



# Public Hearing Package No. 2

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## Public Hearing

to be held at the City of Penticton, Council Chambers  
171 Main Street, Penticton, B.C.

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

**Tuesday, February 7, 2023  
at 6:00 p.m.**

1. Mayor Calls Public Hearing to Order for “**Land Use Contract No. 3380 Discharge Bylaw No. 2023-02**” 1-24
- CO Reads Opening Statement and Introduction of Bylaw  
“Land Use Contract No. 3380 Discharge Bylaw No. 2023-02”  
Purpose: 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, to allow the approved office building development to proceed before all Land Use Contracts in the Province are automatically terminated on June 30, 2024.  
Notice: Pursuant to the *Local Government Act* the Public Hearing was advertised on Friday, January 27, 2023 and Wednesday, February 1, 2023 in an online news source and the newspaper.
- CO Submissions have been received regarding the Discharge Bylaw (as of noon Thursday, February 2, 2023).
- Mayor Requests Development Services staff describe the proposed bylaw
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invitation to electronic and in person participants to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions

PUBLIC HEARING for “Land Use Contract No. 3380 Discharge Bylaw No. 2023-02” is terminated and no new information can be received on this matter.

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

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

## **Resolutions**

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- 8.5 Land Use Contract No, 3380 Discharge Bylaw No. 2023-02  
Re: 302 Eckhardt Avenue West

09/2023

**It was MOVED and SECONDED**

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.

**CARRIED UNANIMOUSLY**



# 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  <b>DyD</b>
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# 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

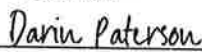
Dear Mayor, Council and Director of Development Services

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:



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 17 day of January, 2023
A PUBLIC HEARING was held this 7 day of February, 2023
READ A SECOND time this day of , 2023
READ A THIRD time this day of , 2023
RECEIVED the approval of the 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 27th day of January, 2023 and the 1st day of February, 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

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**From:**  
**Sent:** Thursday, February 2, 2023 11:46 AM  
**To:** Public Hearings  
**Subject:** FW: Bogner's History  
**Attachments:** Hlstory.pdf

**From:** Anne Hargrave  
**Sent:** January 26, 2023 6:02 PM  
**To:** Steven Collyer <[Steven.Collyer@penticton.ca](mailto:Steven.Collyer@penticton.ca)>  
**Cc:** Blake Laven <[Blake.Laven@penticton.ca](mailto:Blake.Laven@penticton.ca)>; Donny van Dyk <[Donny.vanDyk@penticton.ca](mailto:Donny.vanDyk@penticton.ca)>;  
**Subject:** re: Bogner's History

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Hello Stephen,

I truly appreciate the re-visiting of the Bogner's Land Use Contract and associated Public Hearing scheduled for February 7th. To that end, Randy Manuel researched the background of the site at the archives, the results of which are compiled in the attachment.

Interestingly, the details explain and correlate with the land use mechanisms under discussion.

We trust that its historical significance can be better summarized in the Staff Report in order to inform Council's decision making.

Anne Hargrave



## Bogner's History

The house dates to 1912, within a subdivision likely created by W. Gahan (solicitor and estate agent) and constructed by Stanley Woodruff in 1912 during the era described as "Early Municipality" in Penticton.

Records show water service hooked up in 1912, and an electrical account was established when power became available in Penticton the following year.

The architecture has been described as colonial bungalow style. It features the extensive low-pitched roofs and deep inset verandahs then common in India. The spacious interior with its high (14 ft) ceilings reflects the English influence and contained a big drawing room, a conservatory, a library (which later became a den), two fireplaces, a maids room, dining room, kitchen, and a pantry on the main floor.



Circa 1915 Courtesy of Penticton Museum



Circa 1915 showing screen porch Courtesy of Penticton Museum

By 1915, Dr. McGregor was living in the house. He had graduated from University of Manitoba's Medical School in 1907 and come west with college friends including Dr. F. W. Andrew of Summerland. In 1912 Dr. H. McGregor opened his own office after working with Dr. R. B. White for three years, thus becoming Penticton's second doctor.

Following its use as the McGregor residence, Violet and Norm Renaud operated a Senior's Residence at this location, known as the Argyle Guest House for a very short time, during a two-year span between 1974 and 1975.

In 1976 William Mitchell is noted as the homeowner.

In 1977 Grannie Bogner's restaurant was opened at this location.

Hans and Angela Strobel modified the house for restaurant use. The verandahs are now part of the interior, and walls separating the rooms were removed to accommodate diners. The ceiling was reinsulated to adhere to fire regulations, and the floors became bare brick and carpet with only a few traces of the original oak. The two fireplaces are original, and the upper floor where the Strobels lived maintained original features as well such as the stairwell, walls, and windows. As a restaurant it was known as initially as Granny Bogner's and more recently as Bogner's.



Circa 2015 Google Street View

Bogner's is included in Penticton's Heritage Inventory, an informal listing of heritage places from which the Heritage Register sites were prioritized. Bogner's was not included in the top 55 sites that were listed on the Register; however, its inclusion on the Inventory does indicate heritage interest in the site.

Additionally, the neighbourhood contains a number of heritage buildings and historic patterns, and thus is considered a precinct of note. Nearby Victoria Drive, Upper Argyle Street and Windsor Park were identified as significant historic neighbourhoods in Penticton's Conservation Strategy (2005).

There are three listings on the Heritage Register in close proximity:

- Latimer / Gibson House (112 Eckhardt Avenue)
- Riordan House (689 Winnipeg Street)
- Long House (645 Victoria Drive)

The Statements of Significance for all three of these listings identify the area as being populated by successful middle-class families, including the business elite and professionals such as doctors, dentists and lawyers. From the 40s through much of the 70s, Eckhardt Avenue was renowned for the number of doctors' residences, including Dr. Gibson, Dr. Wickett (Riordan House), Dr. White (701 Winnipeg), and Dr. McGregor.



Circa 2020 Courtesy Trip Advisor

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**From:**  
**Sent:** Tuesday, January 31, 2023 10:08 AM  
**To:** Public Hearings  
**Subject:** bogner house

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I'm sure my email will fall on deaf ears, but I'm shocked to hear the city will allow this HERITAGE building to be demolished.

The city has already destroyed Lakeshore drive. Go ahead, destroy the rest of the only remaining beautiful houses. Just to stick up an office tower.

Maybe the city could relocate the Bogner house? One of the most beautiful houses in Penticton. Keep ruining your city.

I'm happy I don't visit every week like I used to.

I'm disgusted. Have fun ripping down your history. You can follow in Vancouver's footsteps as well. Maybe in your spare time, look up "Vanishing Vancouver". Sad as well.

Cheryl

**From:** [Public Hearings](#)  
**To:** [Public Hearings](#)  
**Subject:** FW: 302 ECKHARDT AVE. W ( Bogner's Restaurant Site ) Proposed Redevelopment  
**Date:** Thursday, February 2, 2023 9:03:12 AM

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From: Patrick Beaven

Sent: Tuesday, January 31, 2023 9:49 AM

To: Cheryl Hardisty <[Cheryl.Hardisty@penticton.ca](mailto:Cheryl.Hardisty@penticton.ca)>; Council <[Council@penticton.ca](mailto:Council@penticton.ca)>

Cc: [DonnyvanDyke@penticton.ca](mailto:DonnyvanDyke@penticton.ca); Blake Laven <[Blake.Laven@penticton.ca](mailto:Blake.Laven@penticton.ca)>

Subject: Fwd: 302 ECKHARDT AVE. W ( Bogner's Restaurant Site ) Proposed Redevelopment

>

>

> To Mayor and Councillors of the City of Penticton

>

> We live at 659 Victoria Dr. in Penticton. We are extremely concerned about the proposed commercial development at 302 Eckhardt Ave. W and want our opposition duly noted on the public record.

>

> We plan on attending the Public Hearing at City Hall February 7th at 6pm that will consider the removal of the current Land Use Contract that governs the protection of the architectural character of the Bogner's Restaurant Site.

>

> The removal of this LUC would allow for the demolition of this Historically significant building built in 1912 by Penticton's early physician, Dr. H.B.McGregor. The proposed replacement of this beautiful building by RE/MAX is a 3 story concrete and glass box totally incompatible with the surrounding residential neighborhood.

>

> I note that the McGregor House (Bogner's) is located in the middle of two existing heritage sites (Riordan House 689 Winnipeg and Latimer/Gibson House) to the east, Cherryland Neighborhood Charm Project to the south, and the proposed Victoria Dr./Latimer Neighborhood Charm Project to the north.

>

> The LUC remains in force until June 30, 2024. It never anticipated a commercial use beyond a restaurant. It has very important guidelines to regulate and maintain the architectural character of the building and its impact on the surrounding residential neighborhood. These concerns are further supported in the current OCP which has no mention of office buildings.

>

> The societal values of historical buildings, including houses, are recognized by many Cities throughout the world. Heritage homes provide connections with the past and a sense of continuity. I have had many locals and visitors mention to us the lovely older homes in our neighborhood and their appreciation that they are retained.

>

> Many of our neighbours have shared their outrage with the idea of RE/MAX,s proposal and I anticipate Council will hear from other concerned property owners. I believe Council had not

received a true understanding of the historical significance of the McGregor House prior to the December Council meeting regarding the requested variances. The timing of the meeting just prior to the holidays may have been an issue.

>

> As mentioned, we plan on attending the Public Hearing Feb. 7th and hope to have the removal of the LUC rejected. I believe it is in the public interest to maintain and enhance the historical buildings and neighborhoods of Penticton.

>

> Thank You

>

> Patrick and Susan Beaven

> 659 Victoria Dr., Penticton, B.C. V2A5N5

>

> Sent from my iPad

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**From:** SUNDY  
**Sent:** Tuesday, January 31, 2023 6:12 PM  
**To:** Public Hearings; Council  
**Subject:** Re: Land Use contract no.3380 discharge Bylaw no . 2023-02 address 302 Eckhardt Ave W

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This letter of reference is in regards to the Granny Bogners Public Notice - Land Use contract no.3380 discharge Bylaw no . 2023-02 address 302 Eckhardt Ave W PENTICTON BC

Mayor and City Council

As the current home owners of 714 Argyle Street and family who has ties and who have owned the said property for 75+ years, yes 7 5. As a bit of a back story of ties to 714 Argyle, my late grandmothers parents purchased home in 1940's for her to then take ownership from her parents, and now more recently (20+ years) my immediate family are owners of said property. So to say we have vested interest of this current council consideration of the land use contract is an understatement.

First and foremost we are not against development as it is inevitable within the city of Penticton and surrounding municipalities. With the most recent townhouse development currently happening just down the road on Argyle Street and the proposal of more townhouses previously, we get it. Having said this, to allow a developer or whomever to construct a three story commercial development at 302 Eckhardt Avenue West in a word is ludicrous.

Having chatted with numerous current and past city of Penticton residents including former councilors, former mayor to name a few, the conversations

always come up with the same conclusion, why there ? We would like to understand what the thought process of this entails? We are almost certain all on council would love to be neighbors of such a development! Are we right ? Take a drive by said property and imagine what this will look like. Does such a development fit in with the neighborhood and the single family homes? With all of the land space empty within our city ZONED for commercial development, we ask again why at this location and not elsewhere? Just because said developer wants, shouldn't mean its slam dunk so lets get it built with zero thoughts of ALL the surrounding neighbors!

And now of the sure to be parking issue that already exists on an already busy street where parking is at a premium at present, never mind with this additional three story commercial development. With the expansion of town house development(s) on Argyle, as well the daily over flow parking of the Winnipeg Street medical office, this is a nightmare in waiting. With the very busy corner of Argyle and Eckhardt and all the young children and youth of the community walking to and from school, arenas, swimming pools, this could soon be front page news for all the wrong reasons. This is serious issue and most likely fatal accident waiting to happen.

As for the heritage component, that is another story all together. As an owner of any property it is certainly your right to ask for variances, development options and such. We suggest to this council, it is your responsibility to make sure that development makes sense and with the ability to shape this city that appropriately mentions on the city website - " A place to stay forever!" So in saying this do what makes sense, because clearly this doesn't make much sense! These long time residents are contemplating moving out of this community!

So in closing, we most definitely are against a said such variance of land use contract, never mind the eventual three story monster that council has voted in favor of moving along! Another sad day in Penticton when this happens.

Kyle and Sylvia Sunderman  
714 Argyle Street  
Penticton BC



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**From:** Cameron Reid  
**Sent:** Wednesday, February 1, 2023 2:08 PM  
**To:** Public Hearings  
**Cc:** Aidan Miller  
**Subject:** February 7, 2023, Public Hearing - 302 Eckhardt Avenue West

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To the attention of the Corporate Officer,  
In response to February 7, 2023, Public Hearing  
On the matter of 302 Eckhardt Avenue West,  
Land Use Contract No. 3380 Discharge Bylaw No. 2023-02

We request the council and city to reject the removal of the land Use Contract until a proposal is made for the property that better reflects the intended purpose of the Land Use Contract that was put in place in 1976.

302 Eckhardt sits in a unique location, both as a welcoming entrance to the city and as a cornerstone of the neighbourhood's character. The new building that is being proposed takes away what is currently a welcoming, community-centred restaurant/locale (Bogners or future use) and instead replaces it with a private, tenant-only building catered to, based on the renderings provided, real estate agents. The building presents nothing to local residents, not even ground-floor commercial space. With the current proposal for real estate offices, the only time a local would set foot inside the building would be when they want to sell their property and leave.

We are also realistic, knowing that the current building may be in a rough shape from an investment perspective and is too costly to keep running, even as a heritage home. If the council does not wish to save the current building, we ask that the council still try to save the intended character of the property. Please still reject the removal of the land use contract and work with the owner and developer to come to a middle ground with a new building proposal that provides something to the community.

Thank you,

Cameron and Aidan Reid  
671 Victoria Drive, Penticton, BC

30 January 2023

Mayor and Council,

The development proposal for Bogner's at 302 Eckhardt Avenue West is complex and complicated.

1. **Land Use Contract** on the property, set to expire June 2024, allowed the original 1915 historical McGregor home to become a restaurant. Clearly the decision of the day was to allow only a very specific commercial use that fit the neighbourhood, preserving the height and appearance of the heritage building and property.
2. **Future Land Use in the OCP 2045** designates this property as Detached Residential.
3. **Zoning Bylaw** for the property is C1 Commercial Transition.

A modern three-storey office building is proposed for this residential area. The December 6, 2022 council report states that this project is *'courteous in scale to the surrounding neighbours'*. **This is completely not the case. There are no other buildings of this appearance or height, either commercial or residential, anywhere near this property.**

As well, this property borders a historical neighbourhood in Penticton and is near the gateway of Cherryland which is currently being reviewed for zoning bylaw changes to protect it as part of a Neighbourhood Charm Project.

There appears to be plenty of unleased, available office space in Penticton. So why build more office space when we all agree that housing should be the obvious priority?

If this heritage building cannot be saved, the property should be considered for suitable housing that fits the style of this charming, heritage residential neighbourhood, as described in the OCP (Note: when considering re-development, there are more than 100 mentions of maintaining neighbourhood character in the OCP) such as these examples:

#### 4 .1 .5 Housing and Neighbourhood Character

Goal **Ensure that as neighbourhoods grow and change, a sense of place and character is maintained.**

#### Policies

1. 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that **new forms of residential development are compatible with the neighbourhood in scale and design**, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
2. 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 to guide water and energy conservation.

Therefore, we believe the LUC should be kept in place to maintain the character of the property in this neighbourhood. This allows more time for possible housing options, that can be designed to align closely with the character of the area.

We appreciate your consideration of our concerns for this proposal at the upcoming Public Hearing on February 7, 2023

Respectfully submitted by

Viv and Dave Lieskovsky  
336 Lakeshore Drive West, Penticton BC V2A 1B8

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**From:** Public Hearings  
**Sent:** Thursday, February 2, 2023 11:36 AM  
**To:** Public Hearings  
**Subject:** FW: 302 Eckhardt Ave West

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

**From:** L Goldman  
**Sent:** Wednesday, February 1, 2023 4:59 PM  
**To:** Cheryl Hardisty <[Cheryl.Hardisty@penticton.ca](mailto:Cheryl.Hardisty@penticton.ca)>; Donny van Dyk <[Donny.vanDyk@penticton.ca](mailto:Donny.vanDyk@penticton.ca)>; Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Subject:** Re: 302 Eckhardt Ave West

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Dear Mayor, Council, and Staff,

The property at 302 Eckhardt Ave West is a prominent location and is an excellent example of architecture from over 100 years ago. It is an important illustration of the heritage of our community.

The development being considered by Council is not suitable to that residential area and does not meet the 1976 Land Use contract parameters. Even though the BC government is phasing out LU contracts, this contract should stay in place until another one can be drafted locally to protect the neighbourhood and other heritage sites.

Maintaining the character of the building, low signage, and parking limits must be carefully considered, even though the land was sold and the developer is eager to move forward.

Penticton's reputation is at stake. Council has the opportunity to choose a better solution to this property.

Our city is in danger of losing history and charm. As a tourist destination, these buildings that are characteristic of the past should be carefully protected and retained. The Cherryland Neighbourhood is under review at this time as it is an inner city area of historic significance. This corner lot is integral to the community's visible roots.

Please do not approve cancelling the Land Use contract. Preserve Bogner's site as a historic treasure.

Limlòmt- Thank you

Lori Goldman, Penticton

"Activism is a life sentence." *Minnijean Brown-Trickey* (member of the Little Rock Nine, a group of nine African American teenagers who integrated Little Rock Central High School)

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**From:** DYANNA DOWNEY  
**Sent:** Thursday, February 2, 2023 10:58 AM  
**To:** Public Hearings; Cheryl Hardisty  
**Cc:** DonnyvanDyke@penticton.ca; Blake Laven  
**Subject:** Land Use Contract No. 3380 Discharge Bylaw No. 2023-02 Attention: Corporate Officer

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

In regards to the request submitted by the developer to remove the Land Use Contract at Bogner's, in order to build a three-storey office building in its replacement is point blank; disappointing to us as neighbouring residents.

The land use contract created on this property has served its purpose in preserving the character of this unique property and lot, marking its sophistication and class at first sight.

Such same sophistication also admirable by neighbouring homes as the Gibson house, and the Riordan house. This adds a distinguished character to the entrance of downtown Penticton on Eckhardt Ave, which serves to welcome the many visitors, at the same time reminding current residents how Penticton's charm came to be.

While the need for modern office space may be viewed as a necessity for some, this location is the wrong choice. The richness of Bogner's history is what marks its place. A three-storey office building with 40 parking stalls is not in compliance of the Land Use Contract established in 1976.

Office buildings are planned in a central location for access and convenience, and vacancies are already abundant in the downtown core.

In order to install a safe and close community, we need to bring people together. Traditionally in every culture, and in every decade what has brought people together is centred around food. A bakery, a coffee shop, a corner store, or a much beloved pub is much better suited for this property all while being able to maintain its architectural character and charm that is highly valued by many.

We ask that you please reconsider the removal of the Land Use Contract on this lot, and do everything in your power to preserve the character of this home.

We acknowledge this opportunity to voice our opinion, as we set an example on the importance of history for our children and their children.

Kindly,  
Dyanna Downey  
663 Victoria Drive

; the undersigned, do not want the Land Use Contract removed from the Bogner's Site until there are regulations to ensure a commercial use remains unobtrusive in this residential neighbourhood.

Printed Name	Address	Signature
JILL BEAVEN	153 VAN HORNE STREET PENTICTON, B.C. V2A 4K1	Jill Beaven
Margo Thompson	18 Front Street	M Thompson
Madison McGee	138 Barton Court, Penticton	Madison McGee
VIN LESKOVSKY	162 Corry Place	Vin Leskovsky
Janette Beaven	336 LAKESTORE DR W	Janette Beaven
Johanne Hill	12 Front St Pent	J Hill
Jessica Yusk	6609 Nixon Rd	Jessica Yusk
Sharon Sander	#203-84-Van Horne Ave	Sharon Sander
Janelle Nuss	3175 Thebes Drive	Janelle Nuss
Elizabeth Johnson	118 Barkin Court	Elizabeth Johnson
Mary Hamblin	75 MARTIN ST #502	Mary Hamblin
SISELA CARROLL	641 Winnipeg St.	S. Carroll
Jeff CARROLL	130 HIGHLAND RD OK FA	J. Carroll
MARTIN STEPHENSON	399 VANCOUVER AVE	M. Stephenson
Russell Stasiuk	798 Latimer St.	R. Stasiuk
Christine Stasiuk	798 Latimer St	C. Stasiuk
Georgina Krebs	1815 SUMNERLAND RD	G. Krebs
Ray Marcy	6364 Galax St Oliver	Ray Marcy
Lois Zvonarich	6364 Galax St Oliver	Lois Zvonarich
Kim WATSON	2570 - FAIRVIEW RD	Kim Watson
Michelle Ruptz	453 Eckhardt Ave W	M. Ruptz
Terry Nicholls	#21, 11619 Waters Rd Summerland	Terry Nicholls
Cathy D. Therspean	13015 Steven Ave Summerland	C. D. Therspean
Bruce Burns	CORNWALL DR.	B. Burns
Maquie Green	0504005	M. Green
Bob Park	Penticton	B. Park
BROA PARK	Penticton	B. Park
Dale Mathews	Summerland	D. Mathews
Lauren Kresowaty	Oliver	L. Kresowaty
GEORGE TRACHEFF	113 BONFORD PL.	G. Tracheff
Bernadette Gammer	2810 Gammon Rd.	B. Gammer
Betty Gilholme	703-75 Martin St	B. Gilholme
Suzanne Kinsey	799 Creekside #7	S. Kinsey
Bill Wickett	102-433 Churchill	B. Wickett
Lidian Pan	18418 Summerland	L. Pan
JEANNE BOYLE	840 BARRINGTON AVE	J. Boyle
John Hannah	4400 McLean Creek Rd	J. Hannah
B. AMARE	0504005 BC	B. Amare
Mary Lavinette	Summerland	M. Lavinette
Selwyn Redivo	4529 Lakeside Rd. Pent.	Selwyn Redivo

34

40



WE, the undersigned, do not want the Land Use Contract removed from the Bogner's Site identified as 302 Eckhardt Ave West until there are regulations to ensure future commercial uses remain unobtrusive in this residential neighbourhood by retaining the existing character of Bogner's architecture.

Printed Name	Address	Signature
Kerry Haddock	58 KINGFISHER	Kerry Haddock
Dan Mugridge	59 KINGFISHER DR	D. A. Mugridge
Julie M. Phee	#33 KINGFISHER	Julie M. Phee
MARIE M. PHEE	321 FALCON DR	Marie Phee
Tanec Flach	301 FALCON DR	Tanec Flach
MARJ JOHNSON	58 KINGFISHER	Marj Johnson
EARL BRADEEN	310 SCOTT AVE	Earl Braden
ZORAH KORACIN	215 SANDPIPER	Zorah Koracin
A. DUANE MCNAIR	309 FALCON PL	A. Duane McNaair
L. MCNAIR	309 FALCON PL	L. McNaair
E. WILLIAMS	164 HERON DR.	E. Williams
Barb Street	540 Bad Wood	Barb Street
Quinn King	61 Kingfisher	Quinn King
<del>Eric Singleton</del>	<del>342 Falcon Dr</del>	<del>Eric Singleton</del>
D. Hewitt	300 Falcon	D. Hewitt
H. Hewitt	304 Falcon	H. Hewitt
N. Chalmer	21 HERON	N. Chalmer
FRANCES MUGRIDGE	59 KINGFISHER DR	Frances Mugridge

**WE, the undersigned, do not want the Land Use Contract removed from the Bogner's Site identified as 302 Eckhardt Ave West until there are regulations to ensure future commercial uses remain unobtrusive in this residential neighbourhood by retaining the existing character of Bogner's architecture.**

Printed Name	Address	Signature
Sarah Trenn	645 Victoria Dr	
Patrick Beaven	659 Victoria Dr.	
Anna DUGO	676 VICTORIA DR.	
STAN DUGO	676 VICTORIA DR	
DEREK NICHOLL	517 VICTORIA DR	
JASON TRENN	645 VICTORIA DR.	
SANDY KAMPS	102-670 LATIMER ST.	
Darcy Wilkins	101-690 LATIMER ST	
Pat Corbett	684 Latimer St.	
Paul Corbett	684 Latimer St	
KELLY REZAK	664 LATIMER ST	
Maureen Mothics	653 LATIMER ST	
D Schmid	618 Latimer St	
Doag LAWTON	625 VICTORIA DR.	
Debra Law	625 Victoria Dr.	
Patrick Downey	663 Victoria Drive	
Hanna Downey	663 Victoria Dr.	
Susan BEAVEN	659 VICTORIA DR.	
Melody Hamblin	155 Penticton Ave	
Alysha Jacobs	402 Orchard Ave.	
Anda Clement	1078 Burnaby Ave	
Michael Trenn	254 SCOTT AVE NO. 204	





Feb 1 / 2023.

Mayor, Councillors + city planners,

Re: 302 Eckhardt Ave W. / Land Use Contract 3380 / Discharge Bylaw  
2023-02

I strongly oppose this proposed development on many grounds and could bring forward many sections of the OCP to support my opposition but will only draw attention to a few knowing that the OCP is a "living document" and gets changed as desired.

It seems to be a comedy of errors that has brought us all to this point. The first being the lack of knowledge by all parties (seller, buyer, realtors, city planners and elected officials) to the existence of a land use contract and what restrictions that imposes. The fact that we are now hearing this public hearing is "to allow the 'approved' office building development to proceed" is a further misunderstanding from my point of view. When the Land Use Contract is cancelled or terminated, this property should revert back to its previous zoning which is residential - not commercial. So to allow a commercial office building to proceed the owner would have to apply for a re-zoning irregardless of the fact that Council has already approved an office building development. This approval ~~was~~ was voted on with the understanding that the property was already zoned commercial (without the LCU in place) so technically another error due to lack of knowledge. So lets go back to square one and start with correct knowledge.

Another major objection deals with the OCP:

- Intensification of the present ample commercial land base will occur (OCP page 3-16) indicates we have ample commercial space that is under utilized.

- OCP 4.3.2.3 - encourage intensification of vacant or under-utilized service commercial parcels before designating additional commercial areas.

As well, this parcel of land is situated directly in the middle of a residential area and of historic value as is the surrounding neighbourhood. Our current OCP has a whole section on heritage conservation and we have just participated in an engagement process in this regard. The results show support of the conservation of the form and character of this neighbourhood.

Just because the seller wants to sell and the buyer wants to buy doesn't mean the citizens of this town should be ignored again. The addition of a concrete + glass commercial building at this location is definitely not the "right fit" for this neighbourhood or this town.

In conclusion, the "approved office building development" as voted on was based on information and knowledge that was incorrect so should be considered invalid and revoked.

Also if heritage conservation has any meaning to this town, definite consideration should be given to certain neighbourhoods and buildings. City officials and planners should be encouraging the preservation of heritage neighbourhoods not destroying them.

I'm definitely not opposed to development but there are some developments that boggle my mind and this is definitely one of them. Please re-consider this development!

Sincerely

Paul Graber  
8124 Argyle St.  
Vancouver.

**Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West**

---

**From:** Anne Hargrave  
**Sent:** Friday, February 3, 2023 9:02 AM  
**To:** Cheryl Hardisty; Public Hearings  
**Subject:** re: Bogner's Land Use Contract, Public Hearing

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

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Dear Mayor and Council,

Staff have been providing the following statement to some who have submitted comments on the removal of the Bogner's Land Use Contract :

The property is not listed on Penticton's Heritage Registry and does not have a provincial heritage designation that would impact possible redevelopment. The owner of the land has asked the City to discharge the Land Use Contract, that will by Provincial Legislation expire naturally on June 30, 2024 at which time the existing 'C1 – Commercial Transition' zoning of the property will have full effect. This zone provides for limited, small scale, commercial development in mostly residential areas.

Most of us are aware that Bogner's isn't listed on the Heritage Register. Even if it was, that wouldn't protect it, as we saw with the demolition of Walker House at 452 Lakeshore Drive, which was listed on the Heritage Register. Despite Bogner's not being listed, the December staff report failed to note that this landmark has been there for 110 years, not for 87. For over 60 of those years, it was the home of the well-respected McGregor family, with Dr. McGregor being Penticton's second doctor.

Oddly, in December's report staff, the only prior land use noted was its time as a seniors residence which was the shortest lived of its uses, in place for only two years.

In December, staff also failed to note that the Land Use Contract was still in place on title, created in 1976 to allow the well-loved (Granny) Bogner's Restaurant, a use which continued smoothly for 47 years as a commercial use in a residential area. The current revisiting of the Land Use Contract is much appreciated.

Yes, staff's mantra is correct about the Land Use portion of the Contract. It allowed a commercial use to co-exist in a residential neighborhood, and the provision for commercial use is more or less replaced by the C-1 Commercial Transition Zoning.

However, the provincial directive to ensure that zoning and other bylaws are in place when the Land Use Contracts terminate by June 30, 2024 is only partially fulfilled through addressing land use.

The most important aspect of this specific Land Use Contract is the architectural control. The character-protecting aspect has not yet been replaced with a Development Permit Area or any other regulation to provide options for commercial development to blend in seamlessly in an older, stately neighbourhood. The Bogner Land Use Contract specifies that the commercial use had to keep its character, landscaping, fencing, parking at 18 spaces, and to direct the vehicular access onto Argyle.

Council has some choices here.

- Cancel the Land Use Contract outright and let a modern style office building insert itself into the neighbourhood. It's unlikely that the neighbourhood will get over a well-loved historical building being replaced by an ultra-modern flat topped one any time soon. It will potentially be just in operation in time for the next election.
- Alternatively, don't cancel the Land Use Contract immediately and direct staff to address the protected architectural character outlined in the Land Use Contract through another mechanism, such as a Development Permit Area on this site. This would wholly fulfill the provincial directive and ensure the Land Use Contract's intent is continued beyond its termination, addressing both land use and character. The neighbourhood will not feel so violated by the loss of its beloved historical, landmark building if character-appropriate commercial use continues, and the site's commercial use can continue.

Compromise goes a long way in showing that the people have been listened to.

Respectfully Submitted,

Anne Hargrave

**Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West**

**Re: February 7, 2023 Public Hearing for Discharge of Land Use Contract at 302 Eckhardt Ave. W.**

**To Mayor Bloomfield and members of Penticton City Council:**

The public notice for this hearing states: *“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.”*

However, two issues exist.

**Issue 1:**

It appears that the City of Penticton is too late with this discharge bylaw.

**Section 548 of The Local Government Act** (updated to December, 2022) states that early termination of Land Use Contracts was to be completed by June 30, 2022. The BC Government provided the opportunity for a replacement bylaw to be enacted, which should be consistent with the City’s 2019 OCP. A zoning bylaw that will apply to the land was to be adopted by that date, and was to apply to the land on June 30, 2024. This process does not appear to have been followed by the City. Note highlighted text copied from the Act below:

**Termination of all land use contracts in 2024**

547 (1)All land use contracts are terminated on June 30, 2024.

(2)A local government that has jurisdiction over land subject to a land use contract must, by June 30, 2022, adopt a zoning bylaw that will apply to the land on June 30, 2024.

**Process for early termination of land use contract**

548 (1)In this section:

"charge number" means, in relation to a land use contract that is registered as a charge against a title to land, the serial number assigned to the land use contract by the registrar of land titles;

"parcel identifier" means a permanent parcel identifier assigned under section 58 of the *Land Title Act*.

(2)Despite section 547, a local government may, by bylaw, terminate a land use contract that applies to land within the jurisdiction of the local government.

(3)A bylaw under subsection (2)

- (a) must not be adopted after June 30, 2022,
- (b) must provide that the bylaw comes into force on a date that is
  - (i) at least one year after the date the bylaw is adopted, and
  - (ii) not later than June 30, 2024, and
- (c) must not be adopted unless the local government has adopted a zoning bylaw that will apply to the land on the date the bylaw under subsection (2) comes into force.

**Issue 2:**

The Dec. 6, 2022 staff report on this matter states: *“The Land Use Contract is still registered on title of the property, however the proposed office building is permitted through the existing C1 zoning on the site, and the proposed office use is not impacted by the Land Use Contract.”*

The above statement by staff has proven to be inaccurate. The proposed office use was definitely impacted by the Land Use Contract when the 302 Eckhardt variance was approved. The legislated authority of the Land Use Contract (LUC) supersedes that of the existing C1 zoning currently in place for the property. This is an important omission which should have been explained in the staff report to Council, and by extension, also to the public.

If known at the time, the above fact would likely have affected both the results of the City’s request for written public input on the matter, and the discussion and outcome of the Council vote on the variance. This is clearly evident to those who attended the meeting or watched the recorded video, as no member of Council referenced the LUC in their discussion. This variance got in via the “back door” due to inaccurate information provided by staff (specifically, that the LUC had *no impact on this proposed office use*”).

It is therefore possible that the Dec. 6, 2022 vote by Council to approve the variance on the basis of C1 zoning could be subject to the risk of legal challenge.

I appreciate that the developer wishes to start construction on the proposed retail offices and parking lot. However, based on the above regulations, Council can choose to decline the request for the discharge of this Land Use Contract. This would provide ample time to work with the developer prior to June, 2024 to arrive at a solution for this property that is more in keeping with the Future Land Use presented in the OCP and which respects pertinent law and the public interest.

Denis O’Gorman, Penticton resident  
February 3, 2023

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:** Mary Keene  
**Sent:** Saturday, February 4, 2023 1:22 PM  
**To:** Public Hearings  
**Subject:** FW: 302 ECKHARDT AVE. W

**Importance:** High

**Follow Up Flag:** Follow up  
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\*\*\*FOLLOW UP TO EMAIL BELOW\*\*\*

I would like to clarify that in the below email, I inadvertently included by husband John's name as a signatory to the email. **This does not reflect HIS position on the matter, and was sent without his consent or knowledge.**

Thank You  
Mary Keene

---

**From:** Mary Keene  
**Sent:** Saturday, February 04, 2023 11:19 AM  
**To:** 'publichearings@penticton.ca' <publichearings@penticton.ca>  
**Subject:** 302 ECKHARDT AVE. W

Attention: Corporate Officer, City of Penticton

As longtime residents of Penticton (1979); we have invested in single family homes in Penticton over the years, and currently are proud homeowners in the downtown Northern Gateway area (Alexander Avenue) wherein we purchased our property and built "character style" single family home in 2012. Also, our son and daughter-in-law have recently purchased a character home in Penticton and are in the process of renovating it to upgrade to a more energy efficient home, whilst ensuring they keep the original footprint and character of their 100 year old home. In keeping with our vision and attractiveness of Penticton, we have been relatively happy with the number of character older homes in both our area, and others in North Penticton, and have invested accordingly. Sadly, we are now witnessing a decline in the number of these type of residence.

We personally have a lot of good memories of the above property as the restaurant, Granny Bogner's, and certainly extremely sad to think of it being torn down; and specifically as a commercial development! We do not feel the development is suitable to that residential area. It is a prominent corner location in Penticton and is surrounded by lovely character homes. We feel it would change the visual attractiveness of that area forever.

We are trusting the current counsel can see the damage that could be done with approval of this development and encourage them to step back and listen to the residents. The opportunity is there for them to encourage and maintain the character of that neighborhood and others in North Penticton area; which should not be overlooked as the entrance corridor to the historical heart of our community!



We hope that Counsel will chose therefore, to maintain the land use contract, and preserve Bogner’s site as a beautiful historical location; which would be gone forever.

Mary and John Keene  
Penticton



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**Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West**

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**From:**  
**Sent:** Saturday, February 4, 2023 3:20 PM  
**To:** Julius Bloomfield; Amelia Boulton; isacc.gilbert@penticton.ca; Ryan Graham; Helena Konanz; James Miller; Campbell Watt; Blake Laven; Public Hearings; Cheryl Hardisty  
**Subject:** 302 Eckhardt Ave. W

**Follow Up Flag:** Follow up  
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February 4, 2023

To: Penticton City Mayor and Council

Re: 302 Eckhardt Avenue W.

Dear Mayor and Council

The proposed redevelopment for a three-storey office building on the Bogner's restaurant site (also known as the McGregor House), 302 Eckhardt Ave West, was approved by Penticton City Council on December 6, 2022, with two variances and no requirement for a public hearing.

In their presentation to a mainly new city council staff failed to do sufficient research that would provide accurate information about the heritage value of the site. The site is included in Penticton's Heritage Inventory, an informal listing of heritage places from which the Heritage Register sites were prioritized. Heritage assets are not determined by being listed on the Heritage Register.

Not only is the house associated with Dr McGregor it dates to 1912, within a subdivision likely created by W. Gahan well-known solicitor and estate agent and constructed by Stanley Woodruff.

There are three listings on the Heritage Register in close proximity to the McGregor House. They include the Latimer / Gibson House (112 Eckhardt Avenue), Riordan House (689 Winnipeg Street) and the Long House (645 Victoria Drive). Also, Victoria Drive, Upper Argyle Street and Windsor Park were identified as significant historic neighbourhoods in Penticton's Conservation Strategy (2005).

No information was provided to council on the Neighbourhood Charm Project recently undertaken by the city to understand neighbourhood character and historic value and to involve the area residents in future planning of the area. The well-received project includes Cherryland, whose boundaries include Argyle Street which border's the Bogner's site on the east.

There was no mention that the Land Use Contract was still in place on title. The Bogner Land Use Contract restricts the commercial use to a restaurant and specifies that the commercial use must keep its character, landscaping, fencing, parking at 18 spaces, and to direct the vehicular access onto Argyle.

Future Land Use designation for the site in the OCP is Detached Residential – which contains uses such as a small corner store, a coffee shop, house, carriage house, duplex, etc., but does not mention an office building in a residential neighbourhood.

I hope that council will remember that they all spoke to the need for housing in their election platforms not office buildings in residential neighbourhoods. Council should retain the Land Use Contract and reject the request to have it removed. The guidelines provided by the Land Use Contract are absolutely appropriate in this setting.

Sincerely,  
Karen Collins

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:** Taylor Keene  
**Sent:** Saturday, February 4, 2023 3:34 PM  
**To:** Public Hearings  
**Subject:** 302 Eckhardt Ave. W

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

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Attention: Corporate Officer, City of Penticton

I was born and raised in Penticton, and after moving away and living in another city for almost 14 years, my wife and I are moving back.

When deciding where to live in Penticton, we were particularly drawn to the dense, walkable residential neighbourhoods on the north end of town, which were the earliest neighbourhoods to be developed, and which are full of historic homes and other residential-scale buildings. We eventually were lucky enough to find a 110 year-old house on Van Horne. Despite the amount of work involved, the thought of tearing the house down never crossed our minds, and when we spoke to other residents of the neighbourhood that had lived there for years, they expressed their happiness that the house was not being knocked down as well.

I support development and densification in town, particularly to address the housing shortage and to encourage less dependence on car travel, and of course not every old house or building can or should be saved from demolition.

However, there is no doubt that heritage conservation, including the preservation of historical buildings, contributes to a city's character, connection to the past, community, and sense of place, and should be prioritized where possible. And there is an urgency to such conservation, because once a building is gone, the decision is irreversible. A plaque or a picture in a museum is cold comfort for the absence of the real thing.

As far as historic buildings in Penticton go, there are very few that are as iconic or beloved as Granny Bogners. With its prominent location on Eckhart, it has welcomed visitors into downtown for over a hundred years, and it acts as the masthead of the charming Cherryland neighbourhood (which ironically is subject of the city's "Neighbourhood Charm Project" – a bland office building won't help with that!).

For these reasons, the city should, at the very least, delay any decision to terminate the land use contract. These decisions are permanent, and given the extent of the opposition, the city owes it to its citizens to consider alternatives. Why is the city prioritizing the interests of a large real estate corporation over the interests of its citizens? Why should the city bail out a corporation that made a poor investment decision and didn't do its due diligence?

I can't think of a more regrettable replacement for Bogners than a sterile, characterless office building beside a huge parking lot. If there is a need for office space in town, there are plenty of empty or under-developed

commercial sites in the downtown area that would be much more appropriate for an office development. It is absurd that the city would allow such a landmark to be destroyed when there are so many better alternatives.

There is still a lot of commercial potential for the Bogners site in its current footprint. The city, the owner, and the community just need more time to come up with a creative solution that is more in keeping with the spirit of the Bogners site. I hope counsel can make the thoughtful decision and maintain the land use contract, and preserve this iconic site for the residents of Penticton and for posterity.

Taylor Keene

517 Van Horne Street

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:** Sig Held  
**Sent:** Monday, February 6, 2023 9:13 AM  
**To:** Public Hearings  
  
**Follow Up Flag:** Follow up  
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Public Notice  
302 Eckhardt Avenue

Dear City,

Our concerns in regards to the redevelopment of 302 Eckhardt Avenue are:

- to keep this property as a heritage site as it would be a perfect gateway for your "Neighbourhood Charmed Project."
- the present Land Use Contract should remain until 2024 with no further development.

Sincerely,  
Siegfried Held and Charlene Mitchell

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:** Public Hearings  
**Sent:** Tuesday, February 7, 2023 9:28 AM  
**To:** Public Hearings  
**Subject:** FW: Granny Bogner's

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**From:** James Beattie  
**Sent:** Thursday, February 2, 2023 11:50 AM  
**To:** Cheryl Hardisty <[Cheryl.Hardisty@penticton.ca](mailto:Cheryl.Hardisty@penticton.ca)>  
**Cc:** [DonnyvanDyke@penticton.ca](mailto:DonnyvanDyke@penticton.ca); Blake Laven <[Blake.Laven@penticton.ca](mailto:Blake.Laven@penticton.ca)>  
**Subject:** Granny Bogner's

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Dear Members of the Penticton Council;

I have a property at 434 Scott Ave. The original Leir House which was built in 1909. Some members of Council may be aware of the Leir history with buildings in Penticton. There are, apart from the Bogner House, a number of impressive, though modest for these times, homes in the area south of Eckhardt, bounded by Moosejaw and Fairview. As Penticton deals with the need for homes in a limited space, there has been in-filling taking place, and although the new buildings do not reinforce the ambience of our neighbourhood, they have not completely eradicated the history of the area. Just a few metres down Argyle are some lovely examples of older homes that really are classic. With Bogner's as at the gateway to Argyle, one does really feel the history of the area as you drive south to Scott.

Recently I visited Montreal, a city that never stops building. There is so much building and noise in that place that the City has set the first two weeks of July as the time that there can be no construction in the City core. What is wonderful about Montreal is the rich history that surrounds a person, on every street. Montreal would not be the same if the history embodied in those buildings was removed. The building behind the home of my sister in Montreal is being transformed for other use, but the whole exterior will remain. Without the visual image of the past, the past quickly disappears. And then, what is a place? Certainly, we are not the grand historical document that is Montreal, but we are a place with an architectural history that is worth preserving. We are not like Montreal, for in our limited historical buildings we have but a thin cord back to our past and, therefore we must be even more thoughtful, creative and vigilant.

Please do not abruptly remove the Land Use Contract. It is not too late to change direction and find the path to protecting our history in architecture.

Jim Beattie

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:** Public Hearings  
**Sent:** Tuesday, February 7, 2023 9:28 AM  
**To:** Public Hearings  
**Subject:** FW: Concerns Re: 302 Eckhardt Ave West

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**From:** Tania Linning  
**Sent:** Thursday, February 2, 2023 11:25 AM  
**To:** Cheryl Hardisty <[Cheryl.Hardisty@penticton.ca](mailto:Cheryl.Hardisty@penticton.ca)>; Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Cc:** [DonnyvanDyke@penticton.ca](mailto:DonnyvanDyke@penticton.ca); Blake Laven <[Blake.Laven@penticton.ca](mailto:Blake.Laven@penticton.ca)>  
**Subject:** Concerns Re: 302 Eckhardt Ave West

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Dear Sir/Madam,

I am writing in regards to the issues for 302 Eckhardt Ave West (Bogner's of Penticton Restaurant). I want to voice my concerns with the plans to tear down this heritage property in order to build an office building. I therefore oppose the removal of the Land Use Contract currently in place. The fact that the Penticton City Council previously voted to approve the variance request (December 6, 2022) and allow the plan to move forward is very concerning.

The city currently has a project underway (the Neighborhood Charm Project) for this area of the city. The house at 302 Eckhardt Ave should be included in this project. Once a beautiful residence like this is demolished there is no way to bring it back.

I have heard from many people in Penticton and other areas of the province that it would be a huge mistake to remove this well known and loved old home from our city.

This building could still have many uses including but not limited too:

- an Arts/Music Venue (similar to Leir House)
- Event Venue for small workshops, meeting, weddings or other special occasions
- Art Gallery
- Bed and Breakfast to assist will lack of short term rentals in the city
- another restaurant

I believe that this home is worth saving and if asked many residents of the city would agree.

Sincerely,  
Tania Linning

755 Argyle St  
Penticton



Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:** Public Hearings  
**Sent:** Tuesday, February 7, 2023 9:28 AM  
**To:** Public Hearings  
**Subject:** FW:

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**From:** Rob Linning  
**Sent:** Thursday, February 2, 2023 11:31 AM  
**To:** Cheryl Hardisty <[Cheryl.Hardisty@penticton.ca](mailto:Cheryl.Hardisty@penticton.ca)>; Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Cc:** [DonnyvanDyke@penticton.ca](mailto:DonnyvanDyke@penticton.ca); Blake Laven <[Blake.Laven@penticton.ca](mailto:Blake.Laven@penticton.ca)>  
**Subject:**

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Dear Sir/Madam,

I am writing to express my profound disapproval of the proposed elimination of Bogner's restaurant and its replacement by an incongruous modern three storey office building. This action flies in the face of the 1976 Land Use Contract which stipulates that commercial use of that site should be restrained and in keeping with the residential nature of the area. The proposed ReMax office building clearly does not comply with the LU Contract.

This is just the latest in a series of developments that serve only to undermine the heritage nature of this area of the city. While city council talks a good game concerning the preservation of the heritage character of the Cherryland area it is clear that no concrete measures are being taken to ensure that character.

Sincerely,

Rob Linning

755 Argyle St., Penticton

**Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West**

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**From:** Public Hearings  
**Sent:** Tuesday, February 7, 2023 9:28 AM  
**To:** Public Hearings  
**Subject:** FW: 302 Eckhardt Ave W

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**From:** Sarah Trenn  
**Sent:** Wednesday, February 1, 2023 9:12 PM  
**To:** Cheryl Hardisty <[Cheryl.Hardisty@penticton.ca](mailto:Cheryl.Hardisty@penticton.ca)>; Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Cc:** [DonnyvanDyke@penticton.ca](mailto:DonnyvanDyke@penticton.ca); Blake Laven <[Blake.Laven@penticton.ca](mailto:Blake.Laven@penticton.ca)>  
**Subject:** 302 Eckhardt Ave W

Caution! This message was sent from outside your organization.

To Mayor and Councillors of the City of Penticton,

We live at 645 Victoria Drive and are greatly concerned regarding the proposed commercial development of the property located at 302 Eckhardt Ave W. Although commercially zoned, the Land Use Contract currently in place states that the only approved commercial use is for a restaurant on the property. In 1976 when this land was transitioned to commercial zoning the LUC protected the character of the surrounding neighbourhood. The city has been given 10 years to ensure that zoning and other bylaws are in place prior to LUC being terminated. This is a residential community and a 3 storey glass and concrete office building has no place in our neighbourhood. We don't want the ambience of the surrounding area to be severely and negatively changed and impacted, which it would be with the proposed office building. It would be a great loss to our community if we were to lose this historically significant building. We are hopeful that all the historical information pertaining to this unique property is considered before any decision is made. There are other options that maybe considered for the use of this site. One being restoring it back to residential zoning as is written in the Official Community Plan. A 3 storey office building which is not consistent in character with our neighbourhood is not one that we embrace.

We have spoken to many residents and they have signed a petition requesting that council not remove the Land Use Agreement. This we hope will give the city time to ensure correct zoning and bylaws are in place to preserve the character of our neighbourhood. We will be providing the petition in the coming days.

Sincerely,

Sarah & Jason Trenn

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:**  
**Sent:** Tuesday, February 7, 2023 9:31 AM  
**To:** Public Hearings  
**Subject:** FW: Bogner Residence

**From:**  
**Sent:** February-06-23 9:02 AM  
**To:** Receptionist <[ask@penticton.ca](mailto:ask@penticton.ca)>  
**Subject:** Bogner Residence

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Dear City Councilors

Re: Bogner Residence

Councilors have to make a decision on the direction the city should take regarding the Bogner Residence.

The property was originally a **residential** property in a **residential** neighborhood. A land use contract some 30 years ago allowed a restaurant to operate but keeping the heritage style of the building intact. It worked splendid for many years.

A restaurant now is no longer considered a viable land use for the site.

This is a simple decision for council to revert the property back to residential use. Why?

1. This is what the neighbors want. Keep it a residential neighborhood.
2. The idea that there is a lack of commercial space in Penticton is not correct. There are numerous commercial zoned vacant properties in the city.

Finally the City can encourage and incentivize the property owner to retain the existing heritage structure of over 100 years through the use of tax incentives and development permit variances to allow increased residential units constructed on the property.

**The property owner is not disadvantaged.**

**The neighborhood continues as a residential neighborhood.**

**Much needed residential units are created.**

**Heritage properties are not destroyed by new development.**

Thank you

Peter Achtem

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:**  
**Sent:** Tuesday, February 7, 2023 9:31 AM  
**To:** Public Hearings  
**Subject:** FW: 302 Eckhardt Avenue Proposal

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**From:** shawn ponto  
**Sent:** Sunday, February 5, 2023 7:54 PM  
**To:** Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Subject:** 302 Eckhardt Avenue Proposal

Caution! This message was sent from outside your organization.

Dear Mayor and Council,

I am writing in regards to the proposal that the Bogner's property be removed from the current land use contract in order that an office building could be build on this property.

I believe it is a grave mistake to remove a building like this from the current contract as it is an important part of Penticton's history. Making this property into a multi-leveled office buildings will take away the charm that the neighbourhood has to offer. If you look at the other buildings in the area, they represent an important part of Penticton's history and need to be preserved. Allowing it to be demolished in favour of a glass office building is not in keeping with the current neighbourhood. Penticton needs to protect buildings like this as they are part of what makes Penticton a special place to live. Many historical areas of Penticton have already been changed by development and we need to preserve buildings with historical value like the one on 302 Eckhardt.

I would encourage all of you to reject any proposal that sees the integrity of this historically important compromised and as such reject the current proposal to remove the Bogner's property from its current land use contract. I do not live in this neighbourhood but feel it needs protection.

Thank you listening to my concerns,

Shawn Ponto  
Penticton

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:**  
**Sent:** Tuesday, February 7, 2023 9:32 AM  
**To:** Public Hearings  
**Subject:** FW: Please Do NOT APPROVE Remove the 1976 Land Use Contract for Granny Bogner's Site

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**From:** Deborah Webb  
**Sent:** Saturday, February 4, 2023 6:06 PM  
**To:** Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Cc:** Mark Webb Natalie Webb  
**Subject:** Please Do NOT APPROVE Remove the 1976 Land Use Contract for Granny Bogner's Site

Caution! This message was sent from outside your organization.

Dear Council:

**RE The land use review and public hearing regarding the Granny Bogner's Site**

The Granny Bogner's building and land must retain the 1976 land use contract which limited the land to be used for a restaurant and to keep the architectural character of Bogner's.

Please do not allow this building to be torn down and rebuilt as new real estate offices by ReMax in this residential neighborhood.

Thank you.

Deborah Webb  
Mark Webb  
1124 Park Place  
Penticton

Natalie Webb  
109-388 Eckhardt Ave West  
Penticton

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:**  
**Sent:** Tuesday, February 7, 2023 9:32 AM  
**To:** Public Hearings  
**Subject:** FW: Bogners land use contract

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**From:** Paul Stewart  
**Sent:** Friday, February 3, 2023 6:26 PM  
**To:** Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Cc:** Cheryl Hardisty <[Cheryl.Hardisty@penticton.ca](mailto:Cheryl.Hardisty@penticton.ca)>  
**Subject:** Bogners land use contract

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Hello Penticton Caretakers,

I understand that you plan to renege on a promise made. Please don't.

We who live in Penticton like to know that our neighbourhood has a character and land use that is consistent , predictable, and appropriate. Promises of specific use, eg covenants , outlast those who make them. Do you have the right to override them?

They promised at the Bogners property to maintain the neighborhood look and feel. It's not your call to break that promise. I understand that our provincial government has decided that it has the right to do so, and sadly will. Why don't you back off and leave them to be the villains?

If, on the other hand, you break our faith, then what next?

Paul Stewart

Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West

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**From:**  
**Sent:** Tuesday, February 7, 2023 9:32 AM  
**To:** Public Hearings  
**Subject:** FW: Feedback on 302 Eckhardt Avenue West (Bogner's)

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**From:** Chandra Wong  
**Sent:** Friday, February 3, 2023 2:41 PM  
**To:** Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Subject:** Feedback on 302 Eckhardt Avenue West (Bogner's)

Caution! This message was sent from outside your organization.

Dear Mayor and Council,

When I moved to Penticton nearly 15 years ago, I was impressed by the relatively high number charming older homes. Sadly, I have witnessed a decline in the number of these buildings that illustrate the heritage of our community. As a resident of the Cherryland Community, I am concerned that our city is in danger of losing the history and charm that attract tourists, and potential new residents.

The property at 302 Eckhardt Avenue West is in a prominent location, part of the entrance to the heart of our city, as well as head of one the main arteries into the Cherryland community. It is an important illustration of our history. Its presence signals to visitors what to expect when they come to Penticton.

The proposed development is not suitable to the Cherryland residential area. Nor does it match the other nearby residences found along Eckhardt Avenue, Victoria Street, and Martin Street. Penticton's reputation is at stake.

I appreciate that past councils have found ways to support businesses while maintaining Penticton's charm, encouraging businesses to use the character homes with zoning changes.

Current council has the opportunity to encourage and maintain the character of a neighbourhood that is also at the entrance to the historic heart of our community. I hope that you will choose to maintain the Land Use contract. Please preserve Bogner's site as a place that instills community pride.

Thank you for your time and attention.

Chandra Wong



**Late Submission - Public Hearing - Land Use  
Contract No. 3380 Discharge Bylaw No. 2023-02 -  
302 Eckhardt Avenue West**

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**From:**  
**Sent:** Tuesday, February 7, 2023 9:33 AM  
**To:** Public Hearings  
**Subject:** FW: 302 Eckhardt Ave West

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**From:** Randy Manuel  
**Sent:** Thursday, February 2, 2023 5:51 PM  
**To:** Council <[Council@penticton.ca](mailto:Council@penticton.ca)>  
**Subject:** 302 Eckhardt Ave West

Caution! This message was sent from outside your organization.

I became aware today of the proposed redevelopment of 302 Eckhardt Ave West, the former Granny Bogner's . It seems that the proposal has not reached the general public for comment which is important as this district is in flux and is on the edge of proposed or considered, heritage enhancement area.

There are several question that need to be answered and comments to share with council.

First of all the information staff gave is not complete and "edited" to diminish in my opinion the overall value of the site. The house was built in 1915, not 1930. Staff could have resourced this information from the cities own department...the archives...it was the home of Dr. H.B.McGregor Penticton,s second doctor who came here in 1909 to work with Dr. R.B.White. He started his own practice in 1912 and built the house in 1915 as noted. He lived there until the mid 1954 period.

It was lived in by various private individuals. In 1973 to sometime in late 1975 ( phone book records) when it operated as The Argyle Guest Home ; The Senior Citizen Home, Earl and Violet Renaud operators. This would be the time of rezoning. This rezoning is over 50 years old and most likely did not see that future office buildings could be built here. The zoning is out of date to fit todays requirements. The staff report saying that it was a former residential care home is a bit misleading and I feel is meant to diminish the overall value of the site.

Was the Heritage Advisory Committee consulted? Was there a neighborhood notice of intent conducted.?

The home was included in the first draft of heritage homes back in 2005. A report by Robert Hobson a Kelowna consultant thought that due to some interior renovations made to accommodate the commercial kitchen, that the home did not make the first cut. I disagreed with the Kelowna consultant I was not happy that an out of town consultant not familiar with the local historical back ground made some decisions that we now seem to be dealing with.

This office development is not needed as I guess that there is approximately 4 to 6 acres of vacant land in the downtown core on Main street, Ellis and Martin street. Go to Google Earth to refresh your memory about those places.

Thanks.

Randy Manuel, former Museum Director, Past President of the Penticton Branch of Okanagan Historical Society, Past Director British Columbia Heritage Trust, Founder of the S.S. Sicamous Restoration Society, the Kettle Valley Steam Railway and purchaser of the S.S. Naramata and CN Tug 6. Past city councillor (2005- 08) and Heritage Advisory Committee.