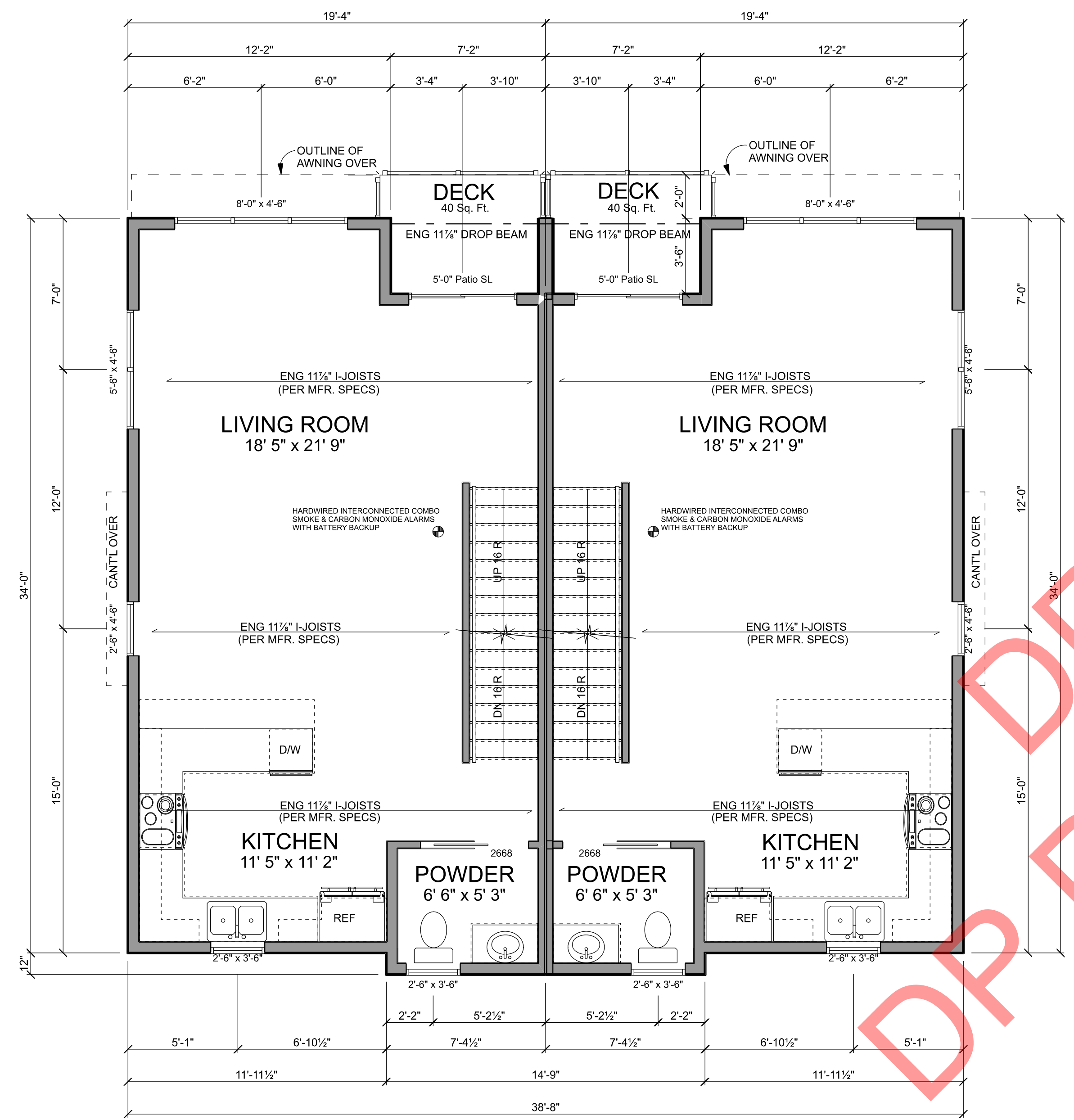
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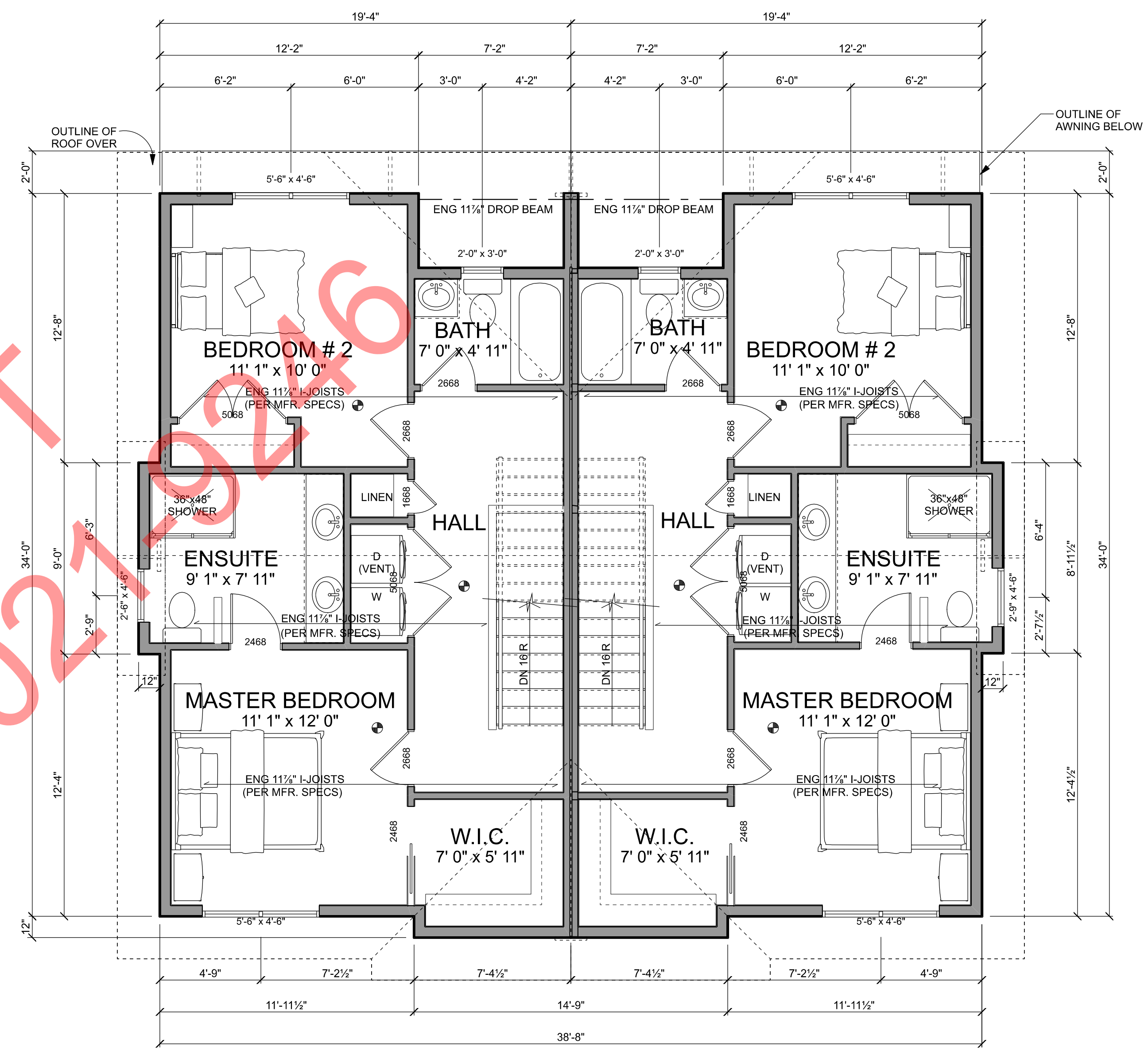
Penikese, B.C. Canada
Telephone: (250) 770-0060
design@llewelyn.com
www.designbyllewelyn.com

DESIGN BY
LLEWELYN

PLAN NO.
21550
SHEET NO.
4 of 19



SECOND FLOOR PLAN - BUILDING A
 SCALE: 1/4" = 1'-0"



THIRD FLOOR PLAN - BUILDING A
 SCALE: 1/4" = 1'-0"

DRAFT
 DP PL 2021-9246

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 Telephone: (250) 770-0060
 design@leweyn.com
 www.designbyleweyn.com

DESIGN BY
LLEWELYN

SECOND & THIRD FLOOR PLANS - BUILDING A

- BOARD & BATTEN SIDING - HARDIE PANEL SIDING - EVENING BLUE
- BOARD & BATTEN SIDING - HARDIE PANEL SIDING - BOOTHBAY BLUE
- 10" CANOPY TRIM BOARD (BM 1601 - HEARTHSTONE)
- 4" OPENING TRIM (BM 1601 - HEARTHSTONE)
- 10" BANDING (BM 1601 - HEARTHSTONE)
- DECK TRIM (BM 1601 - HEARTHSTONE)
- DOOR COLOUR (PPG1162-7 DRAGONFLY)
- 10" SPLASH BOARD (BM 1601 - HEARTHSTONE)



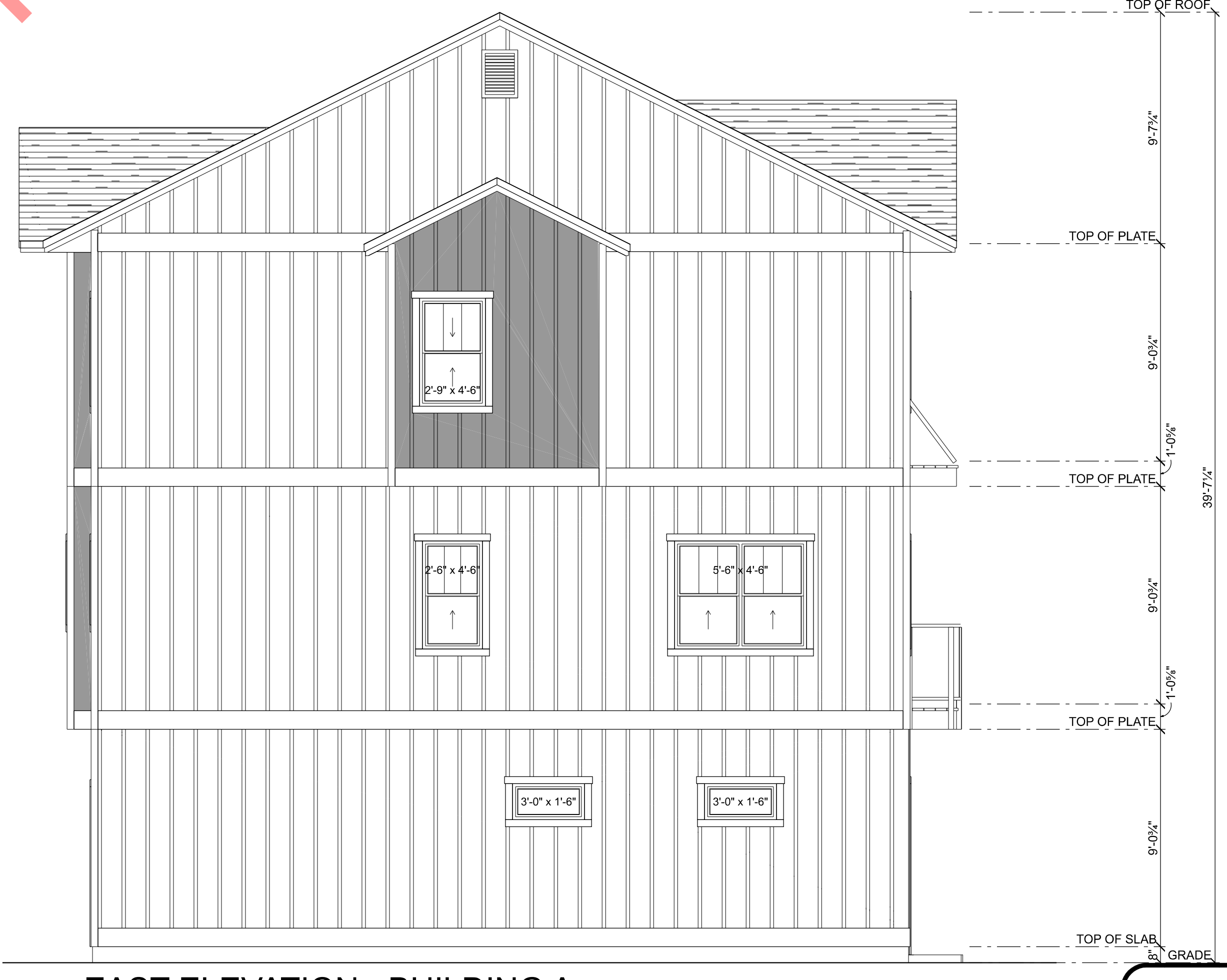
NORTH ELEVATION - BUILDING A
SCALE: 1/4" = 1'-0"



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



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



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

ELEVATIONS - BUILDING A

DRAFT DP PL2021-9246

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd.
770 Argyle Street, Penticon, BC
DESIGN BY: L.V.L.
DRAWN BY: L.V.L.
DATE: 14 December 2021
REVISED: 17 June 2022

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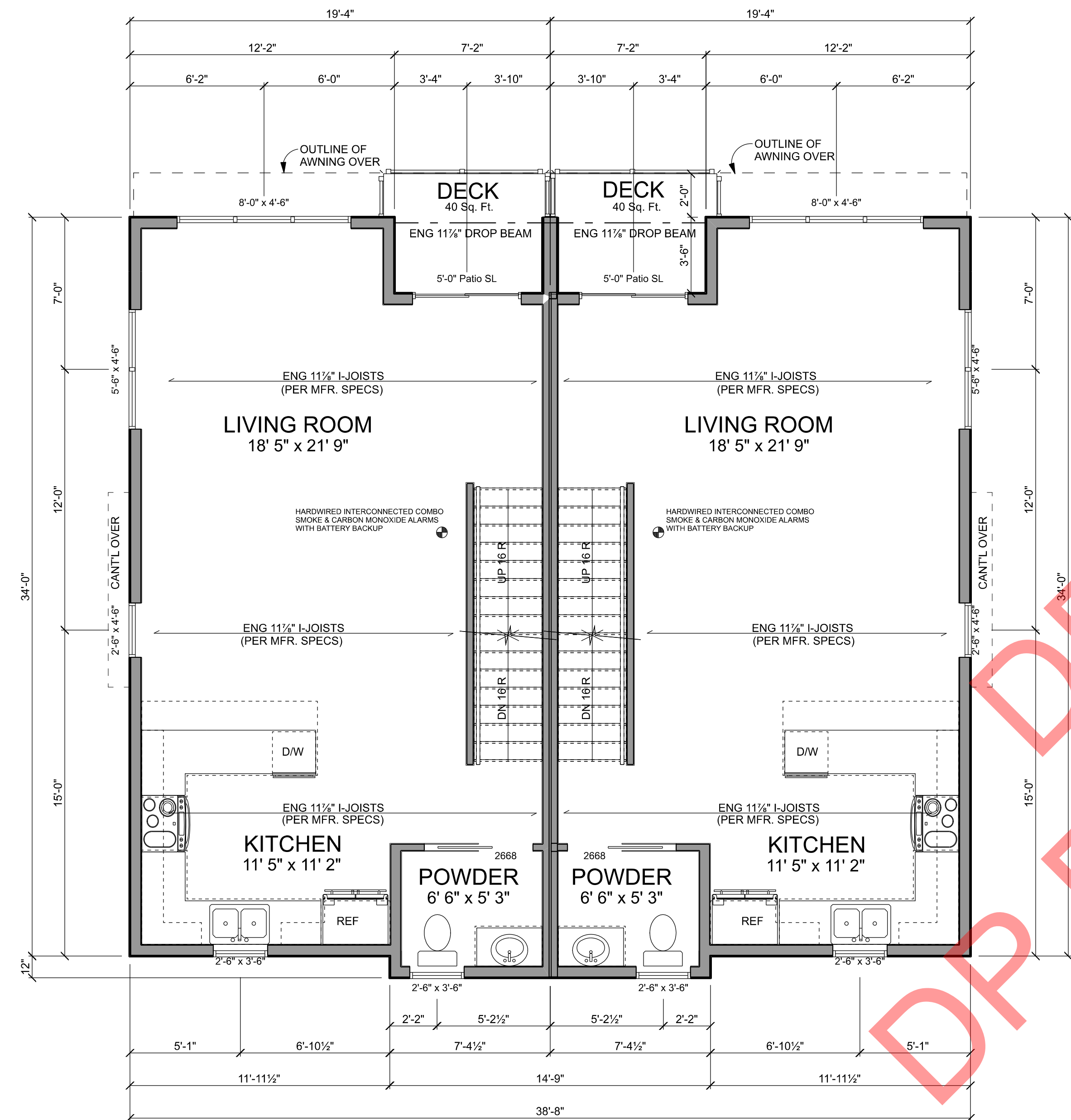
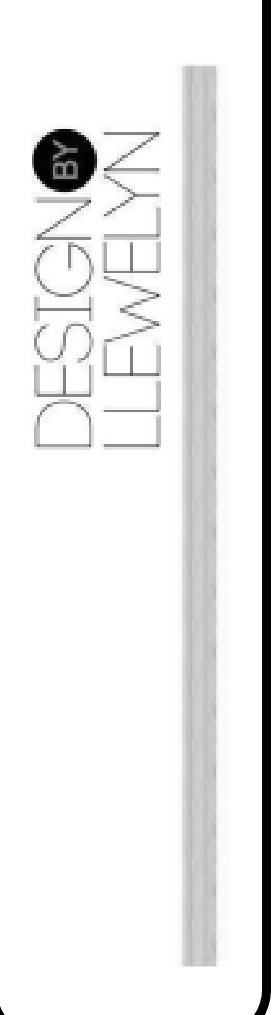
DESIGN BY
LLEWELLYN LLEWELLYN

PLAN NO.
21550
SHEET NO.
6 of 19

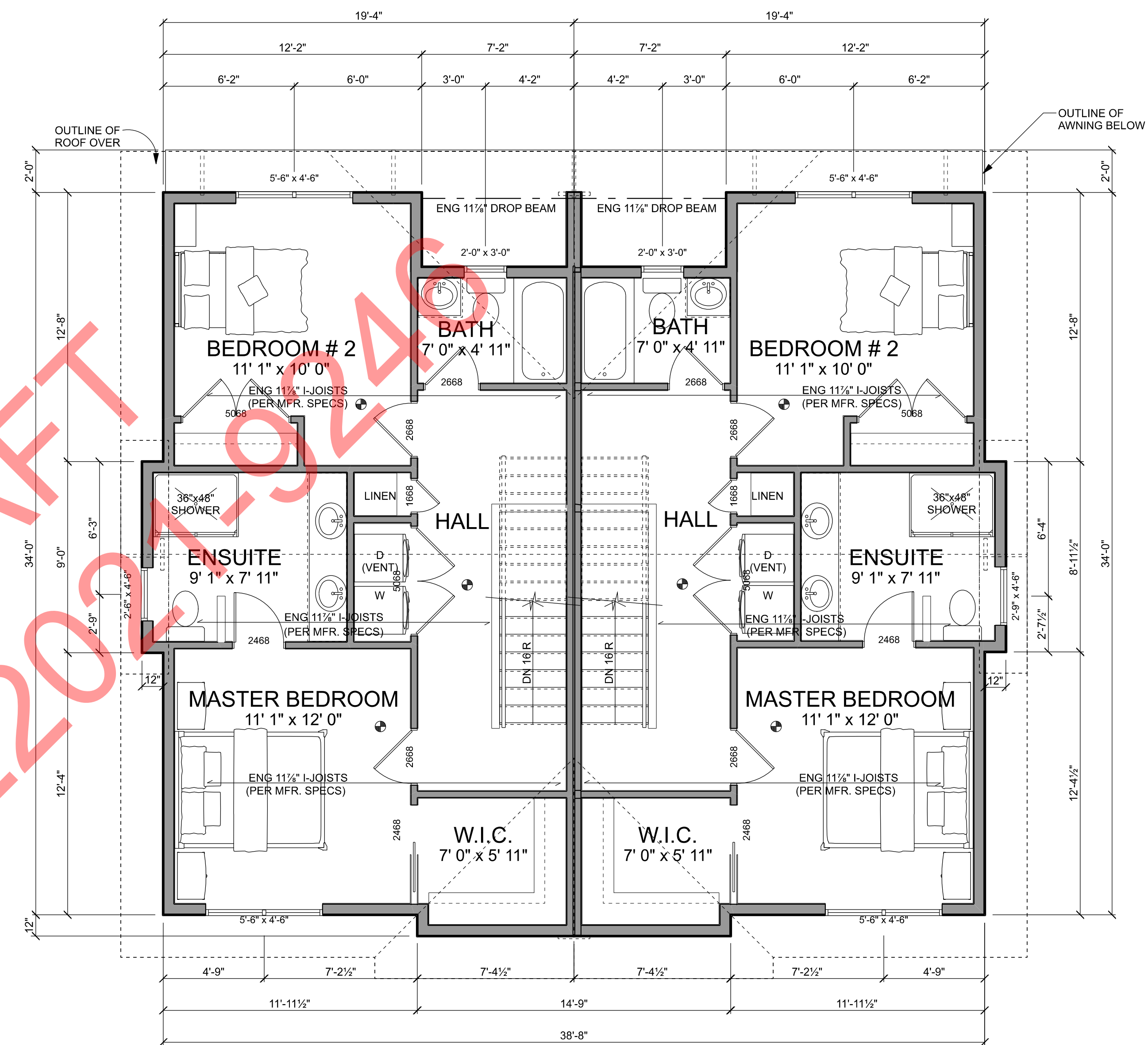
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SECOND FLOOR PLAN - BUILDING B
 SCALE: 1/4" = 1'-0"

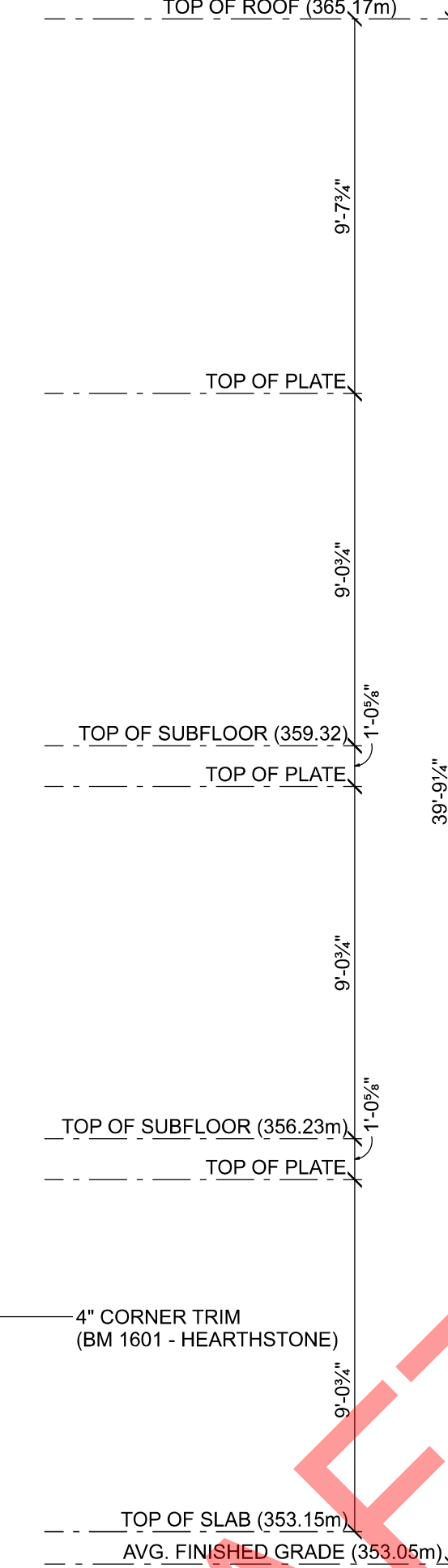


THIRD FLOOR PLAN - BUILDING B
 SCALE: 1/4" = 1'-0"

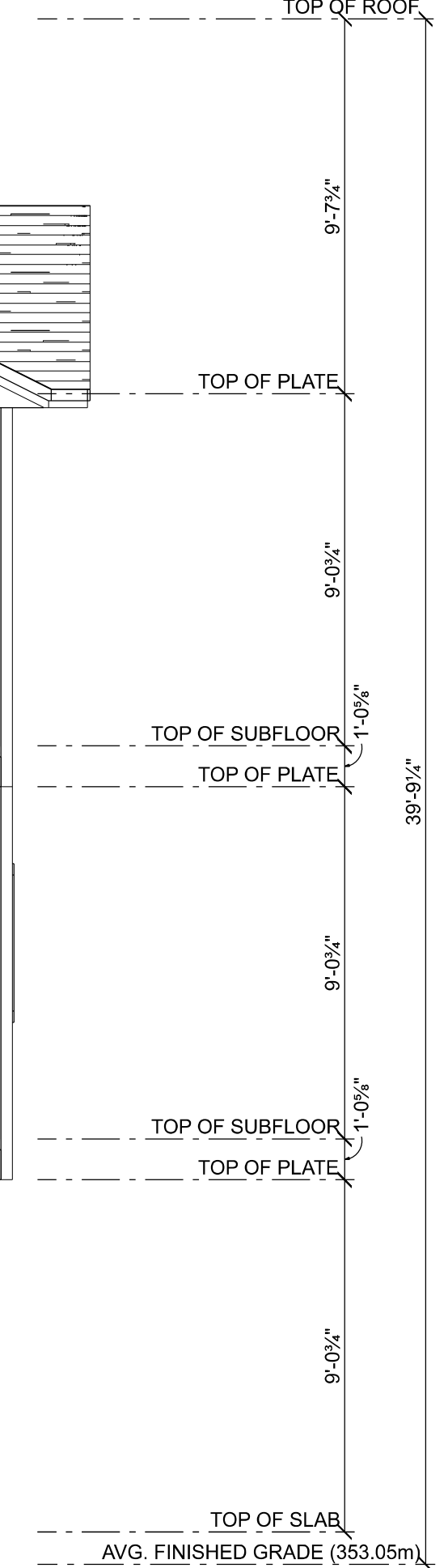
SECOND & THIRD FLOOR PLANS - BUILDING B



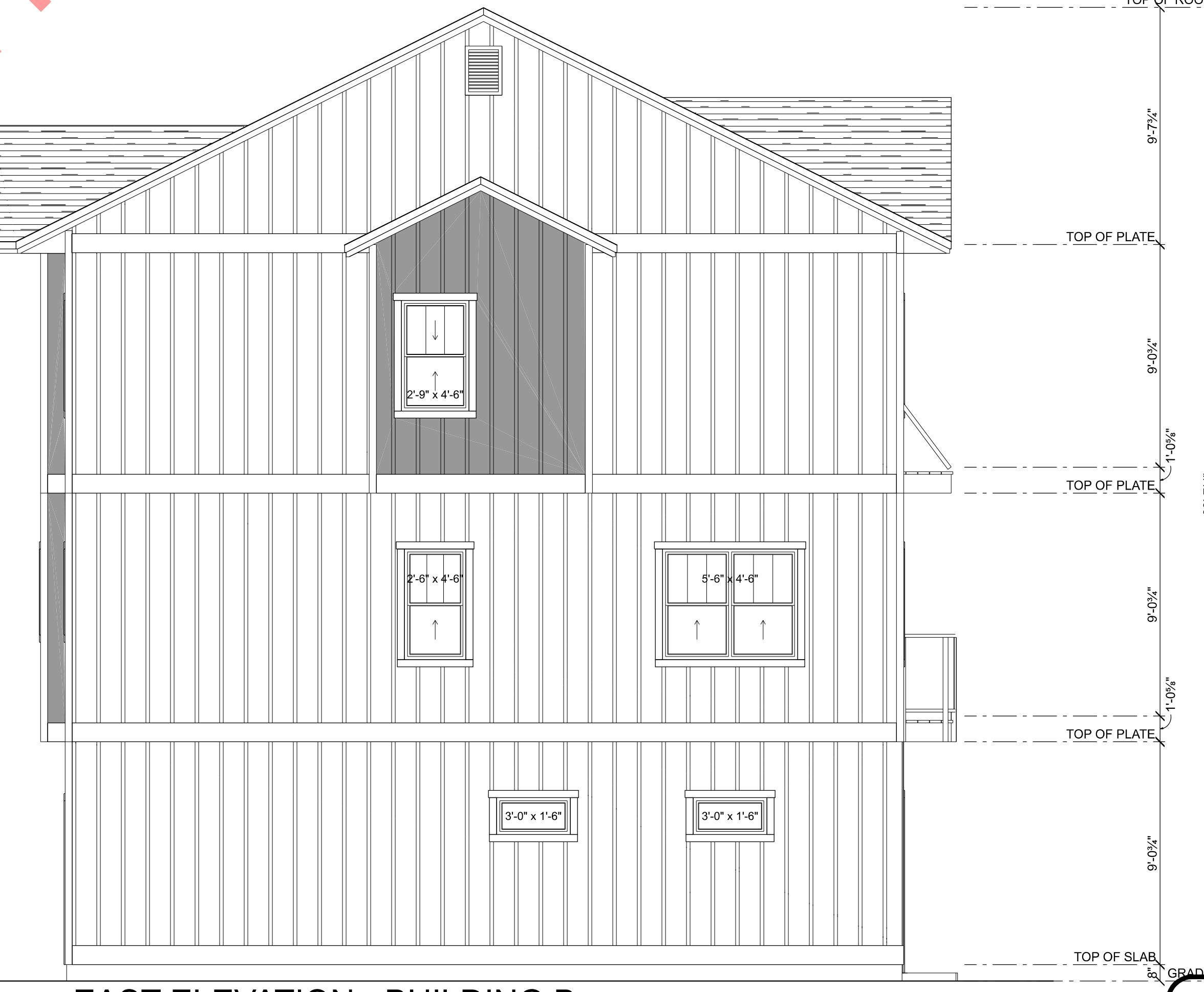
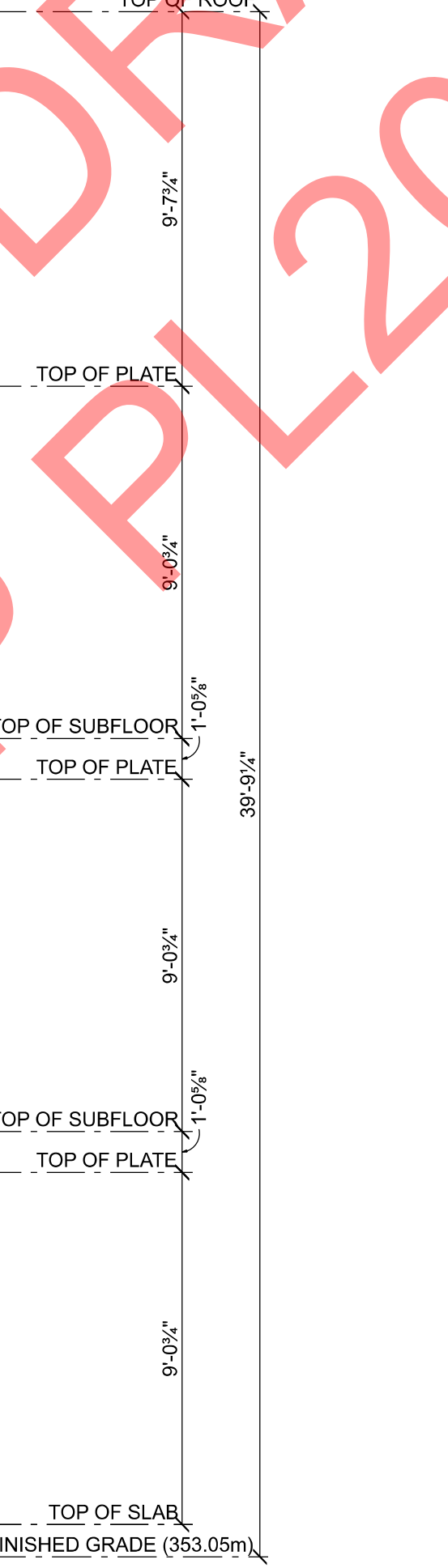
NORTH ELEVATION - BUILDING B
SCALE: 1/4" = 1'-0"



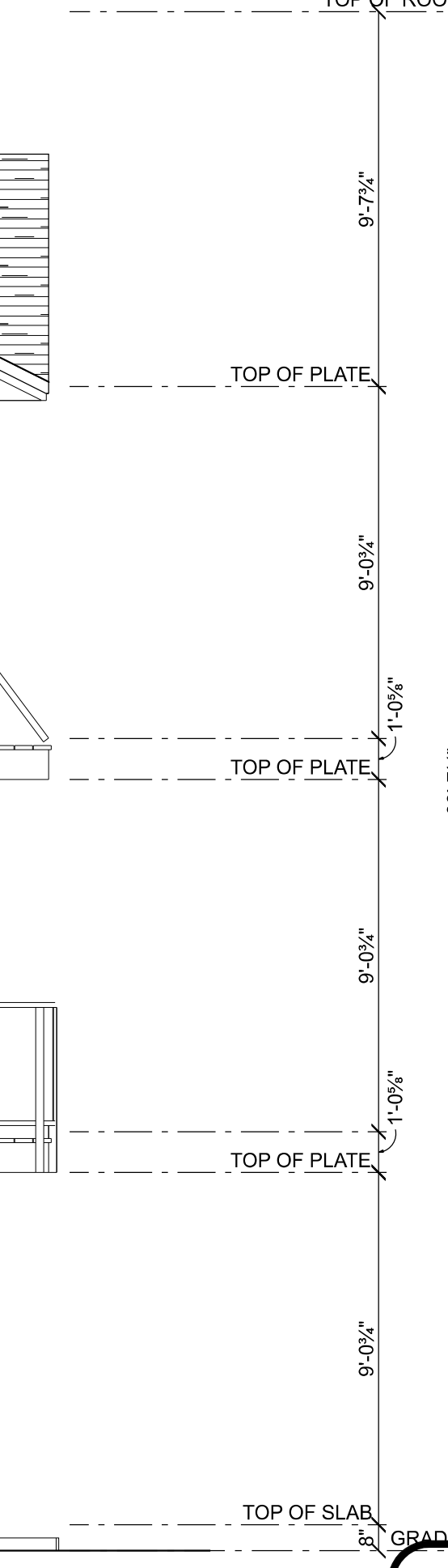
WEST ELEVATION - BUILDING B
SCALE: 1/4" = 1'-0"



SOUTH ELEVATION - BUILDING B
SCALE: 1/4" = 1'-0"



EAST ELEVATION - BUILDING B
SCALE: 1/4" = 1'-0"



ELEVATIONS - BUILDING B

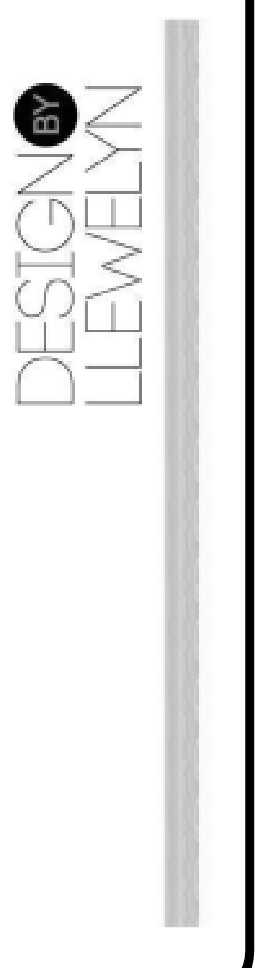
DRAFT 2021-02-26

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd.
770 Argyle Street, Penticon, BC
DESIGN BY: LVL
DRAWN BY: LVL
DATE: 14 December 2021
REVISED: 17 June 2022

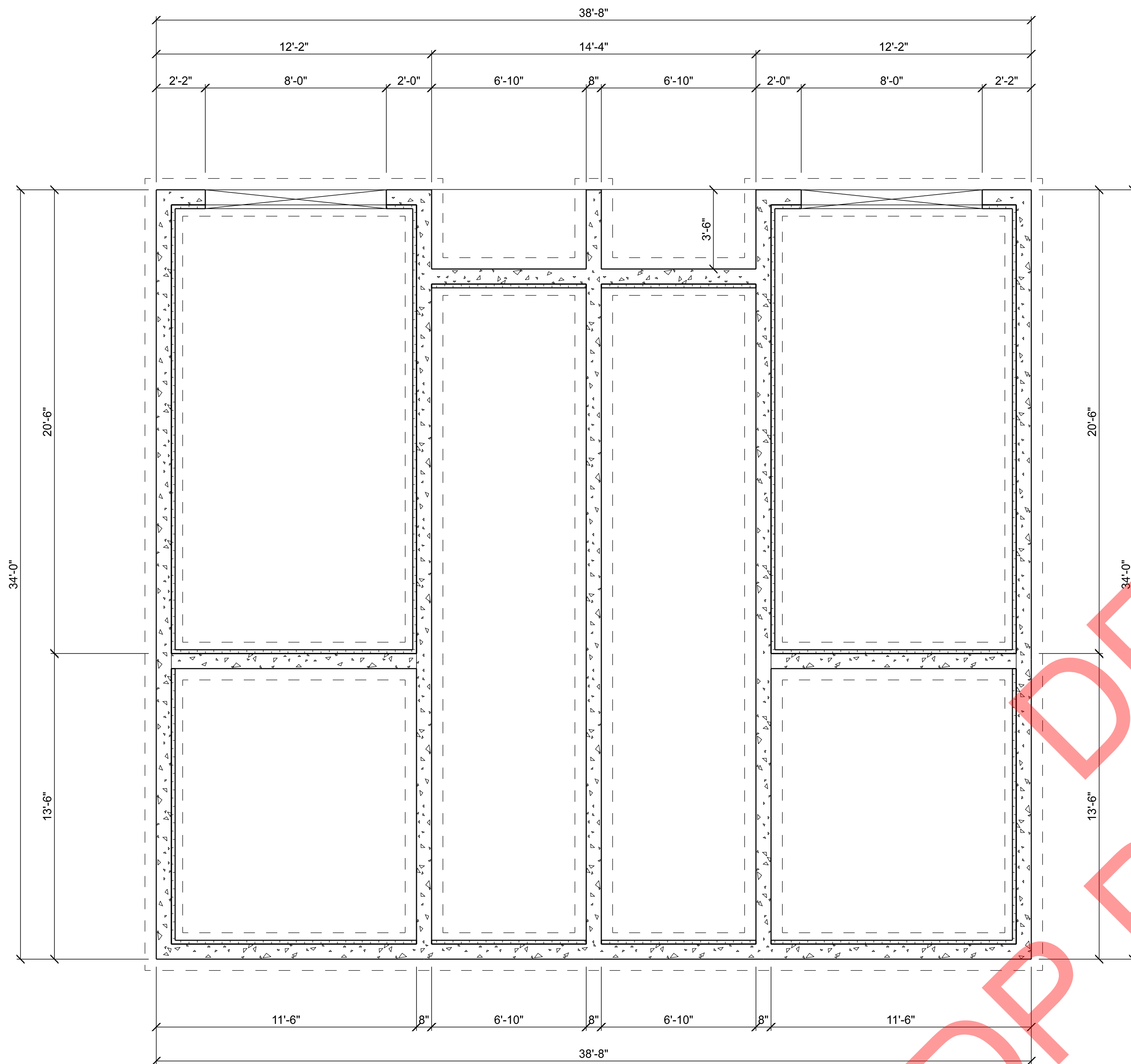
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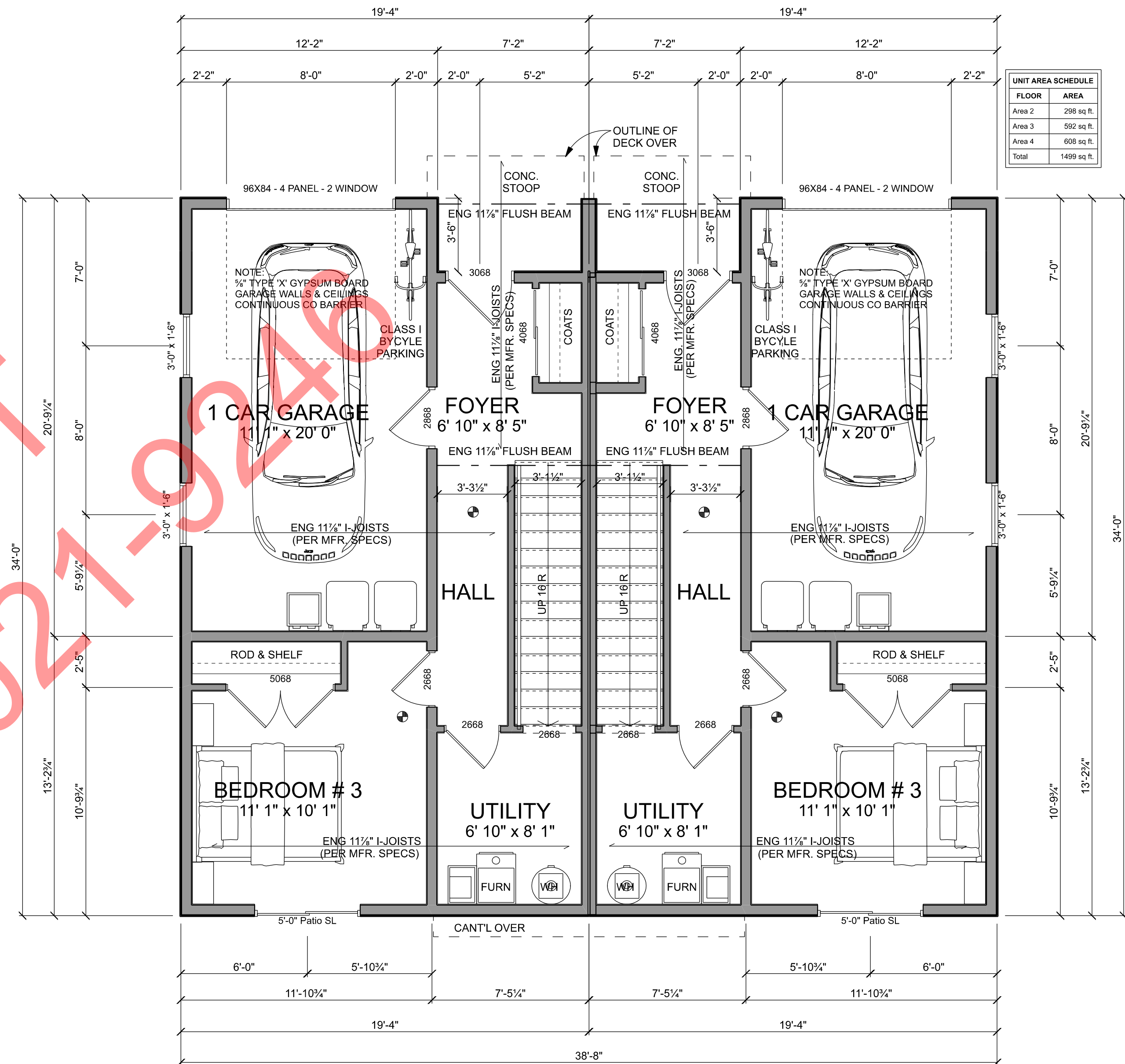
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SHEET NO.
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FOUNDATION PLAN - BUILDING C
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN - BUILDING C
SCALE: 1/4" = 1'-0"

DRAFT
DP PL2021-9246

FOUNDATION & MAIN FLOOR PLAN - BUILDING C

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd
770 Argyle Street, Penticon, BC
DESIGN BY: L.W.L.
DRAWN BY: L.W.L.
DATE: 14 December 2021
REVISED: 17 June 2022

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ELEVATIONS - BUILDING C

DRAFT
DP PL2021-9246

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd.
770 Argyle Street, Penticon, BC
DESIGN BY: LVLW
DRAWN BY: LVLW
DATE: 14 December 2021
REVISED: 17 June 2022

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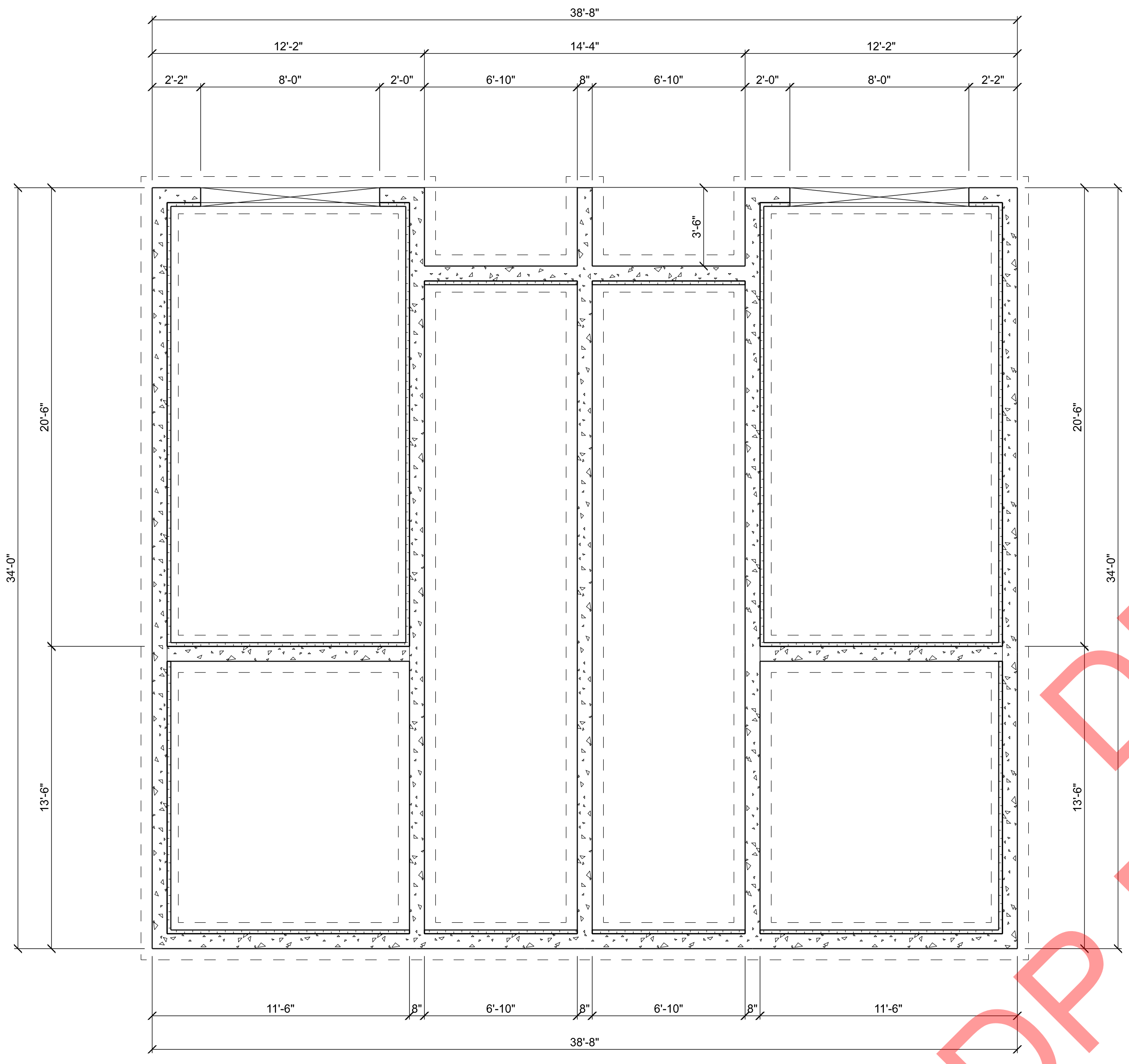
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SHEET NO.
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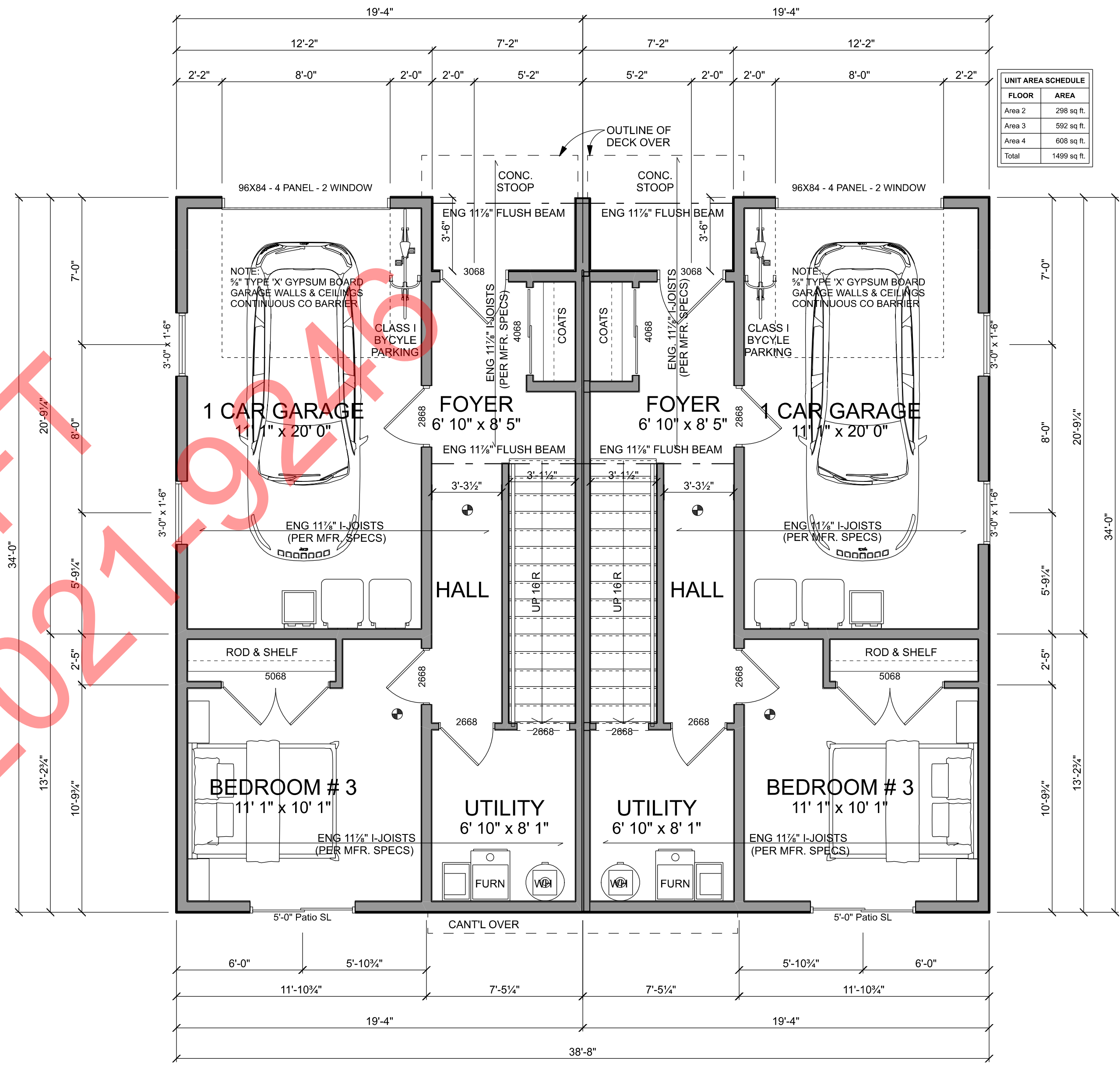
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FOUNDATION PLAN - BUILDING D
 SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN - BUILDING D
 SCALE: 1/4" = 1'-0"

FOUNDATION & MAIN FLOOR PLAN - BUILDING D

PROJECT:
 5 Duplex Development
 Matt & Karen Properties Ltd
 770 Argyle Street, Peniticon, BC
 DESIGN BY: L.W.L.
 DRAWN BY: L.W.L.
 DATE: 14 December 2021
 REVISED: 17 June 2022

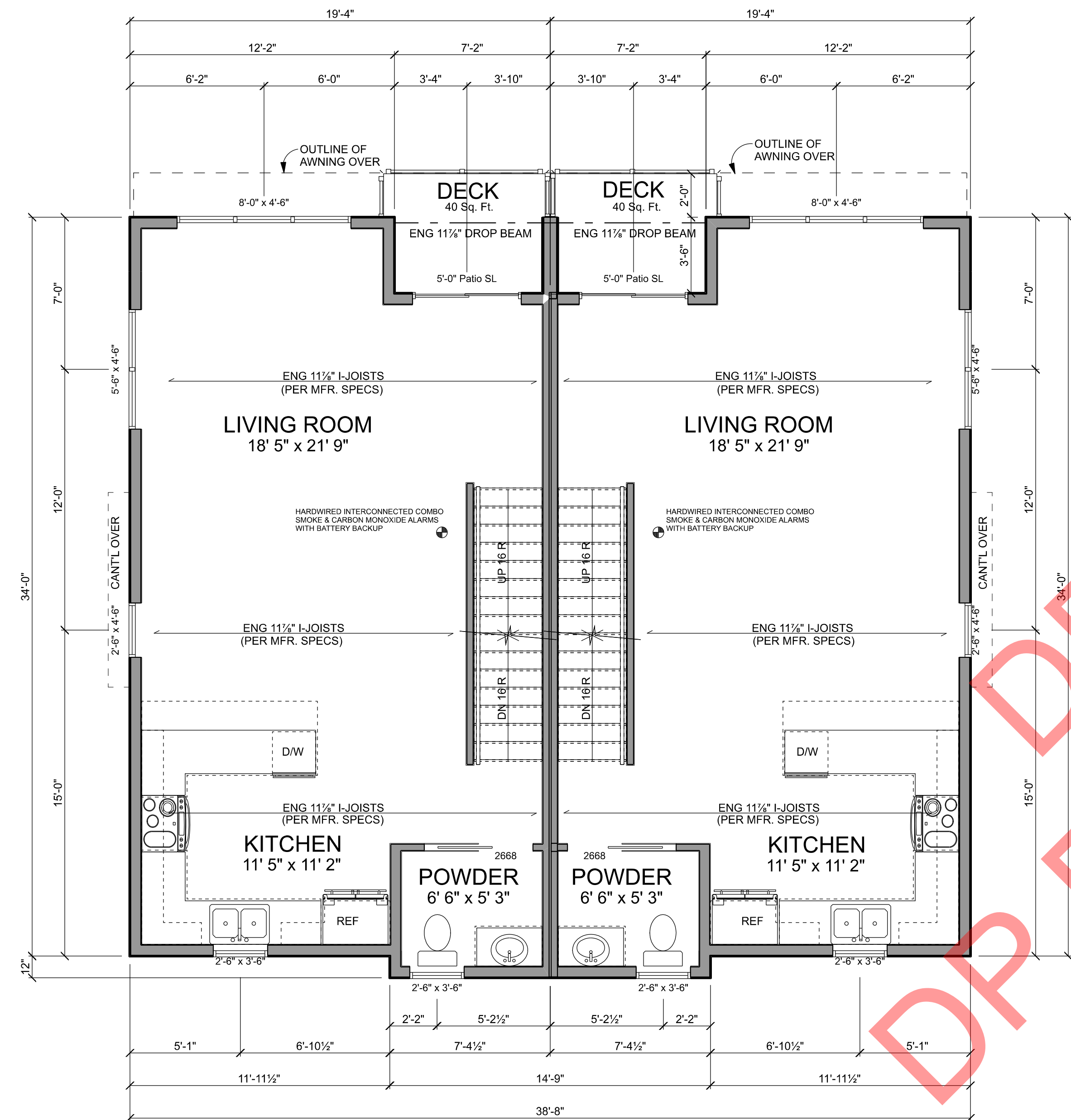
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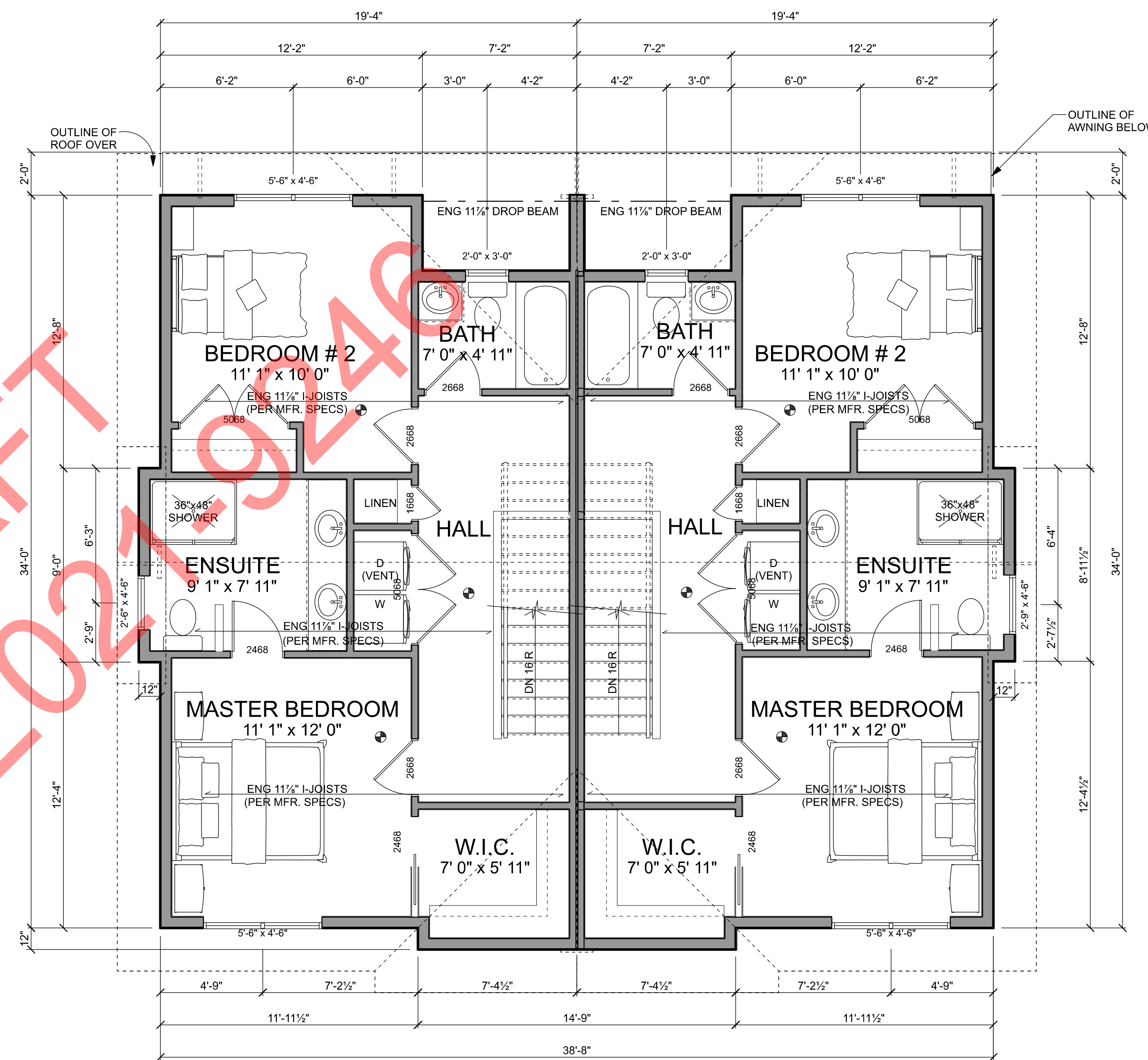
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SECOND FLOOR PLAN - BUILDING D
 SCALE: 1/4" = 1'-0"



THIRD FLOOR PLAN - BUILDING D
 SCALE: 1/4" = 1'-0"

SECOND & THIRD FLOOR PLANS - BUILDING D



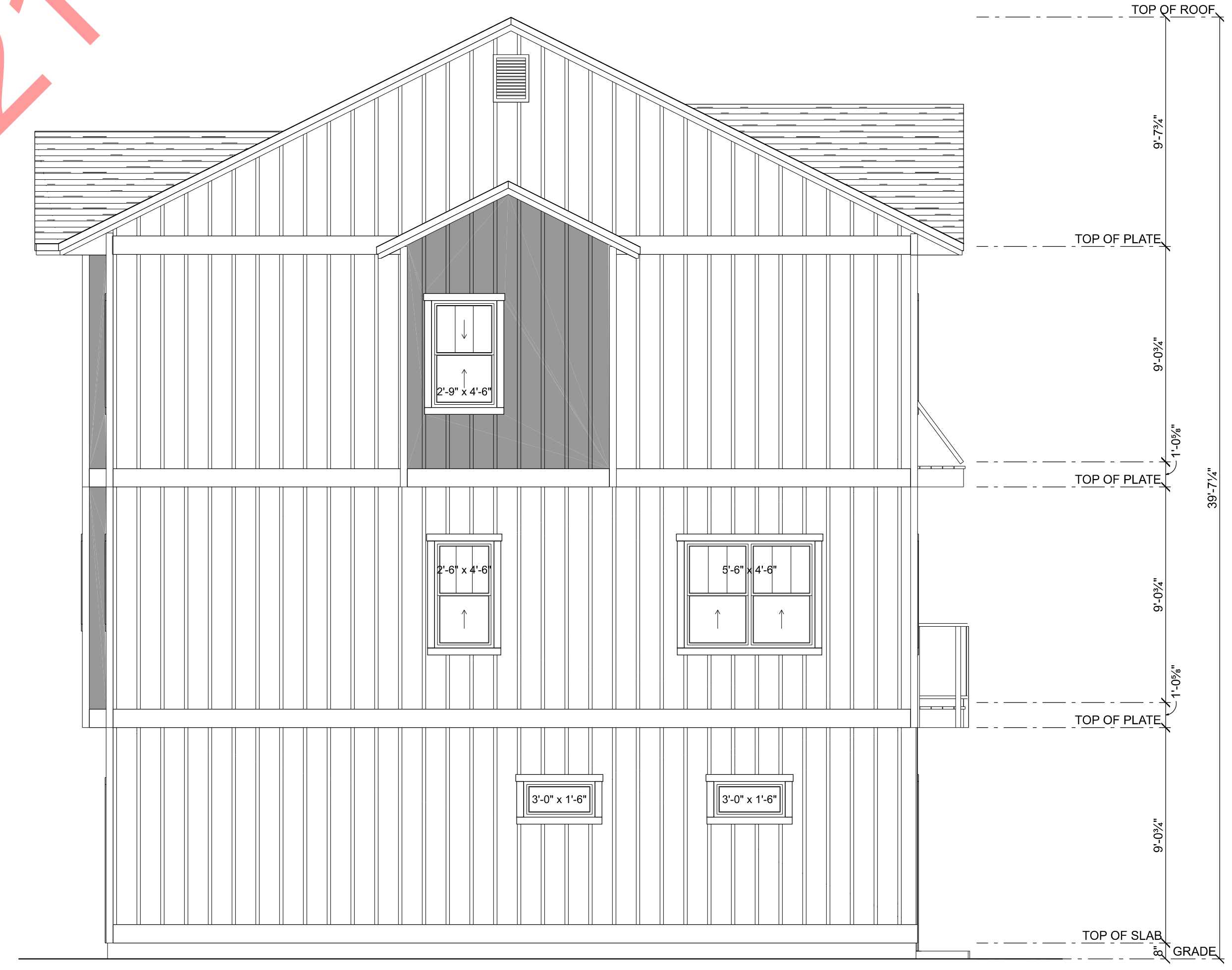
NORTH ELEVATION - BUILDING D
SCALE: 1/4" = 1'-0"



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



SOUTH ELEVATION - BUILDING D
SCALE: 1/4" = 1'-0"



EAST ELEVATION - BUILDING D
SCALE: 1/4" = 1'-0"

ELEVATIONS - BUILDING D

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd.
770 Argyle Street, Penticon, BC
DESIGN BY: L.V.L.
DRAWN BY: L.V.L.
DATE: 14 December 2021
REVISED: 17 June 2022

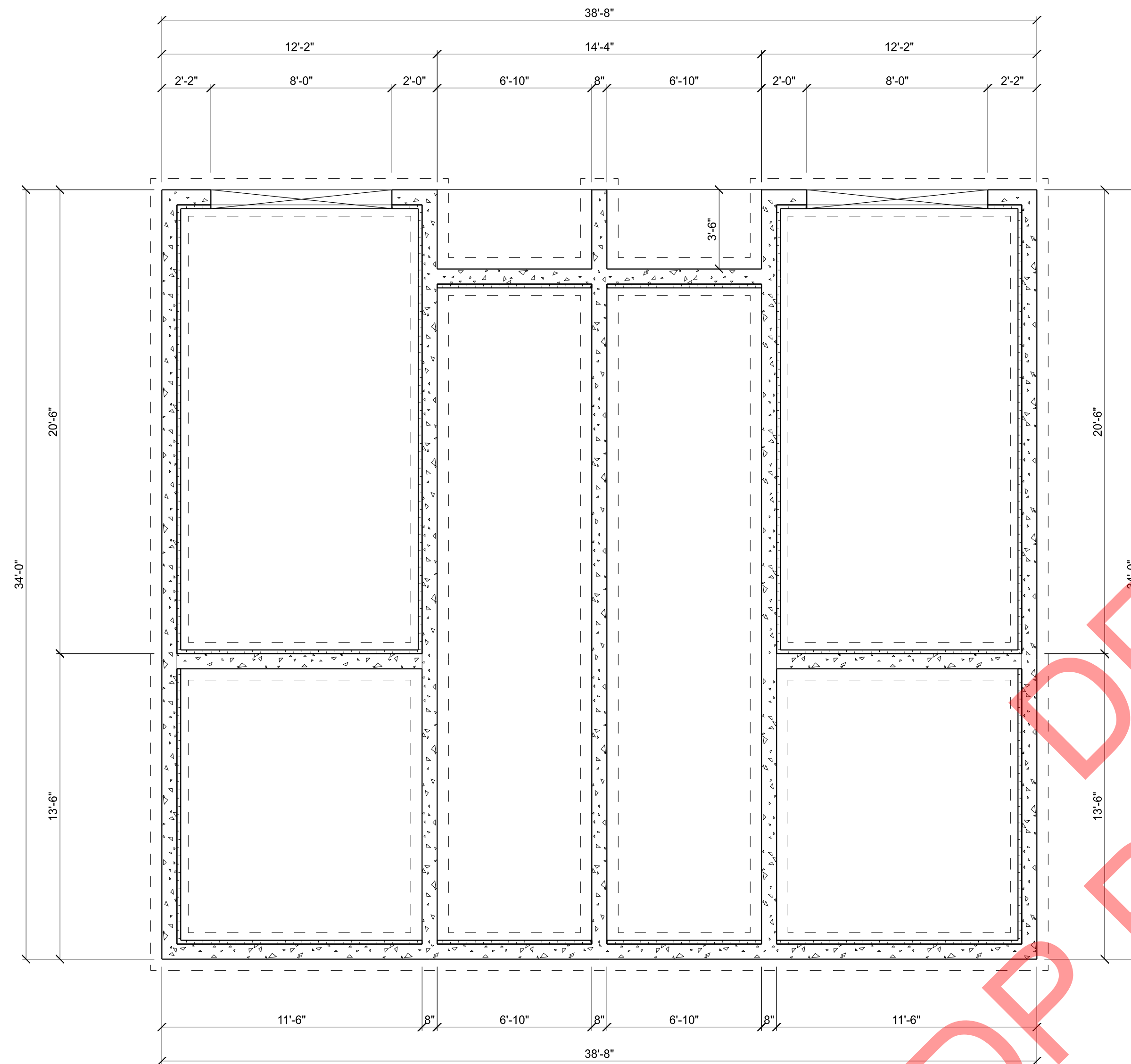
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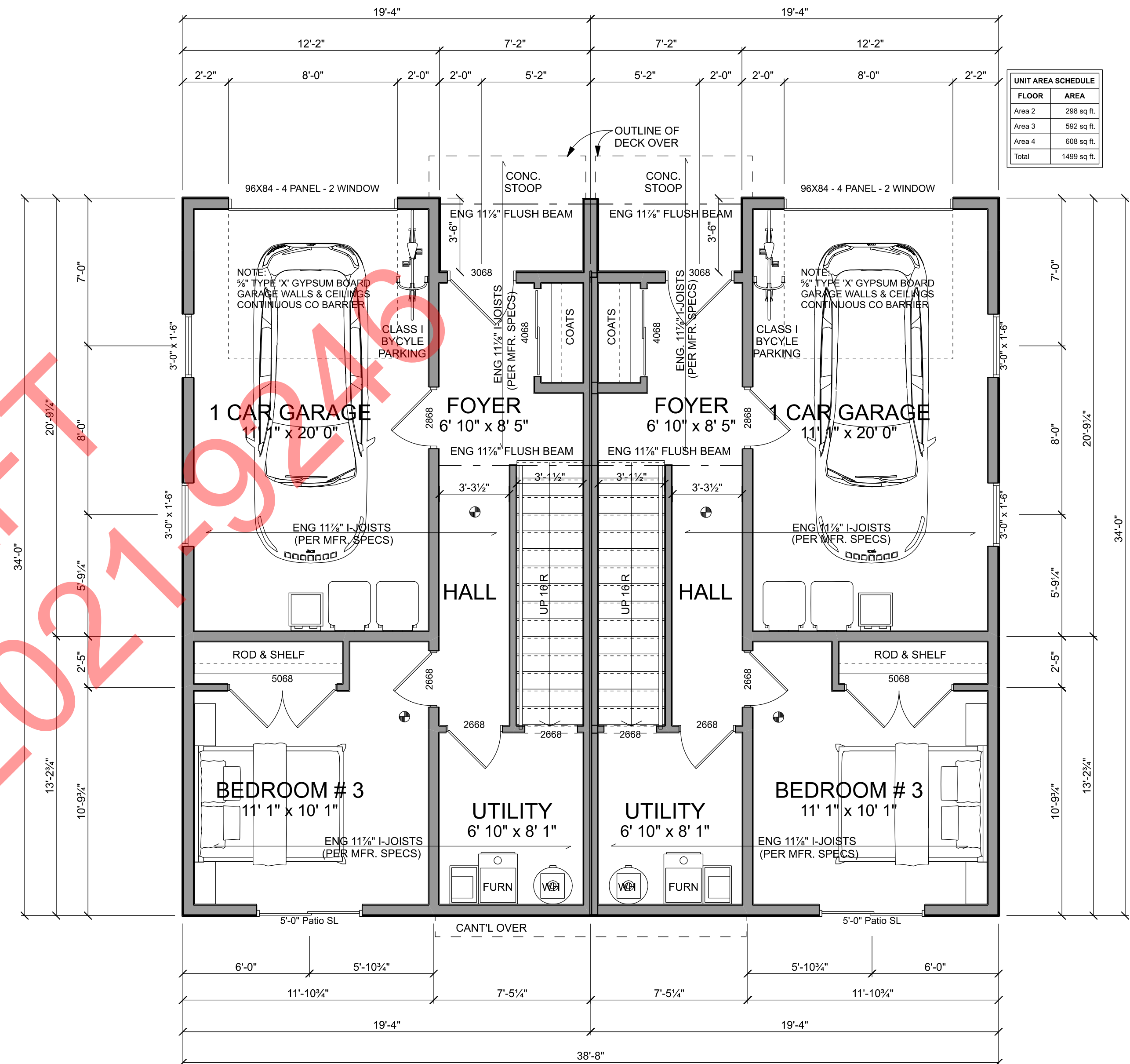
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FOUNDATION PLAN - BUILDING E
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN - BUILDING E
SCALE: 1/4" = 1'-0"

FLOOR	AREA
Area 2	286 sq. ft.
Area 3	582 sq. ft.
Area 4	608 sq. ft.
Total	1499 sq. ft.

FOUNDATION & MAIN FLOOR PLAN - BUILDING E

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd
770 Argyle Street, Peniticon, BC
DESIGN BY: L.W.L.
DRAWN BY: L.W.L.
DATE: 14 December 2021
REVISED: 17 June 2022

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PROJECT:
 5 Duplex Development
 Matt & Karen Properties Ltd
 770 Argyle Street, Peniticon, BC
 DESIGN BY: L.W.L.
 DRAWN BY: L.W.L.
 DATE: 14 December 2021
 REVISED: 17 June 2022

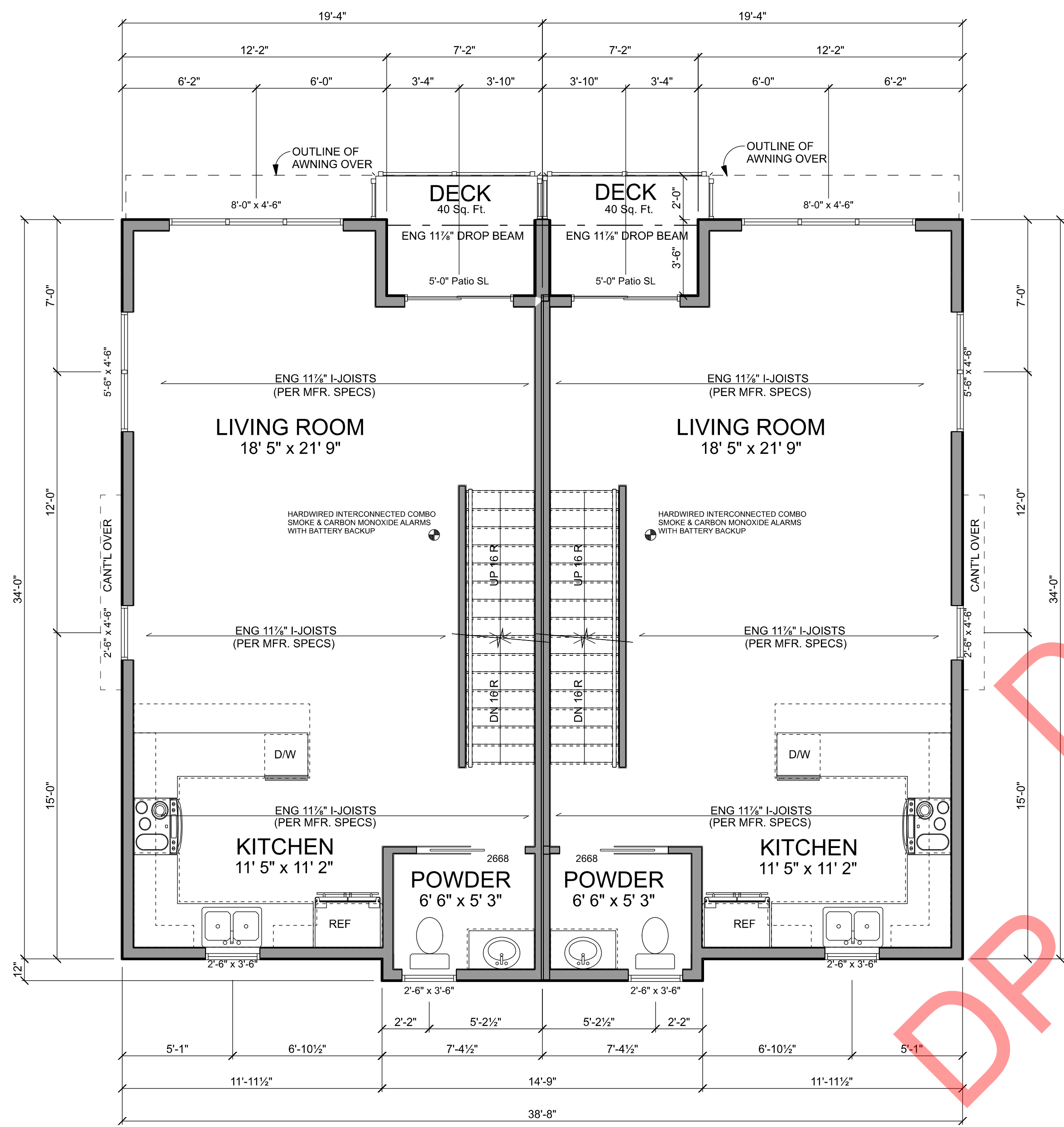
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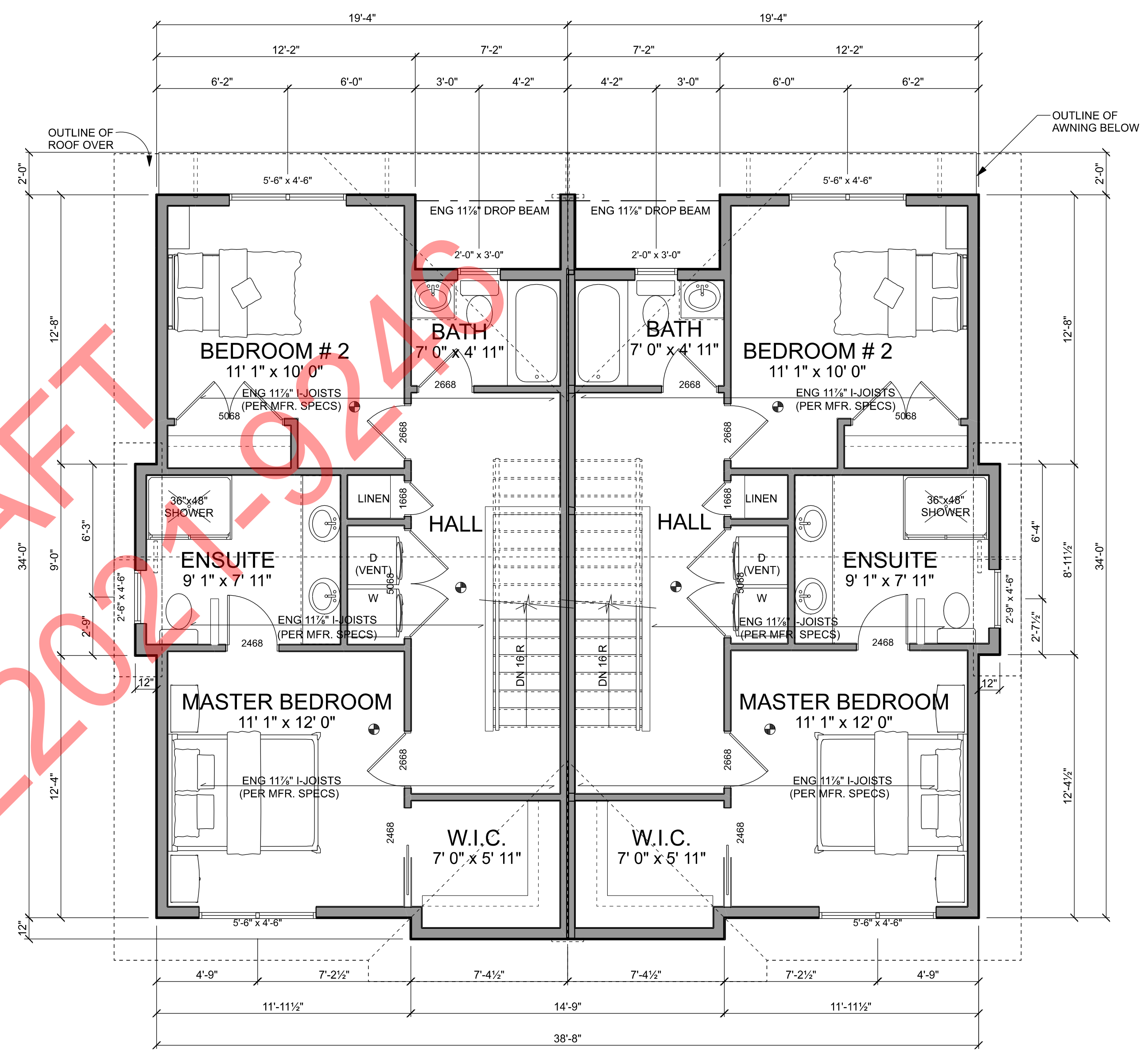
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SECOND FLOOR PLAN - BUILDING E
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THIRD FLOOR PLAN - BUILDING E
 SCALE: 1/4" = 1'-0"

SECOND & THIRD FLOOR PLANS - BUILDING E



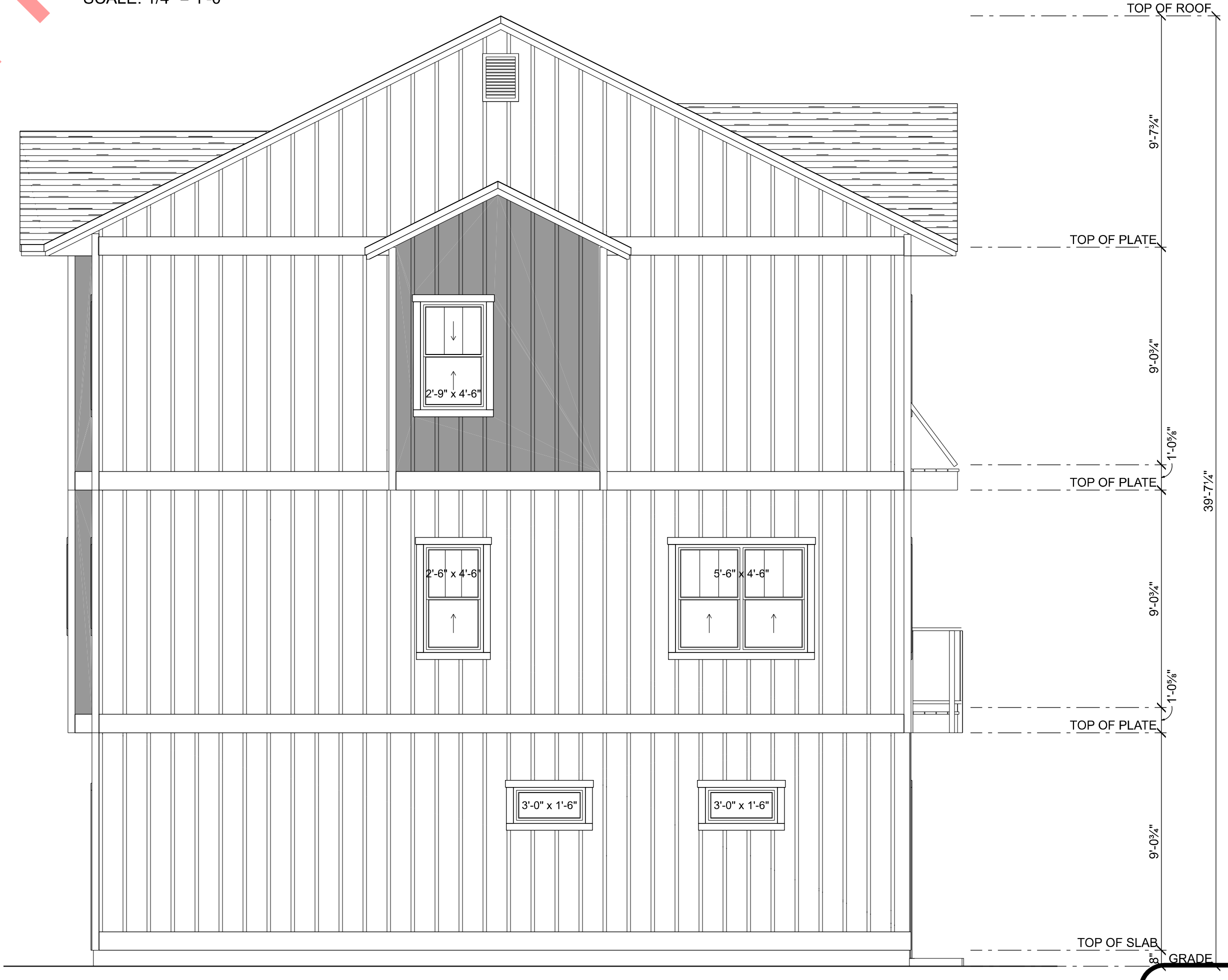
NORTH ELEVATION - BUILDING E
SCALE: 1/4" = 1'-0"



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



SOUTH ELEVATION - BUILDING E
SCALE: 1/4" = 1'-0"



EAST ELEVATION - BUILDING E
SCALE: 1/4" = 1'-0"

ELEVATIONS - BUILDING E

DRAFT
DP PL2021-9246

PROJECT:
5 Duplex Development
Matt & Karen Properties Ltd.
770 Argyle Street, Penticton, BC
DESIGN BY: LVL
DRAWN BY: LVL
DATE: 14 December 2021
REVISED: 17 June 2022

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PROJECT:
 5 Duplex Development
 Matt & Karen Properties Ltd.
 770 Argyle Street, Peniticon, BC
 DESIGN BY: L.V.L.
 DRAWN BY: L.V.L.
 DATE: 14 December 2021
 REVISED: 17 June 2022

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PLAN NO.
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RENDERINGS

The Corporation of the City of Penticton

Bylaw No. 2022-41

A Bylaw to Amend Official Community Plan Bylaw No. 2019-08

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend "Official Community Bylaw No. 2019-08";

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

1. Title:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2022-41."

2. Amendment:

"Official Community Plan Bylaw No. 2019-08" is hereby amended as follows:

2.1 To change the following designations as follows:

Amend Map 1: Future Land Use, by changing the future land use designation for Lot E District Lot 202 Similkameen Division Yale District and of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 584, located at 770 Argyle Street, from 'Detached Residential' to 'Ground Oriented Residential' as shown on Schedule 'A'.

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

READ A FIRST time this day of , 2022
A PUBLIC HEARING was held this day of , 2022
READ A SECOND time this day of , 2022
READ A THIRD time this day of , 2022
ADOPTED this day of , 2022

Notice of intention to proceed with this bylaw was published on the ___ day of ____, 2022 and the ___ day of ____, 2022 in an online news source and the newspaper, pursuant to Section 94.2 of the Community Charter.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

The Corporation of the City of Penticton

Bylaw No. 2022-42

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. 2022-42".

2. **Amendment:**

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

Rezone Lot E District Lot 202 Similkameen Division Yale District and of District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 584, located at 770 Argyle Street from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this	day of	, 2022
A PUBLIC HEARING was held this	day of	, 2022
READ A SECOND time this	day of	, 2022
READ A THIRD time this	day of	, 2022
ADOPTED this	day of	, 2022

Notice of intention to proceed with this bylaw was published on the ___ day of ____, 2022 and the ___ day of ____, 2022 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2022-42

Date:

Corporate Officer:

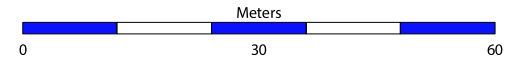


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July 12, 2022 2:14:56 PM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

Council Report



Date: July 19, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 744 Ross Avenue

File No: RMS/744 Ross Ave

Subject: Development Variance Permit PL2022-9354

Staff Recommendation

THAT Council approve “Development Variance Permit PL2022-9354” for Lot 15 District Lot 250 Similkameen Division Yale District Plan 8343, located at 744 Ross Avenue, a permit to vary Section 10.1.2.7.a of Zoning Bylaw 2021-01, to reduce the minimum exterior side yard from 3.0 m to 2.0 m, in order to facilitate the construction of an attached garage to the single family dwelling;

AND THAT Council direct staff to issue “Development Variance Permit PL2022-9354”.

Strategic Priority Objective

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

Proposal

The applicant is proposing to construct an addition to their existing house to allow for an attached garage (Figure 1). The existing house on the property has a carport accessed from Halifax St., which the applicant plans to demolish and create an attached garage in the same location. The access for the new proposed garage will be from Ross Ave. As such, the applicant has requested a variance to reduce the exterior side yard setback from 3.0 m to 2.0 m to allow for an addition to the existing house.

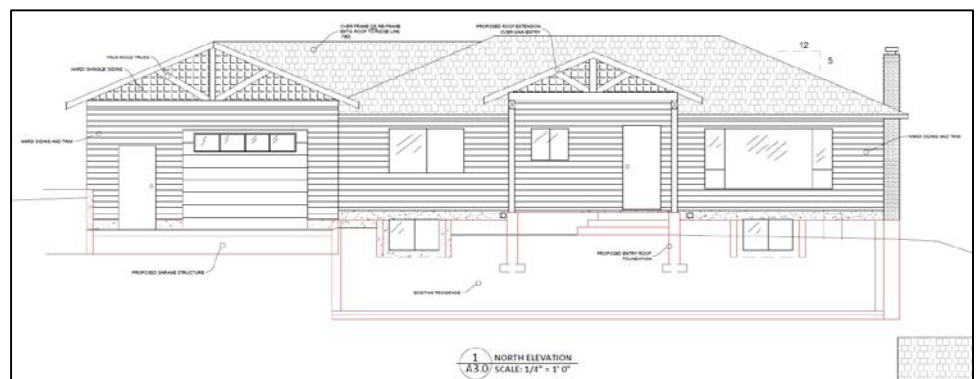


Figure 1 – Proposed Garage Addition

Background

The subject property is located on the south side of Ross Ave, at the corner of Halifax St. in a primarily residential neighbourhood (Figure 2). The property contains a single detached dwelling, which was constructed in 1959. The property is designated 'Detached Residential' by the Official Community Plan (OCP) and is zoned R1 (Large Lot Residential) in the Zoning Bylaw.

The applicant will be required to apply for a building permit for the proposed garage addition prior to construction, should Council approve the requested variance.

Climate Impact

The proposed development is an attached garage. An addition to an existing building such as the one proposed does not need to meet the BC Energy Step Code requirements. The applicant has indicated a desire to install EV charging capability in the new garage.

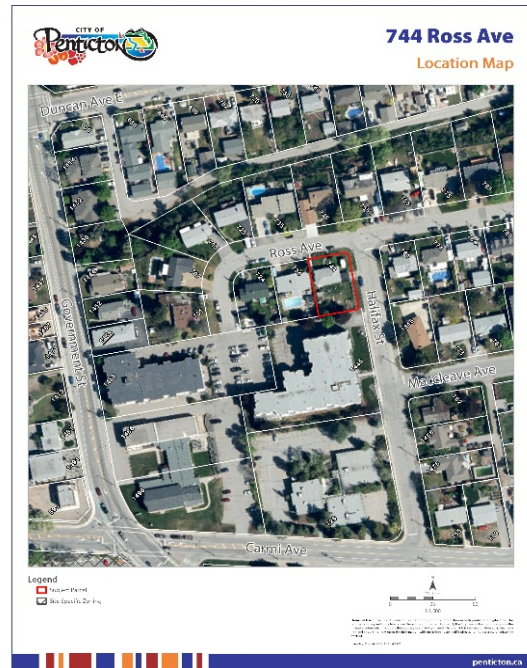


Figure 2 – Property Location Map

Technical Review

This application was reviewed by the Technical Planning Committee (TPC). The TPC raised comments related to the proposed driveway access. The applicant has requested to move the driveway from Halifax St., to Ross Ave. The applicant worked with the City of Penticton Development Engineering team to ensure compliance with the new access.

Development Statistics

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

	R1 – Large Lot Residential Requirement	Provided on Plans
Minimum Lot Width*:	18 m	21 m
Minimum Lot Area*:	560 m ²	849.8 m ²
Maximum Lot Coverage:	40%	18.3%
Required Setbacks		
Front Yard (Ross Ave):	6.0 m	6.2 m
Side Yard (Halifax St):	3.0 m	2.0 m – variance requested
Side Yard (west):	1.5 m	2.4 m
Rear Yard (south):	6.0 m	> 10.0 m
Maximum Building Height	10.5 m	5.2 m

Comments	*Lot width and lot area are only applicable at the time of subdivision.
-----------------	---

Analysis

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether there is a hardship that makes meeting the bylaw difficult or impossible, whether approval of the variance would cause a negative impact on neighbouring properties and if the variance request is reasonable. Staff have reviewed the requested variance and are recommending support for the variance for the following reasons:

1. The existing placement of the house does not provide enough room for a garage to meet the minimum side yard setback

The subject house was constructed in its location according to the rules of the day when the house was constructed in the late 1950s. The proposed addition will be in line with the existing south wall of the principal dwelling and replace an existing car port. There is not enough room in this location for the garage to meet the setback, creating a hardship that has required the application for a variance

2. The lot has a large boulevard area providing adequate setback from the structure to the street

Given the orientation of the home on the lot, and that the property is a corner lot, the setbacks on the property are more limiting than a standard mid-block lot. In this case, the boulevard area (the area from the edge of road to the property line) is in excess of 3m providing adequate distance from the structure to the street. This large boulevard helps achieve the intent of the bylaw.

3. No perceived impact on neighbouring properties

The existing house on the property is a single storey structure, and the addition proposed is also a single storey. In limiting to a single storey, impacts to the neighbours' privacy are anticipated to be lessened than a multi-storey addition would be. Further, there are no window openings on the east side of the proposed addition.

Given the above reasons, staff consider the variance request reasonable in this instance and recommend that Council direct staff to issue the permit.

Alternate Recommendations

Council, after considering any correspondence from impacted neighbours, may consider the requested variance is undesirable and that the applicants should build within the Zoning Bylaw regulations. If this is the case, staff recommend that the applicant be given the opportunity to address Council. Alternatively, Council may deny the application.

1. THAT Council, after hearing from the applicant deny "Development Variance Permit PL2022-9354".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – Draft Development Variance Permit PL2022-9354

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

Director of Development Services <i>BL</i>	GM of Infrastructure <i>KD</i>	Chief Administrative Officer DYD
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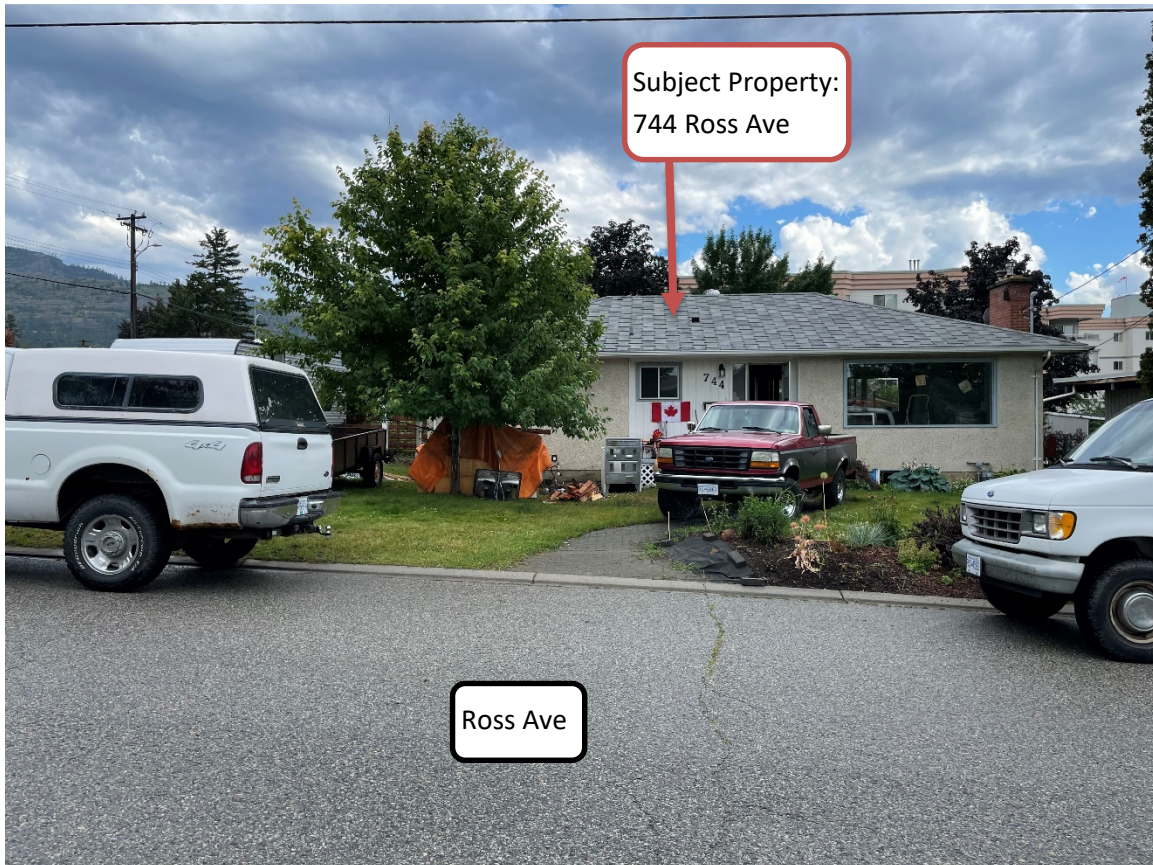
Attachment A – Zoning Map

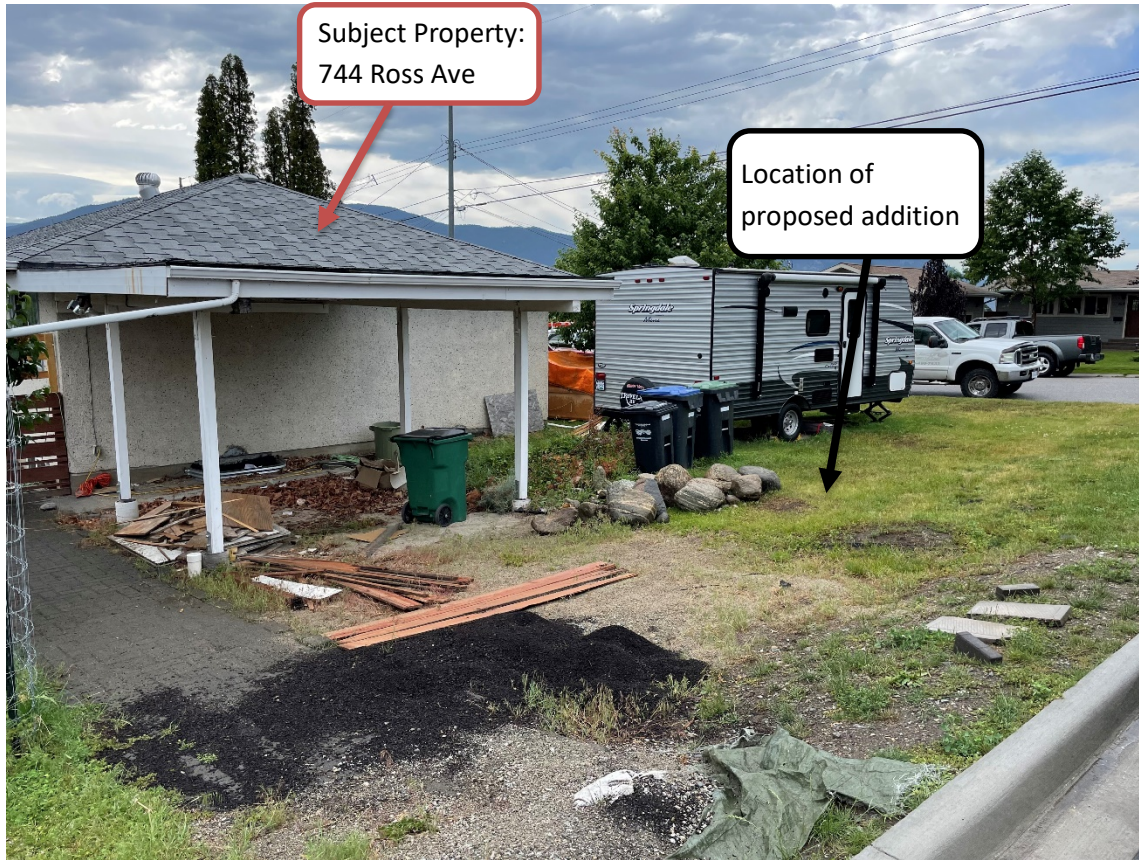


Attachment B – Official Community Plan Map



Attachment C – Photos of Property





Attachment D – Letter of Intent

744 Ross Ave, Proposed Garage Addition to Existing Residence Variance Application Letter of Intent

The intent of the development is to allow for a sufficiently wide garage to provide ample space for single vehicle parking and a work bench within the garage space and allow for additional storage space. In order to provide sufficient space we propose to reduce the exterior side yard setback from 3m to 2m

Currently there is an existing carport structure and driveway that were damaged during a previous flood caused by a city water main break dating back to 2016. The proposed garage area of the property is in need of a facelift to beautify the south-west corner of Ross Ave and Halifax Street.

The development of an adequately sized garage to allow for all three uses as noted above will prevent the need for an additional, detached workshop to be constructed in the rear of the property and construction of the attached garage will result in more green space than would otherwise be available if a smaller garage and detached workshop were constructed. Furthermore the property currently has two shed structures, the construction of the proposed garage will result in the removal of the older shed building, further adding to the useable rear yard space.

To minimize impacts to adjacent properties we proposed to level the grade between Halifax Street and the proposed garage to reduce the observable height of the building and also plan on constructing a small patch of green space along the East facing garage wall to provide partial vegetation cover of the structure. The construction of a level surface from Halifax Street will also work to reduce the flood risk to the existing residence located on-site as there have been past floods due to a previous water main break AND overland storm flow which has exceeded past capacity of City infrastructure.

Note: The City has undergone replacement of the aged water main and has increased the height of the curb along Halifax Street; however should any of the Catch Basins along Macleave Ave, Halifax Street, or Ross Ave become blocked during a major storm event the increased curb height may prove to not be sufficient.

Due to the installation of a box curb along Halifax street the access to our driveway (currently off our Halifax street frontage) has been blocked. This was done at our request to reduce the risk of future flood. The construction of the garage will result in a new driveway being constructed off of our Ross Ave frontage, where the flood risk is significantly reduced.

The construction of the addition of a garage would also allow us to complete our front and rear yard landscaping which is something we've been wanting to do for a while but have been holding off as we save up for / plan this garage addition.

During the construction of the garage addition we will also be replacing our exterior siding and changing the material from old, glass stucco (which is breaking and falling off the house) to Hardi board; which will significantly improve the aesthetics of the existing residence and boost the value of the neighbouring properties.

The proposed reduction in side yard setback from 3m to 2m from property line shall prove to not be a hardship to the neighbouring properties as we will still be providing 3m from a hypothetical projection

of the property line from the neighbouring apartment building along Halifax street (see attached site plan); as the setback to our property line from the road is greater than that of the property behind.

Due to the nature of the existing property line setback with respect to neighbouring properties current property line locations ample setback from the roadway and 'natural' boulevard is maintained.

Furthermore, for the intended use of the space if we were to construct a 'detached' garage; it would be able to be constructed to within 1.2m of the property line, and this proposal maintains a 2m side yard setback from property line.



Development Variance Permit

Permit Number: DVP PL2022-9354

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 250 Similkameen Divison Yale District Plan 8343
 - Civic: 744 Ross Avenue
 - PID: 007-788-754
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of an attached garage, as shown in the plans attached in Schedule 'A':
 - a. Section 10.1.2.7.a: to reduce the exterior side yard setback from 3.0 m to 2.0 m.

General Conditions

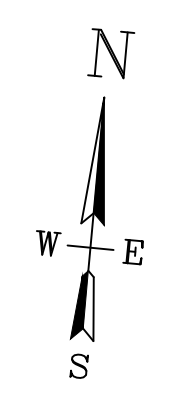
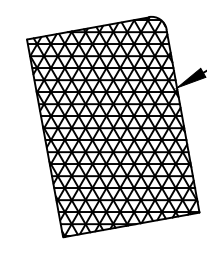
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence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

Authorized by City Council, the ____ day of July, 2022.

Issued this ____ day of July, 2022.

Angela Collison
Corporate Officer

SUBJECT PROPERTY



PROJECT INFO:
 PROJECT ADDRESS: 744 ROSS AVE, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 15, PLAN K49346, DL230 SIMIKAMEEN DIV OF YALE

ZONING BYLAW:

NUMBER OF STOREYS:	2			
EXISTING BUILDING AREA A:	1100 SQ. FT (102.20m ²)			
PROPOSED BUILDING AREA:	590 SQ. FT (41.57m ²)			
PROPOSED FINISHED BUILDING AREA:	1690 SQ. FT (157m ²)			
SITE ZONING:	R1			
LOT AREA:	9147.6 SQ. FT (849.8m ²)			
	ALLOWABLE	EXISTING	PROPOSED	TOTAL
• MAX. LOT COVERAGE:	40.0%	12.0%	6.5%	18.5%
• MIN. FRONT YARD:	6.0m	8.0m	2.01m	
• EXTERIOR SIDE YARD:	3.0m	3.0m	2.01m	
• INTERIOR SIDE YARD:	1.50m	2.40m	2.40m	
• MIN. REAR YARD:	6.0m	19.60m	19.60m	
• BUILDING HEIGHT:	10.50m	5.03m	5.03m	

PROPOSED FLOOR AREA(S):
 EXTG. RESIDENCE: 2050M² (190.45m²)
 GARAGE ADDITION: 590M² (41.57m²)
 EXTG. FINISHED LIVING SPACE: 2050M² (190.45m²)

1 SITE PLAN
 A0.1 SCALE: 1/8" = 1' 0"

Copyright Reserved. This plan and design are, and at all times remain, the exclusive property of Equilibrium Engineering Ltd. Contractors shall verify and be responsible for all dimensions and conditions on the project and immediately notify Equilibrium Engineering of any variations from the dimensions and conditions shown on the drawings.

DRAWING LIST

A0.1	SITE PLAN & NOTES
S1.0	STRUCTURAL GENERAL NOTES
A1.0	FOUNDATION PLAN & DETAILS
A2.0	GARAGE PLAN
A3.0	ELEVATIONS
A3.1	SECTION & GENERAL BLDG NOTES

05/11/22	SR	SR	TPC UPDATE
05/05/22	SR	SR	DRIVEWAY DIMENSION UPDATE
04/22/22	SR	SR	FOR VARIANCE PERMIT / FOR BUILDING PERMIT
No	DATE	DRN/CHK	DESCRIPTION

ISSUES/REVISIONS

SEAL:

PERMIT TO PRACTICE: #1002401

EQUILIBRIUM
 ENGINEERING
 #176-48 INDUSTRIAL AVE W. 250-770-9010
 PENTICTON, BC, V2A 6M2 www.eqengineering.ca

CLIENT:
 STEVEN & CHANTEL REEMS

PROJECT NAME:
 GARAGE ADDITION
 744 ROSS AVE, PENTICTON, BC

DRAWING TITLE:
 SITE PLAN & NOTES

SCALE: *AS SHOWN	DATE: MAY 31, 2022
DESIGN BY: SR	DRAWN BY: SR
CHECKED BY: SR	PROJECT No.: 17-000
DRAWING No.: A0.1	SHEET: 1 of 6 REV.: 0b

Council Report

penticton.ca

Date: July 19, 2022 File No: RMS/747 Revelstoke Ave
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 747 and 755 Revelstoke Avenue

Subject: **Zoning Amendment Bylaw No. 2022-43**
Development Permit PL2022-9335 (747 Revelstoke Avenue)
Development Permit PL2022-9336 (755 Revelstoke Avenue)

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-43", for Lot 49 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 and Lot 48 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 747 and 755 Revelstoke Avenue respectively, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane);

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-43" to the August 16, 2022 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-43", approve "Development Permit PL2022-9335", for Lot 49 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 747 Revelstoke Avenue, a permit to approve the form and character of a duplex;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-43", approve "Development Permit PL2022-9336", for Lot 48 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 755 Revelstoke Avenue, a permit to approve the form and character of a duplex.

AND THAT Council direct staff to issue "Development Permit PL2022-9335" and "Development Permit PL2022-9336".

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 one two-storey, back-to-back duplex on each subject property (Figure 1). In order to proceed with the proposed development, the applicant has requested to rezone the properties from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane).

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



Figure 1 - Conceptual Rendering of Proposed Developments

Background

The subject properties are currently zoned R2 (Small Lot Residential) and are designated as 'Ground Oriented Residential' by the Official Community Plan (OCP). The subject properties contain a single family

home that was constructed in the 1940's, which straddles the two properties. The surrounding area is primarily residential with a mix of building types including single family homes, duplexes, and rowhouses. The property is within walking distance of Okanagan College and Kings Park, providing ample greenspace for future tenants and residents. The property is also located within close proximity of the South Okanagan Events Centre, Community Centre and Queen's Park Elementary.

Climate Action

The proposed development has two units proposed on each subject property. This increases densification in a core area of the City of Penticton. The subject properties are located close to Railway St, where there is a transit stop within walking distance which will allow residents and tenants to be less dependent on their vehicles. The South Okanagan Events Centre, Okanagan College, and Okanagan Lake are also in close proximity, promoting walkability. No bicycle parking is required as per the Zoning Bylaw, and none has been provided for this proposed development. The buildings will be required to meet Step 3 of the BC Energy Step Code. Step 3 requires new builds to be at minimum 20% more efficient, with a goal of being Net Zero Ready for new construction by 2032.



Figure 3 – Property Location Map

Technical Review

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

Development Statistics

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

	RD2 Zone Requirement	Provided on Plans Per Lot
Minimum Lot Width*:	9.1 m	9.14 m
Minimum Lot Area*:	275 m ²	293.4 m ²
Maximum Lot Coverage:	40%	39.3 %
Maximum Density:	0.95 Floor Area Ratio (FAR)	0.8 Floor Area Ratio (FAR)
Vehicle Parking:	Total Required: 2 spaces per property	Total Provided: 2 spaces per property
Required Setbacks		
Front Yard (Revelstoke Ave):	4.5 m	4.5 m
Interior Side Yard (east):	1.5 m	1.54 m
Interior Side Yard (west):	1.5 m	1.5 m

Rear Yard (north):	6.0 m	8.31 m
Maximum Building Height	10.5 m	8.1 m
Other Information:	*Lot width and lot area are only applicable for subdivision applications.	

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is ‘Ground Oriented Residential’, which supports medium density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas (Figure 1). Duplexes with suites, cluster housing and fourplexes are some of the building types envisioned in this designation. The applicant is proposing to construct a front-to-back duplex on each property. The development and density proposed on the property are aligned with the vision of properties designated within the ‘Ground Oriented Residential’ designation.

In addition to alignment with the future land use designation, staff consider that the proposed zoning amendment will also allow for a development that is supported through the following OCP Goals and Policies:

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- OCP Goal 4.1.3 Housing Diversity
Ensure a range of housing types, sizes, tenures and forms exist throughout the city to provide housing options for all ages, household types, and incomes.
- OCP Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- OCP Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- OCP Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
- OCP Policy 4.2.2.5 Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
- OCP Policy 4.2.7.8 Ensure new residential developments provide an appropriate amount of parking for residents and guests.

Staff consider that the application proposes an appropriately scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed rezoning to RD2 to allow a

total of 2 dwelling units on each property is consistent with the increased density and building forms envisioned by the 'Ground Oriented Residential' designation.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first reading to "Zoning Amendment Bylaw No. 2022-43", and forward the bylaw to the August 16, 2022 Public Hearing to gather comments and feedback from the public.

Support Development Permit

The proposed development is considered within the Intensive Residential Development Permit Area of the OCP, which is established to manage form and character that strengthens livability, neighbourliness, and visual interest. The proposed development has been designed with the OCP design guidelines in mind. The development proposes a density that is aligned with the Ground Oriented Residential designation and provides a design that meets all Zoning Bylaw regulations for setbacks, parking, and is well within the allowable building height.

Staff have completed a development permit analysis (Attachment 'D') that shows how the development conforms to the applicable design guidelines. The applicant has also provided an analysis within their letter of intent (Attachment 'E'), which outlines the project and its conformance to the OCP design guidelines.

As such, staff recommend that Council consider approving the Development Permits after adoption of the Zoning Amendment Bylaw.

Alternate Recommendations

Council may consider that while the zoning amendment is aligned with the OCP by increasing density in a desirable area of the city, the development as proposed does not fit the character of the neighbourhood. If this is the case, Council may choose the alternate recommendation.

1. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2022-43".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)

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

Attachment F – Draft Development Permit PL2022-9335

Attachment G – Draft Development Permit PL2022-9336

Attachment H – Zoning Amendment Bylaw No. 2022-43

Respectfully submitted,

Jordan Hallam
Planner I

Concurrence

Director of Development Services <i>BL</i>	General Manager of Infrastructure <i>KD</i>	Chief Administrative Officer DyD
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Attachment A – Zoning Map



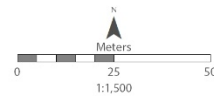
747 and 755 Revelstoke Ave

Zoning Map



Legend

- Subject Parcel
- R2 - Small Lot Residential
- C8 - Vehicle Service Station
- Site Specific Zoning
- RD2 - Duplex Housing: Lane
- M1 - General Industrial
- RM2 - Low Density Multiple Housing
- P1 - Public Assembly
- C4 - General Commercial
- P2 - Parks and Recreation
- C7 - Service Commercial



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Friday, April 22, 2022 3:55:57 PM

Attachment B – Official Community Plan Map



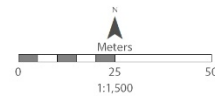
747 and 755 Revelstoke Ave

OCP Map



Legend

- Subject Parcel
- Site Specific Zoning
- Future Land Use
- Ground Oriented Residential
- Institutional and Civic
- Commercial
- Parks



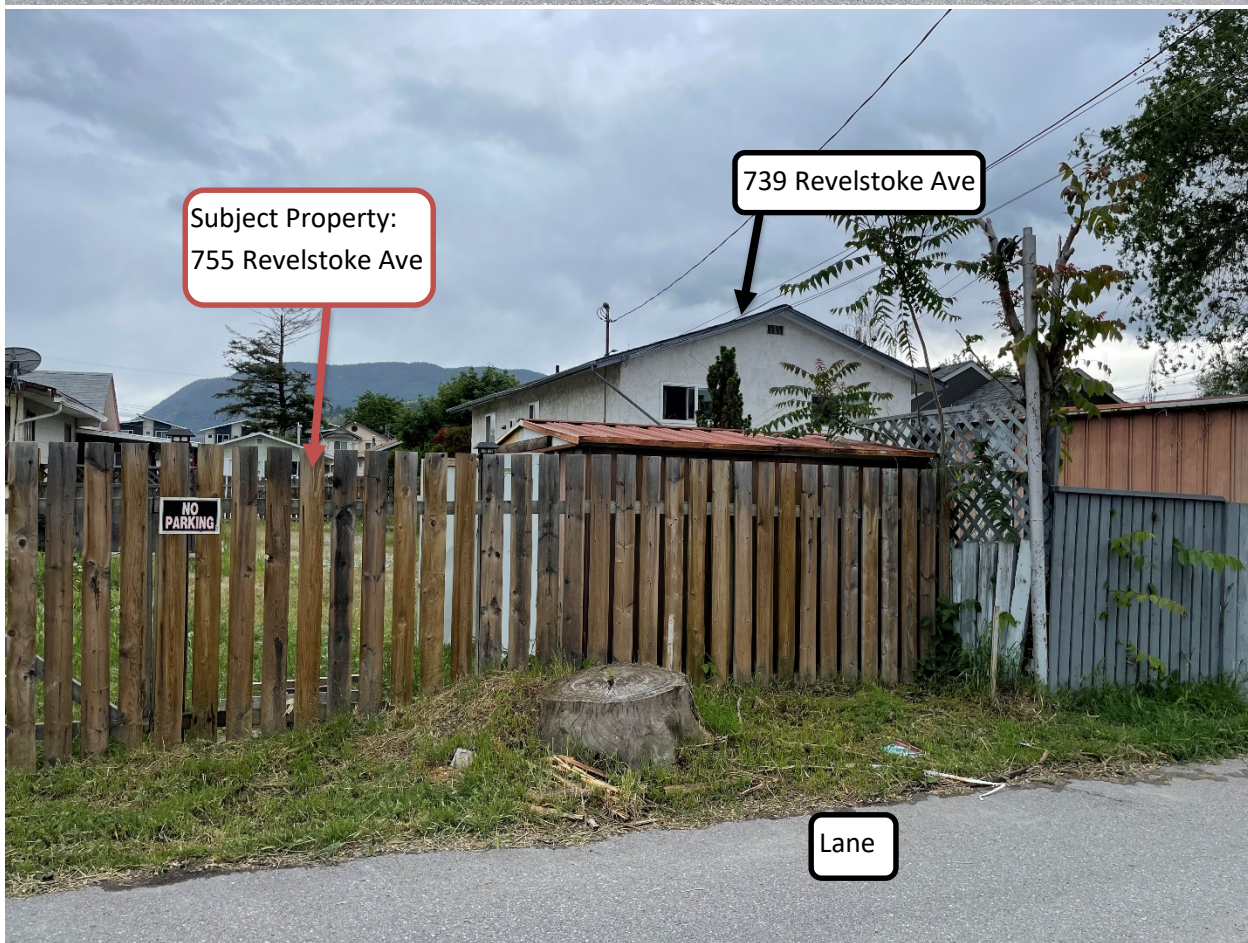
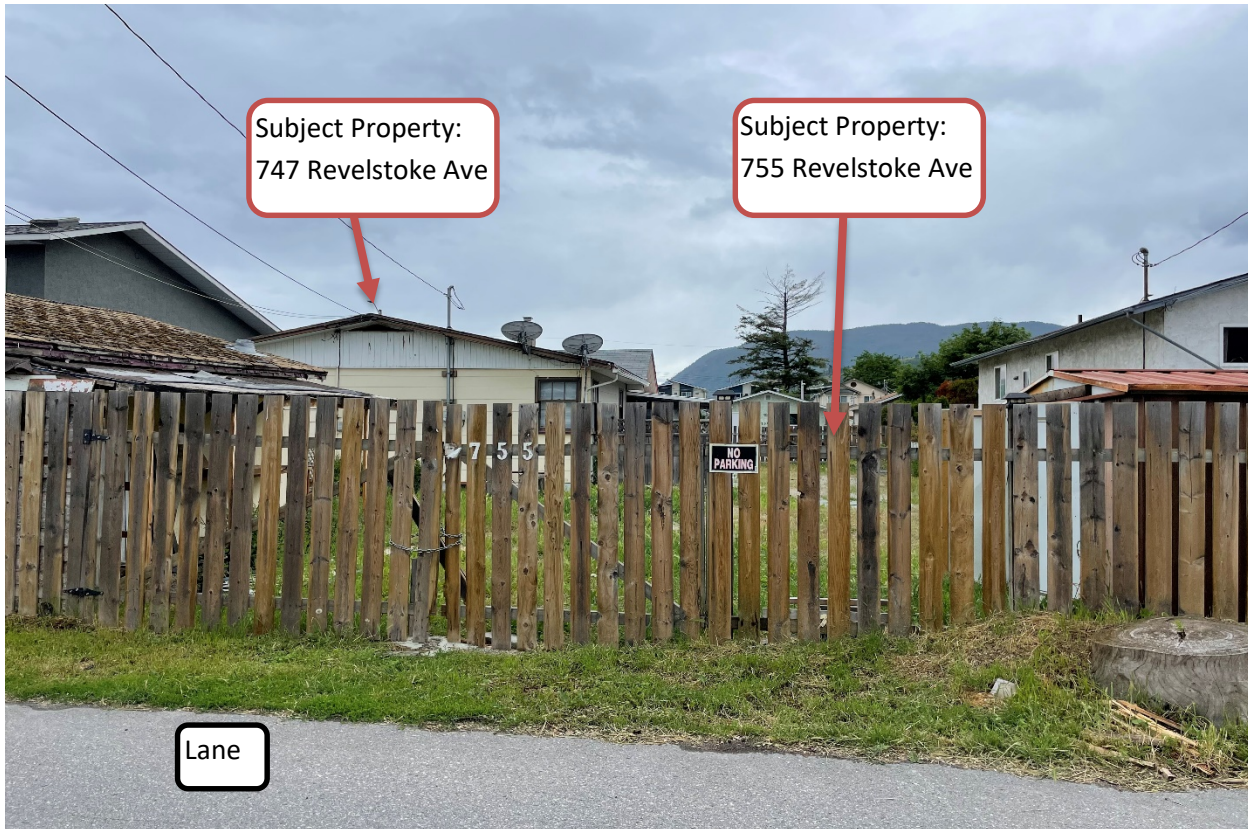
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Friday, April 22, 2022 3:55:16 PM

penticton.ca

Attachment C – Photos of Property





Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.

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

- The applicant has located the proposed building at the minimum required 4.5m front yard setback, which helps to maintain a connection with the street. They have proposed a front door on each unit closest to Revelstoke Ave that faces the street to add a pedestrian scale to the development.

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 proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain ‘eyes on the street’ by keeping sightlines open from private property to the public streetscape.

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

- Sidewalks on either side of the development provide pedestrian access from the street to the units located off of the laneway.

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

- The proposed development provides each unit with a porch that either looks south to Revelstoke Ave or to the laneway. Having outdoor amenity areas overlooking the street and laneways helps to maintain security of these areas.

Guideline G33 Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching

- The proposed development includes a landscaping plan that provides adequate and appropriate designs.
- The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering and utilizes a drip system.

Guideline G35 Tree planting...

- Trees and shrubs have been provided at the front and rear of the property. Additionally there are trees and shrubs separating the units as well along the property line of each subject property.

Guideline IR1 Building siting

- *The primary building's front setback should be no greater than 6.0 m so that homes engage with the street.*
- The proposed developments are both setback 4.5 m from the property line. This allows both proposed duplexes to engage with the street on Revelstoke Ave.

Guideline IR2 Intensive residential (infill) development should offer a diversity of housing to support objectives related to affordability and ageing in place.

- The proposed developments will offer entry into the housing market for residents from a wide variety of financial backgrounds.
- The proposed developments have entrances that do not include stairs, allowing for residents and tenants to age in place.

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



April 6, 2022

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

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

Re: 747 & 755 Revelstoke Avenue Rezoning & Development Permit Application

To City of Penticton Mayor, Council, and Planning Department,

This letter is regarding the proposed rezoning and development of the properties located at 747 & 755 Revelstoke Avenue. Both properties are currently zoned R2 (Small Lot Residential).

The proposal is to rezone the two properties to RD2 (Duplex Housing Lane) and build one duplex on each property, for a total of 2 residences per property. Access to the development is both from Revelstoke Avenue and from the rear lane. Each unit has designated parking accessed from the rear lane. The duplex units will be modest in size and will provide much needed family housing close to schools, parks, the Community Centre 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 fourplexes, higher density rowhouses, Townhouses and stacked townhouses.

We believe the project meets the intent of providing modest densification to an area of town that has a mix of single-family dwellings, duplexes, and townhouses.

Thank you for considering our proposal.

Best regards,

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

747 & 755 Revelstoke Avenue: 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 which are only minutes walking distance away. City Bus stops are also located nearby, allowing easy access to transit.

PARKING

Each unit has designated parking accessed from the lane. 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. Two trees per lot will be planted providing shade during the summer and sunlight during the winter as the leaves fall. Green spaces have been provided to create a parklike setting in the front yards with attractive landscaping that is low maintenance and designed for the Okanagan climate.

ORIENTATION & MASSING

Each unit has its own entry door with a covered porch to improve street appeal. The duplexes are Modern style, two-storey buildings and will suit the neighbourhood which is comprised of single-family dwellings, duplexes, and townhouses of varying size. At 8.12 meters tall the building is under the 10.5 m maximum height allowance.

LANDSCAPING (ENHANCING THE URBAN FOREST)

The landscaping plan for the development includes the planting of four trees around the property. Generously sized planting beds create a pleasing aesthetic and curb appeal for the development and a pleasant environment for occupants. In minimal selected areas river rock is used to provide a clean, easily maintained space where garbage and recycling containers are kept behind privacy fence. In the front yard of the development, grassy areas are planned to create appealing green spaces.

WASTE MANAGEMENT

Garbage and recycling and yard waste collection is provided by individual waste containers placed on concrete pads in the rear yards which are accessed by gates and enclosed with privacy fencing.

FENCES

6' high wood privacy fences will be installed along side-yard property lines and will reduce in height to 4' within the front-yard setback.

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.

Development Permit

Permit Number: DP PL2022-9335

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 49 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton)
District Plan 1049
 - Civic: 747 Revelstoke Ave
 - PID: 011-796-774
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a front to back duplex as shown in the plans attached in Schedule 'A'.

General Conditions

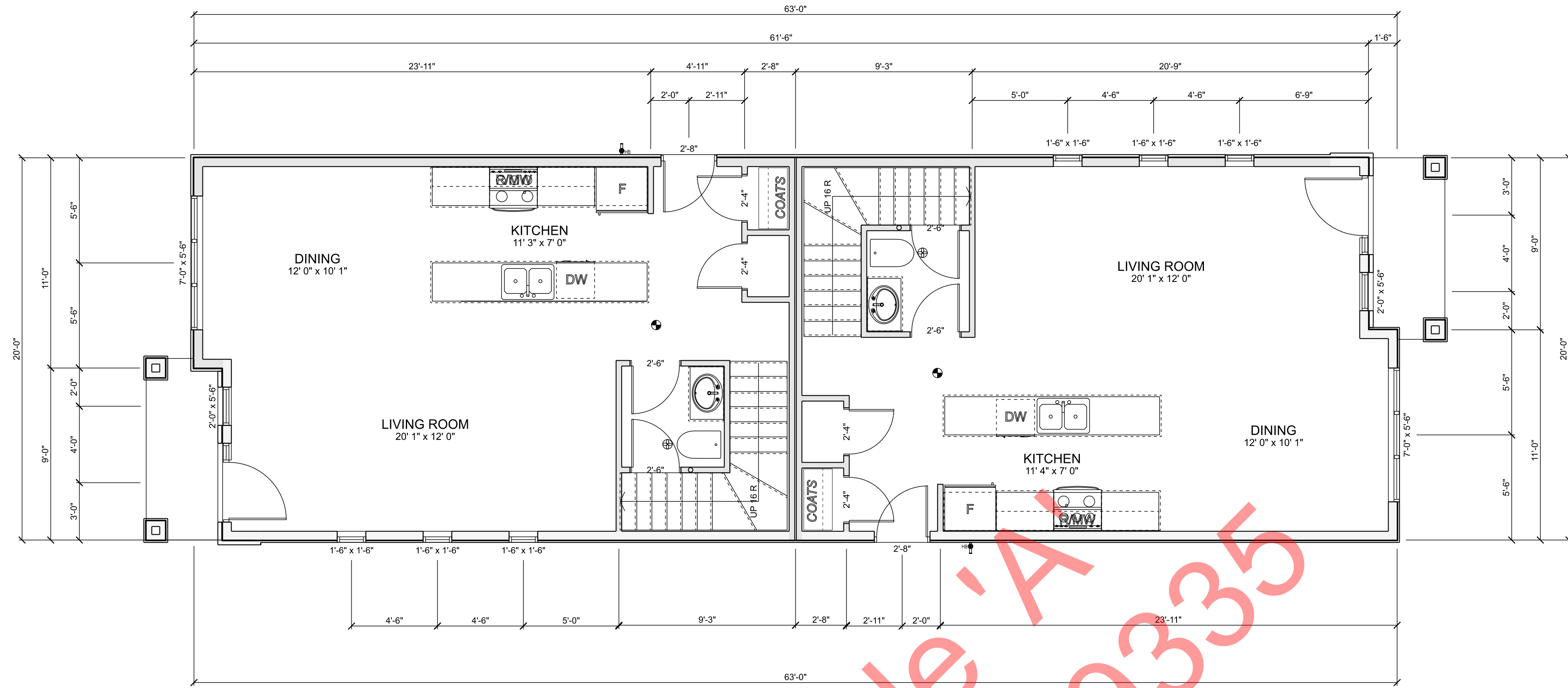
4. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not 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.
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Authorized by City Council, the ____ day of July, 2022.

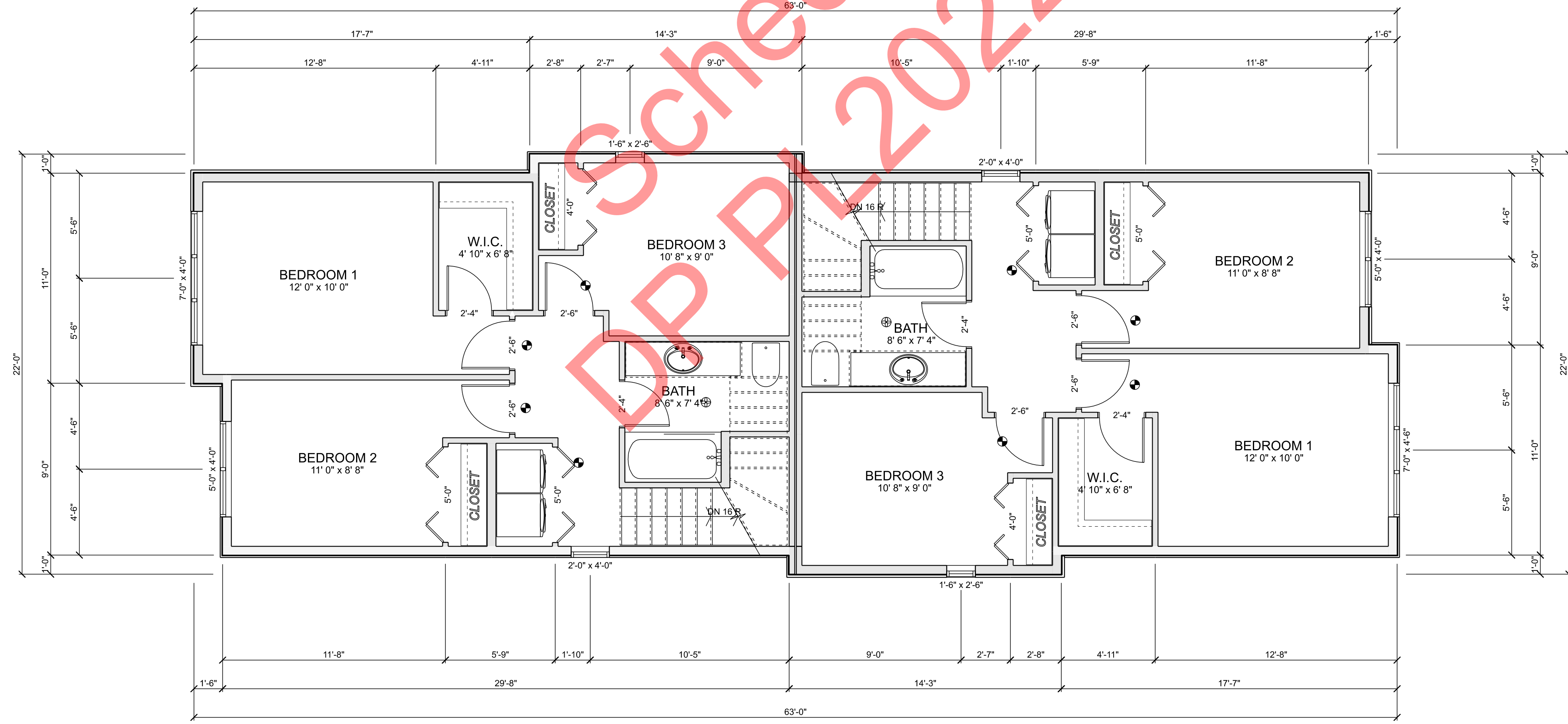
Issued this ____ day of July, 2022.

Angela Collison
Corporate Officer

DRAFT



MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 TOTAL MAIN FLOOR AREA: 1145.9 sq ft.



SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 TOTAL SECOND FLOOR LIVING AREA: 1192.9 sq ft.

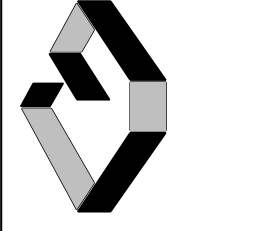
Schedule 'A'
 DP PL 2022-9335

GUNPREET SINGH
 747 REVELSTOKE AVE.
 PENTICTON, BC

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 any other purpose. The drawings are not to be used for any other purpose.
 not entitle the buyer with license to construct more than one dwelling unit.

Due to local codes, regulations and building practices under because of specific
 site conditions, these drawings may not be suitable or legal for use in the
 construction of a building in all localities. Consequently, these drawings are not to
 be used for the construction of a building in any locality without the approval of
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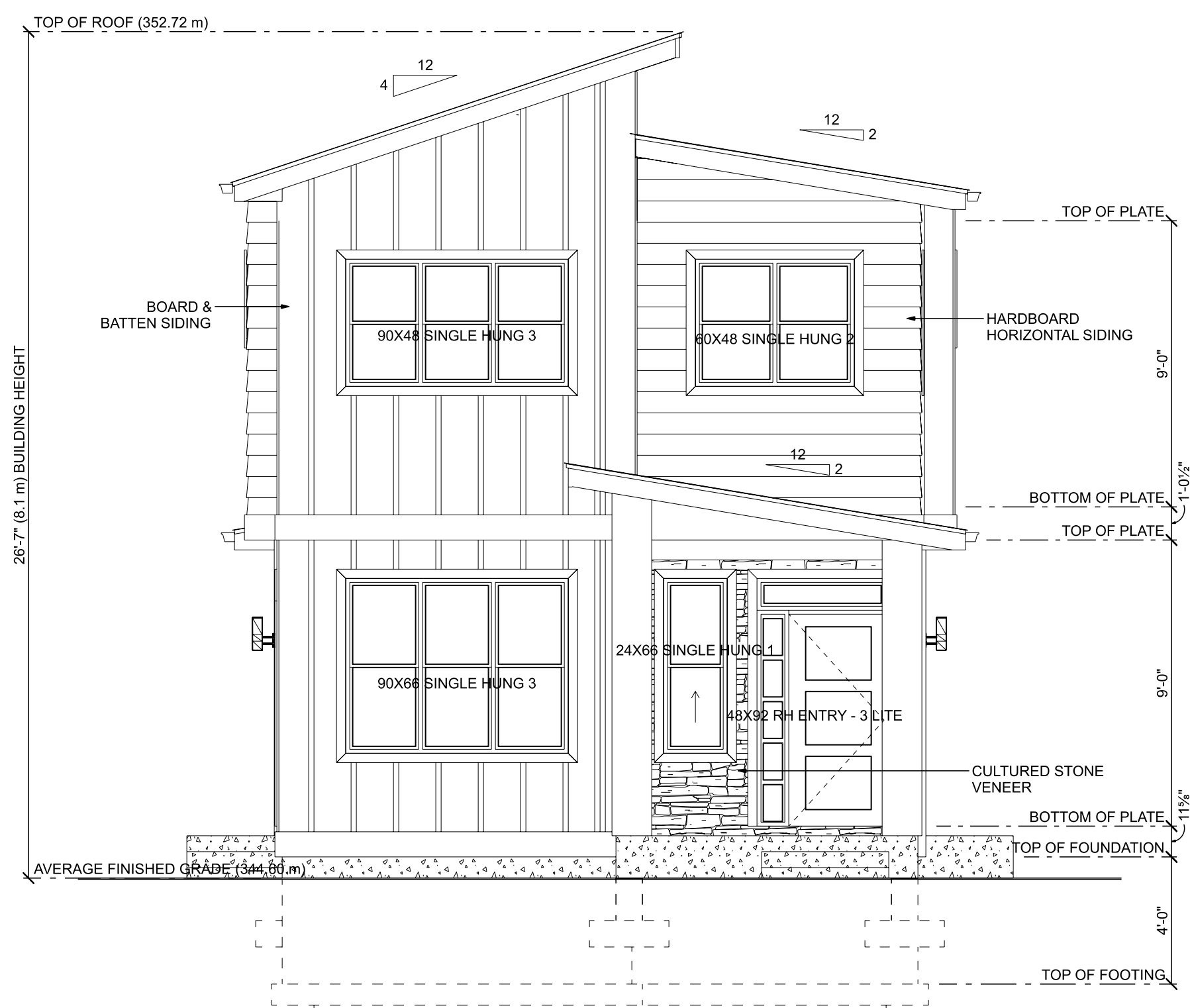


PLAN NO.
WP-5734-A
 SLAB
 SHEET NO.
A3

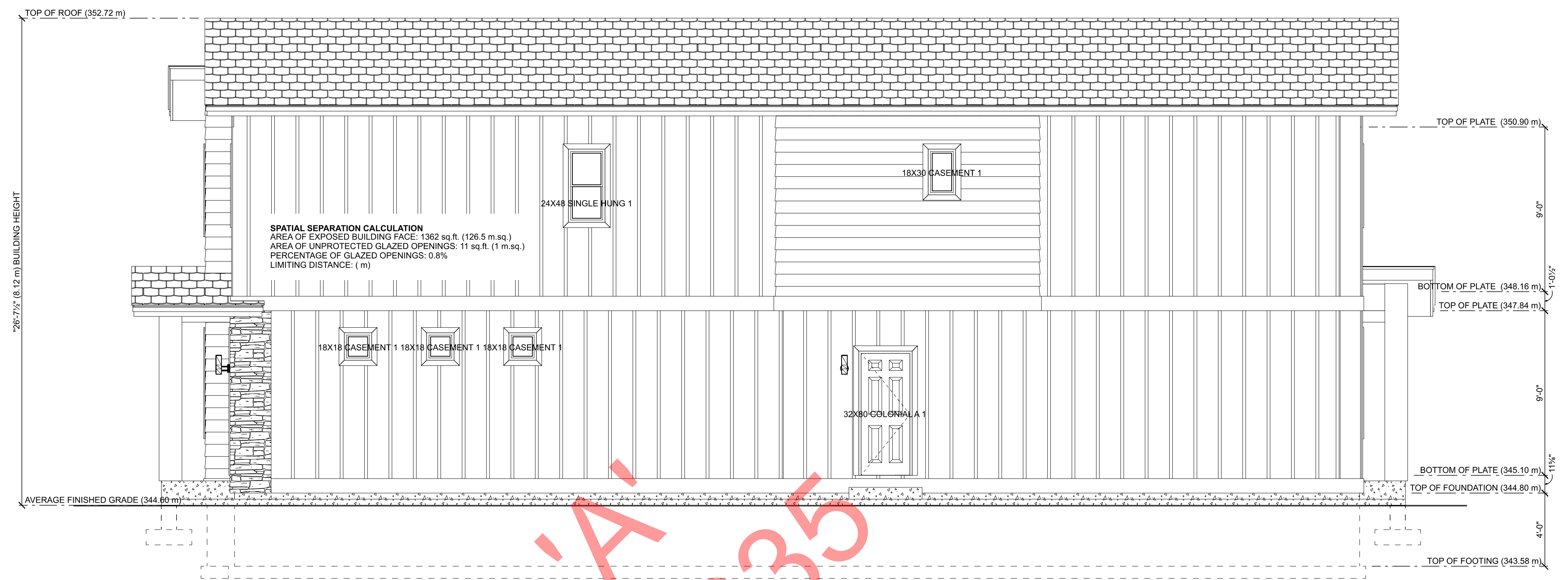
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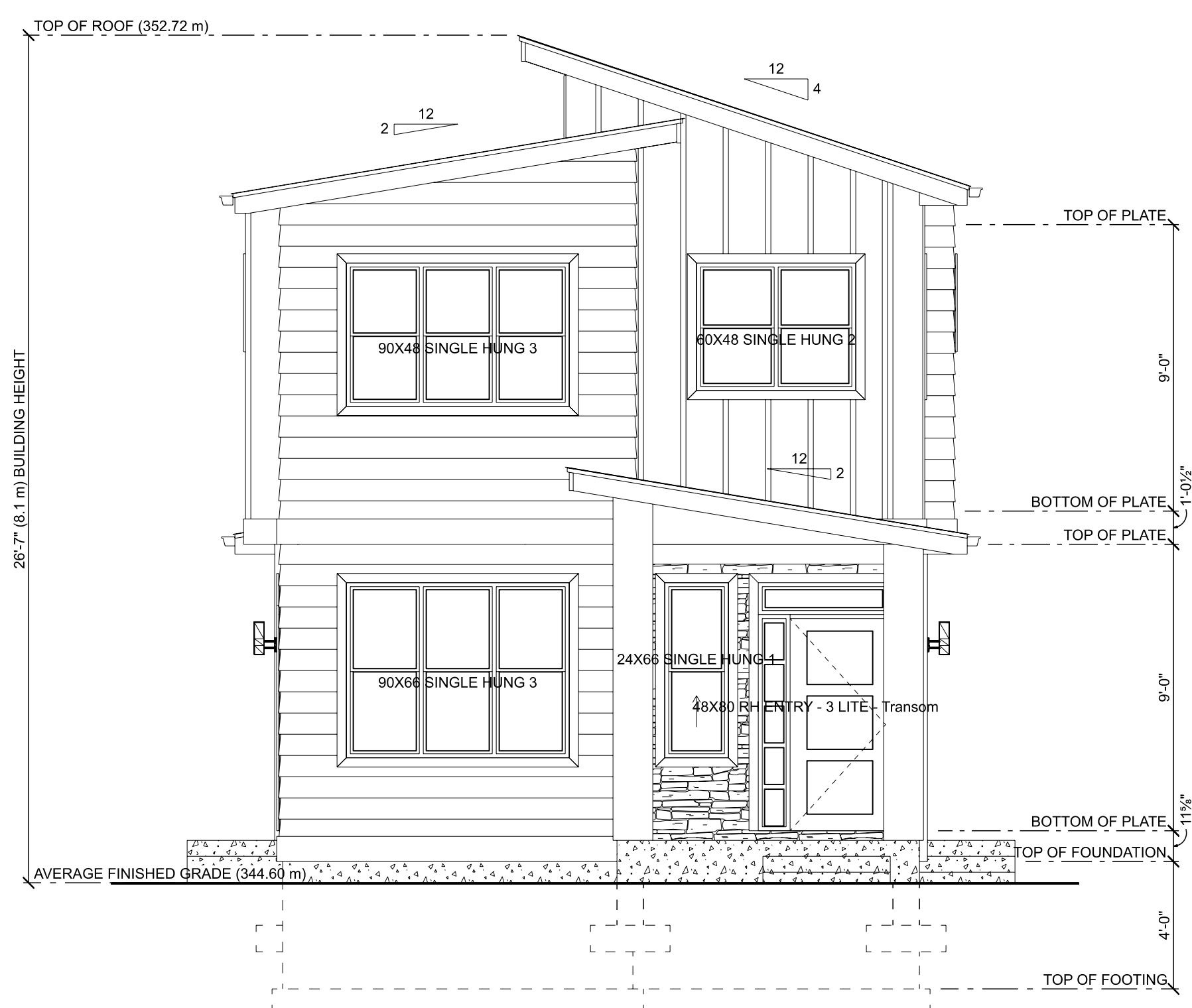
Floor Plans



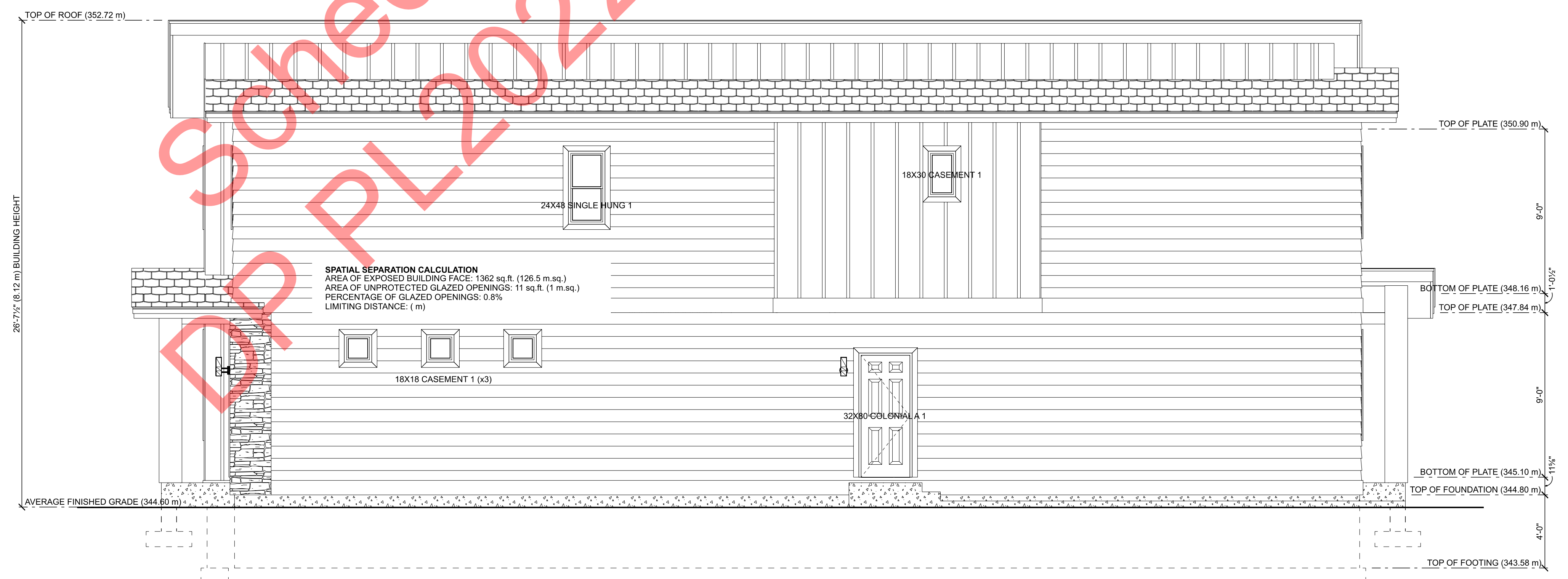
747 REVELSTOKE-FRONT ELEVATION
SCALE: 1/4" = 1'-0"



747 REVELSTOKE-LEFT ELEVATION
SCALE: 1/4" = 1'-0"



747 REVELSTOKE-REAR ELEVATION
SCALE: 1/4" = 1'-0"



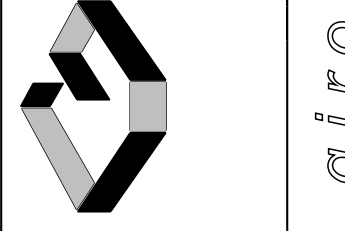
747 REVELSTOKE-RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

GUNPREET SINGH
747 REVELSTOKE AVE.
PENTICTON, BC

DESIGN BY: DATE: 5/19/2022
DRAWN BY: REVISED:

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PLAN NO. WP-5734-A
SLAB
SHEET NO. A5

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Exterior Elevations

Development Permit

Permit Number: DP PL2022-9336

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 48 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton)
District Plan 1049
 - Civic: 755 Revelstoke Ave
 - PID: 011-796-766
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a front to back duplex as shown in the plans attached in Schedule 'A'.

General Conditions

4. 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'.
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 July, 2022.

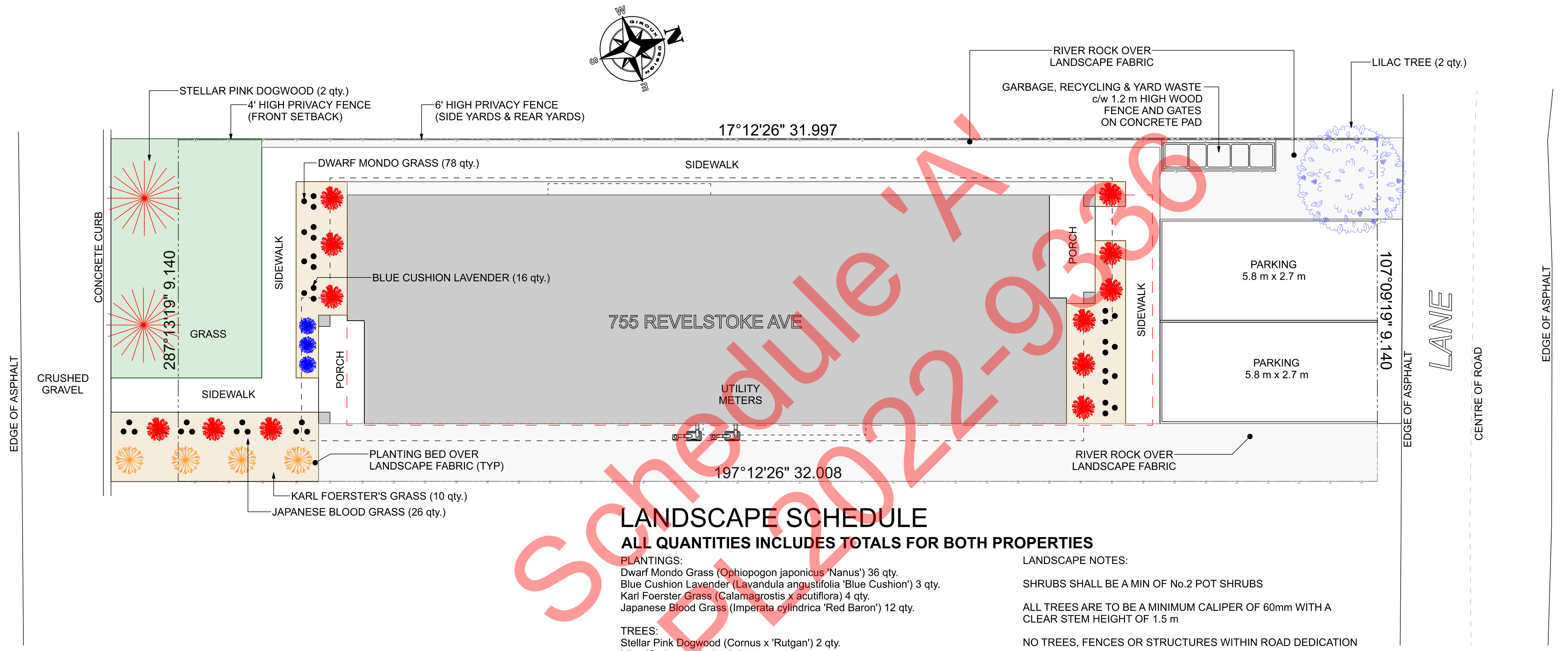
Issued this ____ day of July, 2022.

Angela Collison
Corporate Officer

DRAFT

CENTRE OF ROAD

REVELSTOKE AVE.



LANDSCAPE PLAN
 SCALE: 1:75
 CIVIC ADDRESS: 755 REVELSTOKE AVE., PENTICTON, BC

LANDSCAPE SCHEDULE

ALL QUANTITIES INCLUDES TOTALS FOR BOTH PROPERTIES

- PLANTINGS:**
 Dwarf Mondo Grass (*Ophiopogon japonicus* 'Nanus') 36 qty.
 Blue Cushion Lavender (*Lavandula angustifolia* 'Blue Cushion') 3 qty.
 Karl Foerster Grass (*Calamagrostis x acutiflora*) 4 qty.
 Japanese Blood Grass (*Imperata cylindrica* 'Red Baron') 12 qty.
- TREES:**
 Stellar Pink Dogwood (*Cornus x 'Rutgan'*) 2 qty.
 Lilac (*Syringa reticulata*) 1 qty.
- GARBAGE DISPOSAL:**
 Garbage Container 4
 Recycling Container 1
- GROUND COVER/HARD SURFACES:**
 Property Area (300.6 sq. m.) 3,236 sq. ft.
 Asphalt (35 sq. m.) 377 sq. ft.
 Grass (61 sq. m.) 657 sq. ft.
 Planting Beds-Bark Mulch (28 sq. m.) 296 sq. ft.
 River Rock-2' Rainbow (68 sq. m.) 728 sq. ft.
 Landscape Fabric (95 sq. m.) 1028 sq. ft.
 Sidewalks/Patios/Pads (48 sq. m.) 512 sq. ft.
- FENCING:**
 4' High Wood Fence (11 linear m.) 36 lin. ft.
 6' High 'Good Neighbour' Privacy Fence (82 lin. m.) 135 lin. ft.

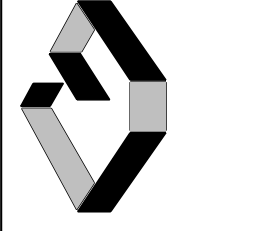
- LANDSCAPE NOTES:**
- SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS
- ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m
- NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION
- NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA
- LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.
- LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT. (INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)
- DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

GUNPREET SINGH
 755 REVELSTOKE AVE.
 PENTICTON, BC

DESIGN BY: GUNPREET SINGH
 DRAWN BY: GUNPREET SINGH
 DATE: 5/19/2022
 REVISED:

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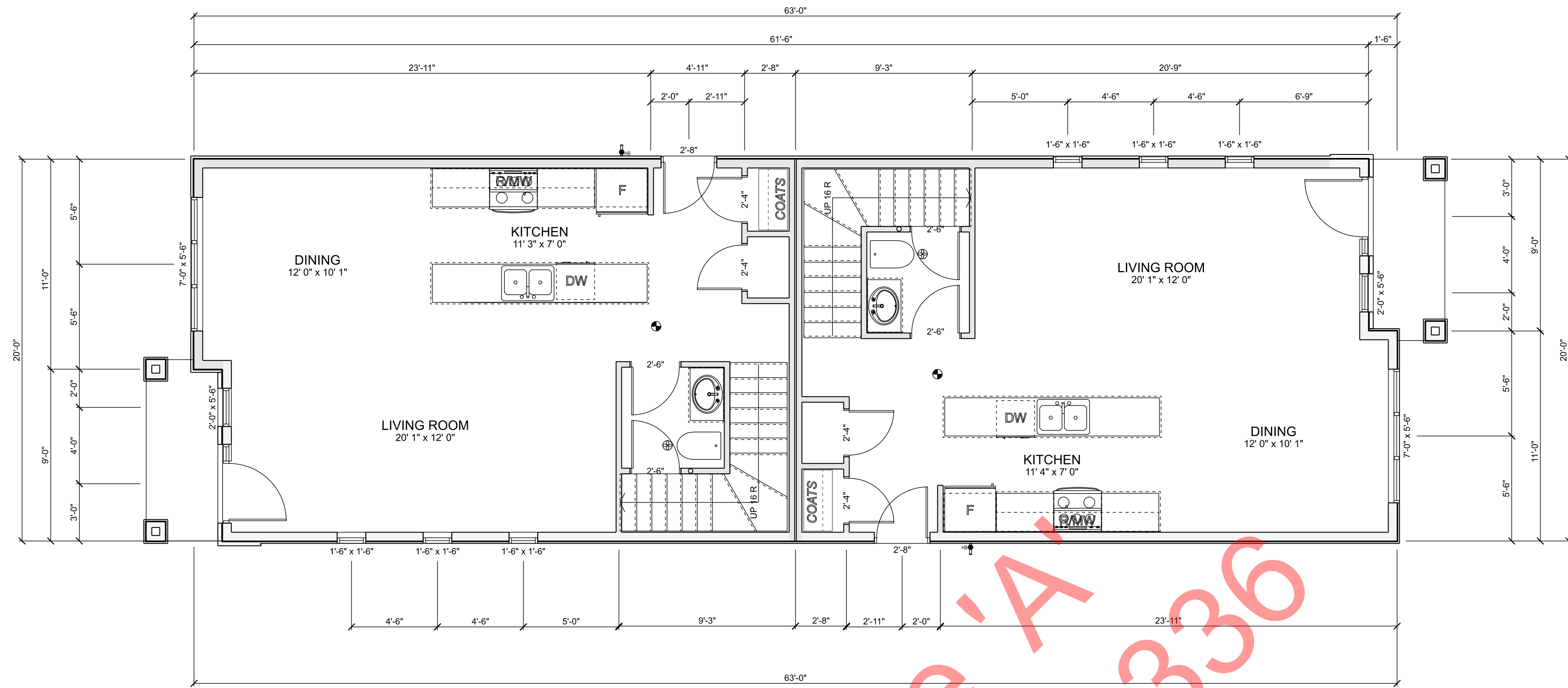


PLAN NO.
WP-5734-B
 SLAB
 SHEET NO.
A2

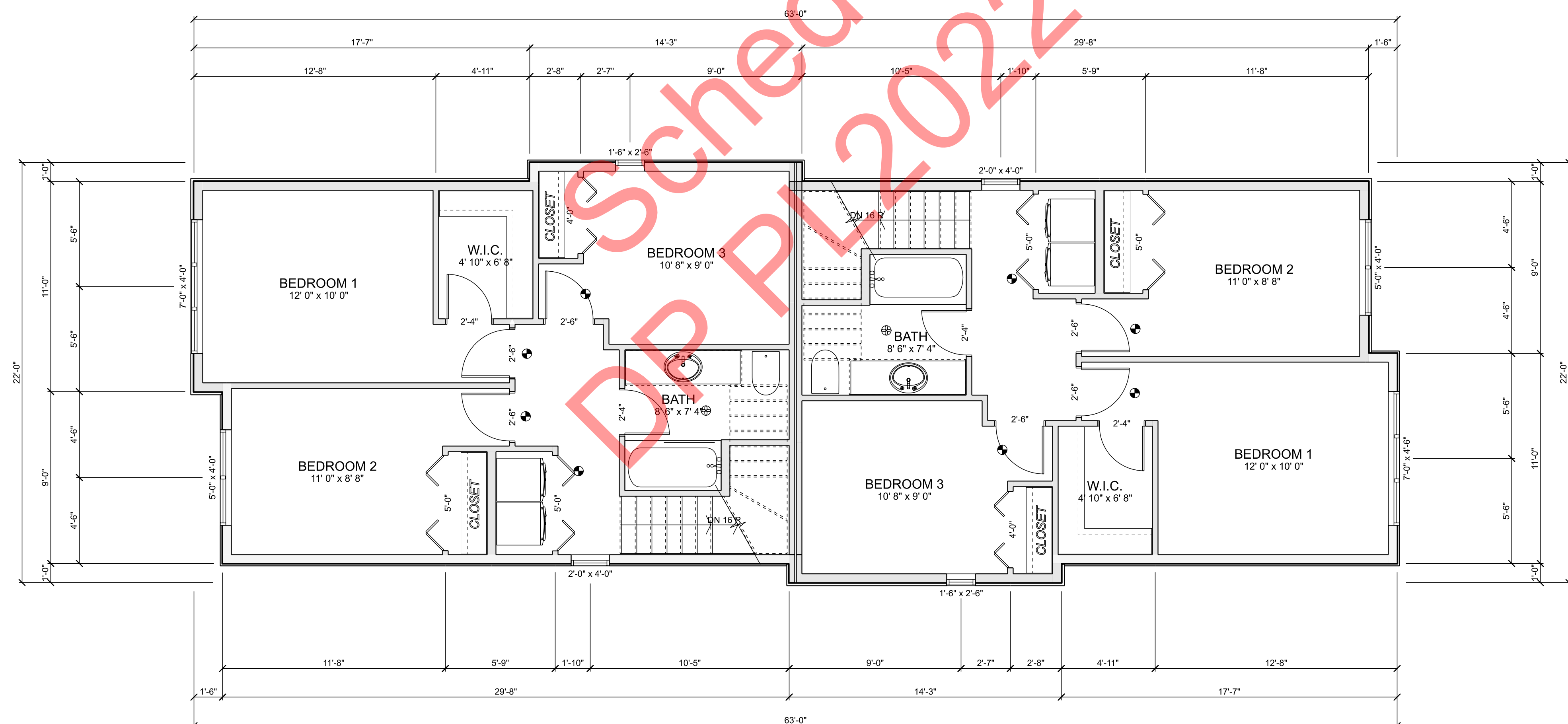
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Landscape Plan



MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 TOTAL MAIN FLOOR AREA: 1145.9 sq ft.



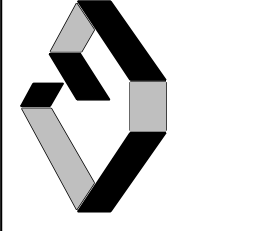
SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 TOTAL SECOND FLOOR LIVING AREA: 1192.9 sq ft.

GUNPREET SINGH
 755 REVELSTOKE AVE.
 PENTICTON, BC

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PLAN NO.
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Floor Plans

The Corporation of the City of Penticton

Bylaw No. 2022-43

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. 2022-43".

2. Amendment:

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

Rezone Lot 49 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049 and Lot 48 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 1049, located at 747 and 755 Revelstoke Avenue from R2 (Small Lot Residential) to RD2 (Duplex Housing: Lane) as shown on Schedule 'A'.

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 an online news source and the newspaper, pursuant to Section 94.2 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this ___ day of ___, 2022
for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

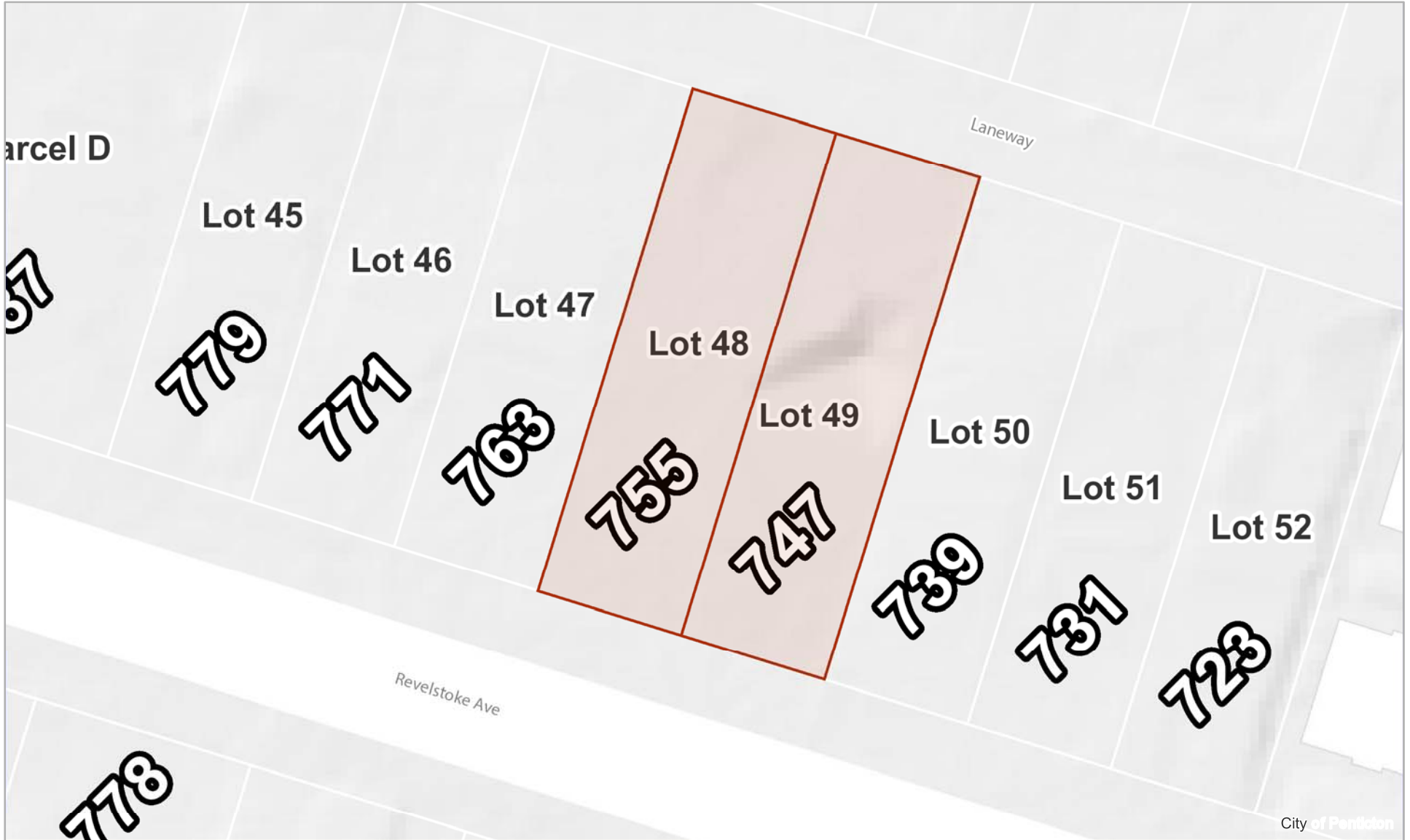
Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2022-43

Date:

Corporate Officer:

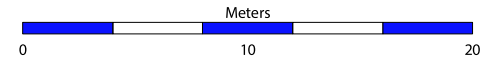


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1:336

July 12, 2022 2:13:01 PM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

Council Report

penticton.ca

Date: July 19, 2022
To: Donny van Dyk, Chief Administrative Officer
From: Jordan Hallam, Planner I
Address: 561 Jermyn Avenue

File No: RMS/561 Jermyn Ave

**Subject: Zoning Amendment Bylaw No. 2022-44
Development Variance Permit PL2022-9395
Development Permit PL2022-9280**

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-44", for Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030, located at 561 Jermyn Avenue, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-44" to the August 16, 2022 Public Hearing.

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2022-44", consider "Development Variance Permit PL2022-9395" for Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030, located at 561 Jermyn Avenue, a permit to vary Section 10.9.2.8.a of Zoning Bylaw 2021-01 to reduce the exterior side yard from 4.5 m to 1.8 m:

AND THAT Council subject to approval of "Development Variance Permit PL2022-9395", approve "Development Permit PL2022-9280", for Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030, located at 561 Jermyn Avenue, a permit to allow for the construction a four-unit townhouse development.

Strategic Priority Objective

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

Proposal

The applicant is proposing to construct a four unit, three-storey townhouse on the subject property (Figure 1). In order to proceed with the proposed development, the applicant has requested to rezone the property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing). The applicant has also requested a variance to reduce the exterior side yard from 4.5 m to 1.8 m.

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



Figure 1 - Conceptual Rendering of Proposed Development

Background

The subject property is currently zoned R2 (Small Lot Residential) and is designated as ‘Ground Oriented Residential’ (Figure 2) by the Official Community Plan (OCP). The subject property contains a single family home that was constructed in the 1960’s.

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

Figure 2 - OCP Land Use Designation

The surrounding area is a mixture of uses, including mostly single family dwellings directly adjacent, infill development, parks and commercial developments. The property's proximity to the variety of uses make it an ideal location for increased density. The property is within walking distance of Penticton Secondary School and KVR Middle School, providing services and green space for future tenants and residents. The property is also located within close proximity of the downtown area and grocery stores. This area is also well serviced by pedestrian, cycling and transit networks.

Climate Impact

The proposed development has four units proposed on the property. This increases densification in a core area of the City of Penticton. The subject property is located close to Government St., where transit runs regularly which will allow residents and tenants to be less dependent on their vehicles. Penticton Secondary, KVR Middle School, and downtown Penticton are also in close proximity, promoting walkability. The applicant has provided 2 Class 1 Bicycle parking spaces adjacent to the visitor parking in the form of a bicycle rack. Each dwelling unit garage has ample space to provide Class 2 bicycle parking spaces, resulting in 4 Class 2 spaces which are not required by the Zoning Bylaw. This building will be required to meet Step 3 of the BC Energy Step Code. Step 3 requires new builds to be at minimum 20% more efficient, with a goal of being Net Zero Ready for new construction by 2032.

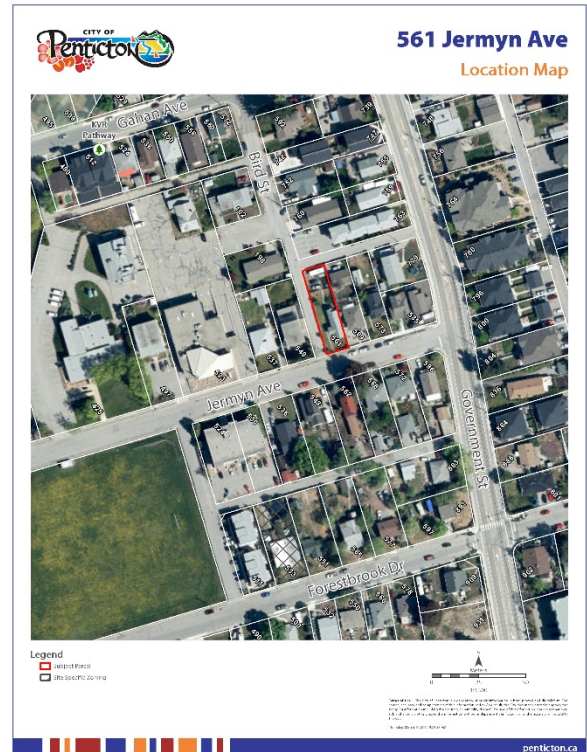
Financial Implication

The applicant is responsible for all development costs, including any service upgrades and the payment of Development Cost Charges (DCC's) to help offset the added demand on City services from the proposed development.

Technical Review

This application was reviewed by the City's Technical Planning Committee. Concerns were raised that vehicles would park on Bird St. impeding traffic, or vehicles would be parked in the driveway and stick out onto Bird St. In an effort to reduce this concern, staff worked with the applicant to alter the location of the building, moving it towards the west. As a result, a variance to reduce the side yard was required, which staff consider is reasonable in an effort to eliminate the potential for parking conflicts along Bird St. Typical servicing requirements have been identified for the Building Permit stage of the project, if the rezoning and variance permit applications are supported by Council. These items have been communicated to the applicant.

Development Statistics



Property Location Map

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

	RM2 Zone Requirement	Provided on Plans
Minimum Lot Width*:	19.5 m	12.2 m
Minimum Lot Area*:	540 m ²	566.5 m ²
Maximum Lot Coverage:	40%	39.3 %
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.8 Floor Area Ratio (FAR)
Vehicle Parking:	Total Required: 1 per dwelling unit plus 0.25 spaces/unit for visitors Total Required: 5 spaces	Total Per Dwelling: 4 spaces Total Visitor: 3 spaces Total Provided: 7 spaces
Bicycle Parking:	Total Required: 0.5 per unit Total Class 1 Required: 2 No Class 2 Required	Total Class 1 Provided: 2 spaces Total Class 2 Provided: 4 spaces
Landscaping Buffer:	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, five trees, and forty-seven shrubs.	Total Provided: 4.2 m wide, six trees, and 70 shrubs.
Required Setbacks		
Front Yard (Jermyn Ave):	3.0 m	4.0 m
Interior Side Yard (east):	3.0 m	4.2 m
Exterior Side Yard (Bird St):	4.5 m	1.8 m – Variance Requested
Rear Yard (north):	6.0 m	7.0 m
Maximum Building Height	12.0 m	9.0 m
Other Information:	*Lot width and lot area are only applicable for subdivision applications.	

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is ‘Ground Oriented Residential’, which supports medium density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas (Figure 2). Duplexes with suites, cluster housing and fourplexes are some of the building types envisioned in this designation. The applicant is proposing to construct a front-to-back duplex on each property. The development and density proposed on the property are aligned with the vision of properties designated within the ‘Ground Oriented Residential’ designation.

In addition to alignment with the future land use designation, staff consider that the proposed zoning amendment will also allow for a development that is supported through the following OCP Goals and Policies:

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- OCP Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- OCP Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and buildings – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- OCP Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
- OCP Policy 4.2.5.2 Encourage land use planning that results in neighbourhoods that can be easily serviced by transit.

Staff consider that the application proposes an appropriately scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed rezoning to RM2 to allow a total of 4 dwelling units on the property is consistent with the increased density and building forms envisioned by the ‘Ground Oriented Residential’ designation.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2022-44”, and forward the bylaw to the August 16, 2022 Public Hearing to gather comments and feedback from the public.

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether approval of the variance would cause a negative impact on neighbouring properties; and, if the variance request is reasonable. Staff have reviewed the requested variance and are recommending support for the following reasons:

1. Variance was a result of staff desire to eliminate parking conflicts with Bird Street.

In the original proposal, the townhouse development met the minimum 3.0m exterior side yard setback along Bird Street, however a concern was raised that vehicles may attempt to park in front of the garage doors and hang over the street, creating a safety concern. In an effort to reduce this concern, staff worked with the applicant to alter the location of the building, moving it towards the west. As a result, a variance to reduce the side yard was required, which staff consider is reasonable in an effort to eliminate the potential for parking conflicts along Bird St.

2. Bird Street provides a buffer.

Bird St. is approximately 6.0 m wide and is considered a local road in the Penticton Street Bylaw Class. Bird Street provides a buffer between the proposed development and variance and the neighbours most impacted by the reduced setback to the west.

Given the reasons above, staff support the variance request to the RM2 zone regulations to facilitate the construction of a townhouse on the subject property. Staff recommend that Council, subject to adoption of Zoning Amendment Bylaw No. 2022-44, consider the Development Variance Permit.

Support Development Permit

The proposed development is considered within the Multifamily Residential Development Permit Area of the OCP, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness. The proposed development has been designed with the OCP design guidelines in mind.

Staff have completed a development permit analysis (Attachment 'D') that shows how the development conforms to the applicable design guidelines. The applicant has also provided an analysis within their letter of intent (Attachment 'E'), which outlines the project and its conformance to the OCP design guidelines.

As such, staff recommend that Council consider approving the Development Permit after adoption of the Zoning Amendment Bylaw and approval of the Development Variance Permit.

Alternate Recommendations

Council may consider that while the zoning amendment is aligned with the OCP by increasing density in a desirable area of the city, the development as proposed does not fit the character of the neighbourhood. If this is the case, Council may choose the alternate recommendation.

1. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2022-44".
2. THAT Council deny "Development Variance Permit PL2022-9395".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)

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

Attachment F – Draft Development Variance Permit PL2022-9395

Attachment G – Draft Development Permit PL2022-9240

Attachment H – Zoning Amendment Bylaw No. 2022-44

Respectfully submitted,

Jordan Hallam

Planner I

Concurrence

Director of Development Services <i>BL</i>	GM Of Infrastructure <i>KD</i>	Chief Administrative Officer DyD
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Attachment A – Zoning Map



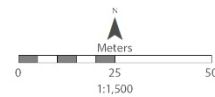
561 Jermyn Ave

Zoning Map



Legend

- Subject Parcel
- Site Specific Zoning
- Zoning Bylaw**
- R2 - Small Lot Residential
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing
- RM5 - Urban Residential
- P1 - Public Assembly
- P2 - Parks and Recreation



Terms of Use: The City of Penticton is a repository of public information in both printed and digital form. The accuracy and completeness of this information varies, due to which the City does not warrant in any way the mapping information, including the accuracy or suitability thereof. The use 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.

Thursday, March 10, 2022 9:29:00 AM

Attachment B – Official Community Plan Map



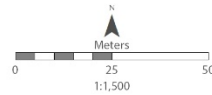
561 Jermyn Ave

OCP Map



Legend

- Subject Parcel
- Site Specific Zoning
- Parks
- Infill Residential
- Ground Oriented Residential
- Institutional and Civic
- Urban Residential



Terms of Use: The City of Penticton is a repository of public information in both printed and digital form. The accuracy and completeness of this information varies. As a result, the City does not warrant in any way the mapping information included in 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.

Thursday, March 15, 2022 9:28:09 AM

penticton.ca

Attachment C – Photos of Property







Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.

- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.

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

- The applicant has located the proposed building at the minimum required 3.0m front yard setback, which helps to maintain a connection with the street. They have proposed a front door on the unit closest to Jermyn Avenue that faces the street to add a pedestrian scale to the development.

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 proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain ‘eyes on the street’ by keeping sightlines open from private property to the public streetscape.

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

- Bird St. to the west side of the development provides pedestrian access to the development.
- The proposed development has a sidewalk access from Jermyn Avenue to allow barrier-free pedestrian access to all building unit entrances.

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

- The proposed development provides each unit with a balcony that looks west towards the laneway. Across the laneway, there is an apartment building.

Guideline G33 Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching

- The proposed development includes a landscaping plan that provides adequate and appropriate designs.
- The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering and utilizes a drip system.

Guideline G35 Tree planting...

- Trees and shrubs have been provided at the front of the property as well along the east property line with the landscape buffer.

Guideline MF1 All multifamily developments 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.

- The proposed development includes approximately 30.0 m² of outdoor grass amenity space for each unit. Each amenity space is separated by a fence to allow privacy for every unit.

Guideline MF3 Amenity spaces should incorporate vegetation for the purposes of active and passive recreation and/or visual interest, and incorporate safe play areas in interior court yards.

- The proposed development has a tree proposed in the yard for each unit and multiple shrubs. This creates visual interest for the residents or tenants living in the units, and provides area of shade during the summer months.

Guideline MF4 Visitor parking should be:

- *In public view,*
- *Easily accessible near the main entry to the site, and*
- *Clearly indicated by pavements markings and/or signs*
- The proposed development has three visitor parking spaces off the lane between Jermyn Avenue and Gahan Avenue, which is also accessible from Government Street.
- The visitor parking spaces are in good public view from the lane for drivers who come to visit residents or tenants of the proposed development.

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



February 16, 2022

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

City of Penticton
171 Main Street
Penticton BC V2A 5A9

Re: 561 Jermyn Avenue Rezoning & Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposed rezoning and development of the property located at 561 Jermyn Avenue. The property is currently zoned R2.

The proposal is to rezone the property to RM2 (Medium-density residential areas with multi-family developments) and build a four-unit townhouse. Access to the development is from Bird Street with pedestrian access to the south facing unit from Jermyn Avenue and secondary parking with access along a rear lane off Bird Street. Access to the secure garage parking of each unit is from Bird Street with three additional guest parking spots off the rear lane. The three-storey buildings will be modest in size and will provide much needed family housing close to schools, parks, and shopping. After consultation with the City of Penticton they determined that although Bird Street is labelled as a street it is to be considered a lane for future development. 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 fourplexes, higher density rowhouses, Townhouses and stacked townhouses.

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 townhouses, and high-density apartment buildings. In contrast to nearby apartment buildings, this development will provide much needed family housing in the area with private outdoor green areas and amenity space for families with children.

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.

561 JERMYN AVENUE: 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 within blocks of elementary, middle, and high schools. City Bus stops are also located nearby, allowing easy access to transit.

PARKING

Each unit has secured garage parking for two vehicles accessed from Bird Street with three additional visitor parking spots off the rear lane. No variances are needed for parking as the number of spaces are exceeded by more than double the requirements.

DESIGN FOR CLIMATE

The building will meet the requirements of Step 3 of the BC Building Code. Trees to be planted along three property lines are deciduous 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 doors of the unit closest to Jermyn Avenue face that road with a covered porch to improve street appeal, the entry doors of other units are facing Bird Street. The townhouses are three storeys tall and will nicely suit the neighbourhood which is comprised of duplexes, townhouses, and apartment buildings of varying size. At 10.5 meters tall the building is under the 12 m maximum height allowance. The style of the building is Modern style which will complement the neighbourhood and is in harmony with newer construction in the area.

LANDSCAPING (ENHANCING THE URBAN FOREST)

The landscaping plan for the development includes the planting of nine trees along the surrounding property lines which is a significant increase to the property. Along Jermyn and Bird, numerous generously sized planting beds with low-maintenance plants will create a pleasing aesthetic and curb appeal for the development and a pleasant environment for occupants. In minimal selected areas, river rock is used to provide a clean, easily maintained space and improved visibility for traffic accessing the rear lane. A grass lawn on the corner of Jermyn and Bird will provide a pleasant green accent for the property. Grassed rear yards will provide pleasant private areas for each unit and will contain accent planting beds and Lilac trees.

WASTE MANAGEMENT

Garbage and recycling collection is provided by individual waste containers stored in the rear yards and enclosed with 1.2 m high wood screen. One additional community yard-waste bins will be located nearby the rear lane parking and will also be enclosed by a 1.2 m high wood fence. Garbage bins will be rolled to the curbside of individual driveways along Bird Street on collection day.

FENCES

Six-foot-high wood privacy fences will be installed along the east property line where the neighbouring property is located and will be stepped down to four feet within the front yard setback. Six-foot-high privacy fences will also be between each of the townhouse 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.

Development Variance Permit

Permit Number: DVP PL2022-9395

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030
 - Civic: 561 Jermyn Ave
 - PID: 011-604-981
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 townhouse, as shown in the plans attached in Schedule 'A':
 - a. Section 10.9.2.8.a of Zoning Bylaw 2021-01 to reduce the exterior side yard setback from 4.5 m to 1.8 m, in order to facilitate the construction of a townhouse.

General Conditions

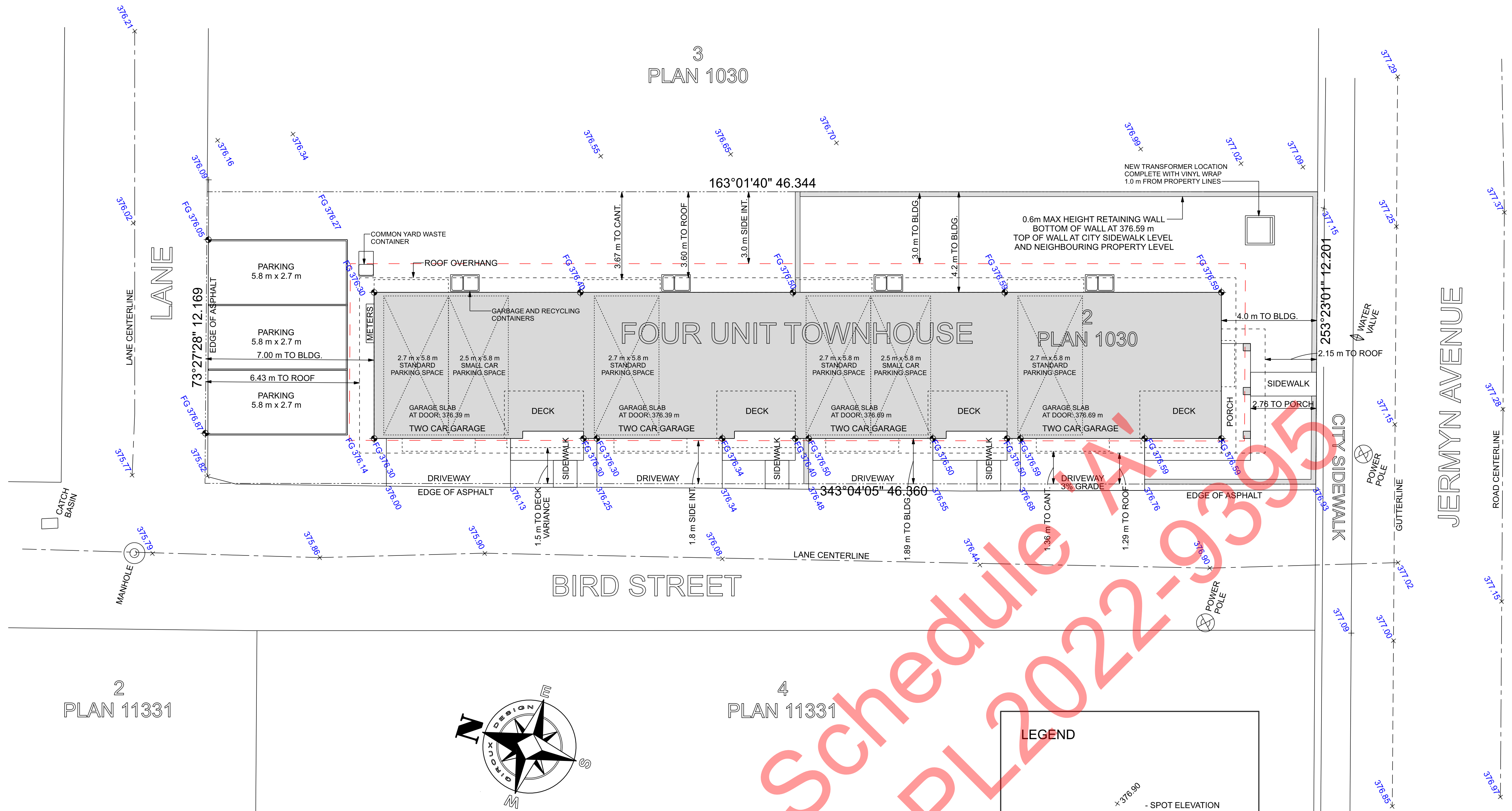
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence 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 July, 2022.

Issued this ____ day of July, 2022.

Angela Collison
Corporate Officer

DRAFT

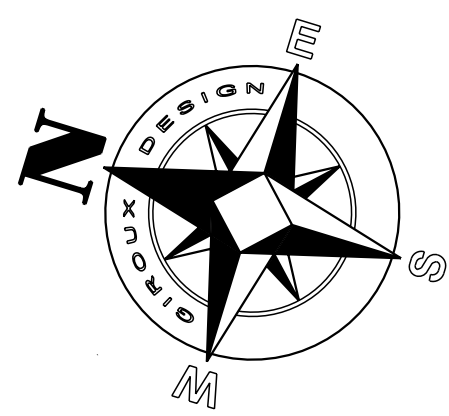


3
PLAN 1030

2
PLAN 1030

2
PLAN 11331

4
PLAN 11331



LEGEND

- SPOT ELEVATION
- POWER POLE
- MANHOLE
- FENCE
- WATER VALVE

SITE PLAN

SCALE: 1:100
 CIVIC ADDRESS: 561 JERMYN AVENUE, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 2, DL 249, SDYD, PLAN 1030 PID: 011-604-981

FIELD SURVEY COMPLETED THIS 30th DAY OF JULY, 2021
 ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM
 PENTICTON MONUMENT #82H5345
 MANDEVILLE LAND SURVEYING INC. DWG. 21-206

ZONING COMPLIANCE TABLE-RM2 ZONING

REGULATION	CURRENT/REQUIRED	PROVIDED ON PLANS	AMENDMENT REQUIRED
OCF	GOR	GOR	NO
ZONING	R2	RM2	NO
LOT AREA	540 m ²	564.79 m ²	NO
MAXIMUM LOT COVERAGE	40%	39% (219 m ²)	NO
MAXIMUM DENSITY	0.80 FAR	0.78 FAR (438.8 m ²)	NO
MAXIMUM HEIGHT	12 m	8.7 m	NO
MINIMUM FRONT YARD (SOUTH)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (EAST)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (WEST)	3.0 m	1.8 m (0.3 m DECK PROJECTION)	YES
MINIMUM REAR YARD (NORTH)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT + 1 GUEST)	5	7 STANDARD + 2 SMALL CAR	NO
BICYCLE PARKING (CLASS I/CLASS II)	2/1	IN GARAGES/1	NO
AMENITY AREA (20 m ² PER UNIT)	80 m ²	172 m ² (137 m ² AT GRADE/35 m ² DECKS)	NO

VARIANCES:
 1) VARIANCE TO ALLOW MAIN FLOOR DECKS TO PROJECT 0.3 m INTO THE SIDE INTERIOR YARD FACING BIRD STREET. THE PROJECTION WILL PROVIDE A SMALL COVER FOR THE ENTRY DOORS AND MORE USABLE AMENITY SPACE ON THE DECK. BECAUSE THE PROJECTIONS ARE TOWARDS BIRD STREET THEY WILL HAVE NO NEGATIVE IMPACT ON THE NEIGHBOURING PROPERTIES.
 2) VARIANCE TO REDUCE THE INTERIOR SIDE YARD SETBACK FACING BIRD STREET TO 1.8 m.

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AMAR KAHLON
 561 JERMYN AVE.
 PENTICTON, BC
 DESIGN BY: AJG DATE: 2022-06-28
 DRAWN BY: AJG REVISED:

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Due to local codes, regulations and building practices under the influence of specific site conditions, these drawings may not be suitable or legal for use in the construction of a building in all localities. Consequently, these drawings are not to be used for the construction of any building without the approval of the local authority and until the drawings have been brought into conformity with all local requirements. Additionally, Giroux Design Group Inc. is not liable for any liability for the accuracy of the drawings. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose. The drawings are not to be used for any other purpose.

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

PLAN NO.
WP-5722
 SLAB
 SHEET NO.
A1

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

Development Permit

Permit Number: DP PL2022-9280

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030
 - Civic: 561 Jermyn Avenue
 - PID: 011-604-981
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a four unit townhouse as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

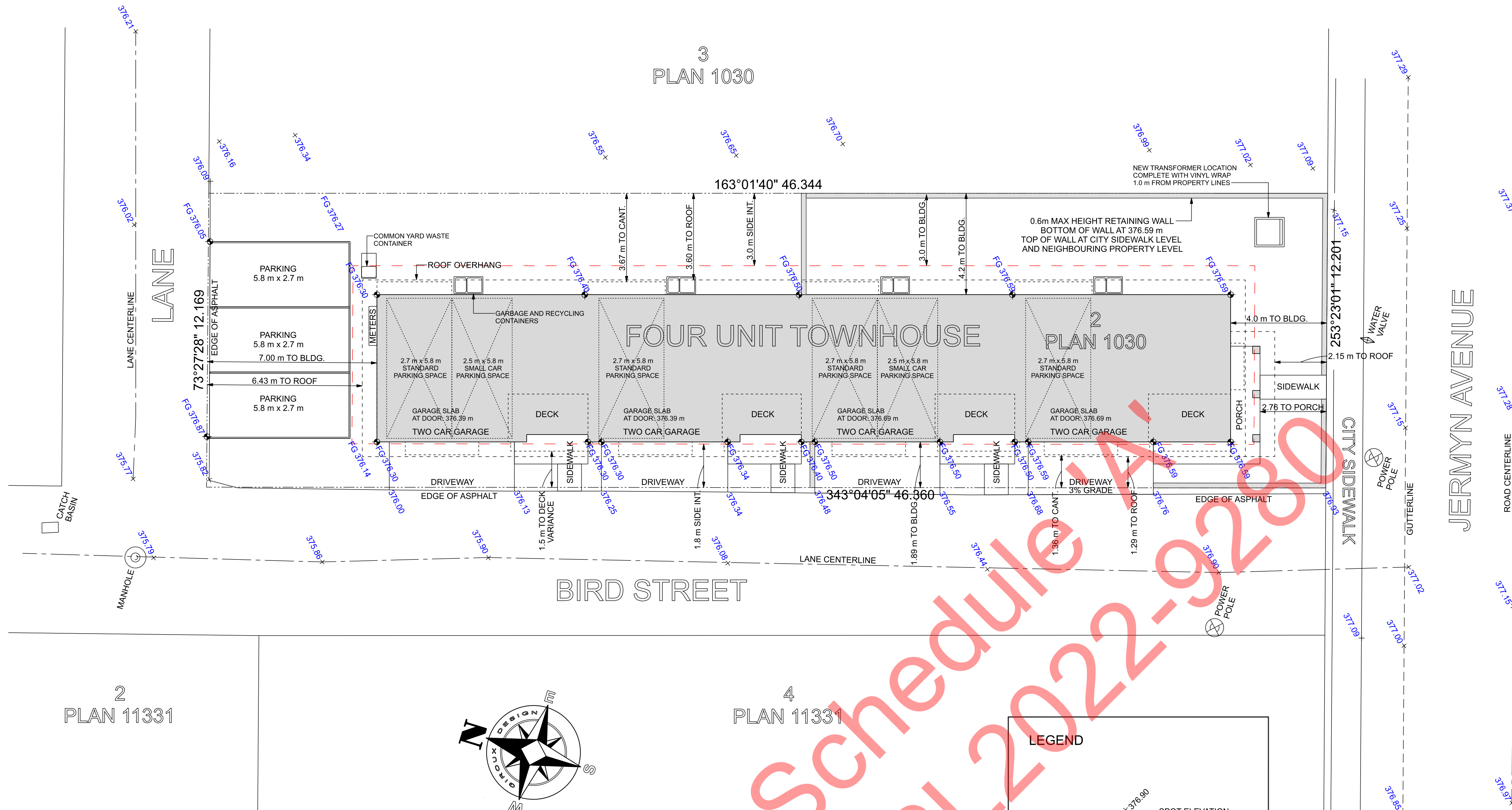
General Conditions

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

Authorized by City Council, the ____ day of July, 2022.

Issued this ____ day of July, 2022.

Angela Collison
Corporate Officer

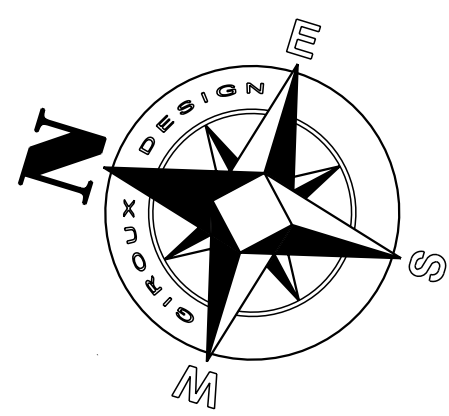


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PLAN 1030

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PLAN 1030

4
PLAN 11331

2
PLAN 11331



LEGEND

- 1:376.90 - SPOT ELEVATION
- POWER POLE
- MANHOLE
- FENCE
- WATER VALVE

SITE PLAN
 SCALE: 1:100
 CIVIC ADDRESS: 561 JERMYN AVENUE, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 2, DL 249, SDYD, PLAN 1030 PID: 011-604-981

FIELD SURVEY COMPLETED THIS 30th DAY OF JULY, 2021
 ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTv2.0) DERIVED FROM
 PENTICTON MONUMENT #82H5345
 MANDEVILLE LAND SURVEYING INC. DWG. 21-206

ZONING COMPLIANCE TABLE-RM2 ZONING

REGULATION	CURRENT/REQUIRED	PROVIDED ON PLANS	AMENDMENT REQUIRED
OCF	GOR	GOR	NO
ZONING	R2	RM2	NO
LOT AREA	540 m2	564.79 m2	NO
MAXIMUM LOT COVERAGE	40%	39% (219 m2)	NO
MAXIMUM DENSITY	0.80 FAR	0.78 FAR (438.8 m2)	NO
MAXIMUM HEIGHT	12 m	8.7 m	NO
MINIMUM FRONT YARD (SOUTH)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (EAST)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (WEST)	3.0 m	1.8 m (0.3 m DECK PROJECTION)	YES
MINIMUM REAR YARD (NORTH)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT + 1 GUEST)	5	7 STANDARD + 2 SMALL CAR	NO
BICYCLE PARKING (CLASS I/CLASS II)	2/1	IN GARAGES/1	NO
AMENITY AREA (20 m2 PER UNIT)	80 m2	172 m2 (137 m2 AT GRADE/35 m2 DECKS)	NO

VARIANCES:
 1) VARIANCE TO ALLOW MAIN FLOOR DECKS TO PROJECT 0.3 m INTO THE SIDE INTERIOR YARD FACING BIRD STREET. THE PROJECTION WILL PROVIDE A SMALL COVER FOR THE ENTRY DOORS AND MORE USABLE AMENITY SPACE ON THE DECK. BECAUSE THE PROJECTIONS ARE TOWARDS BIRD STREET THEY WILL HAVE NO NEGATIVE IMPACT ON THE NEIGHBOURING PROPERTIES.
 2) VARIANCE TO REDUCE THE INTERIOR SIDE YARD SETBACK FACING BIRD STREET TO 1.8 m.

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 PENTICTON, BC
 DESIGN BY: AJG DATE: 2022-06-28
 DRAWN BY: AJG REVISED:

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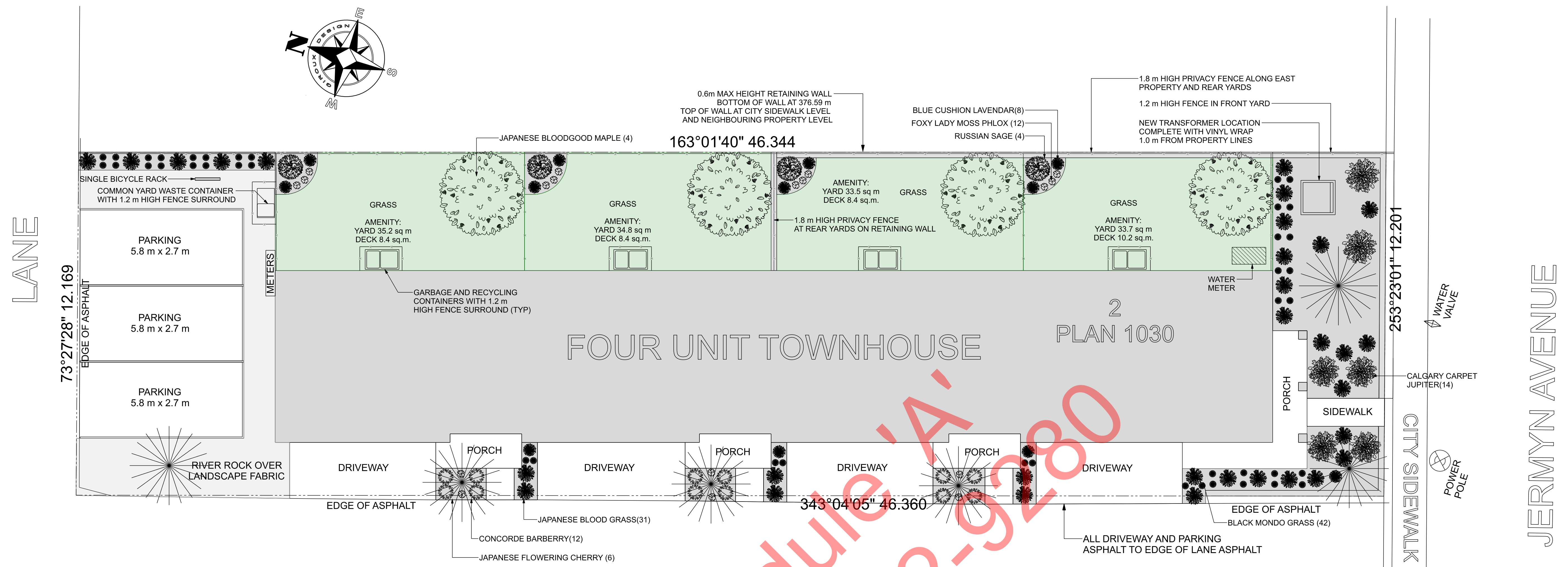
Due to local codes, regulations and building practices under the influence of specific site conditions, these drawings may not be suitable or legal for use in the construction of a building in all localities. Consequently, these drawings are not to be used for the construction of a building in any other jurisdiction without the written consent of the designer. Additionally, Giroux Design Group is unable to accept any liability for the accuracy of the drawings. Therefore, the builder must carefully review all drawings and details in these drawings and assume responsibility for the same.

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 web: www.girouxdesigngroup.com

PLAN NO.
WP-5722
 SLAB
 SHEET NO.
A1

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Site Plan



LANDSCAPE PLAN
 SCALE: 1:75
 CIVIC ADDRESS: 561 JERMYN AVENUE, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 2, DL 249, SDYD, PLAN 1030 PID: 011-604-981

CURRENT ZONING: R2
 PROPOSED ZONING: RM2
 OCP: GROUND ORIENTED RESIDENTIAL

FIELD SURVEY COMPLETED THIS 30th DAY OF JULY, 2021
 ELEVATIONS ARE GEODETIC (ORTHOMETRIC HTV2.0) DERIVED FROM
 PENTICTON MONUMENT #82H5345
 MANDEVILLE LAND SURVEYING INC. DWG. 21-206

Schedule 'A'
 DP PL 2022-9280

LANDSCAPE SCHEDULE

- PLANTINGS:**
 Black Mondo Grass (*Ophiopogon planiscapus* 'Nigrescens') 42 qty.
 Blue Cushion Lavender (*Lavandula angustifolia* 'Blue Cushion') 12 qty.
 Calgary Carpet Juniper (*Juniperus sabina* 'Calgary Carpet') 6 qty.
 Concorde Barberry (*Berberis thunbergii* 'Concorde') 12 qty.
 Dwarf Russian Sage (*Perovskia atriplicifolia* 'Little Spire') 4 qty.
 Foxy Lady Moss Phlox (*Phlox* 'Foxy Lady') 18 qty.
 Japanese Blood Grass (*Imperata cylindrica* 'Red Baron') 31 qty.
- TREES:**
 Japanese Flowering Cherry (*Prunus serrulata* 'Amanogawa') 6 qty.
 Japanese Bloodgood Maple (*Acer palmatum* 'Bloodgood') 4 qty.
- GARBAGE DISPOSAL:**
 Garbage Container Garbage Container 4 (Located in Rear Yard)
 Recycling Container Recycling Container 4 (Located in Rear Yard)
 Yard Waste Container 1 (Common Area)
- GROUND COVER/HARD SURFACES:**
 Property Area (6,082 sq.ft.)
 Asphalt (980 sq.ft.)
 Grass (1,600 sq.ft.)
 Planting Beds-Bark Mulch (550 sq.ft.)
 River Rock-2" Rainbow (350 sq.ft.)
 Landscape Fabric (900 sq.ft.)
 Sidewalks/Patios (323 sq.ft.)
- FENCING:**
 4' High Wood Fence (36 lin.ft.)
 6' High 'Good Neighbour' Privacy Fence (160 lin.ft.)
- LANDSCAPE NOTES:**
- SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS
- ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m
- NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION
- NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA
- LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.
- LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT. (INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)
- DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

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Landscape Plan

AMAR KAHLON
 561 JERMYN AVE.
 PENTICTON, BC

DESIGN BY: AJG
 DRAWN BY: AJG
 DATE: 2022-06-28
 REVISED:

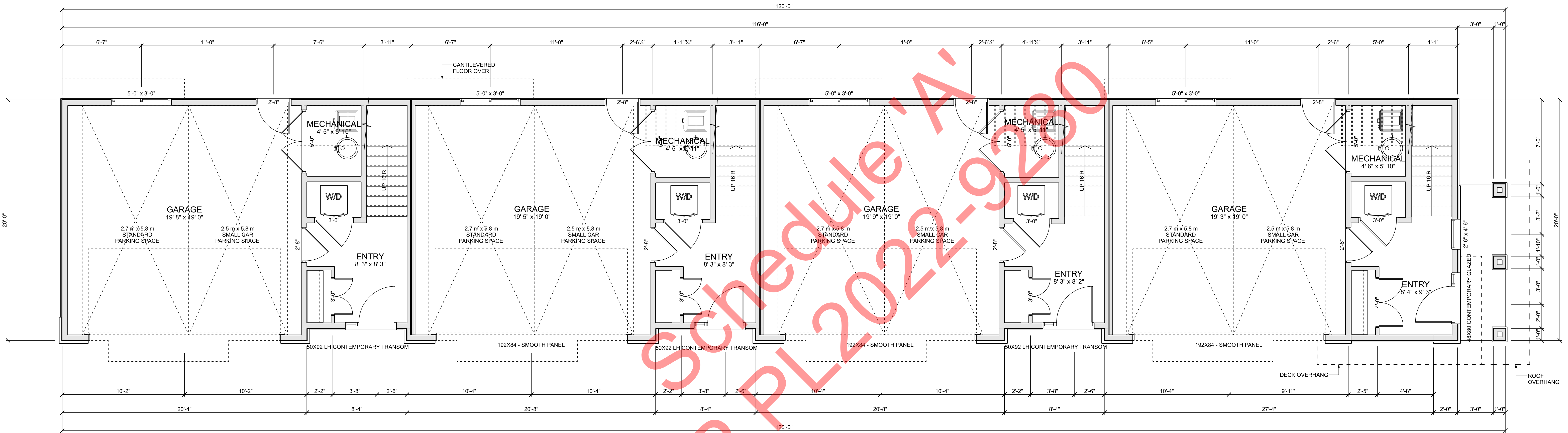
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 Custom Home and Building Design Since 1950.
 Giroux Design Group Inc.
 phone: 250.276.4373 e-mail: contact@girouxdesigngroup.com
 web: www.girouxdesigngroup.com

PLAN NO.
WP-5722
 SLAB
 SHEET NO.
A3



LOWER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 LOWER FLOOR LIVING AREA: 382 sq ft.
 GARAGE AREA: 1643 sq ft.
 MECHANICAL AREA: 136 sq ft.

AMAR KAHLON
 561 JERMYN AVE.
 PENTICTON, BC
 DESIGN BY: AJG DATE: 2022-06-28
 DRAWN BY: AJG REVISED:

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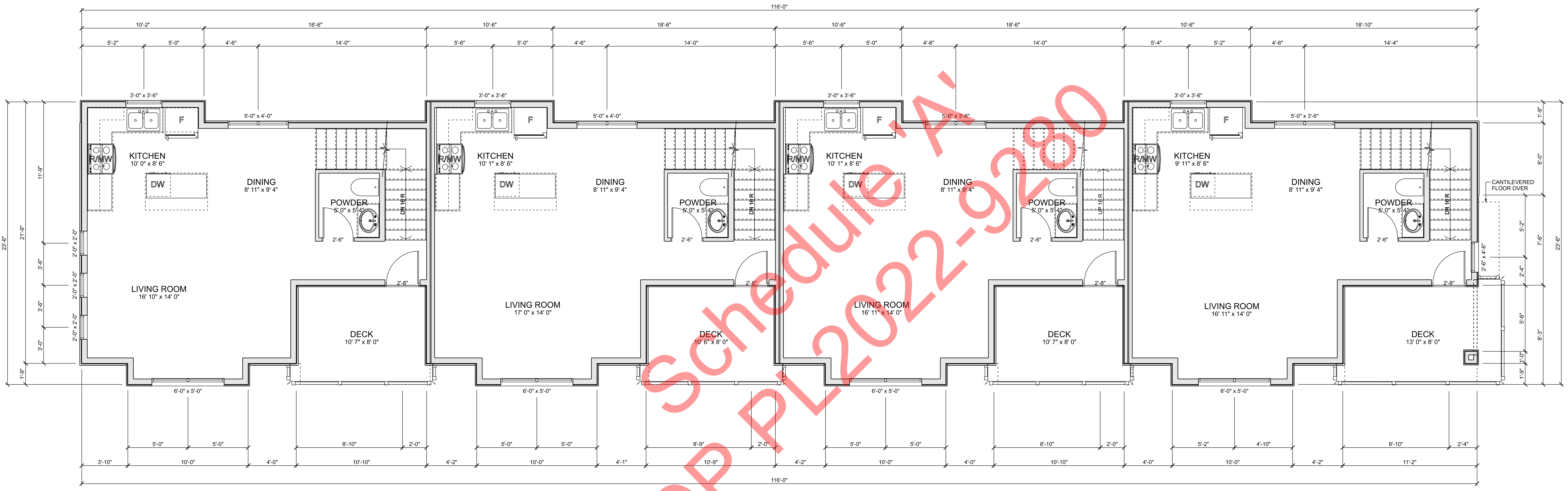
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PLAN NO.
WP-5722
 SLAB
 SHEET NO.
A4

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Lower Floor Plan



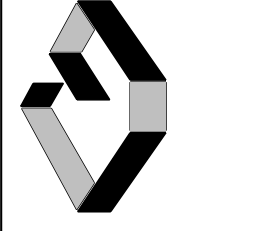
MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 MAIN FLOOR LIVING AREA: 2003 sq ft.
 DECK AREA: 370 sq ft.

AMAR KAHLON
 561 JERMYN AVE.
 PENTICTON, BC
 DESIGN BY: AJG
 DRAWN BY: AJG
 DATE: 2022-06-28
 REVISED:

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 and/or preparation of derivative works thereof, for any reason without prior written
 permission of Giroux Design Group Inc. is prohibited. The drawings are the property of
 the buyer and are to be used only for the construction of the building shown. The drawings
 are not to be used for any other purpose. The purchaser of these drawings shall be
 responsible for obtaining all necessary permits and licenses. The drawings do not
 entitle the buyer with license to construct more than one dwelling unit.

Due to local codes, regulations and building practices and/or because of specific
 conditions of a building in all localities. Consequently, these drawings are not to
 be used for any other purpose. The purchaser of these drawings shall be
 responsible for obtaining all necessary permits and licenses. The drawings do not
 entitle the buyer with license to construct more than one dwelling unit.
 Additionally, Giroux Design Group is unable to accept any liability for the accuracy
 of the drawings. The purchaser must carefully inspect all dimensions and details in these
 drawings and assume responsibility for the same.

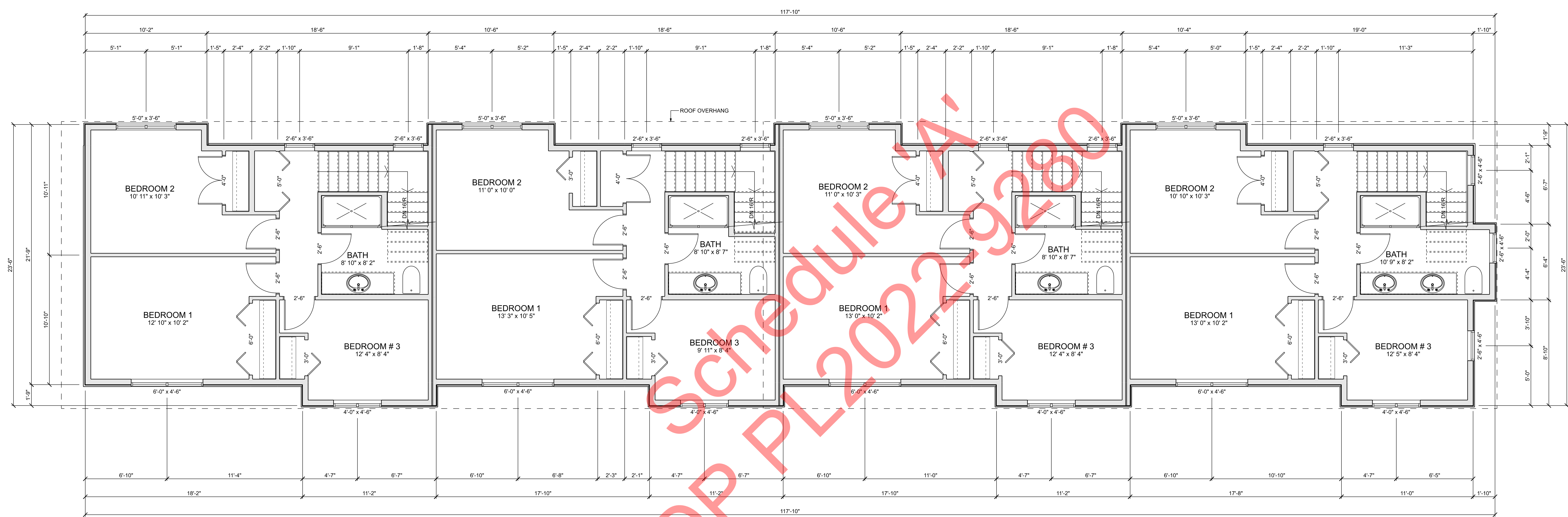
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 web: www.girouxdesigngroup.com



PLAN NO.
WP-5722
 SLAB
 SHEET NO.
A5

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

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 Main Floor Plan



UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 UPPER FLOOR LIVING AREA: 2338 sq ft.

DP PL 2022-9280
 Schedule A

AMAR KAHLON
 561 JERMYN AVE.
 PENTICTON, BC
 DESIGN BY: AJG DATE: 2022-06-28
 DRAWN BY: AJG REVISED:

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Due to local codes, regulations and building practices and/or because of specific site conditions, these drawings may not be suitable or legal for use in the construction of a building in all localities. Consequently, these drawings are not to be used for the construction of a building in any locality without the approval of the local authorities and until the drawings have been brought into conformity with all local requirements. Additionally, Giroux Design Group Inc. is unable to accept any liability for the accuracy of the drawings. The drawings are provided to the buyer for their use only and are not to be used for any other purpose. Therefore, the buyer must carefully inspect all dimensions and details in these drawings and assume responsibility for the same.

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 Giroux Design Group Inc.
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 web: www.girouxdesigngroup.com

PLAN NO.
WP-5722
 SLAB
 SHEET NO.
A6

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Upper Floor Plan

Bylaw No. 2022-44

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. 2022-44".

2. **Amendment:**

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

Rezone Lot 2 District Lot 249 Similkameen Division Yale District Plan 1030, located at 561 Jermyn Avenue from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this	day of	, 2022
A PUBLIC HEARING was held this	day of	, 2022
READ A SECOND time this	day of	, 2022
READ A THIRD time this	day of	, 2022
ADOPTED this	day of	, 2022

Notice of intention to proceed with this bylaw was published on the ___ day of ____, 2022 and the ___ day of ____, 2022 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

John Vassilaki, Mayor

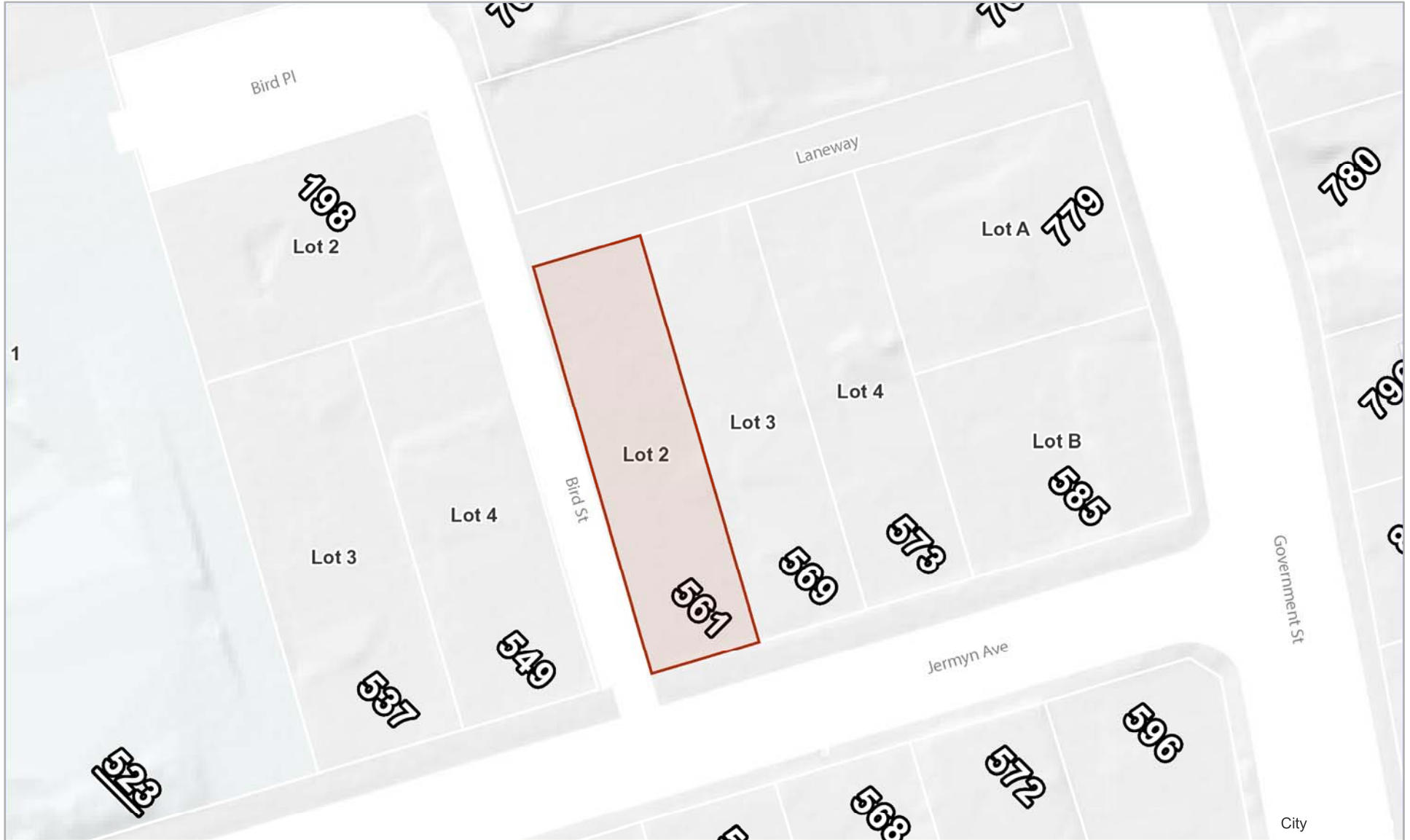
Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2022-44

Date:

Corporate Officer:

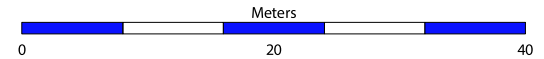


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1:600

July 12, 2022 2:10:44 PM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-22

A Bylaw to Amend Official Community Plan Bylaw No. 2019-08

WHEREAS the Council of the City of Penticton has adopted an Official Community Plan Bylaw pursuant to the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend "Official Community Bylaw No. 2019-08";

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

1. Title:

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2022-22."

2. Amendment:

"Official Community Plan Bylaw No. 2019-08" is hereby amended as follows:

2.1 To change the following designations as follows:

Amend Map 1: Future Land Use, by changing the future land use designation for Lot 3 District Lots 379 and 182 Similkameen Division Yale District Plan 6750 Except Plan H14743, located at 435 Green Ave West, from 'Detached Residential' to 'Ground Oriented Residential'.

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

READ A FIRST time this	3 day of	May, 2022
A PUBLIC HEARING was held this	20 day of	June, 2022
READ A SECOND time this	21 day of	June, 2022
READ A THIRD time this	21 day of	June, 2022
ADOPTED this	day of	, 2022

Notice of intention to proceed with this bylaw was published on the 10 day of June, 2022 and the 15 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the Community Charter.

John Vassilaki, Mayor

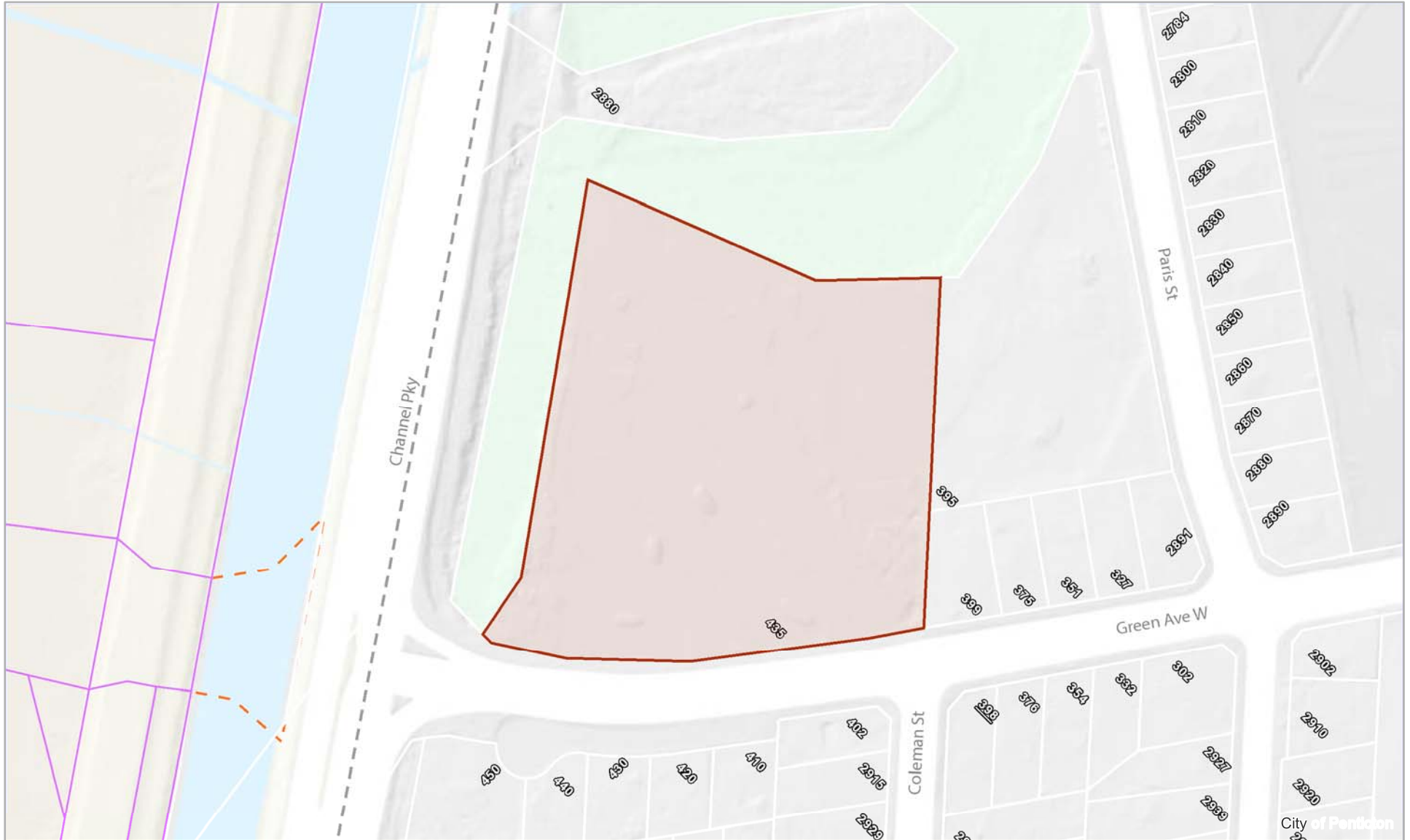
Angie Collison, Corporate Officer



Schedule A: OCP Amendment Bylaw 2022-22

Date:

Corporate Officer:

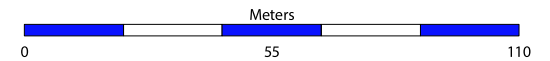


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1:1,680

April 27, 2022 8:46:49 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-23

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 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. 2022-23".

2. Amendment:

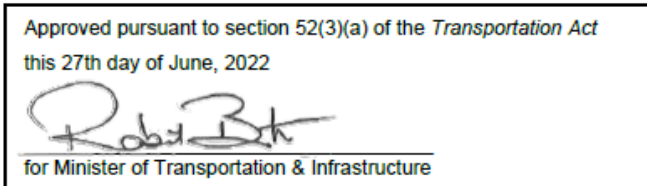
2.1 Zoning Bylaw No. 2021-01 is hereby amended as follows:

Rezone Lot 3 District Lots 379 and 182 Similkameen Division Yale District Plan 6750 Except Plan H14743, located at 435 Green Avenue West, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing).

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

READ A FIRST time this	3	day of	May, 2022
A PUBLIC HEARING was held this	20	day of	June, 2022
READ A SECOND time this	21	day of	June, 2022
READ A THIRD time this	21	day of	June, 2022
RECEIVED the approval of the	27	day of	June, 2022
Ministry of Transportation on the			
ADOPTED this		day of	, 2022

Notice of intention to proceed with this bylaw was published on the 10 day of June, 2022 and the 15 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the Community Charter.



John Vassilaki, Mayor

Angie Collison, Corporate Officer

Bylaw No. 2022-25

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. 2022-25”.

2. **Amendment:**

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

2.1 Update the Table of Contents and add the following to Chapter 14 – Comprehensive Development:

14.8 CD8 – Comprehensive Development (795 Westminster Ave W)

14.8.1 PURPOSE

This *zone* provides for the comprehensive development of a medium-density, 3 storey, mixed-use development site for *Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979*, located at 713 Westminster Ave W, *Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979*, located at 737 Westminster Ave W, and *Parcel A (KK20280) District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3979*, located at 795 Westminster Ave W.

14.8.2 PERMITTED USES

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

- .1 *accessory use, building or structure*
- .2 *apartment*
- .3 *artisan crafts*
- .4 *bakery*
- .5 *business support service*
- .6 *cannabis retail store*
- .7 *craft brewery/distillery*
- .8 *day care centre, major*
- .9 *dwelling unit*
- .10 *financial service*
- .11 *flex unit*

- .12 *health service*
- .13 *indoor animal daycare and grooming*
- .14 *indoor amusement, entertainment and recreation*
- .15 *liquor primary licensed premise*
- .16 *live work unit* (subject to specific use regulation 7.8)
- .17 *minor home occupation* (subject to specific use regulation 7.3)
- .18 *office*
- .19 *on-site beer/wine making*
- .20 *personal service establishment*
- .21 *recreation equipment sale, service and rentals*
- .22 *restaurant*
- .23 *retail store*
- .24 *townhouse*
- .25 *vacation rental* (subject to specific use regulation 7.6)

14.8.3 SUBDIVISION AND DEVELOPMENT REGULATIONS

- .1 Minimum *lot width*: 90.0 m
- .2 Minimum *lot area*: 3,200 m²
- .3 Maximum *lot coverage*: 56%
- .4 Maximum *density*: 1.1 *FAR*
- .5 Maximum *height*: 13.0 m
- .6 Minimum *front yard*: 1.5 m
- .7 Minimum *interior side yard*: 3.0 m
- .8 Minimum *exterior side yard*: 1.5 m
- .9 Minimum *rear yard*: 2.5 m

14.8.4 AMENITY SPACE

- .1 *Amenity space* shall be provided at the rate of 10.0 m² for each *dwelling unit*.
- .2 All *amenity space* may be provided above *approved grade*.

14.8.5 OTHER REGULATIONS

- .1 Commercial *uses* shall be limited to the *first storey* of the *buildings*.
- .2 In addition to the regulations in Section 7.8, *live work units* shall be limited to the first two *storeys* of the *buildings*.

14.8.6 PARKING REGULATIONS

- .1 Notwithstanding Table 6.6, the minimum number of *parking spaces* for *uses* shall be as follows:
 - a. Minimum 44 *parking spaces* for *dwelling units* and *live-work units*;
 - b. Minimum 4 *parking spaces* for visitor parking; and
 - c. Minimum 3 *parking spaces* for commercial *uses*.

2.2 Rezone the following properties from CT1 (Tourist Commercial) and R2 (Small Lot Residential) to CD8 (Comprehensive Development Zone – 795 Westminster Avenue West) as shown on Schedule 'A'.


1. Lot 1 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979, located at 713 Westminster Avenue West, and
2. Lot 2 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan 3979, located at 737 Westminster Avenue West, and
3. Parcel A (KK20280) District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3979, located at 795 Westminster Avenue West.

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

READ A FIRST time this	17 day of	May, 2022
A PUBLIC HEARING was held this	7 day of	June, 2022
READ A SECOND time this	7 day of	June, 2022
READ A THIRD time this	7 day of	June, 2022
RECEIVED the approval of the Ministry of Transportation on the	9 day of	June, 2022
ADOPTED this	day of	, 2022

Notice of intention to proceed with this bylaw was published on the 27 day of May, 2022 and the 1 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the *Community Charter*.

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this 9th day of June, 2022



for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2022-25

Date:

Corporate Officer:

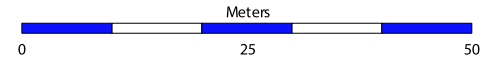


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1:840

May 12, 2022 9:08:50 AM



Coordinate System: NAD 1983 CSRSUTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-26

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. 2022-26".

2. Amendment:

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


2.1 Rezone Lot 8 District Lot 5 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 10974, located at 221 Huth Avenue, from R1 (Large Lot Residential) to R2 (Small Lot Residential) as shown on Schedule 'A'.

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

READ A FIRST time this	17 day of	May, 2022
A PUBLIC HEARING was held this	7 day of	June, 2022
READ A SECOND time this	7 day of	June, 2022
READ A THIRD time this	7 day of	June, 2022
RECEIVED the approval of the	9 day of	June, 2022
Ministry of Transportation on the		
ADOPTED this	day of	, 2022

Notice of intention to proceed with this bylaw was published on the 27 day of May, 2022 and the 1 day of June, 2022 in the Penticton newspaper, pursuant to Section 94 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
 this 9th day of June, 2022



for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

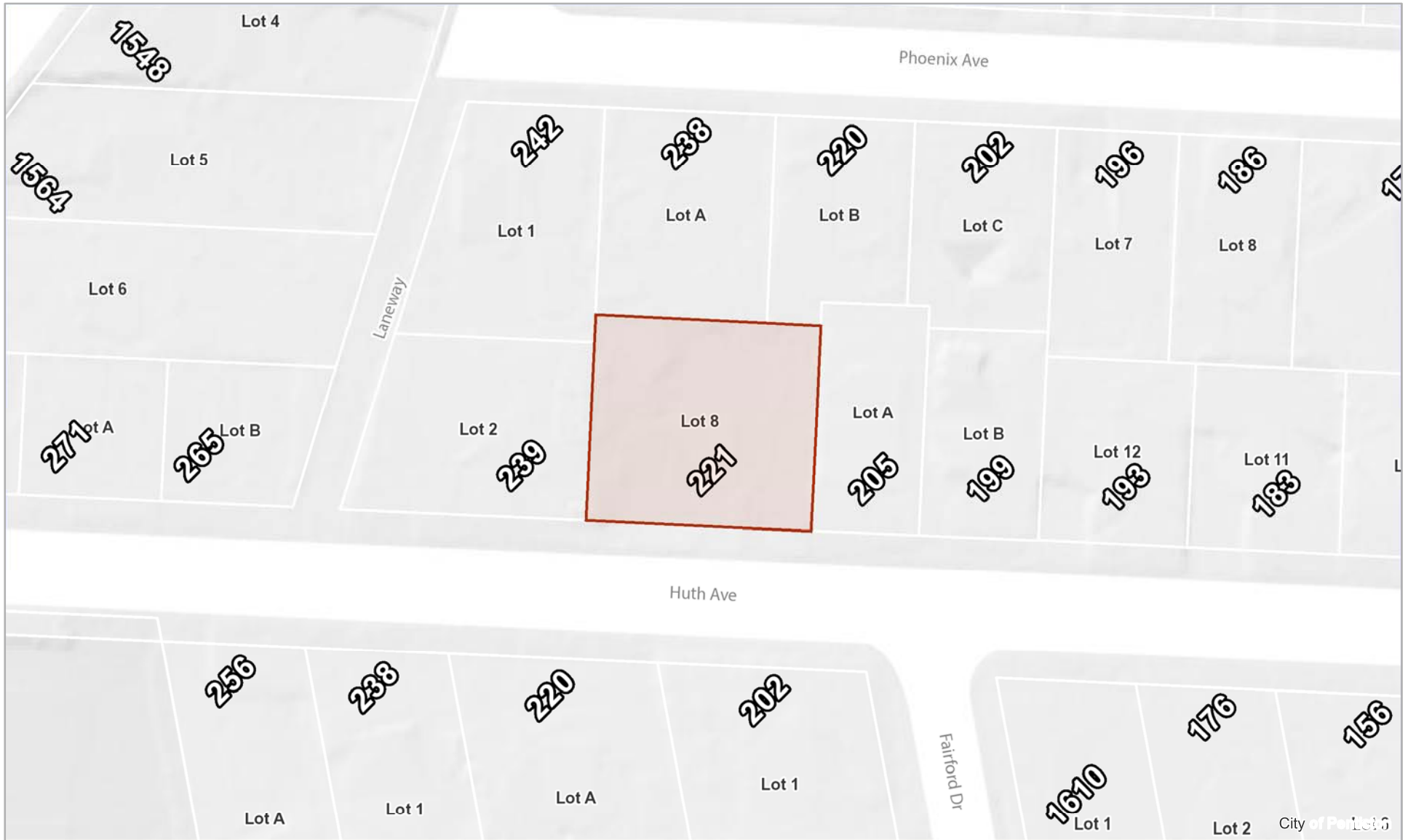
Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2022-26

Date:

Corporate Officer:

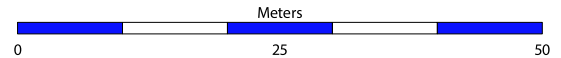


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1:720

May 12, 2022 9:11:56 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-35

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. 2022-35".

2. Amendment:

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

Rezone Lot 3 District Lots 2 and 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1655 Except Plan B4197, located at 650 Eckhardt Ave W and That Part of Lot 3 Shown on Plan B4197 District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 1655, located at 666 Eckhardt Ave W from C7 (Service Commercial) to C3 (Mixed Use Commercial) as shown on Schedule 'A'.

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

READ A FIRST time this 5 day of July, 2022
A PUBLIC HEARING was held this 19 day of July, 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 8th day of July, 2022 and the 13th day of July, 2022 in an online news source and the newspaper, pursuant to Section 94.2 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this ____ day of _____, 2022
for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer



650/666 Eckhardt Ave W

Zoning Amendment Bylaw 2022-35

Date:

Signature:

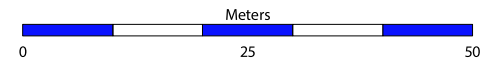


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1:840

June 23, 2022 11:44:58 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-36

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. 2022-36".

2. Amendment:

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

Rezone Lot B District Lot 2 Group 7 Similkameen Division Yale (Formerly Yale Lytton) District Plan EPP119095 located at 169 Maple Street, from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing) as shown on Schedule 'A'.

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

READ A FIRST time this 5 day of July, 2022
A PUBLIC HEARING was held this 19 day of July, 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 8th day of July, 2022 and the 13th day of July, 2022 in an online news source and the newspaper, pursuant to Section 94.2 of the Community Charter.

Approved pursuant to section 52(3)(a) of the Transportation Act
this ____ day of _____, 2022
for Minister of Transportation & Infrastructure

John Vassilaki, Mayor

Angie Collison, Corporate Officer



169 Maple Street

Zoning Amendment Bylaw 2022-36

Date:

Corporate Officer:

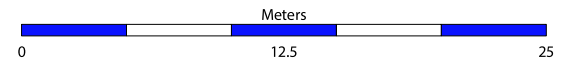


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Coordinate System: NAD 1983 CSRS UTM Zone 11N

The Corporation of the City of Penticton

Bylaw No. 2022-37

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. 2022-37".

2. **Amendment:**

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

Rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 37914, located at 924 Fairview Road, from RD1 (Duplex Housing) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this	5	day of	July, 2022
A PUBLIC HEARING was held this	19	day of	July, 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 8th day of July, 2022 and the 13th day of July, 2022 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer



924 Fairview Rd

Zoning Amendment Bylaw 2022-37

Date

Signature

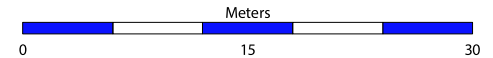


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