

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, January 17, 2023
at 1:00 p.m.**

1. **Call Regular Council Meeting to Order**
2. **Introduction of Late Items**
3. **Adoption of Agenda**
4. **Recess to Committee of the Whole**
5. **Reconvene the Regular Council Meeting**
6. **Adoption of Minutes:**
 - 6.1 Minutes of the December 20, 2022 Regular Council Meeting 1-7 Adopt
7. **Consent Agenda:**

Recommendation: THAT Council approve the Consent Agenda. 8-13

Consent Agenda:

 1. Minutes of the December 20, 2022 Committee of the Whole Meeting; and
 2. Minutes of the December 20, 2022 Public Hearing.
 3. Release of Items from Closed Meeting:
THAT Council reappoint the following member to the Penticton Public Library Board for a one-year term expiring December 2023: David Folstad
AND THAT Council appoint the following applicants to the Penticton Public Library Board for a one-year term expiring December 2023: Debbra Mikaelson and Sarah Sloan
AND THAT Council appoint the following applicant to the Penticton Public Library Board for a two-year term expiring December 2024: Derek McKeever
AND FURTHER THAT Council appoint Councillor Gilbert to the Penticton Library Board.

8. Staff Reports:

Lloyd-Smith	8.1	Update on Public Safety Canada's Funding Allocation for Penticton for 2023-2026 <i>Staff Recommendation: THAT Council receive into the record the report dated January 17, 2023 titled "Update on Public Safety Canada's Funding Allocation for Penticton for 2023-2026".</i>	14-26
Haddad	8.2	LocoLanding Adventure Golf Inc. (Inc. No. BC0622130) Lease Area Extension <i>Staff Recommendation: THAT Council approve the addition of the riverside washroom area (0.1 acre) to the existing Lease with Loco Landing Adventure Golf Inc. (Inc. No. BC0622130) located at 75 Riverside Drive; AND THAT the Lease includes the riverside washroom building demolition requirement at the end of the Lease term (approximate value of \$20,000); AND THAT Council direct staff to place the disposition of City land and improvements advertisement pursuant to section 26 of the Community Charter; AND THAT Council direct the Mayor and Corporate Officer to execute the amended Lease agreements.</i>	27-46
Tanguay	8.3	Amendments to Development Procedure and Delegation Bylaw No. 2010-92 <i>Staff Recommendation: THAT Council direct staff to prepare necessary amendments to "Development Procedures and Delegation Bylaw No. 2010-92" to allow minor development variance permits to be delegated to staff for approval.</i>	47-51
Collyer	8.4	Zoning Amendment Bylaw No. 2023-01 Development Variance Permit PL2022-9455 Development Permit PL2022-9456 Re: 532 Forestbrook Drive <i>Staff Recommendation: THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-01", a bylaw to rezone Lot 2 District Lot 249 Similkameen Division Yale District Plan 3966, located at 532 Forestbrook Drive, from the R2 (Small Lot Residential) zone to the RD4 (Low Density Cluster Housing) zone to facilitate the development of a four-unit cluster housing development on the subject property; AND THAT Council forward "Zoning Amendment Bylaw No. 2023-01" to the February 7 Public Hearing; AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-01", consider "Development Variance Permit PL2022-9455" to vary the following sections of Zoning Bylaw 2021-01 to facilitate the proposed four-unit cluster housing development:</i> <ul style="list-style-type: none">• Section 10.7.2.3: to increase the maximum lot coverage from 40% to 41%, and• Section 10.7.2.7.a.i: to reduce the minimum interior side yard setbacks from 1.5m to 1.3m; <i>AND THAT Council, subject to approval of "Development Variance Permit PL2022-9455", approve "Development Permit PL2022-9456", a permit to approve the form and character of the proposed four-unit cluster housing development.</i>	52-90
Collyer	8.5	Land Use Contract No. 3380 Discharge Bylaw No. 2023-02 Re: 302 Eckhardt Avenue West <i>Staff Recommendation: THAT Council give first reading to "Land Use Contract No. 3380 Discharge Bylaw No. 2023-02", a bylaw to discharge Land Use Contract Bylaw No. 3380 from the title of Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2757 Except Plan H468, located at 302 Eckhardt Avenue West; AND THAT Council forward "Land Use Contract No. 3380 Discharge Bylaw No. 2023-02" to the February 7, 2023 Public Hearing.</i>	91-95

9. Public Question Period and Recess

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

11. **Staff Reports Continued**

Haddad	11.1	Resource Review Summary with Dr. Griffith Delegation: Dr. Curt T. Griffiths (via Zoom)	96-120
<i>Staff Recommendation: THAT Council receive into the record the report dated January 17, 2023 titled "Resource Review Summary with Dr. Griffith".</i>			

12. **Bylaws and Permits:**

Collison	12.1	Zoning Amendment Bylaw No. 2022-55 Development Variance Permit PL2022-9433 Re: 270 Riverside Drive	121 122-125	Adopt Approve
Collyer	12.2	Zoning Amendment Bylaw No. 2022-56 Re: 170 Arnott Place	126-127	2 nd /3 rd

13. **Notice of Motion**

13.1	<u>From Councillor Gilbert:</u> <i>THAT Council direct staff to develop a quarterly Open House format on a separate date from regular council meetings, in the evening, and outside of the council chambers to allow community members to convene in order to discuss relevant concerns and/or specific subjects they have brought through Shape Your City with City Council and senior level staff; AND THAT Council direct staff to prepare an amendment to Council Procedure By-law No. 2018-35 and alter the order of proceedings and business section 23 (1) and move (a) Notice of Motion after (j) Staff Reports; and remove Council Round Table and Public Question Period.</i>	128
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14. **Business Arising**

15. **Public Question Period**

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

16. **Council Round Table**

17. **Adjournment**

Minutes

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

Tuesday, December 20, 2022
at 1:00 p.m.

Present:

Mayor Bloomfield
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller
Councillor Watt

Staff:

Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Anthony Haddad, General Manager, Community Services (via Zoom)
Blake Laven, Director of Development Services
Larry Watkinson, Fire Chief
Hayley Anderson, Legislative Assistant

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

386/2022

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on December 20, 2022 as presented.

CARRIED UNANIMOUSLY

4. Recess to Committee of the Whole

387/2022

It was MOVED and SECONDED

THAT Council recess to a Committee of the Whole meeting at 1:01 p.m.

CARRIED UNANIMOUSLY

5. Reconvene the Regular Council Meeting

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

6. Adoption of Minutes:

6.1 Minutes of the December 6, 2022 Regular Meeting of Council

388/2022

It was MOVED and SECONDED

THAT Council adopt the Regular Council Meeting minutes of December 6, 2022 as presented.

CARRIED UNANIMOUSLY

7. Consent Agenda:

389/2022

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the November 15, 2022 Committee of the Whole Meeting; and
2. Minutes of the December 6, 2022 Public Hearing.

CARRIED UNANIMOUSLY

8. Staff Reports:

8.1 Resource Review of the Penticton RCMP Detachment, Penticton Fire and Rescue and Penticton Bylaw Community Safety Officer Program

390/2022

It was MOVED and SECONDED

THAT Council receive into the record the report dated December 20, 2022 titled "Resource Review of the Penticton RCMP Detachment, Penticton Fire & Rescue & Penticton Bylaw Community Safety Officer Program" a report that contains the key findings and recommendations prepared by Dr. Curt T. Griffiths and Dr. Eli Sopow;

AND THAT the Resource Review be used as guidance and considered by Council when setting their strategic priorities regarding community safety.

CARRIED UNANIMOUSLY

8.2 Home Energy Loan Program Extension

391/2022

It was MOVED and SECONDED

THAT Council direct staff to extend the Home Energy Loan Program to December 31, 2024 while a comprehensive review of the program is undertaken.

CARRIED UNANIMOUSLY

8.3 Snow and Ice Control Policy CP#2022-03

392/2022

It was MOVED and SECONDED

THAT Council approve "Snow and Ice Control Policy CP#2022-03", a policy that provides a balance between public safety, the City's snow and ice removal resources, and the annual available budget.

CARRIED UNANIMOUSLY

8.4 Short Term Rental Benefit and Impact Study – Update and Engagement Plan

393/2022

It was MOVED and SECONDED

THAT Council receive into the record the report dated December 20, 2022 titled “Short-Term Rental Benefit and Impact Study – Update and Engagement Plan”.

CARRIED UNANIMOUSLY

The Mayor recessed the meeting at 2:52 p.m. and the meeting reconvened at 3:02 p.m.

8.5 Long Term Borrowing - Resolutions

394/2022

It was MOVED and SECONDED

THAT Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of their 2023 spring borrowing session, three million and one hundred thousand dollars (\$3,100,000) as authorized through “Advanced Waste Water Treatment Plant Expansion and Upgrades Loan Authorization Bylaw No. 2022-31” and that the Regional District of Okanagan-Similkameen be requested to consent to our borrowing over a twenty (20) year term and include the borrowing in a Security Issuing Bylaw.

THAT Council approve borrowing from the Municipal Finance Authority of British Columbia, as part of their 2023 spring borrowing session, four million and seven hundred thousand dollars (\$4,700,000) as authorized through “Ridgedale Reservoir Expansion and Upgrades Loan Authorization Bylaw No. 2022-33” and that the Regional District of Okanagan-Similkameen be requested to consent to our borrowing over a twenty (20) year term and include the borrowing in a Security Issuing Bylaw.

CARRIED UNANIMOUSLY

8.6 Updated Utility Fees and Charges Amendment Bylaw No. 2022-53

395/2022

It was MOVED and SECONDED

THAT Council adopt “Fees and Charges Amendment Bylaw No. 2022-53”.

CARRIED
Councillor Gilbert, Opposed

8.7 Kings Park: Soccer Clubhouse

396/2022

It was MOVED and SECONDED

THAT Council received into the record the report titled “Kings Park: Soccer Clubhouse” dated December 20, 2022;

AND THAT Council authorize the expenditure of \$150,000 from the Asset Emergency Management Fund for the purpose of demolishing the soccer clubhouse structure;

AND THAT Council direct staff to bring forward a design and engagement budget for a new facility as part of the 2023 budget process.

CARRIED UNANIMOUSLY

- 8.8 Temporary Use Permit PL2022-9477 (Renewal)
Re: 647 Okanagan Avenue East

397/2022

It was MOVED and SECONDED

THAT Council approve "Temporary Use Permit PL2022-9477" for Lot 4 District Lot 3821S Similkameen Division Yale District Plan 15261, located at 647 Okanagan Avenue East, a permit to renew the previous temporary use permit to allow the use "indoor amusement, entertainment and recreation" on the subject property for an additional three-year period; AND THAT Council direct staff to issue the permit.

CARRIED UNANIMOUSLY

- 8.9 Zoning Amendment Bylaw No. 2022-56
Development Permit PL2022-9457
Re: 170 Arnott Place

398/2022

It was MOVED and SECONDED

THAT Council give first reading to "Zoning Amendment Bylaw No. 2022-56", a bylaw to rezone Lot 9 District Lot 116 Similkameen Division Yale District Plan 25549, located at 170 Arnott Place, from R1 (Large Lot Residential) to RD1 (Duplex Housing) with the following site-specific provision:

- A maximum of two dwelling units shall be permitted.

AND THAT Council forward "Zoning Amendment Bylaw No. 2022-56" to the January 17, 2023 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2022-56", approve "Development Permit PL2022-9457", a permit to approve the form and character of a side-by-side duplex on the subject property.

CARRIED UNANIMOUSLY

- 8.10 Development Variance Permit PL2022-9468
Re: 1256 Main Street

399/2022

It was MOVED and SECONDED

THAT Council approve "Development Variance Permit PL2022-9468" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 8070, located at 1256 Main Street, a permit to vary the following sections of Zoning Bylaw 2021-01:

- Section 4.8.4 to allow the placement of a metal storage container in the C1 zone.
- Section 11.1.2.6 to reduce the interior side yard setback from 1.5 m to 0.45 m for the location of the metal storage container.

AND THAT Council direct staff to issue "Development Variance Permit PL2022-9468".

CARRIED UNANIMOUSLY

9. Public Question Period

10. Recess into a Closed Meeting

400/2022

It was MOVED and SECONDED

THAT Council recess at 3:43 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* as follows: Section 90 (1)

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;*
- (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 that 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.*

CARRIED UNANIMOUSLY

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

12. Bylaws and Permits

12.1 General Fees and Charges Amendment Bylaw No. 2022-52

401/2022

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2022-52".

CARRIED UNANIMOUSLY

12.2 Traffic Amendment Bylaw No. 2022-54

402/2022

It was MOVED and SECONDED

THAT Council adopt "Traffic Amendment Bylaw No. 2022-54".

CARRIED UNANIMOUSLY

Councillor Konanz declared a Conflict of Interest as she is a neighbour and left the meeting at 7:21 p.m.

12.3 Zoning Amendment Bylaw No. 2022-55
Re: 270 Riverside Drive

403/2022

It was MOVED and SECONDED

THAT Council give second and third reading to "Zoning Amendment Bylaw No. 2022-55".

CARRIED

Councillor Miller, Opposed

Councillor Konanz returned to the meeting at 7:23 p.m.

13. Notice of Motion

13.1 Notice of Motion from Councillor Gilbert

404/2022

It was MOVED and SECONDED

THAT Council discuss the adoption of a Living Wage Policy (similar to the policy attached) during the 2023 budget deliberations;
AND THAT Council direct staff to report the costs of calculating the Living Wage for City based on the calculations from the Living Wage for Families Campaign at the 2023 budget deliberations;
AND THAT Council direct staff to report on the estimated costs to the City in adopting the Living Wage Policy at 2023 budget deliberations.

CARRIED

Councillors Boulton, Konanz and Miller, Opposed

13.2 Notice of Motion from Councillor Watt

405/2022

It was MOVED and SECONDED

THAT Council approve the immediate hiring of four additional firefighters;
AND THAT the cost of three of the firefighters be drawn from the accumulated general surplus in 2023;
AND THAT the cost of two of the firefighters be drawn from accumulated general surplus in 2024;
AND THAT the cost of one of the firefighters be drawn from accumulated general surplus in 2025.

CARRIED

Councillors Konanz and Miller, Opposed

13.3 Notice of Motion from Mayor Bloomfield

406/2022

It was MOVED and SECONDED

WHEREAS the previous Council made a motion for the implementation of a 'Car 40 Program' which as endorsed by SILGA and UBCM;
AND WHEREAS Interior Health has indicated potential support for such a program;
AND WHEREAS the Ministry of Mental Health and Addictions has indicated potential support for such a program;
AND WHEREAS the previous Council campaigned on a possible 'made in Penticton' option for the Car 40 Program;
AND WHEREAS the RCMP and protective services have shown support for a 'Car 40 Program' in Penticton;
THEREFORE BE IT RESOLVED THAT Council direct staff to provide options and costs for the implementation of its own 'Car 40 Program' during the 2023 budget deliberations for Council consideration as an alternative in the event that the Provincial Government fail to implement a plan of action in 2023.

CARRIED

Councillor Boulton, Opposed

13.4 Notice of Motion from Mayor Bloomfield

407/2022

It was MOVED and SECONDED

WHEREAS affordable housing was a prominent topic in the recent municipal election;
AND WHEREAS most of the providers of social care in Penticton are expressing a need for affordable housing;
AND WHEREAS the City owns undeveloped land in various locations;
AND WHEREAS there is a recognized need for affordable housing throughout the Province;
THEREFORE BE IT RESOLVED THAT Council direct staff to prepare a report focused on the possibility of the City providing land for workforce and affordable housing projects, potential locations and types of housing needs and approximate costs;
AND THAT the report be brought to Council for their consideration at a future Council meeting.

CARRIED UNANIMOUSLY

13.5 Notice of Motion from Councillor Konanz

408/2022

It was MOVED and SECONDED

THAT the remuneration rate paid to members of Council freeze and that the annual adjustment based on the Consumer Price Index (CPI) not be applied in 2023.

CARRIED
Councillors Graham and Watt, Opposed

13.6 Notice of Motion from Councillor Boulton

409/2022

It was MOVED and SECONDED

THAT Council pause the final section of the Lake to Lake Bike Route (Galt Avenue to South Beach Drive along South Main Street) until such time as a review of lessons learned and ridership information has been provided to Council.

DEFEATED
Mayor Bloomfield, Councillors Gilbert, Graham and Watt, Opposed

14. Business Arising

15. Public Question Period

16. Council Round Table

17. Adjournment

410/2022

It was MOVED and SECONDED

THAT Council adjourn the December 20, 2022 Regular meeting of Council at 8:43 p.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Minutes

penticton.ca

Committee of the Whole

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

Tuesday, December 20, 2022

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

Present:

Mayor Bloomfield
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller
Councillor Watt

Staff:

Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Anthony Haddad, General Manager, Community Services (via Zoom)
Blake Laven, Director of Development Services
Larry Watkinson, Fire Chief
Hayley Anderson, Legislative Assistant

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 December 20, 2022 be adopted as presented.

CARRIED UNANIMOUSLY

3. **Delegations:**

3.1 100 More Homes Penticton

Kyler Woodmass, 100 More Homes Strategy Coordinator, Community Impact & Investment, of 100 More Homes provided Council with a presentation on the activities of 100 More Homes Penticton and the partnership with the City and other community organizations.

4. **Adjourn to Regular Meeting**

It was MOVED and SECONDED

THAT Council adjourn the Committee of the Whole meeting held December 20, 2022 at 1:16 p.m. and reconvene the Regular Meeting of Council.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Minutes

penticton.ca

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

Tuesday, December 20, 2022
at 6:00 p.m.

Present: Mayor Bloomfield
Councillor Boulton
Councillor Gilbert
Councillor Graham
Councillor Konanz (*left meeting at 6:13 p.m.*)
Councillor Miller
Councillor Watt

Staff: Donny van Dyk, Chief Administrative Officer
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Blake Laven, Director of Development Services
Hayley Anderson, Legislative Assistant

1. Call to order

Mayor Bloomfield called the public hearing to order at 6:12 p.m. for Zoning Amendment Bylaw No. 2022-55. Councillor Konanz declared a conflict of interest as a neighbor of the development and left the public hearing at 6:13 p.m.

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

2. "Zoning Amendment Bylaw No. 2022-55" (270 Riverside Drive)

The purpose of "Zoning Amendment Bylaw No. 2022-55" is to amend Zoning Bylaw No. 2021-01 as follows:

Zoning Bylaw Text Amendment to the following sections of the existing CD2 (Comprehensive Development (270 Riverside Drive)) zone on the subject property:

- Section 14.2.2: To add 'Vacation Rental' as a permitted use,
- Section 14.2.2: To add 'Mobile Vending Unit' as a permitted use, and

- Section 14.2.3.9: To change the minimum rear yard (Wylie Street) from 25m to 2.5m.

The applicant is proposing to construct a 6-storey, 234 unit strata apartment development consisting of 28 studio units, 117 one-bedroom units, and 89 two-bedroom units. The development is proposed to be built in two phases, phase 1 with 96 units on the Wylie Street side and phase 2 with 138 units on the Riverside Drive side.

The Corporate Officer advised that seven letters have been received since the printing of the agenda.

DELEGATIONS

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

- Robert Camacho, Applicant on behalf of Kerkhoff, provided Council with a PowerPoint of proposal and highlights of project.
- Dennis O’Gorman, Penticton resident, commented complimentary to Northern Gateway concept, emphasis on vacation rental struck as oddity, questioned why not made and designated as hotel, didn’t understand functional distinction with fitness and food services being provided. Questioned what the management apparatus that looks after vacation rentals will be, watching and living near this vicinity it has wild-west character, understands living out of residence and hotel, raises question about management on what will essentially be hotel, what will interaction be, vacation rentals have party dimension and noise, what management provisions will contractor have. Commented reference to short term rental regulations, would have liked to see presentation outline them, what outputs are, what dimensions of short term rental study are focus and how would apply. Was young once too, distinction of how vacation rentals will be marketed and management of tenant population. Commented dining pad, certain hipness to it, will come and go, fashions change, big complex, functionally a hotel, questioned only way to provide food services or just an ancillary.
- Lori Goldman (via Zoom), Dauphin Ave, commented really gorgeous, thoughtful project, great redeeming qualities, attention to EV and bikes is great. Commented is a climate person, good ideas about trees and canopy, model shows little trees, won’t cool building or area, need adequately sized trees. Questioned about permeable hard scape, solar installation on roof, fossil fuel and heat pumps, need to be conscious of climate action plan. Not providing needed housing, going to be high end, rental not accessible to anyone who was in Ogopogo, rentals will promote investment buyers, reducing options for local citizens. Concerned about set back, not clear about difference, looks like it goes to walkway, crowding sidewalk on riverside. Asked application to address climate solutions.
- Jordan Shade, Backstreet Boulevard, commented Staff presented vacation rentals permitted in any zone in City, what is needed is housing, love development and design but need to address housing, main focus, only against vacation rentals otherwise happy to support.
- Ben Edison, speak to nature of vacation rental, have operated a vacation rental for 10-years in Penticton, finds months of June, July, August and September are in demand, during off season continues to keep vacation rental open for short-term out-of-town workers for construction purposes. Commented vacation rentals geared towards tourist but also creates off-season rentals considered a bonus. Commented pays 2% MRDT tax to city, not opposed to paying more, goes to maintaining property.
- Lorraine Stephanson, Penticton resident, commented at recent public hearing

mentioned to past council about ad in real estate guide every week stating for buyers wanting to purchase up to 800k for vacation rentals, found it disturbing, we all want housing for local workers. At Council meeting this was presented, was said 100% could be vacation rentals, tonight was said 25% due to insurance regulations. Questioned who is going to decide if a buyer can use the unit for vacation rental, will it be decided on units in advance or lottery, people buy for different reasons. Vacation rental component encourages external speculation, takes away from long-term housing for local workers, hard to enforce vacation rentals. Commented with David Eby's new regulations regarding strata no longer allowed to screen tenants, going to be difficult. Commented great project, like look of building, improvement from past proposal, approve without vacation rental amendment.

- Brigid Kemp (via Zoom), Warren Avenue West, questions from what Developer is saying, using words that don't apply to proposed development, talking about market homes, much needed housing options, wonderful amenities, questioned if amenities will be open to public, can we use pool, outdoor bbq, food truck on their property. Commented remember about people who call Penticton home. Commented Hwy 97 major highway, vacation rentals increase residence in complex, questioned how Highway 97 and Riverside will be safer from development.
- Laurie Lancaster, realtor worked on Riverside previous project, in favour of project, need for one-bedroom units, previous project gives many people the option for younger professionals in north end, can support vacation rentals properly with limits to avoid parties, need to development, work together for guidelines and structure.

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

- Scott Proudfoot (Via Zoom), speaking for architect design team, compliments Penticton, set standard for north gateway. South side trail building, going above and beyond trail standard, animate plaza area created in centre, make a welcoming place for people to spend time. On third level private amenity deck for residents, pool and bbq area, safe place for children with supervision from surrounding apartments. Proud to bring project to Penticton, available to answer questions about building.

Mayor Bloomfield asked the public for the third and final time if anyone wished to speak to the application.

- Robert Camacho, Applicant, invited Shane Styles, Marketing Agent, very familiar with short-term rentals to address concerns.
- Shane Styles, Marketing Agent, Epic Real Estate Solutions, commented Penticton favourite market, most potential for growth, particularly for people from lower mainland, find opportunity for businesses and affordability for housing. Done research in Penticton, all buyers for project of this size not from this market, need to make attractive to other markets to come here by allowing short-term rentals capabilities expands into other market, important part of sales, making project reality. Commented project called the Shores in Kelowna, purpose built building with short-term rentals, managed as multi-family building, short term rentals during peak season, mid and long-term rentals, 6-8 months, building always full, satisfies a market demand that appeals to tourists and people looking for mid to long term option.
- Councillor Miller, stated 348,000 hotel room nights this year, 472,000 by 2030, questioned source.
- Robert Camacho, Applicant, responded City of Penticton Colliers report. Responded short tem rental rules, putting in rules as developer for strata to follow, comparable to multi-family short-term rental rules, limits per unit, hours of activity, partially managed by remaining home owners. Responded amenities at podium level not available, food

truck yes, offering space for food trucks, different dining opportunity based on demand.

- Scott Proudfoot (via Zoom), responded rendering show trees that will be seen in short-term, next five years, look forward to them growing big. Big canopy at top of building, great for shading on south side. Responded building not all electric, 100% of units will have heat pumps. Responded setback on Wylie Street face, to right new townhomes, doubled setback of neighbor. Responded about safety improvements, applicant to work with Ministry of Transportation to upgrade intersection before building permit issued to make intersection safer. Responded seeing more demand for solar, it's a cost thing, in a for-sale market doesn't much in BC, BC Hydro encourages, not considered as part of this project.
- Lorraine Stephanson, Penticton resident, questioned who decides which 25% maximum vacation rentals, who decides which are vacation rentals.
- Robert Camacho, Applicant, responded set through strata rules, not uncommon for long-term rentals, may be determined from sales point-of-view, waiting lists for other interested home owners afterwards.
- Mayor Bloomfield, commented would like to hear about company experience in development.
- Robert Camacho, Applicant, responded working with Kerkhoff last six years in Okanagan, want to be treated like every other developer, we produce projects that we believe can be built and sold. In Okanagan have over 600 doors in construction. Delivered 427 units to market in Kelowna, homeowners very happy.
- Councillor Miller, asked about Strata rules, decision of builder or developer, how does it work.
- Robert Camacho, Applicant, responded developer sets Strata rules, once formed Strata Council has right to make changes. Responded rules don't change in first year, regulations after certain percentage of completions, needs to have formalized meeting to start Strata, developer relinquishes control.
- Councillor Gilbert, asked if didn't have vacation rentals, would project get off ground.
- Robert Camacho, Applicant, responded we can firmly say we need to have same playing field as everyone else, want to offer what everyone is looking for and cast widest net.
- Councillor Watt, asked applicant to confirm it is not being marketed as short-term rental facility.
- Robert Camacho, Applicant, responded not marketing as short-term rental property, offering well designed home, want to be allowed to say yes to those looking for short-term rental.

The public hearing for "Zoning Amendment Bylaw No. 2022-55" was terminated at 7:15 p.m. and no new information can be received on this matter.

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Council Report

penticton.ca

Date: January 17, 2023 **File No:** 1855-03
To: Donny van Dyk, Chief Administrative Officer
From: Jamie Lloyd-Smith, Interim Social Development Specialist and Sarah Desrosiers, Social Development Coordinator
Subject: **Update on Public Safety Canada's Funding Allocation for Penticton for 2023-2026**

Staff Recommendation

THAT Council receive into the record the report dated January 17, 2023 titled "Update on Public Safety Canada's Funding Allocation for Penticton for 2023-2026".

Background

On March 16, 2022, Public Safety Canada announced that it would be investing over \$250 million towards community-based prevention and intervention strategies to address community safety across Canada through the Building Safer Communities Fund (BSCF). Under this program Penticton is eligible to receive over \$1 million dollars to spend over the next three years. The Federal Government is allowing municipalities to redistribute this funding to organizations delivering programs aimed at engaging youth (12-24) in trauma recovery, mentoring, counselling, skills development and recreational opportunities. They encourage these organizations to incorporate evidence-based crime prevention models wherever possible.

As a result of this allocated funding, staff brought forward a request to Council in June 2022 that local not-for-profit organizations and other relevant community partners collaborate on the three-year investment plan. As per Council's direction, the City hired a term project coordinator to research the needs of the community and to work collaboratively with partners to ascertain the best allocation of eligible funding from April 2022-April 2026 (Council Resolution 227/2022). In addition to understanding local needs with external partners, staff are also reviewing any internal options for funding allocations.

Community Research

From Council's direction, staff conducted research to understand the need and opportunity in the community, engaging with external and internal partners, exploring community reports and data, discussing with other local governments that received allocations from Public Safety Canada, and mapping out youth-serving organizations and existing programs.

Staff compiled learnings into a Community Research Report (See Appendix A) which identified the community needs, assets, strengths and solutions facing at-risk youth in Penticton. The research is not an

exhaustive picture of youth needs in Penticton, but captures a mix of qualitative and quantitative measures to understand the greatest program needs over the next three years.

Over twenty-six local organizations were surveyed. They were examined for the ages they serve, what programs they have available, the cost of each program, the referral process to participate in each program and which of the identified priority areas they serve. Each program was then categorized into a priority area to understand how many programs existed in each area. As a result of the community research and conversations, a set of nine priority areas for at-risk youth were identified:

- Safe housing supports;
- Mental health;
- Substance use;
- Family and home life supports;
- Free community activities and opportunities;
- School and education;
- Life skills;
- Food security;
- Youth employment

Of these nine areas, four emerged as being the most needed in Penticton for youth, based on engagements: safe housing supports, mental health, substance use, and family and home life supports.

In addition to consultations, youth crime statistics provided by the local RCMP detachment revealing relatively low youth crime rates suggest that a focus on prevention over intervention services will contribute to positive social development and community safety. Further engagements with community partners in Quarter 1 will drive the final program(s) and investment plan by consensus (Figure 1). These engagements will have staff work directly with community partners to select partner(s) and program(s) to receive funds that are evidence-based and aligned with community research findings.

(When I first suggested this update, it was with the intent that staff would outline the process for distributing the funds?)

Financial implication

Public Safety Canada and the City of Penticton signed a contribution agreement on October 12, 2022 to hire a term project coordinator. The City of Penticton will be eligible to receive up to \$1 million dollars over the next three years, contingent on the contribution agreement being signed after March 31, 2023 which would see funding redistributed to partner(s) to deliver youth crime prevention programs. This is the breakdown of eligible funds:

Fiscal Year 2023/2024 (April 1st 2023 to March 31st 2024)	\$409,149.38
Fiscal Year 2024/2025 (April 1st 2024 to March 31st 2025)	\$409,149.38
Fiscal Year 2025/2026 (April 1st 2025 to March 31st 2026)	\$233,799.65

No matching contribution from the municipality is required. All project associated costs are funded through the grant and will be primarily redistributed to eligible not-for-profit organizations. Partners who are eligible for funding are requirement to create a sustainability plan for any program(s) and/or service(s) they will deliver. Some staff time is required to support partners in the development of a sustainability plan.

Next steps

The BCFS program and funding agreement require submission of the three year plan by the end of March 2023. Staff are well positioned to meet this requirement. The following diagram shows the next steps of the program:



Analysis

Penticton was allocated funds through the BCFS program by Public Safety Canada. Following Council direction staff have been working with various partners to prepare a three year plan to utilize the funds in the best interests of the community within the funding parameters. The three year plan will involve a mix of youth focused crime prevention program(s), primarily delivered through local not-for-profit agencies. Participation in the program is one of many other community safety initiatives currently underway in the community, but the program most focused on youth crime prevention.

Staff are recommending that Council receive this report for information.

Attachments

Attachment A – Community Research Report

Alternate recommendations

THAT Council direct staff to bring back additional information.

Respectfully submitted,

Jamie Lloyd-Smith
Interim Social Development Specialist

Sarah Desrosiers
Social Development Coordinator

Concurrence:

Director of Development Services	Chief Administrative Officer
<i>BL</i>	DyD

Appendix A – Community Research Report

Introduction

On March 16th, 2022, Public Safety Canada announced that it would be investing over \$250 million towards community-based prevention and intervention strategies to tackle community safety. Penticton was identified as a participant of the program through an evidenced based funding methodology based on two major elements: crime severity and population data. The City is eligible to receive \$1.2 million dollars to invest in youth crime prevention programming over the next three years. The Federal Government is allowing municipalities to redistribute this funding to organizations running programs aimed at engaging youth aged twelve to twenty-four.

As the Department designated by the City to oversee the project, the Social Development Department (SDD) engaged with many community partners to begin developing the three year spending plan. In addition to the consultation with community partners, SDD staff did an indepth review of three recently completed reports on youth well-being: *No Where to Go Report on Youth Homelessness*, *Self Esteem Project Report*, and, the *Health and Well-Being of our Youth Report*. These reports and their recommendations set the scene for the experiences and needs of the youth in Penticton over the last ten years and informed the three year planning process.

Furthermore, a set of interviews with community partners were held to gain a better understanding through the experiences of staff who had worked alongside youth or whose work affected youth directly. The outcome of these conversations were two-fold. Initially, they were meant to create a base of community knowledge, but as the information was collected, it became evident that these conversations also functioned as a validation source for existing community research and reports. Inadvertently, these community members' comments and experiences often mirrored each other, creating broad trends and patterns to be discussed in this report.

Finally, two additional types of data were analyzed. Existing youth programs in Penticton were mapped and validated with the Youth Action Table (YAT), a local group of partners addressing youth wellness in Penticton. As well, Penticton-specific youth crime statistics from the last year were contributed by the local RCMP detachment in the furtherance of understanding the youth situation in Penticton in order to meet the community where it is currently at, and to be able to work forward together from that point. The four most prominent themes addressing the needs of youth in Penticton to emerge out of the overall community research were: (1) safe housing supports, (2) mental health, (3) substance use, and (4) family and home life supports. More themes that should be of interest were youth activities and opportunities, school and education, food security and youth employment.

This report outlines the community research done to date and forms the basis for the three year funding plan.

Youth Action Table

In pursuance of sustainable community development the SDD aims to take a Collective Impact approach to best harness the power of the community. In order to meet the five conditions of Collective Impact (common agenda, shared data, mutually reinforcing activities, continuous communication, and backbone support), the Youth Action Table (YAT), a sub-committee of 100 More Homes focused on youth, was invited to act as a validation table due to their common agenda with the objective of the BSCF grant, their participating membership, and the shareable data. This enabled continuous

communication to occur throughout the process while the SDD was able to act as backbone support. The YATs' continued support, professionalism and community expertise has been essential for the planning of the BSCF. This table will continue to contribute evaluative feedback over the next three-years.

The Self Esteem Project Report

This 2013 report was written for the United Way of the South Okanagan Similkameen and the Community Foundation of the South Okanagan Similkameen. The report collected over hundreds of stories about issues that young people were facing in the community, opportunities and resources that youth used to build positive self-esteem, and overall what tools youth needed to feel good about themselves. As self-esteem is known to have a significant impact on youth delinquency¹, this was an critical in understanding youths' overall mental wellness in Penticton. A few tangible suggestions coming out of this report were: investments in free alternatives to substance use, such as a voucher system to access programs and activities, organized and structured city-wide activities, creating a youth festival and investing in evening entertainment such as open mic nights and substance free club nights. Additionally, investing in a local youth communications strategy to combat negative stereotypes and empower youth through a council youth advisory committee offered solutions to influence long-term change and create a truly age-friendly community where youth can age in place.

Balance and Connection in Okanagan - The Health and Well-Being of Our Youth Report

This report was written and published through the McCreary Centre Society in 2020. It gave a breakdown of the 2018 BC Adolescent Health Survey, which has been completed every five years since 1992 in BC schools. Relevant to this community research, the report looked at the health profile of young people in regards to mental health, substance use, extracurricular activities and risks to healthy development in terms of poverty and deprivation, and violence and discrimination. It also looked at healthy development in respect to family, school, community, supportive relationships and young people's strengths and resiliency. The strengths-based perspective offered about youth in this report was meaningful for this community report as it placed youth as resilient individuals in the face of adverse situations.

No Where to Go Report on Youth Homelessness

This research was conducted by WHR Consulting in conjunction with Foundry Penticton and published in 2022. This peer-led research project examined youth experiences of housing precarity. It conveys the reality youth experiencing housing precariousness face through peer-led surveys and community consultations. It is well documented that homelessness is a criminogenic factor for youth², hence this reports lends itself to suggest that meeting the essential needs of young people is correlated with a decrease in youth criminal involvement. The report's recommended short, medium and long-term solutions offer emergency-based and preventative solutions that address youth homelessness and enhance youth well-being.

Community Engagements

¹ Mier, C., & Ladny, R. T. (2018). Does Self-esteem Negatively Impact Crime and Delinquency? A Meta-analytic Review of 25 Years of Evidence, *Deviant Behavior*, 39(8), 1006-1022.

² McCarthy, B., & Hagan, j. (1991). Homelessness: A Criminogenic Factor? *British Journal of Criminology*, 31(4), 393-410.

To better understand at-risk youth and the services available to them, various discussions with community leaders, program coordinators, community safety staff and front-line youth-serving staff were held. Although these conversations were completed through an informal process to allow for organic discussion of the issues at hand, each meeting held more or less the same structure. Individuals were asked to explain how their work both involved and affected youth, and what their role was within the organization. They were asked for their definition of an “at-risk youth”, and what issues they saw their youth experiencing in Penticton. As many of the individuals had been working with youth long-term over their careers, they were asked about changes in trends when it came to at-risk youth. They were asked about the barriers and challenges that youth face today that may have been different at the beginning of their careers. Based on their experiences, they were asked what they felt youth in Penticton needed in terms of prevention and intervention programs and solutions. They spoke of the gaps in services they saw in Penticton. They were also asked the “million dollar question” of what they would spend one million dollars on to help at-risk youth. The individuals involved shared their ideas, thoughts, concerns, and experiences when it came to the well-being of at-risk youth in the community.

Youth Program Mapping

Mapping programs for youth in the community is a valuable tool for understanding the gaps in services that are available to young people, and to avoid replicating work already occurring. By creating a visual representation of the various programs and resources that are available, it becomes easier to understand and identify areas where there may be a lack of resources or support. This information can then be compared next to what the community feels it needs for their youth, pinpointing the where of “what doesn’t exist” and “what is needed.” Program mapping can help inform the development of new programs or the expansion and enhancement of existing ones in order to better meet the needs of youth in the community. Additionally, mapping programs can also help to highlight any overlaps or duplication of services, which may be contributing to inefficiencies in the system. In Penticton, it was found that there are approximately 26 organizations offering services that can benefit youth who are at-risk. There are over 125 tangential programs that offer services aimed at safe housing supports, mental health, substance use, family and home life supports, youth activities and opportunities, school support, food security, youth employment, behavioural support, disability support, post-crime support, youth leadership, indigenous youth, physical health, sexual health, immigration and financial assistance. Figure 1 is a visual representation of how many programs there are within the identified category in juxtaposition to how many times each category was mentioned during the community conversations and reports as being a priority in Penticton.

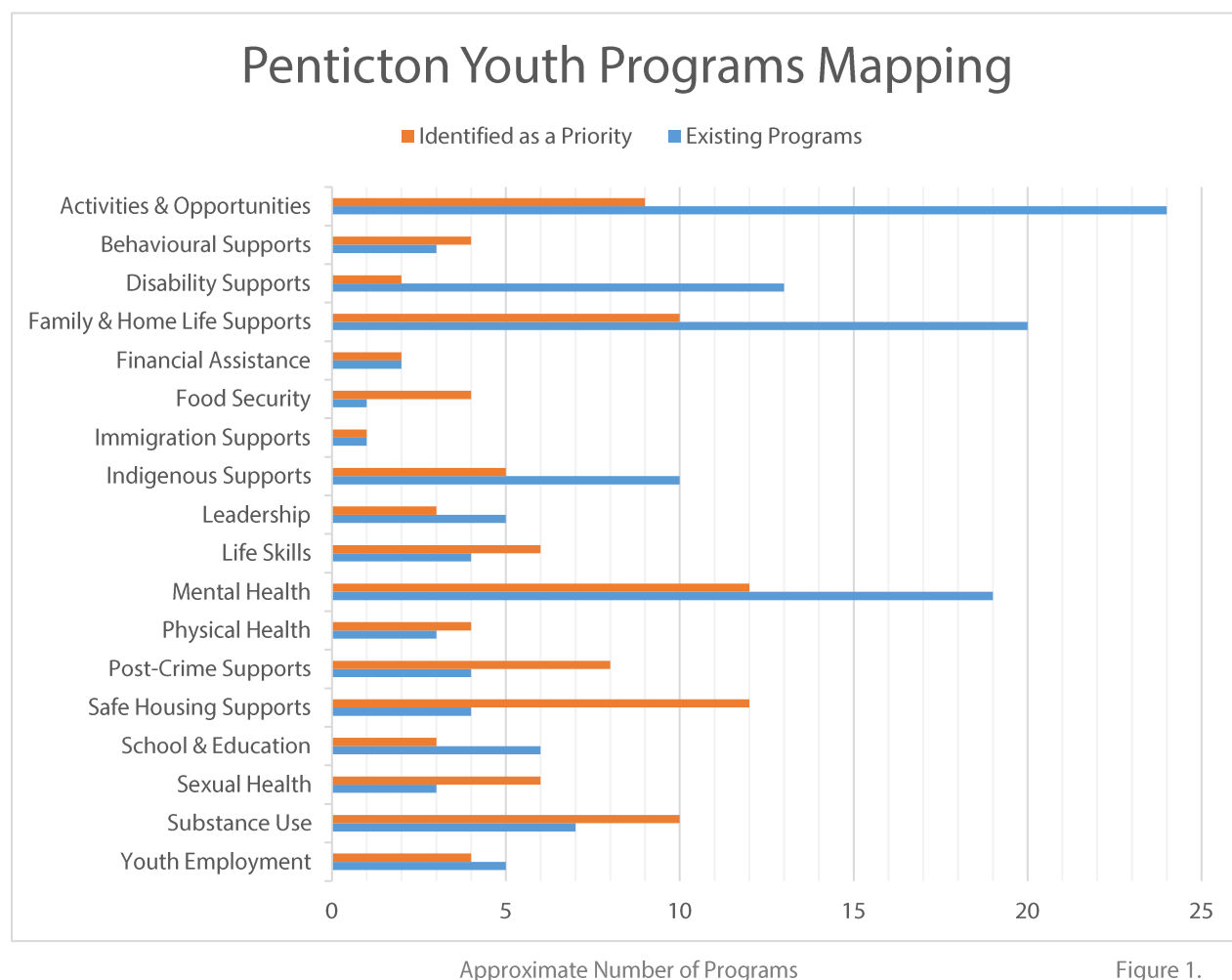
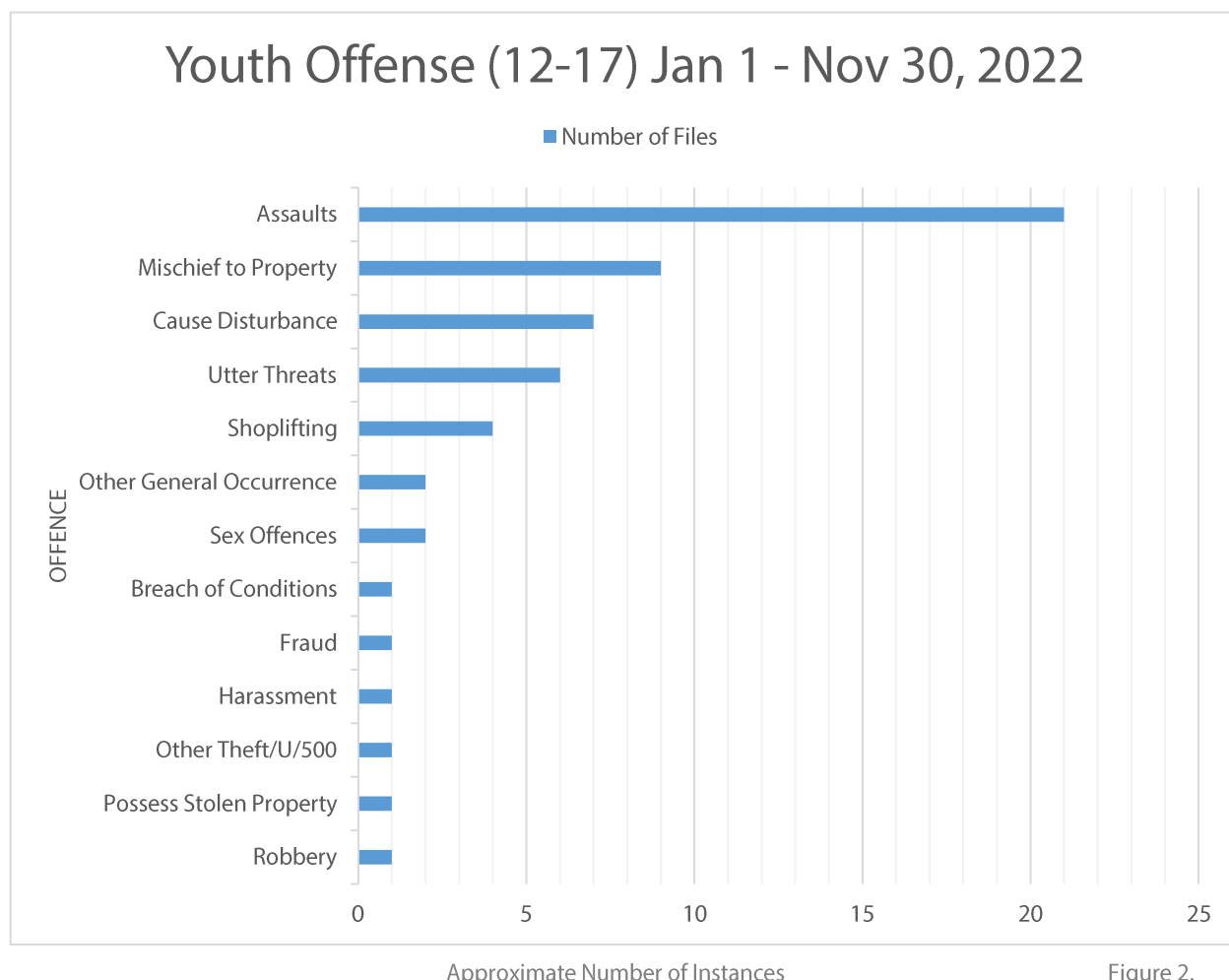


Figure 1.

Penticton Youth Crime Statistics

In order to understand the needs of at-risk youth in our community, it is important to analyze the youth crime statistics in the area. These statistics provide insight into the types of crimes that are most prevalent among young people, as well as the frequency with which they occur. From January 1st, 2022 to November 30th, 2022 there were a total of 57 files opened for 46 youth for negative contacts between youth and the RCMP. It was disclosed that is a low number for Penticton and that youth crime is not a major issue in Penticton. This could suggest that programs aimed at preventing youth crime rather than intervening in youth crime may be the most beneficial for Penticton.

The mean and median ages of youth carded in a negative offence were both 16. In terms of sex, there were twice as many males with files than females (31 vs 15). A final caveat shared by the RCMP about this data is that the actual extent of youth involvement in crime in Penticton may be higher than the numbers reported here as youth may be involved in files where no person is carded in a negative role code (ie. files with no identified suspect). This may explain why assaults are so high in comparison to property offences – property offences may be committed without any witnesses, whereas an assault by definition involves another party (ie. the victim of the assault) who may be able to identify the assailant.



In the community research, it was anecdotally shared that youth seemed to be causing less crime presently than in the past in Penticton. Staff who worked with youth who had committed a crime stated that the most common offense they witnessed was assault under the influence, and found that a high amount of their clients had experienced traumatic brain injuries. There is a known association between brain injuries³ and an increase in violent behaviour. Finally, the community research found that there was an increase of youth-related crimes during the summer.

In reference of assault being the most numerous offence, and according the findings of a report prepared by the BC Injury Research and Prevention Unit and Canadian Hospitals Injury Reporting and Prevention Program, most assault injuries occurring between youth happened on Fridays (17.7%) and occurrence of assaults tended to peak at 12:00pm-1:00pm (14.3%) and 3:00pm-4:00pm (12.5%) during the school day (Mon-Fri), and more common at night (8:00 – 10:00 pm) during the weekend⁴.

By examining these statistics, there are identified trends that can help guide the development of effective programs and interventions to support at-risk youth and prevent them from getting involved in criminal activity. Understanding youth crime statistics is essential to developing targeted and effective strategies to support young people and ensure that Penticton is a community where youth can age in place.

³ Williams, W. H., Chitsabesan, P., Fazel, S., McMillan, T., Hughes, N., Parsonage, M., & Tonks, J. (2018). Traumatic Brain Injury: A Potential Cause of Violent Crime? *Lancet Psychiatry*, 5(10). 835-844.

⁴ Rajabali, F., Nolan, M., Olsen, L., Han, G., Brussoni, M. (2005). Exploring Physical Intentional Assault Injuries in Children and Youth, Ages 10 to 17, in Canada: A Pilot Study. *Faculty Research and Publications*, 1-29.

Themes

At-Risk Youth

Most community members had many definitions and criteria of what constituted an at-risk youth. At its broadest, many individuals noted that any youth could become an at-risk youth. Adverse events which could happen at any moment in a youth's life, and having to face circumstances that are beyond their control, creates an environment that is rife with instability and transition for any young person. Individuals noted that the number of actively at-risk youth have anecdotally increased in the last two years, bringing attention to another consequence of the COVID-19 pandemic. Criteria by which at-risk youth were determined included youths who faced inequity in terms of their social determinants of health and barriers when it came to getting their needs met. 'Instability' was word that often arose; instability at home, at school, in terms of self-esteem and mental health, within social groups. Community members also specified that at-risk youth were youth who had/were experienced/ing trauma, who were socially isolated, who had endured adverse childhood events and who were experiencing homelessness. Specific groups of youth were also mentioned, such as youth-in-care, those on youth agreements, youth in transitional situations and youth who were in contact with the criminal justice system. Youth who were disengaged from school, who used substances in unhealthy ways, and who participated in high risk sexual behaviors were also mentioned. Overall, an at-risk youth was described to be a young person between the ages of 12 and 24 who has and is experiencing some kind of harm, whether physical, environmental, social, psychological or biological. When a youth is at-risk, they are more likely to engage in activities that they will view as helping them survive that harm, which can include acts of crime. Therefore in order to prevent and decrease youth crime, these criminogenic factors must be accounted for and alleviated.

Mental Health

The mental health of youth in Penticton was the most frequently mentioned theme in the community research. All individuals who participated in the community conversations and the aforementioned reports highlighted the increasingly declining state of mental health of the young people living in this community. Individuals who had been living in the community for over ten years spoke of the differences they saw in youth today versus when they began their careers, such as increasing anxiety, depression and isolation. Paralleling much of today's discourse of mental health post COVID-19 restrictions, young people's struggles with mental health had sharply increased during the pandemic, creating a wave of uncurbed mental illnesses, struggles and disorders that exist today and that services must respond to in order to help youth heal as they eventually navigate their transitions into adulthood. The most common consequence of mental distress mentioned was that youth were not going to school. Young people are not able to go to school due to their mental states and it is well known that compromised academic achievement in the form of poor school attendance is a criminogenic factor⁵. The *Health & Well-Being of Our Youth* report found that good mental health had decreased from 80% to 70% from 2013 to 2018. This is not accounting for the pandemic, meaning that over 30% of youth in Penticton may be seriously struggling with their mental health today. Both this report and comments from community members highlighted that youth wanted to learn more about mental health and mental illnesses and where to get services. It was found that 42% of youth in the

⁵ Yessine, A. K. (2011). Risk Factors for Delinquency among Canadian Youth: Current knowledge and future directions. *Public Safety Canada*. <https://www.publicsafety.gc.ca/cnt/rsrccs/pblctns/fctrs-dlqnc/index-en.aspx>

Okanagan did not access support services because they did not know where to go and wanted to avoid the consequences of including their parents.

Safe Housing Supports

The community research made it clear that at-risk youth in Penticton were experiencing high levels of housing instability. This was the most discussed trend brought up during community conversations and two reports supported the communities' observations and experiences. A continuum of housing with wrap-around services attached to each level was communicated as being the most necessary type of support that at-risk youth could benefit from in Penticton. Staying off the streets and having a safe and healthy home is crucial in order to reduce and prevent crime coming from youth. A few specific type of housing were mentioned, including an emergency youth transitional housing as it was identified that there were only two beds in Penticton reserved for female-identifying or non-binary youth. Housing for individuals on youth agreements was also highlighted as being necessary as those youth historically 'fall through the cracks' on account of being unable to be in their homes or foster homes, and not receiving enough money from the government to live on their own. Abstinence-based youth housing was also discussed as many youth struggling with substance use would need to stay in an environment that supported their goals. Finally probation youth housing was also mentioned as a necessary service in Penticton as youth on probation are often meant to endure unsafe and unreliable housing while on probation. For in-depth and comprehensive information about youth homelessness in Penticton, please refer to the *No Where To Go*.

Substance Use

Nearly all individuals consulted and every report included mentioned that youth were struggling with substance use. Many individuals mentioned the intricate link that substance use had to mental health. Substance use in youth in Penticton seems to be geared towards self-medication based on the reports and conversations which took place. On a positive note, the *Health & Well-Being of Our Youth* report found that all drug use other than alcohol and marijuana had declined between 2008 and 2018. This included substances such as prescription pills, hallucinogens, inhalants, amphetamines and opioids. Regardless, vaping nicotine, marijuana use and alcohol use remained stable. The interaction between mental health and substance use is important to note, as youth who struggle with mental health are more likely to use substances as a coping mechanism. The interaction between substance use and free, accessible activities for youth in the community is also of importance to note. When youth are busy with activities which empower them and create opportunities for their growth, their dependency on substances as a source of amusement diminishes.

Family and Home Life Supports

Family and home life supports that aim to create a healthy home life and strengthen the bonds of the family were identified as being essential for the healthy development of young people. Many individuals spoke of the crucial role that parents and local family play in the lives of youth. In Penticton, there is currently a sense that many families are struggling and need supports – financially, socially and emotionally. It was identified that a gap existed for youth-in-care especially; there is currently a lack of available respite and foster care families. Many participants spoke of a lack of safe adult attachment being a root cause for at-risk youth. Unstable homing situations, parental disputes, lack of connection to the family and harmful parenting styles were recognized as resulting in a lack of structure and safety for youth. Offering services for families was understood as being helpful in order to address the layers

of trauma that exist within families. One more gap which was identified was the lack programs dedicated to family mediation. Furthermore, family violence, parental neglect, parent substance misuse, sexual and physical abuse and abandonment were all recognized as factors that contributed to youth leaving the home and becoming homeless.

Youth Activities and Opportunities

A further theme identified in the community conversations and reading of the reports was a lack of activities for youth participate in. This is not to say that Penticton does not have activities and opportunities, rather it is to say that at-risk youth experience barriers to participation. Financial barriers, activities mostly focused on sports, lack of unstructured activities, transportation barriers and lack of safe areas for youth to 'hang out' were all brought up in community discussions. Activities and opportunities specifically geared towards at-risk youth could aid in creating a sense of ownership and belonging towards their community, inciting youth to participate and remain in Penticton. It was also identified that youth opportunities and activities could positively support youth mental health, socialization and isolation. Three quarters of sources of information for this report supported and validated the lack of options for youth in this community, especially afterschool. Opportunities were described as events that lead to youth empowerment, an increase in life skills, pro-social connections to the 'system' (justice, health, school, etc.), promotion of social and emotional learning and learning how to move into an independent lifestyle as youth aged. Many individuals endorsed life skills programs geared towards at-risk youth as being necessary in the community, pressing the need for these programs to be free and being brought to directly to young people, as opposed to asking young people to come to the program. Recreation is an appropriate type of intervention and prevention for youth, both those who have come into contact with the law and those who have not.

School & Education

School is considered an incredibly important facet of life for youth, especially when it comes to being set up for a successful future where young people can accomplish their goals. When youth stay in school, they are less likely to be at-risk in the future and less likely to commit crimes⁶. Programs aimed at keeping youth engaged in school and creating a sense of community for students are very important when it comes to creating a community where youth can age in place. Individuals involved in the community conversations shared that they felt mental health, especially anxiety and depression was the main factor affecting youth being successful in school presently and this was drastically increasing. It was stated that schools should include additional programs aimed at supporting the biopsychosocial development of youth. Alternate schools were discussed in a positive manner, especially the alternate school in Penticton. It was discussed that the staff and programs there were very appropriate for the students attending and set youth up for success after having faced struggles. Waitlist for programs aimed at supporting students are school were discussed as being very lengthy, creating an inability to offer aid to students in a timely manner.

Food Security

Food insecurity for youth was stated by several individuals as being on an unprecedented rise in the last two-to-three years. This is compatible with the information that families in Penticton have

⁶ Deming, D. J. (2011) Better Schools, Less Crime? *The Quarterly Journal of Economics*, 126(4), 2063–2115.

been struggling financially, and the struggles that youth experiencing housing instability have been faced with. Considering that food is a basic physiological human need, it may be reasonable to invest in programs that feed youth, as this could function to curb 'survival crime' – ie. crimes committed in order to obtain basic human needs.

Youth Employment

Youth employment, despite being a less prominent theme to arise in the research, was seen as being in imperative for youth trying to improve their situation, build their skills and enter the workforce, especially for youth who were no longer attending school. With the rising costs of living, including the cost of rent and food, at-risk youth were found to be struggling with finding employment that paid an adequate wage to support themselves. Youth employment that comes with benefits were also discussed to be nearly impossible to find. Additionally, due to the vulnerable aspect of being an at-risk youth, this mean that these young persons could be susceptible to becoming victims of employment abuse. Programs aimed at building interview skills, job shadowing and focused on life and soft skills were seen as necessary in order to set up youth for success for their future careers and employment situations.

Additional themes

During the community conversations and research phase of this process the themes of safe housing supports, mental health, substance use, family and home life supports, youth activities and opportunities, school, life skill, food security and youth employment were uncovered, validated and reinforced with each piece of data. It is during the program mapping phase that additional themes, such as behavioural support, disability support, post-crime support, leadership, Indigenous supports, physical health, sexual health, immigration supports, and financial assistance, were uncovered based on existing programs and services for youth in Penticton. Using these themes, the community conversations and community research was re-evaluated and re-coded to understand where these theme could fit in. Out of the additional themes, post-crime supports, sexual health services and Indigenous supports and services had the highest demonstrated need. These additional themes can continue to help guide which programs and services this community should invest in for the benefit of at-risk youth in Penticton.

Specified Youth Groups

Throughout the community conversations and research, not only did certain themes come up, but certain groups of youth were often mentioned. Some of these groups were deemed as being more vulnerable than others. Youth in care were mentioned often; these are youth who may not live with their primary care takers and are dependent on a team of social workers, the foster family and community supports. This can be a difficult situation to be in for youth in Penticton as there is currently a shortage of foster families, there are long waitlists for community supports and social workers are still reeling from the increased caseload of COVID-19. Youth agreements are legal agreements between the young person and Ministry of Children and Family Development (MCFD) in cases of extreme need. It is for youth who are between the ages of sixteen and eighteen who will live alone as they cannot get their needs met through their family. MCFD will offer the young person services to live on their own, but these youth can find challenges in finding housing and transition into their adulthood. Indigenous youth and Trans youth were also often mentioned as vulnerable groups of youth who face extra challenges within the systems in place, especially in terms of services and healthcare. Finally, a group

worth mentioning is what was referred to as ‘fringe youth.’ These are youth that are not noticeably “at-risk” and therefore may not be able to get help in time. These may be young persons who may be struggling with their mental health, substance use, their living situation or financials. These may also be youth who are deemed to be “enough” supports and therefore are unable to qualify for further assistance. These youth may be especially vulnerable as their struggles are regarded as being fairly invisible.

Staffing

Finally, there is one more theme that stuck out throughout this research. Every single social service provider, with just one exception, expressed some form of hardship or adversity that was affecting their staff and co-workers. Most spoke of the being under duress coming from the COVID-19 pandemic. Many spoke that there were already struggles occurring due to the financial grant model of most community service organizations and increasing social problems happening even before the pandemic began, and were therefore exacerbated. Individuals spoke not only of their organizations, but of organizations that they often collaborated and needed for referral processes as struggling as well. This created bottle necks and interrupted essential services for clients. Penticton is a highly collaborative community that functions as a system. Any interruption in the system can ensue in harrowing results for youth. The words ‘burnout’ and ‘mental exhaustion’ was mentioned many times and individuals spoke of the main problems being that low wages and low affordable housing stockpile was affecting the hiring of new workers in these fields. The nature the emotional labour required in social services means that staff are often working with traumatized individuals, putting them at risk of vicarious trauma and compassion fatigue. As these jobs tend to not be able to offer health benefits due to the financial grant model, staff are unable to access services for themselves, therefore putting them at further risk. A common saying is that it takes a village to raise a child; in Penticton’s case, it takes a resilient community. Organizational and staff capacity is something that needs to be seriously considered when deciding what programs to invest in for at-risk youth.

Final Words and Next Steps

This data and knowledge about Penticton’s at-risk youth, social services and current situation will help to guide the community as it works together to designate appropriate programs and services to benefit at-risk youth, to ensure that Penticton is a community where youth can age in place and not need be removed from their community to access services, and where everyone can be part of a safe community.

Council Report

penticton.ca

Date: January 17, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Sheri Raposo, Land Administrator
Subject: Loco Landing Adventure Golf Inc. (Inc. NO. BC0622130) Lease Area Extension

File No: 2380-20

Staff Recommendation

THAT Council approve the addition of the riverside washroom area (0.1 acre) to the existing Lease with Loco Landing Adventure Golf Inc. (Inc. No. BC0622130) located at 75 Riverside Drive;

AND THAT the Lease includes the riverside washroom building demolition requirement at the end of the Lease term (approximate value of \$20,000);

AND THAT Council direct staff to place the disposition of City land and improvements advertisement pursuant to section 26 of the *Community Charter*;

AND THAT Council direct the Mayor and Corporate Officer to execute the amended Lease agreements.

Executive Summary

Loco Landing is seeking to extend their Lease area to include the riverside washrooms, which were scheduled to be demolished following the recent installation of new washrooms in the area. Loco Landing will assume all responsibility and costs for maintaining and operating the washroom facility and be responsible for demolishing the building at the end of their lease term. As this is park land, the proposal would typically be reviewed by the City's Parks and Recreation Advisory Committee, however considering the minimal park land impact and the committee not currently being in place, this report recommends Council support the proposal without review by the committee.

Background

In 1996 the City held a referendum and received approval from the electorate to Lease approximately 7.4 Acres of Riverside Park property for commercial recreation activities, for a period of 5 – 20 years. On February 5, 2001 Council then endorsed a proposal from Loco Landing for expansion and entered into a 20-year agreement to support the business owner's investment into the lands. In September 2008 an amendment of the Lease was requested and approved by Council to include a larger Leased area and to amend the term from January 1, 2009 for a further 20-year term. The original Lease area did not include the washroom facilities to ensure public access to the washrooms.

On May 22, 2018 Loco Landing shared their future plans with Council of reinvesting approximately \$2 million in their facility over the next 12 years, seeking a further extension to their existing Lease. Council approved the Lease renewal option for an additional 10 years expiring December 31, 2039, which also has an additional 10-year option to renew clause.

There are two Lease agreements that apply to these lands and should Council support the proposal, the agreements will be updated to reflect the additional lands and the roles and responsibilities of each party.

Proposed New Lease Area

Loco Landing is requesting to expand their current Lease area, to include the existing Riverside Park washroom facility located at 75 Riverside Drive and the land surrounding the facility, as shown in Attachment A. The purpose of providing additional washrooms is to better serve their customers within the boundary of the facility. The washroom facility was closed at the end of 2022 and replaced with a new accessible washroom facility located closer to Riverside Drive. The intention was to demolish the existing structure; however, with the request received from Loco Landing to retain the existing facility as part of their operations, staff have put the demolition on hold subject to Council's decision.

There are some City utilities, including drainage, irrigation and electrical infrastructure located within the area and should Council support the proposal, staff would work with the proponent to separate out as required. Costs associated with utility use for the operations of the washroom would be the responsibility of Loco Landing as well and they would add this to their utility bills.

Park Land Protection and Use Policy

As this land is on City park land, the Park Land Protection and Use Policy (Attachment C) is applicable, which was developed to create a process for parks related decisions, including the involvement of the Parks and Recreation Advisory Committee.

While the policy is silent on an extension to an existing Lease and any procedure that may need to be followed, the purpose and guiding principles of the policy is clear around the involvement of the Parks and Recreation Advisory Committee in the decision making process.

Typically, staff would recommend that Council forward the proposal to the Committee, however the committee is not yet in place for this Council term. The goal of the policy is to protect public ownership of park land with regards to future decisions, however, in this situation the area of land is relatively small and uniquely shaped that would not provide any significant benefit for the public. Therefore, staff are recommending Council support the proposal without comment from the committee.

If directed by Council to receive comment by the committee instead, staff will present a report to the Parks and Recreation Advisory Committee at their first available meeting when a new committee structure is formed, and provide the recommendation back to Council with feedback from the Committee and any public consultation that may be deemed necessary. Considering that the Committee still needs to be formed, staff estimate that it may not be until later March or early April that a meeting could take place, which would bring the final report back to Council in May 2023.

Loco Landing would like to see this change take place so that they can prepare for opening towards the end of April or early May 2023, which would involve removal of their existing fence, installation of a new fence, and any restoration to the existing washroom required to satisfy the needs of their operations.

Financial implication

The City identified these washrooms as needing to be upgraded and replaced. The cost to demolish these washrooms is approximately \$15,000 - \$20,000. Should the Lease not be amended, the City would be responsible for these costs and the work would be undertaken in the early part of 2023. New washrooms have already been placed in the area.

Analysis

Considering the lands are located on dedicated park land, staff obtained legal advice with regards to amending the existing Lease agreements to include the additional property and washrooms, and important to this process it was important to ensure that there were no unreasonable costs to the city or any assistance to business, which is restricted under the Community Charter. Based on legal advice received, staff have had discussions with Loco Landing, and Loco Landing have agreed at their cost to maintain the Riverside Park washroom during the remaining term of their Lease agreements, including any upgrades required, with the requirement to demolish the washroom at their cost, prior to the end of the term of the Lease agreements. In return for not paying any Lease fee for the use of the new Leased area, the City would not have to pay for the demolition and site remediation costs of the facility. The addition to the small sliver of land to the existing lease area which was approved through the 1996 referendum, would also not require public assent, given the minor nature of the addition.

The existing washrooms are located on an area of land directly adjacent to the existing Loco Landing lease area and directly west of the existing public pathway. The area of land is approximately 0.1 acres (4,300 square feet) and is irregularly shaped, restricting its future benefit and use for the public, should the washrooms be removed and the City take over maintenance of the lands.

In addition to the age of the facility, one of the other reasons for its proposed demolition was the safety concerns resulting from use behind the washroom and between the existing Loco Landing fence. The lack of visibility behind the washrooms resulted in drug use and other inappropriate activities taking place. As part of their proposal, Loco Landing would remove the existing fence and replace it around the new Lease area, incorporating the washrooms within their operations, eliminating public safety concerns from this area.

Considering the adjacency of the relatively small area of land that would be provided to Loco Landing, staff are recommending that the proposal be supported.

Alternate Recommendations

Should Council wish to forward the proposal to the Committee for review and comment, staff have provided the following alternate resolution for Council's consideration:

THAT Council refer the amendment to the existing Lease agreement and the future Lease agreement to Loco Landing for the requested area extension including the washrooms to the Parks and Recreation Advisory Committee for their review and recommendation.

Staff would then bring the proposal to the Parks and Recreation Advisory Committee once it is reinstated and then bring a report back to Council with comments and recommendations from the committee, once the committee is established for 2023.

Council could also not support this proposal, which would result in the City moving forward with the demolition of the existing washroom facility and restoration of the existing lands, which would likely be in the form of sod and low maintenance landscaping. Given the adjacency to the Local landing fence and public pathway, the addition of landscaping or public amenities would be limited in this 0.1acre piece of land. Staff would not recommend this alternative.

Attachments

Attachment A – Existing and Proposed Lease Area

Attachment B – Loco Landing Request


Attachment C – Park Land Protection and Use Policy

Respectfully submitted,

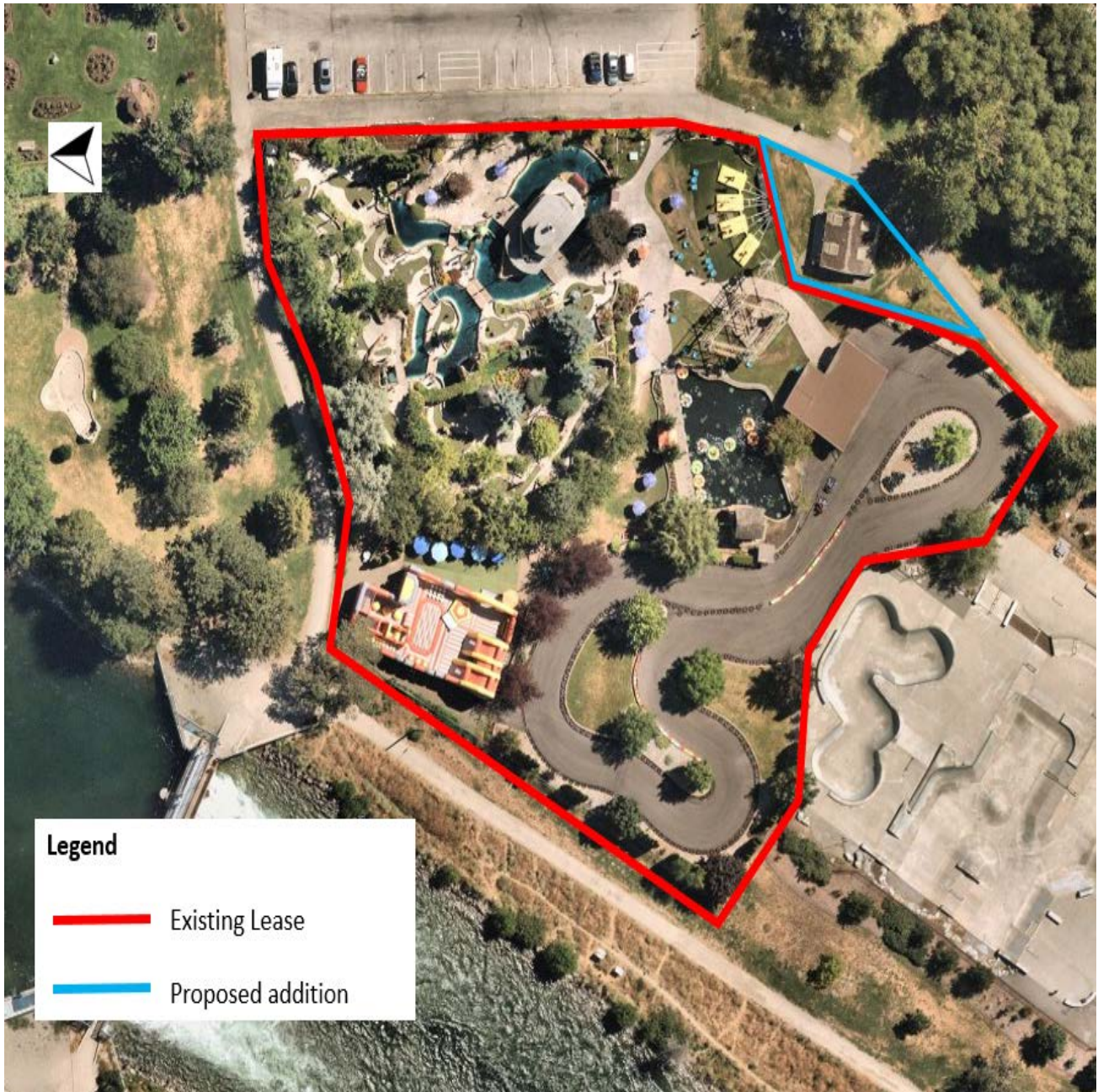
Sheri Raposo

Land Administrator

Approvals

GM Community Services	GM of Infrastructure	Director of Finance and Administration	Chief Administrative Officer
	<i>KD</i>	<i>AMC</i>	DyD

Attachment A – Existing and Proposed Lease Area



Attachment B – Loco Landing Request

October 5, 2022

Anthony Haddad
City of Penticton



Regarding: Riverside Park Washrooms

With the new washrooms being built to replace the current facility, we would like to respectfully put forward our request to take over the existing Riverside Park Washroom facility at 75 Riverside Drive and the land surrounding the facility. Ideally the area in red (below) would be included in our current LocoLanding lease.



Best Regards,

Diana Stirling
Owner, LocoLanding Adventure Park

LocoLanding Adventure Park, 75 Riverside Drive, Penticton BC
tel: 250.486.0388 | hello@locolanding.com | www.locolanding.com

Attachment C – Park Land Protection and Use Policy

<https://www.penticton.ca/sites/default/files/docs/city-hall/council-policies/Park%20Land%20Protection%20and%20Use%20Policy.pdf>

Council Policy

penticton.ca

Approval date: June 19, 2018

Resolution No.: 275/2018

Subject: Park Land Protection and Use Policy

1. PURPOSE

1.1. The purposes of the Park Land Protection and Use Policy are:

- 1.1.1. To provide direction on the protection and uses of public park land within the City of Penticton in accord with the Official Community Plan, Parks & Recreation Master Plan and Zoning Bylaw.
- 1.1.2. To protect parks as public assets of the City of Penticton. This policy will ensure that city parks remain in the public domain through community engagement and support and with the implementation of the Park Land Protection and Use Policy.
- 1.1.3. To support the community's use and enjoyment of the parks, provide opportunities for primarily outdoor recreation and nature appreciation thereon, and to protect, conserve, and preserve the natural, physical, historical and cultural resources thereon.
- 1.1.4. To improve the quality of parks in our community through enhanced park stewardship and sustainable resource management.

2. GUIDING PRINCIPLES

- 2.1. The community developed a vision, a park definition and set of values in the 2018 Parks and Recreation Master Plan to guide future use of Penticton's parks and recreation services in the City of Penticton. These values directed the development of the Park Protection and Use Policy and will guide its implementation.
 - 2.1.1. A public park is an unencumbered tract of land wherein the land title is held by a public entity for the benefit, use and enjoyment of the people and for the protection, conservation, preservation of the natural, physical, historical and cultural resources thereon, and wherein an encumbrance is a burden, obstruction, or impediment to the foundational purpose or purposes for which the park was established.

2.1.2. Policy Objectives and their resulting policies have been created based on the Vision, Park Definition, Values and community engagement undertaken with the Parks & Recreation Master Plan and will be used to guide the use of parks.

- *Support recreational opportunities, healthy living and enhance public enjoyment of parks*
- *Safeguard public access and community affordability*
- *Protect public ownership*
- *Protect, preserve and promote park land*
- *Engage the community in park governance and decisions*

3. POLICY

3.1. Support recreational opportunities, healthy living and enhance public enjoyment of parks

3.1.1. The City of Penticton supports uses, recreational opportunities, provides for a healthy lifestyle and improves the public enjoyment of parks. These uses are identified as Permitted Uses in the Zoning Bylaw and shall meet applicable subdivision and development regulations contained within each Park Zone.

3.1.2. Requests for uses that are not identified as Permitted Uses in the Zoning Bylaw shall follow the zoning procedure for *Uses in a Park Zone that are not a Permitted Use* as outlined in this policy prior to being considered by Council.

3.2. Safeguard public access and community affordability

3.2.1. The City of Penticton does not support uses that inhibit long term public access through exclusive memberships, prohibitive fees or permanent physical structures that detract from the natural setting and use of the park.

3.3. Protect public ownership

3.3.1. A *License*, as defined under this policy permits the use of something or allows an activity to take place; a Licensee shall not be guaranteed exclusive use of the property, is not an entitlement to the land, and includes a cancellation clause allowing the Licensor (City) to cancel the license at any time by providing the stipulated required notice; additional licenses to unrelated parties may be granted over the same property or portions of property; a license cannot be registered on the title of the property.

3.3.1.1. The City of Penticton may issue a License-to-Use for a portion of public park land to support a Permitted Use in a Park Zone. These licences are typically for a short term or seasonal in nature, up to a maximum of three (3) years, and shall be approved in accordance with the zoning procedure for *Permitted Uses* outlined in this policy.

3.3.2. A Lease, under this policy is defined as a contract by which one party conveys exclusive use of land or real property to another for a specified period of time and provides entitlement to the land, usually in return for a periodic payment. A lease is a stronger form of tenure than a License and typically cannot be cancelled during the term of the lease as long as Lessee honours terms and conditions. Leases may be registered with the Land Title office creating a legal enforceable charge against the property for the term of the lease. In the context of park land within the City of Penticton, a lease of municipal park land grants a private interest rights to public land and diminishes public ownership and control.

3.3.2.1. The City of Penticton will not enter into a lease of land dedicated as park under Park Dedication Bylaw 2018-37 without the approval of the electors.

3.4. Protect, preserve and promote park land

3.4.1. If the proposed use is deemed to uphold Council Policy Section 2.1.1 and to have a net benefit to municipal park land, the City will then submit the proposal for public engagement in accordance with Section 3.5 of this policy.

3.4.2. The City of Penticton supports the growth and enhancement of public park land for community use in accordance with the Parks & Recreation Master Plan.

3.4.3. The City of Penticton recognizes that there are a number of private encroachments into existing public park land. There shall be no further encroachments into public park land and existing encroachments will be managed to ensure removal of encroachments where considered feasible.

3.5. Engage the community in park governance and decisions

3.5.1. The community is involved in governance of the protection and use of parks and the implementation of this policy through their membership on the Parks & Recreation Advisory Committee.

3.5.2. The community shall be engaged before a decision is made on any proposed change to use or regulation within any Park Zone in accordance with the procedure outlined in Section 5.2 of this policy. This policy provides for increasing levels of engagement based on the scale and impact of the proposed use. City staff and the Parks & Recreation Advisory Committee will establish the level of engagement according to the impact of the proposed use, in accordance with the zoning procedure for *Requests for Uses that are not Permitted Uses* and in accordance with the IAP2 International Spectrum of Public Participation (See Schedule B).

4. Legacy Licenses and Leases

- 4.1. The City of Penticton recognizes that a number of existing legacy uses in public parks may not be permitted under this policy (See Schedule A). The City of Penticton may or may not allow these licences and leases to continue in accordance with the agreements that are in place at the time of the creation of this policy. At the termination of the existing agreement, the use may or may not be allowed to continue in accordance with this policy, applicable bylaws and the *Procedure for uses that are not Permitted Park Uses* (See section 5.2.2 of this policy).

5. PROCEDURES – ZONING BYLAW

5.1. Permitted Uses

- 5.1.1. Permitted Uses within any Park Zone and no other uses than those provided for in the list of permitted uses in the Zoning Bylaw shall be allowed on City park land.
 - 5.1.1.1. Permitted Uses in a Park Zone may occur in accordance with the subdivision and development regulations of the Park Zone.
 - 5.1.1.2. City staff will report to the Parks & Recreation Advisory Committee on any new licences for permitted uses in a Park Zone.

5.2. Uses in a Park Zone that are not Permitted

- 5.2.1. Uses that are not a Permitted Use within a Park Zone or a regulation change must be reviewed through a Zoning Amendment application and a Public Hearing held in accordance with Section 890 of the Local Government Act.
- 5.2.2. The procedural review for any new use on Park Zoned Land is as follows:
 - Step 1: Zoning Amendment Application submitted to City staff
 - Step 2: Proposal brought forward to Open Council meeting for introduction to the community
 - Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee for review against the Official Community Plan, Parks and Recreation Master Plan, Zoning Bylaw, Park Protection and Use Policy and any other applicable regulations
 - Step 4: Parks & Recreation Advisory Committee meet to review application and determine level of community engagement required in accordance with the IAP2 International Spectrum of Public Participation (See Schedule B)
 - Step 5: Public Participation process occurs receiving input from community
 - Step 6: Parks & Recreation Advisory Committee to meet and review application
 - Step 7: Parks & Recreation Advisory Committee to provide a recommendation to Council
 - Step 8: Council report introduced to Council outlining proposed Park Protection and Use or regulation change
 - Step 9: Public hearing advertised and held in accordance with Section 890 of the Local Government Act.

Step 10: After hearing from the public and receiving a recommendation from the Parks and Recreation Advisory Committee, Council renders a decision on a park proposal.

- 5.2.3. The procedural review contained within Section 3.5 of this policy may be followed for review of other park use related matters as determined by staff and the Parks & Recreation Advisory Committee.

6. PROCEDURE – LICENSE TO USE RENEWAL

- 6.1. A Licence to Use may or may not be renewed up to a maximum of three (3) years: The procedural review for any renewal is as follows:

Step 1: Application to renew submitted to City staff

Step 2: Proposal brought forward to Open Council meeting for introduction to the community

Step 3: Circulation of application to City Departments and Parks & Recreation Advisory Committee

Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing

Step 5: City staff review findings with Parks & Recreation Advisory Committee

Step 6: Parks & Recreation Advisory Committee review application and feedback from staff

Step 7: Parks & Recreation Advisory Committee would then make a recommendation to Council to approval or deny the renewal.

7. SCHEDULES

- A. List of existing Park Licenses & Leases
- B. IAP2 International Spectrum of Public Participation

8. Previous revisions

Amendment process for this policy.

N/A

Certified Correct:


Dana Schmidt, Corporate Officer

Schedule A – List of existing Park Licenses & Leases

City of Penitction - Current Leases and Licenses in Parks and Recreation Facilities 2016														
Park Name	Zone	Lease / LTU	Licensee	Address	Area Utilized	License Type	Activity / Use	Term in Years	Start Date	Expiry Date	Extend Clause Y/N	Park Name	Location within Park (to be used in parking lot)	
Kings Park	P2	LTU	PENITCTION SOCCER CLUB	550 Eckhardt Ave W	15 ac	Sports club	Use of building for club activities		mo-mo	2013-10-15	until terminated	Y	Kings Park	Adjacent to parking lot
Lakawana Park	P2	Lease	1662002 BC LTD. (Gord Ferguson) Lakawana - Pato Burger	790 Lakeshore Dr W	11 ac	Park concession	Use of land and building for operation of concession patio and washroom facility	29	2016-05-20	2045-04-30	N	Lakawana Park / Okanagan Lake	Concession at Lakawana	
Marina Way Park	CT1	LTU	PRAQUE CAFE, THE	102-250 Marina Way	003 ac	Cafe	Use of land for an outdoor patio for customers	Y	2016-09-01	2021-09-31	Y	Okanagan Lake	Gross area at Okanagan Lake	
Marina Way Park	P1	Lease	PENITCTION ART GALLERY	199 Marina Way		Art gallery	Use of land and building for displaying art and providing parking	20	1996-10-01	2019-09-30	N	Okanagan Lake	Building at Okanagan Lake	
Okanagan Beach	P2	Lease	CONCESSION OKANAGAN BEACH - THE PEACH Local and Adventure Golf 1062002 BC Ltd.	165 Lakeshore Dr W		Beach concession	Beach food concession	20	2002-02-01	2022-01-31	Y	Okanagan Lake	Concession at Okanagan Lake	
Okanagan Beach		Lease	PENITCTION WATER PARK LTD. (WIBIT)	Okanagan Lake	62 ac	Water / Recreational business	Sublease of Crown land for operation of a WIBIT water park	5	2016-06-01	2020-05-31	N	Okanagan Lake	Water and sand area at Okanagan Lake	
Rotary Park	P2	LTU	BISHOP'S SNOW AND MARINE LTD.	165 Lakeshore Dr	085 ac	Recreational business	Use of building and grounds for operating business of providing rental equipment for water based activities	5	2014-01-01	2019-12-31	Y	Rotary Park	On beach	
Shaba Park	P2	LTU	CONCESSION SKAHM EAST - Nicholas, Jeneva	3885 South Main St		Beach concession	Beach food concession	2	2016-05-01	2017-09-30	Y	Shaba Lake	Concession at Shaba East	

Shaba Park	P2	LTU	CONCESSION, SHABIA MAIN - Thomas & Celine Fine Foods Ltd. (Tchalekery's)	3701 Parkview St		Beach concession	Beach food concession	5	2017-05-01	2022-09-30	Y	Shaba Lake	Concession at Shaba Main
S.S. Scimous Park	P2	Lease	S.S. SCIMOUS / NARAHATA	1089 Lakeshore Dr W	2 ac	Tourist attraction	Sub-license to Use of Crown land for mortgage of the S.S. Scimous to operate a museum and host special events		1988-06-01	until terminated	N	Okanagan Lake	
Sudbury Beach	P2	LTU	CONCESSION, SUDBURY BEACH - Glow Sup Adventures (Darcy Godfrey)	3940 Shaba Lake Rd		Beach concession	Beach food concession	2	2015-05-05	2017-09-30	Y	Shaba Lake	Concession at Sudbury Beach
Lion's Park	P2	LTU	LION'S PARK CONCESSION	188 Warren Ave W		Park concession	Park food concession						
Kiwano's Park	P2	LTU	PDCCRS - After School Program	470 Edmonton Ave		Child care facility	Use of building and grounds for operation of social service programs	5	2012-03-01	2017-02-28	Y	N/A - old pool	Y
Kiwano's Park	P2	LTU	PDCCRS - Alternative & Little Triumphs	500 Edmonton Ave	1.75 ac	Child care facility	Use of building and grounds for operation of social service programs	5	2012-03-01	2017-02-28	Y	N/A - old pool	
Kiwano's Park	P2	LTU	PENTICTON SAFETY VILLAGE SOCIETY	490 Edmonton Ave	85 ac	Child safety facility	Use of building and grounds for operation of children's safety village and for equipment storage	5	2013-11-01	2018-10-31	Y	N/A	
Lakeside Road (Dog Beach)	P2	Lease	0634413 B.C. LTD. (Shaner / Shaba Dog Beach)	4951 Lakeside Rd	22 ac	Private	Sublease of Crown land for operation of cabana for property owner to the east	9	2013-08-12	2022-06-12	N	Shaba Lake Beach	Sandy beach

Lions Park	P2	LTU	PENTICTON BMX ASSOCIATION	Lions Park	2.5 ac	Sports club	Use of land for operation of bicycle motocross track and facility	N/A	1888-01-31	when cancelled	Y	Lions Park	South east corner of 188 Warren Ave
McNicoll Park	P2	LTU	SOCIETE DE LA PETITE ENFANCE DE L'ECOLE ENTRE LACS	1051 Pentiction Ave	025 ac	Pre-school facility	Use of land for fenced playground for pre-school aged children	5	2014-07-01	2016-06-30	Y	McNicoll Park	Between schools
Riverside Park	P2	LTU	COYOTE CRUISES	215 Riverside Drive	17 ac	Recreational business	Use of building for operation of a rental concession and transportation service - float the channel	5	2014-10-01	2016-09-30	Y	Riverside	South of skate park
Senior's Drop-in Centre	P1	LTU	PENTICTON HORSESHOE PITCHERS CLUB, THE	2005 South Main St	5 ac	Sports club	Use of horse pitches in exchange for maintenance and upkeep of land	3	2015-05-01	2016-04-30	Y	Seniors Centre Robinson Park	
Vancouver Avenue Park	P2	LTU	PEN COMMUNITY GARDENS SOC	480 Vancouver Ave	1.04 ac	Community gardens	Use of land for community gardens	5	2016-01-01	2020-12-31	Y	Vancouver Hill	North portion of park
Vancouver Avenue Park	P2	LTU	PENTICTON DISC GOLF	480 Vancouver Ave	2.22 ac	Sports club	Operation of disc golf facility	3	2016-03-15	2016-03-14	Y	Esplanade	All
Bastin Park	P2	LTU	FOOD FORESTERS SOC OF CANADA	2460 Bastin St	18 ac	Community gardens	Use of land for operation of community garden plots	5	2013-05-01	2016-05-31	Y	Undeveloped	North most portion of park
Darrouth Park	R2	LTU	DAVIDOW, AVERY	314 Greenwood Dr	15 ac	Private residence	Use of land for quiet enjoyment	5	2014-11-01	2016-08-31	Y	Under 2715 Darrouth Dr	Behind lot

Dartmouth Park	R2	LTU	AMANTE, F. L. & J	310 Greenwood Dr	1038 ac	Private residence	Use of land for quiet enjoyment - garden	5	2015-05-01	2020-04-30	Y	Undeveloped 2715 Dartmouth	Garden behind 861
Special Purpose													
Lawn Bowling Club	P2	Lease	PEN LAKEVIEW LAWN BOWLING CLUB	260 Burnswick St	55 ac	Sports club	Use of land and building for operation of a lawn bowling club	20	2000-01-01	2020-12-31	N		
Loos Landing	P2	Lease	LOCO LANDING ADV. GOLF INC.	135 Riverside Dr	1.73 ac	Recreational business	Use of land for the operation of a recreational facility	20	2009-01-01	2028-12-31	N	Riverside Park	
Pentiction Golf and Country Club	P2	Lease	PENTICTON GOLF & COUNTRY CLUB	852 Eckhardt Ave W	13.23 ac	Sports club	Use of building and land for operation of a golf club for renting equipment, providing golf lessons, leisure golfing, tournaments, the sale of refreshments and the rental of facilities as a special events venue	28	2007-07-01	2033-10-31	N		
Pentiction Yacht and Tennis Club	P2	LTO	PENTICTON TENNIS SOCIETY	293 Marina Way	.7 ac	Sports club	Use of facilities for operation of a tennis club with league play	3	2016-04-01	2017-12-31	Y	Okanagan Lake	East of marina
Pentiction Yacht and Tennis Club	P2	Lease	PENTICTON YACHT & TENNIS CLUB	293075 Marina Way	15.8 ac	Marina	Sublease of Crown V Dock in marina and storage compound to provide a commercial public marina and associated facilities		2016-04-02	2017-12-31	N	Okanagan Lake	
Elis Creek Parkway	P1	LTO	INTERIOR HEALTH AUTHORITY (Hospice Society House)	1701 Government St	.07 ac	Health facility	Use of land for quiet enjoyment - garden and walkway	5	2014-07-01	2019-06-30	Y	Undeveloped park - walking path	Adjacent to Elis Creek
Esplanade	P2	LTO	AXWORTHY, B & OUIAN, S	345 Vancouver Ave	.05 ac	Private residence	Use of land for quiet enjoyment - yard fenced	5	2014-08-01	2019-07-31	Y	Esplanade	Fenced yard

Esplanade	P2	LTU	PENTICTON DISC GOLF	500 Marina Way															
Penticton Creek Pathway	P2	LTU	MUNSONS PROPERTIES	1551 Penticton Ave	20 ac	Private residence	Use of land for quiet enjoyment		5	2014-11-01	2016-10-31	Y	Undeveloped park - walking path	Adjacent to Penticton Creek					
Three Blind Mice	FG	LTU	PENTICTON DISC GOLF	1400 Riddle Road	27 ac	Sports club	Operation of disc golf facility		5	2015-03-01	2020-02-29	Y	Three Blind Mice area	South west corner					
Three Blind Mice	FG	LTU	PENTICTON AND AREA CYCLING ASSOCIATION	1400 Riddle Road	320 ac	Cycling Club	Mountain Biking Trails		5	2016-07-01	2018-03-31	Y	Not a Park						
TCT / KVR Trail	AG	LTU	BOGDANOFF, C & BOWEN, P	1645 Lower Bench Rd	25 ac	Private residence	Use of KVR land for agriculture - fenced gardens		5	2012-01-01	2016-12-31	Y	KVR	Fronts trail					
TCT / KVR Trail	AG	LTU	HOLLER, BARBARA ROSE	1181 Davenport Ave	155 ac	Private residence	Use of KVR land for agriculture - grapes		5	2014-05-01	2016-04-30	Y	KVR	Fronts trail					
TCT / KVR Trail	P2	LTU	SHAW, H & M	1111/1113 Lochore Rd	1.34 ac	Private residence	Use of KVR land for agricultural purposes		7	2013-01-01	2016-12-31	Y	KVR	Fronts trail both sides					
TCT / KVR Trail	P2	Lease	KING FAMILY FARMS LTD. KVR (lots 1-5)	1604 Custer Rd	5 ac	Agricultural business	Use of KVR land for Agriculture		5	2001-05-01	2017-06-30	N	KVR	Fronts KVR both sides					

630 Munson Mtn Road	P2	LTU	PENICTON BMX SOCIETY	630 Munson Mtn Rd	2.8 ac	Sports club	Use of land for operation of bicycle motocross track and facility	5	2016-05-01	2021-04-30	Y	Munson Mountain	North west portion
Adidas Sportsplex	P2	Lease	PINNACLES FOOTBALL CLUB AND PENICTON SOCCER CLUB aka ADIDAS SPORTSPLEX	550 Eckhardt Ave W	67 ac	Sports clubs	Use of land and building as a sports complex for football, indoor soccer and a public walking track	20	2015-09-01	2044-09-31	N	Kings park	Indoor use at 550 Eckhardt Ave
McLaren Arena	P2	LTU	OKANAGAN HOCKEY SCHOOL / GROUP	McLaren Arena	23 ac	Sports educator	Use of facility for Hockey school, operation of concession and vending machines	2	Exp.		Y	N/A	
Senior's Drop-In Centre	P2	Lease	PEN SENIORS DROP IN CENTRE SOC	2065 South Main St		Social club	Use of land and building for operation of a seniors' social facility	20	1999-06-01	2019-05-31	N	Robinson Park	
Memorial & McLaren Arena	P1	LTU	PENICTON & DISTRICT MINOR HOCKEY ASSOC. (Memorial Arena)	399 Power Street		Arena concession	Sale of refreshments and placement of hotfood vending machines		2003-09-01	2016-04-30	Y	Memorial Arena	
South Okanagan Events Centre	P1	Lease	APPLE PLANNING SERVICES INC. & 6926232 B.C. LTD.	888 Westminster Ave W		Private business	Use of a portion of the building as an office	5	2013-01-01	2017-07-31	N	Queens Park	
South Okanagan Events Centre	P1	Lease	INTERIOR HEALTH AUTHORITY Part of SOEC	853 Eckhardt Ave W		Health provider	Use of a portion of the building to operate a cardiac and pulmonary rehabilitation wellness program	5	2014-09-01	2019-09-31	Y		Part of SOEC
South Okanagan Events Centre	P1	Lease	OKANAGAN HOCKEY SCHOOL	853 Eckhardt Ave W		Sports educator	Use of a portion of the building for operation of a hockey school and other related activities	10	2009-01-01	2018-12-31	N	Kings Park	

South Okanagan Events Centre	P1	LTU	PENTICTON TOURISM	853 Eckhardt Ave W	Tourism Organization	Temporary office rental	1	2016-12-31	Y		
Pentiction Curling Rink	P1	Lease	PENTICTON CURLING CLUB	505 Veer Dr	Sports club	Use of a portion of the building for operation of a curling rink for the purpose of providing curling lessons, competitions and bonspiels and sale of refreshments	10	2010-10-01	2020-09-30	Y	
Pentiction Community Centre	P1	Lease	DALE CHARLES & ASSOC. PHYSICAL THERAPIST CORP.	325 Power St	Health provider	Use of a portion of the building for the operation of a physiotherapy clinic	5	2012-04-02	2017-04-01	N	
Pentiction Community Centre	P1	LTV	KISU SWIM CLUB	325 Power St	Swim Club	Office rental	3	2017-09-31		Y	
Pentiction Community Centre	P1	LTV	DRAGON BOAT FESTIVAL	325 Power St	Non-profit group	Office rental (year to year)	1	2016-12-31		Y	
Oxbows	CT2	LTV	OXBOW RV RESORT LTD.	3911 Shala Lake Rd	Recreational business	Use of land for RV Park	5	2012-06-01	2017-05-31	Y	N/A
Lair House	P1	Lease	PEN. & DIST. COMMUNITY ARTS COUNCIL - Lair House	220 Manor Park	Arts club	Use of building and land as a place for artists to gather and to work on their art projects	yr-yr	1982-07-01		N	Building at 220 Manor Park

Schedule B – IAP2 International Spectrum of Public Participation

iap2 public participation spectrum					
developed by the international association for public participation					
PUBLIC PARTICIPATION GOAL	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
EXAMPLE TOOLS	<ul style="list-style-type: none"> • Fact sheets • Websites • Open houses 	<ul style="list-style-type: none"> • Public comment • Focus groups • Surveys • Public meetings 	<ul style="list-style-type: none"> • Workshops • Deliberate polling 	<ul style="list-style-type: none"> • Citizen Advisory committees • Consensus-building • Participatory decision-making 	<ul style="list-style-type: none"> • Citizen juries • Ballots • Delegated decisions

Council Report

penticton.ca

Date: January 17, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Audrey Tanguay, Planning and Licensing Manager
Subject: **Amendments to Development Procedure and Delegation Bylaw No. 2010-92**

Staff Recommendation

THAT Council direct staff to prepare necessary amendments to "Development Procedures and Delegation Bylaw No. 2010-92" to allow minor development variance permits to be delegated to staff for approval.

Background

Changes to provincial rules now allow for the delegating of 'minor' development variance permits (DVPs) to designated staff. The *Municipal Affairs Statutes Amendment Act (No. 2)*, 2021, S.B.C. 2021, c. 30, which was given Royal Assent in November 2021, amended several pieces of provincial legislation, including the *Local Government Act* (LGA). The intent of the new legislation was to provide local governments with more power to simplify and speed up the development approval process, and in turn, get the homes people need built faster.

Development Variance Permits are permits that allow for Council, as the approving authority, to vary or otherwise support a change to a bylaw regulation to support a specific development proposal. The amendments to the Local Government Act (LGA) facilitate local governments to delegate certain DVP decisions to staff, if the proposed variance is minor and pertains to matters specified in legislation, including:

- Zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses;
- Off-street parking and loading space requirements and
- Screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance natural environment
- Sign regulations

Council is required to set the conditions and criteria that the delegated staff need to consider in their consideration of the permit. This is similar to other types of permits that are delegated to staff – such as certain types of development permits. The legislation also includes a provision whereby if the applicant is not satisfied with the decision of the delegated staff, that Council may then consider the permit.

The City process on average 40 DVPs per year. Currently City Council has to approve every permit, no matter how minor the proposal. See Attachment A for a list of DVPs considered by Council over the past 3 years, showing 120 files in total. Of the 120 files, 14 were cancelled before coming to Council (11 %), 14 are currently active (11%), 8 were denied by Council (6%) and the remainder 84 were approved by Council (70%).

A number of local governments including the District of Summerland and the RDOS locally, as well as several municipalities in the Lower Mainland, have brought forward amendments to their delegation bylaws following the change in the legislation. Staff have reviewed the past few years of development variance permit applications and see value in Penticton making similar changes to our processes to support the delegation of certain types of DVP applications.

In addition to the changes to the delegation portion of the Bylaw, should Council direct staff to move ahead with the changes, staff will also review other aspects of the bylaw to modernize the numbering, change references to historic bylaws and provincial regulation and also look for other opportunities to modernize the document.

Financial implication

As these amendments are minor in scope, most of the work will be done with in-house staff. Legal review of the completed bylaw will be required. Staff, however, do not anticipate costs to exceed \$2,000, which will be covered by existing policy review budgets.

Timeline

Should Council support the proposed amendments, staff will begin the work to update the bylaw and go through the legal review process, bringing back the bylaw for Council's consideration for first reading sometime in Q2 2023. Given the relatively minor scope of the works, staff are not planning any engagement other than informing the development community and other stakeholders of the changes in the process.

Analysis

The intent of allowing local government authority to delegate minor variances was intended to increase efficiency of development processes. Of the 92 variance applications considered by Council over the past 3 years, staff estimate that 72 of those could have met the criteria to be delegated to staff, saving significant amounts of time for the applicants and Council. The average processing time for a DVP's is 8 weeks. Removing the Council process for minor DVPs would significantly speed up the time between when an application was made and permit decision.

In summary, the delegation of development variance permits would expedite and streamline the process of DVP approval and issuance. Any local government wishing to delegate this power must do so by way of a bylaw.

Should Council supports this approach, Staff will bring back amendments to the Development Procedure and Delegation Bylaw delegating to staff the authority to issue DVPs for "minor" variances, establishing the criteria for determining whether a proposed variance is "minor" and establishing guidelines the delegate must consider in deciding whether to issue a DVP. Staff will also be updating other sections of the bylaw to ensure the bylaw includes a more modern structure and other housekeeping items.

Alternate recommendations

If Council feels that they should remain the approving authority for all Development Variance Permits, no changes would be brought forward to the bylaw.

Attachments

Attachment A: List of Development Variance Permit applications submitted to the City 2019-2022

Respectfully submitted,

Audrey Tanguay
Planning and Licensing Manager

Concurrence

General Manager/ Director <i>BL</i>	Chief Administrative Officer DvD
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Attachment A

Type of permit Lone application or as part of another project	Subject	Outcome
MINOR	DVP- Front Yard Setback (6.0m to 5.4m)	CANCELLED
MAJOR/DP	DVP – Setbacks (rear 6.0m to 0.5m), Building Height (10.5m to 12.87m)	DENIED
MINOR	DVP - Freestanding Sign (15m2 to 24m2 in size)	APPROVED
MINOR	DVP- Vary SD&D Bylaw (Road standards)	DENIED
MINOR	DVP - Razor Wire Fencing	APPROVED
MINOR	DVP - Size of Secondary Suite	APPROVED
MINOR/DP	DVP - Pkg Stall Count and Size (increase the number of small car spaces)	APPROVED
MINOR/DP	DVP - Reduce Sideyard Setbacks (3.0m to 1.5m)	APPROVED
MINOR	DVP - Rear Yard Setback (6.0m to 2.1m)	CANCELLED
MINOR	DVP - Setback reduction for a deck	APPROVED
MINOR	DVP - Frontyard Setback (4.5m to 3.6m) to support a house relocation	APPROVED
MINOR	DVP - Rear Setback (6.0m to 1.9m)	APPROVED
MAJOR	DVP - Rearyard Setback, Site Coverage, Sec Suite Size	APPROVED
MINOR	DVP - Rearyard Setback (6.0m to 4.5m)	APPROVED
MINOR	DVP - Retaining Wall Height (1.2m to 1.6m)	APPROVED
MINOR/DP	DVP - Frontyard Setback & Lot Coverage	RETIRED
MINOR	DVP - Vary K Value of a road	APPROVED
MINOR	DVP - Front Yard Setback (6.0m to 3.3m)	APPROVED
MINOR	DVP - Fence Height (1.2m to 1.8m)	APPROVED
MAJOR	DVP - Setbacks, Pkg, Lot Area/Coverage	APPROVED
MINOR/DP	DVP - Side Yard and Rear Yard Setbacks	CANCELLED
MINOR	DVP - Driveway and Side Yard Setback (Porch)	APPROVED
MINOR	DVP - Parking in Front Yard	DENIED
MINOR	DVP - Rear Yard (6.0m to 5.2m)	CANCELLED
MINOR	DVP - Vary Max Floor Area of All Accessory Buildings (75m2 to 160m2)	APPROVED
MINOR	DVP - Front Yard Setback (6.0m to 3.8m)	APPROVED
MINOR	DVP - Floor area	APPROVED
MINOR	DVP – Setback (reduce to 0.0 for industrial building)	APPROVED
MINOR/DP	DVP - Front Yard Variance (4.5m to 1.8m)	APPROVED
MINOR/DP	DVP - Projections, Roof Overhang and Landscape Buffer	CANCELLED
MINOR	DVP - Retaining Wall (1.2m to 3.35m)	APPROVED
MAJOR	DVP - Side Setback, Rear Setback	DENIED
MINOR	DVP - Parking and Site Coverage	APPROVED
MINOR	DVP - Height of Building	CANCELLED
MINOR	DVP - Retaining Wall Height (1.2m to 3.6m)	APPROVED
MINOR	DVP - Carriage House Floor Area	APPROVED
MINOR	DVP - Rear Yard Setback and Floor Area of Secondary Suite	APPROVED
MINOR/DP	DVP - Sideyard Setback	CANCELLED
MINOR	DVP - Lot width	DENIED
MAJOR	DVP - DVP PL2018-8240 Expired - Re-Application Plus An Additional Variance	APPROVED
MINOR	DVP - Size of Accessory Building	APPROVED
MINOR	DVP - Interior Side Yard, Front Yard Setback	APPROVED
MINOR/DP	DVP - Interior Side Yard and Rear Yard Setbacks	APPROVED
MINOR	DVP - Front Setback	APPROVED
MINOR/DP	DVP - Driveways access off of front	DENIED
MINOR	DVP - Rear Yard Setback	APPROVED
MINOR/DP	DVP - Side Yard Setbacks	APPROVED
MINOR	DVP - Setback	APPROVED
MINOR	DVP - Side and Rear Setbacks	CANCELLED
MINOR	DVP - Rear Yard Setback	APPROVED
MINOR	DVP - Permit 3 Metal Storage Containers and Secondary Suite Size	APPROVED
MINOR/DP	DVP - Interior Sideyard and Exterior Sideyard	APPROVED
MINOR/DP	DVP - Rear yard/Side yard Setbacks	DENIED
MINOR/DP	DVP - Retaining Wall Height and Setback	APPROVED

MINOR	DVP - Lot Widths	APPROVED
MINOR/DP	DVP - Building Height	RETIRED
MINOR/DP	DVP - Parking Stall Width	APPROVED
MINOR	DVP - Perimeter Fence Height	APPROVED
MINOR	DVP - Secondary Suite Floor Area & Deck Projection	APPROVED
MINOR	DVP - Lot Coverage and Set Backs	APPROVED
MINOR	DVP - Lot Widths	APPROVED
MINOR	DVP - Retaining Wall Height	APPROVED
MINOR	DVP - Front Yard Setback	APPROVED
MINOR	DVP - Retaining Wall Height	APPROVED
MINOR	DVP - Retaining Wall Height	APPROVED
MAJOR/DP	DVP - Side Yard Setbacks	APPROVED
MINOR	DVP - Exterior Side Yard	APPROVED
MINOR	DVP - To Allow Vehicular Access from the Street	APPROVED
MINOR/DP	DVP - Building Footprint	DENIED
MINOR/DP	DVP - Lot Coverage	APPROVED
MINOR	DVP - Stairwell in Side Yard	CANCELLED
MINOR	DVP - Side Yard Setback for Deck Awning	APPROVED
MAJOR/DP	DVP - Front Yard Setback, Bldg Height, Visitor Parking	APPROVED
MINOR	DVP - Setback	APPROVED
MINOR	DVP - Setbacks	CANCELLED
MINOR	DVP - Front Yard Setback	CANCELLED
MINOR	DVP - Vary Height of Carriage House to 2 Storeys	APPROVED
MINOR	DVP - Floor Area for Major Home Occupation	APPROVED
MINOR/DP	DVP - Hard Surface	CANCELLED
MINOR/DP	DVP - Lot Coverage	APPROVED
MINOR/DP	DVP - Height of Carriage House	APPROVED
MINOR	DVP - Retaining Wall Height and Location	APPROVED
MINOR/DP	DVP - Carriage House Footprint and Height	APPROVED
MINOR/DP	DVP - Rear Yard and Parcel Coverage	APPROVED
MINOR/DP	DVP - Rear Yard and Interior Side Yard	APPROVED
MINOR/DP	DVP - Setbacks	ACTIVE
MINOR	DVP - Setback	APPROVED
MINOR/DP	DVP - Rear Setback and Parcel Coverage	ACTIVE
MINOR/DP	DVP - Footprint	APPROVED
MINOR/DP	DVP - Carriage House Setbacks	APPROVED
MINOR/DP	DVP - Building Height	ON HOLD
MINOR	DVP - Side Yard Setback	APPROVED
MINOR/DP	DVP - Site Coverage	CANCELLED
MINOR	DVP - Side Yard Setback	APPROVED
MINOR/DP	DVP - Interior Side Yard	APPROVED
MINOR/DP	DVP - Setbacks	ACTIVE
MINOR/DP	DVP - Size & Location of the Carriage House	APPROVED
MAJOR/DP	DVP - Lot Coverage, Height, Front Access	ACTIVE
MINOR/DP	DVP - Building Height & Small Parking Spaces	APPROVED
MINOR/DP	DVP - Bicycle Parking	ACTIVE
MINOR	DVP - Fence Height in Front Yard	CANCELLED
MINOR	DVP - Front Yard Setback	APPROVED
MINOR/DP	DVP - Exterior Side Yard	APPROVED
MINOR	DVP - Interior Side Yard Setback	APPROVED
MINOR/DP	DVP - Front Yard Setback	APPROVED
MINOR	DVP - Sign Bylaw	ACTIVE
MINOR	DVP - Sign Bylaw	ACTIVE
MINOR	DVP - To allow Vehicle Access From the Front	APPROVED
MINOR	DVP - Front Yard Setback	APPROVED
MINOR	DVP - Outdoor Service Area	APPROVED
MINOR	DVP - Rear Yard Setback	APPROVED
MAJOR/DP	DVP - Site Coverage, Projection, Parking	ACTIVE
MINOR	DVP - Rear and Side Yard Setbacks	APPROVED
MINOR	DVP - Size of Secondary Suite	APPROVED
MINOR/DP	DVP - Sideyard Setback	ACTIVE
MINOR	DVP - Metal Container in C1 Zone	ACTIVE
MINOR	DVP - Retaining Wall Height	ACTIVE
MINOR/DP	DVP - Hardsurfacing	ACTIVE

Council Report

penticton.ca

Date: January 17, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 532 Forestbrook Drive
Subject: **Zoning Amendment Bylaw No. 2023-01**
Development Variance Permit PL2022-9455
Development Permit PL2022-9456

File No: RMS/532 Forestbrook Dr

Staff Recommendation

THAT Council give first reading to "Zoning Amendment Bylaw No. 2023-01", a bylaw to rezone Lot 2 District Lot 249 Similkameen Division Yale District Plan 3966, located at 532 Forestbrook Drive, from the R2 (Small Lot Residential) zone to the RD4 (Low Density Cluster Housing) zone to facilitate the development of a four-unit cluster housing development on the subject property;

AND THAT Council forward "Zoning Amendment Bylaw No. 2023-01" to the February 7 Public Hearing;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-01", consider "Development Variance Permit PL2022-9455" to vary the following sections of Zoning Bylaw 2021-01 to facilitate the proposed four-unit cluster housing development:

- Section 10.7.2.3: to increase the maximum lot coverage from 40% to 41%, and
- Section 10.7.2.7.a.i: to reduce the minimum interior side yard setbacks from 1.5m to 1.3m;

AND THAT Council, subject to approval of "Development Variance Permit PL2022-9455", approve "Development Permit PL2022-9456", a permit to approve the form and character of the proposed four-unit cluster housing development.

Proposal

The applicant is proposing to construct a four-unit cluster housing development on the subject property consisting of two side-by-side duplexes, one facing the street and the other facing the lane (Figure 1). The proposal would provide four 3-bedroom units on the property, with each unit having its own dedicated yard and all of the required vehicle parking provided from the rear lane.



Figure 1 - Rendering of proposed development (view from Forestbrook Dr)

To facilitate the proposed development, the applicant has requested that the property be rezoned from the R2 (Small Lot Residential) zone to the RD4 (Low Density Cluster Housing) zone, and has requested two variances to increase the maximum lot coverage from 40% to 41% and to reduce the side yard setbacks from 1.5m to 1.3m. The applicant has also submitted a Development Permit application for approval of the form and character of this proposed infill development.

Background

The subject property is located on the south side of Forestbrook Drive, west of Government Street, in a primarily residential neighbourhood (Figure 2). Penticton Secondary School and KVR Middle School are both located further west along the street. The property is within walking distance of the IGA grocery store on Government Street and the KVR trail. The property contains a single detached dwelling, which is proposed to be demolished. The property is currently zoned R2 (Small Lot Residential) by the Zoning Bylaw and is designated 'Infill Residential' in the OCP (Figure 3).

The primary housing form on the block is single detached dwellings. There are existing infill developments on this block of Forestbrook Drive, which include an 8-unit cluster townhouse development completed in 2016 at 511 Forestbrook Drive, and a 4-unit cluster housing development completed in 2022 at 533 Forestbrook Drive. 565 Forestbrook Drive across the street was also recently approved for a 4-unit cluster housing development by Council in December 2022, with construction currently underway.



Figure 2 - Property location map

Climate Impact

Council adopted the Community Climate Action Plan (CCAP) in 2021. The proposed development is consistent with the following aspects of the CCAP:

- **Shift Beyond the Car:** Encourage active & accessible transportation and transit.
 - Each unit has an attached secure storage shed with meets the size requirements to securely store a bicycle.
 - The subject property is located near Government Street, which has bike lanes and a bus route, as well as commercial shops and services within walking distance.
- **Electrify Passenger Transportation:** Accelerate the adoption of zero-emissions vehicles.
 - The plans show four (4) EV-ready parking spaces on the property.
- **Step Up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
 - The new buildings will be required to meet Step 3 of the BC Energy Step Code as a minimum standard of energy efficiency.

Technical Review

This application was reviewed by the City's Technical Planning Committee. The committee required additional information to be added to the plans to confirm that applicable zoning regulations and OCP design guidelines were met, which the applicant completed. The building design was amended slightly to meet the federal airport height regulations. Additional requirements at the future building permit stage were relayed to the applicant in order to expedite future permit approvals.

This property is impacted by the federal airport zoning regulations for the Penticton Regional Airport approach surface. These federal regulations set a total height limitation of approximately 385m above sea level in affected areas, which has a greater impact on properties at higher elevations than those at lower elevations. At this location, the federal regulations allow a maximum structure height of approximately 7.9m (26 feet). The building designs comply with the maximum allowable building height under the federal airport zoning regulations. The applicant is aware of these federal regulations and the restriction on any construction equipment or structures exceeding this allowable height. The applicant is responsible for submitting an aeronautical assessment form to Transport Canada prior to construction.

Development Statistics

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

	RD4 Zone Requirement	Provided on Plans
Minimum Lot Width*:	18 m	14.5 m
Minimum Lot Area*:	540 m ²	578 m ²
Maximum Lot Coverage:	40%	41% - Variance Requested
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.75 FAR
Vehicle Parking:	1 parking space per unit 0.25 visitor parking spaces per unit 5 parking spaces required	5 parking spaces provided
Bicycle Parking:	0.5 Class I bicycle parking spaces per unit 2 Class I spaces required 0.1 Class II bicycle parking spaces per unit No Class II spaces required	4 Class I (secure) spaces provided
Required Setbacks Front Yard (Forestbrook Dr): Side Yard (east): Side Yard (west): Rear Yard (lane):	4.5 m 1.5 m 1.5 m 6.0 m	4.5 m 1.3 m – Variance Requested 1.3 m – Variance Requested 7.1 m
Maximum Building Height: Zoning Bylaw: Airport Regulations	10.5 m 7.9 m	6.8 m
Minimum Amenity Space:	20 m ² per unit	22 m ² per unit
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.	

Analysis

Zoning Amendment Bylaw

Staff review the applicable OCP policies and the future land use designation on the subject property as part of the review of a rezoning application. The OCP designation for the property is 'Infill Residential'. The Infill Residential designation supports new housing types compatible with single detached houses in character and scale, providing 1 to 4 units per lot (Figure 3). The proposed development on the subject property is consistent with this OCP designation.

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
 <p>Infill Residential</p>	Transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.	<ul style="list-style-type: none"> • Single detached houses with or without secondary suites and/or carriage houses • Duplexes with or without suites • Triplexes • Lower-density rowhouses • Small-scale neighbourhood commercial building (e.g., corner store, coffee shop). 	<ul style="list-style-type: none"> • Residential • Limited retail/service 	<ul style="list-style-type: none"> • 1 to 4 units per single lot • Consolidation of lots possible for lower scale multifamily developments • Generally up to 2 ½ storeys 	<ul style="list-style-type: none"> • R1 • R2 • R3 • RD1 • RD2 • RD3 • C2

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

Staff consider that the proposed rezoning will allow for development that is supported by the following OCP policies:

- OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.
- *The subject property is located within an existing, established neighbourhood.*
- 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.
- *The proposed development would create four units where there is currently one.*
 - *The proposed buildings are two storeys high, which is consistent with the built form in the area.*
 - *The subject property is located close to schools, shops, services, and amenities like the KVR trail.*
 - *The design is aligned with the applicable 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.
- *The subject property is within walking distance of schools, parks, shopping and is located near Government Street with transit routes and bike lanes.*
- OCP Policy 4.1.4.1 Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context.
- *Staff worked with the applicant to refine the design and ensure the look fits with the character of the neighbourhood while working within the zoning requirements and airport height regulations.*
 - *The design respects the privacy of adjacent neighbours by limiting side-facing windows to the first floor and providing all outdoor amenity space at grade which limits overlook into neighbouring backyards.*
- OCP Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density close to collector roads, services and amenities).
- *This block of Forestbrook Drive has seen four recent developments as it is a street in transition with older homes gradually being replaced with compatible small-scale infill developments. The subject property is located near Government Street, a collector road, and within walking distance of shops, services and amenities.*
- OCP Policy 4.1.5.3 Use Multifamily and Intensive Residential Development Permit Area Guidelines to direct, through the City's approval processes, the character and feel of residential neighbourhoods, as well as guide water and energy conservation.
- *The applicant has submitted a Development Permit Analysis with their application package (Attachment 'F'). In addition, staff have prepared a Development Permit Analysis (Attachment 'H'). These analyses show the proposal is aligned with the applicable guidelines.*
- OCP Policy 4.2.2.5 Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
- *In accordance with this policy and the Zoning Bylaw regulations, all vehicle parking is provided from the rear lane. This maintains the streetscape for landscaping, avoids driveway crossovers, and maintains public on-street parking.*

The OCP policies encourage infill development in areas close to services, parks, and shops to encourage walkability and active transportation. Staff note this property is within walking distance of two schools, Kiwanis Park, the KVR trail, and shops and services along Government Street. The development has been designed with parking from the rear lane, which preserves the street free of any driveway crossovers and allows more landscaping areas on the street side of the site.

Staff consider that the application proposes an appropriately-scaled development in an area of the community that has been identified for a moderate increase in density by the OCP. The proposed rezoning is consistent with the housing forms envisioned by the 'Infill Residential' future land use designation on the property.

Given that there is adequate policy through the OCP to support the proposal, staff recommend Council give first reading to "Zoning Amendment Bylaw No. 2023-01", and forward the bylaw to the February 7, 2023 Public Hearing to obtain public input on the proposal.

Development Variance Permit

When considering a variance application, 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 variances and are recommending support for both variances for the following reasons:

Section 10.7.2.3: to increase the maximum lot coverage from 40% to 41%.

- Lot coverage is limited to 40% in many lower density residential zones in Penticton,
- Lot coverage includes the area of the lot covered by buildings and certain structures projecting from the buildings,
- In this case, the applicant is requesting 1% additional lot coverage in order to provide 3-bedroom units,
- The design provides attached storage sheds for each unit, which is considered a valuable amenity given that there are no basements in these buildings, however the attached storage sheds do count towards the overall lot coverage,
- 1% additional lot coverage allows the developer to cover an additional 6m² (62ft²) of the lot which is considered minor in nature,
- The design is limited to two storeys as a result of the federal airport zoning restrictions,
- A two storey build is more in line with the built form in this area but limits the allowable square footage of each unit compared to a three-storey design,
- The increased lot coverage is not expected to result in negative impacts to surrounding property owners, and
- The majority of the lot (59%) will remain open as landscaped area, sidewalk, and parking area.

Section 10.7.2.7.a.i: to reduce the minimum interior side yard setback from 1.5m to 1.3m.

- The RD4 zone allows for 1.5m interior side yard setbacks when buildings are two storeys and up to 8m in height,
- The applicant is proposing 3-bedroom units on the property and given the width of those units, is requesting 1.3m interior side yard setbacks,
- The applicant has advised that should they be required to meet the 1.5m setback requirement the units would have to be changed to 2-bedroom units, losing a bedroom and potential home office space (Attachment 'E'),
- The site is limited by the federal airport zoning regulations to a two-storey build,

- The second floor has no windows along the sides of the building and no upper level balconies, which helps maintain privacy of the neighbours and reduce visual overlook from the proposed development,
- Staff support the requested variance given that the development plans show the required 1.2m wide access path along the west side of the property while providing the required landscape buffer on the east side of the property.

The applicant has further outlined their rationale for the requested variances in the Letter of Rationale for Variances included as Attachment 'E'. The applicant included a Letter of Support from one of the neighbouring property owners (550 Forestbrook Drive) who notes they are in support of the requested variances and the proposed development (Attachment 'G').

Given the reasons above, staff consider that the two requested variances are minor in nature and approval of the variances will not negatively impact the neighbouring properties. The two requested variances are considered reasonable in this instance and staff are recommending that Council approve the application and direct staff to issue the permit.

Development Permit

The proposed development is included in the Multifamily Residential Development Permit Area, which is established by the OCP to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness.

The applicant has provided a development permit analysis with their submission (Attachment 'F'). Staff have also completed a development permit analysis (Attachment 'H') that shows how the proposed development conforms to the applicable design guidelines.

The OCP allows for minor variances through a development permit, rather than through a standalone development variance permit application. The applicant is proposing a reduced landscape buffer width along the west property line (Figure 3). Landscape buffers are required in the Zoning Bylaw between multifamily developments and single detached homes. Section 5.1.4 of the Official Community Plan allows variances to landscape buffers in cases where “the proposed building locations make establishment of a buffer difficult or impossible or where the trees will not thrive...in cases where the buffer is reduced, compensatory planting elsewhere on site or in the adjacent public realm is required.” In this instance, the west landscape buffer is reduced in width on the plans from 3m to 0m at its narrowest point, as a result of the required 1.2m wide pedestrian access path between the street and the rear-facing units on that side of the property. That path will provide emergency services access to rear-facing units, given that emergency services will always access properties from the street – never the lane. The east landscape buffer remains at the allowable 1.3m required width, based on the setback variance. Staff are supporting the landscape buffer variance through the development permit because the plan still provides the required number of trees along that side (3) and compensatory shrub plantings have been provided in the front yard, where there is a total of four trees and 40 shrubs. There is no opportunity to provide the required landscaping along the full length of the western property line and provide the minimum 1.2m wide access path in the same location.

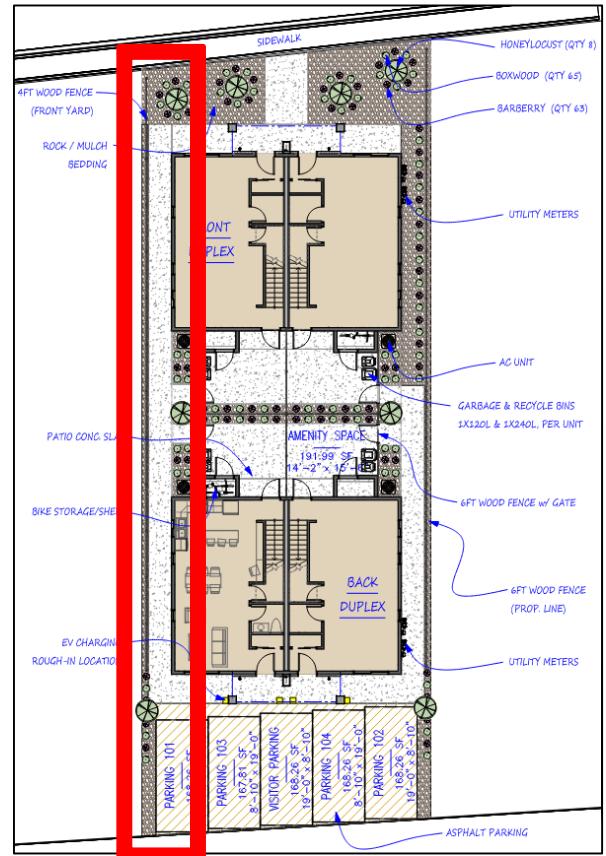


Figure 3 - Reduced landscape buffer shown in red

Staff consider the proposed development has been designed with the applicable OCP policies in mind and with due consideration of impacts on neighbouring property owners. As such, staff recommend that Council consider approving “Development Permit PL2022-9456”, subject to approval of “Development Variance Permit PL2022-9455”.

Alternate Recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment. Staff are not recommending this option, as the proposal is aligned with the OCP designation for the property and gently increases the density in this well-served area of the City.

1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2023-01”.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photo of Property
- Attachment D – Letter of Intent (applicant)

Attachment E – Letter of Rationale for Variances (applicant)
Attachment F – Development Permit Analysis (applicant)
Attachment G – Letter of Support from Neighbour
Attachment H – Development Permit Analysis (staff)
Attachment I – Zoning Amendment Bylaw No. 2023-01
Attachment J – Draft Development Variance Permit PL2022-9455
Attachment K – Draft Development Permit PL2022-9456

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

Concurrence

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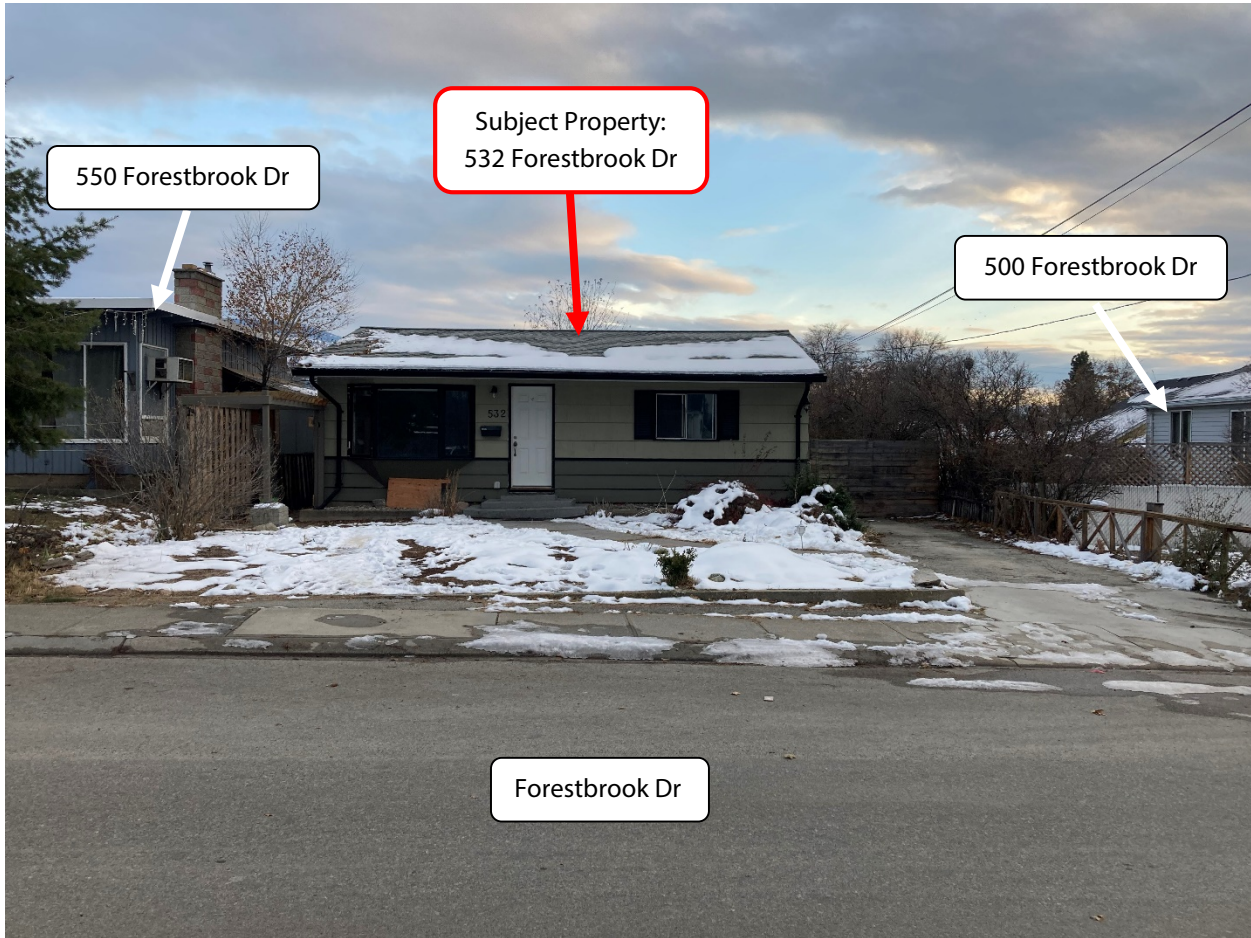
Attachment A – Zoning Map



Attachment B – Official Community Plan Map



Attachment C – Photo of Property





November 26, 2022

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

Re: 532 Forestbrook Drive Development Permit Application

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

This letter is regarding the proposed rezoning and development of the property located at 532 Forestbrook Drive. The existing lot is currently zoned R2 with future OCP designation of infill residential. We are seeking support when reviewing our application to rezone the property to RD4 for a two duplex development. Due to the unique lot dimensions of this neighborhood, we are asking for a small side yard variance from 1.5 meter to 1.3 meter as well as lot coverage increase from 40% to 40.8%.

The proposed two storey development is designed to compliment the neighborhood. We have chosen exterior elements which create visual interest to users and the public. The site design has minimal impact on adjacent dwellings by minimizing views with building design considerations and privacy screens. The landscape plan looks to significantly improve the existing site and adds trees and shrubs throughout the property. We have also designed amenity space intended for use of all ages and is friendly for families, retirees and children.

We echo the City of Penticton's message of being climate leaders with a goal to develop energy efficient buildings. Our development will be solar energy ready with capabilities for electric vehicle charging. We have considered additional bike storage for all units and while meeting required parking bylaws.

We intend to develop this property within the next 12 months to meet the City of Penticton's much needed affordable family housing needs. This multi-family proposal is in alignment with the Official Community Plan with multiple similar developments within the area. We intend to densify a property that is located near schools, day-to-day shops, and parks. We will continue to work closely with the city staff, council and the public to ensure quality and satisfaction.

Sincerely,

Lakehaven Group



November 26, 2022

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

Re: 532 Forestbrook Drive Development Permit Analysis

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

As part of our analysis, we write to discuss our requested variances for the development application of 532 Forestbrook Drive. We are requesting a minor side yard variance from 1.5 meter to 1.3 meter as well as lot coverage increase from 40% to 40.8%. After thorough review and analysis of this project, we feel it is necessary to request this minor variance for the function and livability for future homeowners. The variance has minimum impact on the site design or the neighborhood.

This development was designed to maximize livability. Side yard variance request allows for the creation of an office space. As a growing number of people are working from home and choosing Penticton as their residence, the addition of the interior amenity space serves a well needed and desired addition. Developments of this type use side yards as access ways from the front to the back of the property. There is a 1.3 meter walkway on the west side and landscape buffer on the east side of the property. Landscape buffers are creatively built into this space while meeting the bylaw for trees and shrubs. We have accounted for Penticton Fire Department requirements and OCP guidelines with this design. There is no additional impact on neighboring properties as a six foot fence separates both spaces with additional screening for amenity spaces.

The purpose of the lot coverage request is to increase the size of the storage sheds for each unit. The increase of 0.8% or 53 square feet increases each shed by 50%. This serves a better function for the homeowner and allows for additional bike storage. The proposed development is within 200 meters of a bike lane, close to schools and parks and the KVR trail.

This subset of lots have a unique denomination of widths compared to similar lots in Penticton. The other three lots to the eastern side are 47.5 feet in width as well. The lot was subdivided in 1947 and did not account for future use or impact of irregular widths with today's standards, but instead likely served to equally divide a large parcel. Although this development can be accomplished without variances, the need for it serves a better function to the homeowner. It is common to see infill lots of 50 feet in width.

Over recent years we have noted council and community comments. Storage space for affordable homes is often an afterthought for these types of developments. The increase in lot coverage is minimum and only affects the rear yard of each unit. The office space adds a feature to work from home which has become popular since Covid. Many families struggle to transition to Penticton as the second partner finds

it difficult to find local work. By providing the office space, homeowners have the additional option without sacrificing bedrooms or being forced to find more expensive housing to accommodate their needs.

After analyzing multiple projects with similar side yard variances and increased lot coverage, we believe we are well within the precedent already established. Allowing for this variance, you will increase the function, flow and feel of the units for occupants of all age groups. We respectfully request your consideration and are open to your comments and questions. With a focus on design considerations at planning stages, Penticton residents will be the ultimate benefactors.

Sincerely,

Lakehaven Group



Development Permit Analysis - 532 Forestbrook Dr

Site Planning

Designing in Context

G1. Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.):

This site poses minimum challenges for new development. The immediate neighborhood has seen many new projects started and/or completed of similar size and style. The property has lane way access with room for additional parking. While canvassing and taking part in other developments in the neighborhood, soil conditions are ideal for drainage and good sun exposure for solar. Only one existing tree on site that is to be replaced by eight new trees of appropriate size.

G2. Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis – to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours:

Significant number of properties on the same street have been developed within the last five years and more in the neighborhood. Cladding styles consist of hardie board, stone, brick, and stucco with a mix of flat and peaked roof lines. The use of exterior materials on this project fit well with the current homes in the neighborhood. Additionally, to mitigate any concerns about overshadowing of neighbouring properties the building height will be limited to two stories with minimum views to neighboring properties and a six feet fence along the perimeter for privacy.

G3. Private and semi-private open spaces should be designed to optimize solar access:

Each duplex is designed to be solar ready. Courtyards between buildings are open for Southern exposure which improves solar capabilities. There is a minimum impact on building design from street view for the public realm.

Framing Space

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

The development is proposed at the minimum 4.5m set back, which improves connectivity between the building, the street and the pedestrian realm. There is landscaping and trees in the front yards to create interest to the public.

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:

To maximize prevention of crimes or potential crimes, homes will be ready for security surveillance at the front and rear of the property. We will encourage neighboring properties to take part in similar security protocols using cloud based devices to detect, prevent and if need be identify possible crimes. If at the time of suggestion, neighboring properties choose to install devices, Lakehaven Homes will offer to assist in install. This allows full enjoyment in a safe environment for neighbors, the nearby schools, and the public.

Prioritizing Pedestrians

G9. Pedestrian connectivity to adjacent properties is encouraged. With the exception of private yards, open spaces shall be designed for public access and connectivity to adjacent public areas (and publicly-accessible private spaces):

The development is on a road with pedestrian sidewalks and within walking distance to schools, parks and shopping. Bike lane access is within 200m of the property along with city bus stops to allow for easy transit use.

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

Our proposal includes clear and well lit pathways on each side of the development from the front of the property to the rear of the property. This allows access to parking areas, rear yards, storage units and garbage and recycling areas.

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:

Building design will have recessed joists. This will allow for no additional steps and better wheelchair accessibility.

G14. The outdoor space of a residential unit should be raised no more than 1.2m (3.9 ft.) above adjacent public sidewalks and a “front stair” pedestrian connection shall be provided:

Each unit is well below maximum 1.2m allowance with no additional step ups.

Cars and Parking

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

The parking area for the proposed development is accessed from the rear lane. A separate path on the west side of the property provides dedicated pedestrian access to each unit from the parking area to the front street. This design minimizes conflicts between vehicles and pedestrians.

G17. On-site parking location and design should minimize visual impact and provide safe connections for pedestrians:

The parking area is located at the rear of the property, accessed from the rear lane. This minimizes the visual impact of parking from the street. Safe pedestrian access is provided for this design. A path is proposed along the west side of the builds to access each unit

G19. All multifamily developments should accommodate sustainable modes of transportation through:

The development will provide eight class one bike parking stalls, more than the recommended amount set out in the zoning bylaws. Each parking stall is also equipped to be EV charger ready to encourage more sustainable modes of transportations.

Architecture

Design for Our Climate

G20. Designs should respond to Penticton’s setting and climate through use of:

The design maximizes natural light via large windows in all living spaces and bedrooms. Windows are designed to be energy-efficient. The proposed trees between backyards allow for natural shading during summer months without encroaching on solar panels for winter months. Design also includes covered front and back patio entrances to prevent snow buildup at doorways.

Friendly Faces, Friendly Neighbours (Orientation & Massing)

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

Each duplex unit has its own front door entrance. There will be two units that will face the street and two units that will face the lane. All entrances are ground-oriented.

G24. Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas:

Street facing units combine three distinct cladding materials to fit the neighborhood. The units are designed with varying levels of depth for interest to the public realm and feature overhangs and porches connected by pathways. Landscape features connect from the unit to the sidewalk.

G25. Where appropriate, stepped massing should be utilized to transition and improve the relationship between developments of differing scale. In areas where there is an OCP Land Use Designation change, adjacent building heights should not be greater than one-and-a-half storeys higher than existing adjacent development with additional storeys terraced back with a minimum setback of 3.0 meters:

Neighboring units are between 1.5-2 stories in height. Our design is built at a similar scale to the direct neighbors to the front, back and sides of the property.

G26. Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces:

Units are designed with maximum view from front to back and limit side windows to adjacent properties. There is a six feet high fence between walkways and neighboring private open spaces as well as a secondary fence between unit backyards to increase privacy within the development.

Eyes on the Street

G28. Entries should be visible and clearly identifiable from the fronting public street:

The entrance to each unit is at ground level connected by pathways to public sidewalks. Unit addressing is clearly identifiable from the street.

G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas:

Units are designed with large windows and porches with views to nearby parks.

G31. Provide screening (e.g., varied materials/textures, murals, greenwalls or vines) on solid walls that exist as a function of an internal program (e.g., for privacy, merchandising, etc.):

Units are divided by partial exterior party walls with similar architectural design to the building.

Landscape Architecture

Design with Nature

G33. Water Conservation and Plant Maintenance:

Landscaping is designed with drought resistant and low maintenance plants. Trees and shrubs such as Sunburst Honeylocust and Concorde Barberry are also deer resistant, a common but not often addressed issue within the community. Mulch is used as bedding to retain soil moisture and reduce irrigation demand as well as additional layer of topsoil in grassed areas.

Enhance the Urban Forest

G34/35. Tree planting :

Landscape plan shows eight new trees along the front and sides of the property. There is only one existing tree on site and due to location poses a risk to neighboring properties. More appropriately sized trees to be planted with interest to the public.

Materials Selection – Softscapes & Hardscapes

G41. Softscapes:

Plant material selection has been proposed to match the BLNA standards and sourced as available and hardy within the region's local nurseries. Tree selection is recommended from the City of Penticton Recommended Trees provided by staff. Trees provide cover for shrubs as heat protection in the summer and change colours in the fall.

G42. Hardscapes:

The topography of the property requires minimum use of retaining walls. Impervious surfaces are only used in required areas for unit and public access, parking and for Penticton Fire Department.

Special Considerations

Lighting

G48/49/51. Lighting:

Lighting is to be used to maximize orientation, personal safety and security. Each unit has front entry lighting. Side walkways are to be illuminated with motion sensed lighting directed downward so as to not create nuisance to neighboring properties. Light temperature is a comfortable 3000K.

Waste Management

G58/59/60. Garbage/recycling:

Garbage and recycling areas are located within rear yards of each unit. Six feet fences screen yards and carts. This location does not impede on pedestrian walkways or PFD. The location also has entry from the rear of the units with no disturbance to the public.

Fences

G61/62/63. Fencing:

All fencing shown on the landscape plan allows for maximum privacy between neighbours and development units.

Multifamily Residential Guidelines

Site Planning

Framing Space

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:

Each unit has its own 27m² ground level amenity space. Backyard includes patio space for entertainment and family activities.

Parking

MF4. Visitor parking should be:

- *in public view,*
- *easily accessible near the main entry to the site, and*
- *clearly indicated by pavement markings and/or signs*

Visitor stall is provided from the laneway which is the main vehicle entry for the site. The parking stall is clearly marked as **VISITOR**.

MF5. Electric vehicle charging stations should be provided in larger developments:

Even though a small development, we have provided the option for electric vehicle charging to each unit. It is incorporated into the landscape and parking design.

November 23, 2022

Ken Ogden
550 Forestbrook Drive
Penticton, BC V2A 2E5

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

Re: 532 Forestbrook Drive Four Unit Development

Dear City Of Penticton Staff and Council,

I, Ken Ogden, write to you in support of the proposed four unit development permit application at 532 Forestbrook Drive. I own the property at 550 Forestbrook Drive, adjacent to the proposed development.

Lakehaven Group has reviewed in detail the proposed development. They have shared with me the site plan, landscape plan, exterior renderings, and floor layout. The requested variances have been discussed along with the potential impacts to my property. I write to you in full support of the development as well as their request for side yard variances. I do not see any issues with their request for a 1.3m side yard set back as they have mitigated concerns of privacy with fences. I feel this project will be a welcomed improvement to Forestbrook Drive and will compliment my property well.

Please feel free to reach out with any questions, [REDACTED].

Thank you,



Ken Ogden

Development Permit Analysis

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

Guideline G1 Prior to site design, analysis shall be undertaken to identify significant on-site and off-site opportunities and constraints, including built and natural elements (e.g., structures, slopes and drainage, significant landscape features, etc.).

- During the site design stage the developer took into account the federal airport zoning regulations which limit the maximum structure height on this site to approximately 7.9m. The roof pitch was lessened to meet that regulation. The development plans show the maximum allowable structure height, and how it is met with the design submitted.

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

- The front building has a front setback ranging from the minimum 4.5m front yard setback to 5.8m. This is the same setback allowed under the current R2 zoning on the neighbouring lots. The covered patios extend 1.5m into the front yard setback as allowed by the Zoning Bylaw.

Guideline G7 All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.

- The plans show secure storage sheds attached to the rear of each unit with room to store bicycles. Secure storage areas reduces opportunities for theft.
- The development faces towards the street and the lane with windows and main unit entries on both sides. This provides visual overlook over both the street and lane.

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

- A barrier-free 1.2m wide pedestrian walkway is provided on the west side of the property to provide access between the parking area off the lane, leading past the rear unit entries and around the front of each lot to connect directly to the public sidewalk on Forestbrook Dr. A walkway is provided along the back half of the east side of the property to provide access to the rear yards on that side, but does not lead around the full length of the property on that side.

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

- Entrances to each street-facing unit are approximately 0.3m above the grade of the street and lane.

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

- All parking for the proposed development is accessed from the rear lane while the primary pedestrian entrance is at the front, accessed from Forestbrook Dr. A sidewalk is provided on the west side of the lot to connect the rear parking area to each unit and the street, which reduces conflict between vehicles and pedestrians on the site.

Guideline G23 Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilever upper floors may be considered as a means to breaking up massing while promoting overlook and/or weather protection.

- The proposed building designs include architectural projections on the first and second floors, as well as covered entries and a range of façade materials to create visual interest and provide weather protection.

Guideline G24 Street-facing units should utilize a layering of elements – including but not limited to street-facing entries, stairs, stoops, porches, patios and landscape elements – to create transitions between the public (e.g., street, sidewalk), semi-public (e.g., walkway, ramp, stair), semi-private (e.g., stoop, balcony) and private areas.

- As shown on the development plans, the street facing units each feature a front-facing entry and covered porch. A variety of façade materials and landscaping, including new trees in the front yard, will provide a friendly face towards Forestbrook Dr.

Guideline G26 Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.

- Windows facing towards neighbouring properties on the east and west facades of the duplex buildings are only on the first floor and are smaller than those facing north and south. There are no upper level windows on the sides of the buildings and no upper level amenity space (decks or balconies). This design assists with maintaining privacy of neighbouring properties.

Guideline G29 Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.

- Large windows and main unit entries on buildings on both lots face towards the street and the rear lane/parking area to provide visual overlook onto the public realm.

Guideline G35 Tree planting...

- The landscaping plan shows eight (8) new trees to be planted on the property. These trees are in addition to new shrubs, grasses, and patio areas, as shown on the landscaping plan submitted.

Guideline G58 Garbage/recycling areas and other similar structures should be located out of public view in areas that mitigate noise impacts and which do not conflict with pedestrian traffic.

- The garbage/recycling bins will be stored within each unit's fenced yard, out of public view and away from the access pathway.

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 development provides each unit with a dedicated rear yard space suitable for recreation and play. The subject property is also located within walking distance of parks and playfields at the schools to the west Kiwanis Park one block south.

Guideline MF2 In an effort to promote community and social sustainability, multifamily development should exhibit a preference for courtyard forms with views into them from ground-oriented ground floor units.

- Each unit's rear yard has views onto them from the units, both on the first and second floors. This provides visual overlook from each ground-oriented 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 courtyards.

- The rear yard amenity spaces offer space for patios and plantings. The yards are delineated by fencing to provide safe play areas. The subject property is within walking distance of other parks in the area.

Guideline MF4 Visitor parking should be in public view, easily accessible near the main entry to the site, and clearly indicated by pavement markings and/or signs.

- One visitor parking space is provided off the rear lane. This space shall be clearly marked on-site for visitor use.

Guideline MF5 Electric vehicle charging stations should be provided in larger developments.

- The plans show four parking spaces will be EV-ready, allowing future owners to more easily install EV chargers should they wish to in the future.

Bylaw No. 2023-01

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. 2023-01".

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 3966, located at 532 Forestbrook Drive, from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing).

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

READ A FIRST time this _____ day of _____, 2023

A PUBLIC HEARING was held this day of , 2023

READ A SECOND time this _____ day of _____, 2023

READ A THIRD time this _____ day of _____, 2023

ADOPTED this _____ day of _____, 2023

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2023 and the __ day of ____, 2023 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-01

Date:

Corporate Officer:

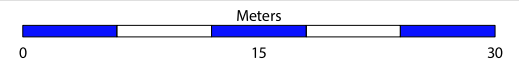


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1:480

January 5, 2023 9:46:52 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

Development Variance Permit

Permit Number: DVP PL2022-9455

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 3966
 - Civic: 532 Forestbrook Drive
 - PID: 003-812-910
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2021-01 to allow for the construction of a four-unit cluster housing development, as shown in the plans attached in Schedule 'A':
 - a. Section 10.7.2.3: to increase the maximum lot coverage from 40% to 41%
 - b. Section 10.7.2.7.a.i: to reduce the minimum interior side yard setbacks from 1.5m to 1.3m

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 _____, 2023.

Issued this ____ day of _____, 2023.

Angela Collison
Corporate Officer

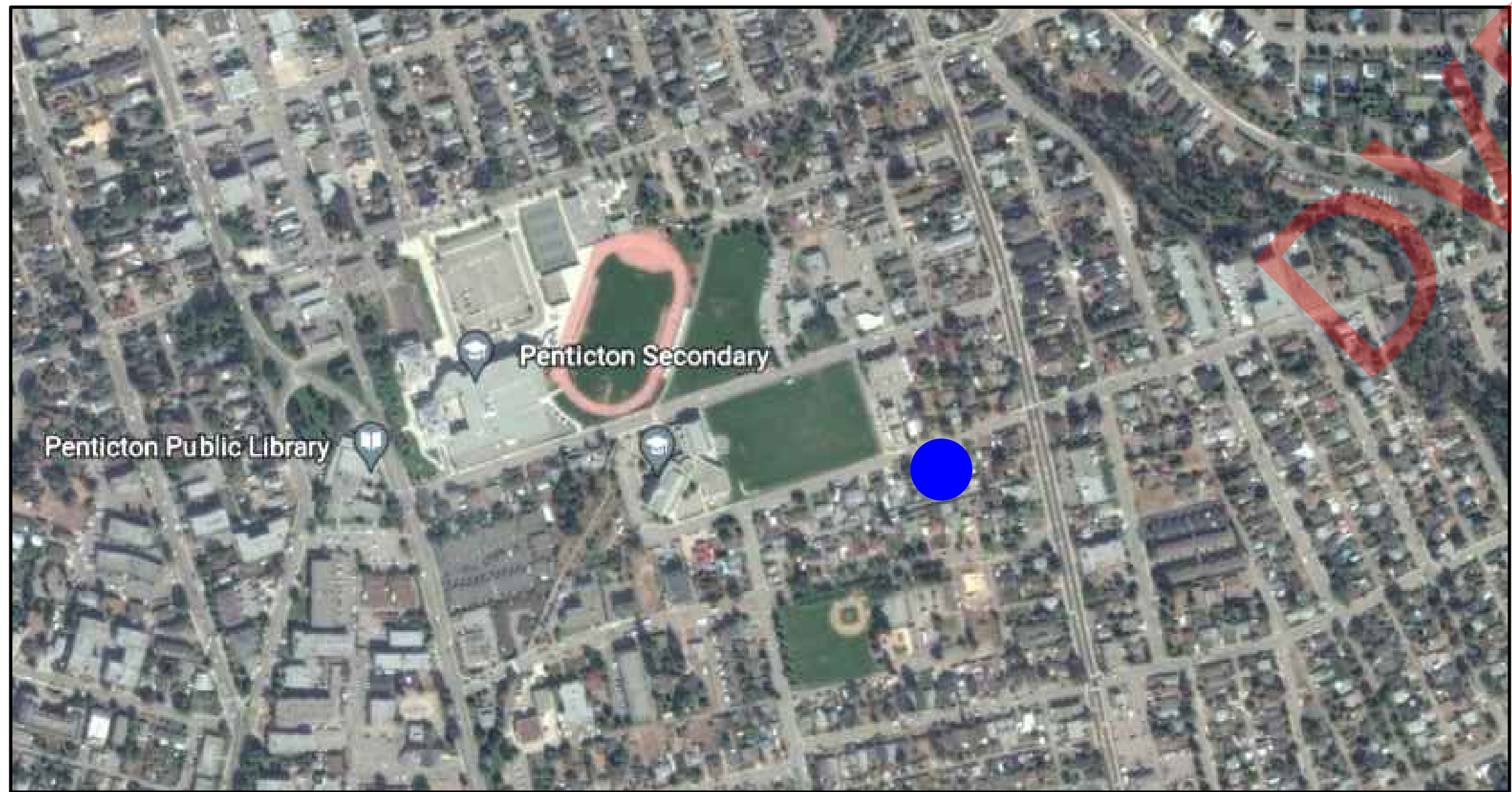
DRAFT

DEVELOPMENT SUMMARY:

LEGAL DESCRIPTION:	LOT 2 DISTRICT LOT 249 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 3966
CIVIC ADDRESS:	532 FORESTBROOK DR. PENTICTON BC
OCP:	INFILL RESIDENTIAL
ZONING:	R2 REZONING TO RD4
BUILDING COVERAGE AREA:	115 M ² / 1277 FT ² (per building)
LOT AREA:	578 M ² / 6223 FT ²
HVAC / HRV	-
SOLAR:	ROOF TRUSSES SOLAR READY WITH ROUGH-IN
EV CHARGING:	ROUGH-IN EV CHARGING
PARKING:	(4) RESERVED, (1) VISITOR

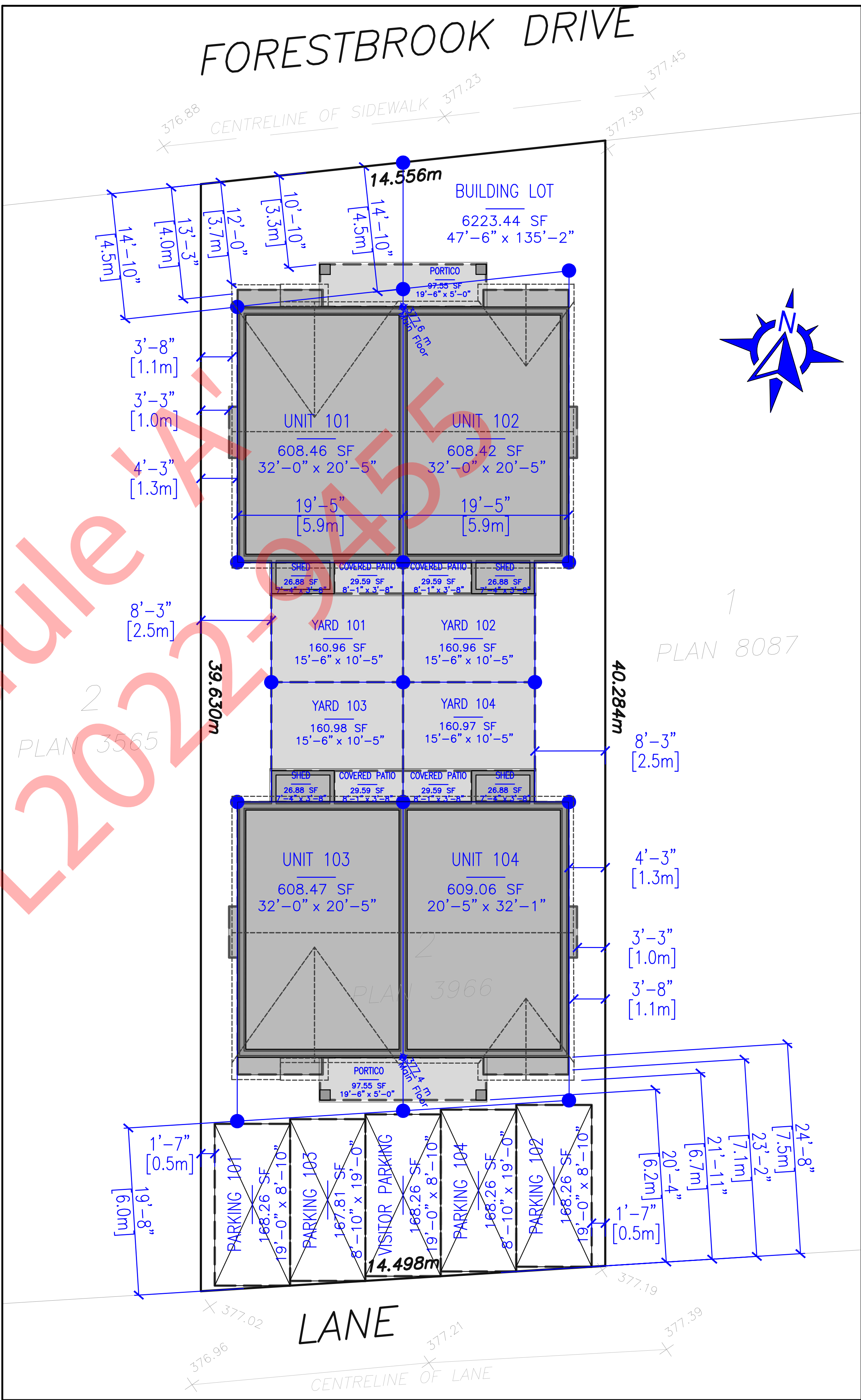
BYLAW SUMMARY (RD4):

	ALLOWABLE:	PROPOSED:	VARIANCE REQUIRED:
LOT COVERAGE:	40%	41%	YES
DENSITY:	0.8 FAR	0.8 FAR	N/A
MAX HEIGHT:	10.5M	6.8M	N/A
SET BACKS:			
FRONT PARCEL LINE:	4.5M	4.5M	N/A
REAR PARCEL LINE:	6.0M	7.1M	N/A
SIDE PARCEL LINE:	1.5M	1.3M	YES



AERIAL VIEW
NTS

FORESTBROOK DRIVE



SITE PLAN
1/8" = 1'-0"

ALL RIGHTS RESERVED:

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(2) DUPLEX INFILL

532 FORESTBROOK DR.
PENTICTON BC

DEVELOPMENT SUMMARY

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ISS2	-	SEPT 23, 2022	90% DESIGN DEVELOPMENT (REVIEW ONLY)
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ISS4	-	DEC 2, 2022	TPC REVIEW



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Development Permit

Permit Number: DP PL2022-9456

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 3966
 - Civic: 532 Forestbrook Drive
 - PID: 003-812-910
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a four-unit cluster housing development as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 489 of the *Local Government Act*, the following provisions of the City of Penticton Zoning Bylaw No. 2021-01 are varied by this permit:
 - a. Table 5.1: to reduce the minimum required landscape buffer (west) from 3m to 0m as per the landscaping plan attached in Schedule 'A'.
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.**
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Authorized by City Council, the ____ day of _____, 2023.

Issued this ____ day of _____, 2023.

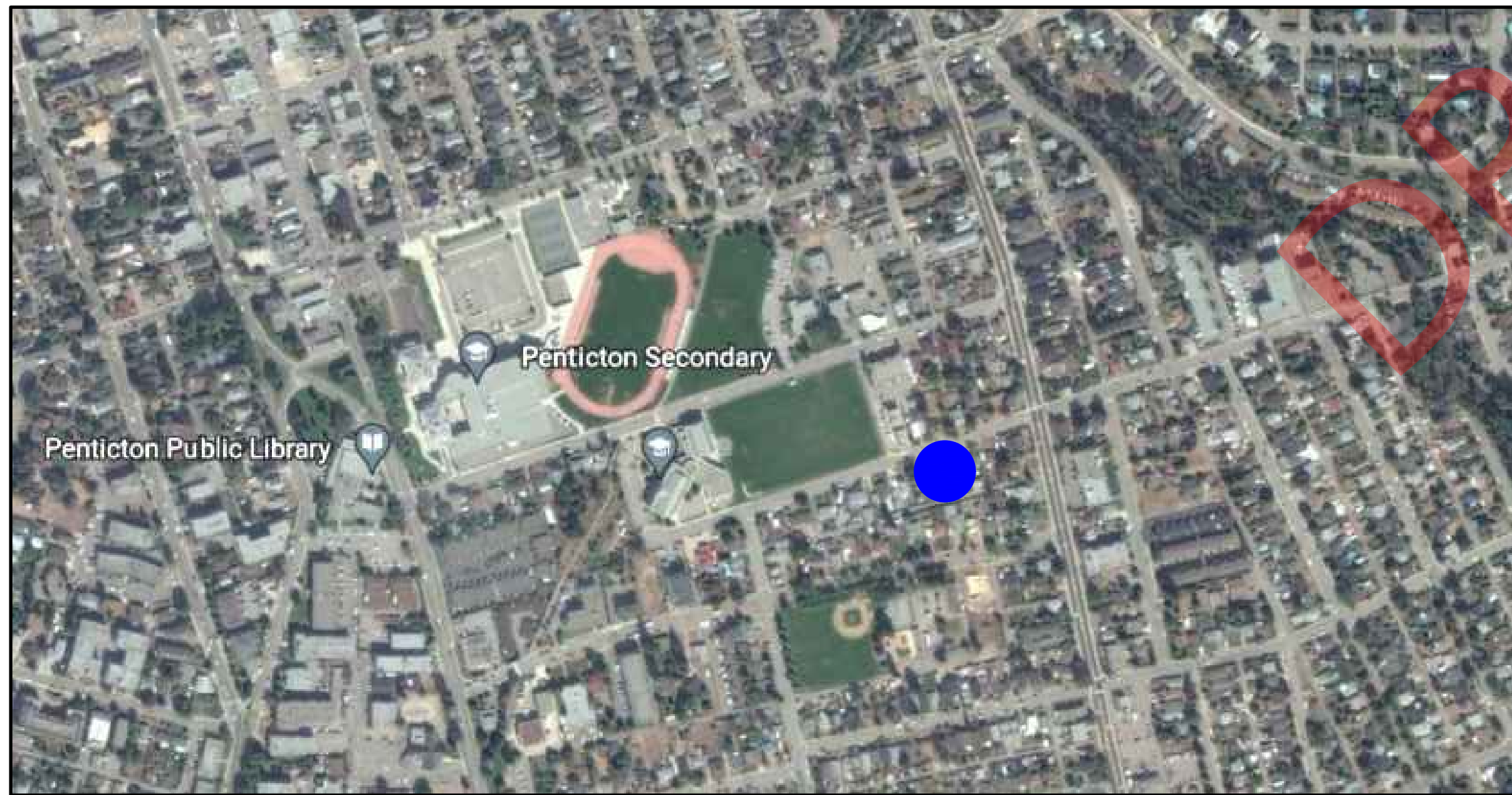
Angela Collison
Corporate Officer

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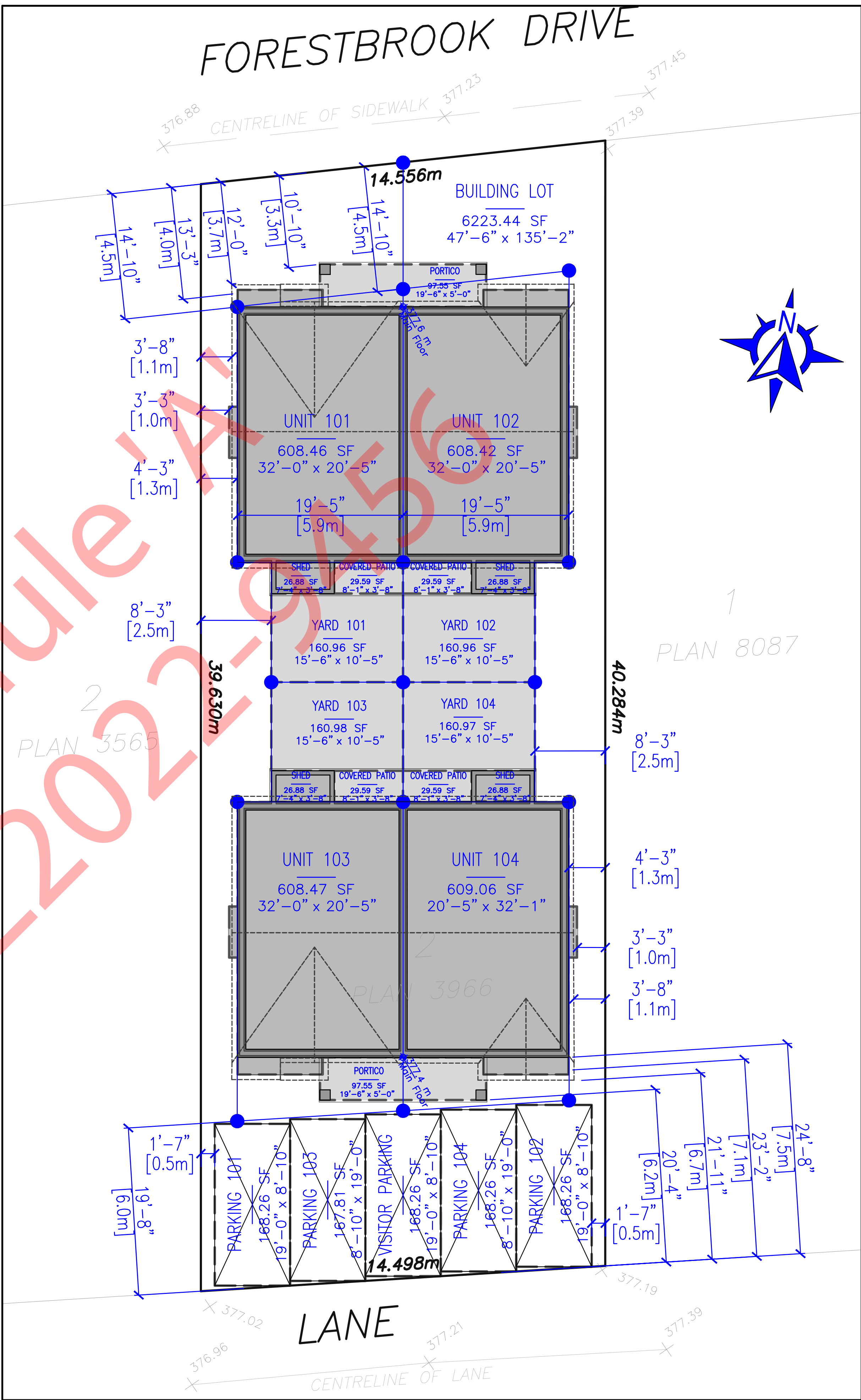
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REAR PARCEL LINE:	6.0M	7.1M	N/A
SIDE PARCEL LINE:	1.5M	1.3M	YES



AERIAL VIEW
NTS

FORESTBROOK DRIVE



SITE PLAN
1/8" = 1'-0"

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(2) DUPLEX INFILL

532 FORESTBROOK DR.
PENTICTON BC

DEVELOPMENT SUMMARY

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CT	CT	A1.0	2 of 7

GENERAL NOTES:

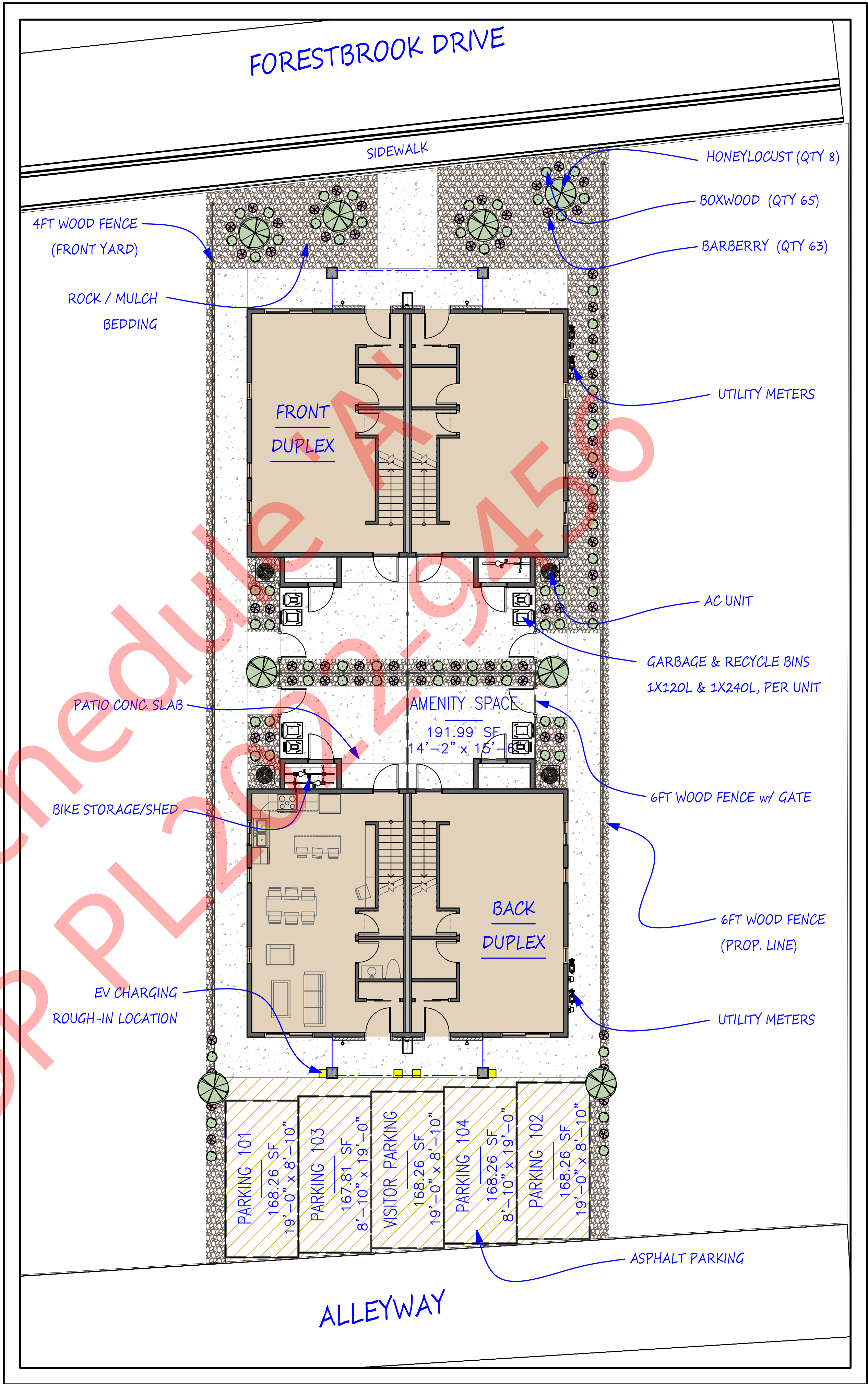
1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL CONFORM TO THE MOST RECENT EDITION OF THE BC LANDSCAPE STANDARDS PUBLISHED BY THE BCSLA.
2. AN AUTOMATIC TIMED IRRIGATION SYSTEM SHALL BE INSTALLED IN ALL LANDSCAPE AREAS AS PER MANUFACTURER INSTALLATION SPECIFICATIONS.
3. THE CONTRACTOR/ OWNER IS RESPONSIBLE FOR LOCATING ALL UTILITY LINES WITH BC FIRST CALL PRIOR TO CONSTRUCTION. ALL TEMPORARY BRACING, JOB SITE SAFETY AND CONFORMANCE TO WCB REGULATIONS DURING CONSTRUCTION ARE THE RESPONSIBILITY OF THE CONTRACTOR.
4. ALL ROOF DRAINAGE TO BE DIRECTED TO ON-SITE APPROVED HOLDING TANK AND/OR APPROVED ABSORBENT LANDSCAPE MATERIAL. SEE ENGINEERING SPECIFICATIONS OR AS PER THE AHJ.
5. CONTRACTOR TO VERIFY ALL DIMENSIONS, ELEVATIONS, AND SITE CONDITIONS PRIOR TO STARTING CONSTRUCTION, AND SHALL IMMEDIATELY NOTIFY COMPOSITE DESIGN AND/OR OWNER UPON DISCOVERING ANY DISCREPANCIES.
6. GRADES SHOWN ON PLANS ARE ESTIMATED, FOUNDATION WALL HEIGHTS AND STRUCTURAL DESIGN REQUIREMENTS MAY REQUIRE ADJUSTMENTS TO SUIT SITE CONDITIONS.

HARDSCAPING:

	MATERIAL	NOTES
	ASPHALT	ALLEYWAY PARKING
	CONCRETE WALKWAYS AND PATIOS	4" SLAB ON GRADE (10Mx19.2"o/c)
	ROCK / MULCH BEDDING	W/ LANDSCAPE FABRIC UNDERNEATH

SOFTSCAPING:

QTY	MATERIAL	NOTES
TREES (MINIMUM CALIPER - 60mm w/ CLEAR STEM HEIGHT OF 1.5m)		
	SUNBURST HONEYLOCUST (Gleditsia triacanthos var.)	DROUGHT TOLERANT, DEER RESISTANT
SHRUBS (Pot Size - No.2)		
	CONCORDE BARBERRY (Berberis thunbergii var.)	DROUGHT TOLERANT, DEER RESISTANT
	GREEN GEM BOXWOOD (Buxus var.)	LOW MAINTENANCE
PERENNIALS & ORNAMENTAL GRASSES		
TURF GRASS		



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(2) DUPLEX INFILL

532 FORESTBROOK DR.
PENTICTON BC

LANDSCAPE PLAN

ISSUE	REV	DATE	DESCRIPTION
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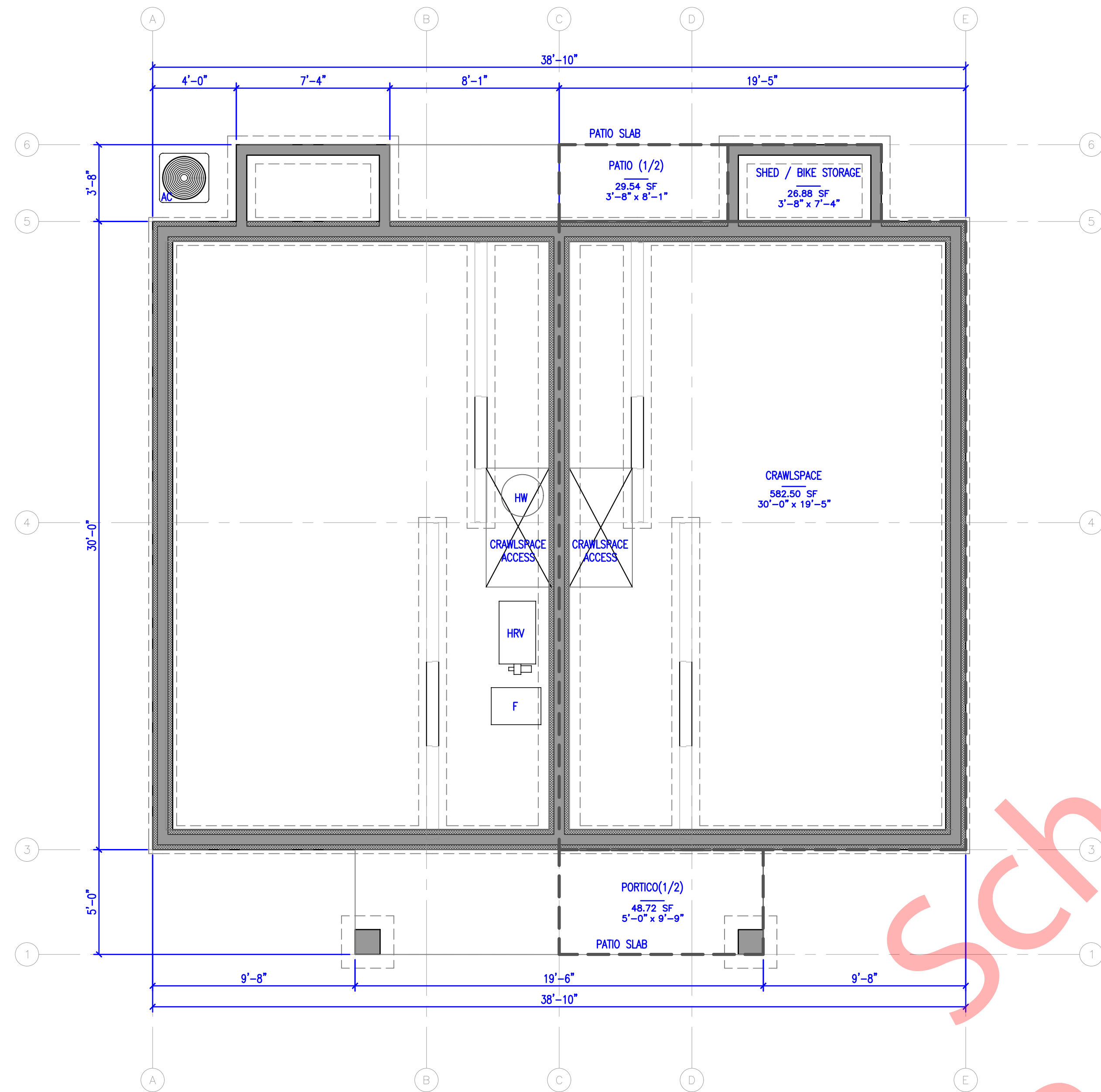


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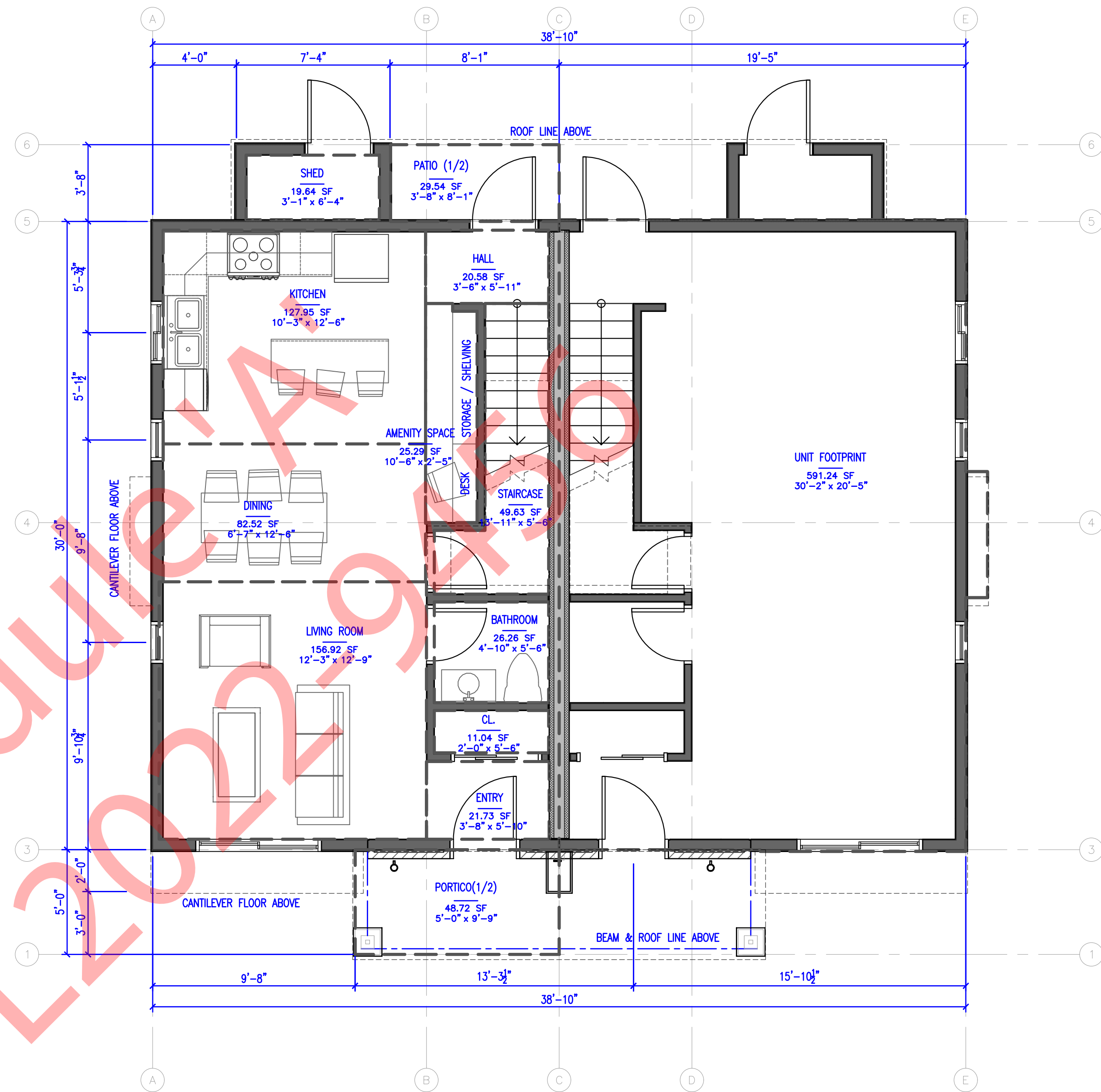
DRWN BY	CHK BY	DRAWING SET	SHEET #
CT	CT	A1.1	3 of 7

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1 FOUNDATION LAYOUT
1/4" = 1'-0"



2 MAIN FLOOR
1/4" = 1'-0"



(2) DUPLEX INFILL

532 FORESTBROOK DR.
PENTICTON BC

FOUNDATION & MAIN FLOOR

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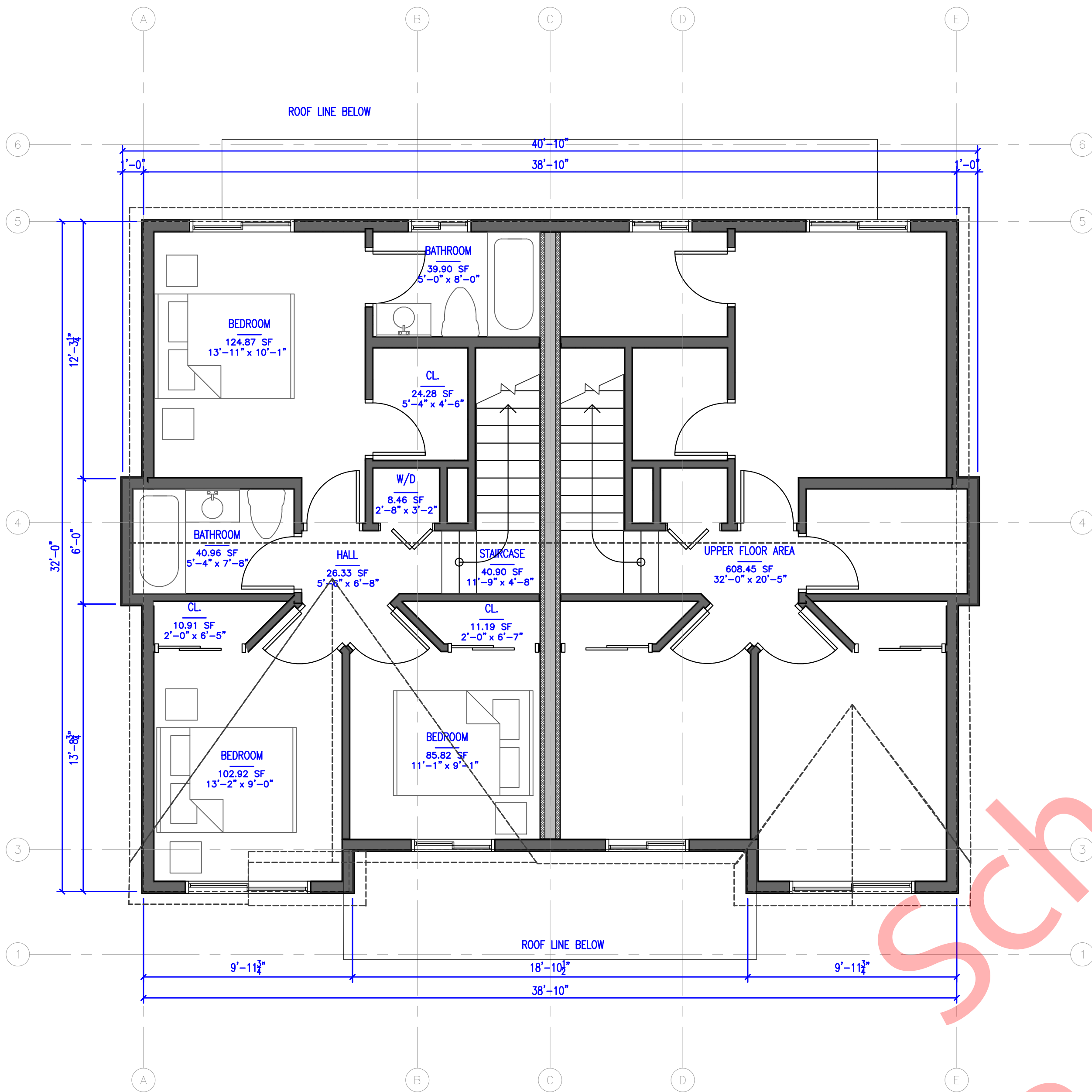
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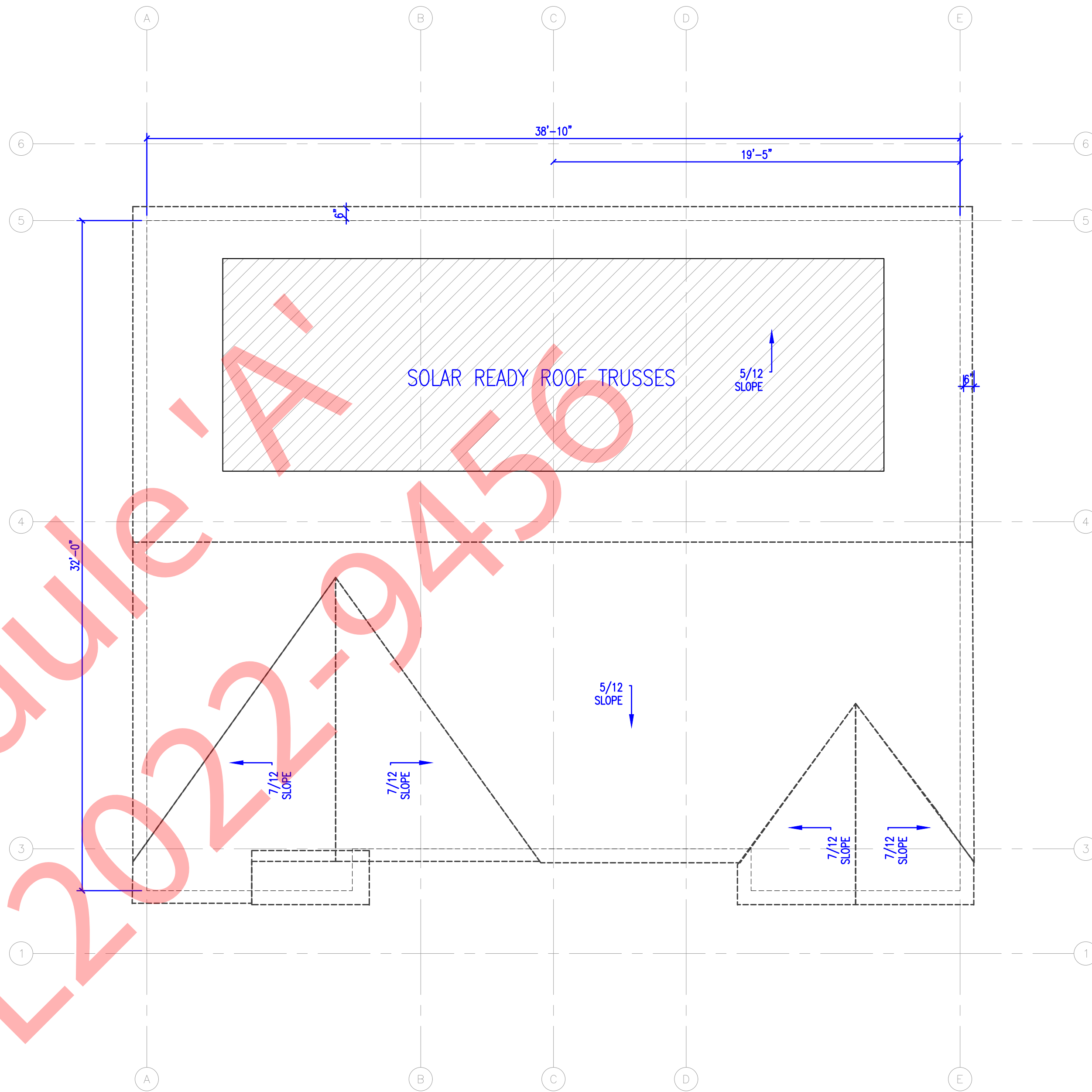
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CT	CT	A2.0	4 of 7

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1 UPPER FLOOR
1/4" = 1'-0"



2 ROOF
1/4" = 1'-0"



(2) DUPLEX INFILL

532 FORESTBROOK DR.
PENTICTON BC

UPPER FLOOR & ROOF

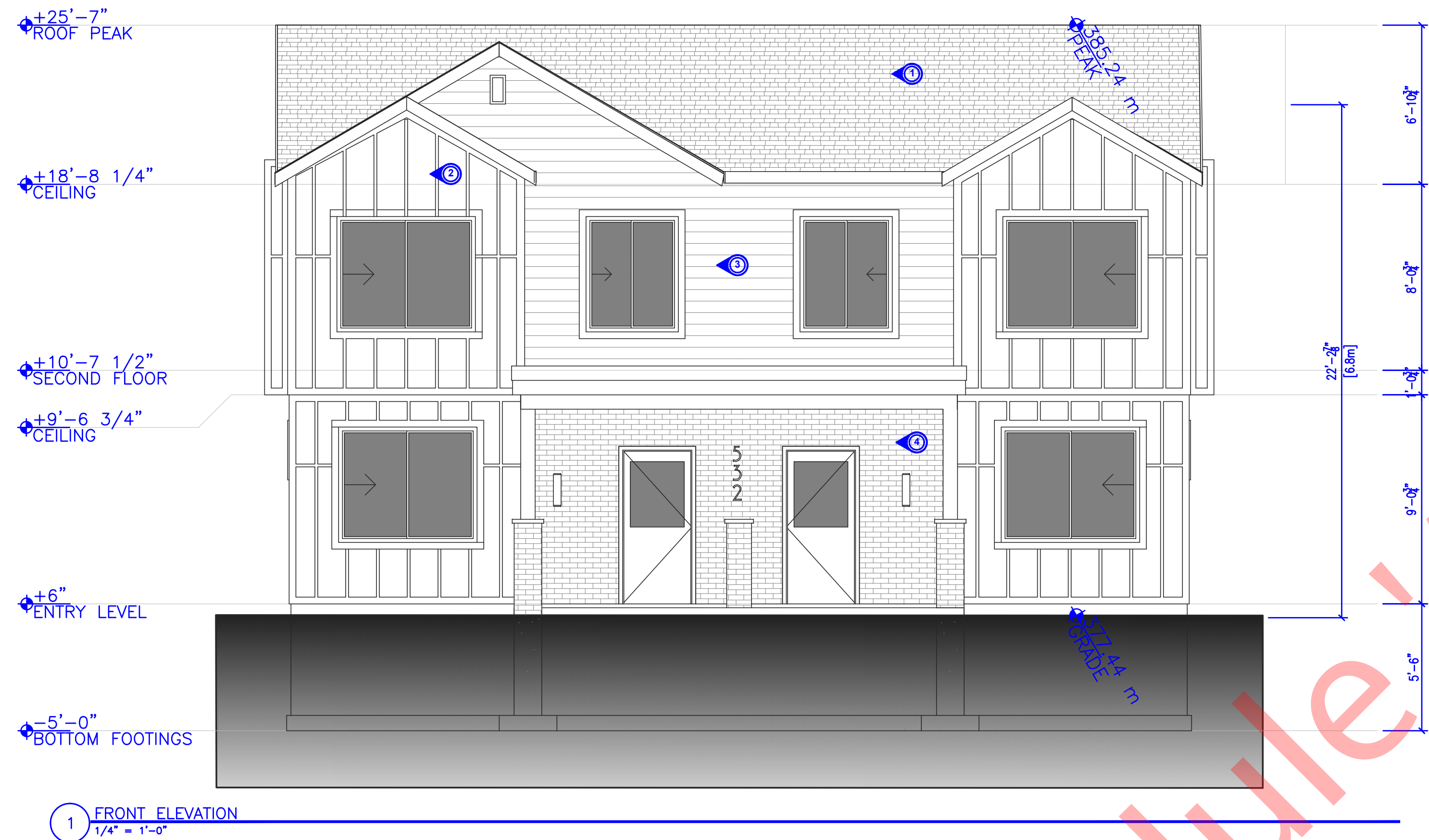
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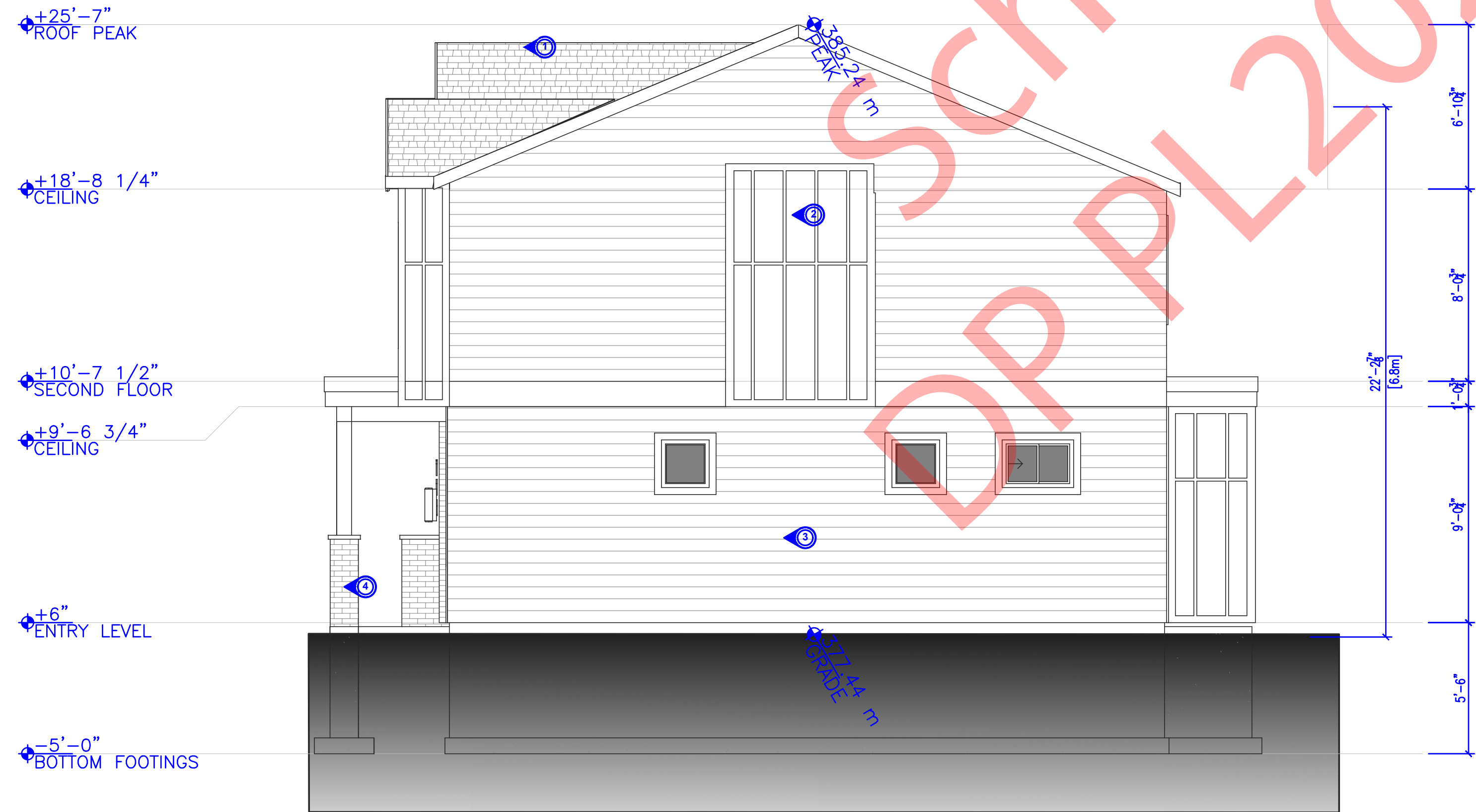
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CT	CT	A2.1	5 of 7



1 FRONT ELEVATION
1/4" = 1'-0"



2 RIGHT ELEVATION
1/4" = 1'-0"

GENERAL NOTES:

- ALL WORK TO CONFORM TO BRITISH COLUMBIA BUILDING CODE (BCBC), LOCAL BYLAWS, DEVELOPMENT PERMITS, AND SUB-TRADE ASSOCIATIONS GOVERNING EACH TRADE INVOLVED IN THE PROJECT.
- ALL DRAWINGS ARE TO BE READ AS A COMPLETE SET IN CONJUNCTION WITH MECHANICAL, ELECTRICAL, GEOTECHNICAL, STRUCTURAL, AND CIVIL DOCUMENTATION, AS REQUIRED.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL TEMPORARY BRACING, JOB SITE SAFETY AND CONFORMANCE TO WCB REGULATIONS DURING CONSTRUCTION.
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- GENERAL CONTRACTOR TO ENSURE SMOKE ALARMS, CARBON MONOXIDE DETECTORS, EXHAUST FANS, FLASHING EXTERIOR WALL PENETRATIONS, AND RADON MITIGATION ARE CARRIED OUT IN CONFORMANCE WITH THE CURRENT BCBC AND LOCAL BYLAWS.
- GRADES SHOWN ON PLANS ARE ESTIMATED, FOUNDATION WALL HEIGHTS AND STRUCTURAL DESIGN REQUIREMENTS MAY REQUIRE ADJUSTMENTS TO SUIT SITE CONDITIONS.

EXTERIOR NOTES

1	- ASPHALT SHINGLES (SEE BUILDING ASSEMBLIES)
2	- BOARD AND BATTEN SIDING (FIBER CEMENT BOARD)
3	- HORIZONTAL PLANK SIDING (FIBER CEMENT BOARD)
4	- STONE VENEER

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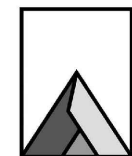


(2) DUPLEX INFILL

532 FORESTBROOK DR.
PENTICTON BC

ELEVATIONS

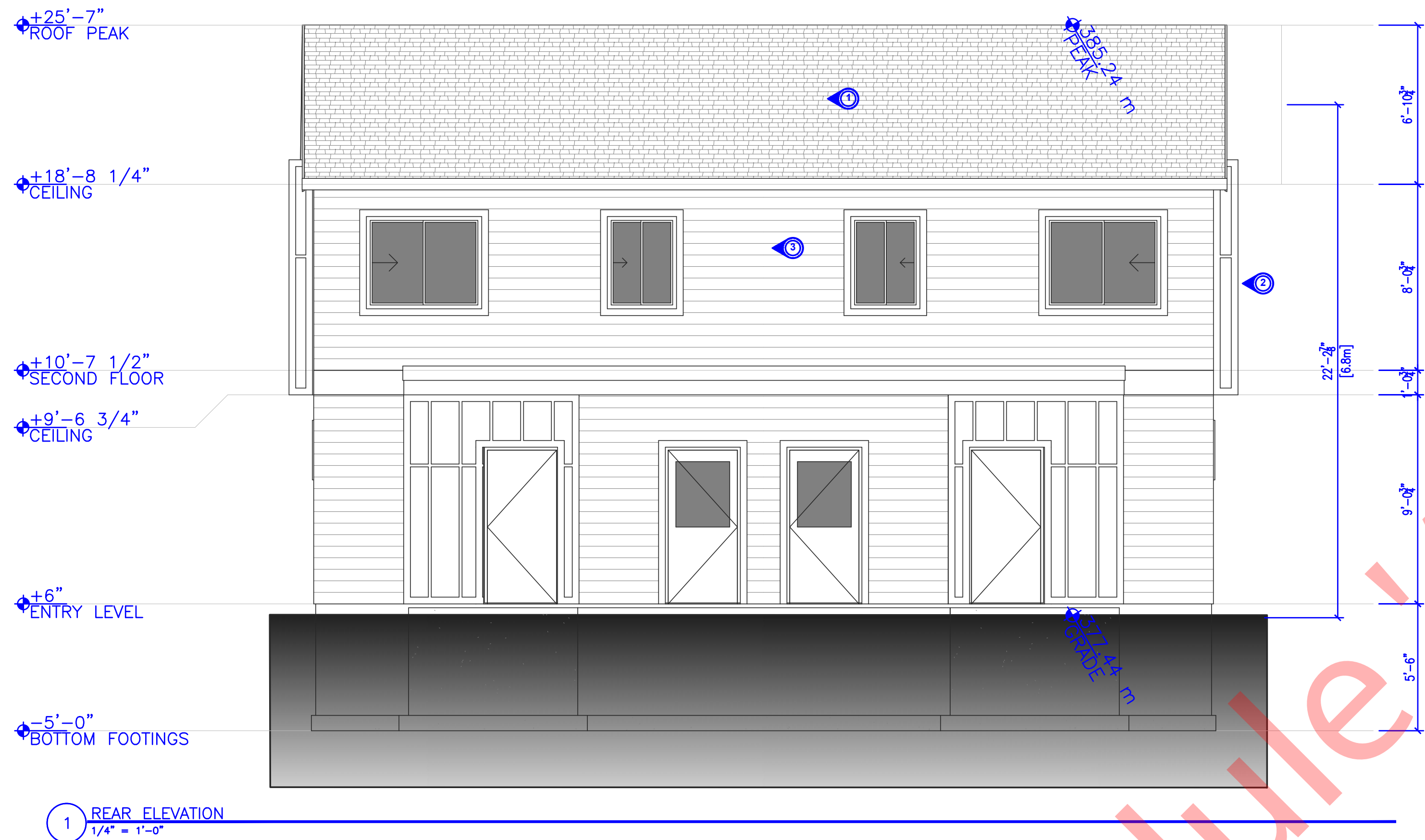
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1 REAR ELEVATION
1/4" = 1'-0"



2 LEFT ELEVATION
1/4" = 1'-0"

GENERAL NOTES:

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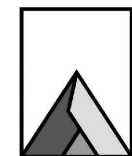


(2) DUPLEX INFILL

532 FORESTBROOK DR.
PENTICTON BC

ELEVATIONS

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CT	CT	A3.1	7 of 7

Council Report

penticton.ca

Date: January 17, 2023 **File No:** RMS/302 Eckhardt Ave W
To: Donny van Dyk, Chief Administrative Officer
From: Steven Collyer, Planner II
Address: 302 Eckhardt Avenue West
Subject: **Land Use Contract No. 3380 Discharge Bylaw No. 2023-02**

Staff Recommendation

THAT Council give first reading to "Land Use Contract No. 3380 Discharge Bylaw No. 2023-02", a bylaw to discharge Land Use Contract Bylaw No. 3380 from the title of Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2757 Except Plan H468, located at 302 Eckhardt Avenue West;

AND THAT Council forward "Land Use Contract No. 3380 Discharge Bylaw No. 2023-02" to the February 7, 2023 Public Hearing.

Proposal

"Land Use Contract No. 3380 Discharge Bylaw No. 2023-02" would discharge Land Use Contract Bylaw No. 3380 from the title of 302 Eckhardt Avenue West to allow the approved office building development to proceed before all Land Use Contracts in the Province are automatically terminated on June 30, 2024.

Background

Land Use Contract Bylaw No. 3380

On September 16, 1976, Council approved "Land Use Contract Bylaw No. 3380" which enabled the conversion of the existing home on the property into a restaurant in the RD (Two Dwelling District) zone in effect at the time.

The Land Use Contract contains the following provisions:

- A public dining room (exclusive gourmet restaurant), which may include a licensed lounge, is the only permitted use on the property;
- The building shall retain its existing architecture, character and non-commercial appearance;
- Construction of certain landscaping and fencing elements;
- Authorized works must have been completed within 2 years of the contract;

- The municipality may discharge and terminate this Land Use Contract twenty-five (25) years after its commencement (September 16, 2001).

Land Use Contracts

Land Use Contracts were used across B.C. from 1971 to 1978 as a land use development tool and was a contract between a municipality and developer outlining development conditions in exchange for specific land use approvals. Land Use Contracts were registered on the land title, and could only be amended or discharged by a manner specified in the contract, or by bylaw at any time with the agreement of the local government (after a public hearing) and the landowner(s). The Land Use Contract enabling legislation was repealed in 1978 so after that date no new Land Use Contracts could be created, however many Land Use Contracts remain in place to this day.

All properties within the City of Penticton have been assigned an underlying zone in Zoning Bylaw 2021-01, including those properties that are governed by a Land Use Contract. Although all properties regulated by a Land Use Contract have an underlying zone, this zone has no effect on the land uses, density or building siting until the Land Use Contract is discharged or terminated. If a property sits within the boundaries of a Land Use Contract, all land use regulations are set out in the Land Use Contract. Once the Land Use Contract has been discharged or terminated, the underlying zoning for the property automatically comes into effect.

Automatic Land Use Contract Termination in 2024

In 2014, the provincial government changed the *Local Government Act* to automatically terminate all Land Use Contracts on June 30, 2024. Section 533 of the *Local Government Act* allows land use contract uses to continue as 'non-conforming' unless discontinued for a period of 6 or more months. If a development proposal is outside the scope of the land use contract, the contract must be discharged (by mutual agreement between the City and property owner) or terminated (City-led) prior to a building permit being issued to authorize the works.

Given the proposed office development on the subject property is beyond the scope of the Land Use Contract, the property owner and developer have requested the Land Use Contract be discharged. Once the Land Use contract is discharged, the underlying zoning for the property, which allows the office use will come into effect. City Council may adopt a bylaw to discharge the Land Use Contract only after a public hearing is held, in accordance with Provincial legislation.

Development Variance Permit and Development Permit

On December 6, 2022, Council approved "Development Variance Permit PL2022-9405" and "Development Permit PL2022-9404" to vary the C1 zone front yard setback requirement from 3.0m to 2.0m and approve the form and character of a proposed 3-storey office building on the subject property.

Staff have since received a legal opinion that the current Land Use Contract does restrict the permitted uses to only allow a restaurant as long as the Land Use Contract is in place. This does not allow the building permit application for the proposed office building to be submitted until after June 30, 2024, when all Land Use Contracts in BC are automatically terminated as per the Local Government Act. The applicants are wishing to develop sooner than 2024 and as such they have requested that the Land Use Contract be discharged (Attachment 'A').

Analysis

All Land use Contracts in BC will be terminated as of June 30, 2024. A Land Use Contract can be discharged by bylaw prior to that date with the consent of the landowner and the City. Following Council's approval of the Development Variance Permit and Development Permit for the subject property on December 6, 2022, the applicants have requested that the Land Use Contract be discharged from title of the property (Attachment 'A').

Staff consider that the discharge of the Land Use Contract is supportable given that the underlying C1 zoning on the property, which will come into effect once the Land Use Contract is discharged or terminated, allows an 'office' as a permitted use. Discharging the Land Use Contract cleans up the title of the property prior to the new office development proceeding. The Land Use Contract was entered into in 1976 and allowed the City to terminate it as early as 2001, however the City had not taken this action as there was previously no direction from the land owner to remove the Land Use Contract.

Council should be aware there is no option to extend Land Use Contracts beyond June 30, 2024, given that date is set by Provincial legislation and there would be no authority for Land Use Contracts to be in effect or valid beyond that date.

Land Use Contracts were originally approved by bylaw following a Public Hearing. As such, a Public Hearing is required prior to discharging a Land Use Contract before the June 30, 2024 automatic termination date. Therefore, staff recommend that council give first reading to "Land Use Contract No. 3380 Discharge Bylaw No. 2023-02" and forward the bylaw to the February 7, 2022, Public Hearing to gather any public feedback prior to making a final decision on this matter.

Alternate Recommendations

Council may choose to not discharge the Land Use Contract and keep it in effect until the contract is automatically terminated by the Province in 2024. This would effectively delay the commencement of construction on the office building until mid-2024, at which time the development could still commence construction within the 2-year timeline of the approved and issued development variance permit and development permit.

1. THAT Council deny first reading of "Land Use Contract No. 3380 Discharge Bylaw No. 2023-02".

Attachments

Attachment A – Request Letter from Property Owner and Developer

Attachment B – Land Use Contract No. 3380 Discharge Bylaw No. 2023-02

Respectfully submitted,

Steven Collyer, RPP, MCIP
Planner II

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

Attachment A - Request Letter from Property Owner and Developer

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

Attention: Blake Laven, Direct of Development Services

December 16, 2022

RE: Request for Removal of Land Use Contract – 302 Eckhardt Ave. West, Penticton

Dear Mayor, Council and Director of Development Services

We are writing to you to thank you for approving our Development Application and in conjunction with that approval, request the Termination of the Land Use Contract associated with 302 Eckhardt Ave.


This Land Use Contract was registered on the property in 1976. Clause #20 provides that the Municipality may discharge and terminate this Land Use Contract twenty-five (25) years after its commencement. As such, as are asking that you terminate this Land Use Contract so that we can apply for our building permit and commence development of this property as per your recent approval of our Development Application.

Yours Truly,

DocuSigned by:

2D4AE282485549F...

Current Property Owner
Argyle Enterprises Ltd.



Developer
Deborah Moore

The Corporation of the City of Penticton

Bylaw No. 2023-02

A Bylaw to authorize the discharge of a Land Use Contract

WHEREAS the Council of the City of Penticton adopted Bylaw No. 3380, being "Penticton Land Use Contract Bylaw No. 1, 1976", approving and authorizing the execution of a Land Use Contract registered with the Land Title Office;

AND WHEREAS the owners of the parcel of land legally described as Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2757 Except Plan H468, located at 302 Eckhardt Avenue West, has requested that the Land Use Contract be discharged from title to that parcel;

AND WHEREAS Council has the authority to discharge a land use contract pursuant to section 546 of the *Local Government Act*;

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 "Land Use Contract No. 3380 Discharge Bylaw No. 2023-02."

2. **Purpose:**

2.1 The Land Use Contract registered in the Land Title Office under number L54599 shall be discharged from title to the land legally described as Lot 1 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2757 Except Plan H468, located at 302 Eckhardt Avenue West.

2.2 The Mayor and Corporate Officer of the City of Penticton are authorized to execute such documents on behalf of the City as may be necessary for the purpose aforesaid.

READ A FIRST time this _____ day of _____, 2023

A PUBLIC HEARING was held this _____ day of _____, 2023

READ A SECOND time this _____ day of _____, 2023

READ A THIRD time this _____ day of _____, 2023

RECEIVED the approval of the Ministry of _____ day of _____, 2023

Transportation on the

ADOPTED this _____ day of _____, 2023

Notice of intention to proceed with this bylaw was published on the ____ day of _____, 2023 and the ____ day of _____, 2023 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 _____, 2023

for Minister of Transportation & Infrastructure

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Council Report

penticton.ca

Date: January 17, 2023
To: Donny van Dyk, Chief Administrative Officer
From: Anthony Haddad, GM Community Services
Subject: **Resource Review Summary with Dr. Griffith**

File No: 7010

Staff Recommendation

THAT Council receive into the record the report dated January 17, 2023 titled "Resource Review Summary with Dr. Griffith".

Background

At their meeting on December 20, 2022, staff presented an overview of the Resource Review of the Penticton RCMP Detachment, Penticton Fire & Rescue & Penticton Bylaw Community Safety Officer Program, that was completed by Dr. Curt T. Griffiths and Dr. Eli Sopow.

The report provided a number of findings and recommendations related with the City/Community, RCMP, Fire & Rescue and Bylaw and Community Safety Officer Program. Releasing and communicating the results of the review with the community are also an important part of this process. While Council will potentially consider resource investment and actions to implement this work as part of future budget processes, staff recommended that the report be utilized as part of Council's upcoming strategic planning process.

Staff and Dr. Griffiths had the opportunity to present the report and answer questions from the public as part of two online information sessions, held on January 10th and 12th 2023. Today, Dr. Griffiths will provide a more detailed overview of the report and will also be available to answer any questions from Council.

Attachments:

Attachment A – Dr Curt Griffith's Presentation

Approvals:

Respectfully submitted,

Anthony Haddad
General Manager, Community Services

Chief
Administrative
Officer

DvD

Attachment A

Dr. Curt Griffith's Presentation

Resource Review of the South Okanagan Detachment, Penticton Fire & Rescue, & Penticton Bylaw & Community Safety Officer Program

Curt Taylor Griffiths, Ph.D.
and
Eli Sopow, Ph.D.

November 2022

The Project and Principles

Focused on the RCMP, Fire & Rescue,
and Bylaws/CSOs

Conducted between November, 2021
and May, 2022

Review based on two fundamental
premises

- These agencies should ensure they are using existing resources effectively and efficiently
- Any new resources should be targeted in specific areas

Overall objective of the review: generate
materials that will assist Council and the
City to ensure the safety and security
and quality of life for all residents

Resource Reviews

- Identify factors that facilitate or hinder effective service delivery
- Provide direction for reallocation of existing resources and identification of gaps for additional resources
- Provide the municipality with information to inform resource and policy decisions
- Ensure that these decisions are informed by information gathered from a variety of community stakeholders and agency personnel

Resource Review Questions

What is the nature of the demand environment?

What is the level of resourcing for police, F&R, BL/CSOs?

What is the lived experience of personnel, community residents, community stakeholders?

What are the demands on police, F&R, BL/CSOs, the response to these demands, gaps in service levels, and how these gaps are best addressed?

What opportunities exist to improve the effectiveness and efficiency of service delivery?

Methodology

Administration of a community survey (N=815)

- Online using City's data base of resident emails
- Residents' perceptions of crime, victimization experiences, expectations of police, F&R, BL/CSOs
- Open-ended questions for further comment

Focus group discussions with community stakeholders, police, F&R, BL/CSOs

- Community residents, NGOs, high school students, private sector

Interviews with municipal and provincial personnel and other resource persons

Findings: The Municipality

There is limited interoperability among community safety agencies and initiatives

The City does not have a Community Safety and Wellbeing Plan that would maximize resource allocation and impact

The City may be at its limit of “carrying capacity” with respect to shelter beds

There are significant gaps in provincial services

There is considerable potential to develop collaborative partnerships with a wide range of stakeholders

Community residents are a vital stakeholder but have been largely excluded from community safety initiatives

Recommendations: The Municipality

1

Develop a Continuum of Public Safety that includes private security, police, F&R, BL/CSOs and facilitates interoperability

2

Engage in “outside the box” thinking that empowers City staff to explore innovative sources of funding and partnerships

3

Create the position of Director of Community Safety to coordinate a multi-faceted approach

4

Develop a Community Safety and Wellbeing Plan

5

Develop capacities that, on paper, are the mandate of province

Findings: The Community

Nearly 80% of residents believe crime has increased: aligns with statistics

Mental health and homelessness top priorities

Most who completed the survey do not feel safe in the downtown area and women feel unsafe in their neighbourhoods

Concern with duplication of services, e.g. F&R and ambulance

Low marks to RCMP for community engagement

Residents lack information on community safety initiatives

Recommendations: The Community

If unaddressed, crime in Penticton will significantly impact the quality of life in the community and the economy

Creating safe neighbourhoods should be a priority

Creating capacity for the police to proactively engage with the community and engage in crime prevention should be a priority

A robust communication strategy should be developed to keep the community informed about crime prevention and crime response initiatives

Strategies should be developed to involve the community as a collaborative partner in community safety

Findings: The Policing Environment

Penticton has the highest Crime Severity Index score of the region's five largest cities for the past 5 years; significant increases in total Criminal Code offences, officer caseloads and workload, and violent crime case burden per officer.

- Higher than comparative detachments

The challenges of homelessness, persons with mental illness and homelessness are placing increasing demands on the police

- 56% increase in mental health-related calls for service between 2019-2021
- Majority of calls for service are mental-health, not enforcement, related

The police have become the default for gaps in service delivery

Recommendations: The Policing Environment

Ensure interoperability among public safety agencies; increase police visibility; engage in reassurance and quality of life policing



Develop alternative response capacities for calls for service, including creation of municipal mental health crisis team, equipping officers with the HealthIM app, and a PACT patrol unit

Findings: The Detachment

The officers and civilians are dedicated professionals who are unable to effectively meet the demands being made on them

The detachment is under-resourced and has near-zero capacity for community policing

20% of the officers are non-deployable due to stress-related issues; civilian staff are similarly challenged

There are ongoing challenges in meeting shift minimums

There is a danger that the community will lose confidence and trust in the police

- Current concerns about the lack of visibility, community engagement, proactive policing

Recommendations: The Detachment

Provide the detachment with the resources required for it to be successful

Continuing under-resourcing may undermine public trust and confidence in the police

Reduce the call load of officers through alternative call response

Ensure the mental health and wellbeing of sworn officers and civilians

Findings: Community Policing

The detachment currently has no capacity for community policing, community engagement, developing and sustaining community partnerships, crime prevention, or problem-solving

Previously existing programs and units have been discontinued and officer resources directed to front line response

The Community Support Response Team was disbanded

The SRO program was discontinued

The Youth Liaison Officer position was abolished

The downtown Community Police Office was closed



Recommendations: Community Policing



The detachment should develop a community policing strategy that would include prevention, the identification of current and potential partnerships, and the capacities and resources required to successfully execute the model

Additional resources should be provided to facilitate the creation of a Community Policing Team

Funding should be provided for one SRO position in cover both high schools

The detachment should create an “adopt a school” program wherein officers would attend schools on a proactive basis

Findings: Police Response to Calls for Service

- The detachment has experienced an exponential growth in calls for service
- There is currently little or no triaging calls for service; officers are being dispatched to calls that do not require a law enforcement presence could be more effectively responded to by non-enforcement personnel
 - This high call load precludes proactive, community-focused policing
- In its current form, the restorative justice program is not effective in diverting calls away from frontline patrol

Recommendations: Calls for Service

The City should support efforts to develop alternative call response capacities to divert calls away from sworn officers

- The high number of mental health related calls would be better managed by a municipally-funded mental health crisis intervention team and a PACT unit

The detachment should develop a system for triaging calls for service, including developing interoperability with Bylaws and CSOs and creating a telephone response capacity

The restorative justice program should be strengthened by increasing referrals from officers and other referral sources, e.g. private businesses

Findings: Bylaws and Community Safety Officers

Bylaws is a best practice, evidence-based agency that provides an excellent ROI for the city and community

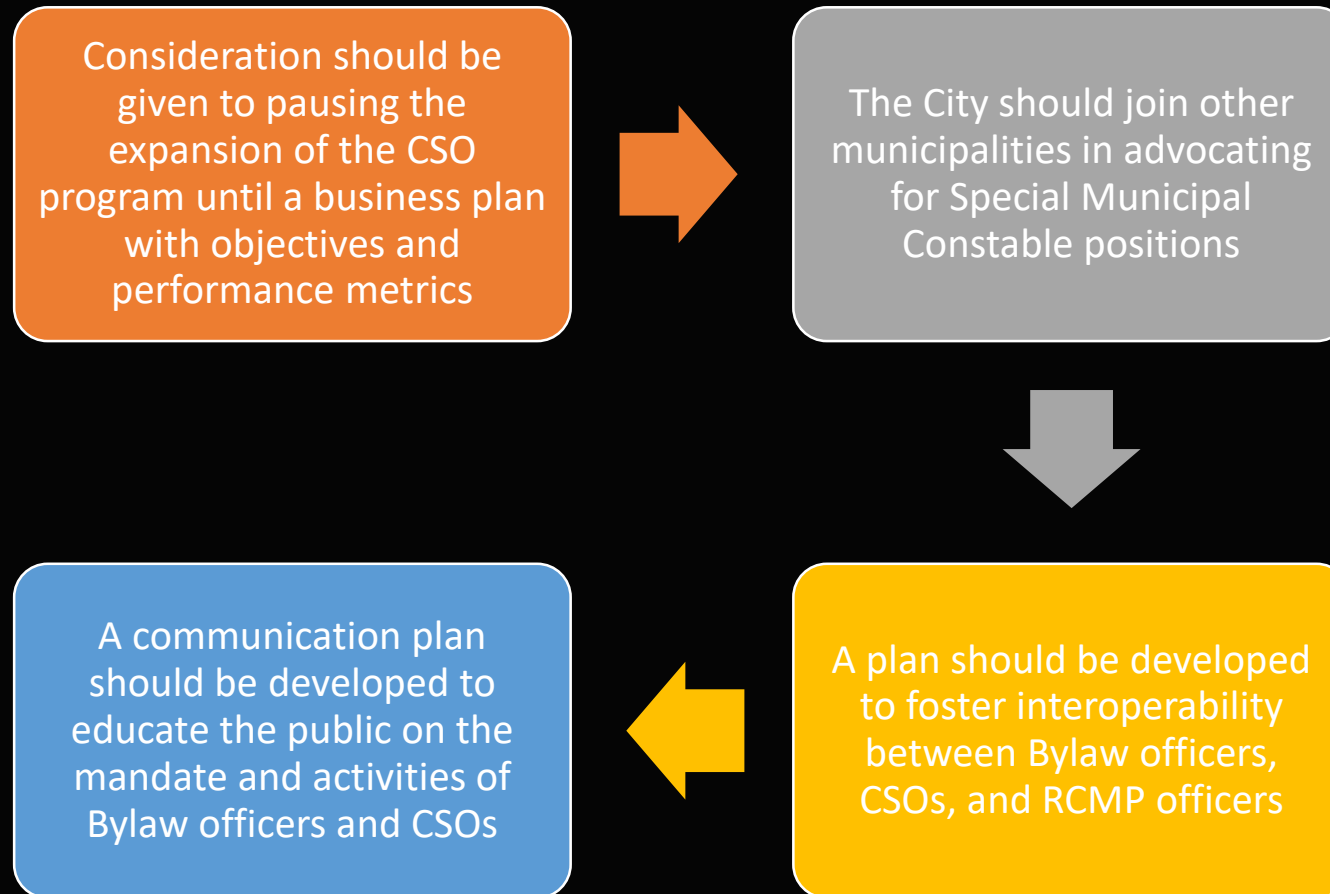
It is uncertain whether, as constituted, the CSO program is successful in its multi-faceted role

- CSOs have no legal authorities yet have a high level of interaction with vulnerable and at-risk persons in both an assistance and enforcement capacity

There is limited interoperability between Bylaw officers and CSOs

There is very limited interoperability between CSOs and RCMP officers

Recommendations: Bylaws and CSOs





Findings: Fire & Rescue

- The large majority of calls for service to which F&R respond are not fire-related
 - On average, only 1% involve a structural fire
 - Over 50% are medical-related, often a consequence of inadequate EHS coverage
- Large fire apparatus are being dispatched to many minor medical calls
- Many F&R services deploy Rapid Response Vehicles (RRVs) staffed by firefighter/paramedics
- The primary focus of F&R resource acquisitions and expenditures is on fire suppression

Recommendations: Fire & Rescue

F&R should develop a strategic plan for resources/deployment that reflects the demands being made on the service

F&R should collaborate in the development of a collaborative framework to increase interoperability

Funding should be provided for the acquisition/deployment of a RRV that can respond to non-fire and medical calls

Funding should be provided to cross-train all firefighters as paramedics

F&R should engage in a process of “re-identification” to ensure that training/resource acquisition/deployment reflect demands for service

Summary of Recommended Positions

RCMP Sworn Officers: 12 Total Positions

- PACT Patrol Unit: 2
- Community/Neighbourhood Policing Team: 4
- School Resource Officer: 1
- Youth Liaison Officer: 1
- Traffic Section: 4

Civilian Municipal Employees: 4 Total Positions

- Operations Team Lead: 2
 - Records Clerk: 1
 - Disclosure / Transcription Administrator: 1
-

Summary of Recommended Positions

- New Municipal Employees: 6 Total Positions*
 - Director of Community Safety: 1
 - Peer Navigator for Public Library: 1
 - High School Mental Health Counsellors (Co-funded with Interior Health): 2
 - Municipal Mental Health Crisis Team: 2
 - F&R Rapid Response Vehicle: *Staffing TBD based on business plan

The Corporation of the City of Penticton

Bylaw No. 2022-55

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. 2022-55".

2. **Amendment:**

Zoning Bylaw No. 2021-01 14.2 CD2 – Comprehensive Development (270 Riverside Drive) is hereby amended as follows:

2.1 Add the following to section 14.2.2 PERMITTED USES

.10 **vacation rental**

.11 **mobile vending unit**

2.2 Change section 14.2.3 SUBDIVISION AND DEVELOPMENT REGULATIONS to read as follows:

.9 Minimum **rear yard** (Wylie Street): 2.5m

READ A FIRST time this 6 day of December, 2022

A PUBLIC HEARING was held this 20 day of December, 2022

READ A SECOND time this 20 day of December, 2022

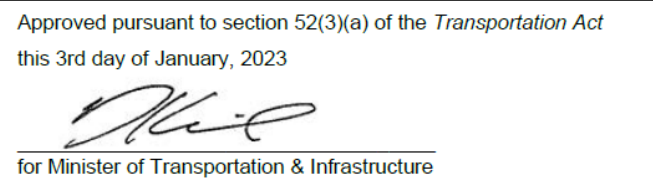
READ A THIRD time this 20 day of December, 2022

RECEIVED the approval of the 3 day of January, 2023

Ministry of Transportation on the

ADOPTED this day of , 2023

Notice of intention to proceed with this bylaw was published on the 9th day of December, 2022 and the 14th day of December, 2022 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.



Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

Development Variance Permit

Permit Number: DVP PL2022-9433

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 A District Lot 366 Similkameen Division Yale District Plan KAP91771
 - Civic: 270 Riverside Drive
 - PID: 028-464-087
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 6 storey, 234 unit apartment building, as shown in the plans attached in Schedule 'A':
 - a. Section 6.5: To reduce the minimum number of vehicle parking spaces from 291 to 290.
 - b. Section 14.2.3.3: To increase the maximum lot coverage from 65% to 76%.
 - c. Section 14.2.3.2: To reduce the minimum lot area from 9,000m² to 4,769m² (for phasing only).
 - d. Section 14.2.3.9: To reduce the minimum rear yard from 2.5m to 0m (for phasing only).

General Conditions

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

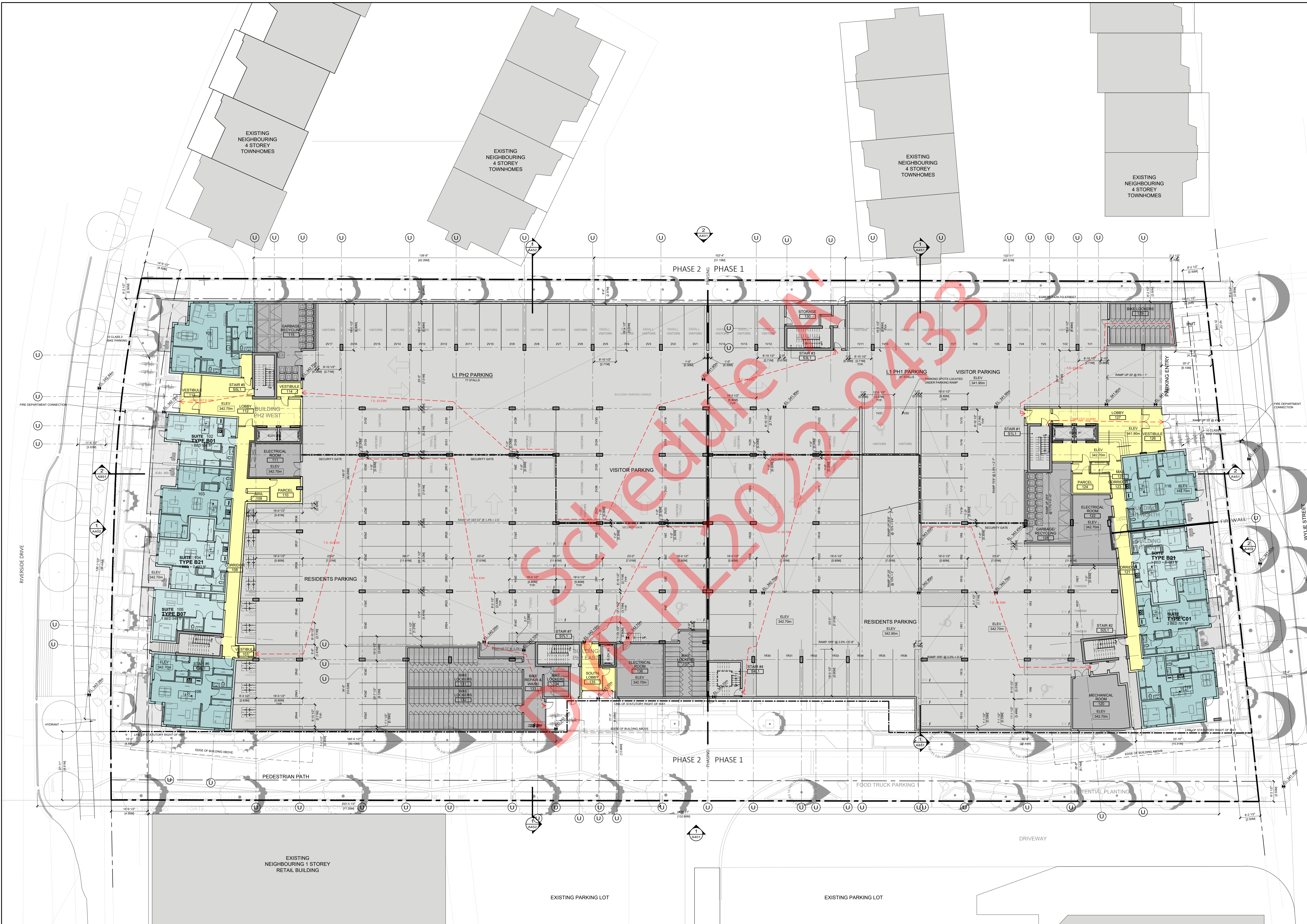
information on servicing and infrastructure requirements please contact the Development Engineering Department at (250) 490-2501. For more information on electrical servicing costs, please contact the Electric Utility at (250) 490-2535.

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

Issued this ____ day of _____, 2022.

Angela Collison
Corporate Officer

DRAFT



ALL RIGHTS RESERVED. PROPERTY OF THE ARCHITECT. USE OR REPRODUCTION PROHIBITED WITHOUT PRIOR WRITTEN PERMISSION.

THE CONTRACTOR SHALL REVIEW THE DOCUMENTS FOR CONFORMANCE WITH CODES AND BY-LAWS AND SHALL ADVISE THE ARCHITECT OF ANY DISCREPANCIES. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE DESIGNER.

DO NOT SCALE THE DRAWINGS.

THIS DRAWING IS INTENDED FOR INFORMATION ONLY. THE CONTRACTOR AND ANY PERSON USING THIS DRAWING FOR INFORMATION ARE ADVISED TO REFER TO CIVIL, STRUCTURAL, MECHANICAL, SPRINKLER, ELECTRICAL, LANDSCAPE AND INTERIOR DESIGN DISCIPLINE DRAWINGS FOR INFORMATION RELATING TO THOSE DISCIPLINES.

NORTH

architecture

200-211 Columbia Street | Vancouver | BC | V6A 2B5
T 604 688 7562
E studios@formosid.ca www.formosid.ca

PRIME CONSULTANT

CONSULTANT

SEAL 2022-11-25

NO	DATE	REMARKS
4	2022-11-24	ISSUED FOR DP COMMENTS R2
3	2022-11-09	ISSUED FOR DP COMMENTS RESPONSE
2	2022-08-26	ISSUED FOR DP
1	2022-07-11	ISSUED FOR PRE-APP

SOKANA

6 Storey Apartment Building

270

Riverside Drive

Penticton, British Columbia

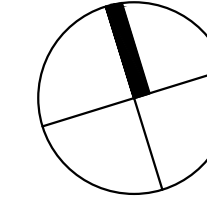
SITE PLAN

DEVELOPMENT PERMIT

A152

SCALE:	1:200	PROJECT NO:	2207
DRAWN BY:	SP	DATE:	JUNE 2022

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THE CONTRACTOR SHALL REVIEW THE DOCUMENTS FOR CONFORMANCE WITH CODES AND BY-LAWS AND SHALL ADVISE THE ARCHITECT OF ANY DISCREPANCIES. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THE DESIGNER.
DO NOT SCALE THE DRAWINGS.
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NORTH

FORMOSIS
architecture

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T 404 688 7562
E studio@formosis.ca www.formosis.ca

PRIME CONSULTANT

CONSULTANT



SEAL 2022-11-25

NO	DATE	REMARKS
4	2022-11-24	ISSUED FOR DP COMMENTS R2
3	2022-11-09	ISSUED FOR DP COMMENTS RESPONSE
2	2022-08-26	ISSUED FOR DP
1	2022-07-11	ISSUED FOR PRE-APP



SOKANA
6 Storey Apartment Building

270
Riverside Drive
Penticon, British Columbia

L2 PLAN

DEVELOPMENT PERMIT

A212

SCALE:	1:200	PROJECT NO:	2207
DRAWN BY:	SP/NC	DATE:	JUNE 2022



The Corporation of the City of Penticton

Bylaw No. 2022-56

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. 2022-56".

2. **Amendment:**

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

2.1 Rezone Lot 9 District Lot 116 Similkameen Division Yale District Plan 25549, located at 170 Arnott Place from R1 (Large Lot Residential) to RD1 (Duplex Housing) as shown on Schedule 'A'.

2.2 Add Section 10.4.4 SITE SPECIFIC PROVISIONS: .1 "In the case of Lot 9 District Lot 116 Similkameen Division Yale District Plan 25549, located at 170 Arnott Place, a maximum of two dwelling units shall be permitted.

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

READ A FIRST time this 20 day of December, 2022

A PUBLIC HEARING was held this 17 day of January, 2023

READ A SECOND time this day of , 2023

READ A THIRD time this day of , 2023

RECEIVED the approval of the day of , 2023

Ministry of Transportation on the day of , 2023

ADOPTED this day of , 2023

Notice of intention to proceed with this bylaw was published on the 6th day of January, 2023 and the 11th day of January, 2023 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

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2022-56

Date:

Corporate Officer:

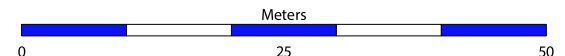


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1:720

December 13, 2022 11:01:32 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

penticton.ca

Notice of Motion

Amendment to Council Procedure Bylaw No. 2018-35

WHEREAS

1. Public Question Period does not have a set time but variable times due to the level of detail, debate, and length of presentations of agenda items. This makes it difficult for the public to attend Public Question Period.
2. Public Question Period is limited to 15 minutes and each speaker receives 2 minutes to ask a question. This makes it difficult for multiple members of the community to ask questions to council and some may not get a chance to ask a question.
3. Open Houses are meetings where members of the community come to discuss relevant issues, concerns, and subjects with public officials, government representatives, or decision-makers of some sort. Participants are able to ask questions of officials, and officials have the opportunity to learn about the community's concerns and feedback. It is essentially a question and answer session, and does not include in-depth discussion or deliberation.
4. Open Houses on a separate date from regular council meetings, in the evening, and outside of the council chambers, will provide our community members a much better avenue of engagement with our city council and senior level staff. Instead of variable times when Public Question Period will happen, a set time and date can be established. Having the Open House outside of the council chambers allows for a more informal and a pressure free format for community members.

THEREFORE BE IT RESOLVED

THAT Council direct staff to develop a quarterly Open House format on a separate date from regular council meetings, in the evening, and outside of the council chambers to allow community members to convene in order to discuss relevant concerns and/or specific subjects they have brought through Shape Your City with City Council and senior level staff;

AND THAT Council direct staff to prepare an amendment to Council Procedure By-law No. 2018-35 and alter the order of proceedings and business section 23 (1) and move (a) Notice of Motion after (j) Staff Reports; and remove Council Round Table and Public Question Period