



Agenda

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Regular Council Meeting

to be held at the City of Penticton, Council Chambers

171 Main Street, Penticton, B.C.

To view the live broadcast and recordings, visit www.penticton.ca

Tuesday, January 16, 2024
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 12, 2023 Regular Council Meeting	1-6	Adopt
6.2	Minutes of the December 14, 2023 Special Council Meeting	7-8	Adopt

7. **Consent Agenda**

Recommendation: THAT Council approve the Consent Agenda:

1. *Release of Items from Closed Meeting:*

THAT Council reappoint Lyndsay De Jonge, Debbra Mikaelsen and Sarah Sloan to the Penticton Public Library Board for a two-year term expiring November 2025;

AND THAT Council appoint Bill Loomis, Shane Fox and Emily Bruce to the Penticton Public Library Board for a two-year term expiring November 2025;

AND THAT Council appoint Councillor Miller to the Penticton Public Library Board.

8. **Staff Reports:**

Haddad	8.1	2024 City Manager Operational Update & Outlook	8-13
		<u>Staff Recommendation:</u> THAT Council receive the report titled "2024 City Manager Operational Update & Outlook", dated January 16, 2024.	

Hardisty	8.2	<p>Elected Officials Code of Conduct</p> <p><i>Staff Recommendation: THAT Council adopt the Regional District Okanagan Similkameen Code of Conduct included as Attachment B to this report dated January 16, 2024.</i></p> <p><i>THAT Council rescind Respectful Workplace Policy dated March 17, 2014.</i></p> <p><i>That Council direct staff to amend the Council Remuneration and Expense Bylaw No. 2019-27 to include reduction of remuneration upon code of conduct breaches or the filing of frivolous, vexatious or claims made in bad faith as follows: First offence reduction of 10% for twelve months, second offence reduction of 15% for 12 months, third and subsequent offences 25% for 12 months.</i></p> <p><i>Reductions to remuneration shall be cumulative.</i></p>	14-49
Raposo	8.3	<p>License to Use Agreement for Peach City Indoor Pickleball Club</p> <p><i>Staff Recommendation: THAT Council approve a License to Use Agreement for three years of play to Peach City Indoor Pickleball Club for the purpose of operating an indoor pickleball club located at 199 Ellis Street at a monthly rate of \$3,598.00 + GST per month, including utilities, with a two-year option to renew with an increase of CPI annually;</i></p> <p><i>AND THAT Council authorize the Director of Finance and Administration and Corporate Officer to execute the License to Use Agreement.</i></p>	50-67
Laven	8.4	<p>Economic Development Year-End Summary and 2024 Look Ahead</p> <p><i>Staff Recommendation: THAT Council receive into the record the report dated January 16, 2024, titled "Economic Development Year-End Summary and 2024 Look Ahead".</i></p>	68-71
Laven/ Collyer	8.5	<p>Housing Policy Initiatives Work Plan and Timeline</p> <p><i>Staff Recommendation: THAT Council endorse the work plan as outlined in this report titled 'Housing Policy Initiatives Work Plan and Timeline', dated January 16, 2024;</i></p> <p><i>AND THAT Council direct staff to prepare applicable bylaw, policy and procedure amendments to align with the City's short-term rental program with the new Provincial framework.</i></p>	72-81
Tanguay	8.6	<p>Zoning Amendment Bylaw No. 2023-48</p> <p>Development Variance Permit PL2023-9680</p> <p>Development Permit PL2023-9674</p> <p>Re: 275 Kinney Avenue</p> <p><i>Staff Recommendation: THAT Council give first, second and third reading to "Zoning Amendment Bylaw No. 2023-48", for Lot B District Lot 116 Similkameen Division Yale District Plan 36190, located at 275 Kinney Avenue, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing);</i></p> <p><i>AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-48", consider "Development Variance Permit PL2023-9680" for District Lot 116 Similkameen Division Yale District Plan 36190, located at 275 Kinney Avenue, a permit to vary Section 10.9.2.9 of Zoning Bylaw 2023-08 to reduce the rear yard from 6.0 m to 2.2 m;</i></p> <p><i>AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-48", approve "Development Permit PL2023-9674", for District Lot 116 Similkameen Division Yale District Plan 36190, located at 275 Kinney Avenue, a permit to approve the form and character of two side-by-side duplexes (four dwelling units).</i></p>	82-111
Tanguay	8.7	<p>Zoning Amendment Bylaw No. 2023-49</p> <p>Development Permit PL2023-9664</p> <p>Re: 172 Green Avenue West</p> <p><i>Staff Recommendation: THAT Council give first, second and third reading to "Zoning Amendment Bylaw No. 2023-49", for Lot 4 District Lot 116 Similkameen Division Yale District Plan 9696, located at 172 Green Avenue West, a bylaw to rezone the subject property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing);</i></p> <p><i>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-49", approve "Development Permit PL2023-9664", for Lot 4 District Lot 116 Similkameen Division Yale District Plan</i></p>	112-145

9696, located at 172 Green Avenue West, a permit to approve the form and character of one duplex and one triplex (five dwelling units);
AND THAT Council require that a 0.9 m road dedication be completed prior to the issuance of the Occupancy Permit.

Collyer	8.8	<p>Zoning Amendment Bylaw No. 2023-50 Development Permit PL2023-9633 Re: 587 Edna Avenue</p> <p><u>Staff Recommendation:</u> THAT Council give first, second and third reading to "Zoning Amendment Bylaw No. 2023-50", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 3215, located at 587 Edna Avenue, from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing);</p> <p>AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2023-50", require the dedication of a 3.5m by 3.5m corner cut at the northeast corner of the subject property, adjacent to the two lanes, be registered with the Land Title Office;</p> <p>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-50", approve "Development Permit PL2023-9633", a permit to approve the form and character of a four-unit cluster housing development on the subject property consisting of two side-by-side duplexes.</p>	146-176
Hallam	8.9	<p>Official Community Plan Amendment Application Re: 76 Duncan Avenue East</p> <p><u>Staff Recommendation:</u> THAT Council, following the Community Engagement for OCP Amendments Procedure, direct staff to commence public engagement for a proposed Official Community Plan amendment to change the future land use designation on 76 Duncan Avenue East from 'Infill Residential' to 'Mixed Use'.</p>	177-185
Hallam	8.10	<p>Official Community Plan Bylaw No. 2024-01 Zoning Amendment Bylaw No. 2024-02 Development Permit PL2023-9621 Re: 460 Conklin Avenue</p> <p><u>Staff Recommendation:</u> THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2024-01", and in accordance with Section 475 of the Local Government Act, Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:</p> <ol style="list-style-type: none"> 1. One or more persons, organizations or authorities; 2. The Regional District of Okanagan Similkameen; 3. Local First Nations; 4. School District #67; 5. The provincial or federal government and their agencies. <p>AND THAT it is determined that the community engagement period carried out from October 18, 2023 to November 19, 2023 is sufficient;</p> <p>AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2024-01", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08, by amending the future land use designation for Lot 13 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3867, located at 460 Conklin Avenue, from 'Detached Residential' to 'Ground Oriented Residential'.</p> <p>THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-02", Lot 13 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3867, located at 460 Conklin Avenue, a bylaw to rezone the subject property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing);</p> <p>AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2024-01" and "Zoning Amendment Bylaw No. 2024-02" to the February 6, 2024 Public Hearing.</p> <p>AND THAT prior to adoption of "Official Community Plan Amendment Bylaw No. 2024-01" and "Zoning Amendment Bylaw No. 2024-02", Council require the following condition to be met:</p> <ol style="list-style-type: none"> 1. A 0.5 m wide road dedication along the frontage of 460 Conklin Avenue be registered with the Land Title Office. 	186-259

THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2024-02", approve "Development Permit PL2023-9621", a permit to approve the form and character of the proposed 6-unit townhouse, consisting of two, 2-storey buildings.

9. **Notice of Motion**

9.1 Notice of Motion introduced by Councillor Boulton:

THAT Council direct the City Manager to hire a third party consultant to perform a Core Review to evaluate and substantiate the City's service levels, staffing of the organization as a whole and the scope creep into provincial areas of jurisdiction and the attendant costs.

9.2 Notice of Motion introduced by Councillor Konanz:

THAT Council direct staff to send a letter to the Province requesting further consideration of Penticton's unique economy and the role that short-term rentals play in supporting our tourism industry.

10. **Business Arising**

11. **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. Use the raise hand feature and you will be given the opportunity to turn on your camera and unmute your microphone and ask Council your questions. Please note that the meeting is streaming live and recorded, access to recordings can be found on the City's website.

12. **Council Round Table**

13. **Adjourn to Closed Meeting:**

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

- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality; and Section 90 (2)*
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.*

Minutes

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

Tuesday, December 12, 2023
at 1:00 p.m.

Present: Mayor Bloomfield
Councillor Boulton (via Zoom)
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller
Councillor Watt

Staff: Anthony Haddad, City Manager
Angie Collison, Corporate Officer
Angela Campbell, Director of Finance & Administration
Kristen Dixon, General Manager of Infrastructure
Blake Laven, Director of Development Services
Paula McKinnon, Deputy Corporate Officer

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

471/2023

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on December 12, 2023 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the November 7, 2023 Regular Meeting of Council

472/2023

It was MOVED and SECONDED

THAT Council adopt the Regular Council Meeting minutes of November 7, 2023 as presented.

CARRIED UNANIMOUSLY

4.2 Minutes of the November 21, 2023 Special Meeting of Council

473/2023

It was MOVED and SECONDED

THAT Council adopt the Special Council Meeting minutes of November 21, 2023 as presented.

CARRIED UNANIMOUSLY

4.3 Minutes of the November 22, 2023 Special Meeting of Council

474/2023

It was MOVED and SECONDED

THAT Council adopt the Special Council Meeting minutes of November 22, 2023 as presented.

CARRIED UNANIMOUSLY

4.4 Minutes of the November 23, 2023 Special Meeting of Council

475/2023

It was MOVED and SECONDED

THAT Council adopt the Special Council Meeting minutes of November 23, 2023 as presented.

CARRIED UNANIMOUSLY

5. Consent Agenda:

476/2023

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

1. Minutes of the November 15, 2023 Official Community Plan – Housing Task Force Meeting;
2. Minutes of the November 29, 2023 Accessibility Committee Meeting; and
3. Minutes of the November 29, 2023 Official Community Plan – Housing Task Force Meeting.

CARRIED UNANIMOUSLY

6. Staff Reports:

6.1 Official Community Plan (OCP) Housing Task Force Recommendations

477/2023

It was MOVED and SECONDED

THAT Council receive the 18 recommendations, excluding recommendation 14, from the Official Community Plan Housing Task Force, as outlined on Attachment A;

AND THAT Council direct staff to incorporate the recommendations into the upcoming Official Community Plan amendments.

AND THAT Council thank the Task Force for the work done to create the recommendations.

CARRIED

Councillor Miller, Opposed

Councillor Boulton declared a conflict of interest and left the meeting at 1:53 p.m.

478/2023

It was MOVED and SECONDED

THAT Council receive recommendation 14 from the Official Community Task Force, as outlined on Attachment A;

AND THAT Council direct staff to incorporate the recommendation into the upcoming Official Community Plan amendments.

CARRIED

Councillors Graham and Konanz, Opposed

Councillor Boulton returned to the meeting at 1:57 p.m.

479/2023

It was MOVED and SECONDED

THAT Council direct staff to report back with recommendations to remove barriers to Day Care Major in the Official Community Plan Bylaw.

CARRIED UNANIMOUSLY

6.2 Social Development Framework 2023-2026

480/2023

It was MOVED and SECONDED

THAT Council endorse the "Social Development Framework 2023-2026," as shared in Attachment A, a plan that identifies the principles, processes and priorities of the Social Development Department for 2023-2026;
AND THAT Council direct staff to implement the principles, processes and priorities of the Social Development Framework in collaboration with identified partners;
AND THAT Council direct staff to report back annually on progress in implementing the Social Development Framework 2023-2026.

CARRIED UNANIMOUSLY

The Mayor recessed the meeting at 2:29 p.m. and reconvened at 2:43 p.m.

6.3 2024-2028 Five Year Financial Plan Bylaw No. 2023-41

481/2023

It was MOVED and SECONDED

THAT Council give first, second and third reading to "2024—2028 Five Year Financial Plan Bylaw No. 2023-41".

CARRIED
Councillor Boulton, Opposed

6.4 Fees and Charges Amendment Bylaw No. 2023-40

482/2023

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2023-40", a bylaw to amend:

- Appendix 1 – Administrative Rates
- Appendix 23 - RCMP

CARRIED
Councillor Boulton, Opposed

6.5 Reserve Policy CP#2023-11

483/2023

It was MOVED and SECONDED

THAT Council rescind the 2019 Reserve Policy and approve Reserve Policy CP#2023-11, a policy developed to provide guidance and direction for maintenance and use of the City's reserve funds;
AND THAT Council approve the transfer of \$2,500,000 from the Electric Surplus Reserve to the Electric Capital Reserve;
AND THAT Council approve the transfer of \$6,000,000 from the Sewer Surplus Reserve to Sewer Capital Reserve;
AND THAT Council approve the transfer of \$5,000,000 from the Water Surplus Reserve to Water Capital Reserve;

AND THAT Council approve the transfer of \$1,369,972 from the Investment Income Reserve to the Equipment Replacement Reserve;
AND THAT Council approve the transfer of \$76,771 from the Public Art Reserve to the Financial Stabilization Reserve;
AND THAT the Financial Plan be amended accordingly.

CARRIED UNANIMOUSLY

6.6 Electrical Dividend Policy CP#2023-10

484/2023

It was MOVED and SECONDED

THAT Council amend the wording on the electric utility bill by replacing “electrical dividend” with “electrical tax”.

DEFEATED

Mayor Bloomfield and Councillors Gilbert, Graham and Watt, Opposed

485/2023

It was MOVED and SECONDED

THAT Council approve “Electrical Dividend Policy CP#2023-10” effective December 12, 2023.

CARRIED

Councillors Boulton, Konanz and Miller, Opposed

6.7 Enabling Accessibility Fund – Grant Opportunity

486/2023

It was MOVED and SECONDED

THAT Council direct staff to prepare and submit an application to the Enabling Accessibility Fund (EAF) for the Lakawanna Park upgrades in 2025 at an estimated project cost of \$1.5M;
AND THAT Council direct the General Manager of Infrastructure and/or the Director of Finance to sign and submit the application on behalf of the City;
AND THAT Council direct staff to amend the Financial Plan accordingly, if successful in receiving the grant.

CARRIED UNANIMOUSLY

6.8 Riverside Skate Park Lighting

487/2023

It was MOVED and SECONDED

THAT Council direct staff to construct the lighting to a recreation level standard for the Skate Park and Basketball Court as outlined in the report titled “Riverside Skate Park Lighting”.

CARRIED

Councillor Miller, Opposed

6.9 Zero Carbon Step Code and Energy Code Recommendations

488/2023

It was MOVED and SECONDED

THAT Council opt-in to the new Zero Carbon Step Code program established by the province at the EL-1 ‘measure only’ level for 2024, with a plan to move to EL-2 in 2025 based on consultation with the building industry and larger community;
AND THAT Council support the current approach to the Energy Step Code for 2024 and 2025, with a goal of moving to Step 4 for Part 9 buildings in 2026;

AND THAT Council support similar incentives for projects that achieve higher levels of the Zero Carbon Step Code that are in place for the Energy Step Code;
AND THAT Council direct staff to amend applicable bylaws accordingly.

CARRIED
Councillor Konanz, Opposed

6.10 Traffic Amendment Bylaw No. 2023-46

489/2023

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Traffic Amendment Bylaw No. 2023-46", a bylaw to amend the traffic bylaw to address the construction of new driveways and modifications to existing driveways.

CARRIED UNANIMOUSLY

6.11 Development Procedures and Delegation Bylaw No. 2023-42

Fees and Charges Amendment Bylaw No. 2023-43

Municipal Ticketing Information Amendment Bylaw No. 2023-44

Bylaw Notice Enforcement Amendment Bylaw No. 2023-45

490/2023

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Development Procedures and Delegation Bylaw No. 2023-42";

AND THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2023-43";

AND THAT Council give first, second and third reading to "Municipal Ticketing Information Amendment Bylaw No. 2023-44";

AND THAT Council give first, second and third reading to "Bylaw Notice Enforcement Amendment Bylaw No. 2023-45".

CARRIED UNANIMOUSLY

7. Bylaws and Permits

7.1 Fees and Charges Amendment Bylaw No. 2023-38

Re: Utilities

491/2023

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2023-38".

CARRIED
Councillor Boulton and Konanz, Opposed

8. Notice of Motion

9. Business Arising

492/2023

It was MOVED and SECONDED

THAT Council hold a Special Council Meeting on Thursday, December 14, 2023 at 8:00 a.m. to give final readings to bylaws.

CARRIED UNANIMOUSLY

10. Public Question Period

11. Council Round Table

12. Adjourn to Closed Meeting:

493/2023

It was MOVED and SECONDED

THAT Council adjourn at 4:14 p.m. to a closed meeting of Council pursuant to the provisions of the *Community Charter* as follows: Section 90(1)

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (c) labour relations or other employee relations; and Section 90 (2)
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Minutes

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

Thursday, December 14, 2023
at 8:00 a.m.

Present: Mayor Bloomfield
Councillor Boulton (via Zoom)
Councillor Gilbert
Councillor Graham
Councillor Konanz
Councillor Miller
Councillor Watt

Staff: Anthony Haddad, City Manager
Angie Collison, Corporate Officer
Paula McKinnon, Deputy Corporate Officer

1. Call to Order

The Mayor called the Special Council Meeting to order at 8:00 a.m.

2. Adoption of Agenda

494/2023

It was MOVED and SECONDED

THAT Council adopt the agenda for the Special Council Meeting held on December 14, 2023 as presented.

CARRIED UNANIMOUSLY

3. Bylaws and Permits

3.1 Fees and Charges Amendment Bylaw No. 2023-40

495/2023

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2023-40".

CARRIED
Councillor Boulton, Opposed

3.2 2024-2028 Five Year Financial Plan Bylaw No. 2023-41

496/2023

It was MOVED and SECONDED

THAT Council adopt "2024-2028 Five Year Financial Plan Bylaw No. 2023-41".

CARRIED
Councillors Boulton and Miller, Opposed

3.3 Development Procedures and Delegation Bylaw No. 2023-42

497/2023

It was MOVED and SECONDED

THAT Council adopt "Development Procedures and Delegation Bylaw No. 2023-42".

CARRIED UNANIMOUSLY

3.4 Fees and Charges Amendment Bylaw No. 2023-43

498/2023

It was MOVED and SECONDED

THAT Council adopt "Fees and Charges Amendment Bylaw No. 2023-43".

CARRIED
Councillor Boulton, Opposed

3.5 Municipal Ticketing Information Amendment Bylaw No. 2023-44

499/2023

It was MOVED and SECONDED

THAT Council adopt "Municipal Ticketing Information Amendment Bylaw No. 2023-44".

CARRIED UNANIMOUSLY

3.6 Bylaw Notice Enforcement Amendment Bylaw No. 2023-45

500/2023

It was MOVED and SECONDED

THAT Council adopt "Bylaw Notice Enforcement Amendment Bylaw No. 2023-45".

CARRIED UNANIMOUSLY

3.7 Traffic Amendment Bylaw No. 2023-46

501/2023

It was MOVED and SECONDED

THAT Council adopt "Traffic Amendment Bylaw No. 2023-46".

CARRIED UNANIMOUSLY

4. Public Question Period

5. Adjournment

502/2023

It was MOVED and SECONDED

THAT Council adjourn the December 14, 2023 Special meeting of Council at 8:06 a.m.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Date: January 16, 2024
To: Council
From: Anthony Haddad, City Manager
Subject: 2024 City Manager Operational Update & Outlook

Staff Recommendation

THAT Council receive the report titled "2024 City Manager Operational Update & Outlook", dated January 16, 2024.

Strategic Priority Objective

Organizational Excellence: Support a culture of service excellence built on good governance, leadership and sound financial decisions.



It is the priority of the City Manager to ensure that Council and the community are updated on the progress of the organization as it relates to the achievement of Council's priorities to ensure accountability and transparency. It is also the responsibility of the City Manager to ensure that the organization is supported to enable them to work efficiently and effectively to deliver high quality and high value services for our residents, businesses and visitors. Importantly, the service levels that Council approved through the annual budget process must be delivered.

Background

In line with supporting Council's priority of Organizational Excellence, and with new leadership in place across multiple portfolios, the City of Penticton has a unique opportunity to set a confident path forward for the corporation, working closely with Council to support our community throughout 2024 and beyond. As our organization heads into 2024 with a full work plan supported by Council through the 2024 budget process in support of Council's priorities, it is important for our organization to stay focused to ensure we are able to deliver upon the high expectations of Council and our community.

Through the early part of 2024, our organization will look to continue creating a culture of support and professional growth of our employees, working alongside Council to deliver high quality services to the community and implement Council's priorities. With the increasingly competitive nature of employment and difficulty in attracting and retaining key roles within the organization, it is imperative that we aspire as an organization to attract, hire and retain the best, continue to work towards becoming an employer of choice and build a positive environment that supports the work we do for our community.

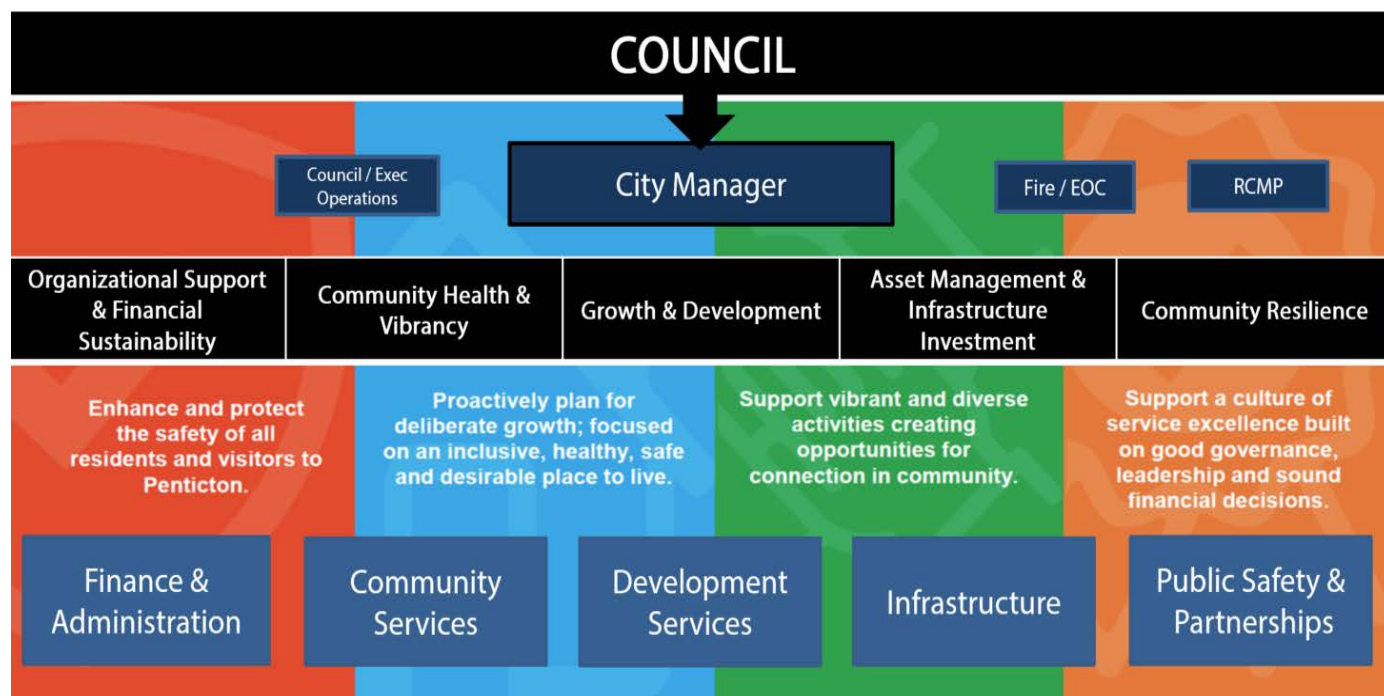
100 Day Update

The first one hundred days in the role as City Manager has been an incredibly positive experience, working closely with Council and the Senior Leadership Team to continue moving our organization forward. Over the last three months I've had the chance to work with Council and our Senior Leadership team closely, including the lead up to our budget process in November, to get a full understanding of the operations of our organization and work towards the development of organizational priorities for the coming year and beyond. Supporting Council's priorities and the needs of our community are paramount in the work we do as an organization.

A brief summary of what has been completed over the last 100 days is outlined as follows:

- Council and community preparation for the 2024 operating and capital budgets to ensure Council and the community are informed in advance and throughout the budget process.
- Budget 2024 completion, approval, and commencement of our annual work plans.
- Organizational Changes to restructure the Development Services Department and create a new Public Safety Department, responsible for Social Development, Bylaw and Community Safety Officer Programs to better align with Council priorities and deliver on both housing and public safety initiatives.
- Review of Council's Priorities and confirmation of year two deliverables, including governance review and development of advocacy planning.
- Hiring of new RCMP OIC, Director of Community Services and Director of Public Safety & Partnerships roles, completing the full Senior Leadership Team. Over half of the Senior Leadership are new to the organization or to their roles over the last year.
- Enhancing existing relationships in the community and planning for new collaborations and partnerships into 2024 and beyond.

As we look to our new organizational structure to lead the corporation forward in support of Council's four priorities, we look to the five key functions of our operations that will deliver high quality services into the future. The following chart shows the City's key organizational functions whereby Council provide the Strategic direction for the community and organization, setting service levels and expectations around delivery of services. It is the role of the City Manager to ensure that the culture and integrity of our organization remains positive to ensure we deliver outstanding services and support Council's priorities. Within the five divisions and our RCMP & Fire Departments, our Senior Leadership team are then responsible for delivering efficient, high quality and productive services to our residents, businesses and visitors.



Organizational Values & Expectations

Our values as a Senior Leadership Team focus on continual improvement and organizational excellence, ensuring that we continue enhancing the integrity of our organization and the reputation of our staff and community to deliver high quality and efficient services. Modernization of our government will come in many forms as we proactively deal with a changing future that provides and invests in our team of community builders, high performing departments, focusing on outstanding customer service, partnership development and innovations through the community.

Priorities that we will be working on as an organization to support the operations of an efficient and modern government will focus on how we continue to improve upon and support:

- Respected, invested, successful & engaged employees
- Confident decision makers
- Outstanding customer service
- Community partnerships
- Outstanding services
- The ability to support changing priorities

Over the coming months our Senior Leadership Team will be working with all areas of our organization to identify how we can deliver on these values and expectations, continuing to build a confident and community oriented team.

Outlook 2024

2024 is already shaping up to be a demanding year as our departments focus on delivering their annual work plans, work to achieve the deliverables under Council's Strategic Priorities. Budget 2024 approved over \$40,000,000 of Capital projects within the overall City budget of \$134,200,000 that has provided direction for the annual work plan and priorities. This is in addition to the plethora of legislation changes being initiated at the provincial and federal levels that staff will be undertaking in 2024 – under specific time related constraints.

Over the coming year, to ensure the organization can efficiently and effectively support Council's priorities and delivery of services to support the needs of our community, the work plan for the Office of the City Manager will include:

- Formalization of an organizational Culture & Identity Strategy for our Senior Leadership Team that provides clear guidance for the future of our organization.
- Creation of Organizational Priorities & Values for how we operate and deliver service as municipal employees.
- Enhanced communication of Council's Priorities.
- Formulation of a Council advocacy plan to strategically focus on the community's needs.
- Enhancement of the City's emergency operations program and systems
- Partnership growth & development to support the delivery of high quality services in the community.
- Collaboration with the operational leads of key organizations within the community.

In 2024 Council will see more regular updates and communications around the following strategic initiatives:

- Council Priority Updates to ensure the community are aware of the progress of Council's priorities.
- Safe & Resilient: Public Safety updates integrating RCMP, Fire, Emergency Services and new Public Safety & Partnership portfolio to highlight the work underway to deliver on this important priority.
- Liveable & Accessible: Housing updates on the progress of new housing initiatives, partnerships and opportunities that seek to deliver the housing our community needs.
- Vibrant & Connected: Economic Development updates looking at key indicators of our local and regional economy that will help determine the health of our economy and highlight new initiatives, events and activations that support business developments and continue to move our city forward.

Sustainable & Efficient Operations

When we look at supporting the organization through operational efficiencies and providing outstanding services, we must also have the ability to support changing priorities and circumstances – being a flexible and financially sustainable operation that meets the high expectations of the community. As opposed to looking to fund new services with new funds, we will continue our existing approach of first considering where existing funds can be most efficiently invested, and prioritizing smart growth that can contribute to enhanced service levels for the community as a whole.

Through our annual budgeting process, Council provided direction on the levels of services to be provided in the community and staff are working to deliver on those expectations. Leading into budget 2025, staff will work closely with Council to identify any services level changes needed to support the community into subsequent

years. Staff also take a proactive role both during and outside of the budget process to ensure that we are resourced to deliver the services our community expect and look to find innovative ways of funding new initiatives.

On an annual basis it is an expectation of our Senior Leadership Team that our departments review service levels, costs, and the efficiency of the services we provide. Recent examples of these reviews, some of which were directed to be undertaken by Council have been completed and are underway include:

- Community Safety Resource Review of the RCMP, Fire Services & Bylaw / Community Safety Officer Program
- Aquatic Operations Review / Recreation Department Strategic Plan
- SOEC Operational review
- Organization Key Performance Indicator development
- National Utility Benchmarking of our water and waste water systems
- Urban Forestry Master Plan which reviews service levels associated with maintaining our Urban Tree Inventory (CommuniTREE plan)
- Asset Management Plans that consider renewal and rehabilitation levels for municipal infrastructure
- Fire Department Call Response and Resource Allocation review
- Detailed review of department budgets and FTE through the 2024-2028 Financial Plan Process
- Introduction of Key Performance Indicators to the Financial & Corporate Business Plan for 2024
- Development Services Process Improvements, including Cloud Permitting and technological enhancements.

Analysis

As our organization works towards achieving Council's Priorities, we need to ensure our organization is running efficiently and effectively to deliver our services so that we can support our community through some massive challenges and be ready for the opportunities in front of us. If we are strong and connected as an organization and aligned in our values and expectations, I have every confidence that we will be able to achieve all we set out to for our community.

Respectfully submitted,

Anthony Haddad
City Manager

Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Cheryl Hardisty, Council and Executive Operations Manager
Subject: **Elected Officials Code of Conduct**

Staff Recommendation

1. THAT Council adopt the Regional District Okanagan Similkameen Code of Conduct included as Attachment B to this report dated January 16, 2024.
2. THAT Council rescind Respectful Workplace Policy dated March 17, 2014.
3. That Council direct staff to amend the Council Remuneration and Expense Bylaw No. 2019-27 to include reduction of remuneration upon code of conduct breaches or the filing of frivolous, vexatious or claims made in bad faith as follows: First offence reduction of 10% for twelve months, second offence reduction of 15% for 12 months, third and subsequent offences 25% for 12 months. Reductions to remuneration shall be cumulative.

Strategic priority objective

Organizational Excellence: The City of Penticton will support a culture of service excellence built on good governance, leadership and sound financial decisions.

Background

In 2022, the Province added sections 113.1 and 113.2 to the *Community Charter* which require municipal councils to consider, within 6 months of their inaugural meeting (and then reconsider, if on the first consideration they decide not to adopt) the development of a code of conduct. These amendments establish prescribed principles that were intended to guide the development of codes of conduct. These principles are:

- (a) council members must carry out their duties with **integrity**;
- (b) council members are **accountable** for the decisions that they make, and the actions that they take, in the course of their duties;
- (c) council members must be **respectful** of others;
- (d) council members must demonstrate **leadership and collaboration**.

In April 2023, Council directed staff to proceed with a regional model for a new code of conduct with the RDOS based on these foundational principles. At their meeting on April 18, 2023 Council passed the following resolution:

8.3 Code of Conduct Update

168/2023

It was MOVED and SECONDED

THAT Council direct staff to establish a code of conduct that aligns with the provincially prescribed principles of integrity, accountability, respect, leadership and collaboration and that staff continue with a regional model.

CARRIED UNANIMOUSLY

In support of the direction provided by Council, staff became part of a regional working group that was formed to develop the regional code of conduct. The working group was made up of member communities in the RDOS (Summerland, Osoyoos, Keremeos, Princeton, Oliver and Penticton) and met several times, creating a draft code of conduct document that began with a review of existing approved and established codes of conduct. After review and feedback from the regional CAO group, a draft Code of Conduct Policy was provided, reviewed and then endorsed by legal counsel. The Regional District adopted this policy in September 2023.

Responsible conduct, as described by the Provincial Working Group, is founded on 4 key foundational principles described below to provide Council with a shared understanding of what responsible conduct is.

- **INTEGRITY AND OPENNESS:** Members are keepers of the public trust and must uphold the highest standards of ethical behaviour. Members are expected to act lawfully, be free from undue influence and make decisions that benefit the community. Members must conduct their duties in an open and transparent manner, except where this conflicts with their duties to protect confidential information. The following values support integrity and openness:
 - Be open and truthful in all local government dealings, while protecting confidentiality where necessary
 - Behave in a manner that promotes public confidence, including actively avoiding any perceptions of conflicts of interest, improper use of office, or unethical conduct
 - Act in the best interest of the public and community
 - Ensure actions are consistent with the shared principles, values, policies, and bylaws collectively agreed to by the council or board
 - Demonstrate the same ethical principles during both meetings that are open and closed to the public
 - Express sincerity when correcting or apologizing for any errors or mistakes made while carrying out official duties
- **RESPECT:** Members must conduct public business efficiently, with decorum and with proper attention to the local government's diversity. They must treat each other and others with respect at all times. The following values support integrity and openness:
 - Treat elected officials, staff, and the public with dignity, understanding and respect
 - Acknowledge how people's beliefs, values, ideas, and contributions add diverse perspectives
 - Create an environment of trust, including displaying awareness and sensitivity around comments and language that may be perceived as offensive or derogatory

- Refrain from any form of discriminatory conduct against another elected official, staff, or the public
- Honour the offices of local government and fulfill the obligations of Mayor/Chair and Councillor/Director dutifully
- Recognize and value the distinct roles and responsibilities of local government staff
- Call for and expect respect from the community towards elected officials and staff
- Ensure that public statements and social media posts that concern other elected officials, staff, and the public are respectful
- **ACCOUNTABILITY:** Members are trusted to act competently, diligently and responsibly. They must be held accountable for their actions and decisions. The following values support integrity and openness:
 - Be transparent about how elected officials carry out their duties and how council conducts business
 - Ensure information and decision-making processes are accessible to the public while protecting confidentiality where necessary
 - Correct any mistakes or errors in a timely and transparent manner
 - Accept and uphold that the council/board is collectively accountable for local government decisions, and that individual elected officials are responsible and accountable for their behaviour and individual decisions
 - Listen to and consider the opinions and needs of the community in all decision-making, and allow for public discourse and feedback
 - Act in accordance with the law, which includes, but is not limited to, the statutes, bylaws, and policies that govern the local government
- **LEADERSHIP AND COLLABORATION:** Members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in the local government. The social fabric of communities and the wellbeing of residents depends on solid and sustainable community partnerships. Members shall seek to collaborate whenever possible and appropriate. The following values support integrity and openness:
 - Demonstrate behaviour that builds public confidence and trust in local government
 - Provide considered direction on municipal policies and support colleagues and staff to do the same
 - Educate colleagues and staff on the harmful impacts of discriminatory conduct, and take action to prevent this type of conduct from reoccurring if necessary
 - Create space for open expression by others, take responsibility for one's own actions and reactions, and accept the decisions of the majority
 - Advocate for shared decision-making and actively work with other elected officials, staff, the public, and other stakeholders to achieve common goals
 - Foster positive working relationships between elected officials, staff, and the public
 - Commit to building mutually beneficial working relationships with neighbouring First Nations to further advance reconciliation efforts
 - Positively influence others to adhere to the foundational principles of responsible conduct in all local government dealings

Policy Components

The policy covers expected responsible conduct of elected officials, interactions with staff, volunteers and other elected officials, complaint handling, and consequences of breaching the policy. It also proposes two appointments: the Adjudicator, who will receive and conduct a preliminary assessment of complaints, and the Solicitor, who will conduct formal investigations of complaints and provide recommendations to Council.

The policy is organized into two parts, with two and five divisions respectively:

- Part One – Ethical Conduct
 - Division One – Interpretation and Application
 - Division Two – Conduct regulations
- Part Two – Investigation, Compliance and Enforcement
 - Division One – Implementation and Preliminary Steps
 - Division Two – Complaint Intake
 - Division Three – Resolution Procedures & Investigations
 - Division Four – Governing Body Decision
 - Division Five – Post – Decision Matters

Part One sets out the policy statement, scope and deals with specific regulations with respect to laws, general conduct, personal and confidential information, conflicts of interest, interactions with staff, volunteers and other members, conduct at meetings, interactions with public and media, gifts and use of public resources.

Part Two deals with preliminary steps, complaint intake, informal and formal resolution processes, remedies and potentially remuneration impacts.

Remuneration

The Policy draws from The District of Squamish which was used a starting document and is consistent with the Province model code. Squamish elected to impose financial penalties, via Council's Remuneration and Expense Bylaw, in cases where the Solicitor finds that a member (a) breached the policy or (b) submitted a complaint that was frivolous, vexatious the Council Remuneration and Expense Bylaw as or made in bad faith. Accordingly, staff are recommending a similar approach that reflects an escalating penalty per breach, as follows:

- First breach – 10% reduction to remuneration for a period of 12 months
- Second breach – 15% reduction to remuneration for a period of 12 months
- Third and subsequent breaches – 25% reduction to remuneration for a period of 12 months.

Reductions to remuneration should not be considered lightly. The policy includes provisions for no reduction where the Solicitor finds that:

- The member took all reasonable steps to prevent the breach
- The breach was trivial or inadvertent, or
- The breach was because of an error in judgement made in good faith.

While the code of conduct does outline available remedies such as letter of reprimand, request for apology removal from committees, Council may wish to consider more stringent and escalating deterrents where

behavior has been found, by a solicitor, to be in violation and not inadvertent. The principle purpose of such penalties is to promote high standards of conduct.

Financial implication

It is difficult to gauge what the costs may be, as it would depend on the number of complaints received and the level of complexity and investigation required. To minimize the potential cost impacts staff have proposed a number of measures (e.g. limit who can make a complaint, informal resolution processes, limited cost reimbursement) to try and ensure such costs are minimized as much as possible. Costs associated with Code of Conduct complaints will be monitored and anticipated to be captured by existing legal budget.

Given the potential complexities, costs and implications of compliance and enforcement processes, staff have sought to create a framework that ensures fairness through the exercise of care and discretion and strongly features informal resolution efforts prior to the engagement of a third party.

Conclusion

In reviewing best practices, staff reviewed numerous codes from across the Province, consulted legal counsel and considered the model code produced by the Working Group on Responsible Conduct consisting of the Union of British Columbia Municipalities, Local Government Management Association and Provincial Ministerial representation.

The principles outlined herein were the foundation of the development of the code of conduct. As directed by Council, staff are now bringing this forward for Council review and the preceding report provides a high level summary of the Code of Conduct document contained in Attachment B.

The City's current Respectful Workplace Policy was approved by Council in 2014 which applies to both Council and staff. The proposed policy applies only to members of Council. Staff are reviewing new Workplace legislation to be introduced this spring and will implement a separate policy applicable to staff to ensure concerns specific to groups are adequately addressed.

Attachments

Attachment A – Respectful Workplace Policy to be rescinded

Attachment B – Code of Conduct

Respectfully submitted,

Cheryl Hardisty
Council & Executive Operations Manager

Concurrence

Director, Finance and Administration <i>AMC</i>	City Manager <i>SBH</i>
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Council Policy

penticton.ca

Approval date: March 17, 2014

Resolution No.: 134/2014

Subject: Respectful Workplace Policy

Purpose

This Policy will apply to the resolution of all internal informal or formal concerns/complaints brought forward regarding disrespect, harassment and/or bullying.

Scope

The Policy applies to all City employees, the City Administrator, the Mayor and City Councillors. It also applies to contractors, visitors and other parties who attend at City of Penticton worksites or interact with City of Penticton employees during the course of their employment.

Policy

The procedures set out within this Policy also will apply to any and all City of Penticton investigations conducted in response to related grievances and external discrimination/harassment/bullying complaints filed with WorkSafe BC, the Human Rights Tribunal or otherwise.

This includes any communication and/or conduct between internal Staff (including employees, management, and Council) and external public (including contractors, visitors and public).

If there is harassment, bullying or disrespect by an external party to a City staff member which may constitute violence in the workplace, the City would follow appropriate procedures outlined in WorkSafe BC policy and legislation.

Please find the WorkSafe BC prevention policies for your reference in the links below:

- Employer Duties - Workplace Bullying and Harassment - D3-115-2
- Worker Duties - Workplace Bullying and Harassment - D3-116-1
- Supervisor Duties - Workplace Bullying and Harassment - D3-117-2

DEFINITIONS

Parties

Parties are the Complainant(s) and Respondent(s) directly involved in a complaint and may include: employees (unionized and excluded), contractors and elected officials.

Complainants

Complainants are those individuals making a complaint and seeking recourse in relation to this Policy.

Respondents

Respondents are those individuals alleged to have violated this Policy.

Bystanders

Bystanders are third parties who have witnessed behavior that, in their view, potentially constitutes a violation of this Policy. Bystanders should report their concerns in accordance with Step 2 of the Informal Processes set out below.

Bystanders are not Parties to a complaint. However, they may be interviewed as witnesses in the event there is a formal investigation into their concerns.

Witnesses

Witnesses are individuals who have direct knowledge of or involvement in any matter or incident that potentially relates to a complaint brought forward or filed pursuant to this Policy.

Respectful Conduct

Respectful workplace conduct incorporates courtesy, civility, consideration and compassion. It is an approach which actively respects individuals by avoiding unnecessary behaviors which would have a negative impact on them. It involves taking responsibility for one's behavior/conduct in the workplace.

A workplace disagreement or difference of opinion is not by definition disrespectful. The manner in which a disagreement is described, discussed or resolved will determine whether or not the conduct is respectful.

Examples of Disrespectful/Disruptive Conduct may include, but are not limited to behaviours that are objectively found to be:

- profane, disrespectful, intimidating, insulting, demeaning or abusive written or verbal communication or conduct: this may include verbal or non-verbal language and gestures;
- outbursts of anger;
- arguments with or between staff that take place in a "public" non-confidential area;
- critical comments about staff that are made outside the usual and confidential processes for review/feedback;
- shunning and other repeatedly "exclusive" conduct, verbal or non-verbal in nature;
- verbal, psychological or physical threats to safety;
- application of negative stereotypes or generalizations; and
- unwelcome remarks, jokes, innuendo or taunting.

Depending on the nature, extent and/or severity of the disrespectful conduct, it may also constitute discrimination, discriminatory harassment, sexual harassment, personal harassment or bullying.

Discrimination

Discrimination is adverse differential treatment of an individual or group, whether intended or not, on the basis of race, color, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction. Discrimination of this nature imposes burdens or

obligations on an individual or group that serves no work-related function. It is important to note that such conduct is not only a breach of this Policy; it may also be a breach of the British Columbia Human Rights Code.

Discriminatory Harassment

Discriminatory harassment is a form of discrimination and also is contrary to the Human Rights Code. Discriminatory harassment is abusive, unfair, offensive, or demeaning treatment of or disrespectful/disruptive conduct towards a person or group of persons related to their race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age or unrelated criminal conviction ("Protected Grounds") that a reasonable person would know or ought to know would:

- have the effect of interfering with an individual's work or participation in work-related activities; or
- create an intimidating, hostile or offensive environment for work or participation in a work-related activity.

Examples of Discriminatory Harassment:

- Teasing, joking, taunting, insulting or criticizing a person, directly or indirectly, verbally or in writing, based on his or her "Protected Ground" (as defined above, for e.g. race, gender, age, religion). This may include commentary regarding their ability to communicate "clearly", physical appearance, work style and level of intelligence.

Sexual Harassment

Sexual harassment is disrespectful/disruptive conduct of a sexual nature made by a person who knows or ought reasonably to know that such conduct or comment is unwanted or unwelcome; or an expressed or implied promise of a reward for complying with a request of a sexual nature; or an expressed or implied threat of reprisal for refusal to comply with such a request; or disrespectful/disruptive conduct of a sexual nature which is intended or reasonably would be known to create an intimidating, hostile or offensive environment.

Examples of Sexual Harassment may include, but are not limited to:

- verbal or written commentary or threats of a sexual nature;
- unwelcome remarks, jokes, innuendoes or taunting of a sexual nature;
- displaying of pornographic or other offensive pictures;
- unwelcome and/or repeated sexual invitations or requests;
- leering or other inappropriate sexually oriented gestures;
- unnecessary physical contact such as: touching, patting or pinching;
- sexual assault (this may also be a criminal matter);
- negative comments that are gender-based; and
- repeated behavior that a person has objections to and is known or should reasonably be known to the offender as being unwelcome.

Personal Harassment

Personal harassment is any behavior (including Disrespectful/Disruptive Conduct) by a person directed against another person that a reasonable person would know or ought to know would cause offence, humiliation or intimidation, where the conduct is not carried out in good faith and serves no legitimate work-related purpose.

Examples of Personal Harassment:

- Swearing, yelling, or making derogatory gestures or comments to or about another individual
- Engaging in embarrassing practical jokes, ridicule, or malicious gossip
- Verbal or physical threats or physical assault

Bullying

Bullying is any repeated or systematic physical, verbal or psychological behavior (including Disrespectful/Disruptive Conduct) which would be seen by a reasonable person as intending to belittle, intimidate, coerce or isolate another person.

What is Not Bullying/Harassment

Personal harassment and/or bullying does not include social banter in the workplace that is objectively viewed as acceptable in tone and content.

Nor does it include actions occasioned through the good faith management of the employment relationship, including decisions related to hiring, selection, performance evaluations, and progressive corrective discipline, provided that such decisions are made and implemented in a manner that is respectful of those involved.

For greater clarity, operational changes in an employee's duties, job description, work space or work environment, that are implemented in accordance with the above, are not considered to be violations of this policy.

Methods of Communication

Inappropriate communication that may violate this Policy may be transmitted in person, on the phone, and in writing, through email, texts, Facebook, Twitter and other social media messaging, and otherwise. Potential violations may consist of inappropriate communication made to a person and/or communication made about a person to others.

FAIRNESS

Parties, Bystanders and Witnesses have a right to fair treatment in the consideration and adjudication of complaints and concerns under this policy. Fair treatment includes the right to:

- Bring forward their concerns pursuant to processes within the Policy within a timely manner
- Being informed in a timely manner of complaints made against them
- An impartial and objective consideration and evaluation of the circumstances, through informal or formal intervention
- Confidentiality to the extent possible in the circumstances, including the avoidance of gossip, rumors and speculation by any Party or Witness
- Protection to any Party or Witness from retaliation for participation in processes under this Policy
- Being effectively informed of the outcome of any formal intervention
- Union representation for unionized staff
- Other representation for excluded staff

CONFIDENTIALITY

All Bystanders, Witnesses and Parties involved in a complaint or in the informal/formal resolution of a complaint, are expected to keep matters related to a complaint confidential. This includes managers and supervisors who are privy to the complaint or complaint resolution process.

An established breach of confidentiality regarding a complaint or complaint resolution process shall be considered an independent violation of the Policy (regardless of the merits or conclusions regarding the complaint) and shall result in discipline.

Any allegation or complaint under this Policy will be considered personal information supplied in confidence for the purpose of Sections 22(2) (f) of the Freedom of Information and Protection of Privacy Act. The names of those involved in the complaint shall not be disclosed to any person except where necessary for the purpose of fairly investigating and determining the outcome of the complaint.

The substance of investigative reports and the substance of meetings held by those in authority to make decisions in relation to a complaint, regardless of whether it is substantiated, will be protected from disclosure to third parties in accordance with Section 40 of the Act.

COMPLAINT RESOLUTION PROCESS

Complainants are encouraged to resolve complaints/concerns with others as soon as they arise, using the informal process set out below, unless attempting resolution with such others would be clearly inappropriate in all of the circumstances.

Without limiting its application, the informal resolution process is commonly used in circumstances where the alleged concern/conduct appears to be: (a) non-repetitive (a "one-off" discussion/interaction); and (b) relatively minor in severity or seriousness, considering its content, potential impact on the individual and/or the safety/health of the overall organization.

Although the Complainant may indicate that he/she prefers the informal process, the City of Penticton may at any time exercise its discretion to initiate a formal process based upon its overall review of the circumstances.

Informal Processes

Step 1 – Resolution (Informal Conversation)

Wherever reasonable, a Complainant should address the person with whom he/she is having difficulty (the "Respondent") in a direct and discreet (confidential) manner as soon as possible following the incident.

If the Complainant is not comfortable taking this step, or if the Complainant has done so without success, then the Complainant should proceed to the next step.

Step 2 – Resolution (Manager/Designate Involvement)

The Complainant or a Bystander should approach his/her supervisor or manager with his/her concerns including particular examples of inappropriate statements or verbal or non-verbal behaviors by the Respondent(s), dates, times, witnesses and as much detail as possible. This should be done as soon as reasonably possible following the incidents/behaviors. The supervisor/manager in receipt of a complaint/concern should contact Human Resources.

If the Complainant or Bystander is uncomfortable approaching any of these Individuals, or if the Individuals are the Respondents or if the Individuals are perceived by the Complainant to be part of the "problem", then the Complainant or Bystander can speak to Human Resources.

Human Resources should review the concern and where appropriate directly or indirectly facilitate a resolution of the concern in a manner that is considered most effective and reasonable considering all of the circumstances.

Interventions by managers and/or Human Resources may include one or more of the following possibilities (or other similar interventions):

- Meeting separately with each person involved in the concern to discuss and investigate the situation;
- Meeting together with the persons involved to facilitate a discussion aimed at understanding and resolving the issue in a practical, non-punitive manner or mediating a solution that works for all Parties;
- Coaching one or more of the Parties (verbally or in writing) on workplace expectations regarding appropriate workplace behavior or performance;
- Recommending or applying progressive discipline when warranted i.e. based on the findings and severity of the misconduct found;
- Engaging the support of Human Resources to assist with Step 2 processes; or
- Engaging an external third party facilitator or mediator to work with the Parties and others involved to achieve a confidential, practical and mutually agreeable resolution to outstanding concerns without making findings against any Party ("Mediation").

The above noted intervention/ preliminary investigation should be completed on or before 30 days after the final meeting. The time-lines will be reasonably extended at the request of the lead investigator based on a number of factors, including extenuating circumstances or complexities surrounding a particular investigation/intervention.

If, at the outset of or at any time during the Step 2 process, the individual who receives the reported complaint/concern concludes that a formal investigation is warranted, given the parties involved and/or severity of the behaviors alleged in the complaint, including their potential physical or psychological impact on the Complainant or other employees, then the matter should be immediately referred to Step 3 of the Policy for investigation and resolution.

Formal Processes

Step 3 – Investigation

The formal process involves a formal objective Investigation of a written complaint/concern that has been brought forward to the City of Penticton (the "Complaint").

Once the Complaint has been received by the immediate supervisor, manager or Human Resources, the Complainant will be asked to complete a formal complaint form. This form seeks the following details:

- Complainant's name and position;
- Name and position(s) of the Respondents;
- The address or location where the incident(s) occurred;
- A detailed summary of all of the specific incidents or examples of behavior that have led to the filing of the complaint;
- The date(s) and time of each incident;
- The names of the individual(s) alleged to have engaged in the unacceptable conduct;
- The details of the complaints – that is, the specifics of what was said or done to the Complainant to have triggered the complaint;
- The identity of any potential Witnesses;
- The impact of the behavior on the Complainant; and
- Any steps taken, through Steps 1 or 2 of the Policy, to address the Complaint and the outcome of those processes.

The Complainant must sign and date the complaint and send to the designated individuals set out above by either:

- envelope marked "Confidential" or
- scanning the signed Complaint and sending it via email indicating "Confidential"

The filing of a formal Complaint does not mean that a formal Investigation will be automatically conducted. The manner in which a Complaint is resolved will be determined by the City of Penticton, following consultation with the parties, and will depend on a number of factors, including the nature, extent and severity of allegations brought forward by the Complainant and the history of circumstances leading up to the filing of the formal Complaint.

Following this review, the individual(s) who receives the Complaint may take one of the following steps:

- Refer the matter back to Step 2 to resolve the matter through informal processes; or
- Assign an internal or external Investigator to conduct a formal investigation of the Complaint.

Appointment of Investigator

Factors that will be considered in determining whether to retain an Internal or External Investigator may include: the overall complexity of the facts/law related to the Complaint; the parties to the Complaint, the anticipated length of time necessary to conduct the Investigation; the potential severity of the outcome(s) of the Investigation in relation to the Respondent(s) should the Complaint be substantiated; and any other relevant circumstances.

Formal investigations in response to complaints filed against the City Manager, Mayor or City Councillors shall be conducted by external investigators.

Internal Investigators shall have sufficient prior experience and/or training in conducting workplace Investigations and shall have no previous involvement in the facts/circumstances giving rise to the Complaint.

Time Limits

The time limit for making a formal Complaint is six months from the date of the last incident. This is consistent with the time limits noted in the BC Human Rights Code. This may be extended, by written request, up to one year following the incident in accordance with with WorkSafe BC requirements.

Interim Measures

It may be necessary to take interim measures, such as transfers/leaves/restrictions regarding contact or communication between the parties while a Complaint is being investigated. Such measures will be precautionary, not disciplinary.

Mediation during the Formal Process

Where appropriate, Mediation is available to Parties to try to resolve the Complaint at any point during the process. Any ongoing Investigation will be suspended during Mediation and will resume if Mediation is unsuccessful.

Unless explicitly agreed to by the parties in writing, the Investigator shall not act as the Mediator and shall have no communication with the Mediator regarding the Complaint at any time.

Withdrawal of a Formal Complaint

At any time during the course of an Investigation of a formal complaint, the Complainant may choose to withdraw his or her complaint without penalty so long as the complaint was filed in good faith. In such circumstances, there should be no indication of the Complaint in the personnel files of the Complainant or Respondent.

The Investigation Process and Role of the Investigator

The investigator will take a reasonable amount of time to conduct the Investigation to interview the Parties and relevant Witnesses and obtain and review any potentially relevant documents.

The investigator will prepare a Report of Investigation outlining his/her findings and conclusions and submit the report to Human Resources.

The findings and conclusions may relate to both the conduct at issue and the medical/emotional/financial impact of the conduct on those involved.

The investigator may include recommendations in the Report, where applicable and if requested by the City of Penticton.

Human Resources will advise both the Complainant and Respondent of the findings and conclusions of the Investigation and any recommendations related to their conduct, through a written summary of the report. Other parties involved in the complaint (witnesses and others) will be advised that the Investigation has been concluded (without being provided any further information).

Appeals

Within 15 days of receiving a summary of the Investigative Report, either Party may file an appeal with the City Manager or his/her designate.

The appeal shall be based upon and restricted to perceived, specific flaws or errors related to the investigative process. The appeal shall not constitute an avenue in which to "re-investigate" the merits of the complaint.

The City Manager or his/her designate shall review the Investigative Report to evaluate the fairness of the process.

If the City Manager and/or his designate has any concerns with the investigative process, he/she may at his/her sole discretion: (a) remit the matter back to the Investigator, with specific questions/areas of clarification; or (b) refer the complaint to a new Investigator, depending on the nature and extent of procedural concerns as determined by the City Manager and/or his designate.

The decision of the City Manager or his/her designate is final.

OUTCOMES

General Outcomes

Once the Appeal period has expired or the Appeal has concluded, the City of Penticton will inform the Complainant and Respondent of its final implementation plan based upon the Investigative Report.

Part of the implementation plan may include processes similar to those set out in Step 2, in order to help rebuild/repair the relationships.

Outcomes that may be included in the implementation plan include one or more of the following:

- Oral and/or written apology from the Respondent(s);
- Adjustments to the workplace environment;
- Adjustment to leave entitlements (e.g. sick leave/vacation banks)
- EAP referrals;
- Coaching of Expectations – Verbal or in Writing;

- Medical Assessment referrals;
- Training;
- Transfers to a different shift/department; and/or
- Institution of formal discipline and disciplinary processes, up to and including suspension/termination for employees and suspension/removal from premises for contractors.
- Mediation

Significant discipline (including termination of employment and/or removal from premises) may arise even after one incident if such action is warranted based on the severity of the findings/conclusions of the Investigation. Otherwise, progressive discipline/action shall be implemented.

The Complainant and Respondent will only receive information relevant to their role in the final implementation plan; they will not be privy to recommendations related to the other Party.

Outcomes for Employees/Management

Management will determine and implement specific consequences and remedies that are reflective of and relevant to the Investigative findings/conclusions within a reasonable period of time after receipt of the Report of Investigation.

Disciplinary processes will be implemented in accordance with any relevant collective agreements or employment contracts.

Outcomes for Contractors

In the event that the Respondent is a contractor, the City of Penticton will consult with the appropriate personnel within the external agency to determine the appropriate remedy.

Appeals of Outcomes/Discipline

Any Party who disagrees with the nature/extent of action or disciplinary action imposed as a result of the Investigation should access the usual grievance/appeal processes set out in the relevant collective agreement or contract.

Other Important Points

Malicious/Vexatious/Frivolous Complaints or Misuse of the Policy

In circumstances where a complaint is found to have been made in bad faith or determined to be vexatious, frivolous or a general misuse of the Policy, the Complainant may face similar outcomes as a Respondent as set out above (i.e. interventions ranging from coaching to formal disciplinary intervention).

This section of the Policy may apply to filed Complaints as well as any circumstances in which individuals repeatedly threaten to file Complaints against others in order to achieve similar ends.

A Complaint (or "threatened" Complaint) will be deemed to have been made in bad faith when, considering all of the circumstances surrounding the Complaint including its timing and context, the Complaint was found to have been made solely in an attempt to:

- Influence, resist or overturn decisions related to the Complainant's employment;
- intimidate, threaten or cause trouble to the Respondent;
- create a hostile or intimidating workplace environment for others, including the Respondent; or
- create a potential personal benefit or entitlement to the Complainant.

Misuse of the Policy may include unreasonable, repetitive filing of Complaints or concerns that are consistently found to be unsubstantiated.

In circumstances where a complaint has been found to be malicious, vexatious or a misuse of the Policy, the Respondent may be awarded the same remedies as those available to Complainants as set out above.

Unsubstantiated Complaints

If the investigator finds insufficient evidence to support the Complainant's allegations and finds that there has been no misuse of the Policy or bad faith in filing the complaint, no action will be taken in relation to the Complaint. There will be no record of the Complaint on the Respondent's file.

Consequences of Retaliation

Any established retaliation against any Party, Bystander or Witness involved in an informal or formal resolution process shall be considered an independent violation of the Policy (regardless of the merits or outcome of the initial concern or Complaint) and shall result in significant discipline commensurate with the severity of the conduct.

Multiple Proceedings

This policy is in addition to and not in substitution for any rights an individual may have to pursue action, whether under collective agreements, policies or any applicable legislation, including human rights legislation.

If at any time a staff member elects to initiate other legal proceedings or if the staff member takes any steps outside of those contemplated under this policy, the City of Penticton may consider discontinuing or suspending any procedures taken under this policy as a result of the complaint (depending on a consideration of all of the circumstances).

Potentially criminal behavior such as assault, sexual assault, significant threats, or attempts at extortion shall be directly referred to the police by the City of Penticton upon receipt of a complaint of this nature.

Previous revisions

Workplace Harassment Policy (Rescinded)

Approval

A handwritten signature in black ink, appearing to be 'G. Litke', written over a horizontal line.

Garry Litke, Mayor

Regional District of Okanagan-Similkameen

Elected Official Code of Conduct Policy

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POLICY: Elected Official Code of Conduct

AUTHORITY: Board Resolution dated September 7, 2023.

PART ONE – ETHICAL CONDUCT

Division 1 – Interpretation and Application

Policy Statement

- 1** (1) This Code of Conduct policy is intended to guide elected officials in conducting their business in accordance with the guiding principles of integrity, transparency, accountability, civility, openness, respect, leadership and collaboration.
- (2) This policy is intended not to stifle Members or to limit their ability to fully perform the governmental and advocacy functions that their position entails, with all the vigour, flair and freedom that is typical of a well-functioning democratic institution, but instead to guide Members to undertake those functions in a manner that accords with sound ethical principles.
- (3) This policy does not cover every possible situation that a Member, Committee Member, Governing Body or committee may face. It is therefore important that Members make every effort to align their actions with the spirit and intent of this Code of Conduct.

Scope

- 2** (1) This policy, after its adoption by each local government, applies to the Governing Body of the following jurisdictions:
 - (a) the Regional District of Okanagan-Similkameen; and
 - (b) participating member municipalities.
- (2) This policy applies to all Members, inclusive of their actions in their capacity as members of various boards, committees, and other discretionary appointments.
- (3) The provisions of this policy apply without limitation to a Member's use of personal and professional social media accounts.
- (4) Unless otherwise provided, this policy does not apply to a Member's conduct in their personal life, except to the extent that such conduct reasonably undermines public confidence in local governance.

Definitions

3 (1) In this policy:

“Adjudicator” means an independent third party appointed by the Regional District who has the necessary professional skills, knowledge and experience to perform intake and preliminary assessment of a complaint;

“Campaign Period” means the period between the last day of the nomination period for local government elected officials and the election day;

“FIPPA” means the *Freedom of Information and Protection of Privacy Act* (British Columbia);

“Governing Body” means the Council or Board of Directors of a local government that has adopted this policy;

“Member” means the Mayor and Councillors of a local government or the Chair and Board members of the Regional District of Okanagan-Similkameen;

“Solicitor” means an independent third party appointed by the Regional District who has the necessary professional skills, knowledge and experience to formally investigate a complaint;

“Staff” means an officer or employee of a local government, but does not include contractors; and

“Volunteer” means a person engaged by the local government who, without compensation, offers their time, skills or services to the local government.

Interpretation

4 (1) This policy is to be interpreted broadly and in a manner that is consistent with the *Community Charter* and *Local Government Act*.

(2) The foundational principles in section 5 are to inform the interpretation of the substantive provisions of this policy and are not stand-alone bases for complaints.

(3) Nothing in this policy is intended to preclude Members, prior to the filing of a complaint, from speaking to each other in order to resolve matters which may otherwise be captured by this policy.

Foundational Principles

5 Responsible conduct is essential to providing good governance. Members recognize that responsible conduct is based upon the foundational principles of integrity, accountability, leadership, respect, openness and collaboration:

- (a) Integrity: Members are keepers of the public trust and must uphold the highest standards of ethical behaviour. Members are expected to act lawfully, be free from undue influence and make decisions that benefit the community.
- (b) Accountability: Members are trusted to act competently, diligently and responsibly. They must be held accountable for their actions and decisions.
- (c) Leadership: Members must demonstrate and promote the key principles of the Code of Conduct through their decisions, actions and behaviour. Their behaviour must build and inspire the public's trust and confidence in the local government.
- (d) Respect: Members must conduct public business efficiently, with decorum and with proper attention to the local government's diversity. They must treat each other and others with respect at all times.
- (e) Openness: Members must conduct their duties in an open and transparent manner, except where this conflicts with their duties to protect confidential information.
- (f) Collaboration: The social fabric of communities and the wellbeing of residents depends on solid and sustainable community partnerships. Members shall seek to collaborate whenever possible and appropriate.

Division 2 – Conduct Regulations

Comply with all Laws

- 6** Members shall comply with all applicable federal, provincial and municipal laws in the performance of their public duties, including but not limited to:
- (a) the *Local Government Act*;
 - (b) the *Community Charter*;
 - (c) FIPPA;
 - (d) the *Financial Disclosure Act*; and
 - (e) all bylaws and policies of the local government.

General Conduct

- 7** (1) Members shall not engage with others, including the public, Staff, Volunteers, and other Members, in a manner that is bullying, abusive, derogatory, or intimidating.
- (2) Members shall not use their office to attempt to gain personal or financial benefits for themselves, their family members, their friends, or business interests.

Handling of Personal and Confidential Information

- 8** (1) Members shall collect, use and disclose personal information in accordance with FIPPA and the policies and guidelines as established by the local government, including:
- (a) the local government's Records Management Policy; and
 - (b) the local government's Freedom of Information and Protection of Privacy Bylaw, if applicable.
- (2) Members shall keep information and records prohibited from release under section 117 of the *Community Charter* in strict confidence.
- (3) Without limiting the generality of subsection (2), Members shall not disclose:
- (a) information or records concerning the property, personnel, legal affairs, or other information of the local government distributed for the purposes of, or considered in, a closed meeting;
 - (b) resolutions or Staff report contents from a closed meeting of the Governing Body unless and until a Governing Body decision has been made for the information to become public; or
 - (c) details on the Governing Body's closed meeting deliberations or how individual Members voted on a question in a closed meeting.
- (4) Members shall not use confidential information to advance, directly or indirectly, their own personal, financial, or other private interests.

Conflict of Interest

- 9** (1) Members shall not participate in discussion of a matter, or vote on a question in respect of that matter, if the Member has a conflict of interest.
- (2) In respect of each matter before the Governing Body or Committee, Members shall:
- (a) assess whether they have a conflict of interest; and
 - (b) determine whether it is necessary to seek independent legal advice at their own cost, except where the CAO approves the cost, with respect to any situation that may result in a conflict of interest.
- (3) If a Member believes that they have a conflict of interest in respect of a matter in a Governing Body or committee meeting, the Member shall:

- (a) prior to the matter's consideration, notify the Mayor or Chair of the meeting that they have a conflict of interest, stating in general terms why they consider that to be the case;
- (b) leave any meeting if the matter is discussed and not return until the discussion has ended or voting has been concluded;
- (c) refrain from discussing the matter with any other Member publicly or privately; and
- (d) refrain from attempting in any way to influence the voting on any question in respect of the matter.

Interactions with Staff, Volunteers, and Other Members

10 (1) Members shall:

- (a) direct questions and inquiries regarding departmental issues to the CAO; and
- (b) refrain from contacting Staff directly, unless the communication is minor and for the purpose of seeking administrative clarity.

(2) Members shall not:

- (a) interfere with, hinder or obstruct Staff, Volunteers, or other Members in the exercise or performance of their roles, responsibilities, powers, duties or functions;
- (b) impair the ability of officers or Staff to implement the Governing Body's policy decisions;
- (c) request or require Staff to:
 - i. undertake personal or private work for or on behalf of a Member; or
 - ii. engage in political activities, or subject them to reprisal of any kind for refusing to engage in such activities;
- (d) induce, request encourage, aid, or permit Staff, directly or indirectly, to do something which, if done by the Member, would be a breach of this policy;
- (e) issue instructions to or otherwise communicate with any of the local government's contractors, tenderers, consultants or other service providers unless expressly authorized to do so by the CAO or a resolution of the Governing Body; or

- (f) communicate, except in a meeting, with a tenderer or proponent regarding the subject matter of the procurement.

Conduct of Meetings

- 11** (1) Members shall conduct themselves with decorum at meetings. This includes:
- (a) complying with all conduct provisions set out in the local government's Procedure Bylaw;
 - (b) adequately preparing for meetings;
 - (c) using respectful language;
 - (d) not using offensive gestures or signs;
 - (e) listening courteously and attentively to all discussions before the Governing Body, and focusing on the business at hand;
 - (f) not making comments not germane to the business of the Governing Body;
 - (g) not interrupting other speakers, except to raise a point of order;
 - (h) not leaving the meeting or making any disturbance while a vote is being taken and until a vote is declared; and
 - (i) not otherwise interfering with the orderly conduct of a meeting.

Interactions with the Public and Media

- 12** (1) In an effort to promote respect and integrity for the Governing Body's decision-making, Members shall not misrepresent the decisions of the Governing Body or Committee, even if they disagree with the majority decision.
- (2) Members shall refrain from making any disparaging comments about other Members.
- (3) When presenting their individual opinions and positions, Members shall explicitly state that it is their own personal view and that they do not represent the Governing Body, the Committee, or the local government in those views.

Gifts

- 13** (1) Members shall not accept a gift or personal benefit, except in accordance with section 105 of the *Community Charter*.

- (2) Members shall disclose a gift or personal benefit, received in accordance with section 105 of the *Community Charter*, as per section 106 of the *Community Charter*.

Use of Public Resources

- 14** (1) Members shall not use any local government property or assets, or any other public resources such as Staff time, equipment, technology, supplies, facilities or other property, for private gain, personal purposes or election-related purposes.
- (2) Members shall not undertake municipal election campaign related activities at the local government's office or on other premises owned by the local government during regular working hours, unless such activities are organized by the local government.
- (3) A Member shall not participate in any local government events requiring them to perform official ceremonial duties during the Campaign Period, unless authorized by a resolution of the Governing Body.
- (4) During the Campaign Period, a Member shall not:
- (a) deliver local government funded campaign materials;
 - (b) conduct open houses funded by the local government;
 - (c) distribute mass e-mails from the Member's local government email address, unless the communication arises from an emergency or the communication is authorized by the CAO; or
 - (d) use devices issued by the local government for campaign-related purposes.

PART TWO – INVESTIGATION, COMPLIANCE & ENFORCEMENT

Division 1 – Implementation and Preliminary Steps

Implementation

- 15** (1) As an expression of the standards of conduct for Members, this policy is intended to be self-enforcing.
- (2) This policy becomes most effective when Members are thoroughly familiar with it and embrace its provisions. For this reason, this policy shall be provided as information to candidates for a Governing Body or Committee.

Preliminary Steps

- 16** (1) If a Member believes that they have observed another Member engaging in conduct that would breach this policy, they must attempt to resolve the complaint directly with the other individual, if possible, prior to submitting a complaint under section 17.

Division 2 – Complaint Intake

Complaint Procedure

- 17** (1) Subject to section 16, a Member, Staff member or Volunteer may submit a complaint to the Corporate Officer, who will forward the complaint to the Adjudicator and copy the CAO.

(2) A complaint must be in writing, must be submitted within 60 days of the alleged breach, and must include, with sufficient detail:

- (a) the name of the complainant;
 - (b) the name of the respondent Member(s);
 - (c) the conduct that the complainant alleges was in breach of the Code;
 - (d) the date of the alleged conduct;
 - (e) the parts of the Code the alleged conduct breached;
 - (f) the basis for the complainant's knowledge of the conduct; and
 - (g) if a complaint is submitted by a Member, whether the Member attempted to resolve the complaint informally under section 16.
- (3) A complaint may be accepted notwithstanding that it does not comply with all of the requirements of subsection (2), if the Adjudicator determines that there has been substantial compliance or if the circumstances otherwise warrant acceptance.
- (4) A complaint submitted outside the time limits set out in subsection (2) must be rejected, except that the Adjudicator may grant an extension of no more than 30 further days if the circumstances of the complaint are sufficiently serious.
- (5) In an election year, complaints submitted from the first day of the nomination period to the general voting day must be accepted and held in abeyance until after the new Governing Body has taken office. At that time, complaints shall only proceed if they relate to a Member who was re-elected in that election year. For certainty, if the Member who is the subject of the complaint is not re-elected, the complaint must be rejected.

Preliminary Assessment

18 (1) On receipt of a complaint, the Adjudicator shall conduct a preliminary assessment or forward the complaint to the Governing Body's Solicitor to conduct the preliminary assessment. If the Adjudicator determines that any of the following circumstances apply, they must notify the complainant and respondent Member in writing that the complaint will be closed, stating the reasons for the closure:

- (a) the complaint is not with respect to a breach of this policy;
- (b) the complaint is frivolous, vexatious, or not made in good faith;
- (c) the complaint would be more appropriately addressed through another process;
- (d) the complaint was not in compliance with section 17, and the respondent Member will be prejudiced by the complainant's failure to comply;
- (e) the complaint concerns the same subject matter as a previous complaint that has already been accepted under this section, and it is not necessary to expand that original complaint or add the new complainant;
- (f) the complainant wishes to withdraw the complaint, and it would be appropriate to allow the complaint to be withdrawn;
- (g) the complaint was submitted by a Member, and the Member ought to have first attempted to resolve the complaint informally under section 16; or
- (h) there are no possible grounds on which to conclude that a violation of this policy has occurred.

(2) In completing the preliminary assessment, the Adjudicator may request further information from the complainant before determining whether there are sufficient grounds to believe that a breach of this policy may have occurred.

(3) Once a complaint is accepted under subsection (1),

- (a) the Adjudicator must refer the complaint to the Solicitor, if not already referred under subsection (1), for a determination under subsection (b); and
- (b) the Solicitor must then determine whether the complaint requires a formal investigation or whether the complaint may be resolved informally.

- (4) If the Solicitor receives multiple complaints concerning the same matter, the Solicitor must proceed with the first complaint accepted, but may expand the complaint and/or add complainants for the purpose of seeking resolution of the complaint.

Criminal Conduct

- 19** (1) If, at any stage in the complaint procedure, the Adjudicator or Solicitor determines that there are reasonable grounds to believe that there has been a contravention of the *Criminal Code*, or learns that there is an ongoing police investigation into the conduct that gave rise to the complaint, then they must immediately refer the matter to the appropriate authorities and suspend any investigation into the complaint until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to the Governing Body, the complainant, and the respondent Member.
- (2) For certainty, a complaint must be suspended while the respondent is on a mandatory leave of absence under section 109.3(1) of the *Community Charter*, and may be re-commenced only once the mandatory leave of absence ends pursuant to section 109.3(1)(b) of the *Community Charter*.

Disqualification Proceedings

- 20** (1) If, at any stage in the complaint procedure, the Adjudicator or Solicitor determines that:
- (a) the subject-matter of the complaint is being addressed in a disqualification proceeding commenced under section 111 of the *Community Charter*; or
 - (b) the complainant could commence a disqualification proceeding under section 111 of the *Community Charter* in relation to the matter that is the subject of the complaint

the complaint must immediately be suspended until the proceeding under subsection (a) has concluded or the time-period within which the complainant could commence a proceeding under subsection (b) has expired.

- (2) The Adjudicator or Solicitor that has suspended a complaint under subsection (1) may, if
- (a) the Member who is subject to the complaint has not been disqualified from office by the British Columbia Supreme Court; and
 - (b) it would be in the public interest to do so,

re-commence the complaint upon the conclusion of a disqualification proceeding or the time-period within which a disqualification proceeding could be filed has expired.

Division 3 – Resolution Procedures & Investigations

Informal Resolution

- 21** (1) Where the Solicitor has determined that the complaint may be resolved informally, the Solicitor may, at their discretion, either attempt to resolve the complaint directly, or refer the complaint to:
- (a) the Mayor or Chair, if the complaint is made by a Member, unless the complaint is against the Mayor or Chair in which case the complaint will be referred to the Acting Mayor or Acting Chair; or
 - (b) the CAO, if the complaint is made by a Staff member.
- (2) When determining whether the complaint may be resolved informally, the Solicitor may consider culturally appropriate or transformative or restorative justice approaches, and may engage a third-party mediator or facilitator to assist for this purpose.
- (3) Where the Solicitor has referred the complaint in subsection (1), the Mayor, Chair or CAO, as the case may be, may agree to assist in resolving the complaint directly, or may appoint a third party to assist in resolving the complaint at their discretion.
- (4) The person assisting in the informal resolution of a complaint shall assess the suitability for settlement or resolution on an ongoing basis and may decline to assist at any point.
- (5) The complainant or respondent Member may decline to participate in an informal resolution at any time.
- (6) If the complaint is resolved informally by someone other than the Solicitor, the person assisting in resolving the complaint must notify the Solicitor in writing of the terms of the resolution, upon receipt of which, the Solicitor must close the complaint.
- (7) If the person assisting in the informal resolution of a complaint declines to assist, the complainant or respondent Member declines to participate, or 30 days has passed since the determination in section 18(3) was made by the Solicitor to resolve the complaint informally, then the complaint shall be referred in accordance with section 22.

Referral to Solicitor

- 22** (1) If the Adjudicator determines that the complaint requires a formal investigation under section 18(3), or in the event that informal resolution is unsuccessful, they shall refer the complaint to the Solicitor to conduct an investigation and notify the complainant and respondent Member of the referral.

(2) The Solicitor shall, at all times during an investigation, have all of the same powers to dismiss a complaint on a preliminary basis as set out in section 18.

(3) A Solicitor, once retained, may only be dismissed for cause.

Formal Resolution

- 23** (1) Once retained, the Solicitor shall deliver the complaint to the respondent Member, along with a request that the respondent provide a written response to the complaint, together with any submissions that the respondent chooses to make, within 10 days, subject to the Solicitor's discretion to reasonably extend the timeline.
- (2) The Solicitor may, at their discretion, deliver the respondent Member's written response and submissions to the complainant and request a reply in writing within 10 days, subject to the Solicitor's discretion to reasonably extend the timeline.
- (3) The Solicitor may:
- (a) speak to anyone relevant to the complaint;
 - (b) request disclosure of documents relevant to the complaint, including closed meeting minutes; and
 - (c) access any record in the custody or control of the local government, within the meaning of FIPPA, with the exception of records subject to solicitor-client privilege.
- (4) The Solicitor has discretion to conduct the investigation as they see fit, but must ensure that the investigation complies with the rules of procedural fairness and natural justice required in the circumstances of the complaint.

Confidentiality

- 24** (1) The Adjudicator and Solicitor must make all reasonable efforts to process and investigate complaints in a confidential manner.
- (2) The Solicitor and every person acting under the Solicitor's instructions must preserve confidentiality with respect to all matters that come into the Solicitor's knowledge in the course of any investigation or complaint, except as otherwise required by law.
- (3) Members must make all reasonable efforts to keep complaints under this policy, at any stage, confidential, except as otherwise provided in this policy.

Adjudication and Reporting

- 25** (1) The Solicitor must conclude the investigation and make a determination regarding the alleged breach within 90 days of referral under section 22, unless the Solicitor determines that doing so is not practicable, in which case the Solicitor must notify the complainant and respondent Member of the delay and provide a revised decision date. The revised decision date may be extended by periods of up to 30 days at a time on provision of written notice to the complainant and respondent Member.
- (2) If, after reviewing all the material information, the Solicitor determines that the Member did not violate this Policy, then the Solicitor shall:
- (a) prepare a written investigation report providing reasons for their determination, which shall include a determination of whether the complaint was submitted frivolously, vexatiously, or in bad faith;
 - (b) deliver a summary of the investigation report to the complainant; and
 - (c) deliver a copy of the investigation report to the respondent Member and to the Governing Body.
- (3) If, after reviewing all the material information, the Solicitor determines that the Member did violate this Policy, then the Solicitor shall:
- (a) prepare a written investigation report providing reasons for their determination, which must include:
 - i. a summary of the factual findings of the Solicitor;
 - ii. an application of this policy, and any other applicable law, to the facts;
 - iii. a recommendation of the appropriate sanction, subject to subsection (iv); and
 - iv. if applicable, a determination of whether the respondent Member took all reasonable steps to avoid the breach or whether the breach was trivial, inadvertent, or due to an error in judgment made in good faith, in which case the Solicitor may recommend that no sanction be imposed;
 - (b) notify the complainant that the investigation is complete and inform them that the investigation report, or a summary thereof, will be subsequently released by the Governing Body in accordance with section 27(4);

- (c) deliver a copy of the investigation report to the respondent Member; and
 - (d) 48 hours after the delivery of the investigation report to the respondent Member, deliver a copy of the investigation report to the Governing Body.
- (4) The Solicitor may choose to distribute the investigation report to the Governing Body under this section through the Corporate Officer.

Obstruction

- 26** (1) No Member, Staff member or Volunteer shall interfere with or otherwise obstruct the Adjudicator or Solicitor in relation to the administration of this policy or the investigation of a complaint. Without limitation, the following shall constitute obstruction:
- (a) uttering of threats or reprisal against any person involved in the complaint;
 - (b) destruction of relevant records or documents; and
 - (c) refusal to cooperate with the Solicitor.
- (2) A person who is found to have obstructed the Adjudicator or Solicitor will be subject to appropriate disciplinary action, which may include, but is not limited to:
- (a) sanctions and remedies described in section 28;
 - (b) termination of employment for just cause; or
 - (c) prohibition against filing a complaint under this policy for a specified and reasonable period of time.

Division 4 – Governing Body Decision

Final Determination

- 27** (1) The Governing Body must, within 30 days of the Solicitor's delivery of the investigation report, or a longer period if approved by a 2/3 vote of the Governing Body, decide on the appropriate measures, if any, that are warranted by a breach of this policy.
- (2) Prior to making any decision regarding the findings and recommendations set out in the investigation report, the respondent Member must be provided with an opportunity, in person and in writing, to comment to the Governing Body on the Solicitor's determinations and recommendations.
- (3) While an investigation report may be considered in a closed meeting, if the circumstances warrant and there is a valid reason to close the meeting under section

90 of the *Community Charter*, when the Governing Body deliberates and votes on the Solicitor's recommendation, it will generally do so in an open meeting.

- (4) Within 30 days of receiving the investigation report under section 25, the Governing Body must, subject to the local government's obligations under FIPPA, release to the public the investigation report, or a summary thereof, along with a summary of the Governing Body's decision if applicable.

Remedies

28 (1) Remedies that may be imposed by the Governing Body for a violation of this policy include the following:

- (a) a letter of reprimand from the Governing Body, addressed to the respondent Member;
- (b) a request from the Governing Body that the respondent Member issue a letter of apology;
- (c) the publication of the letters contemplated in subsections (a) and (b), along with the respondent Member's response, if any;
- (d) directions to the CAO regarding the method of providing documents that contain confidential information to the respondent Member;
- (e) a recommendation that the respondent Member:
 - i. attend specific training or counselling;
 - ii. complete a specified number of volunteer hours; or
 - iii. make a charitable donation of a specified or unspecified amount to a particular charity;
- (f) limitations on access to certain local government facilities;
- (g) prohibition from representing the local government at events and/or attending conferences;
- (h) suspension or removal of the respondent Member from the Acting Mayor or Acting Chair rotation;
- (i) public censure of the respondent Member;
- (j) removal of the Member's appointment to the committee; or

- (k) any other sanction recommended by the Solicitor, so long as that sanction is within the authority of the Governing Body.

(2) The Governing Body must consider the following factors when determining whether to impose a sanction on a Member:

- (a) the degree and nature of the conduct;
- (b) whether the contravention was a single or repeated act;
- (c) whether the Member knowingly contravened this policy;
- (d) whether the Member took steps to mitigate or remedy the contravention;
- (e) the Member's history of other contraventions; and
- (f) if applicable, the Solicitor's finding that the respondent Member took all reasonable steps to avoid the breach, or that the breach was trivial or done inadvertently or because of an error in judgment.

Division 5 – Post- Decision Matters

Remuneration

29 (1) Where the Solicitor finds that a Member:

- (a) breached this policy; or
- (b) submitted a complaint that was frivolous, vexatious, or made in bad faith,

the remuneration to which that Member would otherwise have been entitled shall be reduced in accordance with the local government's remuneration bylaw or policy, as amended from time to time.

(2) Notwithstanding subsection (1), the remuneration of a Member shall not be reduced if the Solicitor makes a finding that:

- (a) the Member took all reasonable steps to prevent the breach;
- (b) the breach was trivial or inadvertent; or
- (c) the breach was because of an error in judgment made in good faith.

Reimbursement of Costs

- 30** (1) A Member may make a request to the Governing Body for reimbursement of the costs of legal advice and representation in responding to the formal complaint process outlined in this policy. If appropriate, after considering all of the circumstances, the Governing Body may resolve to reimburse legal fees reasonably incurred by a Member, provided that all of the following are met:
- (a) the Member has not previously been found to have breached this policy; and
 - (b) the amount claimed does not exceed \$10,000.

Frivolous and Vexatious Complaints

- 31** (1) Any individual covered by this policy who makes a complaint that is subsequently found to have been made in a deliberately frivolous, vexatious or malicious manner, or otherwise made in bad faith, will be subject to appropriate disciplinary action, which may include, but is not limited to:
- (a) in the case of Members, sanctions and remedies as described in this policy;
 - (b) in the case of Staff, disciplinary action or termination of employment for just cause, as applicable; and
 - (c) in the case of any complainant, prohibition from filing complaints under this policy for a specified period of time.

Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Sheri Raposo, Land Administrator
Address: 199 Ellis Street

File No: 4320-80

Subject: License to Use Agreement for Peach City Indoor Pickleball Club

Staff Recommendation

THAT Council approve a License to Use Agreement for three years of play to Peach City Indoor Pickleball Club for the purpose of operating an indoor pickleball club located at 199 Ellis Street at a monthly rate of \$3,598.00 + GST, per month including utilities, with a two-year option to renew with an increase of CPI annually;

AND THAT Council authorize the Director of Finance and Administration and Corporate Officer to execute the License to Use Agreement.

Strategic priority objective

Vibrant & Connected: Support vibrant and diverse activities creating opportunities for connection in community.

Background

The subject property is located at 199 Ellis Street. The site contains an existing 7,800 sq.ft. structure, commonly referred to as the 'Bus Barn'.

The Bus Barn has been home to the Peach City Indoor Pickleball Club since 2020. The facility saw over 12,600 player visits in the past season. With two courts available from 7am – 9pm every day, the facility was utilized 94% of the available time.

On Tuesday, October 19, 2021 Council passed the following resolution:

10.6 License to Use Agreement for Peach City Indoor Pickleball Club

356/2021 **It was MOVED and SECONDED**

THAT Council approve a License to Use Agreement for two terms, to Peach City Indoor Pickleball Club for the purpose of operating an indoor pickleball club at a monthly rate of \$3,500.00 + GST per month including utilities with the first term from November 1, 2021 to May 1, 2022 and the second term from November 1, 2022 to May 1, 2023;

AND THAT Council authorize Mayor and Corporate Officer to execute the License to Use agreement.

CARRIED UNANIMOUSLY

The Bus Barn has also been used as a Reception Centre for Emergency Support Services (ESS) since 2020. The Pickleball Club and the ESS have co-existed well together.

The Pickleball Club and its members have once again shown interest in continuing to use the Bus Barn for their indoor pickleball play. They are requesting the use of the building for an additional five years. Their season of play runs from November 1 to May 1. They are requesting the same terms and conditions granted to them from the previous year. This arrangement will leave the Bus Barn vacant from May until October for use by ESS, in the event of an Emergency.

The Pickleball Club intends to operate 7 days a week and would schedule five – two hour sessions per day on the two courts.

The Emergency Support Services, have indicated that they wish to maintain and continue to utilize a small portion of the building as a reception center and to host their monthly meetings in the building. The Pickleball Club will continue to co-exist and work around the needs of ESS. In the event that ESS needs to activate their emergency center during the term that Pickleball is utilizing the Bus Barn, the Pickleball Club is prepared to provide ESS with immediate full access to the building.

Growth of the Pickleball Club

To date, the Peach City Indoor Pickleball Club has spent over \$29,000 on improvements. All costs have been funded by players' fees and a few sponsorships.

- Floor preparation \$12,879
- Court fencing, nets and posts \$5,775
- Site preparation (electronic door lock, painting, floor surfacing) \$4,678
- Furniture and equipment (pickleball machine, vacuum cleaner, tables, chairs) \$6,425

Many of the improvements have also benefitted the Emergency Support Services program with better flow and a substantially brighter, cleaner facility.

License to Use Summary

The Pickleball Club will continue to be responsible for the day to day upkeep, and court maintenance that includes the flooring, netting and any further improvements. The City will continue to be responsible for the major building systems, security and the surrounding grounds.

As in all of our short term License to Use Agreements, there is a cancellation clause in the event that the City requires the licensed area for its own use or in the sole discretion, considers that it is in the public interest to cancel the rights to the agreement. In the event that the City deems it necessary to cancel this agreement, staff would be required to provide 180 days written notice to the Pickleball Club.

Financial implication

Staff obtained a market rate appraisal with an annual value of \$54,600 (\$7/sq.ft), resulting in a monthly rate of \$4,550. As this group will only be utilizing two thirds of the building, they are once again proposing a monthly rate of 3,598.00 + GST with all utilities included. No leasehold improvements would be required of the City.

The Pickleball Club collects revenue for the license fee through a pre-paid seasonal membership.

Alternate recommendations

1. THAT Council direct staff to enter into a five-year License to Use Agreement to Peach City Indoor Pickleball Club.

2. THAT Council direct staff to not enter into a three-year License to Use Agreement to Peach City Indoor Pickleball Club.

Attachments

Attachment A – Pickleball Request Letter

Attachment B – Support Letter from ESS

Attachment C - Draft License to Use Agreement

Respectfully submitted,

Sheri Raposo
Land Administrator

Concurrence

Director of Finance & Administration <i>AMC</i>	Director of Community Services <i>KJ</i>	City Manager <i>SBH</i>
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**“THE GARAGE” at:
199 Ellis Street
Penticton, BC**

**Mailing Address:
PEACH CITY INDOOR PICKLEBALL CLUB
249 Ponderosa Ave, Kaleden, BC V0H 1K0**

June 1, 2023

Sheri Raposo,
Land Administrator,
Land Administration Department,
City of Penticton,
171 Main Street,
Penticton, BC, V2A 5A9

Dear Sheri:

This letter is to formally apply to the City of Penticton Land Administration Department for an extension of Peach City Indoor Pickleball Club's *Licence to Use* (LTU) for the building at 199 Ellis Street, also known as ***"The Garage"***. As you are aware, the LTU was recently extended to May 1, 2024. We are requesting that consideration be given to extend the LTU for an additional five-year term to expire on May 1, 2029, under the same terms and conditions as our existing agreement.

On behalf of the Peach City Indoor Pickleball Club's executive and players, we would like to take this opportunity to thank you and your staff for all of the support and assistance over the past three winter seasons in making ***"The Garage"*** a wonderful social and pickleball venue.

We would also like to pass on our gratitude to the past City of Penticton council for seeing the benefits of our club revitalising and utilizing an otherwise empty and lonely building.

THE STORY

In 2019, at the height of Covid, a group of passionate pickleball players were looking for a temporary venue to play pickleball over the winter as the vast majority of snowbirds would not be traveling for that season. We were aware that the numbers of non-traveling players would put a great deal of strain on the Recreation Center's ability to meet the demands of the ever-increasing number of pickleball fanatics.

City Land Administration staff were approached to see if they would support our group leasing the old Greyhound Bus garage at 199 Ellis Street. If so, we planned to do quick renovations to the facility to build temporary pickleball courts for the 2020-2021 winter season. We had a clear understanding that the building was also used as a reception center for evacuees during crisis events. Staff and Council supported and approved the proposal.

During the first season the concrete floors were quickly painted and temporary fencing was installed to facilitate play. Almost overnight, enough player's fees were collected to pay for the improvements and to meet the financial needs of the club for the season.

As soon as the work was completed, and on the very day that play was to begin, the BC Provincial Government closed all sport facilities. In January 2021 our club and City staff came to an agreement to amend the original agreement to

permit a scaled back version of play that met the parameters of the Province's Covid protocols which mandated "singles" play only instead of the usual "doubles" play.

The scaled back season was such a success, in spite of "singles play" only, that the players desperately wanted our executive to approach the City to see if the facility could be leased for a longer term allowing for more funds to be raised to make professional improvements to the floors, fencing and overall cleaning and painting of **"The Garage"**. In the fall of 2021, with the support of City Land Administration management and staff, council approved a two-year lease with a one-year option. This gave the club the confidence to raise the needed funds to make major improvements which resulted in the first-class facility that we enjoy today. Despite the fact that **"The Garage"** has only two courts, the quality of the playing surface and the separation of the individual courts have transformed the facility into one of the premier indoor pickleball venues in the valley.

"The Garage" has become an exciting winter getaway, or as one of our players calls it "her happy place", for the one hundred passionate players of the Peach City Indoor Pickleball Club.

The facility saw over 6400 player visits in the past season with an average attendance of 64 sessions per player. The facility was utilized 92% of the available time from 9 am to 5pm Monday to Friday. To date the Peach City Indoor Pickleball Club has spent over \$21,000 on improvements. All costs have been funded by players' fees and a few sponsorships.

Many of the improvements have also benefitted the Emergency Support Services program with better flow and a substantially brighter, friendlier and cleaner facility.

In closing we would like to reiterate our gratitude to all the Managers and staff at The City of Penticton who have supported our clubs use of **"The Garage"** at 199 Ellis Street Penticton.

Thank you in advance for your consideration of the Peach City Indoor Pickleball Club's application to lease the building at 199 Ellis Street for 5 more years.

Best Regards,

Peach City Indoor Pickleball Club

Gary Gierlich
Director

Donald I. Jeffery, CPA, CA
Director/Treasurer



Emergency Support Services
250 Nanaimo Ave. W. | Penticton B.C. | V2A 1N5
www.penticton.ca | ESS@penticton.ca

May 24, 2023

City of Penticton
Attn: Sheri Raposo
171 Main Street
Penticton, B.C. V2A 5A

This is a letter in support of the Peach City Indoor Pickleball Club's request to extend their current lease of the city-owned facility at 199 Ellis Street, Penticton.

The City of Penticton Emergency Support Services team and the above noted pickleball club have co-shared this facility for the past 3 years. Pickleball utilizing the building during winter months, and the ESS team utilizing the building during the spring, summer, and fall.

The ESS team utilizes one locked room throughout the winter months for storage.

Over this time, the pickleball club have made numerous improvements to the building, painting the floors, walls, and most recently the washrooms. Fencing and netting has been installed over the years by the pickleball club to divide the building into 2 courts. The placement of these installations works well with the current floor plan that the ESS team utilizes for our Reception Center.

The pickleball club members lay and tape down heavy brown paper on the court floors each spring to mitigate damage to the painted courts when the building is utilized by the ESS team. A plan is in place (with the pickleball club) to ensure that the floors can be covered in a timely manner should the City of Penticton ESS team be activated and require the facility at 199 Ellis Street for evacuees while pickleball is utilizing the building.

This past April an emergency event occurred in Penticton that required a small reception center to be activated. The resulting reception center worked well for all parties: The ESS team, the evacuees and the pickleball club.

Over the past years that the ESS team and pickleball have co-occupied this building, we have always had positive, flexible, and timely communication with the pickleball club. We have an amazing partnership.

If you have any questions regarding this letter of support, please feel free to contact the undersigned.

Sincerely,

Vicky Horton, Director, Penticton Emergency Support Services
City of Penticton | c:250.328-8749 | e: ess@penticton.ca

I acknowledge that I work, live, and play within the traditional, unceded territory of the Syilx people in the Okanagan Nation



LICENSE TO USE AGREEMENT

Nature of Agreement:	License to Use	File No.: 4320-80
Particulars:	Use of building located at 199 Ellis Street, Penticton for the purpose of operating an indoor PickleBall club.	

THIS AGREEMENT dated for reference the ____ day of January, 2024.

BETWEEN:

THE CORPORATION OF THE CITY OF PENTICTON

a duly incorporated City Municipality under the laws of
the Province of British Columbia, located at
171 Main Street, Penticton, BC V2A 5A9

(the “City”)

OF THE FIRST PART

AND:

PEACH CITY INDOOR PICKLEBALL CLUB

a Society incorporated under the laws of the Province
of British Columbia, having its registered and records office
at 249 Ponderosa Avenue, P.O. Box 102
Kaleden, BC V0H 1K0

(the “Licensee”)

OF THE SECOND PART

WHEREAS, the City has agreed to grant a license to the Licensee to have access and use of the building described in Schedule A attached hereto (the “**Licensed Area**”);

NOW THEREFORE, in consideration of the fee to be paid by, and the covenants of the Licensee, the parties agree as follows:

1. Grant of License

The City, on the terms set forth herein grants a license to the Licensee to have access and use of the Licensed Area for the purposes described in the Management Plan attached hereto as Schedule B (the “**Management Plan**”) on an “as is” basis and the City makes no representations or warranties as to the suitability of the Licensed Area for the intended use.

2. **Duration**

2.1 This agreement and the rights granted shall be for **THREE (3) terms of play as follows:**

1st term

November 1, 2024 (the “**Commencement Date**”) through to **May 1, 2025**, unless cancelled in accordance with the terms of this agreement.

2nd term

November 1, 2025 (the “**Commencement Date**”) through to **May 1, 2026**, unless cancelled in accordance with the terms of this agreement.

3rd term

November 1, 2026 (the “**Commencement Date**”) through to **May 1, 2027**, unless cancelled in accordance with the terms of this agreement.

2.2 This agreement includes a provision for renewal for an additional two (2) terms of play upon mutual agreement by the City and the Licensee of the terms and conditions.

3. **License Fee**

3.1 On the Commencement Date and monthly thereafter during the term, the Licensee shall pay to the City, the amount of **THREE THOUSAND FIVE HUNDRED AND NINETY EIGHT (\$3,598.00)** dollars plus **GST** (the “**License Fee**”).

3.2 On each and every anniversary of the Commencement Date thereafter during the term of this agreement, the License Fee shall be adjusted by an amount equivalent to the change in the Consumer Price Index for Province of British Columbia for the preceding year.

4. **Utilities**

The City will be responsible for all utility costs including electric, gas, water and sewer.

5. **Covenants of the Licensee**

The Licensee covenants and agrees with the City:

- a) to pay the License Fee due at the address of the City or at such other place as the City may specify from time to time;
- b) to observe, abide by and comply with all applicable laws, bylaws, orders, directions, ordinances and regulations of any competent governmental authority in any way affecting the Licensed Area and improvements situate thereon, or their use and occupation, and to ensure that parties permitted

to utilize the Licensed Area by the Licensee comply with the terms of this agreement and will not jeopardize the Licensee's compliance with the terms and conditions of this agreement;

- c) not to commit or suffer any willful or voluntary waste, spoil or destruction on the Licensed Area or do or suffer to be done thereon anything that may be or become a nuisance or annoyance to owners or occupiers of the property or the adjoining properties;
- d) to indemnify, save harmless, release and forever discharge the City, their elected and appointed officials and employees from and against all manners of actions, causes of actions, claims, debts, suits, damages demands and promises, at law or in equity, whether known or unknown, including without limitation for injury to persons or property including death, or any person directly or indirectly arising or resulting from, or attributable to, any act, omission, negligence or default of the Licensee in connection with or in a consequence of this agreement, save and except to the extent caused by any act, omission, negligence or default of the City, its elected and appointed officials and employees;
- e) to keep the Licensed Area in a safe, clean, tidy and sanitary condition satisfactory to the City and to make clean, tidy and sanitary any portion of the Licensed Area or any improvement that the City may direct by notice in writing to the Licensee;
- f) to use and occupy the Licensed Area in accordance with the provisions of this license including those provisions and requirements set forth in the Management Plan;
- g) to permit the City, or its authorized representative, to enter upon the Licensed Area at any time, with 72 hours of notice to the Licensee, to test, inspect or perform such other work as the City may deem necessary or desirable;
- h) that on the expiration or at the earlier cancellation of this agreement unless renewed:
 - i. to peaceably quit and deliver possession of the Licensed Area to the City;
 - ii. to remove all fixtures, structures, machinery, apparatus and all other things placed on the Licensed Area by the Licensee, leaving the Licensed Area in a clean and clear condition within thirty (30) days of the termination of this agreement and leave the Licensed Area in good repair, restoring the Licensed Area to a condition similar to that at the Commencement Date with the exceptions noted in paragraph 2.3 of the Management Plan. On thirty (30) days after the expiration or cancellation of this license, any improvements or fixtures that remain on the Licensed Area shall be absolutely forfeited and become the property of the City and the City, at their sole discretion,

may remove any or all of the improvements or fixtures that were requested to be removed, but left by the Licensee, from the Licensed Area and the Licensee shall, on demand, compensate the City for all costs incurred by the City respecting their removal and disposal.

- i) to the extent necessary, this covenant shall survive the expiration or cancellation of this agreement;
- j) to effect and keep in force during the term, insurance against claims for personal injury, death, property damage or third party or public liability claims arising from any accident or occurrence on the Licensed Area to an amount not less than **FIVE MILLION (\$5,000,000.00) DOLLARS**, and to name the City as an additional insured on the policy with the inclusion of the following clauses:

“**Cross Liability**” clause:

“The insurance afforded by the insurance policy shall apply in the same manner to all insureds, as though separate policies were issued to each insured in the event an action is brought against any of the additional insured by or on behalf of any other additional insured.”

“**Cancellation**” clause:

“It is understood and agreed that the coverage provided by this policy will not be changed or amended in any way or cancelled (prior to thirty (30) days after written notice of such change or cancellation shall have been given or sent by registered mail to all additional insured).”

and deliver to the City written confirmation of the required insurance coverage upon execution of this agreement.

- k) the Licensee will provide the City with a new Certificate of Liability Insurance annually upon renewal;
- l) notwithstanding subsection k) of Section 5, the City may from time to time notify the Licensee that the amount of insurance posted by the Licensee pursuant to that subsection be changed and the Licensee shall, within sixty (60) days or receiving such notice, cause the amount of insurance posted, pursuant to subsection k) of Section 5 to be changed to the amount specified in the notice and deliver to the City written confirmation of the change.
- m) not to place any improvements on the Licensed Area other than those described elsewhere in this agreement, without prior written consent of the City;
- n) not cause or permit any unusual or objectionable noises, or lights, to emanate from the Licensed Area;

- o) not cause or permit any unusual or objectionable odours which may be noxious or offensive or which could constitute a public or private nuisance;
- p) not cause or permit any waste or damage;
- q) to observe and comply with any rules or regulations the City may make from time to time pertaining to the operation, reputation, safety, care or cleanliness of the Licensed Area and any use thereof as provided herein;
- r) that if, as a consequence of any release of a Hazardous Substance resulting from the Licensees use of the Licensed Area in or on the Licensed Area by the Licensee or its servants, agents, or contractors or any person for whom the Licensee is in law responsible, any actions are required to be taken in order to comply with any Government Requirement applicable to the use, presence or removal of such Hazardous Substance on or from the Licensed Area (including any Governmental Requirement relating to testing for or identification of Hazardous Substances) and if the Licensee has received notice in writing of such Governmental Requirement from the relevant authority (whether the requirement is made of the City or Licensee), then the Licensee shall at its expense take such action as required by the Governmental Requirement (or alternatively such other action as may be acceptable to the relevant authority after discussing with the Licensee). For the purposes of this paragraph:

Governmental Requirement(s) means all requirements made or imposed pursuant to law by federal, provincial, municipal or other governments including requirements of the Environmental Laws.

Hazardous Substances means any substances that are defined as or regulated as being waste, contaminants, pollutants, fungicides, insecticides, herbicides, dangerous substances, industrial waste, special waste, toxic substances, hazardous waste, hazardous material, or hazardous substance whether or not defined as such or pursuant to any law, regulation or order

Environmental Laws means all applicable federal, provincial, municipal or local laws, statutes or ordinances, as they may be amended from time to time after the Commencement Date of the license relating to the environment, occupational safety and the transportation or regulations of Hazardous Substances.

- s) that if, the Licensee fails to take any action required to be taken pursuant to any consequence of any release of a Hazardous Substance the City may (but not be obligated to) take such action after giving thirty (30) days written notice to the Licensee of its intention to do so, unless within such thirty (30) day period that Licensee has taken the required action or has commenced in and is continuing diligently to carry out such action, and the City shall for that purpose, be permitted to enter the Licensed Area with the appropriate

equipment. The Licensee covenants to reimburse the City for all reasonable costs incurred by the City in taking such required action pursuant to the release of any Hazardous Substance within thirty (30) days after receiving from the City an invoice and reasonable supporting details relating to such costs.

6. Non-Exclusivity

- 6.1 The Licensee acknowledges and agrees that this license herein shall not entitle the Licensee to exclusive possession of the Licensed Area.
- 6.2 The Licensee covenants and agrees not to interfere with the activities of any other person to enter on and use the Licensed Area under any prior or subsequent license granted by the City.
- 6.3 The parties hereto acknowledge that the license granted to the Licensee herein is a license only and shall not, under any circumstances, constitute a partnership, lease or joint venture between the parties.

7. Special Provision

In the event of an emergency, the Licensee hereby agrees to provide the City with access to the Licensed Area for the purpose of a Reception Center for the City of Penticton's Emergency Support Services (ESS). Any rent paid by the Licensee will be prorated back to the Licensee for the time the Licensed Area is utilized as an ESS Reception Center.

The City of Penticton's ESS will have access to the building, as needed, for the purpose of the storage of emergency response items to be located in the front portion of the building and once a month will host a meeting in the evening.

8. Assignment

The License is not assignable.

9. Cancellation

- 9.1 In the event that:
 - a) the City requires the Licensed Area for its own use or in its sole discretion, considers that it is in the public interest to cancel the rights herein granted, in whole or in part;
 - b) the Licensee ceases to use the Licensed Area for the purposes permitted herein;
 - c) the Minister of Health and the Provincial Health Officer order further restrictions that include the shutdown of recreational programs and facilities in conjunction with the current COVID-19 pandemic;

- d) the City, in its sole discretion, considers that it is no longer necessary for the Licensee to use the Licensed Area for the purposes permitted herein;

the City may on one hundred and eighty (180) days written notice to the Licensee, cancel this agreement and the rights herein granted, in whole or in part and the Licensee agrees that the City shall not be responsible for payment of any costs, compensation, reimbursement or any monies whatsoever as a result of a notice pursuant to paragraph 9.1 a), b), c) or d) except repayment of the prorated portion of any prepaid License Fee if notice is pursuant to paragraph 9.1 a), c) or d).

- 9.2 If the Licensee is in default in the observance of any covenant, agreements, provisions or conditions contained herein and such failure continues for a period of thirty (30) days after the giving of written notice by the City to the Licensee of the nature of the failure the City may cancel this agreement without prejudice to any rights to which the City has accrued under this agreement before the said cancellation.
- 9.3 Thirty (30) days after expiration or cancellation of this agreement, any improvements or fixtures that remain unremoved from the Licensed Area, shall be absolutely forfeited and become the property of the City and the City may remove them from the Licensed Area and the Licensee shall, on demand, compensate the City for all costs incurred by the City respecting their removal.
- 9.4 The Licensee may on thirty (30) days written notice to the City, cancel this agreement and the rights herein granted, in whole or in part and the Licensee agrees that the City shall not be responsible for payment of any costs, compensation, reimbursement or any monies whatsoever as a result of a notice.

10. **General**

- 10.1 The terms and provisions of this agreement shall extend to, be binding upon and enure to the benefit of the parties, hereto and their successors and permitted assigns.
- 10.2 This agreement and all the terms and conditions of it may be inspected by the public at such times and at such places as the City may determine.
- 10.3 Time is of the essence in this agreement.
- 10.4 The records of the City shall be conclusive evidence of the contents of any schedule referred to in this agreement.
- 10.5 In this agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.
- 10.6 Where in this agreement there is a reference to Bylaws, that reference shall include a reference to any subsequent enactment of like effect, and unless the context

otherwise requires all Bylaws referred to herein are enactments of the City of Penticton.

- 10.7 Any waiver or acquiescence by the City of or in any breach by the Licensee of any covenant or condition shall not be deemed to be a waiver of the covenant or condition of any subsequent or other breach of any covenant or condition of this agreement.
- 10.8 If the Licensee continues to exercise the license granted after the expiration of the term of it without objection by the City and without any written agreement providing otherwise, the Licensee shall be deemed to be a Licensee from month to month, and subject to the provisions of this agreement insofar as applicable, but it shall be lawful for the City to cancel and determine the license granted by delivering to the Licensee notice to that effect, and upon delivery of such notice the license shall cease without prejudice to any rights of the City under this agreement accrued before the cancellation.

11. **Notice**

Any notice required to be given by either party shall be deemed to have been well and sufficiently given if mailed, faxed, emailed or delivered:

To the **City**:

City of Penticton
171 Main Street
Penticton, BC V2A 5A9
Attn: Corporate Officer
Email: corpadmin@penticton.ca

To the **Licensee**:

Peach City Indoor PickleBall Club
249 Ponderosa Avenue
P.O. Box 102
Kaleden, BC V0H 1K0
Email: dijeffery@telus.net

or such other address as the Licensee may from time to time direct in writing, and any such notice by the City to the Licensee shall be deemed to have been received, if mailed, five (5) days after the time of mailing, or if faxed or emailed, seventy-two (72) hours after the time of fax or email and if hand delivered upon the date of delivery. If normal mail, fax or email service is interrupted by strike, slow down, force majeure or other cause, a notice sent by the impaired means of communication will not be deemed to have been received until actually received, and the City may utilize any such services which have not been so interrupted.

12. **Payment of City's Expenses**

If at any time an action is brought or the City is otherwise required to employ the services of a bailiff, an agent, or its solicitors because of a breach by an act or omission of any covenant herein contained on the part of the Licensee, the Licensee shall pay to the City all expenses incurred by the City in the enforcement of its rights and remedies hereunder (including the City's administrative costs and legal fees on a solicitor and his own client basis in connection therewith) together with interest thereon at the rate equivalent to the prime rate of Valley First Credit Union plus three percent (3%) per annum calculated monthly not in advance from the date due until paid. For the purposes of this paragraph the prime rate shall mean the annual percentage rate of interest established from time to time by Valley First Credit Union, Main Branch, Penticton, British Columbia as the base rate that will be used to determine rates of interest charged by it for Canadian Dollar loans to customers in Canada and designated by Valley First Credit Union as the prime rate.

IN WITNESS WHEREOF the parties hereto have hereunto executed this agreement on the following page as of the date and year first above written.

THE CORPORATION OF THE CITY OF PENTICTON

by its authorized signatories:

Angela Campbell, Director of Finance and Administration

Angie Collison, Corporate Officer

PEACH CITY INDOOR PICKLEBALL CLUB

by its authorized signatory(ies):

Gordon Barnes, President

Donald Jeffery, Treasurer

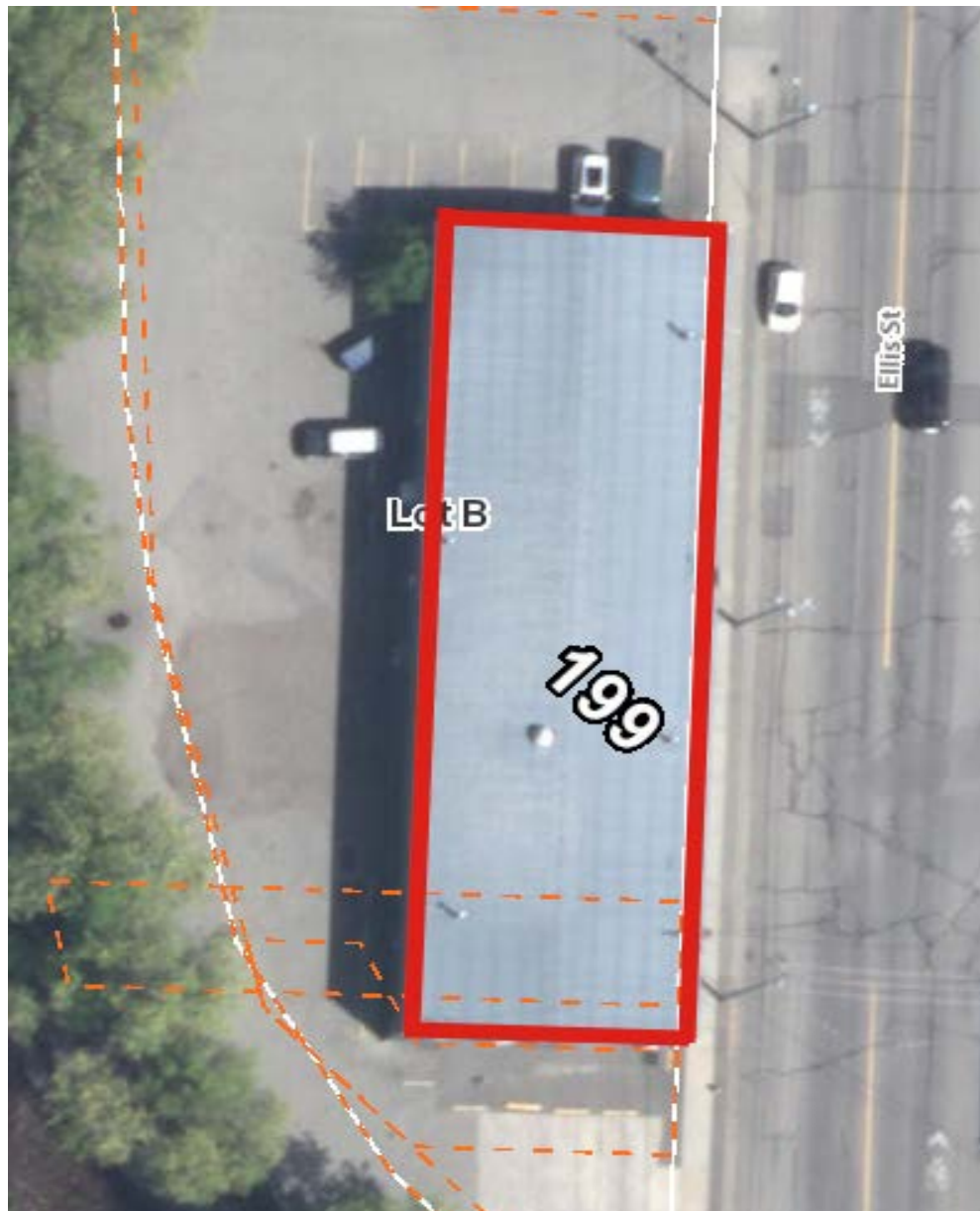
SCHEDULE A

LICENSED AREA

The Licensed Area, namely the interior of the building shown outlined in red below and legally described as:

199 Ellis Street

Lot B DL 202 SDYD Plan KAP67697



SCHEDULE B

MANAGEMENT PLAN

1. Purpose

The Licensee shall have the use of the Licensed Area shown outlined in red and described in Schedule A for the purpose of operating an indoor PickleBall club.

2. Court Construction and Maintenance

- 2.1 Any court, netting, flooring or further improvements required shall be at the sole responsibility and cost of the Licensee.
- 2.2 The Licensee shall maintain a 1.1 meter wide exit corridor to both exit doors and such corridor must be kept free and clear at all times.
- 2.3 Upon expiry or termination of this agreement, the Licensee agrees to remove all improvements placed in the Licensed Area, including repairing the holes made in the cement flooring to anchor the net posts, with similar material and returned to a flat and level condition. It is agreed by both parties that any painting done to the floor can remain as is and does not have to be removed.

3. Annual Requirements

- 3.1 The Licensee must annually ensure they have:
 - Work Safe BC (if applicable);
 - City of Penticton Business License (if applicable);
 - Evidence of Insurance as indicated in this agreement.

4. Maintenance

- 4.1 Notwithstanding the above, the Licensee shall carry out all maintenance necessary to maintain the facility in a safe and first class condition.
- 4.2 During any snowfall events, the City shall be responsible for snow removal of the parking areas adjacent to the Licensed Area which includes the sidewalk. Snow removal for the parking areas will be based on a Priority 2 standard. Parking Lot will be cleared within 24 hours of the end of a storm event. Notwithstanding the aforesaid, it shall be the responsibility of the Licensee to exercise reasonable due diligence during normal business hours to apply salt/sand to icy spots at or near the entrance of the facility.
- 4.3 Garbage disposal is the responsibility and cost of the Licensee.

5. Miscellaneous

- 5.1 The Licensee shall not utilize an area larger than the Licensed Area.
- 5.2 No entry is permitted into the mezzanine area.

5.3 The Licensee shall not place signs outside of the Licensed Area without the consent of the City.

5.4 The Licensee shall not place any permanent structures on the Licensed Area without the consent of the City.

6. Safety/Protection

6.1 The Licensee shall ensure proper procedures are followed for:

- Fire Safety/Evacuation
- W.H.M.I.S.
- Accident/Incident Reporting

6.2 The Licensee shall ensure that all members receive proper instruction on the use and operation of fire safety equipment.

6.3 The Licensee shall ensure all fire extinguishers are kept up to date.

6.4 Any and all accidents or damages involving an employee or volunteer of the Licensee that occurs within the Licensed Area MUST be immediately reported to the City's Occupational Health & Safety Representative,

6.5 Special Provisions

This agreement does not grant authority for any future or existing permanent placements and is not to be construed as authorization or permission for those placements to remain in place outside of the terms of this agreement.

Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Blake Laven, Director of Development Services
Subject: Economic Development Year-End Summary and 2024 Look Ahead

File No: RMS/6750-01

Staff Recommendation

THAT Council receive into the record the report dated January 16, 2024, titled "Economic Development Year-End Summary and 2024 Look Ahead".

Strategic priority objective

Vibrant & Connected: The City of Penticton will support vibrant and diverse activities creating opportunities for connection in community.

Background

The mandate of Economic Development is to foster economic vitality within the City of Penticton. This mandate is aligned with Council's strategic priority of a Vibrant and Connected community. The Economic Development Department focuses on the following core services: business retention and expansion; resident and labour attraction; communication and collaboration.

Economic Development has been an evolving function for the City of Penticton. Historically being delivered by the local Chamber of Commerce, but existing as a funded City service since 2011, first run out of the Corporate Office under the direction of the City's CAO and then in both Development Services and Community Services. With the organizational changes announced in 2023, Economic Development will sit under the direction of the Director of Development Services.

Early in 2018 the City endorsed a 5-year Economic Development Strategic Plan that prioritized the work of the Department. The plan was developed in consultation with over 100 contributing individuals and organizations and identified a number of Key Result Areas to focus on for the five-year horizon of the plan. The KRAs include: communications; collaboration; retention and expansion; attraction communication; and, organizational excellence. Each KRA includes a number of strategic goals.

While the pandemic years interrupted the work outlined in the strategy somewhat, indicators have shown success from that strategic plan. The plan now needs to be refreshed to be reflective of the current

challenges and needs of the community. One of the main goals of 2024 will be to begin strategic planning for the next 5 years of economic development.

2023 Achievements

The past year has seen many challenges for the business community as it is still recovering from the pandemic years, an inflationary environment and a calamitous fire season. Nevertheless, Penticton remains an extremely attractive place for both resident and business location as seen by the sustained growth of the community and strong rankings in many top places to live and work lists. The investments of consecutive Councils in things like active transportation infrastructure and other recreational pursuits, parks improvements, community cleanliness and community safety among others, has signaled a commitment to continued positive community growth and focus on quality of life. The continued focus over the past year in fostering a culture of business support and real estate development has ensured Penticton remains an attractive place for investment.

The planning work around the North Gateway, done in 2022 and 2023, is building off the amazing City owned assets of the SOEC and Trade and Convention Centre (PTCC) and are attracting development interest and building excitement about what the North Gateway can become – a premier tourist area in the Okanagan, with first rate tourist accommodations, recreational facilities and entertainment offerings. Economic Development, in 2023, has worked closely with Travel Penticton and their newly formed convention and event attraction function to promote the North Gateway area and we have already seen commitment from event organizers in increased bookings – sometimes for multi-year events and in times of the year that normally would have less activity.

From a land development perspective, while 2023 was a slight down-year in terms of number of permits processed, the community saw over \$120 million in construction value happen in 2023. Much of this was in the much needed residential section, with over 190 new units of housing coming on line, but there was also several key commercial builds in 2023, including two new multi storey office buildings in and close to the downtown, representing \$30 million in new commercial construction.

The Licensing function of the City administered 3,734 new and renewed business licenses in 2023, a number that is growing every year as more businesses open up in the city. A focus of 2024, through the strategic planning work, will be addressing how the City can provide more value to license holders.

Economic Development also worked closely with the City's Recreation and Events Departments, supporting many community events and participated in many conferences and meetings hosted by partner organizations.

Economic Development also manages several websites including Start Here Penticton, YYF website and the cityviz portal.

With the growth that we have seen as a city, issues around housing, healthcare and childcare have proven to be impediments to fully realizing the potential of the community. That is why Economic Development in 2023, worked closely with the Social Development Department, to ensure these soft services are being addressed as economic growth is being promoted. Economic Development assisted in the development of a new grant funded child care centre at the community centre. Economic Development has worked closely with Interior Health, the local Division of Family Practice and the South Okanagan Medical Foundation to

address community health care challenges and problem solve issues about medical employee recruitment and housing. And Economic Development has engaged with BC Housing and not-for-profit housing providers to encourage more housing, particularly workforce housing in the community, including the use of City lands. These are all ongoing efforts, that in partnership with Social Development and other City and external partners, will ensure that these important services keep up with community growth.

Here are some of major achievements and programs delivered by Economic Development in 2023

- North Gateway investment plan implementation
- Welcome Packages for new Penticton residents and associated data collected from new comers
- Implementation of Cityviz data portal, providing new and existing businesses with the data they need to guide investment decisions
- Continued YYF (Penticton Airport) supports, including the management of the airport website
- BC Economic Development Association 3 year partnership to host the BCEDA conference in Penticton
- Downtown Penticton partnership - remote guard program, events, and other initiatives
- Ongoing partnership with OVG (management company for the SOEC and PTCC)
- On-line Accommodation Platform shift from City destination marketing to hospitality worker housing
- On-going partnership with Travel Penticton
- Continue work with the Chamber of Commerce

As we move into 2024, these important programs, initiatives and partnerships will need to continue to as we build towards a new strategic direction for Economic Development and meet the upcoming challenges of the business community in Penticton.

2024 look ahead

With the move of the economic development function back into Development Service and the end of the 2018-2022 5-year economic development strategy, an opportunity exists to build new strategic direction for the investment in the economic development function. Building off of the proven programs and initiatives started and continued in 2023, here is a list of the new and existing initiatives that will be prioritized over the next 12 months:

New initiatives

- Strategic planning for the economic development function and what the business community needs from the City in this regard
- Exploring economic incentives for targeted housing projects, in line with the City's housing needs

On-going initiatives

- Quarterly reporting/ business highlights
- North Gateway area initiatives
- Airport supports
- Cityviz data portal
- Start Here Penticton website
- Remote worker attraction
- Continue to participate on various organizations monthly meetings (ie Chamber, Travel, DPBIA, PIDA etc) as invited

Events (to directly support and participate in)

- Canadian Home Builders Home Show, March 9th and 10th
- Start Here Penticton Job fair, March 20
- Supports for the BC Economic Development Association conference (to be held in Penticton for the next three years), May 6-9th

In addition to the items listed above, important internal and external partnerships will be required to be maintained. Starting with the internal partnership with Community Services. With the economic Development function shifting from Community Services to Development Services, the important role of Community Services managing events and the contract with OVG as well as the oversight of all City land and facilities, maintaining close working relationships will be key to achieving any goals set by Economic Development. The partnership with the new City Division 'Community Safety' will also be key to ensuring the business community feels safe and concerns about safety are addressed.

Externally, continued collaboration with Travel Penticton, the Downtown Penticton Business Improvement Area, Penticton and Wine Country Chamber of Commerce and the Penticton Industrial Development Association, among many other groups will be important to ensure the City is meeting the needs of these disparate groups and their constituent members.

Financial implication



This report is not recommending any expenditure of funds at this time. Any initiatives discussed are contemplated within existing economic development budgets. Investment in further economic development related initiatives outside of the current work plan will form part of the larger strategic discussions in the future.

Analysis

The economic development function at the City is entering a period of transition, moving back within the Development Services Division. Building from the strong foundation of programs and initiatives established the past few years, 2024 will be a period of continuing to invest in successful programs and strategic planning.

Respectfully submitted,

Blake Laven,
Director of Development Services

Director Community Services	City Manager
	

Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Steven Collyer, Senior Planner and Blake Laven, Director of Development Services
Subject: **Housing Policy Initiatives Work Plan and Timeline**

Staff Recommendation

THAT Council endorse the work plan as outlined in this report titled 'Housing Policy Initiatives Work Plan and Timeline', dated January 16, 2024;

AND THAT Council direct staff to prepare applicable bylaw, policy and procedure amendments to align the City's short-term rental program with the new Provincial framework.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Organizational Excellence: Support a culture of service excellence built on good governance, leadership and sound financial decisions.

Summary

This report outlines, at a high level, new provincial legislation related to the BC Homes for People Plan and provides a road map for the City to follow to comply with the provincial directives. It also includes how the recommendations of the OCP Housing Task Force will be incorporated into these larger changes. The report provides further details on the *Short-Term Rental Accommodations Act* and the accompanying *Policy Guidance for Local Governments* document, which was recently released, and recommends changes to the City's short term rental program to align with the new provincial short-term rental framework. The report outlines the public engagement and communication component for all these new policy initiatives that will ensure the community understands the changes that are coming forward and so the public is provided with opportunities to provide feedback on the proposed housing policies. Future reports will outline the details of proposed amendments and the public engagement results.

Background

Housing in Penticton and across BC has become increasingly unaffordable for the average household. Over the past decade, housing costs have risen faster than incomes, and demand for housing in Penticton remains at all-time highs with residential rental vacancy rates under 1.2% (3%-5% is considered a healthy

rate). To address this issue, City Council has identified 'housing' as one of their main strategic priorities to focus on during their term. Likewise, both the provincial and federal governments have identified housing as a focus of significant attention and investment.

Following the April 2023 release of the *Homes for People Action Plan*, the province, during their fall 2023 legislative session, passed several pieces of housing-focused legislation and accompanying policy guidance documents impacting land use planning and housing development across British Columbia. The policies involve changes to short term rentals (Bill 35); the introduction of small-scale multi-unit housing (Bill 44); changes to the development cost charge framework and the introduction of amenity cost charges (Bill 46); and the introduction of transit-oriented areas (Bill 47). Many of the provincial policies provide directives targeted toward municipalities to align local policies and bylaws with mandated elements of the legislation. The legislative amendments also include timelines that municipalities must meet.

Attachment A includes a table with details on each of the provincial initiatives, key changes and timelines.

Earlier in the year, the federal government also indicated a desire to support the housing market nationally by launching the Housing Accelerator Fund (HAF), through the Canadian Mortgage and Housing Corporation (CMHC). HAF is a \$4 billion dollar fund aimed at municipalities to increase local housing supply by removing impediments to housing construction. The City of Penticton made an application to this program and is still, as of the writing of this report, awaiting the outcome of that application. The plan submitted for funding included seven initiatives developed through internal and external consultations and was supported by Council. When implemented, the HAF initiatives are intended to provide 400 new homes in Penticton above our assumed baseline within a three year period. The federal government also announced that GST would no longer be applicable on new rental apartment buildings, with the goal of lowering building costs.

In addition to the provincial and federal actions, Penticton City Council has supported policy changes. Early in 2023, Council created the OCP Housing Task force to review the housing sections of the City's Official Community Plan (OCP) to find ways to make City policies more responsive to local housing need. The OCP Housing Task Force presented 18 recommendations to City Council in December 2023, wrapping up the work of the Task Force. Council received those recommendations and gave direction for staff to incorporate those recommendations into an OCP update (Council resolution 477/2023).

Staff now have the task of turning all of these various housing policy directives into new City bylaws, policies and procedures. This report outlines the work plan put together by staff to achieve this goal within the prescribed timelines outlined by the province.

Work Plan and Timeline

Short-term rental program changes

While all of the provincial announcements and legislative changes will require bylaws and other procedural amendments, the City's short-term rental program has the most immediate timeframe, with the impactful component - the principal resident requirement - taking effect as of May 1, 2024. When staff originally outlined the *Short Term Rental Accommodations Act* and potential impacts to the City's short term rental program to Council in November 2023, there was still some uncertainty to what ability the City would have to keep its STR program intact and if it would be possible to make a request for an exemption to the principal resident requirement. With the release of the *Short Term Rental Policy Guidance for BC Local*

Governments in December, it is now clear that exemptions for the principal residency requirement will not be available to communities like Penticton (until our rental vacancy rate is over 3% for two consecutive years).

Since the changes were originally announced by the province in October, staff have met with many organizations and individuals, including the Chamber of Commerce and Travel Penticton, but also many short term rental operators and real estate developers. Amongst the short term rental operators, there are concerns about the changes and the future of their industry, particularly those business owners who operate or own multiple short term rentals and will not meet the principal resident requirement. Council has received many requests for the City to intervene. Staff do not see a path for this to occur and consider that the City will need to proactively communicate the changes so everyone is informed about the changes in enough time to make informed business decisions.

The City has also received correspondence from Travel Penticton, requesting that the City *not* seek an exemption to the principal resident requirement (Attachment C).

Amongst the development industry, there is concern over the way these rules were put in place – ‘a blunt instrument’ as opposed to something tailored to an individual community. Some developers have shared that decisions on property purchases were made with short term rentals as a permitted use and the program changes impact the financial viability of projects that counted on STRs for pre-sales. The loss of even a small percentage of unit sales has the effect of potentially cancelling an entire project. There was a general desire to see the municipality explore the potential for exemptions for Penticton in whole or in specific areas.

Staff do wish to highlight that despite the changes that are coming, short term rentals will remain an important tourist offering in Penticton moving forward. The recent Short Term Rental Benefits and Impacts Study received in May 2023 highlights many benefits of short term rentals to the Penticton economy, provides important insights into the short-term rental industry, and describes implications for housing and tourism for Penticton. Given the previous direction from Council to support the local short term rental industry, staff will draft all future bylaw changes and program components with an emphasis on supporting legal short term rentals and ensuring they continue to contribute to Penticton as a welcoming place for the vacationing public.

Should Council support this direction, staff will prepare bylaw and program amendments and present these to Council with the intent of coming into force prior May 1, 2024.

Other provincial housing directives (small scale multi-unit housing, development financing, transit oriented areas)

The other provincial directives (small-scale multi-unit housing, development financing, and transit-oriented areas) will require other amendments to the City’s land use regulation bylaws (OCP, Zoning Bylaw, etc). Staff are not looking for Council direction on changes to these at this time as staff are proceeding with updates as required by provincial legislation, outlined in the work plan and timeline below. Some legislative requirements contain deadlines for the City to amend its bylaws, and those deadlines have been built into the work plan and timeline. The bylaw amendments to implement the provincial initiatives and requests for Council direction on other elements will be presented to Council in future reports.

Official Community Plan (OCP) housing sections and future land use map update

Along with the provincial initiatives, staff are continuing with updating the City's Official Community Plan with a goal of having all of the updates and 19 Council supported recommendations from the OCP Housing Task Force incorporated into a bylaw package for Council's consideration in May 2024. Staff provided Council with the OCP Housing Task Force recommendations and a full update on the OCP planning work at the December 12th 2023 Council meeting (Agenda item: 5.3).

Housing Accelerator Fund (HAF) implementation

Should the City be successful with their application to CMHC's Housing Accelerator Fund grant, additional City staff will be on-boarded to implement the components of the plan. For simplicity, the HAF implementation is not considered as part of this work plan and timeline at this time, but staff are preparing for ways to incorporate that work with the other initiatives. Many components of the seven HAF initiatives align with the other work underway, such as the pre-zoning properties, reducing parking requirements, reviewing infrastructure needs, etc.

Timeline

To implement the provincial housing initiatives and the 18 OCP Housing Task Force recommendations, plus 1 additional Council recommendation (pertaining to child care policy), staff are proposing the following work plan and timeline. Attachment 'B' includes a visual project timeline for the near-term policy update work (January-July 2024). The work plan includes deadlines when certain provincial requirements must be met, as well as the release of other guiding documents to assist local governments with making the required housing policy changes.

Action	Timeline
Staff to prepare bylaw amendments related to 18+1 OCP Task Force recommendations, considering alignment with Provincial and HAF initiatives.	January 2024 to February 2024
Province to issue Housing Needs Report guidance to local governments. Staff will need to review and coordinate updating the Housing Needs Assessment to include any information not currently included in the report completed in July 2023.	Early 2024
Staff prepare draft short term rental bylaw and program amendments and introduce them to Council. City website and application system updated to align with the new provincial framework.	March 2024
Public engagement period on draft OCP and Zoning Bylaw amendments.	March 2024 to April 2024
Staff to refine bylaw amendments considering public and stakeholder feedback.	April 2024
Provincial short term rental principal resident requirement comes into effect.	May 1, 2024
Staff to present OCP and Zoning Bylaw amendments to Council (including those required for transit-oriented areas and small-scale multi-unit housing).	May 2024
Deadline for the city to adopt transit –oriented areas bylaw, allowing specified building heights and densities and removing minimum residential parking requirements in those areas, and submit it to the Province. Deadline for the city to adopt zoning bylaw amendments to allow for small-scale multi-unit housing requirements, and submit it to the Province.	June 30, 2024

Staff to investigate and propose housing incentive policies (tax incentives, DCC reductions, etc.)	Mid-2024 to early 2025
Staff to investigate and prepare a social housing strategy.	Mid 2024 to early 2025
Development financing review and develop a work plan for Development Cost Charges program changes and the potential for the creation of an Amenity Cost Charge program	Mid-2024 to Mid-2025
Deadline for the city to submit an interim Housing Needs Report (update to the July 2023 Housing Needs Assessment)	January 1, 2025
Deadline for the city to update its OCP and Zoning Bylaw based on the interim Housing Needs Report	December 31, 2025

Public Engagement Plan

The recent legislative changes make the OCP even more important to guide future development approvals in the City, therefore a robust public engagement period for these policy updates is envisioned over March and into early April. The intent of the engagement will be to both inform the public on all of the changes, and also gather feedback to assist in developing the final policy approaches. While the provincial direction has certain mandatory elements, the city has broad leeway in many aspects of the upcoming changes, which is why public input will be key. In addition, the incorporation of the OCP Housing Task Force recommendations into the OCP update will be of interest to the public and feedback from the public on how the recommendations will be incorporated into City policy will be integral to ensuring community acceptance and understanding of the changes. The exact engagement program dates and events will be confirmed and advertised widely by the end of February.

There will be a Shape Your City webpage for the project and several in-person and online sessions for the public to learn more about the legislated changes that must occur, as well as provide feedback on the city-led initiatives prior to Council consideration.

Staff will also connect with many interest groups including, but not limited to: RDOS, SD67, Interior Health, Downtown Penticton, Penticton and Wine Country Chamber of Commerce, Travel Penticton, the development industry, neighbourhood residents, Penticton Industrial Development Association, non-profit partners, and others. Discussions with the Penticton Indian Band are planned throughout the engagement period.

Staff will incorporate the community input into any proposed bylaw amendments to implement the city-led OCP amendments. There will be restrictions in the range of public input that can be incorporated into the provincially-mandated bylaw updates related to transit-oriented areas and small-scale multi-unit housing that must be adopted by June 30, 2024.

Following the public engagement period, a public hearing will be held on the city-led initiatives including amendments to the Official Community Plan. Provincial legislation prohibits the city from holding a public hearing on any bylaw changes specifically required to comply with the provincial housing initiatives (transit-oriented areas and small-scale multi-unit housing).

Financial Implication

In the 2023 budget, Council approved \$150,000 for the OCP Housing Update project subsequently the City applied for and was awarded an \$80k grant for this project. Staff will continue to utilize those funds available for this next phase of the OCP update work, including the upcoming public engagement period.

The province has also announced \$51 million to help local governments implement the provincial direction into local policy changes. Penticton has just recently been allocated \$314k of this pool of money. Those funds have not been directly earmarked for any of the work done yet and Council will have the opportunity to direct how the funds are spent within the parameters of the funding program. Staff will bring forward a report in the near future with recommendations for how to allocate those grant funds, once the funding guidelines have been received and reviewed. Those guidelines are expected from the province by the end of January.

Analysis

With all of the foundational work completed in 2023 (Housing Needs Assessment, OCP Task Force, OCP Housing Review), the City is in a solid position to implement the provincial directives and meet Council's expectations for a positive residential development environment in Penticton. When implemented, the land use development framework in Penticton will be significantly refreshed and ready for investment to follow.

Throughout the first half of 2024, Council and the community will have opportunities to comment on and approve the housing policy changes various changes described in this report. Next steps will be staff drafting the bylaw, procedure and policy changes and leading public engagement opportunities which are planned for March and April.

Staff are recommending that Council endorse the work plan as outlined in this report. Staff are also requesting specific direction on changes to the short term rental program, to align the provincial framework set to take effect in May.

Attachments

Attachment A - Provincial Housing Initiatives Summary and Deadlines table

Attachment B – Near-Term Work Plan and Timeline GANTT chart (January- July 2024)

Attachment C – Letter from Travel Penticton regarding short-term rentals

Respectfully submitted,

Steven Collyer, RPP, MCIP
Senior Planner
Concurrence

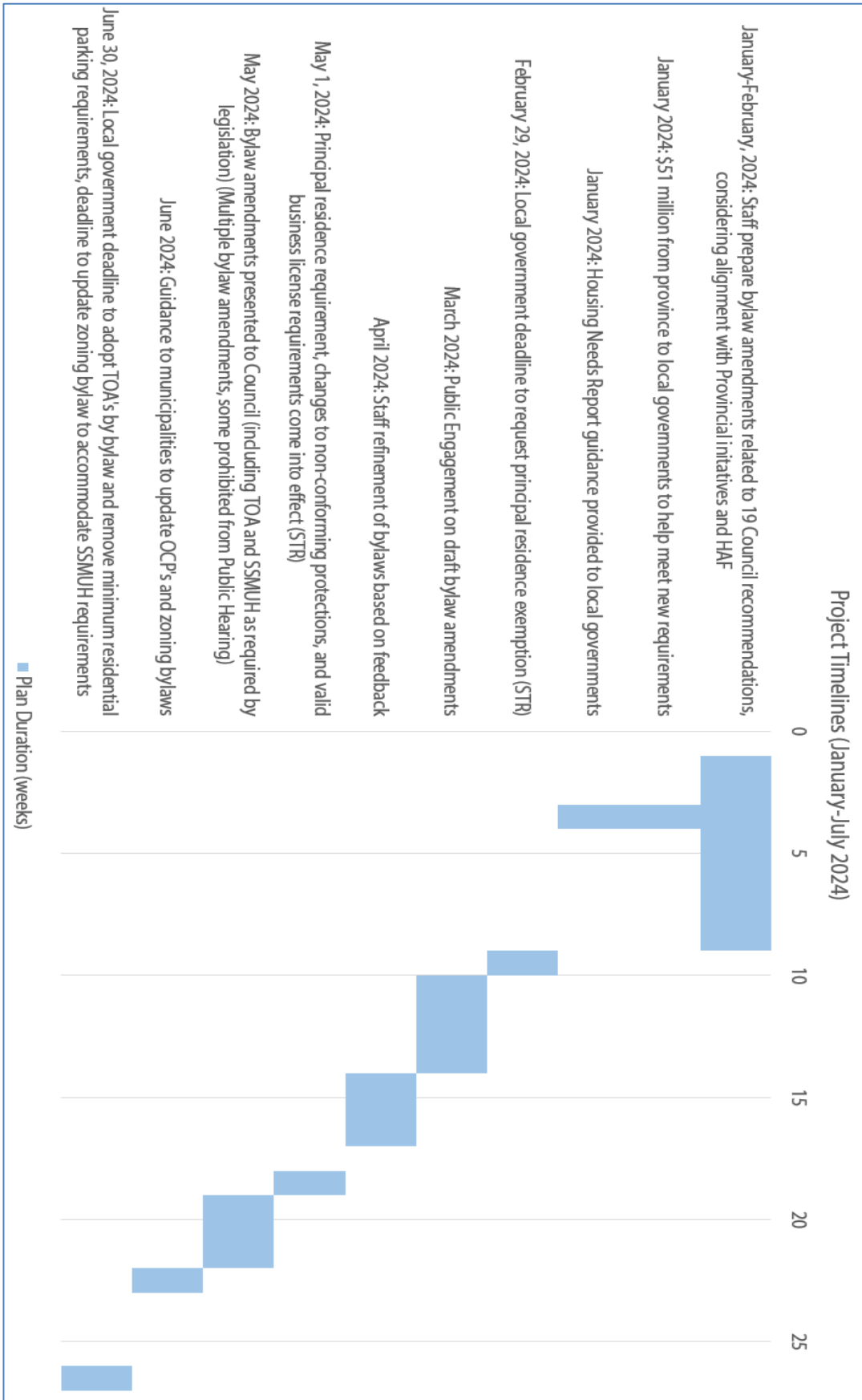
Blake Laven, RPP, MCIP
Director of Development Services

General Manager of Infrastructure <i>KD</i>	Director of Finance & Administration <i>AMC</i>	City Manager <i>BL</i>
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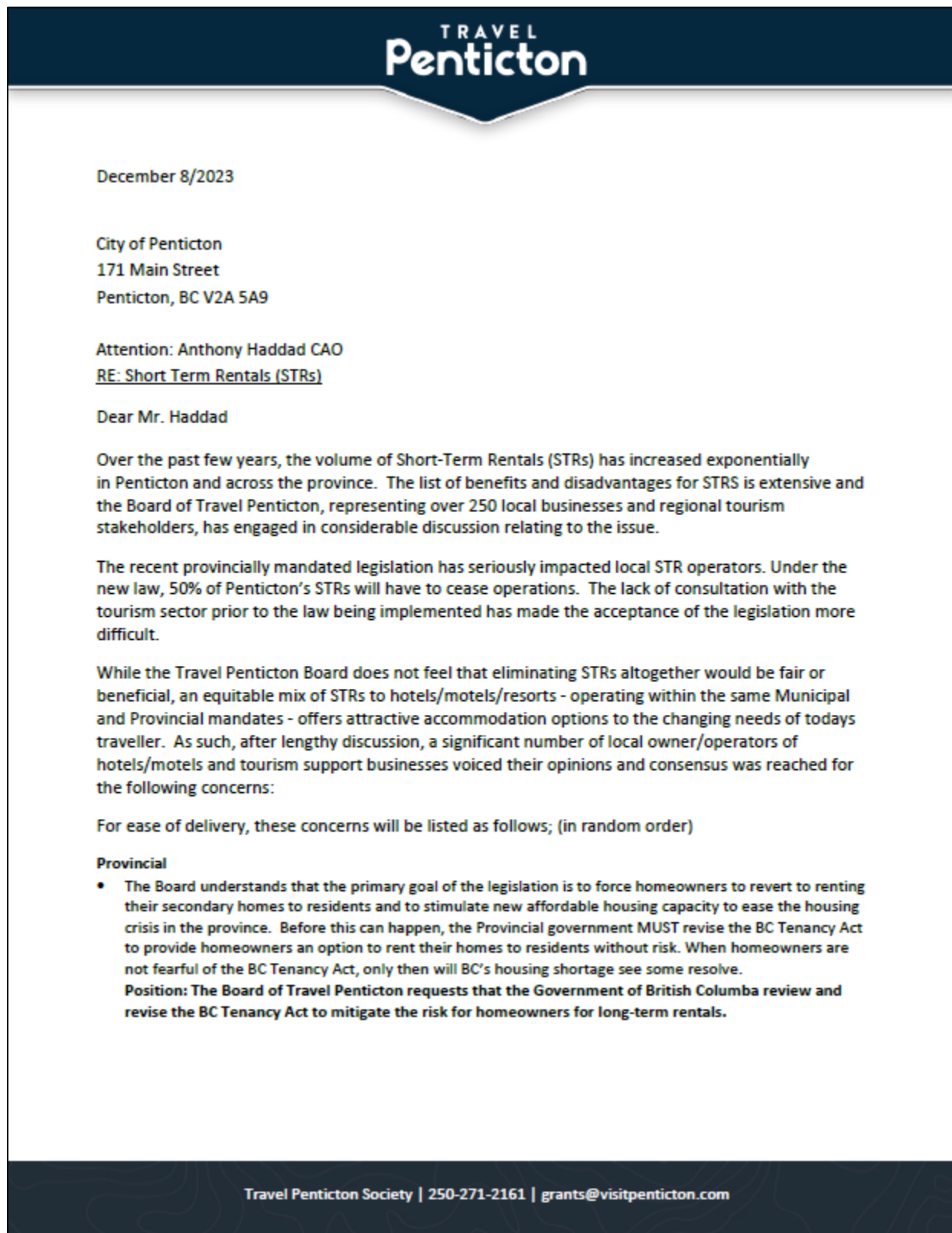
Attachment A: Provincial Housing Initiatives Summary and Deadlines table

Provincial Housing Initiative	Key Changes	Legislated Deadlines
Bill 35: Short Term Rental Accommodations Act	<ul style="list-style-type: none"> Principal resident host requirement applies in communities over 10,000 residents (among others) Provincial host registry established Platforms must require hosts to display valid business license information Enhanced data sharing between province and cities Provincial enforcement unit created Option for cities to request an exemption from the principal resident host requirement only if the local rental vacancy rate is greater than 3% for at least two consecutive years 	<p>February 29, 2024</p> <ul style="list-style-type: none"> Deadline for local governments to ask the Province for an exemption from the principal resident host requirement, if meeting the specified criteria <p>May 1, 2024</p> <ul style="list-style-type: none"> Principal resident host requirement comes into effect, all hosts must be registered with the Province
Bill 44: Housing Statutes (Residential Development) Amendment Act	<ul style="list-style-type: none"> Prohibits cities from holding public hearings on zoning amendment bylaws for residential developments that are consistent with the OCP Requires local governments to allow at least 3-6 units on all single detached and duplex zoned lots within urban, serviced areas The number of units that must be allowed depends on lot size, municipal water/sewer services, and transit proximity 	<p>June 30, 2024</p> <ul style="list-style-type: none"> Zoning Bylaw must be updated to allow the minimum specified housing density (3-6 units per lot)
Bill 46: Housing Statutes (Development Financing) Amendment Act	<ul style="list-style-type: none"> Expands what Development Cost Charges (DCC's) can be spent on (i.e. fire stations, police stations, solid waste and recycling facilities) Provides a legislative framework for municipalities to pass bylaws to collect Amenity Cost Charges (ACC's), for amenities such as community centres, recreational facilities, libraries, day cares, and public squares. 	<p>No deadline</p> <ul style="list-style-type: none"> No provincial requirement to expand DCC's or implement ACC's, changes only provide a framework to do so.
Bill 47: Housing Statutes (Transit-Oriented Areas) Amendment Act	<ul style="list-style-type: none"> Defines areas around major transit hubs in the Province where specific minimum building height and density must be allowed (4-6 storeys; 1.5-2.5 FAR) Applies to Penticton Plaza exchange (near Safeway) and Peachtree Square exchange (near Walmart) City cannot require on-site parking for residential developments in the transit-oriented areas; can only require accessible parking spaces on-site Pre-zoning is not required, but the City must not deny a proposal that meets the Provincial height and density allowances. 	<p>June 30, 2024</p> <ul style="list-style-type: none"> Adopt a bylaw designating the transit-oriented areas around Penticton Plaza bus exchange and Peachtree Square bus exchange Specific height and density requirements within a 200m and 400m radius of the bus exchanges take effect

Attachment B – Near-Term Work Plan and Timeline GANTT chart (January-July 2024)



Attachment C - Letter from Travel Penticton regarding short-term rentals



- Comparable to the arbitrary ban on travel to the Okanagan in the Summer of 2023, the new STR legislation was implemented without consultation with industry or insights into the impacts such decisions have.

Position: The Board of Travel Penticton does not support legislation without consultation.

- STR's operate without the strict health, safety, and licensing requirements as traditional accommodation providers. STRs are not subject to Interior Health inspections for pools/hot tubs and costly operating licenses, WorkSafeBC premiums, commercial insurance, etc., giving them an unfair advantage.

Position: The Board of Travel Penticton wants the same rules, regulations and fees levied on traditional accommodation operators to apply to STRs.

- STR legislation will require monitoring and policing. Mechanisms must be put in place to enforce the new laws.

Position: The Board of Travel Penticton would like to see a plan to monitor the new legislation.

Municipal

- STRs are in direct competition with the 42 licensed accommodation providers in the City of Penticton.

Position: The Board of Travel Penticton does not support the City of Penticton applying for exemptions to the legislation within City boundaries.

- For several years, the City of Penticton has used STR as an incentive to attract residential property developers and many of the new builds were sold out on the premise that the units could be STR revenue properties. Most of these units are in the North Gateway and Skaha Beach areas where most Penticton's motels and resorts are located.

Position: The Board of Travel Penticton does not support the City of Penticton applying for zonal exemptions, particularly in the North Gateway, just to appease a select group of developers.

- Under the current legislation, many licensed STRs in Penticton will continue to operate legally without the burden of increasing City utility fees, commercial property taxes, etc.

Position: The Board of Travel Penticton requests the City of Penticton to tax STRs as a commercial business and subject them to same utility rates, fees, inspections and regulations (municipal & provincial) to have a parallel business model to existing the accommodation industry.

Travel Penticton appreciates continued consultation with the City and will work to best represent our Membership which encompasses a wide variety of business types, sizes, and capacities.

The Board and Membership looks forward to continued collaboration with COP for the future of tourism development in the community.

Yours truly

A handwritten signature in black ink, appearing to be 'JM' or 'Jamie Moore', written in a cursive style.

Jamie Moore
Chair
Travel Penticton Society

Cc Travel Penticton Board



Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 275 Kinney Avenue

File No: RMS/275 Kinney Ave

Subject: **Zoning Amendment Bylaw No. 2023-48, Development Variance Permit PL2023-9680, Development Permit PL2023-9674**

Staff Recommendation

THAT Council give first, second and third reading to "Zoning Amendment Bylaw No. 2023-48", for Lot B District Lot 116 Similkameen Division Yale District Plan 36190, located at 275 Kinney Avenue, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-48", consider "Development Variance Permit PL2023-9680" for District Lot 116 Similkameen Division Yale District Plan 36190, located at 275 Kinney Avenue, a permit to vary Section 10.9.2.9 of Zoning Bylaw 2023-08 to reduce the rear yard from 6.0 m to 2.2 m;

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2023-48", approve "Development Permit PL2023-9674", for District Lot 116 Similkameen Division Yale District Plan 36190, located at 275 Kinney Avenue, a permit to approve the form and character of two side-by-side duplexes (four dwelling units).

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

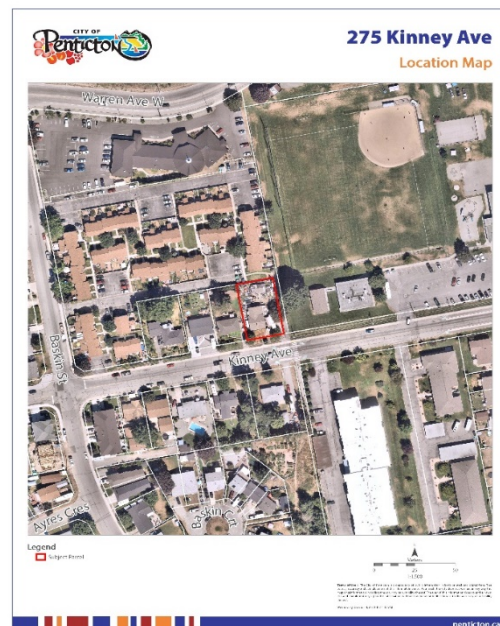


Figure 1 – Property Location Map

Proposal

The applicant is proposing to construct two side-by-side duplexes (four dwelling units) on the subject property (Figure 1). In order to proceed with the proposed development, the applicant has requested to rezone the property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing). Further, the applicant requires a variance to reduce the rear yard from 6.0 m to 2.2 m, and a Development Permit approval for the form and character of the buildings, which has been included for Council's consideration.



Figure 2 – Renderings of the proposed development

Background

The subject property is currently zoned R2 (Small Lot Residential) and is designated as 'Ground Oriented Residential' (Figure 3) by the Official Community Plan (OCP). The property currently has a boarded up single family dwelling, intended to be demolished.

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

Figure 3 – OCP Land Use Designation

The surrounding area features a mixture of uses, including mostly single family dwellings and multifamily directly adjacent, infill development, and public assembly. The property is within walking distance of Parkway Elementary School, Main Street, Cherry Lane Mall, and commercial businesses. The property's proximity to these amenities makes it appropriate for increased density. This area is also well serviced by transit running along Kinney Avenue.

No Public Hearing

The Provincial government passed several pieces of legislation in November 2023 to support housing development across BC. Among other changes, Bill 44 amended the *Local Government Act* to prohibit local

governments from holding a public hearing on zoning amendment bylaws for a residential or mixed use development if the proposal is aligned with the Official Community Plan. In this case, the proposed rezoning aligns with the underlying OCP designation, therefore the City is prohibited from holding a public hearing on this Zoning Bylaw Amendment. The *Local Government Act* still requires the City to mail public notice letters to nearby residents and post a public notice on the City's website that a Public Hearing is not being held, which staff have completed prior to the Council meeting. Any written submissions received in response to those notice letters will be shared with Council.

Financial Implication

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

Climate Impact

The development proposes two side-by-side duplexes (four dwelling units) on the property, increasing density in a core area of the city and is well served by transit and in close proximity to services and employment. Each dwelling unit has a Class 1 bicycle parking space, resulting in 4 Class 1 spaces, as the subject property is in close proximity to the lake-to-lake cycling route. Each dwelling unit is required to provide 1 (4 total) Level 2 Electric Vehicle ready spaces.

These buildings will be required to meet Step 3 of the BC Energy Step Code. Step 3 requires new builds to be at minimum 20% more efficient than standard (2018 BCBC baseline).

Technical Review

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

Development Statistics

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

	RM2 Zone Requirement	Provided on Plans
Minimum Lot Width*:	18 m	22.8 m
Minimum Lot Area*:	540 m ²	833.7 m ²
Maximum Lot Coverage:	40%	27.7%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.52 Floor Area Ratio (FAR)
Maximum Height:	12 m	7.13 m
Vehicle Parking:	Total Required: 1 per dwelling unit plus 0.25 spaces/unit for visitors	Total Per Dwelling: 4 spaces Total Visitor: 1 space
	Total Required: 5 spaces	Total Provided: 5 spaces

	RM2 Zone Requirement	Provided on Plans
Level 2 Electric Vehicle (EV) Ready Chargers:	Total Required: 1 per dwelling unit Total Required: 4 chargers	Total EV Ready Chargers Provided: 4 chargers
Bicycle Parking:	Total Required: 0.5 per unit Total Class 1 Required: 2 Total Class 2: 0.1 per unit Total Class 2 Required: 0 spaces	Total Class 1 Provided: 4 spaces Total Class 2 Provided: 2 spaces
Landscape Buffer (north):	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 2 trees, and 18 shrubs.	Total Provided: 1.0 m wide, 4 trees, and 22 shrubs (Variance to width and shrubs through Development Permit).
Landscape Buffer (west):	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 3 trees, and 36 shrubs.	Total Provided: 1.5 m wide, 5 trees, and 24 shrubs (Variance to width and shrubs through Development Permit).
Required Setbacks Front Yard (Kinney Ave): Interior Side Yard (east): Interior Side Yard (west): Rear Yard:	3.0 m 1.5 m 1.5 m 6.0 m	9.31 m 8.79 m 3.04 m 2.2 m – variance requested
Other Information	* Minimum lot areas and lot width are only applicable at the time of subdivision.	

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Ground Oriented Residential' (figure 3), which supports medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland strata. The applicant is proposing to construct two side-by-side duplexes (four dwelling units) on the property. The development and density proposed on the property are aligned with the vision of properties designated within the 'Ground Oriented Residential' designation.

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

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

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

Furthermore, staff also wish to acknowledge the recent Province of BC announcements that will require the City of Penticton to update their zoning bylaw by June 30, 2024 to allow for up to 4 units on any single or two family zoned properties. While there will still be details to be worked out in how this direction from the province will land within the City’s zoning bylaw, it is very likely that the proposed development would be permitted by the zoning changes when they occur. The applicants made their application prior to these announcements and have indicated a willingness to continue through the zoning process, rather than wait for the larger changes to happen.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first and second reading to “Zoning Amendment Bylaw No. 2023-48”.

Development Permit Variance

When considering a variance to a City bylaw, staff encourage Council to consider whether approval of the variance would cause a negative impact on neighbouring properties, and if the variance request is reasonable. Staff have reviewed the requested variance to reduce the rear yard setback from 6.0 m to 2.2 m for the building closest to the rear yard and are recommending support for the following reasons:

1. Separation between properties

The requested variance is to reduce the rear yard setback from 6.0 m to 2.2 m. The neighbouring property (2250 Baskin St) adjacent to the rear yard is a multifamily development. The area that abuts the rear yard is a parking lot, common amenity area, and a walkway (Figure 4). This provides separation between the proposed rear duplex of the subject property and the neighbouring property.

There will be approximately 8.2 m between the rear duplex and the closest building on the neighbouring property.

2. No rear lane

Due to the property having no rear lane access, the buildings had to be pushed back into the rear yard setback. In this instance, the front yard is providing access for vehicles to the property, and an area for the required parking spaces.

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

OCP Variance

The OCP Section 5.1.4 allows for minor variances through a development permit in certain instances. The applicant is proposing a reduced landscaping buffer along the west and north property line (Figure 4). Section 5.1.4 of the OCP allows for variances to landscaping buffers in cases where “the proposed building locations make establishment of a buffer difficult or impossible or where trees will not thrive. In cases where the buffer is reduced, compensatory planning elsewhere on the site or in adjacent public realm is required”. In this instance, the west landscape buffer is reduced in width from 3.0 m to 1.5 m, and the north landscape buffer is reduced in width from 3.0 m to 1.0 m as a result of the setbacks and required 1.2 m wide access pathway to the rear units. Staff are supporting this variance, as the landscaping plan still provides more than the required number of shrubs along all property lines. As no plantings are reduced, staff are not requiring any compensatory plantings.

Landscaping buffers assist with providing a natural buffer between properties and uses. They also help to increase the urban forest inventory throughout the City. In this instance, the fence, landscape buffer, and required 1.2 m wide pathway between the proposed buildings, which reduces the overlook into the western and northern properties. Staff considers that the added distancing between the properties and the proposed buildings, as well as the proposed landscaping plan, which incorporates adequate plantings and species, make this a suitable variance through the Development Permit.

Support Development Permit

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



Figure 4 – Variance

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

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

Alternate Recommendations

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

1. THAT Council deny first, second, and third reading to "Zoning Amendment Bylaw No. 2023-48".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)

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

Attachment F – Draft Development Permit PL2023-9674

Attachment G – Draft Development Variance Permit PL2023-9680

Attachment H – Zoning Amendment Bylaw No. 2023-48

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

Director of Development Services	GM of Infrastructure	City Manager
<i>BL</i>	<i>KD</i>	<i>ABH</i>

Attachment A – Zoning Map



Attachment B – Official Community Plan Map



Attachment C – Photos of Property





Attachment D – Development Permit Analysis (staff)

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

- Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.*
- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.
- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The applicant has located the proposed front duplex building at 9.3 m from property line, the minimum is 4.5 m front yard setback, which helps to maintain a connection with the street. The property does not have a rear lane, and therefore there is parking proposed in the front yard off of Kinney Ave.
- Guideline G7 All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*
- The proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain 'eyes on the street' by keeping sightlines open from private property to the public streetscape.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- Kinney Ave to the south side of the development provides pedestrian access to the development.
 - The proposed development has a sidewalk accessed from Kinney Ave to allow barrier-free pedestrian access to all building unit entrances.
- Guideline G21 Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*
- The proposed development provides private outdoor amenity behind each dwelling unit.
 - Each dwelling unit has a front door for access from both Kinney Ave.
- Guideline G33 Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching*
- The proposed development includes a landscaping plan that provides adequate and appropriate designs.
 - The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering.
- Guideline G35 Tree planting...*
- Trees and shrubs have been provided along all sides of the property as well along the west and north property lines with the landscape buffer.
- Guideline MF1 All multifamily developments should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development.*

- The proposed development includes approximately 60.0 m² of outdoor amenity space for each unit. Each amenity space is separated by a fence to allow privacy for every unit.

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

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

Guideline MF4 Visitor parking should be:

- *In public view,*
- *Easily accessible near the main entry to the site, and*
- *Clearly indicated by pavements markings and/or signs*
- The proposed development has one visitor parking space off of Kinney Ave.
- The visitor parking space are in good public view from the street for drivers who come to visit residents or tenants of the proposed development.

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



101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

Re: 275 Kinney Ave Rezoning/Development Permit
Attention Planning Department

This letter is in regards to our proposed rezoning and development permit for 275 Kinney avenue. The property currently holds a single family dwelling that has sustained extensive fire damage and at the time of this letter we have applied for a demolition permit for the property.

In order to construct our proposed two duplex buildings on the property we are asking to rezone the property from R2 Small Lot Residential to RD4 Low Density Cluster housing which is in line with the current OCP that designates this parcel Ground Oriented Residential.

We have taken many steps to make this development as thoughtful as possible by protecting the privacy of the neighboring property by minimizing window openings on the west face of the building, incorporating large private yards for family style living and we have also been able to retain a mature 25' maple tree that was existing on the property.

Regards,

Chris Schoenne

A handwritten signature in black ink, appearing to be 'CS', followed by a horizontal line.



101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

Attention: Planning department
Re: 275 Kinney Ave Development

Dear Planning Department,

Please see the below development permit analysis:

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

The existing lot was home to a mature Maple tree measuring approximately 25' in height that we were able to work around and retain on the proposed development

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

As you will see on our site plan we have one barrier free walkway which includes access to parking, garbage facilities, municipal sidewalks and main entry doors.

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).

This parcel is primarily flat which has enabled us to make all entry doors within 12" of grade.

G19. All multifamily developments should accommodate sustainable modes of transportation through: • Provision of bike parking and/or safe storage of alternative transportation/mobility equipment (bikes, mobility scooters, etc.). • Provision of electric vehicle charging stations. • Internal circulation and/or upgrades to adjacent rights-of-way to accommodate alternative transportation (e.g., multi-use pathways, separated bike lanes, etc.).

Our proposal includes both class 1 & class 2 bicycle parking as well as provisions for each unit to have electric vehicle charging



101-144 Front Street, Penticton, BC, V2A 1H1
Tel: 250-490-6770
www.schoennehomes.com

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

This was a large focus for us while designing this proposal. To protect the privacy of the neighbors to the west we limited windows on the west face and raised them up high to limit site lines to that property.

G34. Tree retention • New development should retain, where possible, existing mature and native trees and protect their root systems; • Pre- and post-development tree surveys are required must be undertaken.

There is an existing 25' Maple tree on the property that our design worked around to be able to retain it. We have plans in place for tree protection during construction to ensure the tree stays healthy.

Development Permit

Permit Number: DP PL2023-9674

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 B District Lot 116 Similkameen Division Yale District Plan 36190
 - Civic: 275 Kinney Avenue
 - PID: 002-784-629
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two side-by-side duplexes as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

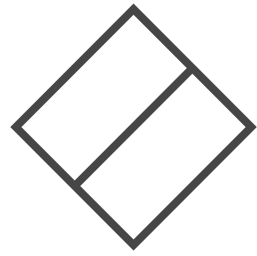
General Conditions

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

Authorized by City Council, the ____ day of ____, 2024.

Issued this ____ day of ____, 2024.

Angela Collison
Corporate Officer



PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

OWNER:
Scheone Homes
210 Hastings Ave
Penticton BC

Kinney Ave Duplexes

275 Kinney Ave, Penticton BC

DOCUMENT DATE:

October 30, 2023

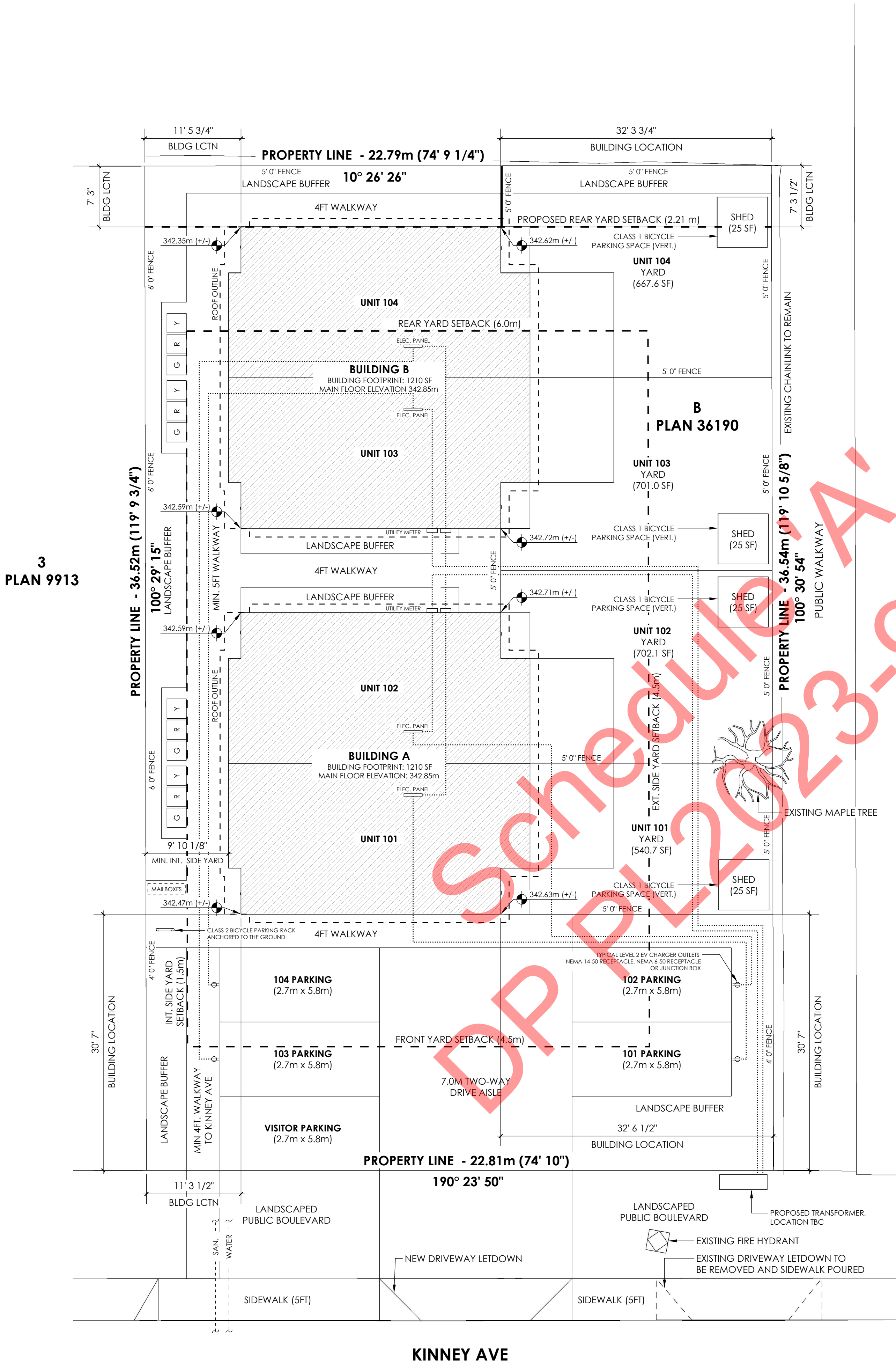
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AS NOTED

NO. DATE: 01 23.09.28 02 23.10.31
ISSUE: ISSUE FOR DP/REZONING
ISSUE FOR DVP REV 1

A2

SITE PLAN



RD4 LOW DENSITY CLUSTER HOUSING		
	REQUIRED	PROVIDED ON PLANS
MINIMUM LOT WIDTH	18.0 m (59.06ft)	22.81m (74.835ft)
MINIMUM LOT AREA	540 sqm (5812.51SF)	832.8 sqm (8965 SF)
MAXIMUM LOT COVERAGE	40%	28.1% (2520 SF)
MAXIMUM FAR	0.8 FAR	0.52 FAR
MAXIMUM HEIGHT	10.5m (34.45ft)	7.12m (23.35 ft)
SETBACKS:		
MINIMUM FRONT YARD	4.5m (14.76ft)	9.32m (30.58ft)
MINIMUM INTERIOR SIDE YARD	1.5m (4.92ft)	3.00m (9.84ft)
MINIMUM EXTERIOR SIDE YARD	4.5m (14.76ft)	N/A
MINIMUM REAR YARD	6.0m (19.69ft)	2.21m (7.25ft)
AMENITY SPACE	20 m² PER UNIT	> 20 m² (REFER TO PLAN)

*NOTE: SHEDS AREA'S INCLUDED IN LOT COVERAGE

PARKING REQUIREMENTS

CLUSTER HOUSING: 1 STALL PLUS 0.25 VISTOR STALL PER UNIT

REQUIRED: 5 STALLS

PROVIDED: 5 STALLS

NOT FOR CONSTRUCTION



Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

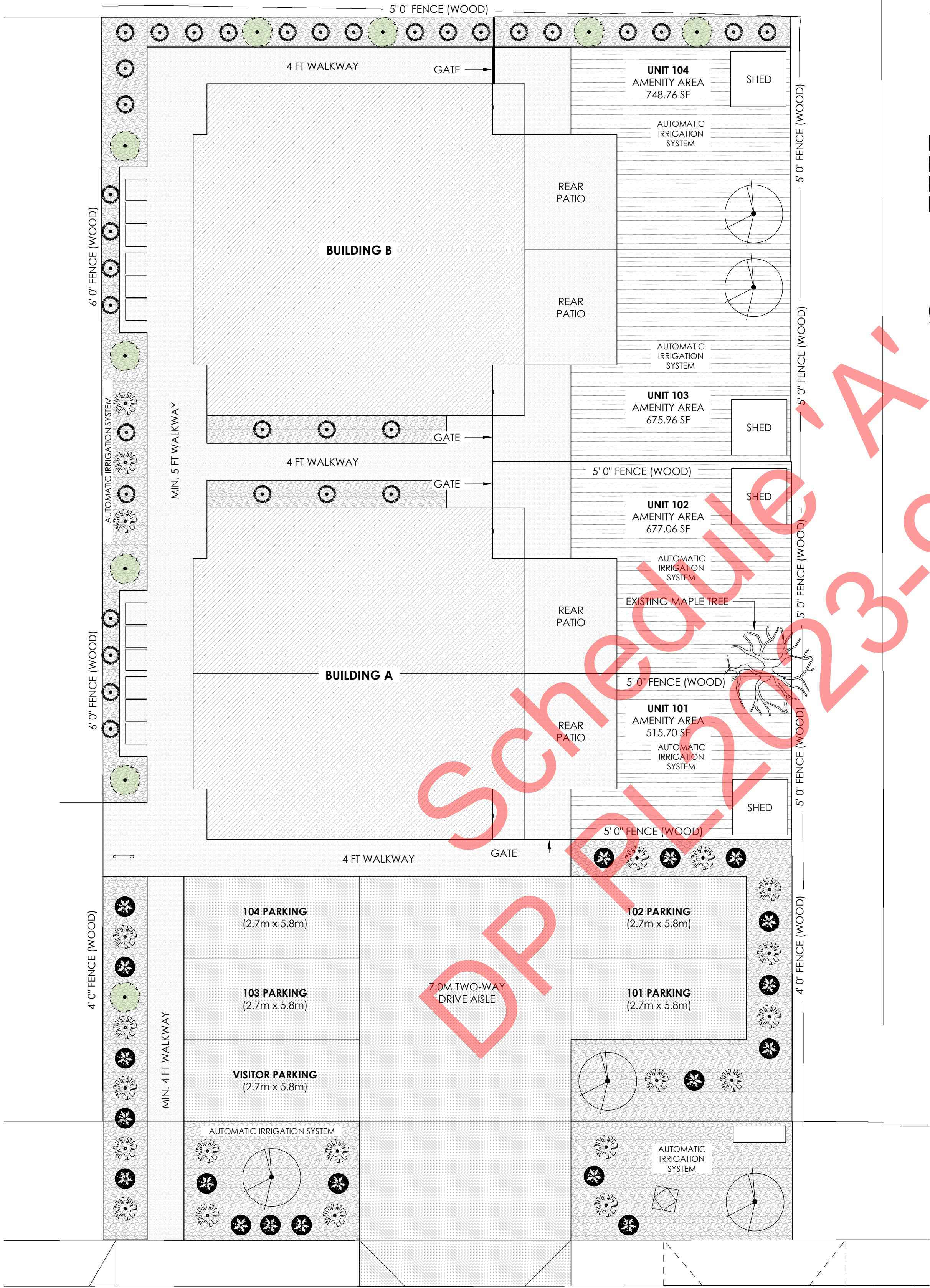
OWNER:
Scheonne Homes
210 Hastings Ave
Penticton BC

Kinney Ave Duplexes

275 Kinney Ave, Penticton BC

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LEGEND

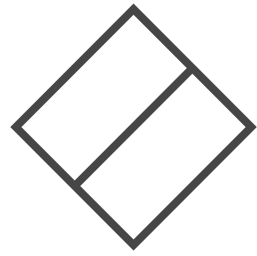
- CONCRETE
- LANDSCAPE ROCK
- GRASS
- ASPHALT

SYMBOL	TYPE	QUANTITY
	AMUR MAPLE	5
	COLUMNAR HORNBEAM	9
	GOLD JAPANESE FOREST GRASS	34
	KARL FORESTER	22
	SAPPHIRE BLUE OAT GRASS	17

NOT FOR CONSTRUCTION

A3

LANDSCAPING PLAN



PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

OWNER:
Scheone Homes
210 Hastings Avenue
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275 Kinney Ave, Penticton BC

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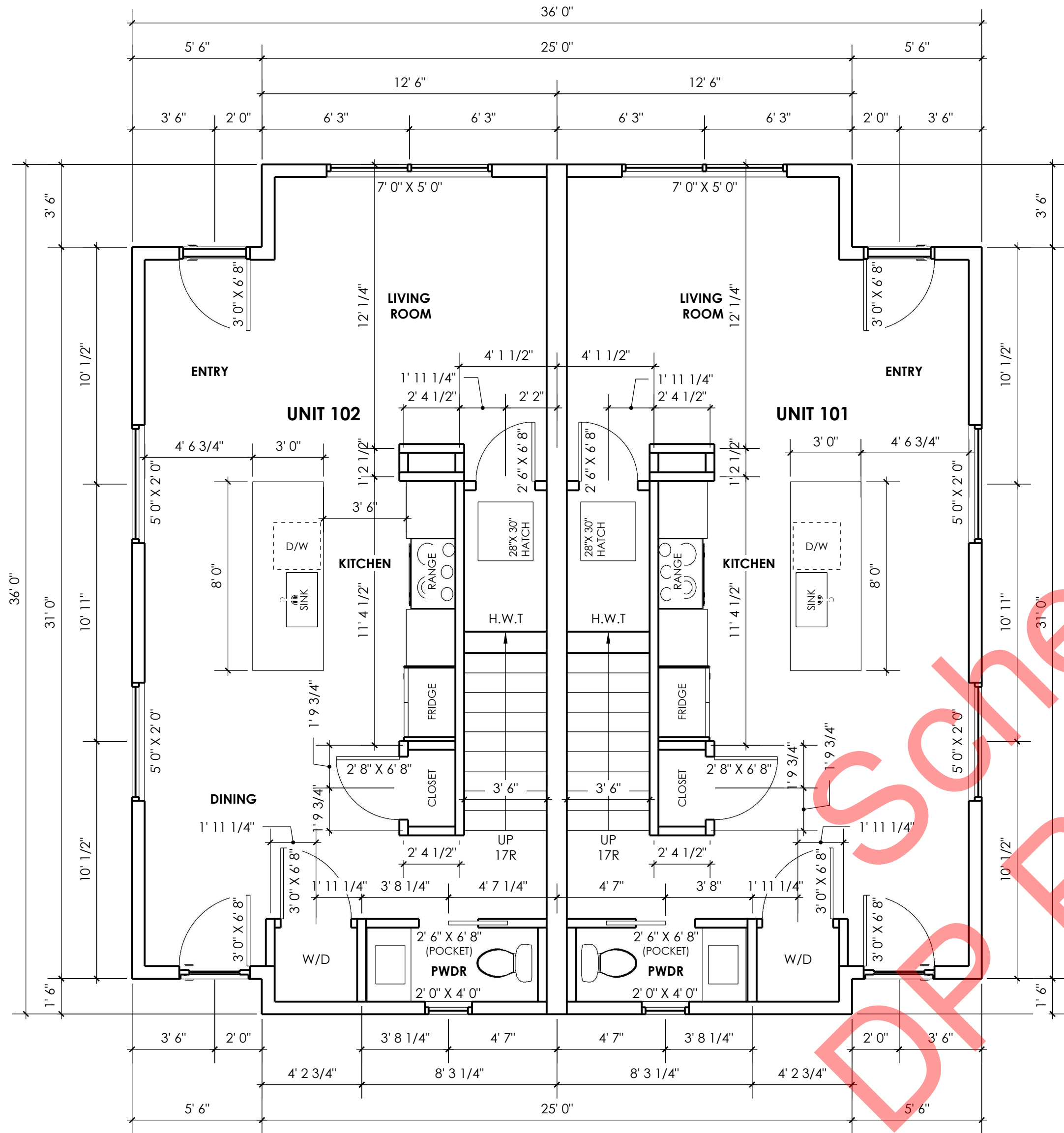
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BUILDING A



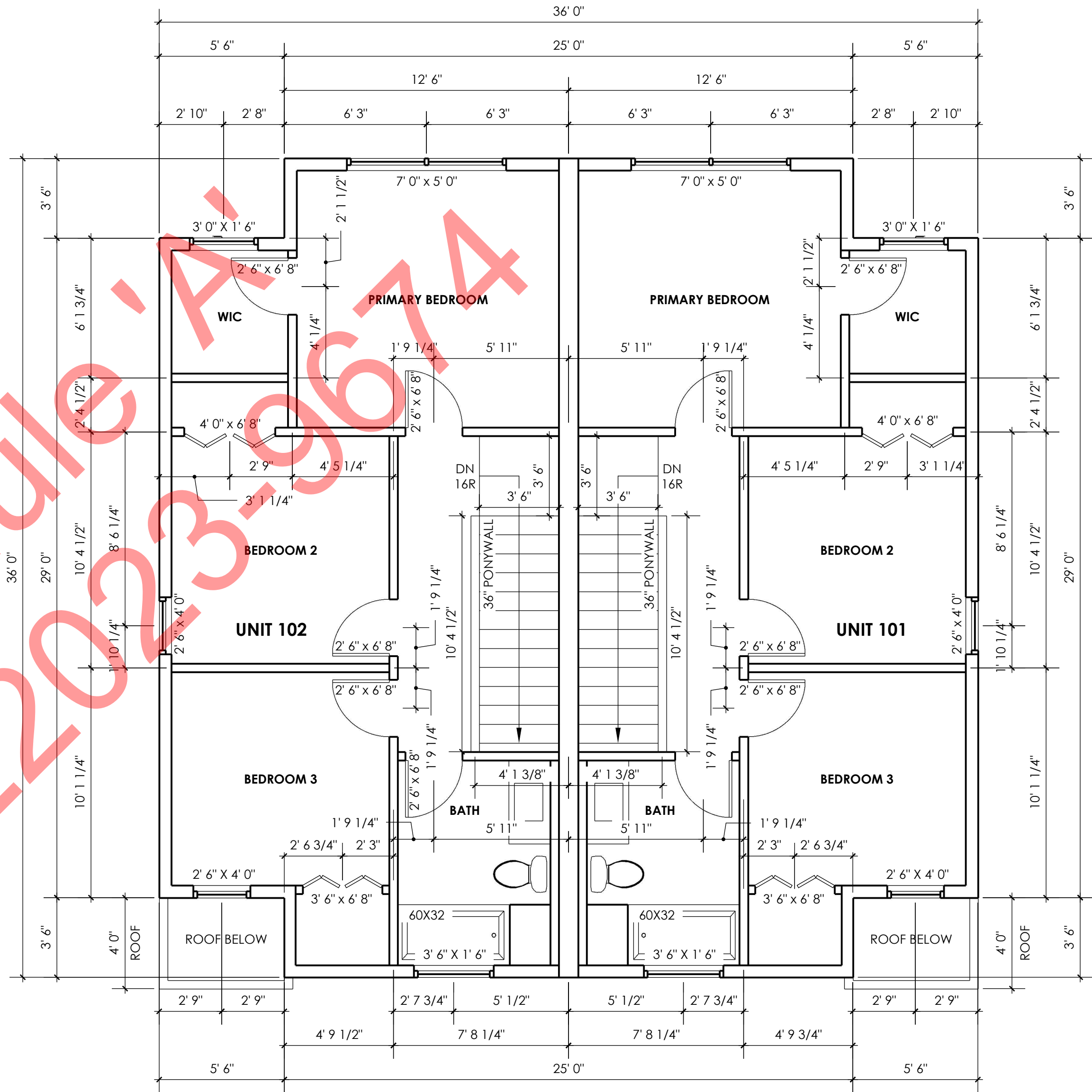
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1 MAIN FLOOR PLAN - BUILDING A
420.5 SQ.FT (PER UNIT)
9' 0" CEILING HEIGHTS
SCALE : 1/4" = 1'-0"



2 UPPER FLOOR PLAN - BUILDING A
355 SQ.FT (PER UNIT)
9' 0" CEILING HEIGHTS
SCALE : 1/4" = 1'-0"

NOT FOR CONSTRUCTION



Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

OWNER:
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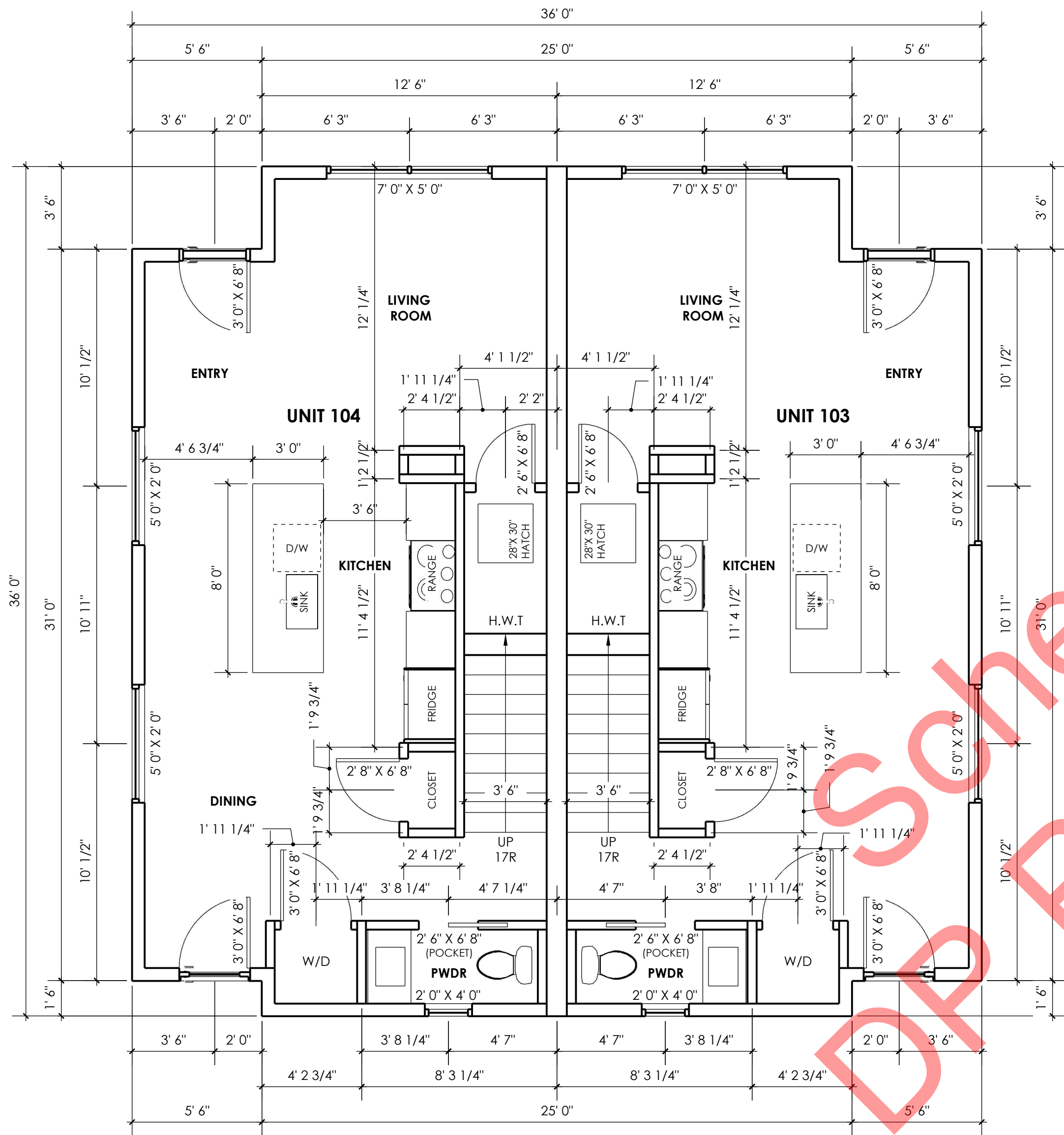
FLOOR PLANS
BUILDING B



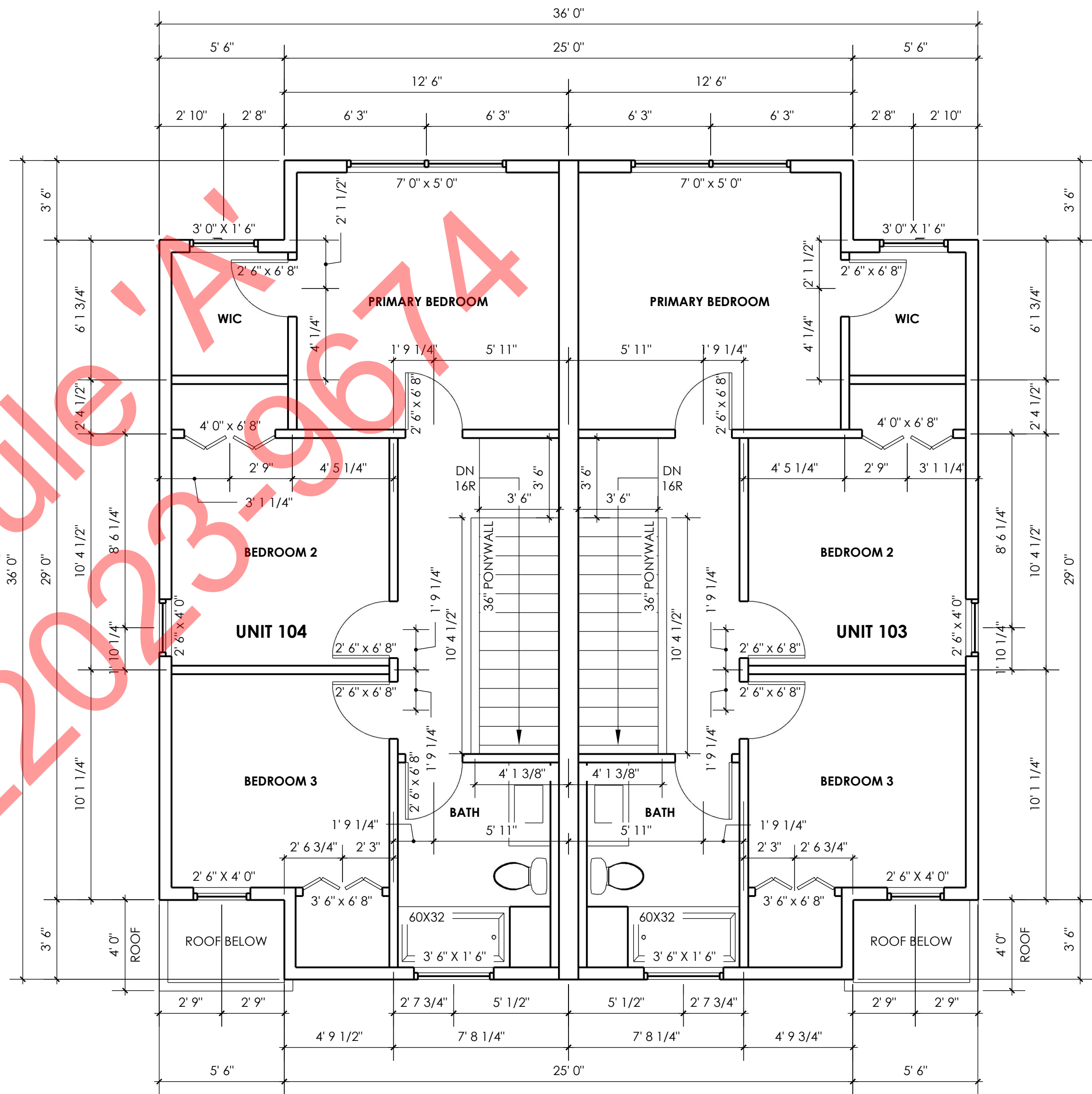
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NORTH



1 MAIN FLOOR PLAN - BUILDING B
420.5 SQ.FT (PER UNIT)
9' 0" CEILING HEIGHTS
SCALE : 1/4" = 1'-0"



2 UPPER FLOOR PLAN - BUILDING B
355 SQ.FT (PER UNIT)
9' 0" CEILING HEIGHTS
SCALE : 1/4" = 1'-0"

NOT FOR CONSTRUCTION



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Kinney Ave Duplexes

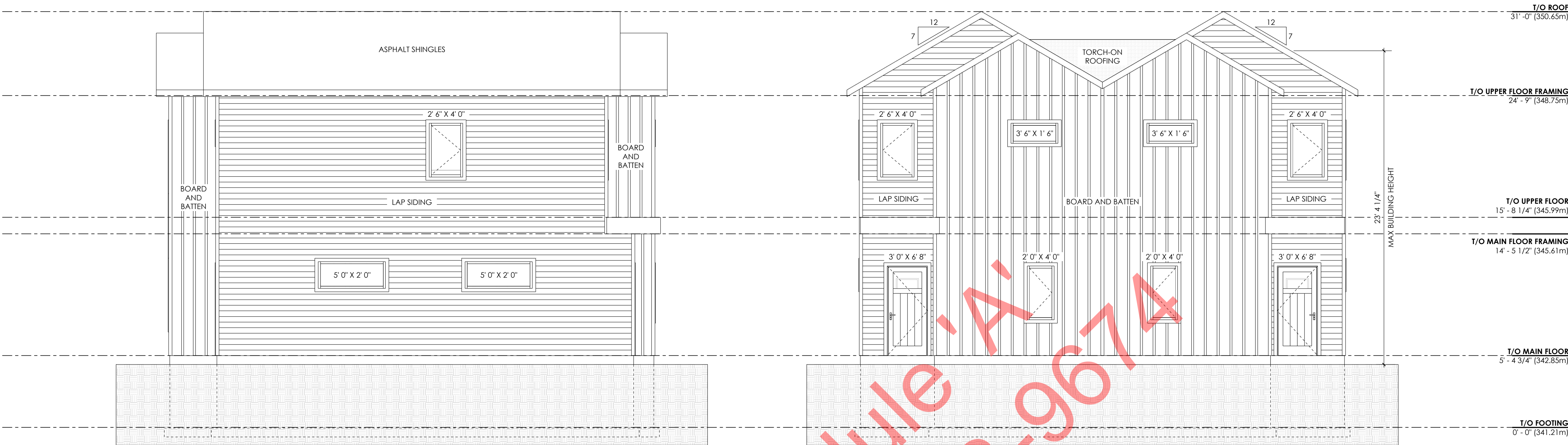
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02	23.10.31	ISSUE FOR DVP REV 1

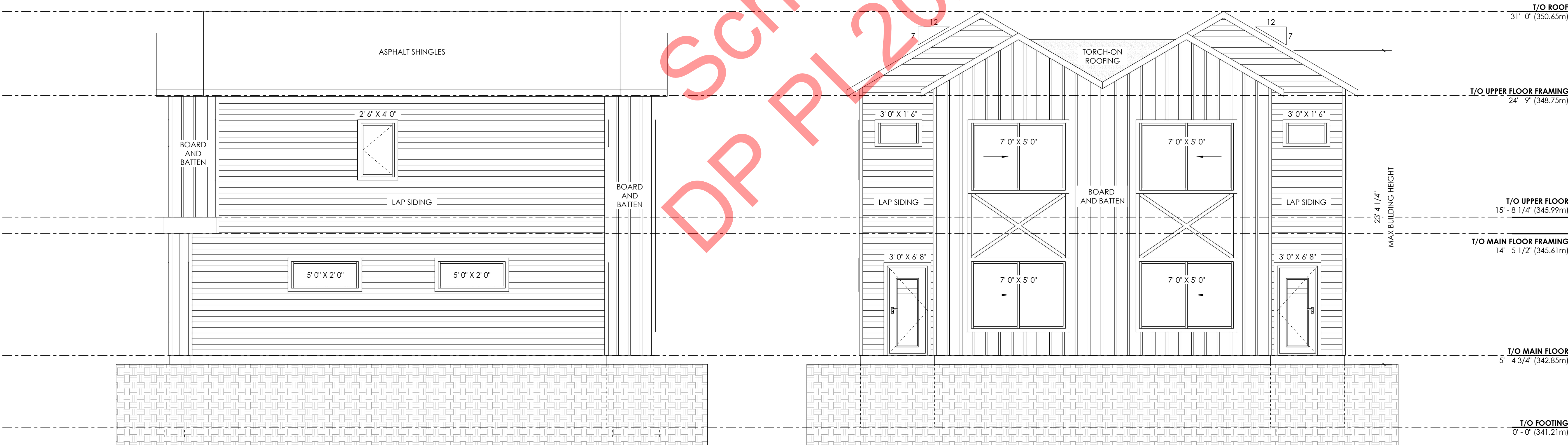
A8

ELEVATIONS -
BUILDING A



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

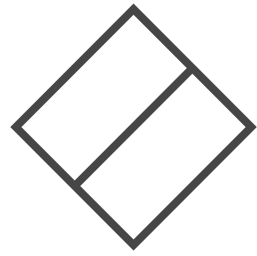
2 WEST ELEVATION - BUILDING A
SCALE : 1/4" = 1'-0"



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

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

NOT FOR CONSTRUCTION



PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

OWNER:
Scheonne Homes
210 Hastings Ave
Penticton BC

Kinney Ave Duplexes

275 Kinney Ave, Penticton BC

DOCUMENT DATE:

October 30, 2023

SCALE:

AS NOTED

NO.	DATE:	ISSUE:
01	23.09.28	ISSUE FOR DP/REZONING
02	23.10.31	ISSUE FOR DVP REV 1

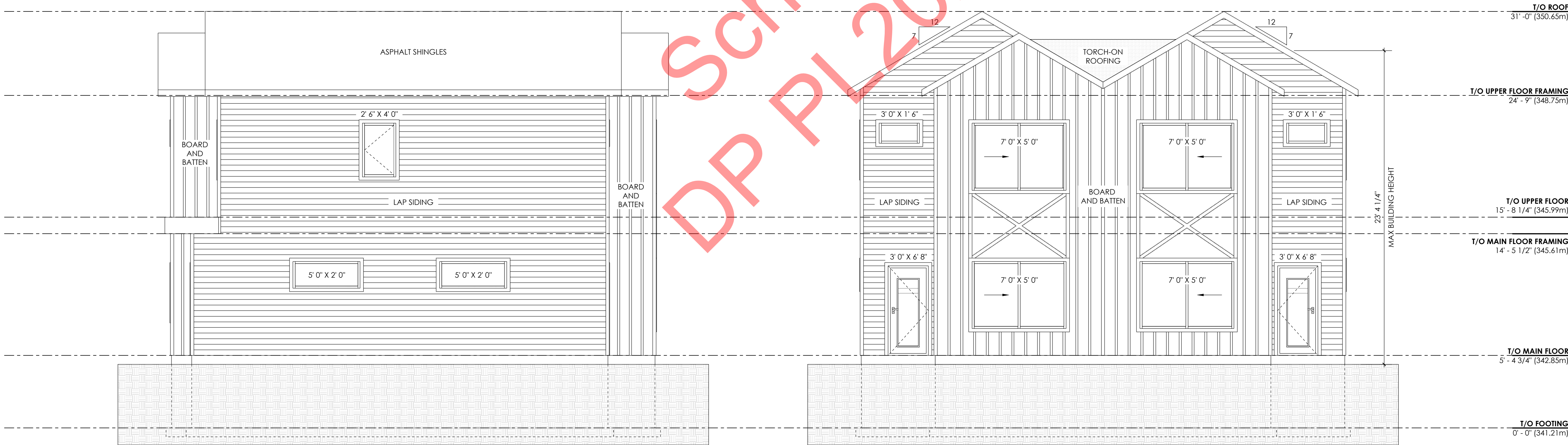
A9

ELEVATIONS -
BUILDING B



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

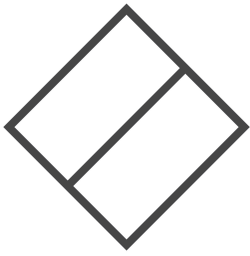
2 WEST ELEVATION - BUILDING B
SCALE : 1/4" = 1'-0"



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

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

NOT FOR CONSTRUCTION



PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC



1 RENDERING - SE PERSPECTIVE
SCALE : NTS



2 RENDERING - SW PERSPECTIVE
SCALE : NTS



3 RENDERING - NE PERSPECTIVE
SCALE : NTS

Kinney Ave Duplexes

275 Kinney Ave, Penticton BC

OWNER:
Scheonne Homes
210 Hastings Ave
Penticton BC

DOCUMENT DATE:
October 30, 2023
SCALE:
AS NOTED

NO.	DATE:	ISSUE:
01	23.09.28	ISSUE FOR DP/REZONING
02	23.10.31	ISSUE FOR DVP REV 1

NOT FOR CONSTRUCTION

A10
RENDERINGS

Development Variance Permit

Permit Number: DVP PL2023-9680

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 B District Lot 116 Similkameen Division Yale District Plan 36190
 - Civic: 275 Kinney Avenue
 - PID: 002-784-629
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 two side-by-side duplexes, as shown in the plans attached in Schedule 'A':
 - a. Section 10.9.2.9: to reduce the rear yard setback from 6.0 m to 2.2 m.

General Conditions

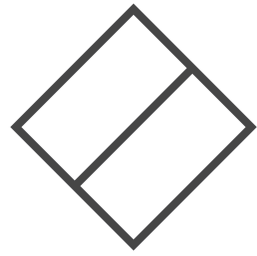
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence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

Authorized by City Council, the ____ day of _____, 2024.

Issued this ____ day of _____, 2024.

Angela Collison
Corporate Officer

DRAFT



PARALLEL 50
CONSTRUCTION

Augmented 3D
Design & Construction

210 Hastings Avenue
Penticton, BC

Designer:
Parallel 50 Construction
210 Hastings Avenue
Penticton, BC

OWNER:
Scheone Homes
210 Hastings Ave
Penticton BC

Kinney Ave Duplexes

275 Kinney Ave, Penticton BC

DOCUMENT DATE:

October 30, 2023

SCALE:

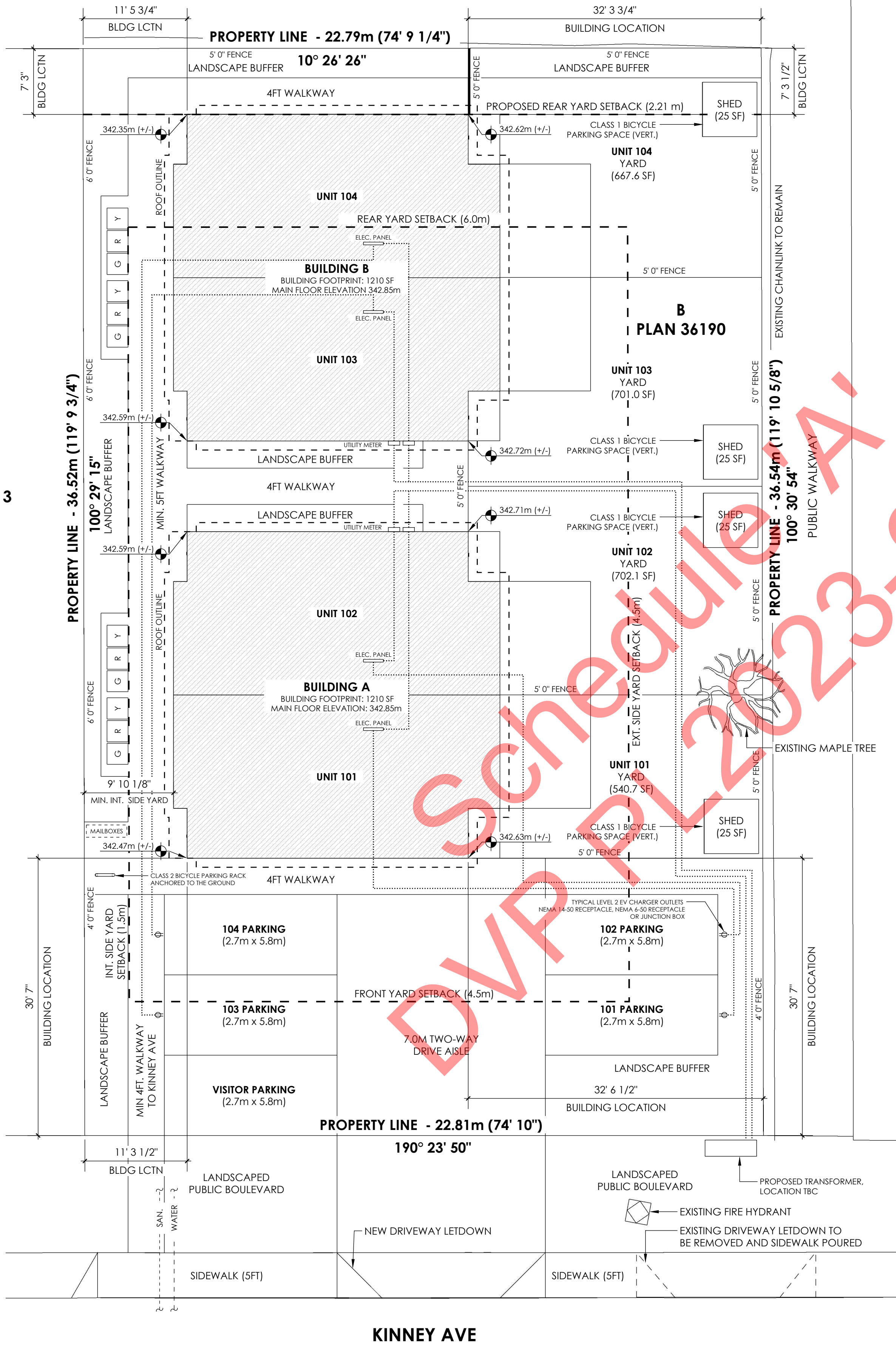
AS NOTED

NO.	DATE	ISSUE
01	23.09.28	ISSUE FOR DP/REZONING
02	23.10.31	ISSUE FOR DVP REV 1

A2

SITE PLAN

3
PLAN 9913



RD4 LOW DENSITY CLUSTER HOUSING		
	REQUIRED	PROVIDED ON PLANS
MINIMUM LOT WIDTH	18.0 m (59.06ft)	22.81m (74.835ft)
MINIMUM LOT AREA	540 sqm (5812.51SF)	832.8 sqm (8965 SF)
MAXIMUM LOT COVERAGE	40%	28.1% (2520 SF)
MAXIMUM FAR	0.8 FAR	0.52 FAR
MAXIMUM HEIGHT	10.5m (34.45ft)	7.12m (23.35 ft)
SETBACKS:		
MINIMUM FRONT YARD	4.5m (14.76ft)	9.32m (30.58ft)
MINIMUM INTERIOR SIDE YARD	1.5m (4.92ft)	3.00m (9.84ft)
MINIMUM EXTERIOR SIDE YARD	4.5m (14.76ft)	N/A
MINIMUM REAR YARD	6.0m (19.69ft)	2.21m (7.25ft)
AMENITY SPACE	20 m² PER UNIT	> 20 m² (REFER TO PLAN)

*NOTE: SHEDS AREA'S INCLUDED IN LOT COVERAGE

PARKING REQUIREMENTS

CLUSTER HOUSING: 1 STALL PLUS 0.25 VISTOR STALL PER UNIT

REQUIRED: 5 STALLS

PROVIDED: 5 STALLS

1 SITE PLAN

SCALE : 1/8" = 1'-0"

NOT FOR CONSTRUCTION

Bylaw No. 2023-48

A Bylaw to Amend Zoning Bylaw 2023-08

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

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2023-08;

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

1. **Title:**

This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2023-48”.

2. **Amendment:**

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Rezone Lot B District Lot 116 Similkameen Division Yale District Plan 36190, located at 275 Kinney Avenue, from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this _____ day of _____, 2024

READ A SECOND time this _____ day of _____, 2024

READ A THIRD time this _____ day of _____, 2024

RECEIVED the approval of the day of _____, 2024

Ministry of Transportation on the
ADOPTED this _____ day of _____, 2024

Notice of intention to proceed with this bylaw was published on the 5th day of January, 2024 and the 10th day of January, 2024 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2024

for Minister of Transportation & Infrastructure

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-48

Date:

Corporate Officer:

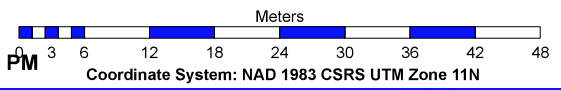


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1:696

Monday, November 27, 2023 3:04 PM



City of Penticton

Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 172 Green Avenue West

File No: RMS/172 Green Ave W

Subject: **Zoning Amendment Bylaw No. 2023-49**
Development Permit PL2023-9664

Staff Recommendation

THAT Council give first, second and third reading to “Zoning Amendment Bylaw No. 2023-49”, for Lot 4 District Lot 116 Similkameen Division Yale District Plan 9696, located at 172 Green Avenue West, a bylaw to rezone the subject property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2023-49”, approve “Development Permit PL2023-9664”, for Lot 4 District Lot 116 Similkameen Division Yale District Plan 9696, located at 172 Green Avenue West, a permit to approve the form and character of one duplex and one triplex (five dwelling units);

AND THAT Council require that a 0.9 m road dedication be completed prior to the issuance of the Occupancy Permit.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicant is proposing to construct one duplex and one triplex (five dwelling units total) three-



Figure 1 – Property Location Map

storeys in height on the subject property (Figure 1). In order to proceed with the proposal, the applicant has requested to rezone the property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

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



Figure 2 – Conceptual Rendering of Proposed Development

Background

The subject property (Figure 1) is currently zoned R1 (Large Lot Residential) and is designated as 'Ground Oriented Residential' (Figure 3) by the Official Community Plan (OCP). The subject property contains a single family home that was constructed in 1970.

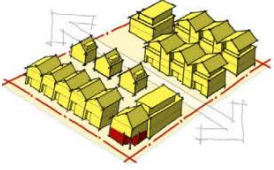
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Ground Oriented Residential 	Medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas.	<ul style="list-style-type: none"> • Duplexes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

Figure 3 – OCP Land Use Designation

The surrounding area is a mixture of uses, including single family and multifamily dwellings directly adjacent, infill development, townhouses, and apartments. The property's proximity to the variety of uses make it appropriate for increased density. The property is within walking distance of Princess Margaret Secondary and Skaha Lake Middle Schools. The property is also located within close proximity of Skaha Lake

Road and a variety of services and amenities. This area is also well serviced by pedestrian, cycling and transit networks.

No Public Hearing

The Provincial government passed several pieces of legislation in November 2023 to support housing development across BC. Among other changes, Bill 44 amended the *Local Government Act* to prohibit local governments from holding a public hearing on zoning amendment bylaws for a residential or mixed use development if the proposal it is aligned with the Official Community Plan. In this case, the proposed rezoning aligns with the underlying OCP designation, therefore the City is prohibited from holding a public hearing on this Zoning Bylaw Amendment. The *Local Government Act* still requires the City to mail public notice letters to nearby residents and post a public notice on the City's website that a Public Hearing is not being held, which staff have completed prior to the Council meeting. Any written submissions received in response to those notice letters will be shared with Council.

Financial Implication

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

Climate Impact

The proposed development proposes five units, increasing density in an area close to services, employment, school and well served by transit. Two Class 2 Bicycle parking spaces are provided for visitors and each dwelling unit has ample space in their garages to provide Class 1 bicycle parking spaces, resulting in 5 Class 1 spaces.

Each dwelling unit is required to provide 1 (5 total) Level 2 Electric Vehicle ready space.

This buildings will be required to meet Step 3 of the BC Energy Step Code. Step 3 requires new builds to be at minimum 20% more efficient than the base 2018 BC Building Code, with a goal of being Net Zero Ready for new construction by 2032.

Technical Review

The application package has been reviewed by the Technical Planning Committee, a group of internal staff who review development applications. Comments related to the future building permit application were provided to the applicant in the case that the land use applications are successful. The 0.9 m road dedication in front of the subject property is to allow for boulevard trees. Normally the road dedication would be required to be registered prior to zoning approval, but due to a water agreement being registered against the tile, and the City's experience with having these historic agreements removed (which is required to alter the parcel), staff are recommending that the dedication be registered prior to building occupancy. Pushing this requirement to occupancy will not hold the project up. The property owner has agreed to this path.

Development Statistics

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

	RM2 Zone Requirement	Provided on Plans
Minimum Lot Width*:	18 m	23.17 m
Minimum Lot Area*:	540 m ²	971.2 m ²
Maximum Lot Coverage:	40%	37.5%
Maximum Density:	0.8 Floor Area Ratio (FAR)	.72 FAR
Vehicle Parking:	Total Required: 1 per dwelling unit plus 0.25 spaces/unit for visitors Total Required: 6 spaces	Total Per Dwelling: 10 spaces Total Visitor: 2 spaces Total Provided: 12 spaces
Level 2 Electric Vehicle (EV) Ready Chargers:	Total Required: 1 per dwelling unit Total Required: 5 chargers	Total EV Ready Chargers Provided: 5 chargers
Bicycle Parking:	Total Class 1: 0.5 per unit Total Class 1 Required: 2 Total Class 2: 0.1 per unit Total Class 2 Required: 1 space	Total Class 1 Provided: 5 spaces (1 in each garage) Total Class 2 Provided: 2 spaces
Landscape Buffer (east):	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 4 trees, and 41 shrubs.	Total Provided: 1.0 m wide (Variance through Development Permit), 6 trees, and 54 shrubs.
Landscape Buffer (west):	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 4 trees, and 41 shrubs.	Total Provided: 3.0 m wide, 6 trees, and 20 shrubs (Variance through Development Permit).
Required Setbacks Front Yard (Green Ave W): Interior Side Yard (east): Interior Side Yard (west): Rear Yard (lane):	3.0 m 3.0 m 3.0 m 6.0 m	3.9 m 8.0 m 3.0 m 6.0 m
Maximum Building Height	12 m	9.31 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.	

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Ground Oriented Residential', which supports medium density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas (Figure 3). Duplexes with suites, cluster housing and fourplexes are some of the building types envisioned in this designation. The applicant is proposing to construct one duplex and one triplex on the subject property. The development and density proposed on the property are aligned with the vision of properties designated within the 'Ground Oriented Residential' designation.

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

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

Staff consider that the application proposes an appropriately scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed rezoning to RM2 to allow a total of 5 dwelling units on the property is consistent with the increased density and building forms envisioned by the 'Ground Oriented Residential' designation.

Staff also wish to acknowledge the recent Province of BC announcements that will require the City of Penticton to update their zoning bylaw by June 30, 2024 to allow for up to 4 units on any single or two family zoned properties and potentially 6 on lots in close proximity to frequent transit. While there will still be details to be worked out in how this direction from the province will land within the City's zoning bylaw, it is very likely that the proposed development would be permitted by the zoning changes when the changes occur. The applicants made their application prior to these announcements and have indicated a willingness to continue through the zoning process, rather than wait for the larger changes to happen.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first, second, and third reading to "Zoning Amendment Bylaw No. 2023-49".

Support Development Permit

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

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

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

Development Permit Variance

The OCP Section 5.1.4 allows for minor variances through a development permit in certain instances. The applicant is proposing a reduced landscaping buffer along the west and east property lines (Figure 4). Section 5.1.4 of the OCP allows for variances to landscaping buffers in cases where "the proposed building locations make establishment of a buffer difficult or impossible or where trees will not thrive. In cases where the buffer is reduced, compensatory planting elsewhere on the site or in adjacent public realm is required".

In this instance, the east property line is reduced in width from 3.0 m to 1.0 m, as a result of the drive aisle providing access to each unit's garage. Staff are supporting this variance, as the landscaping plan still provides the required number of trees and shrubs along all property lines. As no plantings are reduced, staff are not requiring any compensatory plantings. The west property line does not contain the required amount

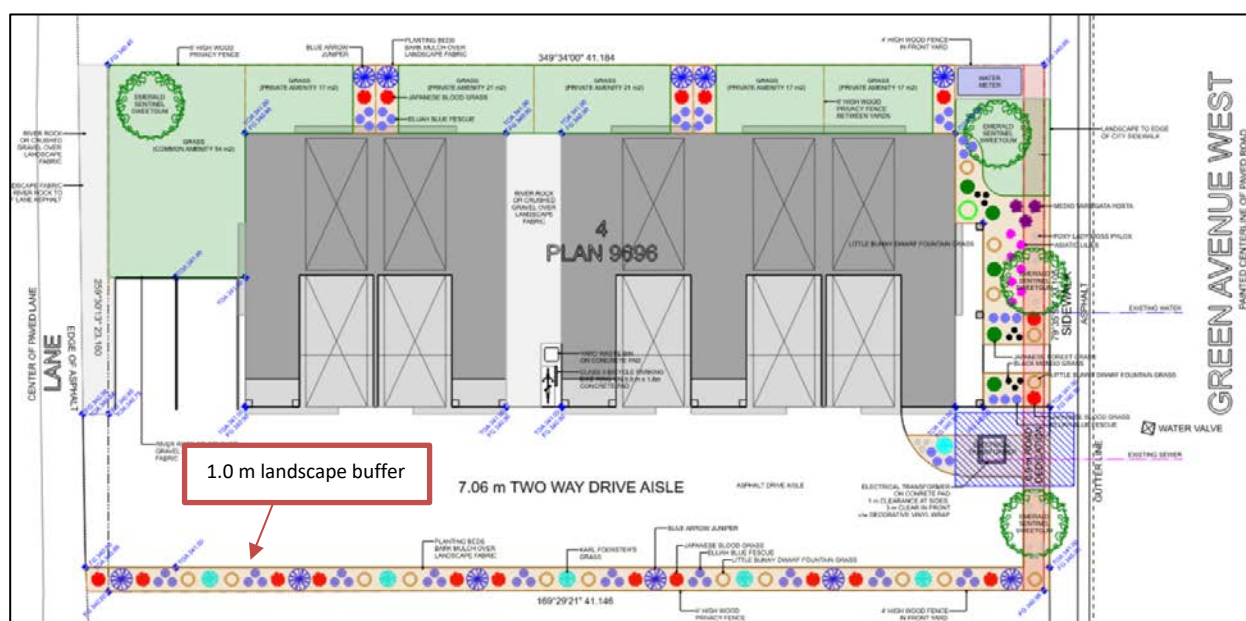


Figure 4 – Landscape Buffer

of shrubs. 41 are required and only 20 are proposed, the applicant has provided compensatory additional shrubs in the front yard setback. As well, the drive aisle between the proposed buildings and the east property line is 8.0 m, which reduces the overlook into the eastern property. Landscaping buffers assist with providing a natural buffer between properties and uses. They also help to increase the urban forest inventory throughout the City. Staff considers that the added distancing between the property and the proposed buildings, as well as the proposed landscaping plan, which incorporates adequate plantings and species, make this a suitable variance through the Development Permit.

Alternate Recommendations

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

1. THAT Council deny first, second, and third reading to “Zoning Amendment Bylaw No. 2023-49”.

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)

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

Attachment F – Draft Development Permit PL2023-9664

Attachment G – Zoning Amendment Bylaw No. 2023-49

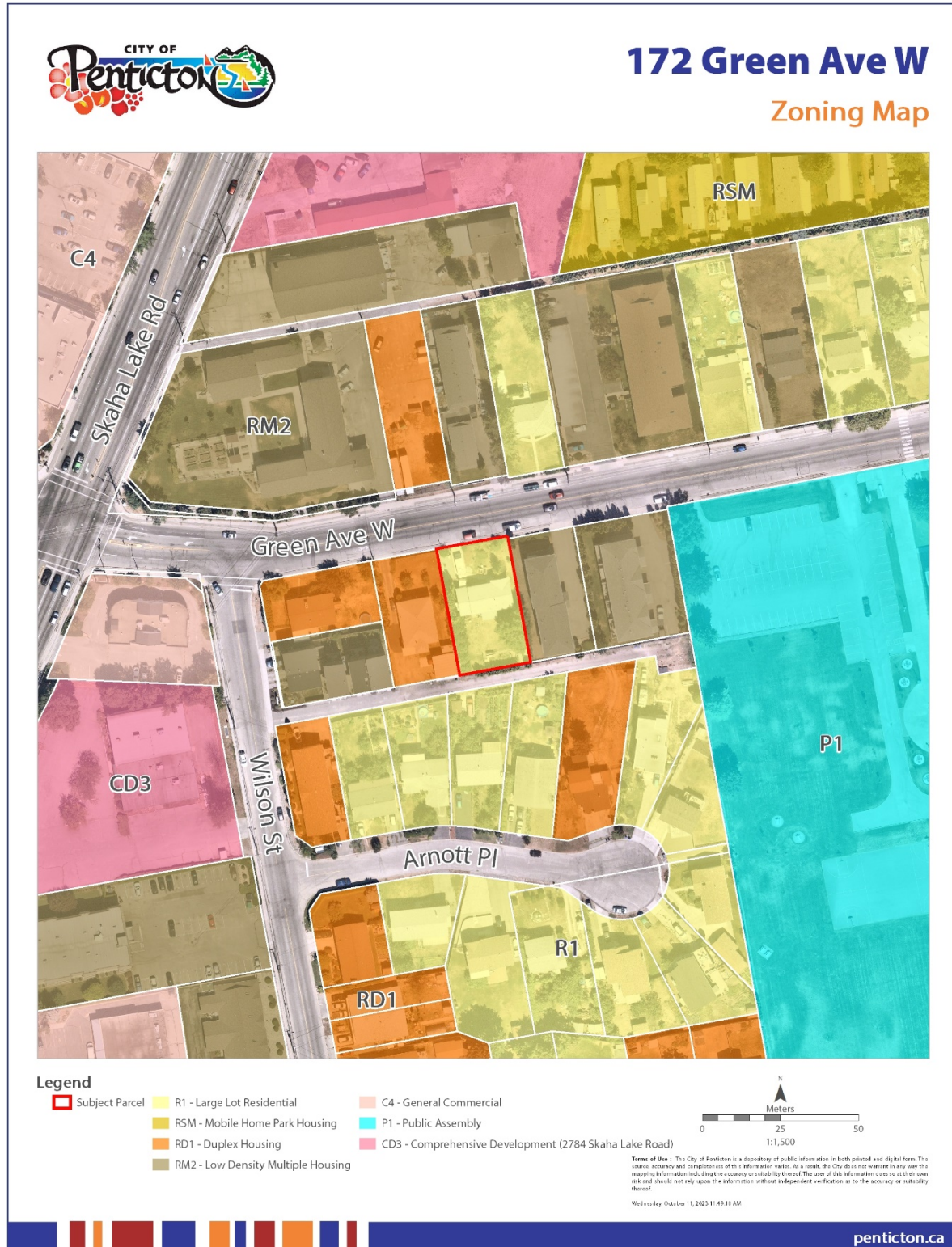
Respectfully submitted,

Jordan Hallam
Planner II

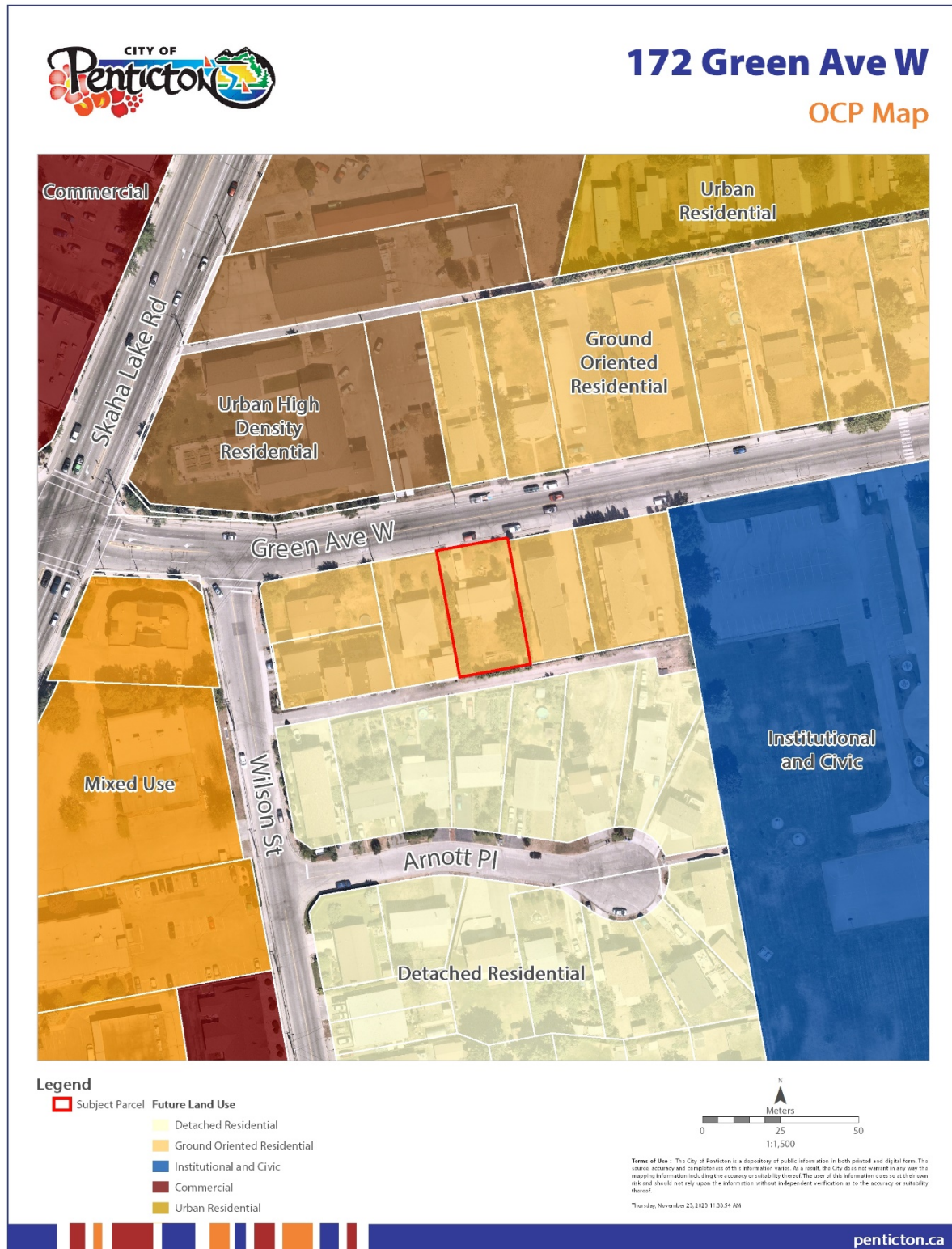
Concurrence

Director of Development Services <i>BL</i>	GM of Infrastructure <i>KD</i>	City Manager <i>PH</i>
--	---------------------------------------	-------------------------------

Attachment A – Zoning Map



Attachment B – Official Community Plan Map



Attachment C – Photos of Property







Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

- Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.*
- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.
- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The applicant has located the proposed building at 3.9 m from the front yard, the minimum required is a 3.0 m front yard setback, which helps to maintain a connection with the street. They have proposed a front door on the unit closest to Green Ave W that faces the street to add a pedestrian scale to the development.
- Guideline G7 All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*
- The proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain 'eyes on the street' by keeping sightlines open from private property to the public streetscape.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- Green Ave W to the north side of the development provides pedestrian access to the development.
 - The proposed development has a sidewalk access from Green Ave W to allow barrier-free pedestrian access to all building unit entrances.
- Guideline G21 Orientation of buildings should face public spaces (e.g., street and lane) with a preference for ground-oriented types (e.g., a front door for everyone or every business).*
- The proposed development provides private outdoor amenity area to the west behind each dwelling unit.
 - Each dwelling unit has a front door for access from the drive aisle, Green Ave W, and the rear lane.
- Guideline G33 Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching*
- The proposed development includes a landscaping plan that provides adequate and appropriate designs.
 - The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering and utilizes a drip system.
- Guideline G35 Tree planting...*
- Trees and shrubs have been provided at the front of the property as well along the east and west property line with the landscape buffer.

Guideline MF1 All multifamily developments should incorporate community amenity spaces that provide opportunity for recreation and play and address the needs of all age groups likely to reside within the development.

- The proposed development includes approximately 29 .0 m² of outdoor grass amenity space for each unit. Each amenity space is separated by a fence to allow privacy for every unit.

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

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

Guideline MF4 Visitor parking should be:

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

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



August 8, 2023

Giroux Design Group Inc.

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

Re: 172 Green Avenue West Rezoning and Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposal to rezone the property at 172 Green Avenue W. from R1 to RM2 to allow for the construction of a duplex building and a triplex building for a total of five units. The proposed development is consistent with the OCP for the property which is Ground Oriented Residential. No variances are required for this application.

The five units will each have 3 bedrooms a carport and a single car garage. Twice the required parking stalls have been provided for this development. The location of the development is ideal for families as there are schools, shopping, and parks all located within just a few blocks.

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

Thank you for considering our proposal.

Best regards,

Tony Giroux ASTTBC, CTech, RBD, BCABD
Owner/Registered Building Designer
Giroux Design Group Inc.

172 GREEN AVE W.: DEVELOPMENT PERMIT ANALYSIS

Site Planning

Designing in Context

Contextual designs feel better because they 'fit.' In light of Penticton's complex and unique landscape, views and urban patterns, it is important that designs reflect this character. Guidelines address site conditions and context, including: sensitivity to on-site features (e.g., terrain and sun angle), adjacencies (e.g., street interface and existing uses), potential impacts (e.g., overlook and shading) and other related opportunities (e.g., energy conservation).

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

The City Planning Department was consulted very early on in the development planning and it was determined that the City Engineering department would be requiring a 0.9 meter road widening, this was subsequently planned for in the development.

G3. Private and semi-private open spaces should be designed to optimize solar access (see Figure G3).

Each unit has a private yard with afternoon sun, and a private covered deck with morning sun, allowing all residents to enjoy a period of sun and shade each day in an outside environment. A common amenity space at the south of the property also has exposure to the sun throughout the day. The building location on the property allows solar access to the drive aisle side of the units as well as the private yards.

G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

Each row of units will have a view of the mountains either to the east or the west that can be enjoyed either from the private decks or via window view.

Framing Space

In consideration of Penticton's relatively low-scale urban form, future intensification and development should explore how buildings actively frame space(s) as a means to expand and enhance the public realm. The following guidelines aim to promote positive interactions with particular care and attention to transitions between private and public spaces.

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

The street is dominated by the presence of the two schools with only five residential properties to the west of the schools before commercial developments begin. Of the five residential properties, two are existing multi-family developments. The front yard setback will be less than that of the two older townhouse developments, but consistent with the newer townhouse development at 123 Green Avenue W.

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 units are designed with two car garages to allow for secured storage and parking. Each unit will have its own gated private yard for additional protected outdoor space. The common area at the south of the property is open to view and the landscaping on the property does not leave areas for concealed illicit activity.

Prioritizing Pedestrians

A high-quality pedestrian environment is a central quality of any welcoming neighbourhood. Penticton is fortunate to have an extensive neighbourhood street network that links distinct areas in a reasonable walking distance. The following guidelines aim to optimize the quality and connectivity of pedestrian infrastructure and reduce conflict between pedestrians and vehicles.

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 the same street as a middle school and high school, and easily in walking distance from multiple shopping centres. All units have easy access from their front doors to the street.

G12. Where feasible, indicate pedestrian ways with continuity of paving treatments/paving materials.

A 1.2 m wide sidewalk provides access to the units facing north, while the other units can be accessed from the 7.0 m wide paved drive aisle.

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).

Entrance to the buildings are essentially at the same level as the City street.

Cars and Parking

The following guidelines are intended to reduce the impacts of automobile infrastructure – including access and parking – and to further support a high quality pedestrian realm. (see Figure 5-3 and Figure 5.4)

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

- Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4).
- Where possible, shared automobile accesses should be considered to optimize land use, and to reduce impermeable surface coverage and sidewalk crossings.

Garages are provided on the first floor of each unit with an additional carport space in front of the garage door, two guest parking spaces are located at the south end of the property. The 7.0 m wide drive aisle provides ample room for vehicle and bicycle movement.

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

- Parking between the front of buildings and the street is not permitted.
- Parking should be located at the rear of buildings/sites.
- Shared parking (where varying uses have parking demands that peak at different times of the day) is encouraged to reduce parking requirements.
- Outdoor surface parking areas should incorporate pathways that provide safe, accessible and comfortable pedestrian connections to entries/destinations.

Parking for the development is primarily provided within the garages of the units. The guest parking spaces are conveniently placed at the south end of the property and provide easy access to all units. There is no parking in the front yard of the development.

Architecture

Design for Our Climate

In response to Penticton's semi-arid climate, design buildings and landscape architecture that reflect a love for indoor/outdoor living resulting from low annual rainfall and hot summer temperatures.

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

- passive solar strategies;
- optimized placement of windows to maximize natural light;
- energy-efficient building design;
- passive solar principles;
- landscape design and plantings that provide cooling through shade in summer months;
- selecting roof materials to minimize heat loading and increase reflectivity.; and,
- strategies for cross-ventilation.

The units have windows facing both west and east with the end units having windows also facing north and south, allowing for solar gain throughout the year. Each unit has its own private yard as well as a covered decks on the second floor giving the option for indoor/outdoor living. The existing trees as well as some of the new trees are deciduous providing shade in the summer and sun in the winter. Windows are openable on the east and west facades of the building allowing for cross ventilation. Buildings are designed to Step 3 of the Energy Code.

Friendly Faces, Friendly Neighbours (Orientation & Massing)

Massing (the three-dimensional form) and articulation (how the parts fit together) of architecture are tools that can reduce the apparent size of large buildings and help ensure the sensitive transition to adjacent buildings and open spaces. It can also provide visual interest for pedestrians. New development should consider the scale of its neighbours and avoid abrupt transitions in height and massing between adjacent buildings.

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

The end unit to the north of the development is oriented with the front doors and additional windows facing Green Ave with landscaping in the front yard.

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

On all sides of the buildings cantilevered projections, porches, setback entries, and varied cladding materials breakup the mass of the building giving the buildings visual interest on all sides. Cantilevered projections over the drive aisle help add more visual interest and provide more living space per unit.

Eyes on the Street

Create active and safe shared spaces through orientation of primary building entrances, windows, porches/ balconies to the public realm, sidewalks and other shared open spaces.

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

The entrances to each townhouse unit is at ground level, with a driveway for vehicle access running down the east side of the property. One sidewalk is provided between the street and the front facing building entrance. A public sidewalk runs along the north side of the property.

G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas (see Figure 5-7).

Windows on all levels of the street facing unit provide for visual overlook onto Green Avenue and the public realm. All units have windows looking over the driveway and over the amenity yard areas on all sides of the buildings.

Landscape Architecture

Enhance the Urban Forest

Urban forests are recognized for the economic, social, and environmental benefits they provide. In addition to considerations for form & character, enhancement of Penticton's urban forest will support health and well-being for all.

G35. Tree planting

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

Thirteen new trees are placed along the east, west and north property lines. These trees and other proposed landscaping provide buffering between the public realm and adjacent properties.

Utilities, Mechanical Services and Servicing

As essential components of the city's built infrastructure, these elements must be intentionally integrated in the overall design to mitigate impacts on form and character.

G54/55. Mechanical/Utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building. Where this is unachievable, units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street.

Electrical transformer is placed in the rear yard and wrapped with vinyl decorative wrap. The water meters are placed in the front yard in the front northwest corner of the property also wrapped in decorative vinyl wrap.

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.

Garbage and recycling containers are stored in the garages to be placed in front of the garage door for pickup on collection days. Access can be either through the lower level of the house or the gates from the rear yards. The yard waste bin is placed between the two buildings on a concrete pad behind the bicycle parking.

G59. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.

The garbage containers are in the garages.

G60. Clear access to refuse/recycling areas must be provided.

Each unit will have it's own garbage and recycling containers with one community yard waste bin placed between the two buildings on a concrete pad behind the bicycle parking.

Fences

Notwithstanding the fencing regulations in the Zoning Bylaw, fencing design should provide a level of privacy to the development but not present an unfriendly solid wall to the public street.

G63. All plans should show intended fencing.

Fencing is shown on landscape plans. Fencing along the east, west and south property lines is 6' tall wood privacy fence with the exception that the fence is 4' high in the front yard. There is no fence on the front (north) property line. There are 6' fences between each private yard in the side setbacks.

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.

Amenity space is provided with each unit having it's own private fenced yard and private covered deck on the second floor. In addition to the private amenity space there is a community amenity area at the south of the property with landscaping and a lawn suitable for play or relaxing. The development is located on the same street as a middle school and high school.

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 fenced private yards each have a landscaped section placed to maximize the usefulness of the yard as a play area for children or pets, or for outdoor enjoyment for all age groups. The lawn area at the south end of the yard can be used without vehicles driving past the area, allowing for another safe place for recreation. The landscaping is a mixture of ornamental grasses that are variant in shape, size, and colour. A mixture of evergreen and deciduous trees creates visual interest year round.

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 parking is located at the south end of the property and easily accessible to all units. These spaces will be clearly marked for visitors. Within a short walking distance is the school parking lots which could provide additional parking for visitors during non-school periods such as weekends or vacations.

Development Permit

Permit Number: DP PL2023-9664

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 4 District Lot 116 Similkameen Division Yale District Plan 9696
 - Civic: 172 Green Avenue West
 - PID: 006-241-662
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of one duplex and one triplex (five dwelling units) as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

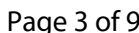
General Conditions

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

Authorized by City Council, the ____ day of ____, 2024.

Issued this ____ day of ____, 2024.

Angela Collison
Corporate Officer

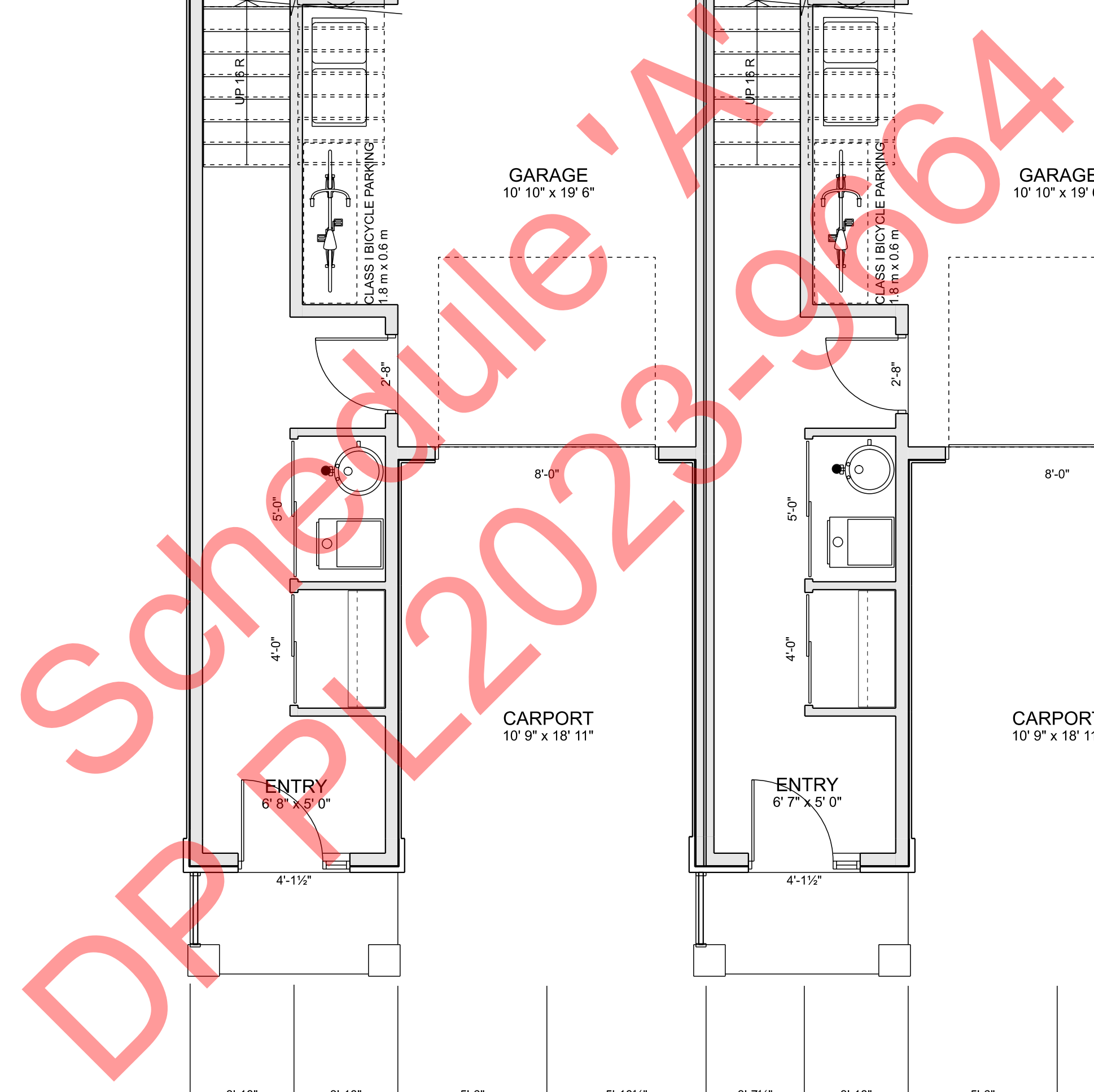




DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

PLAN NO.
WP-5783
SLAB

SHEET NO.
A3



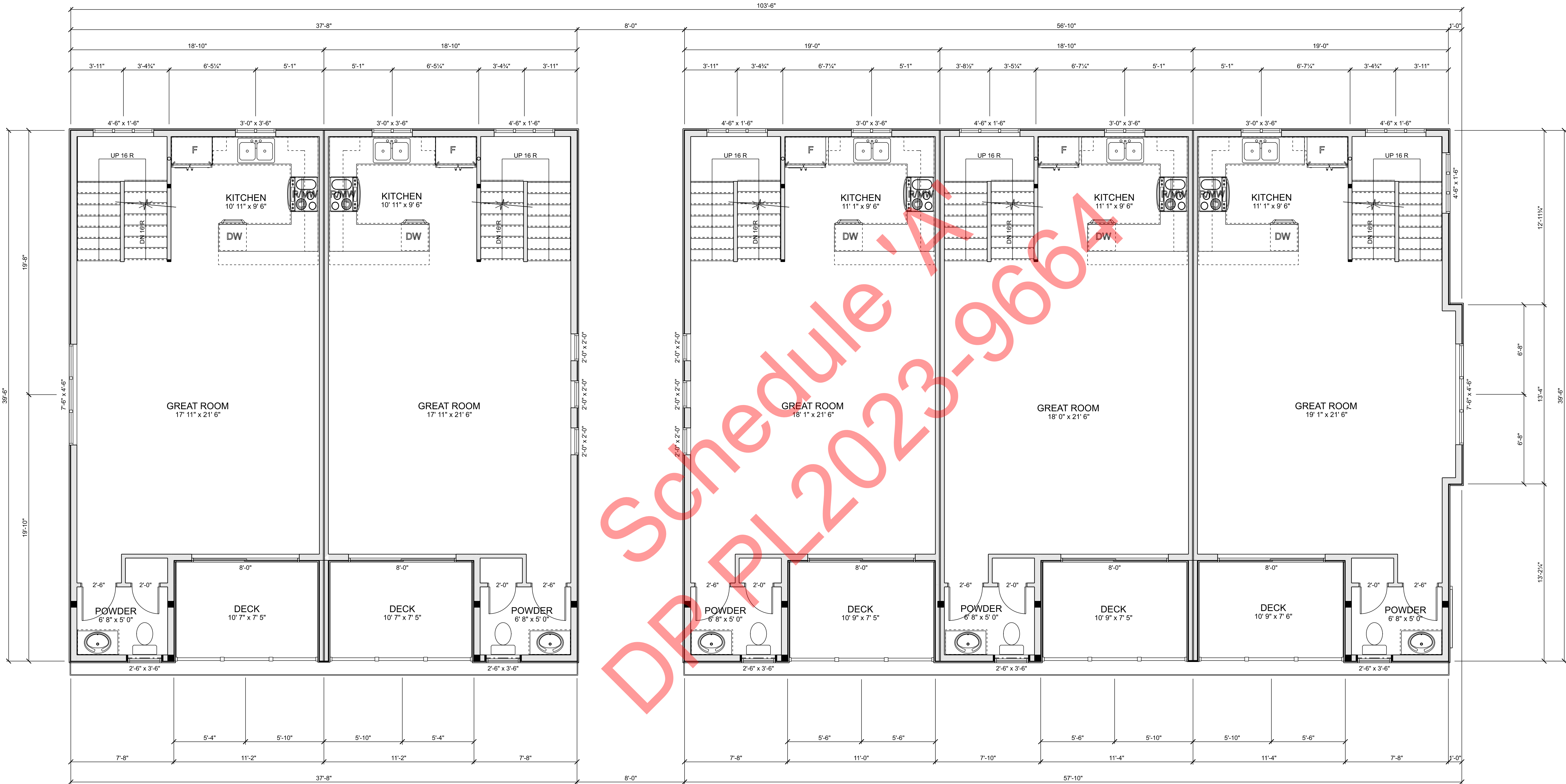
SCALE: 1/4" = 1'-0"
LOWER FLOOR LIVING AREA: 979 sq ft.
GARAGE AREA: 1133 sq ft.

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Due to local codes, regulations and building practices and/or because of specific site conditions, these drawings may not be suitable or legal for use in the construction of a building in all localities. Consequently, these drawings are not to be used as a guide for construction unless the builder has confirmed their suitability for the intended use. The drawings are not to be used for any other purpose. Additionally, Gensler Design Group is unable to accept any liability for any errors or omissions in these drawings in excess of their original purchase price. Therefore, the builder must carefully inspect all dimensions and details in these drawings and assume responsibility for the same.


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PLAN NO.
WP-5783
SLAB
SHEET NO.
A4



MAIN FLOOR PLAN

SCALE: 1/4" = 1'-0"

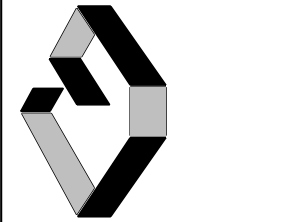
MAIN FLOOR LIVING AREA: 3013 sq ft.

DECK AREA: 404 sq ft.

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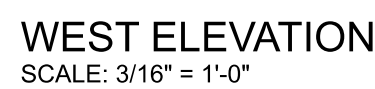
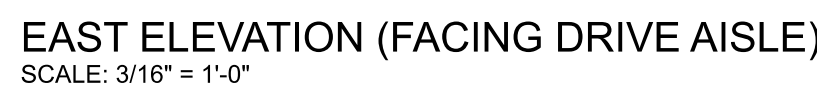
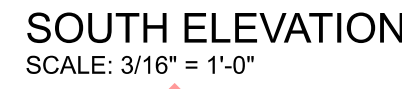
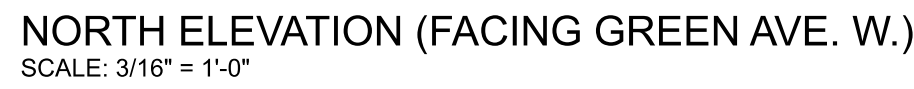


PLAN NO.
WP-5783
SLAB
SHEET NO.
A5

STONE CLIFFE DEVELOPMENTS
RAJ DHILLON
172 GREEN AVE
PENTICTON, BC
DESIGN BY: AJG
DRAWN BY: AJG
DATE: 2023-11-07
REVISED:



Upper Floor Plans



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PLAN NO.
WP-5783
SLAB
SHEET NO.
A7

Exterior Elevations



NORTH ELEVATION (FACING GREEN AVE. W.)
SCALE: 3/16" = 1'-0"



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION (FACING DRIVE AISLE)
SCALE: 3/16" = 1'-0"



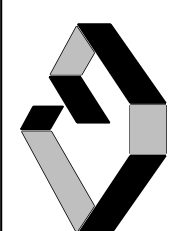
WEST ELEVATION
SCALE: 3/16" = 1'-0"



STONE CLIFFE DEVELOPMENTS			
RAJ DHILLON			
172 GREEN AVE			
PENTICTON, BC			
DESIGN BY: AJG	DATE: 2023-11-07		
DRAWN BY: AJG	REVISED:		

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and until the drawings have been brought into conformity with all local requirements,
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used for the construction of a building. The drawings are not to be used for the construction
of a building. The drawings are not to be used for the construction of a building.
Therefore, the builder must carefully inspect all dimensions and details in these
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PLAN NO.	WP-5783
SHEET NO.	A8

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Colour Elevations

Bylaw No. 2023-49

A Bylaw to Amend Zoning Bylaw 2023-08

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

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2023-08;

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2023-49".

2. Amendment:

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Rezone Lot 4 District Lot 116 Similkameen Division Yale District Plan 9696, located at 172 Green Avenue West, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this _____ day of _____, 2024

READ A SECOND time this _____ day of _____, 2024

READ A THIRD time this _____ day of _____, 2024

RECEIVED the approval of the day of _____, 2024

Ministry of Transportation on the
ADOPTED this _____ day of _____, 2024

Notice of intention to proceed with this bylaw was published on the 5th day of January, 2024 and the 10th day of January, 2024 in an online news source and the newspaper, pursuant to Section 94.2 of the *Community Charter*.

Julius Bloomfield, Mayor

Approved pursuant to section 52(3)(a) of the *Transportation Act*
this _____ day of _____, 2024

for Minister of Transportation & Infrastructure

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2023-49

Date:

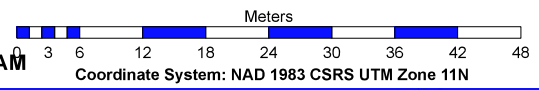
Corporate Officer:



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1:720
Monday, December 4, 2023 11:22 AM



From: [L.Goldman](#)
To: [corpadmin](#)
Cc: [Council](#); [Draydan Power](#); [David Kassian](#); [First Things First Okanagan](#); [Jordan Hallam](#); [Blake Laven](#)
Subject: 172 Green Ave W Proposal
Date: Thursday, January 11, 2024 12:10:35 PM

Caution! This message was sent from outside your organization.

Good day,

This is in response to the development proposal rezoning for District Lot 116 Similkameen Division Yale District Plan 9696, located at 172 Green Avenue West.

This proposal should be paused until the City of Penticton updates their zoning bylaw by June 30, 2024 when requirements from the BC government will be clearer for the developer about density and emission reductions.

My concerns are around climate issues, community safety and health, and the lack of a public hearing to get the views of citizens. Regarding public hearings, I understand that the BC government is attempting to increase new construction by reducing delays. Thus, I am sending my thoughts in this email.

My comments on the proposal are these:

A. Five dwelling units in this neighbourhood fit with the other residential buildings by the secondary and middle schools and increase density. A better design would be 2 3-bd units and 2 units with mixed sizes - 1 and 2 bd. Penticton needs more housing, family housing as well as singles and couples.

B. Step Code 3 is too low to address Climate Impacts and I was under the impression that the city chose Step Code 4 to start ahead of the provincial mandate. Building Step Code 3 would be suitable if the units were built without fossil gas furnace or hot water.

C. Without a city bylaw to have Zero Carbon Step Code requirements for **EL3 or 4, like 22 other BC municipalities**, the buildings might not have electric heat pumps or hot water heating (hooked up to gas) and thus will be adding to Penticton's emissions which are already much too high. We will never be able to reach our CCAP reduction targets using fossil gas for heating and hot water, the biggest contributors to global warming from buildings.

D. Another point is that, although the extra tree proposal is welcome, without a city covenant that requires the purchasers to maintain the trees on the lot, trees often die or are removed by owners for parking or other uses. This keeps Penticton burning hot and is a danger to all citizens as we face climate breakdown. Will the existing trees be protected? OCP 5.1.4 retain existing mature trees

E. OCP 4.1.4.1 mentions energy efficiency and the builder can do better on this point by building to Step Code 4 or Step Code 3 PLUS ZCSC EL3 or 4.

F. OCP 4.1.3.6 "Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw". I see a very small area for community amenities onsite - meeting area, community food garden for sustainability, or children's play space and tiny fenced areas for each unit. Reducing the design by one unit, in other words planning for two living units, would allow space for people to have a larger, more substantial place to have healthy, social interactions.

G. Will there be elevators or electric stair chair lifts for our aging population?
OCP 4.1.3.7 Support the housing needs of the aging population and those with disabilities through universal design principles and standards for accessible units and establishing a minimum proportion of accessible units in multifamily projects in the Zoning Bylaw.

H. OCP 4.2.3.1 promotes cycling. Providing each unit with only 1 bike storage in garages and 2 lock ups for the property is not enough as citizens transition to e-bikes and away from larger gas and electric vehicles. A family might have 3 or 4 bikes and visitors need safe storage. A bike lock up barn could be part of the amenity space if the design were reduced by one living unit.

I. My final note is about affordability. Large 3 bedroom buildings like this development, which will be sold at over \$700,000, don't really address the extreme crisis Penticton is facing regarding affordability. Although they look like they are increasing housing stock, they will be beyond the ability of most residents of Penticton. We need housing for workers as well as retirees and new residents, and the city and developers working together to create more accessible housing would help to house those who want to live here, not just absent investors or short term rental landlords. This would increase community safety and resident health and security.

Limlēmŋ- Thank you

Lori Goldman
118-197 Dauphin Ave
Penticton, BC V2A 3S3

"Hope is being able to see that there is light despite all of the darkness." ~ Desmond Tutu

I acknowledge that I work and play on the traditional unceded territories of the Syilx-Okanagan people. I recognize the strength and wisdom of the people who have lived here for 10 000 years and I commit to do all I can to bring truth and reconciliation into the work that I do.

Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Steven Collyer, Senior Planner
Address: 587 Edna Avenue

File No: RMS/587 Edna Ave

**Subject: Zoning Amendment Bylaw No. 2023-50
Development Permit PL2023-9633**

Staff Recommendation

THAT Council give first, second and third reading to "Zoning Amendment Bylaw No. 2023-50", a bylaw to rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 3215, located at 587 Edna Avenue, from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing);

AND THAT Council, prior to adoption of "Zoning Amendment Bylaw No. 2023-50", require the dedication of a 3.5m by 3.5m corner cut at the northeast corner of the subject property, adjacent to the two lanes, be registered with the Land Title Office;

AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2023-50", approve "Development Permit PL2023-9633", a permit to approve the form and character of a four-unit cluster housing development on the subject property consisting of two side-by-side duplexes.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicant is proposing to construct a four-unit cluster housing development consisting of two side-by-side duplexes on the subject property (Figure 1). In order to proceed with the proposed development, the applicant has requested the property be rezoned from R2 (Small Lot Residential) to RD4 (Low Density Cluster

Housing) and has submitted a Development Permit application for approval of the form and character of the proposed multifamily development.

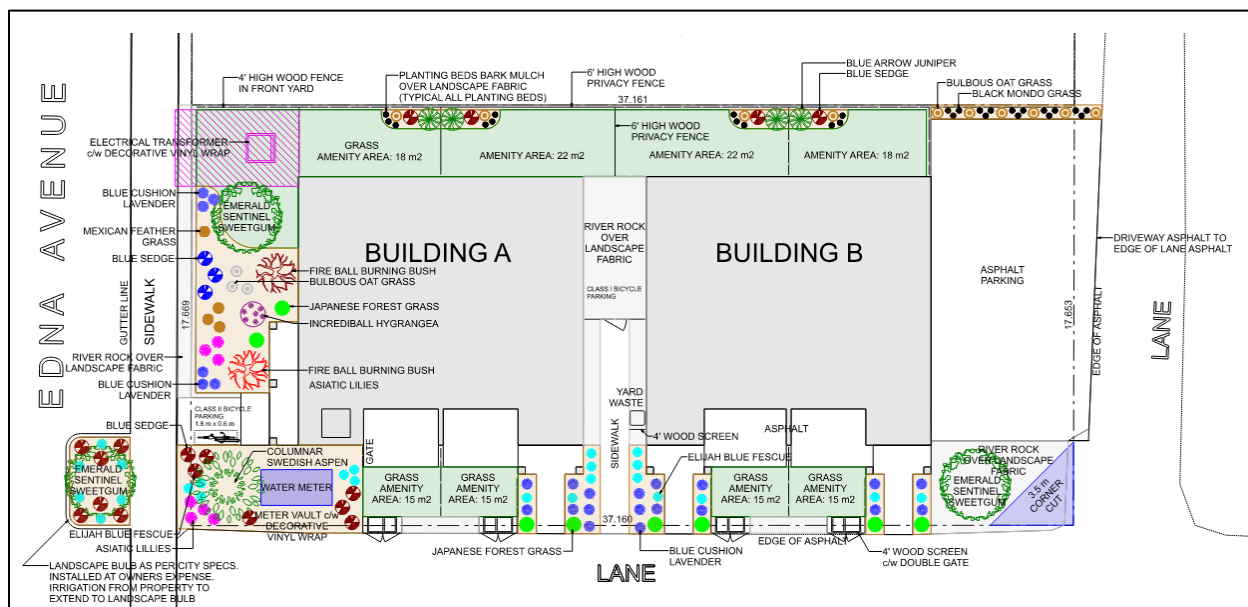


Figure 2 - Landscape plan of proposed development

Background

Property Information

The subject property is located on the north side of Edna Avenue, near Government Street (Figure 2). The property contains a single detached home which was constructed in 1948. Surrounding properties primarily contain single detached homes with a mix of residential and commercial uses on properties to the east facing Government Street, including a dentist office and a liquor store. The IGA grocery store is located on the opposite side of Government Street. The property is located in close proximity to the Government Street bike lanes and transit routes.

OCP Designation and Zoning

The subject property is currently zoned R2 (Small Lot Residential) in the Zoning Bylaw and is designated "Infill Residential" by the Official Community Plan (OCP).



Figure 1 - Property location map

No Public Hearing

The Provincial government passed several pieces of legislation in November 2023 to support housing development across BC. Among other changes, Bill 44 amended the *Local Government Act* to prohibit local governments from holding a public hearing on zoning amendment bylaws for a residential or mixed use development if the proposal it is aligned with the Official Community Plan. In this case, the proposed rezoning aligns with the underlying OCP designation, therefore the City is prohibited from holding a public hearing on this Zoning Bylaw Amendment. The *Local Government Act* still requires the City to mail public notice letters to nearby residents and post a public notice on the City's website that a Public Hearing is not being held, which staff have completed prior to the Council meeting. Any written submissions received in response to those notice letters will be shared with Council.

Technical Review

This proposed development was reviewed by the Technical Planning Committee, a group of internal staff who review development applications. Staff noted the property is significantly impacted by the federal airport zoning height restriction, which only permits 7.6m or two-storey buildings at this location. The applicant has taken this into account with their building design to comply with those federal zoning requirements.

Staff reviewed the streetscape opportunities at this location and worked with the applicant to provide a landscaped bulb-out in front of a portion of the subject property. Without the landscape bulb-out, there would not be sufficient width to plant any city-owned boulevard trees. The bulb-out was a design solution which also has the benefit of supporting traffic calming along Edna Avenue.

A 3.5m by 3.5m corner cut at the intersection of the two lanes was identified through technical review and is recommended to be dedicated to the City as a condition of rezoning. The corner cut will facilitate easier vehicle maneuvers around that corner and result in public ownership of that land to help avoid there being future obstructions in that area.

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	17.7 m
Minimum Lot Area*:	540 m ²	657 m ²
Maximum Lot Coverage:	40%	39.6%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.7 FAR
Vehicle Parking: 1 space per unit: 0.25 visitor spaces per unit:	4 spaces required 1 visitor space required Total: 5 parking spaces required	4 spaces provided 1 visitor space provided Total: 5 parking spaces provided
Bicycle Parking: 0.5 Class I spaces per unit:	2 Class I spaces required	2 Class I spaces provided

0.1 Class II spaces per unit:	0 Class II spaces required	1 Class II spaces provided
Required Setbacks		
Front Yard (south):	4.5 m	4.5 m
Side Yard (east, lane):	1.5 m	3.4 m
Side Yard (west):	1.5 m	3.0 m
Rear Yard (north, lane):	6.0 m	6.0 m
Maximum Building Height		
Zoning Bylaw (Federal Airport Zoning)	10.5 m (7.6 m)	6.9 m
Minimum Amenity Space:	20 m ² per unit Total: 80 m ² required	33 m ² to 37 m ² per unit Total: 140 m ² provided
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.	

Climate Impact

In 2021, Council adopted the Community Climate Action Plan (CCAP), outlining six big moves to address climate change locally. The big moves involve transportation, buildings, and waste management. The proposed development aligns with the following CCAP big moves:

- **Step Up New Buildings:** The new buildings will be required to meet Step 3 of the BC Energy Step Code, an advanced standard of energy efficiency.
- **Shift Beyond the Car:** The proposed development includes a secure bicycle storage enclosure on-site for residents. The development site is located next to the Government Street corridor with bike lanes, transit routes, services and shops including a grocery store which helps encourage alternative modes of transportation for some trips.
- **Electrify Passenger Transportation:** The proposed development will provide one Electric Vehicle (EV) ready space per unit, as required by the Zoning Bylaw.

Financial Implications

The City would be responsible for the surveying and legal fees associated with the recommended corner cut road dedication.

Analysis

Zoning Amendment Bylaw

When considering a rezoning application, staff review the applicable Official Community Plan (OCP) policies and future land use designation on the property to determine how the proposal aligns. Through review of the application package, staff noted the following supportive policies from the OCP:

OCP Policy 4.1.1.1 Focus new residential development in or adjacent to existing developed areas.

- OCP Policy 4.1.3.1 Encourage more intensive “infill” residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided by Development Permit Area Guidelines.
- OCP Policy 4.1.3.5 Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.
- OCP Policy 4.1.5.1 Recognize that some traditionally single-family neighbourhoods will see intensification as the city grows, but ensure that new forms of residential development are compatible with the neighbourhood in scale and design, and are appropriately located (e.g., greater density closer to collector roads, services and amenities).
- OCP Policy 4.2.2.5 Require that vehicle access to parking in residential areas is from the laneway in neighbourhoods where laneways exist.
- OCP Policy 4.2.3.8 Require adequate levels of secure bike parking in new multi-family, mixed-use and commercial development.
- OCP Policy 4.2.7.4 Continue to deploy traffic calming measures around parks, schools and other areas with reduced speed limits, and monitor outcomes to ensure the measures are successful.
- OCP Policy 4.2.7.8 Ensure new residential developments provide an appropriate amount of parking for residents and their guests.
- OCP Policy 4.4.4.4 Encourage the development of compact, mixed-use neighbourhoods, where appropriate, and support transit use, walking, cycling, car sharing and low-emission vehicles.

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 OCP Future Land Use Designations table

The subject property is designated “Infill Residential” by the OCP (Figure 3). This designation supports moderate density in traditionally single detached home neighbourhoods by providing up to four units on a lot in compatible building forms. The proposed development would provide 4 units on the subject property

in the form of two side-by-side duplexes, each at two stories in height. The proposed zoning and development proposal is considered to be well-aligned with the “Infill Residential” designation on the subject property. The RD4 (Low Density Cluster Housing) zone was developed in 2022 to provide a zone which aligns strongly with the Infill Residential designation vision of up to 4 units on a property.

Staff also wish to acknowledge the recent provincial announcements that will require the City of Penticton to update the zoning bylaw by June 30, 2024 to allow for up to 4 units on any single or two family zoned properties. While there will still be details to be worked out in how this direction from the province will land within the City’s zoning bylaw, it is very likely that the proposed development would be permitted by the zoning changes when they occur. The applicants made their application prior to this announcement and have indicated a willingness to continue through the zoning process, rather than wait for the larger changes to happen.

Given the reasons above, staff recommend that Council give “Zoning Amendment Bylaw No. 2023-50” first, second and third reading.

Corner Cut Dedication

Through technical review, staff identified a 3.5m by 3.5m corner cut dedication at the intersection of the two lanes adjacent to the subject property (Figure 4). The corner cut is recommended to be dedicated to the City, prior to adoption of the rezoning. With the corner cut area, the City can improve visibility and vehicle maneuvers around that corner of the lanes. Under City ownership, there is no opportunity for obstructions in that area in the future. This is considered a desirable outcome because the proposed development has its parking off the rear lane and it is expected those vehicles will be making this turn at the lanes as they come and go. The applicant is aware of this recommended condition, and has noted the corner cut area on the development plans. The corner cut dedication will not negatively impact the development design or the developable area of the property.

Staff are recommending that Council, prior to adoption, require the dedication of a corner cut at the intersection of the two lanes adjacent to the subject property.

Development Permit

The proposed development is considered within the Multifamily Residential Development Permit Area (DPA), outlined by the OCP. The objective of the Multifamily Residential DPA is to enhance neighbourhoods through new development with sensitive transitions in scale and density while being considerate of privacy, landscaping, and neighbourliness. The General Design Guidelines and the Multifamily Residential Design Guidelines in the OCP apply to this proposal.

The applicant has included a Development Permit Analysis as part of their Letter of Intent (Attachment ‘D’). Staff have also prepared a Development Permit Analysis (Attachment ‘E’).



Figure 4 - Location of corner cut dedication shown in orange

The analysis demonstrates how the proposed development design meets the intent of the applicable design guidelines. The development provides a positive building facade towards Edna Avenue with its main entry and a direct sidewalk connection to the street (Figure 5). The design utilizes the east lane for primary access to the other three units. The two-storey buildings are compatible with the surrounding residential lots which primarily consist of one to one-and-a-half buildings. The lower building height in this development also helps maintain privacy of the adjacent residential neighbour to the west, while the lane itself provides physical separation from the neighbour to the east. The proposed landscaping will provide a positive street frontage along Edna Avenue and the installation of a landscaped bulb-out with tree plantings there and in the front yard will improve the public streetscape. The attached analysis further details how the plans meet specific OCP design guidelines.



Figure 5 - Rendering of proposed development, view from Edna Avenue

Given the reasons above, staff are recommending that Council approve "Development Permit PL2023-9633", subject to adoption of "Zoning Amendment Bylaw No. 2023-50".

Alternate Recommendations

Council may consider the proposed development not well-suited for the subject property or for the surrounding neighbourhood. If this is the case, Council may choose the alternate recommendation, which is to deny first reading of the Zoning Amendment Bylaw.

1. THAT Council deny first, second and third reading of "Zoning Amendment Bylaw No. 2023-50"

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent and Development Permit Analysis (applicant)
- Attachment E – Development Permit Analysis (staff)
- Attachment F – Draft Development Permit PL2023-9633
- Attachment G – Zoning Amendment Bylaw No. 2023-50

Respectfully submitted,

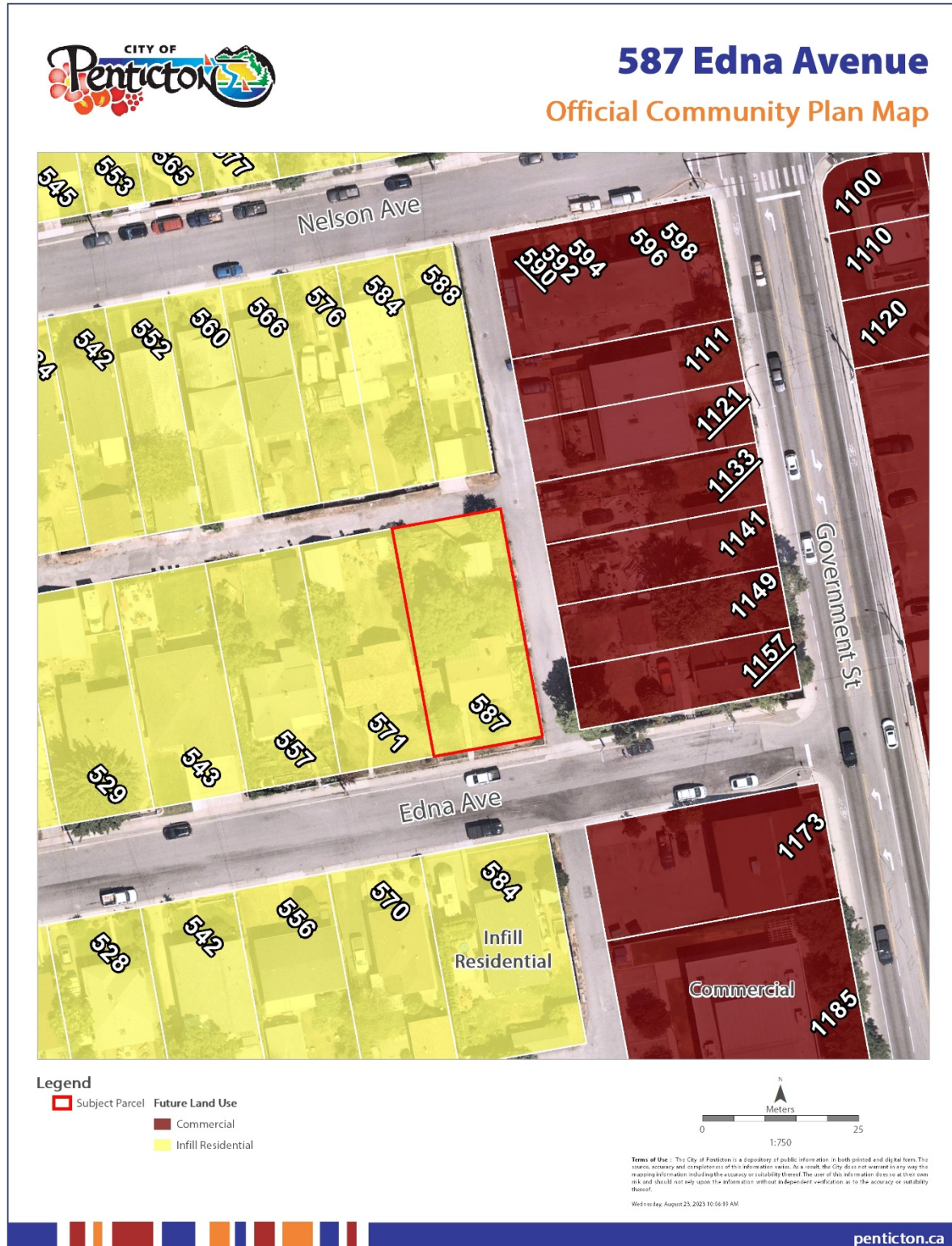
Steven Collyer, RPP, MCIP
Senior Planner

Director of Development Services <i>BL</i>	GM of Infrastructure <i>KD</i>	City Manager <i>SPH</i>
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Attachment A – Zoning Map



Attachment B – Official Community Plan Map



Attachment C – Photos of Property







November 10, 2023

Giroux Design Group Inc.

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

Re: 587 Edna Ave Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposed rezoning and development of the property located at 587 Edna Avenue.

The proposal is to rezone the property from R2 to RD4 (Low Density Cluster Housing) to allow for the construction of two duplexes for a total of four units on the property.

We believe the project meets the intent of providing modest densification to an area of town that has a mix of houses, duplexes, townhouses, and high-density apartment buildings. The development is centrally located and is close to the downtown core, shopping, and several schools making it an ideal location.

Thank you for considering our proposal.

Best regards,

Tony Giroux ASTTBC, CTech, RBD, BCABD
Owner/Registered Building Designer
Giroux Design Group Inc.

587 EDNA AVENUE: DEVELOPMENT PERMIT ANALYSIS

Site Planning

Designing in Context

Contextual designs feel better because they 'fit.' In light of Penticton's complex and unique landscape, views and urban patterns, it is important that designs reflect this character. Guidelines address site conditions and context, including: sensitivity to on-site features (e.g., terrain and sun angle), adjacencies (e.g., street interface and existing uses), potential impacts (e.g., overlook and shading) and other related opportunities (e.g., energy conservation).

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

The property has a laneway along both the east and north property lines which allows for parking from the lane and additional spacing between the development and the neighbours as only one property line to the west is shared directly with another property.

G3. Private and semi-private open spaces should be designed to optimize solar access (see Figure G3).

The units are designed with the buildings primarily facing east and south which is more conducive to solar gain at the right time of day and year.

G4. Views through to the mountains and the lakes should be carefully considered and incorporated into the design of new development.

Each unit will have a view of the mountains to the east.

Framing Space

In consideration of Penticton's relatively low-scale urban form, future intensification and development should explore how buildings actively frame space(s) as a means to expand and enhance the public realm. The following guidelines aim to promote positive interactions with particular care and attention to transitions between private and public spaces.

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

The main face of the building is 4.5 meters from the front property line, the building position is consistent with the neighbouring houses.

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 private backyards provided for each unit will allow residents to enjoy secured outdoor space.

Prioritizing Pedestrians

A high-quality pedestrian environment is a central quality of any welcoming neighbourhood. Penticton is fortunate to have an extensive neighbourhood street network that links distinct areas in a reasonable walking distance. The following guidelines aim to optimize the quality and connectivity of pedestrian infrastructure and reduce conflict between pedestrians and vehicles.

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 within easy walking distance from schools, downtown, and shopping centres. All units have easy access from their front doors to the street.

G12. Where feasible, indicate pedestrian ways with continuity of paving treatments/paving materials.

A 1.2 m wide sidewalk provides access to the units facing south, while the other units can be accessed from 1.2 m sidewalks connecting to the lane.

G13. Entry to ground-level residential units should be no more than 1.8m (6.0 ft.) above the grade of adjacent public sidewalks and walkways (see Figure G14).

Entrances to the buildings are essentially at the same level as the City street.

Cars and Parking

The following guidelines are intended to reduce the impacts of automobile infrastructure – including access and parking – and to further support a high-quality pedestrian realm. (see Figure 5-3 and Figure 5.4)

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

- Off-street parking and servicing access should be provided from the rear lane (where one exists) to free the street for uninterrupted pedestrian circulation and boulevard landscaping (see Figure 5-4).
- Where possible, shared automobile accesses should be considered to optimize land use, and to reduce impermeable surface coverage and sidewalk crossings.

Parking the residents and guests is accessed from the lane on the North side of the property. This property is in a location affected by the airport height restrictions and there is no option to have garage parking in the lower floors.

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

- Parking between the front of buildings and the street is not permitted.
- Parking should be located at the rear of buildings/sites.
- Shared parking (where varying uses have parking demands that peak at different times of the day) is encouraged to reduce parking requirements.
- Outdoor surface parking areas should incorporate pathways that provide safe, accessible, and comfortable pedestrian connections to entries/destinations.

Parking the residents and guests is accessed from the lane on the North side of the property. This property is in a location affected by the airport height restrictions and there is no option to have garage parking in the lower floors.

Architecture

Design for Our Climate

In response to Penticton's semi-arid climate, design buildings and landscape architecture that reflect a love for indoor/outdoor living resulting from low annual rainfall and hot summer temperatures.

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

- passive solar strategies;
- optimized placement of windows to maximize natural light;
- energy-efficient building design;
- passive solar principles;
- landscape design and plantings that provide cooling through shade in summer months;
- selecting roof materials to minimize heat loading and increase reflectivity.; and
- strategies for cross-ventilation.

Each unit has its own private patio on the east side and private rear yard on the west giving different options for indoor/outdoor living. Windows are openable on the east and west facades of the building allowing for cross ventilation. Buildings are designed to Step 3 of the Energy Code.

Friendly Faces, Friendly Neighbours (Orientation & Massing)

Massing (the three-dimensional form) and articulation (how the parts fit together) of architecture are tools that can reduce the apparent size of large buildings and help ensure the sensitive transition to adjacent buildings and open spaces. It can also provide visual interest for pedestrians. New development should consider the scale of its neighbours and avoid abrupt transitions in height and massing between adjacent buildings.

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

The front entrance of the unit facing Edna Ave is accented with a covered porch while the other unit entrances face east toward the lane, these also have covered porch entrances.

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

The buildings themselves are rectangular to allow for greater energy efficiency, however the exteriors are accented with porches and varied cladding materials to breakup the mass of the building giving the buildings visual interest on all sides.

Eyes on the Street

Create active and safe shared spaces through orientation of primary building entrances, windows, porches/ balconies to the public realm, sidewalks and other shared open spaces.

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

Entrances to each townhouse unit are at ground level, and are easily visible from Edna Ave and the lane to the east of the property.

G29. Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas (see Figure 5-7).

The unit facing Edna Avenue has windows oriented toward the street and all the units have windows looking over the amenity yard areas on all sides of the buildings. The living area of each unit has a patio door facing east to the partially covered private patio.

Landscape Architecture

Enhance the Urban Forest

Urban forests are recognized for the economic, social, and environmental benefits they provide. In addition to considerations for form & character, enhancement of Penticton's urban forest will support health and well-being for all.

G35. Tree planting

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

Eight new trees will be planted on the property, these trees and other proposed landscaping provide buffering between the public realm and adjacent properties.

Utilities, Mechanical Services and Servicing

As essential components of the city's built infrastructure, these elements must be intentionally integrated in the overall design to mitigate impacts on form and character.

G54/55. Mechanical/Utility cabinets and transformer pads (units) shall be located at the rear of the property, behind the building. Where this is unachievable, units may be located at the edge of the front yard and must be incorporated into landscaped areas and screened from the street.

Electrical transformer is placed in the front yard and wrapped with vinyl decorative wrap with a 1.2 m fence screen to the west. The water meters are placed in the side yard in the front southeast corner of the property also wrapped in decorative vinyl wrap.

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.

Garbage and recycling containers are stored in wood enclosures with double gates along the lane on the east side of the property, gates can be left open for pickup on collection days.

G59. Garbage and recycling bins should be contained within screened enclosures that are coordinated with the overall design.

The wood enclosures will match the wood fencing.

G60. Clear access to refuse/recycling areas must be provided.

Each unit will have its own garbage and recycling containers, a common yard waste bin is located between the two buildings.

Fences

Notwithstanding the fencing regulations in the Zoning Bylaw, fencing design should provide a level of privacy to the development but not present an unfriendly solid wall to the public street.

G63. All plans should show intended fencing.

Fencing is shown on landscape plans. Fencing along the west property line is 6' tall wood privacy fence with the exception that the fence is 4' high in the front yard. 6' high wood fencing on the east side of the buildings gives privacy to the patios. There is no fence on the other property lines as they face the street and lanes. There are 6' fences between each private yard in the west side setback.

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.

Amenity space is provided with each unit having its own private fenced yard and private patio.

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 fenced private yards each have a landscaped section placed to maximize the usefulness of the yard as a play area for children or pets, or for outdoor enjoyment for all age groups. The landscaping is a mixture of ornamental grasses that are variant in shape, size, and colour. Deciduous trees create a pleasing environment year-round, and coniferous trees provide privacy year round.

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 parking is located at the rear of the property beside the resident parking spaces and easily accessible to all units. This space will be clearly marked for visitors.

Development Permit Analysis

The proposed development is considered within the Multifamily Residential Development Permit Area. The following analysis was completed by staff and demonstrates how the development is aligned with the applicable OCP 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 property to approximately 7.6m. The building design was changed to meet that regulation. The development plans show the maximum allowable structure height, and how it is met through the design.
 - With limited boulevard width, staff worked with the applicant to provide a landscape bulb-out in the road in front of a portion of this property. This design solution leads to an increase in landscape areas, increased canopy cover, and acts as a traffic calming measure.
- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The building closest to Edna Avenue has a front setback of 4.5m. This is the same setback allowed under the current R2 zoning on the neighbouring residential lots on Edna Avenue. Currently, the older home on this street have setbacks ranging between 7m and 9m.
 - The covered patios on the front building extend 1.5m into the front yard setback, as allowed by the Zoning Bylaw, providing an interesting architectural feature to enhance the streetscape façade.
- 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 a secure bicycle parking enclosure between the two duplexes. A sidewalk is provided to the enclosure to provide access. Secure storage areas reduce opportunities for bike theft.
 - The development faces towards the street and the two lanes with various windows, patio doors, and main entry doors facing three sides. This provides visual overlook over the street and both lanes.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- Pedestrian walkways are provided to each unit from either the public sidewalk on Edna Avenue or from the east lane. The east lane would be used for pedestrian access between the units and the parking spaces at the rear of the property.

- Guideline G13 Entry to ground-level residential units should be no more than 1.8m above the grade of adjacent public sidewalks and walkways.*
- Entrances to each unit are approximately 0.5m 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 of the front unit is accessed from Edna Avenue and the other three units face towards the east side lane.
 - The use of space is optimized by having all parking off the rear lane, which allows each unit to have a front and rear yard space on the east and west sides of the buildings.
- 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 unit features 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 Edna Avenue. A direct sidewalk connecting is provided to the front door and is surrounded by landscaping.
- Guideline G26 Building designs should minimize impacts on the privacy of adjacent dwellings, including private open spaces.*
- There are few windows on the west facades of the buildings, with three smaller second floor windows on each building facing towards the neighbour to the west. In addition, there are no balconies on that level as all amenity space is provided at-grade, and separated by a fence. These design features assist with maintaining privacy of the neighbouring property.
- Guideline G29 Development should orient windows, porches, balconies and patios toward the public realm, allowing for casual overlook of parks, open spaces, and parking areas.*
- Large windows, main unit entries, and patios on both buildings face towards the street, the lanes, and the parking area to provide visual overlook and connections onto the public realm.
- Guideline G35 Tree planting...*
- The landscaping plan shows seven (7) new trees to be planted on the property and one (1) boulevard tree to be planted in the Edna Avenue right-of-way. These trees are in addition to new shrubs, grasses, lawns 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 carts will be stored within dedicated screened enclosures adjacent to the east side lane to hide the carts from public view and ensure they do not conflict with vehicle or pedestrian movement when stored.
- 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 yard in the front (east) and rear (west) which are suitable for recreation and play. In addition, the subject property is located near Kiwanis Park and McLaren Park, which are both approximately 400 metres away, a 5 to 8 minute walk.
- 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.*
- The front and rear yards for each unit have 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 front and rear yard amenity spaces offer space for lawns, patios, and plantings. The yards are delineated by fencing to provide safe play areas.
- 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, in accordance with the Zoning Bylaw. 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, in accordance with the Zoning Bylaw. The EV-ready spaces allow future owners to more easily install EV chargers should they wish to in the future.

Development Permit

Permit Number: DP PL2023-9633

Owner Name
Owner Address

Conditions of Permit

1. This permit is issued subject to compliance with all of the bylaws of the City, except as specifically varied or supplemented by this Permit.
2. This permit applies to:
 - Legal: Lot 1 District Lot 250 Similkameen Division Yale District Plan 3215
 - Civic: 587 Edna Avenue
 - PID: 003-446-701
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 4-unit cluster housing development consisting of two side-by-side duplexes, as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$_____ must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

General Conditions

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

Authorized by City Council, the ____ day of _____, 2024.

Issued this ____ day of _____, 2024.

Angela Collison
Corporate Officer

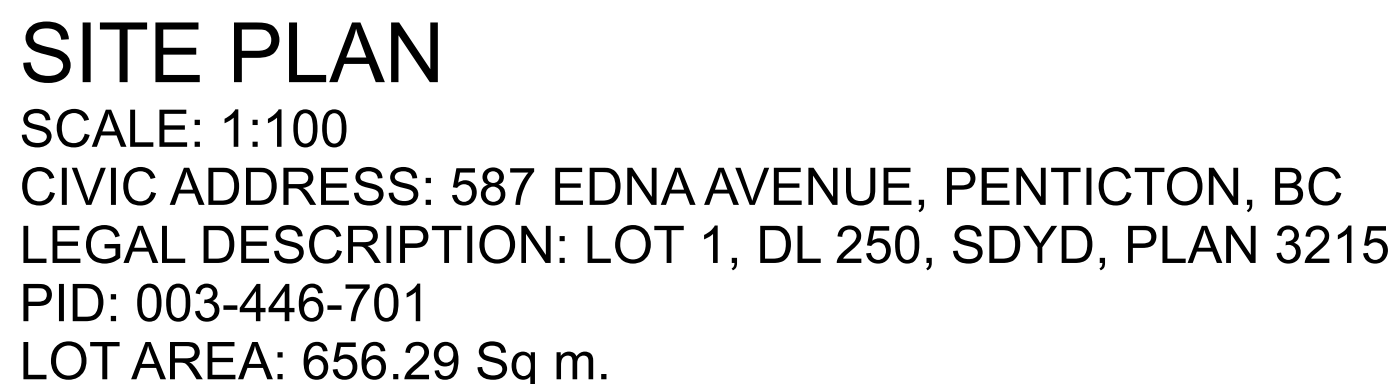
WHERE A REAR LANE IS PROVIDED, VEHICULAR ACCESS MUST BE FROM THE REAR LANE.
AMENITY SPACE SHALL BE PROVIDED AT THE RATE OF 20 M2 FOR EACH 25% OF THE REQUIRED DWELLING UNIT.
AMENITY SPACE MUST BE PROVIDED AT THE GROUND FLOOR LEVEL.
A MAXIMUM OF 20% OF THE REQUIRED INDOOR.
BICYCLE PARKING: CLASS I - 0.5 PER UNIT/CLASS II - 0.1 PER UNIT

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PLAN NO. WP-5756
SLAB
SHEET NO. A1



LEGEND

	-WATER CURBSTOP
	-MANHOLE
	-FINISHED GRADE ORIGINAL GRADE

IN ACCORDANCE WITH ZONING BYLAW NO. 2023-08

TO ENSURE NEW HOMES ARE BUILT WITH READY ACCESS TO A POWER SUPPLY CAPABLE OF PROVIDING LEVEL 2 EV CHARGING, THE FOLLOWING REQUIREMENTS MUST BE MET:

- MINIMUM NUMBER OF ENERGIZED OUTLETS FOR LEVEL 2 CHARGING: 1 PER DWELLING UNIT.
- CONSTRUCTION REQUIREMENTS THAT INCLUDE:
 - ELECTRICAL PANEL CAPACITY, WIRING, AND CONTINUOUS CONDUIT OR RACEWAY (AS APPLICABLE) FROM THE PANEL, TERMINATING AT AN ENERGIZED OUTLET NEAR THE DESIGNATED EV PARKING SPACE(S).
 - ADDITIONAL ELECTRICAL AND EV CHARGING INFRASTRUCTURE IS REQUIRED TO ENERGIZE THE CIRCUIT AND TO SUPPLY POWER TO FUTURE LEVEL 2 EVSE AND EVEMS (IF APPLICABLE).
 - A POINT CONNECTED TO A SOURCE OF VOLTAGE IN AN ELECTRICAL WIRING INSTALLATION AT WHICH CURRENT IS TAKEN AND CAN BE CONNECTED TO SUPPLY UTILIZATION EQUIPMENT. AN OUTLET INCLUDES A COVERED TERMINATION BOX, NEMA 14-50R RECEPTACLE, OR NEMA 6-50R RECEPTACLE. ADDITIONAL TERMINATION MEANS MAY BE APPROVED BY THE CITY OF PENTICTON ELECTRIC UTILITY MANAGER.
 - ELECTRIC VEHICLE CHARGING AT 208 V OR 240 V THROUGH SUPPLY UTILIZATION EQUIPMENT THAT MEETS THE DEFINITION OF LEVEL 2 BY THE STANDARD "SAE ELECTRIC VEHICLE AND PLUG IN HYBRID ELECTRIC VEHICLE CONDUCTIVE CHARGE COUPLER", J1772.

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PLANTINGS:

- Asiatic Lilies (Asiatic Hybrid Lilies) 7 qty.
- Black Mondo Grass (Ophiopogon planispicus 'Nigrescens') 27 qty.
- Blue Cushion Lavender (Lavandula angustifolia 'Blue Cushion') 24 qty.
- Blue Sedge (Carex flacca) 20 qty.
- Bluish Oat Grass (Arrhenatherum bulbosum 'Variegatum') 13 qty.
- Elial Blue Fescue (Festuca ovina 'Elial Blue') 24 qty.
- Fire Ball Burning Bush (Euonymus alatus 'Fire Ball') 2 qty.
- Incrediball Hydrangea (Hydrangea arborescens 'Abetwo' Incrediball) 1 qty.
- Japanese Forest Grass (Hakonechloa macra 'Fubuki') 8 qty.
- Mexican Feather Grass (Stipa tenuissima) 4 qty.

Emerald Sentinel Sweetgum (*Liquidambar styraciflua* 'Clydesform') 3 qty.
Blue Arrow Juniper (*Juniperus scopulorum* 'Blue Arrow') 4 qty.
Columnar Swedish Aspen (*Populus tremula* 'Erecta') 1 qty.

Garbage Container Garbage Container 4 qty.
Recycling Container Recycling Container 4 qty.
Yard Waste Container 1 qty.

Property Area (7,064 sq.ft.)
Asphalt (1,001 sq.ft.)
Grass (1,248 sq.ft.)
Planting Beds-Bark Mulch (916 sq.ft.)
River Rock-2" Rainbow (541 sq.ft.)
Landscape Fabric (3,473 sq.ft.)
Sidewalks/Pads (188 sq.ft.)

4' High Wood Fence (12 lin.ft.)
6' High 'Good Neighbour' Privacy Fence (263 lin.ft.)

SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS

NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION

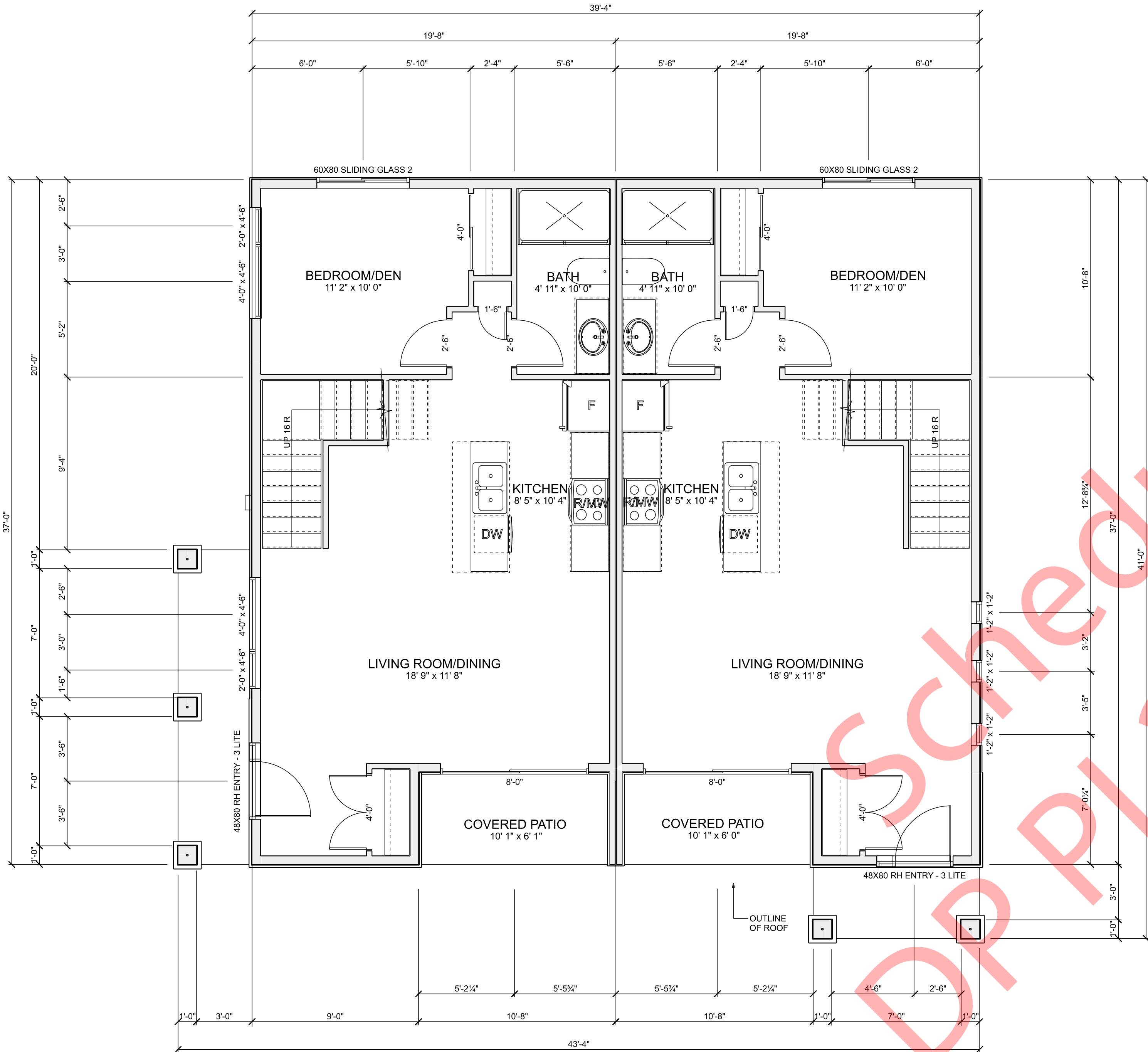
LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.

DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.

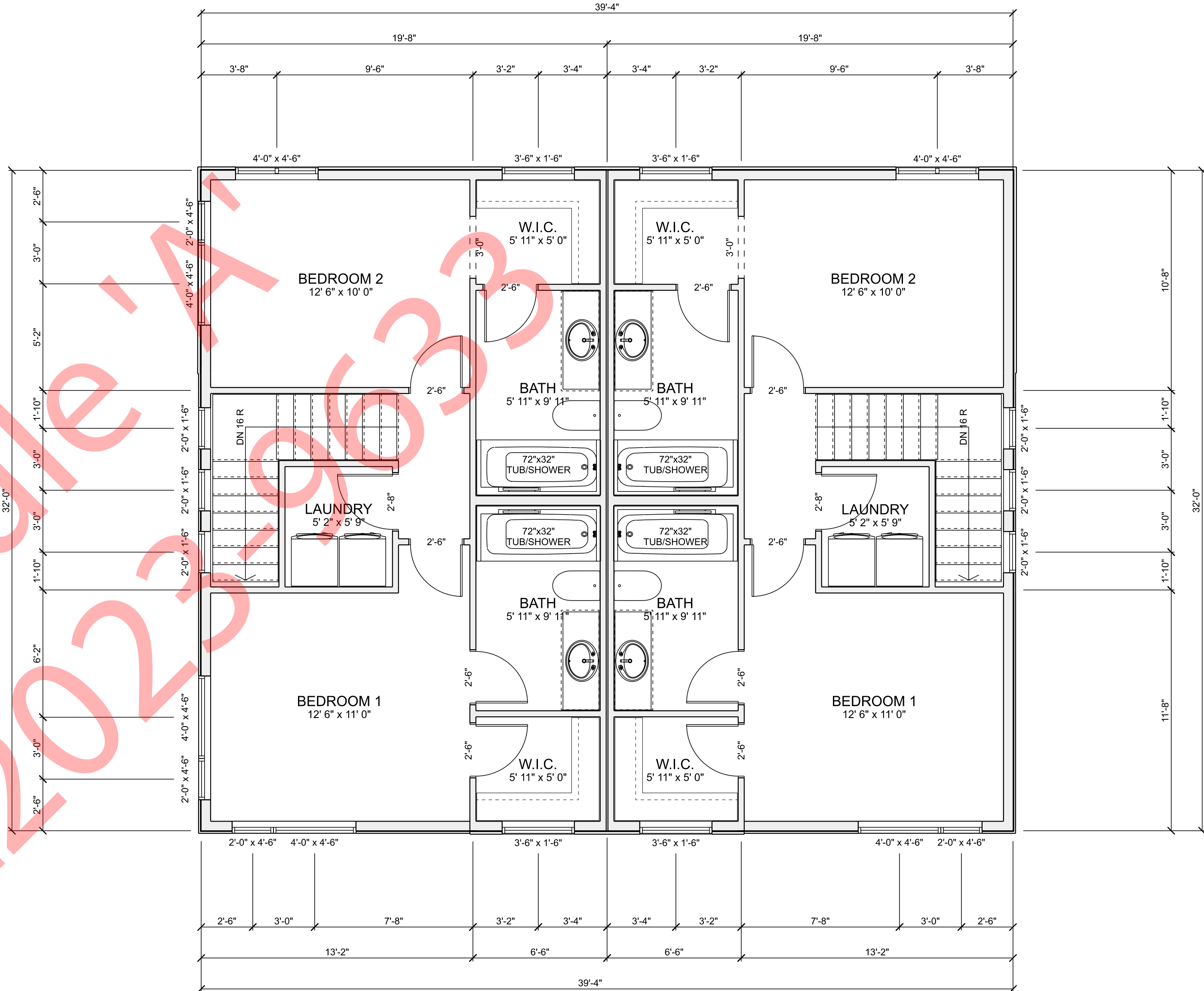
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PLAN NO. WP-5756 SLAB	SHEET NO. A3



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"
TOTAL MAIN FLOOR LIVING AREA: 1292 sq ft.



UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"
TOTAL UPPER FLOOR LIVING AREA: 1161 sq ft.

STONE CLIFFE DEVELOPMENTS
RAJ DHILLON
587 EDNA AVENUE
PENTICTON, BC

DESIGN BY: AJG
DRAWN BY: AJG

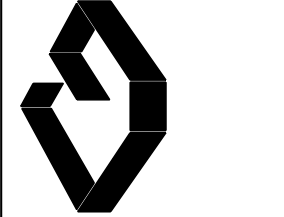
DATE: 2023-11-22
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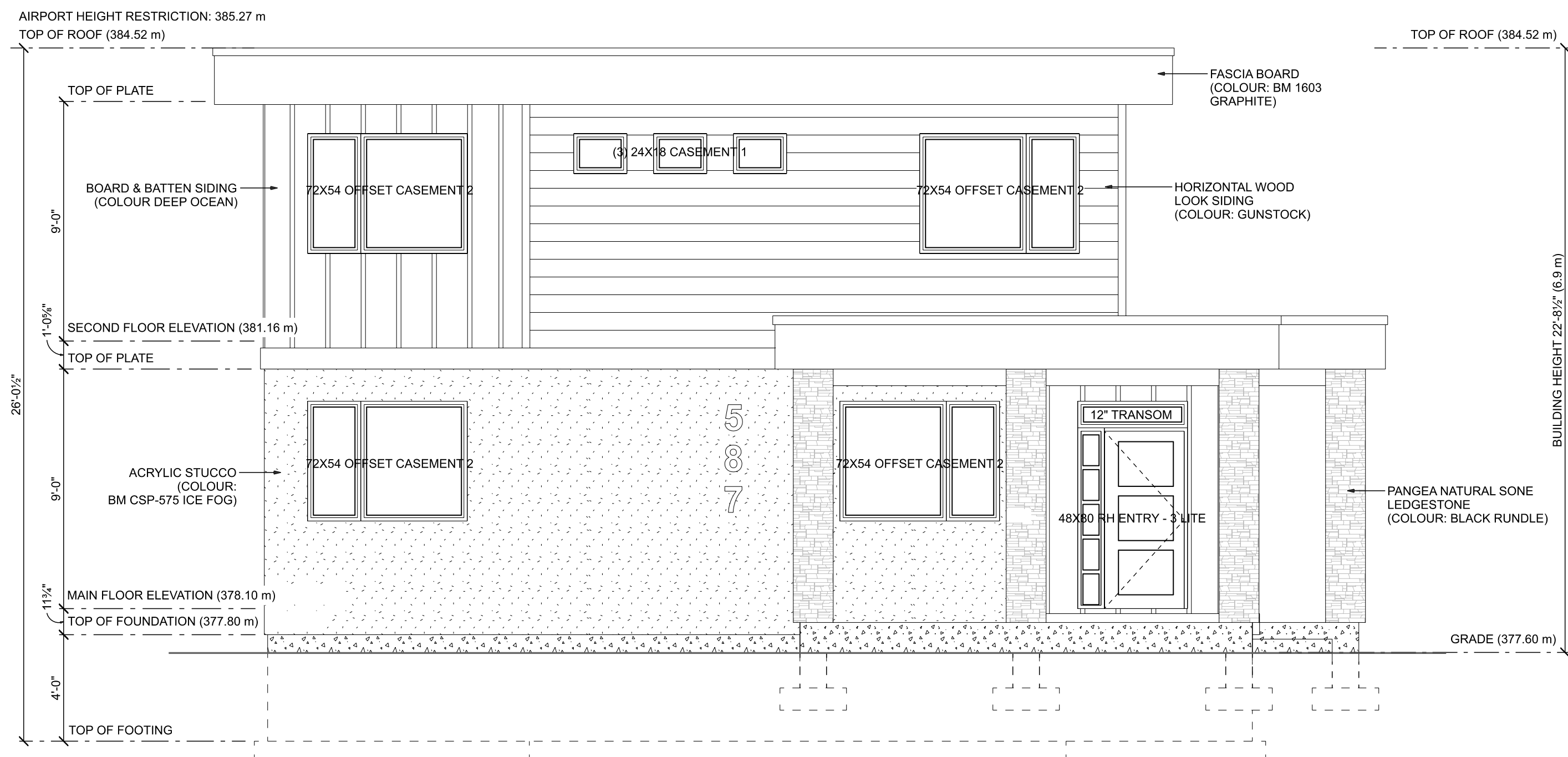
PLAN NO.
WP-5756
SLAB
SHEET NO.
A4



PLAN NO.
WP-5756
SLAB
SHEET NO.
A4

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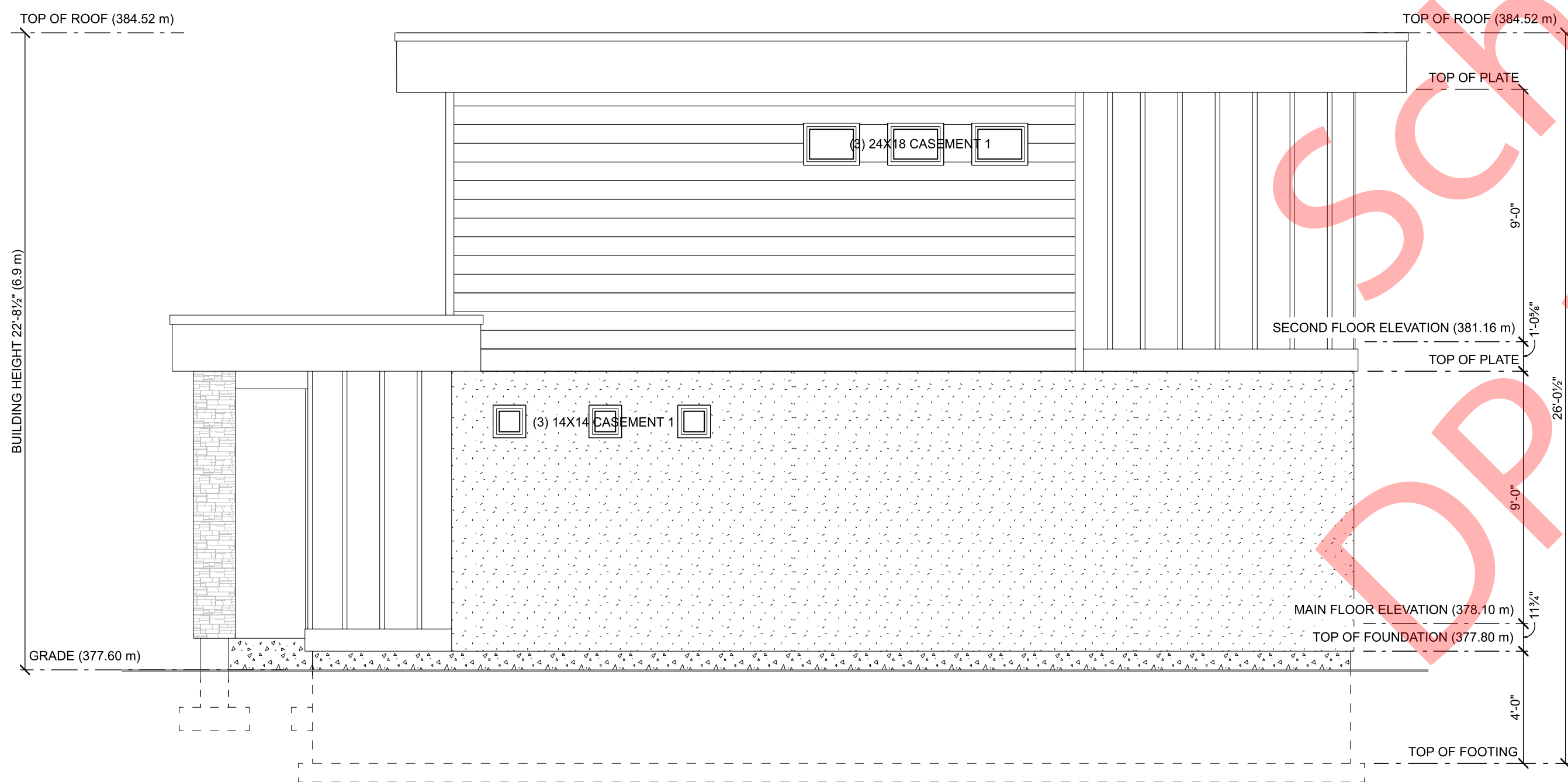
Building A-Floor Plans



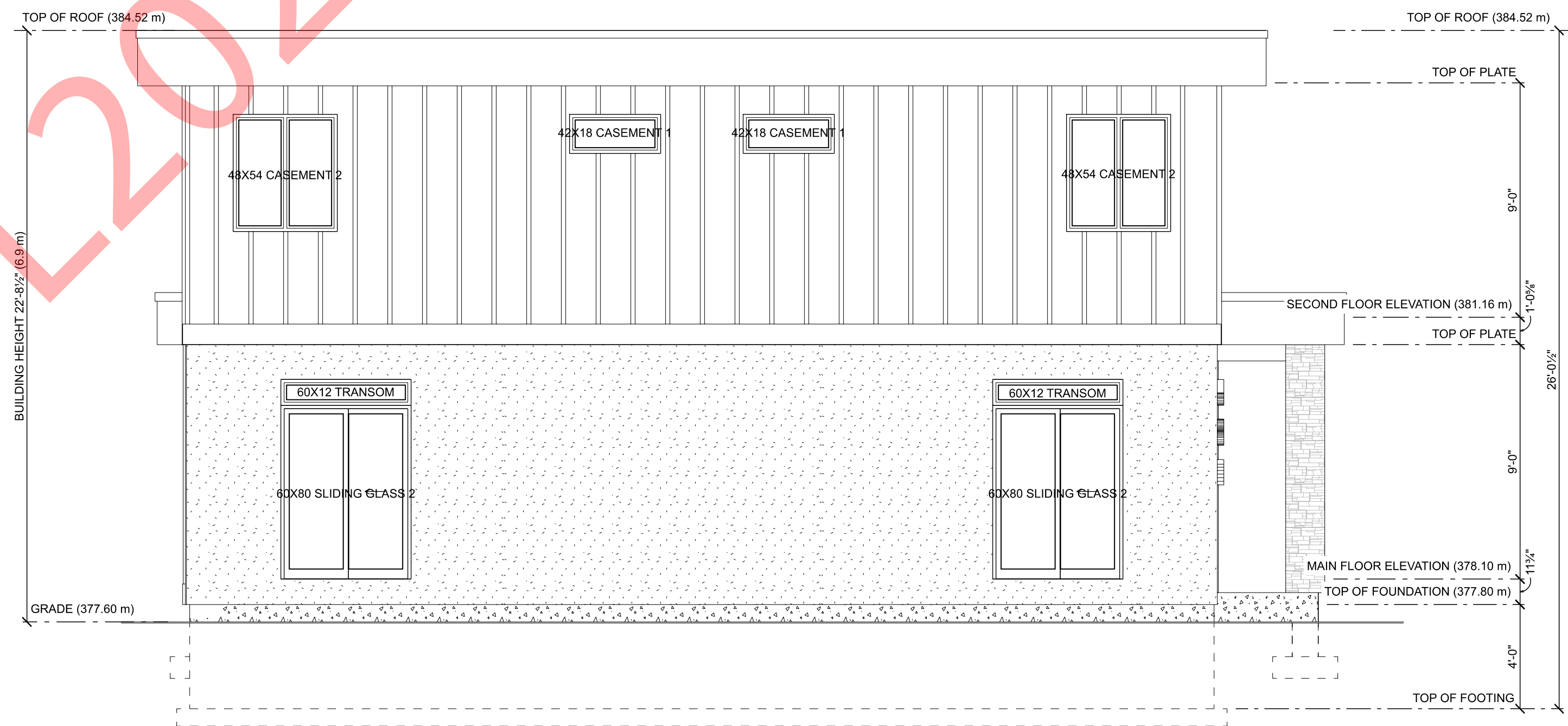
BUILDING A-SOUTH ELEVATION (FACING EDNA AVE.)
SCALE: 1/4" = 1'-0"



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



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



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

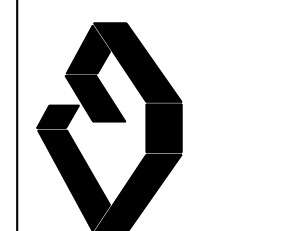
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Building A-Exterior Elevations

STONE CLIFFE DEVELOPMENTS
RAJ DHILLON
587 EDNA AVENUE
PENTICTON, BC.
DESIGN BY: AJG
DATE: 2023-11-22
DRAWN BY: AJG
REVISED:

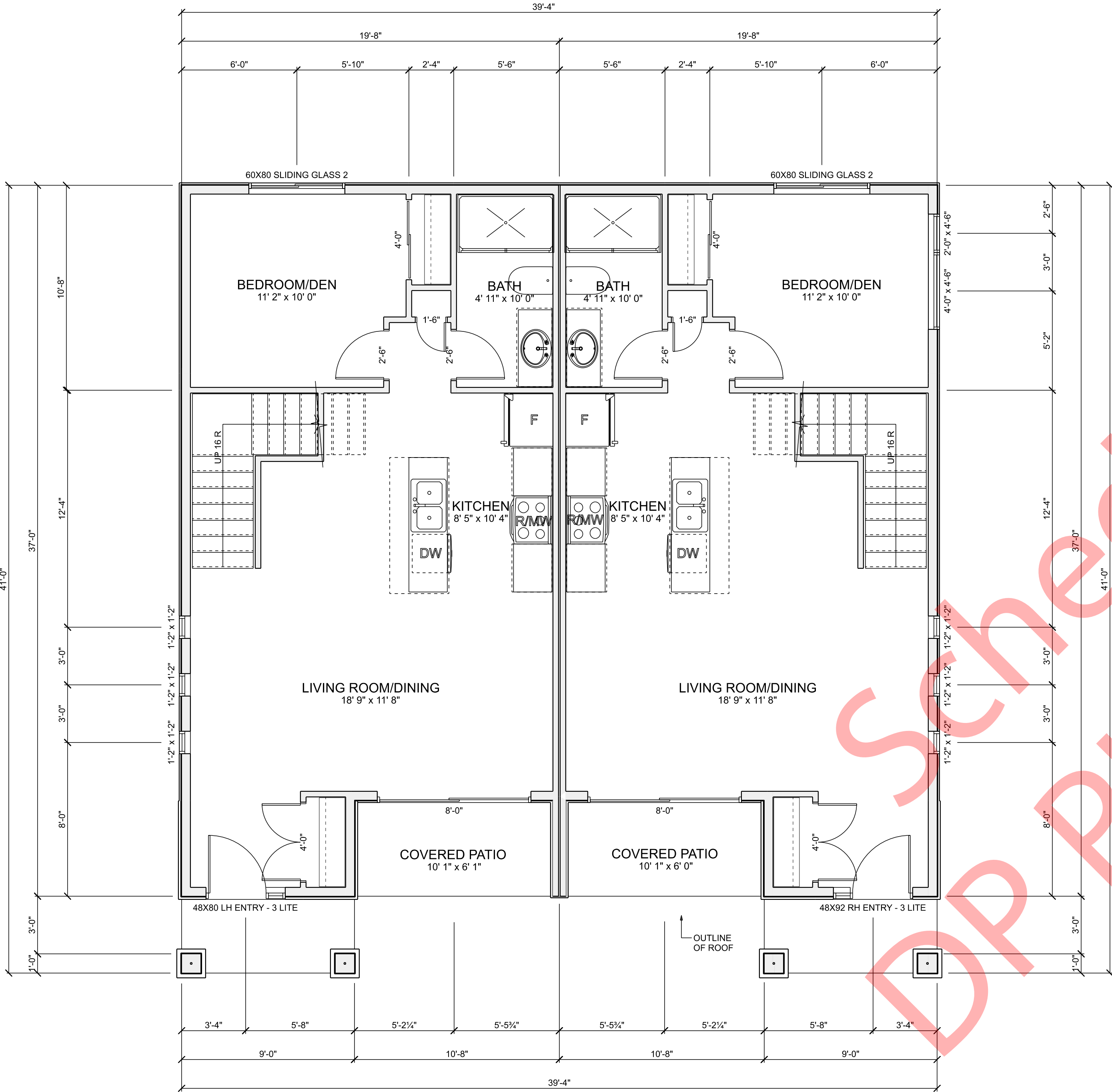
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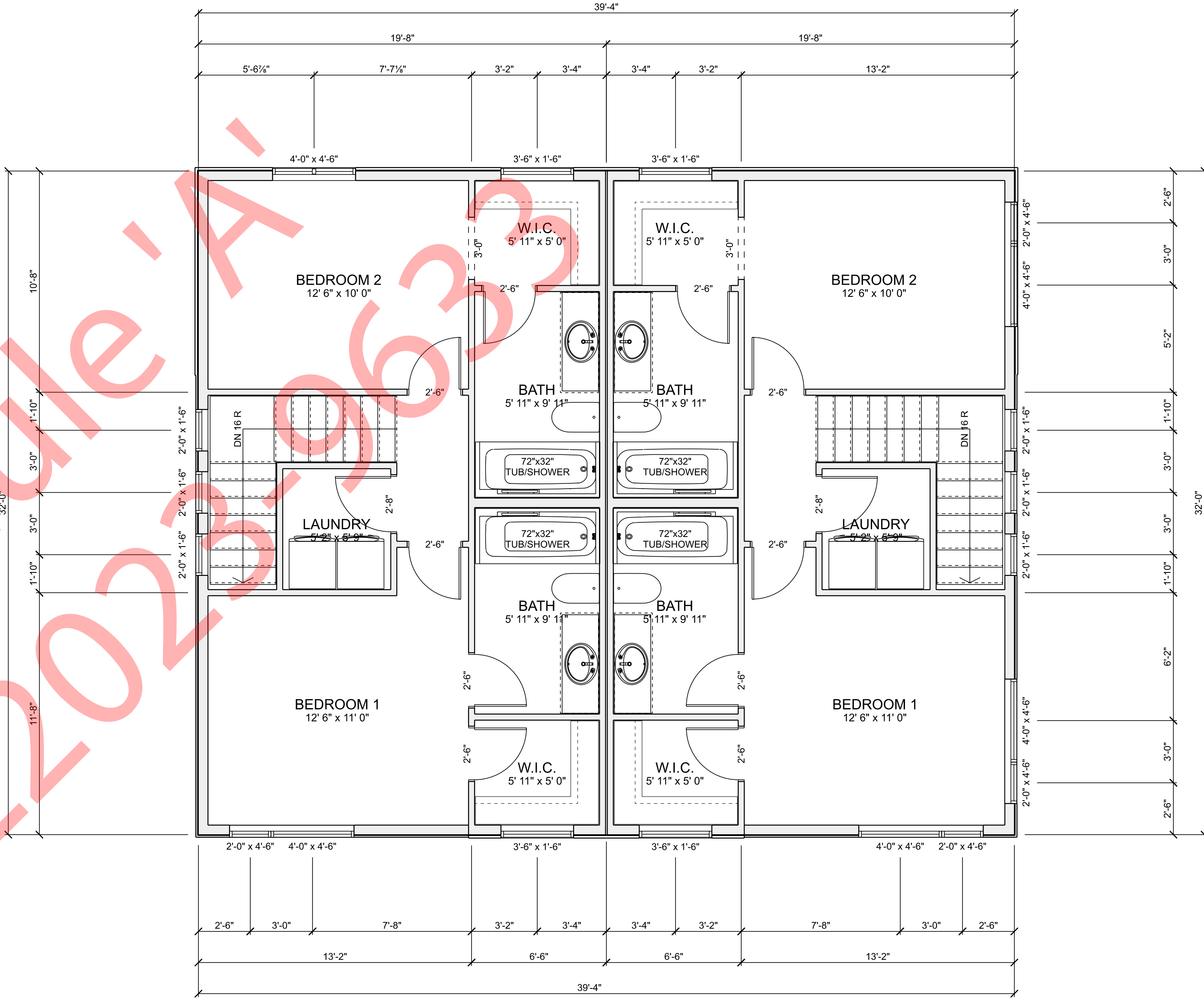


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PLAN NO. WP-5756
SHEET NO. A5



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



UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"
TOTAL UPPER FLOOR LIVING AREA: 1161 sq ft.

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Building B-Floor Plans

STONE CLIFFE DEVELOPMENTS
RAJ DHILLON
587 EDNA AVENUE
PENTICTON, BC.

DESIGN BY: AJG
DRAWN BY: AJG

DATE: 2023-11-22
REVISED:

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they were prepared. The drawings have been brought into conformity with all local requirements.
Additionally, Giroux Design Group Inc. is unable to accept any liability for the accuracy
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PLAN NO.
WP-5756
SLAB
SHEET NO.
A6



Building B-Exterior Elevations

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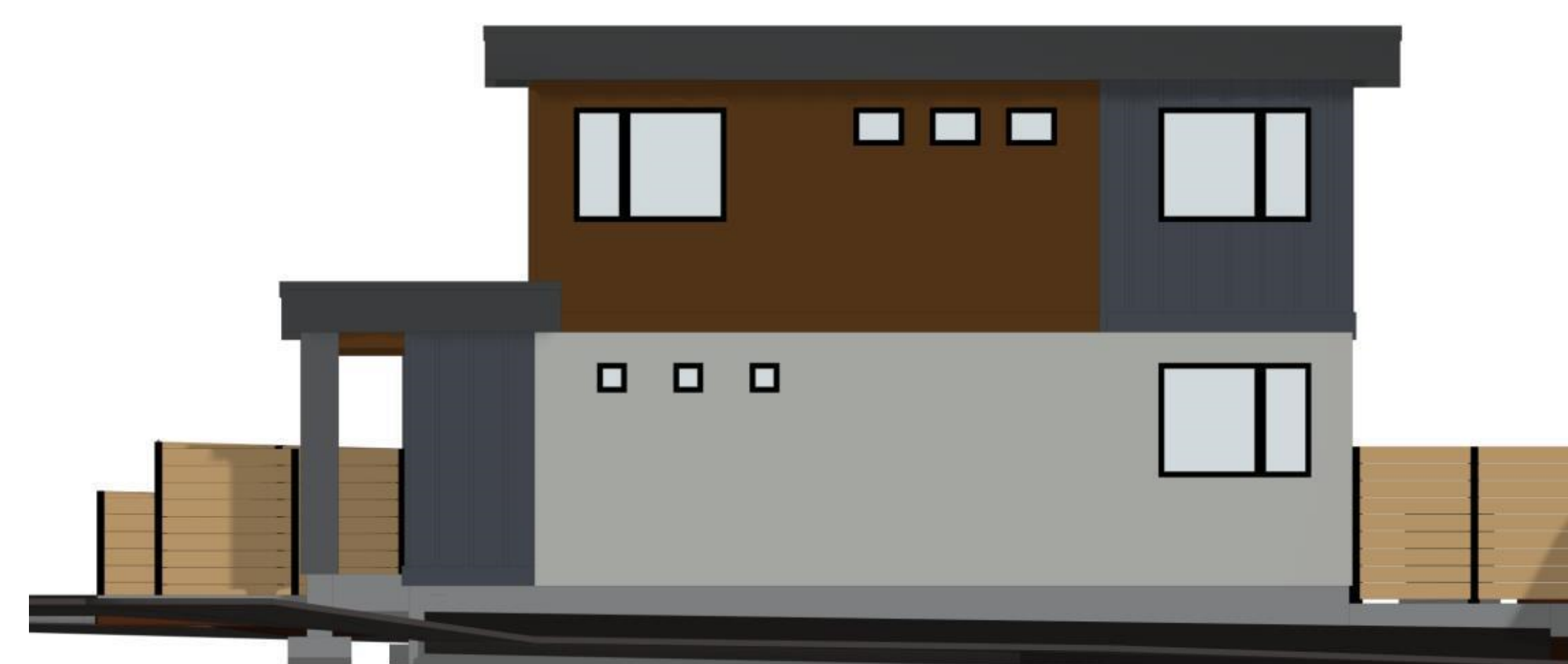
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PLAN NO.
WP-5756

SLAB

SHEET NO.
A7



NORTH ELEVATION
SCALE: 3/16" = 1'-0"



EAST ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"

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Bylaw No. 2023-50

A Bylaw to Amend Zoning Bylaw 2023-08

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

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2023-08;

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

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2023-50".

2. **Amendment:**

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Rezone Lot 1 District Lot 250 Similkameen Division Yale District Plan 3215, located at 587 Edna Avenue, from R2 (Small Lot Residential) to RD4 (Low Density Cluster Housing) as shown on Schedule 'A'.

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

READ A FIRST time this _____ day of _____, 2024

READ A SECOND time this _____ day of _____, 2024

READ A THIRD time this _____ day of _____, 2024

ADOPTED this _____ day of _____, 2024

Notice of intention to proceed with this bylaw was published on the 5th day of January, 2024 and the 10th day of January, 2024 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 2023-50

Date:

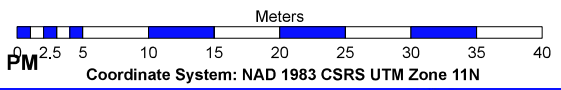
Corporate Officer:



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1:576
Monday, November 27, 2023 3:07 PM



Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 76 Duncan Avenue East

File No: RMS/76 Duncan Ave E

Subject: Official Community Plan Amendment Application for 76 Duncan Avenue East

Staff Recommendation

THAT Council, following the *Community Engagement for OCP Amendments Procedure*, direct staff to commence public engagement for a proposed Official Community Plan amendment to change the future land use designation on 76 Duncan Avenue East from 'Infill Residential' to 'Mixed Use'.

Strategic Priority Objective

Vibrant and Connected: Support vibrant and diverse activities creating opportunities for connection in community.

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The City has received a proposal for a mixed-use development consisting of a three-storey building with commercial space on the first storey, and two dwelling units each on the second and third storeys (4 dwelling units total) at 76 Duncan Avenue East (the 'subject property'). The applicants are proposing to change the Official Community Plan (OCP) future land use designation on the site from



Figure 1 – Conceptual Rendering of Proposed Development

'Infill Residential' to 'Mixed Use'. The applicant has submitted a Letter of Intent (Attachment 'C') which further explains their proposal for the subject property.

The applicants have also submitted an application to rezone the subject property from R1 (Large Lot Residential) to C3 (Mixed Use Commercial). Additionally they have submitted an application to rezone the neighbouring property (1402 Main Street) from C7 (Service Commercial) to C3 (Mixed Use Commercial). The full application package would be analyzed by staff and presented to Council following the recommended public engagement period.

The applicant intends to adjust the drive-thru for the A&W restaurant located on 1402 Main St to be longer and more accessible from Duncan Ave E, while also proposing the new mixed-use building on 76 Duncan Ave E.

The purpose of this report is to provide Council and the public with an engagement plan for the proposed OCP amendment.

Background

Site Context

The subject property is located on the south side of Duncan Avenue East in a mixed use area (Figure 2). The property is 797 m² in size and has a lane on the south side of the property. A fire occurred on the property in March 2020, and the building was later demolished. The property currently does not contain any buildings or structures.

Current OCP and Zoning

The OCP future land use designation on the subject property is 'Infill Residential' (Attachment 'A'). The Infill Residential designation supports 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.

The current R1 (Large Lot Residential) zoning on the property permits a single detached dwelling, accessory buildings, one secondary suite, or one carriage house.

Required Applications

Several planning applications are required for this proposed development, as summarized in the table below:



Figure 2 – Property Location Map

Application Required	Description	Approval Authority
Official Community Plan Amendment Bylaw	To change the OCP future land use designation on the subject property from 'Infill Residential' to 'Mixed Use'.	Council
Zoning Amendment Bylaw	To change the zoning on the subject property from R1 (Large Lot Residential) to C3 (Mixed Use Commercial). To change the zoning on the neighbouring property (1402 Main St) from C7 (Service Commercial) to C3 (Mixed Use Commercial).	Council
Development Permit	To approve the form and character of the proposed development.	Staff delegated

Financial Implication

City staff will be leading the public engagement period. The applicant has paid the required application fees, which account for the required staff time to conduct the engagement for the proposed development.

Technical Review

This Official Community Plan amendment application was reviewed by the Technical Planning Committee, a group of internal city staff who review development applications. Staff provided high-level comments regarding servicing upgrades and future building requirements. A full technical review will be commented on through the future staff report (which will cover things like road dedication, specific changes made to the plans, etc.)

Engagement Plan

Staff will follow the *Community Engagement for OCP Amendments Procedure* to ensure adequate and meaningful consultation with the community. The community engagement will be led by City staff through January and February. Dates for open houses etc. will be finalized and communicated accordingly, should Council support the engagement process.

The following list summarizes the main methods that will be used to raise awareness about this application and the opportunities for residents to provide feedback through the engagement period:

1. Project page on www.shapeyourcitypenticton.ca - central location to share information and gather feedback, including an email blast to the Shape Your City Penticton database advising of the engagement beginning,
2. Notices mailed to neighbours within a 100m buffer of the property,
3. Notice signs posted on the subject property,
4. Consult with targeted agencies and interest groups (i.e. RDOS, Local First Nations, School District #67, Ministry of Transportation, BC Transit etc.),
5. Media releases issued,
6. Newspaper advertisements, and

7. Information sessions (online and in-person) that allow for sharing of information and discussion on the proposed development.

Staff are recommending that Council give direction to carry out the proposed community engagement prior to staff presenting the complete development application package to Council for consideration and first reading of the bylaws.

Analysis

The applicant is proposing to change the OCP future land use designation on the subject property from 'Infill Residential' to 'Mixed Use'.

Infill Residential Designation

The Infill Residential land use designation is described in the OCP as 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. This designation supports a wide variety of residential uses, including those currently permitted under the R1 (Large Lot Residential) zone (i.e. accessory building, carriage house, major and minor home occupation, one single detached dwelling, secondary suite, and vacation rental). The 'Infill Residential' land use designation aligns with the current R1 zoning found on the subject property (Figure 3).

Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Infill Residential 	Transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.	<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 1 – Infill Residential Future Land Use Designation

Mixed Use Designation

The question for the community and Council to consider is whether the 'Mixed Use' land use designation represents what the community wants to see at this location in the future. This change in land use designation would allow for the rezoning of the lands in support of a mixed-use development. This designation supports areas with a wide range of commercial uses including office, retail, goods and services (Figure 4).

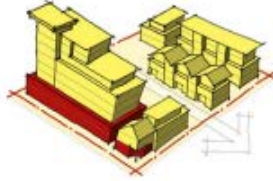
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
	A mixed-use area allowing for intensive development with active and vibrant retail or service uses at ground level and multi-family residential and/or office uses.	<ul style="list-style-type: none"> Higher-density mixed-use buildings 	<ul style="list-style-type: none"> Commercial (retail, service, office) Residential 	<ul style="list-style-type: none"> Up to 10 storeys 	<ul style="list-style-type: none"> C3 C5

Figure 2 - Mixed Use Future Land Use Designation

Initial Analysis

After initial review of the application package, staff consider that the application has merit for Council consideration given that:

1. The proposed development would provide 4 units of housing within a mixed-use area of Penticton, which would contribute to the housing need within the City.
2. The proposed building height (3 storeys) is similar to those already established in this area.
3. The location of the development is within walking distance of various amenities and services along Main St and Duncan Ave E.
4. The location is also in close proximity to multiple transit stops on Duncan Ave E, and Main St.
5. Bike routes are in close proximity on Atkinson St, Fairview Rd, and Government St.
6. The proposed mixed use development aligns with several recommendations from the OCP Housing Task Force related to community-wide OCP updates to support new housing developments. These include supporting small-scale mixed use buildings, and providing additional housing near major corridors like Main Street.

Staff's full analysis of the proposed development and its alignment with the OCP vision, goals, policy, and overall growth plan will be presented in future staff reports, following the engagement period.

Staff also note that the Official Community Plan is currently under review and that the City is in the process of incorporating recommendations from the Official Community Plan Housing Task Force that were endorsed by Council into the OCP (477/2023). The recommendations do not pertain directly to the subject property. As such, staff consider that processing this application separately and concurrently to the larger OCP update is in the best interest and fairest way of considering the application.

In addition to the OCP update work, staff are also in the process of incorporating recent provincial direction on zoning changes into City policy. It is likely that the zoning of the subject property will be impacted by the

provincial policy direction and staff will update Council and the community on those aspects of the project at the appropriate time. The applicant, however, wishes to move forward with the application at this time and not wait for the larger policy changes to unfold.

Next Steps

Should Council support the staff recommendation to proceed to public engagement, staff would commence the engagement period. In moving to public engagement, this does not signify that Council has endorsed, supported or approved the proposed development. Rather, this indicates that Council would like to engage with residents and interest groups to see what the community's thoughts are for the proposal. Once engagement has been completed, staff will prepare a summary of the results that will be shared with the applicant, Council and the public. Staff would also prepare subsequent reports for Council to consider formal bylaws for the OCP amendment or alternatively, the changes will be incorporated into the larger OCP update process – if the timing aligns. As part of either process, a statutory Public Hearing would be held after first reading of the OCP amendment bylaw, where residents would be able to provide further comments on the proposed development directly to Council, prior to further consideration of the bylaw(s) by Council.

When staff present back to Council with the OCP amendment bylaw, the staff report will include a complete analysis of the application package and a summary of the community engagement results for this proposed land use change.

Attachments

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

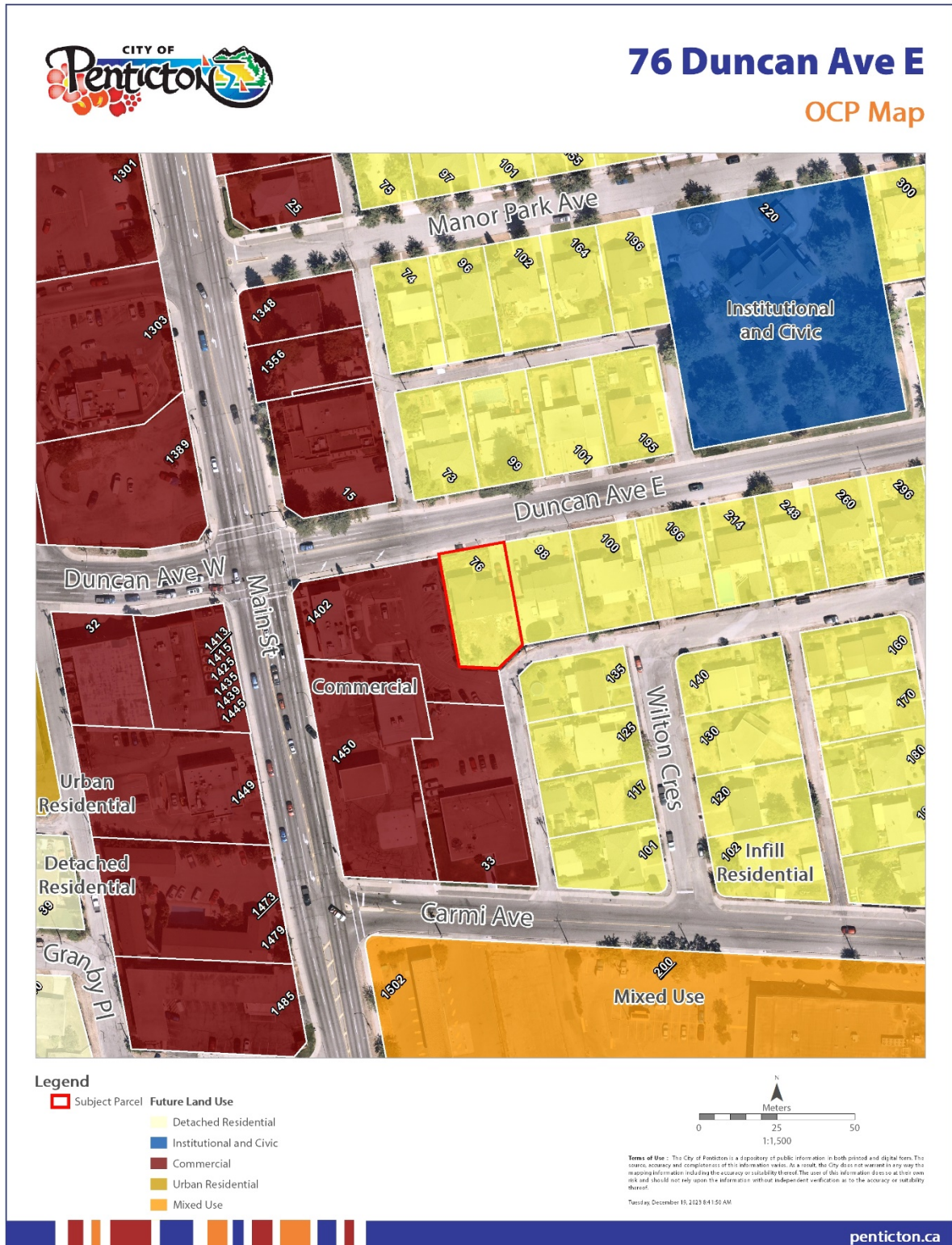
Respectfully submitted,

Jordan Hallam
Planner II

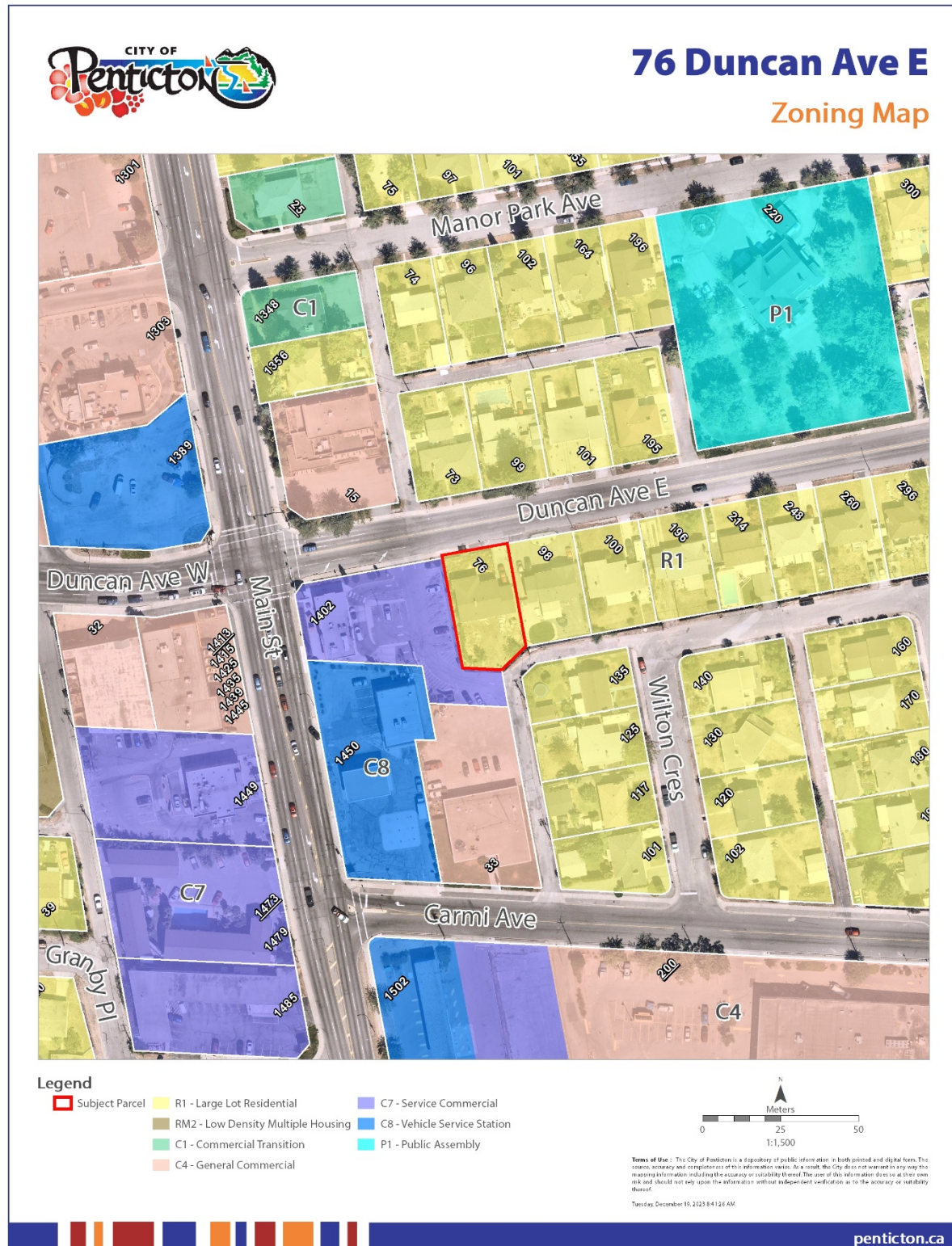
Concurrence

Director of Development Services <i>BL</i>	Director of Finance and Administration <i>AMC</i>	City Manager <i>PH</i>
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Attachment A – Official Community Plan Map



Attachment B – Zoning Map



Sherri Turpin Architect

Sherri Turpin, Principal, Architect, AAA, AIBC, Passive House Designer

December 19, 2023

Building and Licensing-Development Services Division
City of Penticton
171 Main Street
Penticton BC V2A 5A9

Dear Sir/Madam:

Re: 1402 Main Street, and 76 Duncan Avenue East
LOT 2, DL 250, SDYD, PLAN 39349 and LOT 3, DL250, SDYD, PLAN 7560

The owner of these two properties, 499410 BC Ltd., would like to apply for rezoning of 76 Duncan Avenue. 1402 Main Street is currently an A&W restaurant and will continue to remain as such in the foreseeable future. 76 Duncan Avenue East was purchased with the intent of providing better access and increased vehicular stacking to the drive through.

At the same time, there is opportunity to further develop the property. The owner would like to construct a three-storey mixed-use building that will potentially have an office or personal services business on the main floor and residential units on the upper two levels. There may be 4 residential units in total and one commercial unit.

The zoning that we believe would suit 76 Duncan property would be a C3 Mixed Use Commercial because this zoning contains general commercial uses and multi-family residential. The is anticipated to be registered rights-of-ways in order to manage the drive-through lane and access to parking from both properties.

Included in this submission are digital drawings showing the site plan as well as preliminary building plans and elevations to further show the intent and to facilitate discussion. Also included is the development application form, the site disclosure waiver form, and agent agreement form. The application fee will be sent separately upon confirmation of the amount.

Sincerely,

Sherri Turpin, AIBC, AAA, Passive House Designer★

c.c. Byron Gleige, 499410 BC Ltd.



Council Report

penticton.ca

Date: January 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 460 Conklin Avenue

File No: RMS/460 Conklin Ave

Subject: **Official Community Plan Amendment Bylaw No. 2024-01**
Zoning Amendment Bylaw No. 2024-02
Development Permit PL2023-9621

Staff Recommendation

1. *Official Community Plan*

THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2024-01", and in accordance with Section 475 of the *Local Government Act*, Council consider whether early and on-going consultation, in addition to the required Public Hearing, is necessary with:

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

AND THAT it is determined that the community engagement period carried out from October 18, 2023 to November 19, 2023 is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2024-01", a bylaw that amends Map 1: Future Land Use of Official Community Plan Bylaw No. 2019-08, by amending the future land use designation for Lot 13 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3867, located at 460 Conklin Avenue, from 'Detached Residential' to 'Ground Oriented Residential'.

2. *Zoning Amendment*

THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-02", Lot 13 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3867, located at 460 Conklin Avenue, a bylaw to rezone the subject property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council forward “Official Community Plan Amendment Bylaw No. 2024-01” and “Zoning Amendment Bylaw No. 2024-02” to the February 6, 2024 Public Hearing.

AND THAT prior to adoption of “Official Community Plan Amendment Bylaw No. 2024-01” and “Zoning Amendment Bylaw No. 2024-02”, Council require the following condition to be met:

1. A 0.5 m wide road dedication along the frontage of 460 Conklin Avenue be registered with the Land Title Office.
3. *Development Permit*

THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2024-02”, approve “Development Permit PL2023-9621”, a permit to approve the form and character of the proposed 6-unit townhouse, consisting of two, 2-storey buildings.

Strategic Priority Objective

Livable and Accessible: Proactively plan for deliberate growth; focused on an inclusive, healthy, safe and desirable place to live.

Proposal

The applicant is proposing to construct a 6-unit townhouse, consisting of two triplexes at 460 Conklin Ave (Figure 1). The applicant has submitted a Letter of Intent, which outlines their proposal in more detail (Attachment ‘E’).

Required Applications

The proposal is to allow for a townhouse development on the subject property. The applicants have applied for the following applications: Official Community Plan (OCP) Amendment, Zoning Amendment, and Development Permit. The following table outlines the planning applications that are required for the proposed development to proceed (prior to any building permits being issued):

Application Required	Description	Approval Authority
Official Community Plan Amendment Bylaw	To amend the future land use designation on the subject property from ‘Detached Residential’ to ‘Ground Oriented Residential’	Council with community engagement. Public Hearing required.
Zoning Amendment Bylaw	To amend the zoning at 460 Conklin Avenue from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing)	Council. Public Hearing required.
Development Permit	To approve the form and character of the mixed-use development	Council/staff delegated.



Figure 1 – Conceptual Rendering of Proposed Development

In order to facilitate the proposed development, the applicant is requesting the following:

1. To amend the Official Community Plan (OCP) future land use designation on the property from 'Detached Residential' to 'Ground Oriented Residential'.
2. To amend the zoning on the property of 460 Conklin Ave from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

The applicant has submitted a Development Permit application for the form and character of the proposed development, which has been included for Council's consideration. This report also presents the engagement summary from the public engagement period that occurred between October 18, 2023 to November 19, 2023 for the proposed development.

Background

Official Community Plan

Official Community Plan Bylaw No. 2019-08 was adopted in August 2019, establishing a vision for Penticton's growth over the next 30 years and beyond. It provides strategic policies and direction for meeting that vision. The plan, however, is not meant to be a static document; it includes a process, through meaningful community consultation, where amendments to the plan may be considered as long as the vision and intent of the OCP remains intact. In 2021, Council adopted the *Community Engagement for OCP Amendments Procedure*, which outlines how public engagement for Official Community Plan amendments should occur. At the October 17, 2023 Council meeting, Council directed staff to begin engagement following this procedure for the proposed development of an 8-unit townhouse, consisting of two 3-storey buildings on the subject property. The purpose of the engagement was to share information and gather public feedback on the proposal. Following Council's direction, the engagement period was carried out from October 18, 2023 to November 19, 2023. A summary of this engagement is included in this report (Attachment 'F').

Based on the feedback received during the engagement period, the applicants have amended their designs to lower both the height (three storeys to two storeys) and density (8 units to 6 units) for the development.

Property Description

The development consists of a property located on the south side of Conklin Ave, east of Moosejaw St (Figure 2). The property is currently vacant and does not have any buildings on it. A fire broke out on the property in June 2022, damaging the single family dwelling that was on the property which was later demolished. There are a variety of land uses in the area including commercial, and institutional. The property is within walking distance of Okanagan College, and fronts directly onto a transit route along Conklin Ave.

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

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
 - Six Class 1 bicycle parking spaces provided, meeting the minimum required as per the Zoning Bylaw.
 - A transit route runs along Conklin Ave with a transit stop almost directly in front of the subject property.
 - The Lake-to-Lake Cycling route runs along Fairview Rd, two blocks away from the subject property.
- **Step up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
- **Electrify Passenger Transport:** Every dwelling unit is required to have 1 (6 total) Level 2 – Electric Vehicle Ready Charger.

Technical Review

The original application package (8-unit townhouse, 3-storeys in height) was reviewed by the Technical Planning Committee, a group of internal staff who review development applications. Comments related to the future building permit application were provided to the applicant in the case that the land use applications are successful. The 0.5 m road dedication in front of 460 Conklin Ave is to allow for two boulevard trees.



Figure 2 – Property Location Map

After redesigning to propose a 6 unit townhouse, 2-storeys in height on the subject property, the comments related to the future building permit application still apply from the Technical Planning Committee. Additionally, the 0.5 m road dedication in front of 460 Conklin Ave to allow for two boulevard trees is still required.

Development Statistics

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

	RM2 Zone Requirement 6 Residential Dwelling Units	Provided on Plans
Minimum Lot Width*:	18.0 m	17.9 m
Minimum Lot Area*:	540 m ²	1031.9 m ²
Maximum Lot Coverage:	40%	36.4%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.64 FAR
Vehicle Parking:	Total Required: 1 per dwelling unit plus 0.25 spaces/unit for visitors Total Required: 6 spaces Total Visitor Required: 2	Total Per Dwelling: 6 spaces Total Visitor: 6 spaces Total Provided: 12 spaces
Level 2 Electric Vehicle (EV) Ready Chargers:	Total Required: 1 per dwelling unit Total Required: 6 chargers	Total EV Ready Chargers Provided: 6 chargers
Bicycle Parking:	Class 1 required: 0.5 per unit OR noted inside garage/storage area Total Class 1 Required: 3	Class 1 provided: 6 spaces (1 in each storage area)
Landscape Buffer (east):	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 5 trees, and 57 shrubs.	Total Provided: 3.0 m wide, 4 trees, and 112 shrubs (Variance to trees through Development Permit).
Landscape Buffer (north):	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 2 trees, and 17 shrubs.	Total Provided: 3.0 m wide, 3 trees, and 65 shrubs.
Required Setbacks		
Front Yard (Conklin Ave):	3.0 m	3.0 m
Side Yard (east):	1.5 m	1.5 m

	RM2 Zone Requirement 6 Residential Dwelling Units	Provided on Plans
Side Yard (west lane): Rear Yard (lane):	1.5 m 6.0 m	5.86 m 6.71 m
Maximum Building Height	12 m	7.0 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.	

Community Engagement Summary

Staff notified and involved the community in accordance with the *Community Engagement Procedure for OCP Amendments*. The engagement program was intended to gather feedback on the proposed land use change to allow an 8-unit townhouse, consisting of two 3-storey buildings at this location. The engagement program launched October 18, 2023 and ran through to November 19, with a total of 113 feedback forms received by the deadline.

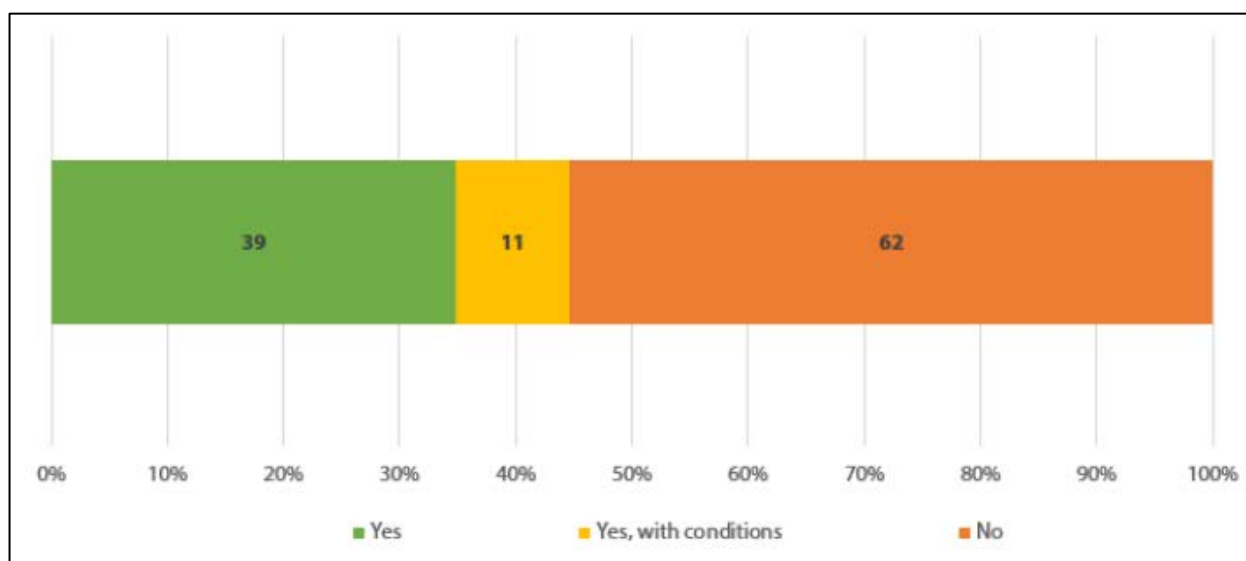
To notify the community and the opportunity to share feedback, staff completed the following:

Date	Activity
Oct. 18 – Nov. 19	Project information and feedback form on www.shapeyourcitypenticton.ca
Oct. 18	Kiosk available at library
Oct. 18	Press Release
Oct. 18	Shapeyourcitypenticton.ca Eblast
Oct. 18	Referral to stakeholders <ul style="list-style-type: none"> - Feedback received from RDOS, that they are unaffected by the proposal - Feedback received from BC Transit, that they are supportive of the proposed development
Oct. 20	Mailed notices to property owners and tenants within 100m of the subject property
Oct. 20	Posted sign (1) on the subject property
Oct. 25	Social media post
Oct. 25	Newspaper ad – Penticton Western
Oct. 27	Newspaper ad – Penticton Herald
Oct. 30	Newspaper ad – Penticton Herald
Oct. 30	Social media post
Oct. 31	Shapeyourcitypenticton.ca Eblast
Nov. 1	Newspaper ad – Penticton Western
Nov. 1	Online information session
Nov. 6	In person information session – Penticton Trade and Convention Centre
Nov. 15	Social media post
Nov. 19	Deadline for feedback forms

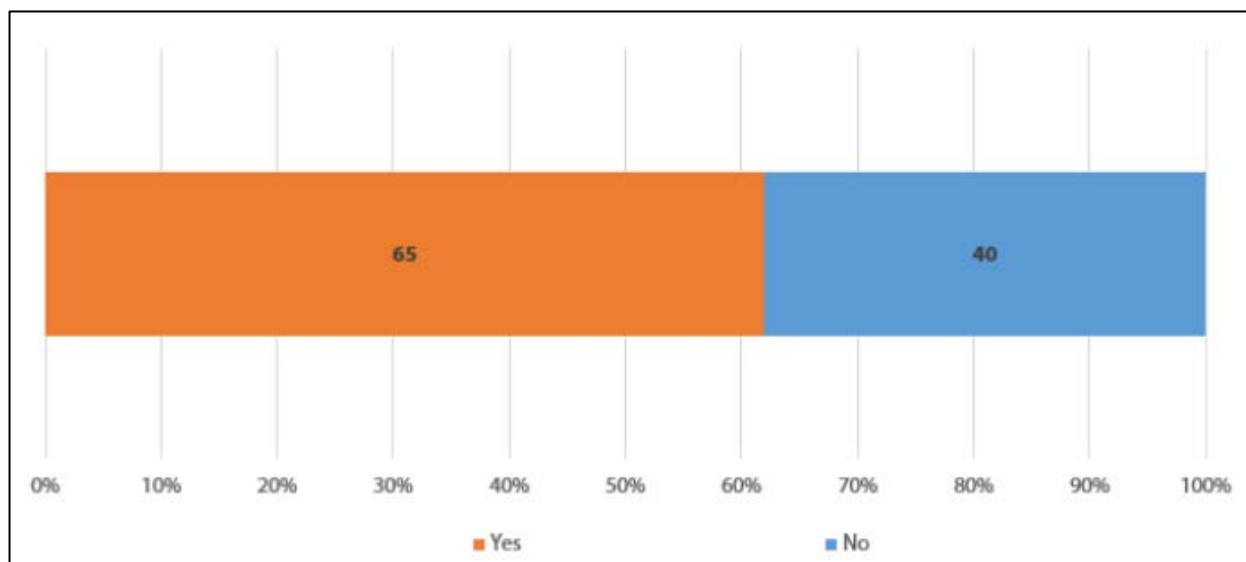
The intent of the information sessions were to inform community members about the application, share accurate information on the proposal and the process, and indicate how and where community members can share their comments, concerns and feedback on the proposal. The online information session saw a total of 15 attendees, and the open house had a total of 48 attendees. The engagement report, which includes the results from the engagement period has been included as Attachment 'F'.

The key findings from the feedback forms collected during the engagement period found that 54.9% of respondents do not support the land use change from Detached Residential to Ground Oriented Residential. Another 9.7% support the change with conditions largely related to building size, parking, potential for precedent setting, and lack of green space. A portion of respondents (34.5%) are in favour of changing the land use.

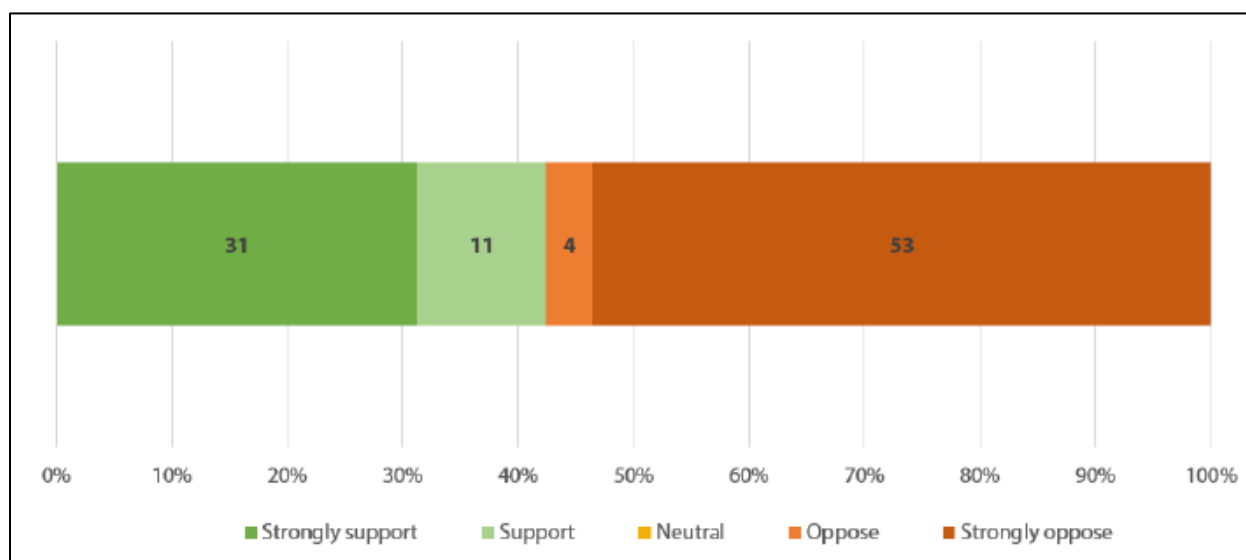
The following chart shows the feedback forms results to the questions **“Do you agree with changing the land use on this site from Detached Residential to Ground Oriented Residential?”**:



Additionally, the following chart demonstrates that more than half of respondents have concerns with changing the future land use designation on the site, when asked: **“Based on the information provided, would you have any concerns about what is being considered for this site?”**:



Participants were asked **“Rate your level of support for the development that is being proposed for this site”**. The following chart shows that less than half of respondents either support or strongly support the proposed townhouse, while more than half either oppose or strongly oppose the proposed townhouse development.



Through the engagement period, the Planning Department and Communications and Engagement Department heard the following main concerns about the proposed land use change to allow an 8-unit townhouse, 3-storeys in height:

- The proposal is too tall in height, and does not meet the character of the neighbourhood.
- Keep height to 2 storeys and maintain green space.
- Ensure sufficient off-street parking.
- The proposed development is too dense for the property. Two to four units would be better suitable.
- The proposal does not include enough green space, trees, or landscaping on the property.
- The building closest to Conklin Avenue is too close to the street, and should be setback further.

- Privacy concerns for the neighbour most directly impacted to the east of the property.
- The amount of variances required to construct this development is too much, and does not consider the neighbours.

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

After the closing of the engagement period, staff sent the applicant the engagement results and also met with the applicant to discuss the results and how they wished to proceed. The original application submitted included an 8-unit townhouse, consisting of two 3-storey buildings. The applicant also applied for site-specific zoning to accommodate the increased density on the subject property. Additionally, the original application required four variances to increase lot coverage, reduce setbacks, and for balconies to project closer to property line than what the Zoning Bylaw permits.

As a result of the engagement results and working with staff, the applicant came back with new plans. The new plans were changed to reflect the following:

- Reduced the number of units from 8 to 6.
- The building height was lowered from 3-storeys to 2-storeys in height.
- The new plans doubled the number of off-street parking spaces from 1 per dwelling unit to 2 per dwelling unit.
- Site-specific zoning for increased density is no longer required as the applicant reduced the number of units.
- The proposed buildings are aligned with the Zoning Bylaw, and no variances for setbacks, height, or projections are required.

The applicant has submitted a letter regarding the changes as a result of the engagement which has been included as Attachment 'G'.

Analysis

Official Community Plan Amendment

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

1. Alignment with broad OCP visions and goals
2. Provision of demonstrable social, economic and environmental benefits to the community
3. Assessment of cost and other implications for infrastructure – parks, roads, utilities, water, sanitary and storm sewer, public facilities
4. Suitability to context – form, character and design

5. All proposed amendments will be accompanied by meaningful public engagement, in addition to the required notification, and a formal Public Hearing.

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

The Official Community Plan (OCP) Housing Task Force was formed in May 2023 and was envisioned to determine a set of recommendations for Council's consideration for the future of housing in the City. This would lead to OCP amendments 'addressing housing needs and deliberate growth' as part of the Housing Needs Assessment. At the December 12, 2023 Council meeting, Council was presented with 18 recommendations from the OCP Housing Task Force. The below table outlines some of the recommendations and how the proposed development meets the recommendations.

Recommendation	Future Land Use Designation Recommendations
Recommendation #2	Consolidate the 'infill residential' and 'detached residential' designations – allowing up to 4 or 6 residential units on all currently single-and two-family designated lands.
Staff's Comments	The subject property is currently designated 'detached residential'. The application is to amend the OCP and zoning to allow 6 residential units on the property, which only currently allows 2 units. The proposal meets the recommendations by amending the OCP to allow 6 residential units.
Recommendation #3	Designate lands in areas close to parks, services and employment to support densities greater than 4 to 6 units per lot.
Staff's Comments	The proposed development is within close proximity of Okanagan College, Kings Park, Cannery Building, and Fairview Plaza. The subject property is centrally located within the City of Penticton to access a variety of amenities and services.
Recommendation #9	Support streamlined and efficient reviews of Development Permit applications, with appropriate design guidelines in place to support densification through quality design.
Staff's Comments	The proposed development and Development Permit application have been designed with appropriate design guidelines in mind. The proposal is two-storeys in height, which is similar to existing buildings in the area. Additionally, no variances are required for the proposal. Attachment 'D' goes into further detail about these guidelines.

Detached Residential Land Use Designation

The OCP future land use designation on the subject property is currently 'Detached Residential' (Attachment 'B'). The 'Detached Residential' land use designation is described in the OCP as lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods. This includes building types such as single detached houses with secondary suites or carriage houses, duplexes, small-scale neighbourhood commercial building, or manufactured homes (Figure 3).

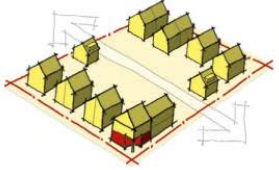
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
	Lower-density areas of single detached houses and/or duplexes in primarily residential neighbourhoods including single-detached bareland stratas	<ul style="list-style-type: none"> • Single detached houses with secondary suites or carriage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

Figure 3 – Detached Residential Land Use Designation

Ground Oriented Residential Land Use Designation

The designation that is being requested is the 'Ground Oriented Residential' designation to allow for a 6-unit townhouse development. This designation envisions medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas (Figure 4). This change would allow for the rezoning of 460 Conklin Avenue to RM2 (Low Density Multiple Housing) to support the proposed development.

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

Figure 4 – Ground Oriented Residential Future Land Use Designation

Staff's Analysis

The applicant is requesting to amend the OCP land use designation for the property from 'Detached Residential' to 'Ground Oriented Residential', in order to facilitate the construction of a 6-unit townhouse development. While the proposal is in conflict with the existing OCP land use designation, the proposal shows consistency with many goals and objectives of the OCP and staff consider it is aligned with the OCP's vision for the future.

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

OCP Reference	Policy
OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
Staff's Comments	The subject property is located within a well-developed area, and doesn't require the construction or extension of City services in order to proceed.
OCP Goal 4.1.3	Housing Diversity Ensure a range of housing types, sizes, tenures and forms exist throughout the City to provide housing options for all ages, household types, and incomes.
Staff's Comments	The development proposes 6-unit townhouse within an established area in the City. Each unit will include: <ul style="list-style-type: none"> - Amenity space for each unit - 2 parking spaces per residential unit, with an EV charger These features help to provide desirable units that could be suited for a variety of future occupants.
OCP Policy 4.1.3.1	Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided from Development Permit Area Guidelines.
Staff's Comments	The subject property is located in an established residential neighbourhood. There is adequate opportunity for residents to access services and amenities near the proposed development due to its central location.
OCP Policy 4.1.3.4	Encourage developments that include one-bedroom and two-bedroom units in suitable neighbourhoods to enable people to downsize as they age and to provide entry-level housing for those people entering the housing market. At the same time, provide 3-bedroom units, or larger, to accommodate families.
Staff Comments:	The proposed development includes 3 bedrooms on the second storey, and large living rooms on the first floor to suit a variety of users.
OCP Policy 4.1.3.5	Ensure through the use of zoning that more-intensive forms of residential development are located close to transit and amenities, such as parks, schools and shopping.

OCP Reference	Policy
Staff Comments:	The proposed change of land use, through the OCP future land use designation and zoning changes proposed, helps to ensure more intensive forms of housing are provided close to many amenities and services such as Okanagan College, Kings Park, Cannery Building, and Fairview Plaza.
OCP Policy 4.1.3.6	Require amenity areas in all multifamily and mixed-use projects through regulations in the Zoning Bylaw.
Staff Comments:	The proposed development has 155 m ² of amenity area provided for residents.
OCP Goal 4.1.4	Housing Quality Ensure that new housing is attractive and sensitively designed, is water and energy efficient and that all housing is properly maintained.
Staff Comments:	The proposed development would introduce 6 new residential units to this area of the City. The building has been designed to fit into the area, and is similar in scale to the existing single family dwellings and duplexes within close proximity. The applicant has demonstrated many initiatives that are to be integrated into the development to ensure it is efficient (see climate action section).
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 Comments:	Staff consider that the building has been redesigned to fit into the area, and is similar in height to existing dwellings within close proximity. The development proposes an attractive new building, with a variation of materials and to create an interesting frontage.
OCP Goal 4.1.6	Provide opportunities to live, work and play in all of Penticton's neighbourhoods.
Staff Comments:	The proposed development introduces 6 residential units on Conklin Ave within an existing neighbourhood, close to various amenities, parks, and uses. This allows opportunities to live and work within close proximity of each other.
OCP Policy 4.2.1.7	Promote walking, cycling and transit use through strategic land use planning that facilitates denser, attractive, mixed-use communities that are rich in amenities.
Staff Comments:	The proposed development is located directly on a transit route on Conklin Ave, with a transit stop almost directly in front of the property. The proposed development is also within blocks of the lake-to-lake cycling route, taking advantage of the ability to use alternative forms of transportation to access the community. This allows the potential for workers, residents, tenants or visitors to use alternative transportation to access the proposed development or other areas of the community.

Given the support from a variety of OCP Goals and Policies, staff recommend that Council support the OCP land use designation change from 'Detached Residential' to 'Ground Oriented Residential'.

Zoning Bylaw Amendment

In addition to an OCP Amendment, the applicant has also applied for a Zoning Bylaw amendment for 460 Conklin Avenue from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing). This change in zoning is not aligned with the current OCP designation on the property, which is why this proposal has come forward as an OCP and Zoning Amendment package.

Should Council consider that amending the OCP designation on the property is appropriate, they may also consider that the proposed RM2 (Low Density Multiple Housing) zone is appropriate given the requested OCP designation of 'Ground Oriented Residential'. The 'Ground Oriented Residential' designation envisions medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas. This designation supports the development of higher density, mixed-use developments.

The subject property is considered an appropriate location for increased density due to its proximity to amenities and services nearby, including Okanagan College, the Cannery Building, Penticton Plaza, Duncan Ave W, Fairview Rd, and many other public amenities. There are also adequate pedestrian and cycling connections for alternative modes of transportation, including the lake-to-lake cycling route on Fairview Rd. Further, the OCP policies that are referenced to support the OCP land use change also support the proposal to rezone 460 Conklin Ave from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing).

Staff also acknowledge the recent provincial direction on increasing housing in traditionally single and two family zoned areas. While the province envisions 4 units as a base minimum density in these areas, staff consider that the upzoning to allow for 6 units is aligned with the spirit of the provincial direction.

Given the above information, staff recommend that Council support the zoning amendment from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing) for 460 Conklin Ave and the 0.5 m wide road

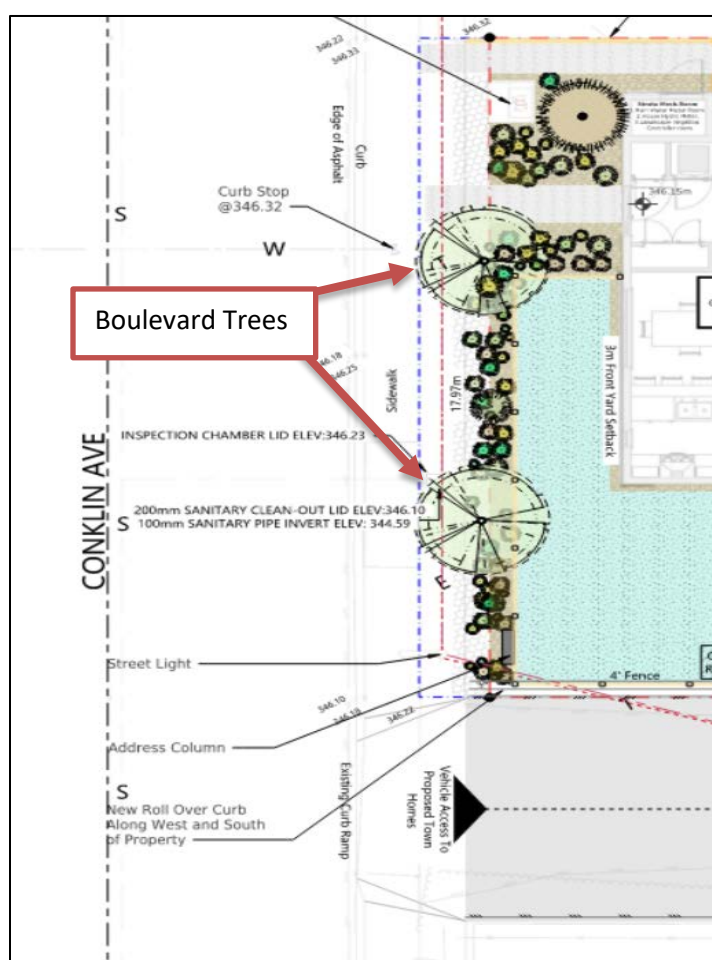


Figure 5 – Proposed Boulevard Trees

dedication that is required for two boulevard trees. Figure 5 shows the proposed boulevard trees and landscaping fronting Conklin Ave.

As such, staff recommend that Council, subject to adoption of the Zoning Amendment, direct staff to issue the permits, such to the following conditions:

1. A 0.5 m wide road dedication in front of 460 Conklin Avenue is registered with the Land Title Office.

OCP Variance

The OCP Section 5.1.4 allows for minor variances through a development permit in certain instances. The applicant is proposing a reducing the required number of trees from five to four along the west property line (Figure 4). Section 5.1.4 of the OCP allows for variances to landscaping buffers in cases where “the proposed building locations make establishment of a buffer difficult or impossible or where trees will not thrive. In cases where the buffer is reduced, compensatory planning elsewhere on the site or in adjacent public realm is required”. In this instance, the east landscape buffer tree requirement is reduced from five to four as a result of the access pathway to the rear units. Staff are supporting this variance, as the landscaping plan still provides more than the required number of shrubs along all the west property line. Compensatory plantings have also been provided in other areas of the subject property that are not within the require landscape buffer.

Landscaping buffers assist with providing a natural buffer between properties and uses. They also help to increase the urban forest inventory throughout the City. In this instance, the fence, landscape buffer, and pathway between the proposed buildings and neighbouring property which reduces the overlook into the western property. Staff considers that the added distancing between the properties and the proposed buildings, as well as the proposed landscaping plan, which incorporates adequate plantings and species, make this a suitable variance through the Development Permit.

Development Permit

The proposed development is considered within the Multifamily Residential Development Permit Area, which is established to encourage housing means to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness. The proposed development has been designed with the OCP design guidelines in mind. The development proposes a density that is aligned with the ‘Ground Oriented Residential’ designation and provides a design that meets the Zoning Bylaw regulations for RM2 (Low Density Multiple Housing) without the need for variances.

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

The proposed development has been redesigned with the OCP policies and guidelines in mind and is a project providing a mixed-use development within a desirable area of the city for increased density.

Alternate Recommendations

Council may consider the proposed development to be undesirable at this location, or not in keeping with the goals and policies of the Official Community Plan. If this is the case, Council should deny first reading of the Official Community Plan Amendment and Zoning Bylaw Amendment. Staff are not recommending this option, as staff consider the proposal to be supported by the general direction of the Official Community Plan, including the many goals and policies referenced within the Analysis section of this report.

1. THAT Council deny first reading of "Official Community Plan Amendment Bylaw No. 2024-01" and "Zoning Amendment Bylaw No. 2024-02".

Attachments

Attachment A – Zoning Map

Attachment B – Official Community Plan Map

Attachment C – Photos of Property

Attachment D – Development Permit Analysis (staff)

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

Attachment F – 460 Conklin Avenue Engagement Report

Attachment G – Letter from Application Regarding Engagement Results

Attachment H – Draft Development Permit PL2023-9621

Attachment I – Official Community Plan Amendment Bylaw No. 2024-01

Attachment J – Zoning Amendment Bylaw No. 2024-02

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

Director of Development Services <i>BL</i>	GM of Infrastructure <i>KD</i>	City Manager <i>ALH</i>
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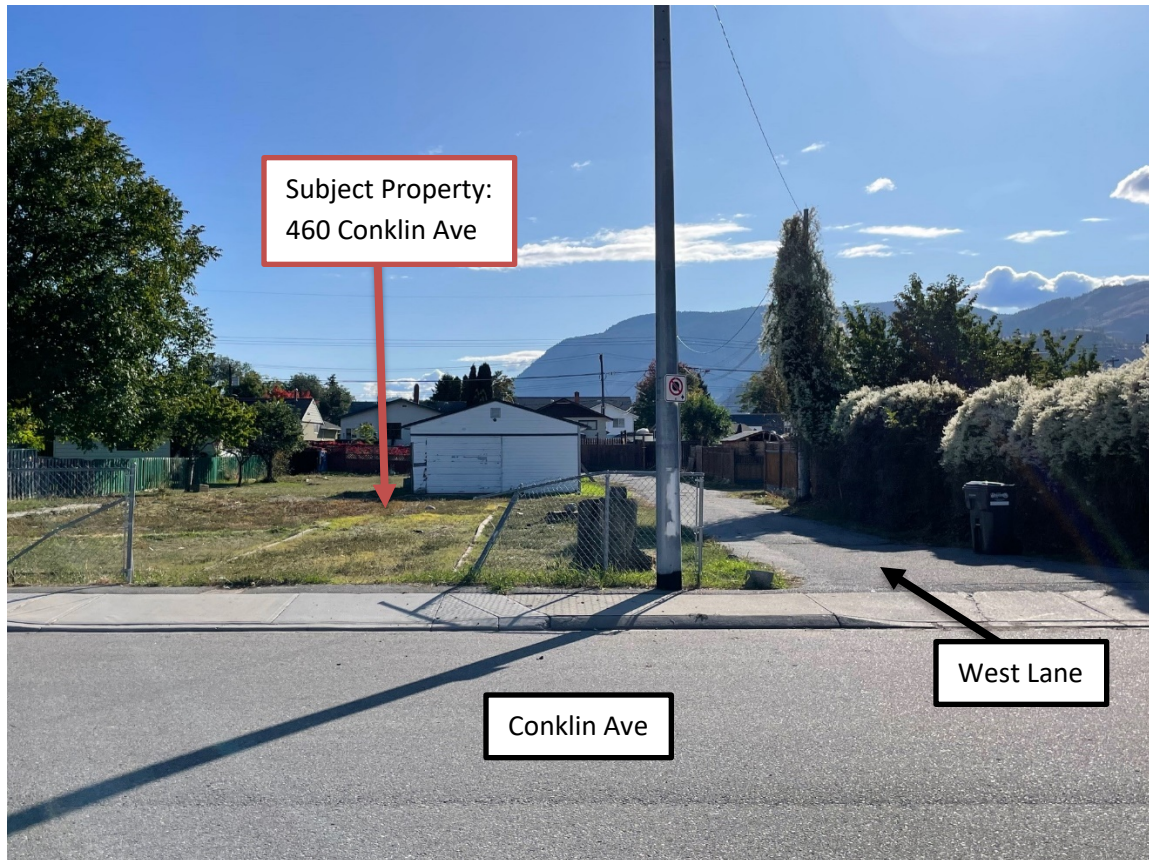
Attachment A – Zoning Map



Attachment B – Official Community Plan Map



Attachment C – Photos of Property







Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

The proposed development is located within the Commercial and Mixed-Use Development Permit Area. The following analysis demonstrates how the proposal is aligned with the applicable design guidelines.

<i>Guideline G1</i>	<i>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.</i>
	<ul style="list-style-type: none"> The applicant has provided a comprehensive site plan and considered the neighbourhood context in their redesign. The applicant has demonstrated that the massing was designed to be complementary to the area.
<i>Guideline G5</i>	<i>Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.</i>
	<ul style="list-style-type: none"> The applicant has located the proposed buildings at the minimum required 3.0m front yard setback, which helps to maintain a strong connection with the street.
<i>Guideline G7</i> <i>Guideline G29</i>	<i>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.</i>
	<ul style="list-style-type: none"> The proposed development introduces a development with units fronting onto the street, west lane and south lane. This provides 'eyes-on-the-street' security to the street and surrounding lanes.
<i>Guideline G11</i> <i>Guideline G14</i>	<i>Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.</i>
	<ul style="list-style-type: none"> The development is designed to tie into the existing sidewalk along Conklin Avenue seamlessly, and allow pedestrian to walk into the development from the sidewalk.
<i>Guideline G16</i> <i>Guideline G17</i> <i>Guideline G18</i>	<i>Site and building access must prioritize pedestrian movement, minimize conflict between various modes of transportation and optimize use of space.</i>
	<ul style="list-style-type: none"> The proposed development prioritizes pedestrian movement, by having pedestrian access as the main method of accessing the development from the street. The lake-to-lake cycling route is also located blocks away on Fairview Rd, providing another alternative way of accessing the development.
<i>Guideline G19</i>	<i>All multifamily developments should accommodate sustainable modes of transportation through...</i>
	<ul style="list-style-type: none"> The proposed development will include Class 1 (secure resident) bicycle parking on site. The development also includes the installation of electric vehicle ready chargers for each vehicle parking space, providing one for each residential unit.
<i>Guideline G20</i>	<i>Designs should respond to Penticton's setting and climate through use of...</i> <ul style="list-style-type: none"> <i>Optimized placement of windows to maximize natural light;</i> <i>Energy-efficient building design;</i>

	<ul style="list-style-type: none"> • <i>Landscape design and plantings that provide cooling through shade in summer months</i>
	<ul style="list-style-type: none"> • The proposed development is designed to consider the climate of Penticton. The Climate Section of this report provides this detail as well.
<i>Guideline G21</i> <i>Guideline G28</i>	<i>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).</i>
	<ul style="list-style-type: none"> • The proposed development faces towards Conklin Avenue. • The development has sidewalks to access the sidewalk along Conklin Avenue and the lake-to-lake cycling route on Fairview Rd.
<i>Guideline G23</i>	<i>Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilevered upper floors may be considered as a means to break up massing while promoting overlook and/or weather protection.</i>
	<ul style="list-style-type: none"> • The building includes variation to the design to include setbacks and stepbacks on several levels of the building, which help to break up the massing of the structures. • The design also incorporates a variety of materials and colours to create an appealing and interesting building.
<i>Guideline G35</i>	<i>Tree planting...</i>
	<ul style="list-style-type: none"> • The proposal will introduce 2 boulevard trees directly in front of the development. This will help to provide shading to the existing sidewalk area and beautify the street.
	<ul style="list-style-type: none"> • The proposed development includes a landscaping plan that provides adequate buffering along all property lines.
<i>Guideline MF1</i>	<i>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</i>
	<ul style="list-style-type: none"> • The proposed development will provide residents with 155 m² of both private and common amenity space.
<i>Guideline MF3</i>	<i>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.</i>
	<ul style="list-style-type: none"> • The proposed development has been designed with green space and vegetation around the entire subject property.
<i>Guideline MF4</i>	<i>Visitor parking should be:</i> <ul style="list-style-type: none"> • <i>In public view,</i> • <i>Easily accessible near the main entry to the site, and</i> • <i>Clearly indicated by pavement markings and/or signs</i>
	<ul style="list-style-type: none"> • The proposed development has parking accessed off of the west lane and south lane. Six visitor parking stalls are provided on site in addition to the required six stalls provided for residents.
<i>Guideline MF5</i>	<i>Electric vehicle charging stations should be provided in larger developments.</i>
	<ul style="list-style-type: none"> • The proposed development provides 1 EV Ready Level 2 Charger per dwelling unit (6 total).

<i>Guideline MF7</i>	<i>Minimize shadowing on adjacent parks, public and private open spaces and priority pedestrian facilities</i>
	<ul style="list-style-type: none"> The proposed development has been redesigned with the surrounding neighbourhood in mind. The updated development is two-storeys in height, which is similar to the form and character of existing buildings within the neighbourhood.

Attachment 'E'

Our File: 24522-0404400

August 27, 2023

Letter of Intent

OCP AMENDMENT, REZONING WITH SITE-SPECIFIC PROVISIONS, DEVELOPMENT VARIANCES PERMIT, AND DEVELOPMENT PERMIT APPLICATIONS

GROUND-ORIENTED 8-UNIT TOWNHOUSE DEVELOPMENT | 460 CONKLIN AVE, PENTICTON, BC

1. BACKGROUND AND INTRODUCTION

McElhanney Ltd. (McElhanney) has been retained by Azura Management (the applicant) to prepare a letter of intent to support their proposed development on the property located at 460 Conklin Ave, Penticton, legally described as LOT 13 DISTRICT LOT 1 GROUP 7 SIMILKAMEEN YALE-LYTTON.

1.1. Site Description

The subject property spans an estimated 0.255 acres. It's bordered by Conklin Ave to the north, a laneway on its west, another laneway to its south, and a neighboring single-family home to the east. Presently, only a garage occupies this site. While the immediate vicinity is predominantly made up of detached single-family homes, it's significant to highlight the existence of high-density housing developments, including apartments and townhouses, on Hastings Ave — a mere 450 meters to the south of the property.

1.2. Application Status

The Client has embarked on a simultaneous application process with the City of Penticton for the proposed development, encompassing an Official Community Plan (OCP) Amendment, Zoning Amendment, Development Variance Permit, and a Development Permit application. Following this, on July 20, 2023, the Client received a technical review letter from the City (see Attachment A). This letter, stemming from the City's Technical Planning Committee, lists specific requirements termed "Items to be Addressed." These items are crucial for moving the application forward for further review.

1.3. Purpose of the Memo

The purpose of this memo is to address the following items outlined in the City's review letter:

1.1.a. Proper letter of intent required, addressed to City Council outlining the project and the requested variances with justification. Include OCP references to policies and goals, to justify how you consider the proposal aligns with the vision of the OCP.

1.1.b. Need a proper DP analysis with specific references to the DP guidelines found in the OCP.

1.4. Limitations

It should be noted that this exercise does not include the preparation of any technical documents, nor does it undertake any preliminary site design work. Additionally, it should be noted that amendments to Official Community Plans (OCP), Zoning Bylaws, and Development Variances are discretionary approvals – meaning that there is inherent uncertainty in these types of development applications.)

2. DEVELOPMENT PROPOSAL

The client has set forth a comprehensive plan to transform the vacant site into a contemporary townhouse residential development, consisting of two ground-oriented townhouse buildings. Each of these buildings, spread across three storeys, will house four ground-oriented residential units, bringing the total to eight townhomes.

These townhouse units have been meticulously designed to maximize both comfort and functionality. They are spacious, averaging 1,800 square feet, not including the garage area. Residents of the development will have the luxury of choosing between single or double car garages based on their preferences and needs. The interiors boast a modern layout featuring three cozy bedrooms, three well-appointed bathrooms, a spacious living room to host and entertain, a state-of-the-art kitchen to cater to culinary delights, and a versatile flex room on the ground level that can adapt to the ever-changing needs of its residents, be it an office, playroom, or a personal gym.

A thoughtfully conceived site plan ensures seamless access and movement. The garage and driveway are intelligently positioned off the west laneway to avoid any inconvenience. Meanwhile, the main entrances to the units exude an inviting charm as they face the east property line. These are further enhanced by a 1.2-metre wide pedestrian walkway that graciously connects residents to the Conklin Ave sidewalk, ensuring easy ingress and egress.

Recognizing the importance of outdoor spaces for relaxation and recreation, provisions have been made for dedicated on-site outdoor amenity zones where residents can unwind and enjoy outdoor. To accommodate visitors, the design also thoughtfully includes two guest parking spaces situated conveniently on the property's southern end, right next to the southern laneway. This entire development proposal is not just about buildings and spaces; it's about creating a cohesive, convenient, and relatively affordable housing option for City of Penticton's residents.

3. PROPOSED APPLICATIONS & RATIONALE

In order to realize the envisioned development on the subject site, amendments to the City's Official Community Plan (OCP), Zoning Bylaw, and specific development variances are required. This section delineates the proposed applications and provides a comprehensive analytical rationale to support these applications.

3.1. OCP Land Use Amendment

The subject site is currently designated as "Detached Residential" in the City's OCP, which supports single detached houses with secondary suites or carriage houses, duplexes, and small-scale neighbourhood commercial building. The OCP signals limited change in traditional single-family neighbourhoods, as these neighbourhoods are less suitable for infill and multifamily development.

To enable the proposed zoning and the townhouse development on the subject site, the applicant is proposing to change the land use designation to "Ground Oriented Residential". As shown in Figure X, the ground oriented residential is envisioned for medium-density residential areas with multi-family development where each unit has an exterior door. This land use designation supports townhouses, stacked townhouses, low-rise and mid-rise apartment buildings (Figure X). The proposed townhouse development is a consistent use with the Ground Oriented Residential designation.

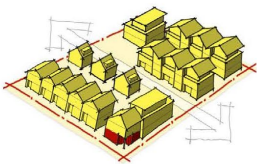
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Ground Oriented Residential 	Medium-density residential areas with multi-family developments where each unit has an exterior door and construction is primarily wood frame, or bareland stratas.	<ul style="list-style-type: none"> • Duplexes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

Figure 1. Ground Oriented Residential, OCP

Compliance with OCP objectives and policies

The following table outlines how the proposed townhouse development conforms to the City's OCP objectives and policies.

Table 1. OCP Amendment Rationale

No.	Rationale	Compliance with OCP Policies
1.	The property is located in an existing developed area with municipal services.	Policy 4.1.1.1
2.	The subject property is not within the OCP's Hillside DP Area, the Riparian DP Area, the Environmental DP Area. It is also not in agricultural areas. Transit stations are located within 30 metres on Conklin Ave. Nearby transit stations on Moosejaw St are within walking distances.	Policy 4.1.1.2
3.	The developer is responsible to cover development costs including any required infrastructure upgrades. The City covers the surveying and registration costs of the required 0.5 m Conklin road dedication (if required). The developer will pay DCC's at the building permit stage to help account for the increased demand on municipal infrastructure.	Policy 4.1.1.4
4.	Nearby existing multifamily developments including townhouse and apartments are located along Fairview Road and Hastings Ave. The property is located along an urban local residential road, and bus routes. The Okanagan College Penticton Campus is only three lots west from the subject site, and is approximately 8 minutes of walking distance. The commercial areas along Fairview Road and Duncan Ave W are 10 mins walking distance to the subject site. The development meets the applicable Development Permit Area Guidelines in the OCP (see Section 2.4).	Policy 4.1.3.1
5.	All 8 units are proposed to have 3-bedrooms and 2 full bathrooms. This provides an accommodation option for families, including ownerships and renters.	Policy 4.1.3.4
6.	The property is within walking distance to bus stops, shops, the King's park, the Okanagan College Penticton Campus, restaurants, and other amenities.	Policy 4.1.3.5

<p>7. The applicant has submitted a Development Permit application in conjunction with the OCP amendment, Rezoning, Development Variances requests for Council's consideration. Section 2.4 show how the proposed development meets the applicable OCP design guidelines.</p>	<p>Policy 4.1.4.1</p>
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3.2. Zoning Amendment – Rezoning

The subject property is zoned as “R1 – Large Lot Residential”. The purpose of the R1 zone is for single detached dwelling housing on serviced urban lots.

The current R1 zone does not allow the proposed ground-oriented townhouse use. To accommodate the development, the site needs to be rezoned to “RM2 – Low Density Multiple Housing”. The purpose of RM2 is for low density multiple housing up to three (3) storeys above grade on urban services.

The proposed RM2 zone is a supported zone in the proposed Ground Oriented Residential OCP land use designation. The proposed 8-unit, three-storey townhouse building meets the purpose and intent of the RM2 zone.

3.3. Development Statistics

Table 2 below lists the proposed development statistics with comparisons to the requirements in the RM2 zone.

Table 2. Development Statistics

	RM2 Requirements	Provided on Plans
Minimum Lot Width	18 m	17.97 m
Minimum Lot Area	540 m ²	1,015.5 m ²
Maximum Lot Coverage	40%	50% - variance requested
Maximum Density	0.8	1.27 – site specific amendment is requested
Vehicle Parking	1 parking space per dwelling unit 0.25 visitor parking spaces per dwelling unit Total: 10 parking spaces required	8 resident parking 2 visitor parking Total: 10 parking spaces provided

Bicycle Parking	Class I: 0.5 spaces per dwelling unit Class II: 0.1 spaces per dwelling unit	Class I: each unit has a garage. Section 6.4.3.5 allows unit garages to count as secure bicycle parking when each unit has access to its own garage space. Class II: 2 bicycle racks provided
Required Setbacks		
Front Yard (Conklin Rd):	3 m	2.56 m – variance requested
Side Yard (east):	3 m	3 m - balcony projection variance
Side Yard (west):	3 m	2.17 m – Variance Requested
Rear Yard (south):	6 m	6.25 m
Maximum Building Height	12 m	10.71 – 11.07 m
Amenity Space	20 m ² for each dwelling unit 25% of the required amenity space must be provided at the ground floor level	44 m ² for each dwelling unit provided 34 m ² for each dwelling unit are provided at the ground floor level

3.4. Development Variances

The OCP Section 5.1.4 states that variances to zoning standards may be considered as a component of a Development Permit Application subject to Section 490(1)(a) of the Local Government Act, provided that the resultant built form of the proposed building is consistent with the General OCP Development Permit Area Guidelines and the overall intent of the Zoning Bylaw:

The proposed townhouse development meets the overall intent of the RM2 zone. Section 2.5 outlines how the proposed development aligns with the General OCP DP Guidelines. The applicant is proposing a increased site coverage and reduced front yard setback and side yard setbacks. Each variance is proposed in response to the unique characteristics of the site and the design intent of the proposed townhouse development. Table 3 is a further breakdown of each proposed variance along with the rationale behind the variance request:

Table 3. Variances and Rationale

Proposed Variances and Rationale		
Variance #1	Section 10.8.2.3	<i>To increase the lot coverage from maximum required 40% to 50%.</i>
Rationale	The proposed adjustment in lot coverage ensures optimal utilization of the site to accommodate the proposed development. This increment aids in harmonizing the design, facilitating sufficient parking areas, and retaining space for landscaping and outdoor amenities.	
Variance #2	Section 10.8.2.6	<i>To reduce the minimum required front yard setback from 3 metres to 2.56 metres.</i>
Rationale	This minor reduction of the front yard setback will provide sufficient space for perpendicular visitor parking spaces at the back of the lot against the south property line.	
Variance #3	Section 4.9.1	<i>To allow balconies to project 1.53 metres from the east side of the two buildings into the east side yard.</i>
Rationale	The OCP allows development variance to accommodate desirable architectural criteria, such as balconies. The building face on the east side still meets the minimum required interior side yard setback. The proposed balcony projection adds architectural interest to the building façade and provides additional outdoor amenity space for the residents, enhancing livability. The projection does not significantly impact the adjacent properties, as it still maintains a respectful distance and ensures privacy.	
Variance #4	Section 10.8.2.7	<i>To reduce the minimum required interior west side yard setback from 3 metres to 2.17 metres.</i>
Rationale	The proposed minor reduction of the side yard setback from the west property line is to accommodate the unit layout design and provide sufficient spaces for the car garages, including spaces for bicycle parking. While the design harnesses space more effectively, the subject lot and the west side lane continues to offer a considerate spatial buffer to neighboring properties, ensuring their peace and privacy remain undisturbed.	

3.5. Site-specific Amendment to RM2 Zone

Section 490 (3) of the Local Government Act (LGA) does not allow a development permit to vary the use or density of the land from that permitted in the bylaw. The proposed development requires a higher density than currently allowed in the RM2 zone. Thus, a site-specific amendment will be required to accommodate the proposal.

The purpose of this site-specific amendment to RM2 zone is to change the maximum Floor Area Ratio (FAR) requirement for the specific site, allowing an increase in the maximum FAR from 0.8 to 1.27.

The following site specific provision is proposed to be added to the RM2 zone:

10.8.4.5 In the case of LOT 13 DISTRICT LOT 1 GROUP 7 SIMILKAMEEN YALE-LYTTON, located at 460 Conklin Avenue, the following regulations shall apply:

- **Maximum Floor Area Ratio (FAR): 1.27.**

Given the unique characteristics of the site, its location, and the anticipated benefits of the proposed family-oriented townhouse development, the site is well positioned to accommodate a higher density.

3.6. Development Permit

Sections 5.2 – Development Permit General Guidelines and 5.3.2-Multifamily Residential Development Permit Area in the OCP guides the development of the subject site and address built form and character and consider site planning, building architecture, landscape architecture and other special conditions. Table x below outlines how the proposed development is in compliance with the design guidelines.

No.	Rationale	Compliance with OCP DP Guidelines
Section 5.2 – General Guidelines		
1.	The proposal conducted a detailed site analysis, evaluating landscape characteristics, existing site conditions, and topography. A holistic site plan was developed, aligning with adjacent buildings and the neighborhood's context. The buildings are east-west facing and have large windows. The building design maximizes solar access for private and semi-private spaces, ensuring natural lighting for residents. The modern design enhances the natural beauty for residents and neighbors.	Designing in Context: G1 – G4

<p>2. The townhouse proposal highlights a prominent and unique street presence, complemented by an inviting sidewalk, and thoughtfully designed outdoor spaces. It seamlessly melds with the existing neighbourhood, ensuring a cohesive community feel. The building's orientation has been carefully selected to minimize any potential disturbances to neighboring properties. Prioritizing safety, the design incorporates features like expansive windows, a new paved sidewalk, and both ground-level and elevated outdoor amenities. This careful balance ensures a harmonious blend of safety, aesthetic appeal, and community interactions.</p>	<p>Framing Space: G5 – G8</p>
<p>3. The development introduces a new sidewalk within the premises, directly in front of the unit entrances, ensuring a seamless connection to neighboring public spaces. Despite the townhouse's compact footprint, it prioritizes fluid pedestrian access. The pedestrian pathway, from city sidewalks to building entrances and outdoor amenity spaces, is designed to be barrier-free, featuring consistent paving for a harmonized look. The ground-level unit entrances comply with height guidelines, fostering effortless access and integration with the broader public realm. Furthermore, the proposed 6 ft high wood panel fences along the eastern property line are intentionally designed to be low and semi-transparent, promoting both a sense of openness and clear visibility.</p>	<p>Prioritizing Pedestrians: G9 – G15</p>
<p>4. The proposal accentuates a pedestrian-centric design while ensuring efficient vehicle circulation. By allocating the rear of the site for visitor parking, it maximizes pedestrian areas elsewhere. The driveway and garage are strategically positioned adjacent to the west side laneway, ensuring they don't interfere with the main entrances. Furthermore, the design incorporates generous bike storage in the garage and integrated electric vehicle chargers, catering to diverse transportation needs.</p>	<p>Cars and Parking: G16 – G19</p>
<p>5. The design maximizes natural light with window placement, and focuses on energy efficiency. Landscaping provides summer shade, reflective roof materials reduce heat absorption, and cross-ventilation strategies ensure effective airflow.</p>	<p>Architecture/Design for Our Climate: G20</p>

6.	The design ensures visual appeal, smooth density transitions, and prioritizes the privacy of neighboring properties.	Friendly Faces, Friendly Neighbours (Orientation & Massing): G21 – G26
7.	The development emphasizes street-level engagement by offering outdoor amenity spaces for each unit and a pedestrian pathway that seamlessly connects to the city's sidewalk. All building entrances are strategically positioned to be easily visible from the streets, complemented by windows and balconies facing west to encourage passive surveillance. The design eschews large blank walls on street-facing sides, ensuring visual interest. Fundamentally, the architecture adheres to city guidelines, masterfully blending aesthetics, functionality, and harmonious community integration.	Eyes on the Street: G27 – G31
8.	The development's landscape design priorities native drought-resistant plants. Underground irrigation system is designed and drip irrigation ensures water efficiency. Enhanced topsoil, strategic tree planting, and mulching further promote moisture conservation.	Design with Nature; G32 – G33
9.	The development includes tree planting in landscaped areas and the Conklin Ave boulevards. Trees are spaced as per guideline recommendations. All trees will be irrigated, and additional trees will be planted, especially where older ones couldn't be retained.	Enhance the Urban Forest: G35
10.	The development boosts habitat for birds and pollinators through strategic plant choices. Clear boundaries are set using landscaping, structures, and material changes.	Functional Use of Landscapes: G36 – G40
11.	The landscape design follows BCLNA Standards, focusing on local/native plants fit for Penticton's desert climate, avoiding invasive species and synthetic turf. The hardscaping uses durable, climate-suited local materials. The design have minimized impervious areas, adopted rainwater strategies, and avoided heat-absorbing materials to combat the heat island effect.	Materials Selection – Softscapes & Hardscapes: G41 – G42
12.	Architectural lighting is used sparingly, and the design has taken measures to prevent disturbances to neighboring properties.	Lighting: G48 – G51

13. Water metres and utility units will be positioned between the two buildings, and they'll be integrated into landscaping and hidden from street view.	Utilities, Mechanical Services and Servicing: G54 – G57
14. Garbage and recycling collections will be arranged through private companies. No on-site garbage and recycling bins will be provided.	Waste Management: G58 – 60
15. The fencing along the west property line, standing at a height of 6 ft, ensures there are no obstructions to views. This fencing will be further enhanced by the addition of low-growing plants in the neighboring outdoor amenity space, elevating the area's aesthetics.	Fences: G61 - 63
Section 5.3.2 Multifamily Residential Development Permit Area	
16. By incorporating ground outdoor amenity spaces that cater to the recreational needs of all age groups, the site design promotes inclusivity and holistic living. Understanding that multifamily developments house a diverse range of residents, from children to seniors, it is imperative that the design addresses the varied needs of these age brackets. For children, play areas encourage physical activity and cognitive development. For adults and seniors, recreational spaces provide opportunities for relaxation, exercise, and social engagement, thereby fostering a sense of community and ensuring well-rounded wellness for all.	MF1
17. The development thoughtfully offers potential opportunities for vegetation in its outdoor amenity spaces, offering a multitude of advantages. Green spaces, with their therapeutic qualities, act as sanctuaries that alleviate stress and elevate well-being. The design encourages both active interactions, such as gardening and walking, and passive engagements like relaxation, enriching the residents' overall living experience. Beyond well-being, the lush vegetation enhances the aesthetic charm of the space, making it both inviting and visually delightful. Prioritizing safety, the development have strategically located play areas at the building's front, distanced from the garage and driveways. This placement not only ensures children are shielded from vehicular traffic but also positions them within easy sightlines of entry points and fellow residents, fostering a vigilant and secure environment.	MF3

18. Visitor parking is strategically located adjacent to the rear (south side) **MF4** laneway, ensuring convenient access. To soften the visual impact of this parking area, a generously landscaped space is situated directly to its south, enhancing the surroundings with greenery and aesthetic appeal.

4. CLOSING

In conclusion, McElhanney trusts that the professional options and advice presented in this letter of design rationale are sufficient for the City of Penticton staff to review the policy compliance of the proposal.

The proposed townhouse design reflects a modern architectural ethos, merging practicality with beauty and individual desires with a collective sense of belonging. Every facet of this design, from the overarching site arrangement to the nuanced intricacies of indoor spaces, is shaped by a comprehensive vision that prioritizes the wellness of its inhabitants, the integrity of the neighboring locale, and the sustainability of the community. The applicant envisions this townhouse as a nexus where community thrives and evolves.

The proposed townhouse development aligns with the OCP's community growth directions and policies, meets the intent of the RM2 zone and regulations, and conforms to the OCP Development Permit guidelines.

Considering the rationale mentioned above and the overall community and economic benefit that the proposed development would provide, McElhanney trusts that the City staff and Council will support the proposed OCP amendment, rezoning with site-specific provisions, Development Variances, and Development Permit applications.

Should you have questions, don't hesitate to contact the undersigned.

Sincerely,



Ruibin Li, Planner
McElhanney
rmli@mcelhanney.com
250-258-7497



460 Conklin Avenue Engagement Report

November 29, 2023

[1.0 Overview](#)

[2.0 How We Involved the Community](#)

[3.0 Feedback Form Results](#)

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[Appendix A – Engagement Timeline](#)

[Appendix B – Additional Correspondence](#)

[Appendix C – Petition against proposal at 460 Conklin Ave](#)

1.0 Overview

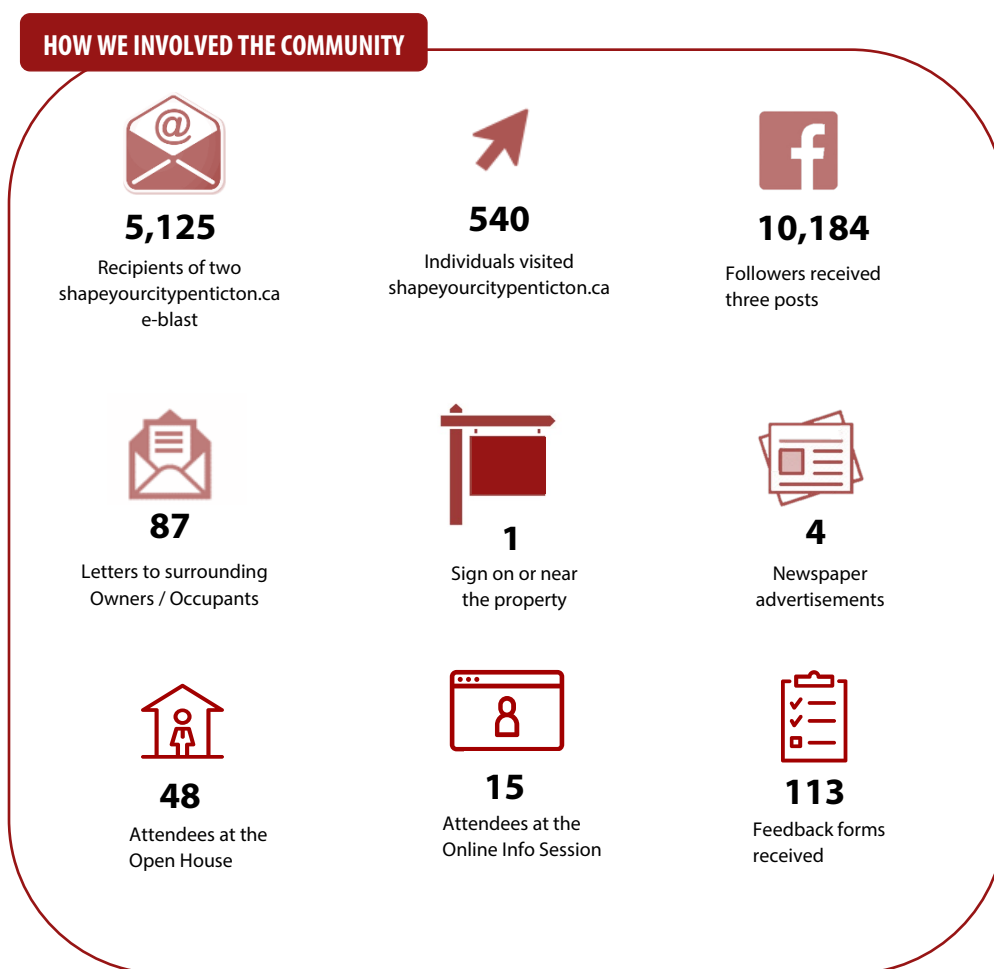
The City received an application for 460 Conklin Avenue consisting of an 8-unit development featuring two, 3-storey buildings that would require an amendment to the City's Official Community Plan to change the 'future land use' designation on the property from Detached Residential to Ground Oriented Residential.

The proposed development consists of 8 townhouse units. The initial plans show private garages for each townhouse unit, which include bicycle parking and Electric Vehicle (EV) ready spaces. The development plans include landscaping buffers on all sides of the property with trees and shrubs.

Before considering the amendments, Council directed staff to gather feedback from the community about changing the 'future land use' of this property. The following document summarizes the activities completed and the findings from the process.

2.0 How We Involved the Community

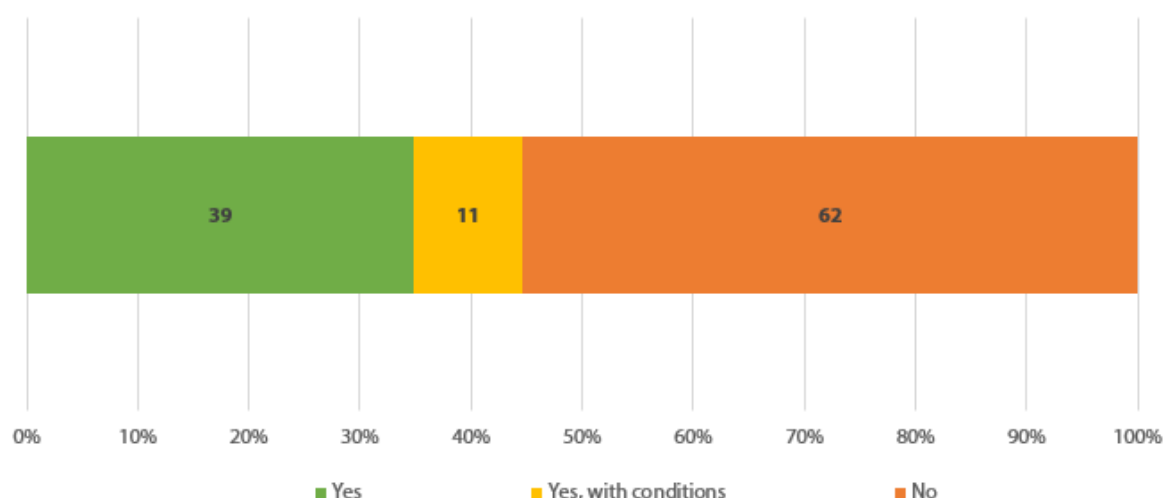
Staff followed the *Community Engagement Procedure for OCP Amendments* to ensure adequate and meaningful consultation with the community. The engagement program was conducted between October 18 and November 19. The following diagram shows how we involved the community. A detailed timeline of engagement activities is provided in Appendix A.



3.0 Feedback Form Results

One of the primary ways the City gathers formal feedback is through the use of feedback forms. The focus of the feedback forms was to gather feedback on the proposed change to the future land use. Residents were invited to review the information about the proposal and complete a feedback form before Sunday, November 19, 2023. In total, **113 feedback forms** were received. Please note that the key findings from the feedback forms are presented in this report. Complete results including full comments, are available at shapeyourcitypeneticton.ca.

1. Do you agree with changing the land use on this site from Detached Residential to Ground Oriented Residential?



Participants who answered 'No' or 'Yes, with conditions' were invited to explain their response. A summary of the themes/comments is provided below:

Size

- Keep height to 2 storeys and maintain green space
- Proposed development is far too big for the lot. Maybe two buildings with two units each
- Reduce project to 4 units and ensure sufficient parking
- The Provincial Government guidelines of 4 units on single family lot makes much more sense. Eight units presents many challenges...parking, garbage collection, emergency response, lack of green space and doesn't add to affordable housing requirements.
- Way too dense
- Proposal will significantly alter the character of the neighbourhood and will impact privacy of neighbouring properties and degrade the area
 - Too overbuilt for the neighbourhood, I understand we need more housing but not at the cost of destroying a beautiful area
 - The proposal is an extremely dense and high application for this heritage area. The height of the buildings results in a stadium seating view of 3 private lots to the west and 1 lot to the east and 2 lots to the south, destroying those lots privacy

Parking

- Adequate off-street parking [should be] included in plan
- Too dense for the lot and alley. Parking and driving in the area would be even more difficult. 2 homes like the rest of the neighbourhood or at max 4 would fit. 4 potentially brings 4-8 extra cars which would still be a potential concern.

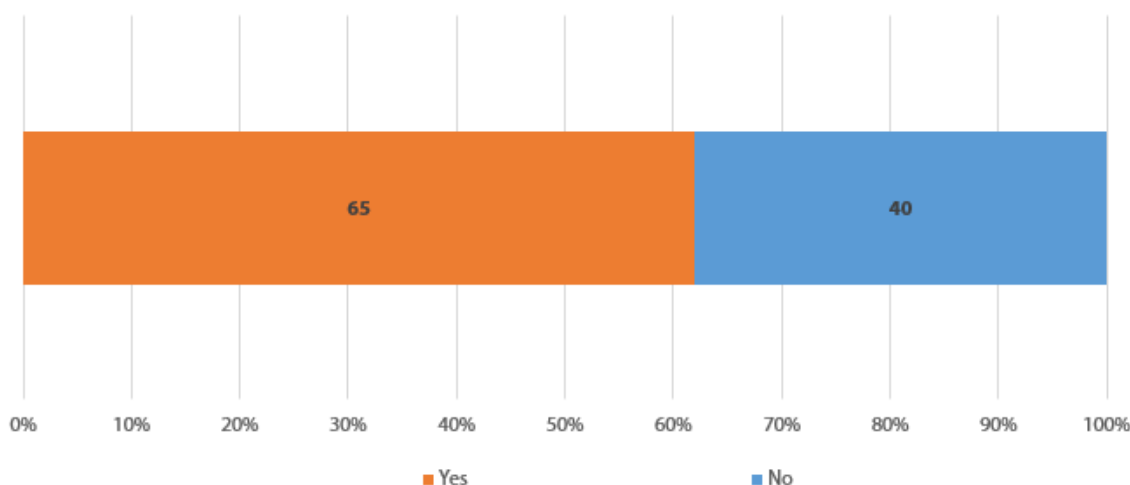
Precedent

- It will be the start of destroying an already well established and highly desirable neighbourhood. While I see your assumption for more housing, a major draw to any town or city is having different neighbourhoods, including lot sizes and dwelling types
- This community is single family zoned. Why is council contemplating changing this designation. Please oh please respect the community's wishes to retain the dignity of this neighbourhood.

Other suggestions

- Useable green space space not uninspired wall-to-wall pavement monstrosity
- Less density, more planning for adequate parking and green space like large mature trees, increased setbacks, should be clear guidelines how and why lots are converted to ground oriented residential
- This is too much density for this block and will greatly alter the character of the neighbourhood. It will result in a loss in green space, greater traffic congestion. A 4-unit townhouse would be more appropriate
- Cherryland can be densified with carriage suites. This proposal requires variances in order to 'overfill' the lot size, eliminating the possibility of any type of a yard space and canopy trees.

2. Based on the information provided, would you have any concerns about what is being considered for this site?

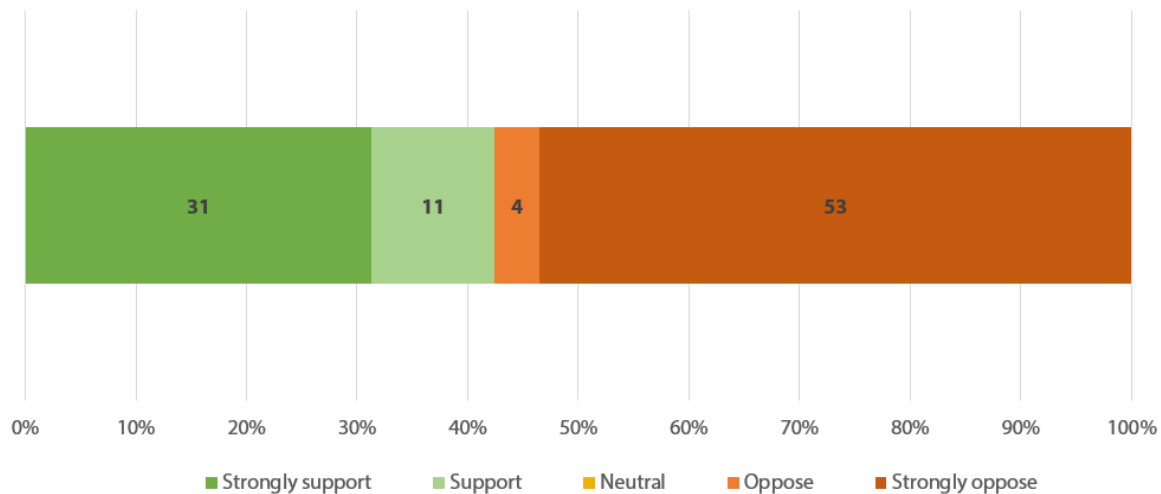


Participants who said 'yes' were invited to explain their response. A summary of the themes/comments is provided below:

- Density, parking, precedent setting
- These units give no outdoor space, only pavement. No greenspace or gardens, too large for the lot and surrounding homes

- Too crowded, too little green space, setbacks too small, doesn't conform with character of neighbourhood, fire hazard and traffic challenges
- Height will be much greater than anything currently in the area, very little greenspace, increased traffic on a street where people drive very fast due to the width
- Destruction of privacy on all neighbors lots, a 3 story slab wall against the east neighbor. Room for only 2 guest parking. Nonexistent landscaping. 8 AC units discharging noise into neighbors back yard. And more
- Parking 8-16 additional cars, alley use for neighbours compromised, too high density for neighbourhood. Alley already has issues this would compound them
- Not enough parking, too many units
- Too many units – effects on parking, traffic, green space (lack of) – a 4 unit development would be more appropriate

3. Rate your level of support for the development that is being proposed for this site.



4.0 Information Session and Open House

4.1 Online Information Session

An Online Information Session was held on November 1 between 6 pm and 7:30 pm with 15 attendees. A summary of the discussion is provided below.

- Concern for how proposal will fit with existing character of community, how can the developer be held accountable to ensure a good fit?
 - Staff reminded participants that the question is whether the community wants to see townhomes in the neighbourhood, not the design aesthetics at this phase.
- Concern for how parking will be addressed and how it will be managed. Community feels that parking requirements are too little in zoning bylaw and that cars will protrude into streets, laneways and sidewalks. Driveways appear to be much too narrow. Parking is the least of the concerns to discuss tonight but feel this piece will be a disaster.
 - Staff clarified that the lanes are set to City standards at 6m and that the intent is for occupants to park in their garages, though the City cannot enforce it. The City can address inappropriate parking (on sidewalks, etc.) through bylaw services.
- Discussion focused heavily on the community's ability to say no to the proposal.

- Staff explained the OCP Engagement Process is the first round for the public share their feedback on the proposal, whether the community would consider the land use designation change (townhomes) in the area.
- Staff explained that the feedback collected during this phase will be shared with the developer, staff and Council. The developer has the opportunity after feedback has been collected to adjust their proposal based on the input received and should the developer want to move forward, the application would be submitted to Council. Council will consider the application including the OCP amendment feedback collected in this phase, any adjustments the developer has made based on this feedback, and should Council choose to move forward, the next phase for residents to provide further feedback is during the Public Hearing process.
- Staff explained the Public Hearing process is an opportunity to speak with Council directly to voice concerns and then the decision would be with Council whether to approve the proposal or not.
- Concern that the design does not include any landscaping or green space, this does not fit in the neighbourhood that values mature trees, green spaces and the boulevard park.
- Concern for the height of the development. Units would greatly impact existing views of mountains and lakes from various streets (Conklin, Moosejaw) and does not fit with community of residential homes.
- Concern for density of the proposed unit and whether it can be restricted. Staff noted there are options to go that route but reminded participants that the question is about whether the community supports the concept of townhomes in the area, not specifically the design proposal.
- Concern that if approved, this would set a precedent in the community. This development is not wanted in the community.
 - Staff confirmed that this feedback has been noted and will be shared with the developer, staff and Council.
- Comment that the community is not specifically opposed to change, a duplex or residence with a carriage home or secondary suite with green spaces adequate parking would be a considerably better fit.
- Concern that units won't address affordability concerns and question about whether the units will be stratified or rented.
 - Staff clarified that it is too soon in the process for the developer to determine unit costs and ownership.
- Question whether the developer will be investing in any laneway upgrades.
 - Staff confirmed that the developer would be responsible for upgrades on both lanes including electrical and other required utilities.
- Concern that units would be used for short term rentals.
 - Staff noted that the Province is bringing in new legislation that would likely indicate these units would not be available for short term rental. Once the provincial regulations are set, the City will be reviewing its bylaws to determine if certain zones currently allowing short term rentals would need to be adjusted.

4.2 Open House

The City hosted an open house for interested residents with questions about the proposal for 460 Conklin Avenue. The open house was held on November 6 between 5 pm and 7 pm at the Penticton Trade and Convention Centre. The event was attended by 48 residents and five staff. The following is a summary of the discussions at the open house.

- Some participants were 'shocked' that an application like this can come forward believing the five variances are excessive.
 - Staff explained that they are required by legislation to present applications for consideration and that should the applicant proceed, the application will be accompanied by a staff report that will make a recommendation based on an analysis compared to the Official Community Plan and other regulations.
- Some participants feel that City efforts to communicate housing needs are being used to justify higher density developments that are not a good fit for the neighbourhood or in keeping with the character of the neighbourhood and put undo hardship on neighbours.
 - Staff explained that residents have many questions about housing need and planned developments and the materials support answering these questions.
- Some participants feel the developer is 'playing games' – proposing eight units and planning for less in an effort to 'look like a hero'.
- Some participants inquired about the outcome of the Neighbourhood Charm project as they understood there was interest in protecting the character of the area. They expressed frustration that these protections are not in place and are fearful for continued applications should this one be approved.
- While most participants support some density (two to four units, or even four to six), they are opposing the entire proposal for fear it will be precedent setting.
- Some participants attended to show their support for the proposal in its entirety.
 - They indicated that they have adult children in desperate need for housing and are confident increased inventory is critical to affordability.
 - Others expressed their support as they would like to do something similar with their properties.
 - Some thought there may be benefits for the college.
- Some participants were really disappointed that the developer would submit a proposal that would negatively impact neighbours. They recall when the fire happened and how the community rallied to support the displaced residents and don't believe this proposal respects the spirit of community in the neighbourhood.
- Some participants don't support the proposal as they don't believe it will be affordable.
- Participants expressed concerns about features of the proposal. Staff explained that the proposal is provided for context to support residents forming an opinion on the proposed land use change. Examples of features of the proposal that residents identified as creating undo hardship for the neighbourhood include:
 - Eight units back onto a single lot. Each have air conditioners which combined, will create considerable noise for the adjacent property. Would also like to see heat pumps used as an alternative to air conditioners.
 - Lot coverage is excessive and do not support variance. A similar development on Argyle is on a double lot and was able to provide frontage that is consistent with the neighbourhood.
 - Fronting on the lane will change the flow of the neighbourhood and obstructs interactions with the neighbours. Questioned whether the City would provide snow clearing for properties fronting the lane.

- The proposed three storey height will overwhelm the existing neighbourhood and obstruct the neighbours' privacy and their enjoyment of their property.
- Frontage is inadequate. Would like to see it set back further.
- Not enough amenity space and landscaping – questions around accountability of the developer to ensure that landscaping survives after it is planted.
- Driveways are not big enough for vehicles, worries of safety as residents may still park in driveways even if they are not permitted. Also indicated that bus stops on either side of Conklin already remove street parking (about eight spaces) further increasing on-street parking pressures.
- Street parking will become an issue and an increase in traffic for the neighbourhood
- Some participants don't believe the proposal fits with the OCP or other policy and legislation. Staff indicated that planners will conduct a review of the proposal and provide an analysis and recommendation to Council.
- Some participants are concerned about the growth planned for the City without consideration for amenities and specifically parks. Nearby King's Park can only be used for soccer and is not a real community park.
- Some participants had questions around the fire safety of this development. They did not realize the building code fire safety requirements and did not know it is something that is already in place and being used in other developments in Penticton
- Some participants are very disappointed that they will be painted as 'nimbys' when they are seeking sensible densification that fits with the form and character of their neighbourhood. They believe 'a clever developer should be able to work within the limits of the land use without constantly trying to push the boundaries.'
- Participants had questions about short-term rentals and enforcement.
 - Staff reiterated what they know about the province's plans to regulate short-term rentals and how it might impact this proposal.

5.0 Other

The City also received additional correspondence and a petition opposing the development. These items are included in Appendix B and Appendix C respectively.

6.0 Conclusions

The main goal of this process was to gather feedback on the proposed amendment to the future land use designation for this property in the Official Community Plan and to understand if the proposed development aligns with the community's vision for the area.

Through this process, staff learned the majority of survey respondents (55.4%) do not support the land use change from Detached Residential to Ground Oriented Residential. Another 9.8% support the change with conditions largely related to ensuring the size is reduced and green space is added. Concerns expressed against the proposal focus on the height and density of the project, lack of green space within the property and traffic impacts.

Survey respondents indicated 57.5% somewhat or strongly oppose the proposed the development, with 42.4% somewhat or strongly supporting the proposed development.

Through the engagement process a petition was received with 73 signatures in opposition to:

- 1) Amending the City of Penticton Official Community Plan to change the future land use designation at 460 Conklin Ave from detached residential to ground oriented residential, and
- 2) Rezoning the property from R1 (Large lot residential) to RM2 (Low Density Multiple Housing), and
- 3) A development application to build an 8-unit townhouse building (2 buildings, 3 storeys high each)

The petition was conducted within the Cherryland Neighbourhood between October 20 and November 5, 2023 and is included in its entirety as Appendix B. Additional correspondence received through the engagement process is also provided and attached as Appendix C.

It is unknown whether petition signees and the writers of the additional correspondence also completed a feedback form or not.

Next Steps

The feedback gathered through the engagement program is to be provided to the applicant to consider and determine how they would like to proceed. It will also be shared with Council and the community-at-large.

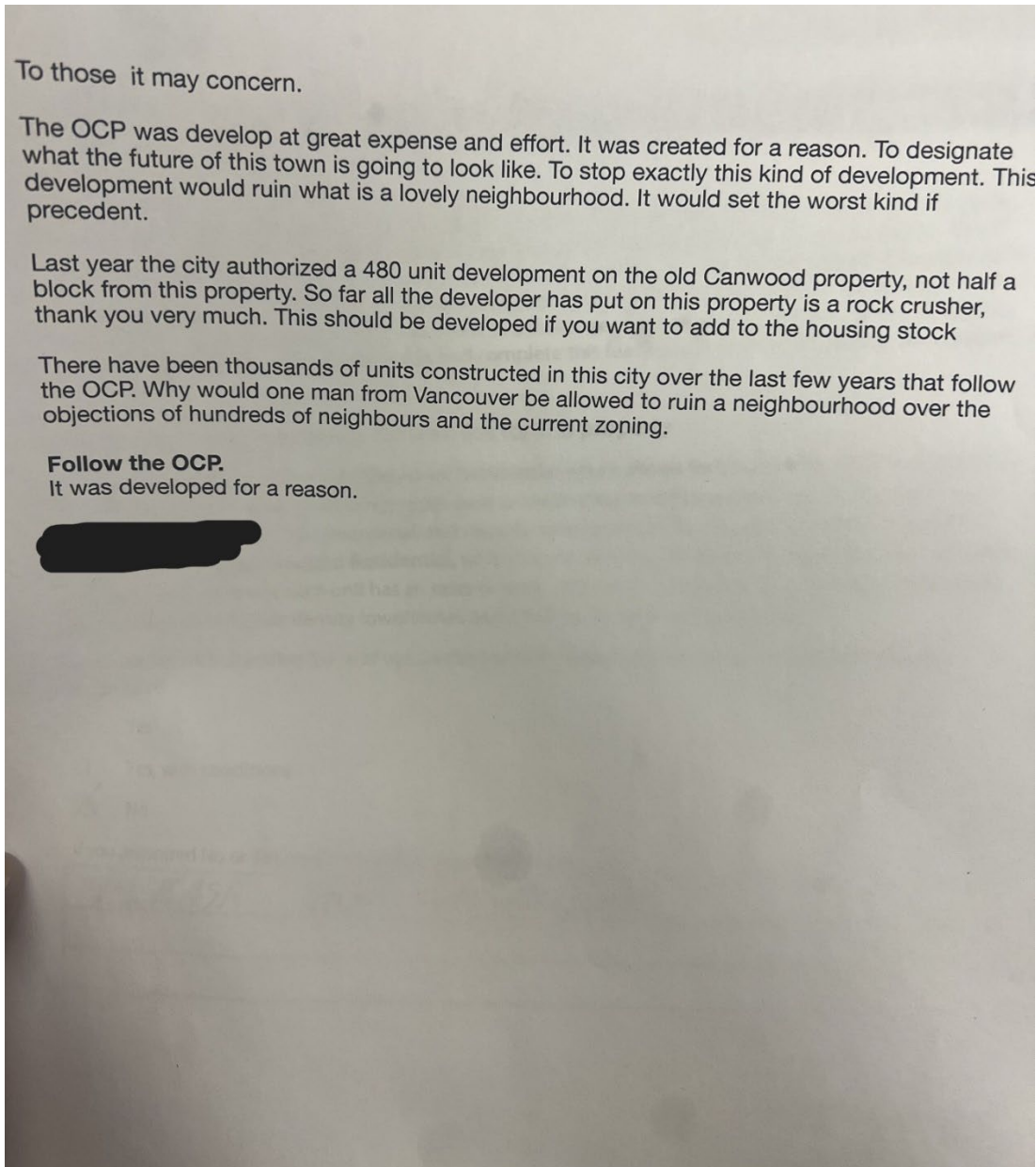
Appendix A - Engagement Timeline

In accordance with the *Community Engagement for OCP Amendments Procedure* and *Community Engagement Policy and Framework* the following list summarizes the main methods that were used to raise awareness about the application and the opportunities for residents to provide feedback through the community engagement period that took place between Oct. 18 and Nov. 19, 2023:

Date	Activity
Oct. 18	Project information and feedback form on www.shapeyourcitypenticton.ca
Oct. 18	Kiosk available at Library
Oct. 18	Press Release
Oct. 18	Eblast
Oct. 25	Social post
Oct. 25	Newspaper ad – Western
Oct. 27	Newspaper ad – Herald
Oct. 30	Newspaper ad – Hereald
Oct. 30	Social post

Oct. 31	Eblast
Nov. 1	Newspaper ad – Western
Nov. 1	Online Info Session
Nov. 6	Open House
Nov. 15	Social post
Nov. 19	Engagement ends

Appendix B – Additional Correspondence



Andrea Rendall

From:
Sent: Wednesday, November 1, 2023 12:30 PM
To: Andrea Rendall
Cc: JoAnne Kleb
Subject: 460 Conklin Ave
Attachments: 2023-10-20 FINAL Feedback Form.pdf

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Dear Council and Planning,
I have concerns about the development proposal at 460 Conklin Ave. I live in Pentticton but not near the address, although I used to.

I agree with changing the use to Ground Oriented Residential but the size should be limited to a 4-plex. I oppose this particular design.

This proposal is much too large for the neighbourhood. Development is definitely needed in Pentticton, but this is not the correct place for an 8 unit proposal. Densifying areas that are commercial (building above up to 4 or 5 floors), creating community in areas of high traffic for convenience, and doing more 4-plex and apartment buildings with mixed sizes of units is far better for Pentticton residents and safe, equitable city development.

This plan will block sun and impede privacy for neighbours on all sides. The space for green canopy/plants is much too small.

A 4-plex on this site with community shared garden space is what the community needs. Reduce parking requirements, require EV Charging **INSTALLED** (not ready), require a solar **PV** ready roof (not hot water), and proper shade trees.

Limlørht- Thank you

Andrea Rendall

From:

Sent:

To:

Saturday, November 4, 2023 4:30 PM
Public Hearings

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Dear Council and Planning, I have concerns about the development proposal at 460 Conklin Ave. I live in Pentticon and very near the address. I can agree with changing the use to Ground Oriented Residential but the size should be limited to a 4-plex. I oppose this particular design. This proposal is much too large in area and height for the neighbourhood. Development is definitely needed in Pentticon, but this is not the correct place for an 8 unit proposal. Densifying areas that are commercial (building above up to 4 or 5 floors), creating community in areas of high traffic for convenience, and doing more 4-plex and apartment buildings with mixed sizes of units is far better for Pentticon residents and safe, equitable city development. This plan will block sun and impede privacy for neighbours on all sides. The space for green canopy/plants is much too small. A 4-plex on this site with community shared garden space is what the community needs. Reduce parking requirements, require EV Charging INSTALLED (not ready), require a solar PV ready roof (not hot water), and proper shade trees.

Thank you,

Andrea Rendall

From:

Sent:

To:

Subject:

Monday, November 6, 2023 2:43 PM
Public Hearings
Regarding 460 Conklin

Caution! This message was sent from outside your organization.

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As a neighbor,

We prefer the project to be limited to a plex. The sun will be blocked with the height of this structure. Also the height provides no privacy for neighbours.

In case of a fire on the far side of the block, how will the builder ensure that fire dept can get to it? If not, we prefer the structure to be built closer to the main Street side where fire trucks can access it.

How will you guarantee that these won't turn into air bnbs, when the city is saying that they are looking to increase affordable rentals, long term rentals not September to May.

Can the city assure the public that these units will not be allowed to be turned into vacation rentals? If not, they should NOT allow the zoning change.

It's a provision that has not been brought up. Without something like that, these units will not be long term rentals.

Well they be strata fied?

Who will insure a building that fire trucks can't get to ?

Without these items in place, approving this project all just do a dis-service to the community, the neighbors and actually work against the ocp with providing more long term rentals. Regardless affordable or not, if these units turn into air bnbs it's hypocritical of the city and the council to let that happen.

It's not right, even 2 blocks down will be the Timmins project with much more appropriate space.

There's also a concern for traffic safety around that area, what all the city did to improve traffic flow in these narrow, one car lane at a time alley ways?

If there is increased crime in the area, what has the city planned to do with the rcmp to plan for this? There are also parts on Moosejaw that have no street lamp. Like Douglas st.

Will they also build garbage bins for the bus stop, and building? Who will collect that, will there be an in house property manager, if not who takes care of the grounds?

Does the city get any increased tax revenue from having 8 units on this lot vs a duplex with a carriage home?

Also what are the costs involved with ensuring all this traffic, fire safety is built before the project is done? Just to provide 4 more units, is it all worth it?

I say no and many other neighbors say no. Timmins is 2 blocks away and that area will provide the high density housing.

Mr. Concerned

Appendix C – Petition (see next page)

November 6, 2023

Ms. JoAnne Kleb
Communications and Engagement Manager
City of Penticton

Dear Joanne,

As promised in an earlier email, attached is a copy of the petition conducted in Cherryland Neighbourhood between October 20 and November 5, 2023.

You will see that 73 citizens have signed the petition which states:

We, the undersigned, DO NOT SUPPORT

1. Amending the City of Penticton Official Community Plan to change the future land use designation at 460 Conklin Ave from detached residential to ground oriented residential, and
2. Rezoning the property from R1 (Large lot residential) to RM2 (Low Density Multiple Housing), and
3. A development application to build an 8-unit townhouse building (2 buildings, 3 stories high each).

We have retained the original petition for submission to the public hearing, via the Corporate Officer, should that be necessary. The originals are available for your inspection by contacting me.

Would you please respond acknowledging receipt of the petition and the number of signatories.

Thanks Joanne

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





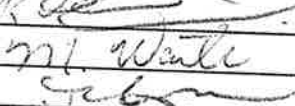
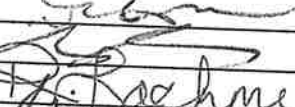

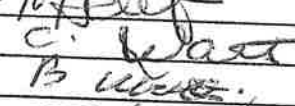
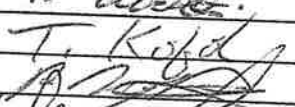

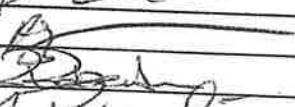
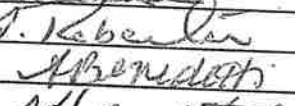
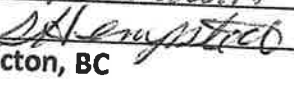



Robin

Robin Robertson
412 Conklin Ave
Penticton, BC
V2A 2T4

Proposed Development at 460 Conklin Ave. Penticton, BC

We, the undersigned, **DO NOT SUPPORT**

1. Amending the City of Penticton Official Community Plan to change the future land use designation at 460 Conklin Ave from detached residential to ground oriented residential.
- and
2. Rezoning the property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing)
- and
3. A development application to build an 8-unit townhouse building (2 buildings, 3 stories high each).

Name	Address	Signature
JENNIFER HUNT	403 CONKLIN AVE.	
DEAN SCHELLENBERG	327 CONKLIN	
Dan Patterson	325 CONKLIN	
Bonnie Harrison	307 CONKLIN	
M. FRANKHA	289 CONKLIN	
Dean Erickson	281 CONKLIN	
AL JOHNSON	264 CONKLIN	
Kim Robertson	243 Conklin	
Maile Waite	217 Conklin	
Del Nielson	1201 Fairview	
Carla Butler	713 Conklin	
Rachel Bachmuth	251 Conklin Ave	
Chris Korman	278 Conklin	
MISTY TAIT	312 Conklin	
Christine Watt	394 Conklin	
Bruce Watt	394 Conklin.	
TONY KOFOU	448 CONKLIN	
PAUL RIPPENHART	448 CONKLIN	
Wili Kenward	449 Conklin Ave	
DANNY SARASIN	437 CONKLIN AVE	
Renate Unger	437 Conklin Ave	
Robin C. Robertson	412 Conklin Ave.	
John Robertson	412 Conklin Ave	
Sabrina Benedetti	973 Moosejaw St	
SUSAN HENRISTED	361 CONKLIN AVE	

Proposed Development at 460 Conklin Ave. Penticton, BC

Proposed Development at 460 Conklin Ave. Penticton, BC

We, the undersigned, **DO NOT SUPPORT**

1. Amending the City of Penticton Official Community Plan to change the future land use designation at 460 Conklin Ave from detached residential to ground oriented residential.
- and
2. Rezoning the property from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing)
- and
3. A development application to build an 8-unit townhouse building (2 buildings, 3 stories high each).

Name	Address	Signature
Chani Welch	349 Conklin Ave	[Signature]
Diane Lauritzen	360 Conklin Ave	[Signature]
Bill LAURITZEN	360 Conklin Ave	[Signature]
Juliana Britton	461 Conklin Ave	[Signature]
Gillian Cogill	461 Conklin Ave	[Signature]
Gloria Williams	1096 Moosejaw Ave	[Signature]
K. Conroe	1095 Moosejaw Ave	[Signature]
E. Neave	527 Conklin Ave	[Signature]
Ali Burton	510 Conklin Ave	[Signature]
Mathew Otteson	510 Conklin Ave	[Signature]
Kenji Wong	1142 Mainway Ave	[Signature]
Alexa McGowan	491 Windsor	[Signature]
Martene Jones	497 Windsor	[Signature]
Glen McEwen	470 Windsor	[Signature]
Karen Johnson	469 Windsor Ave	[Signature]
Nelissa Thompson	403 Windsor	[Signature]
Frank Byers	1027 Argyle	[Signature]
Fred Cates	1038 Argyle St	[Signature]
[Signature]	1019 Argyle	[Signature]
[Signature]	1037 Argyle	JANE MACLEOD
David Vanderkam	1060 Argyle	[Signature]
Gentry de Flaminio	302 Conklin Ave	[Signature]
Glen Buruncane	1120 Argyle Ave	[Signature]
Vicky Cobb	313 Conklin	[Signature]
Karin Benedetti	413 Conklin Ave	[Signature]

Proposed Development at 460 Conklin Ave. Penticton, BC

[illegible]



604 536 7333 Ext 201 | cell 604.309.4154
800 – 15355 24 Avenue, Suite # 550, Surrey, BC V4A 2H9

December 15, 2023

Jordan Hallam, BA, Planner II
City of Penticton
171 Main Street
Penticton, BC V2A 5A9

Dear Jordan,

The Public Engagement Process has been in my view a very successful process. As demonstrated in the very thorough final report, the neighbours all showed at the city sponsored Zoom meeting and at the in-person engagement a few days later. Attendance was from 40 to 70 people depending on format. We also arranged our own engagement process held two days after the city meeting. We distributed 300 invitations to our meeting, delivered to the Conklin postal code by Canada Post. We also posted a billboard on 460 Conklin inviting people to our meeting held at the Penticton Golf Club.

We prepared full scale-coloured drawings of our proposal for the meeting displayed on easels. Approximately 40 people attended the Golf Club meeting. The City Engagement Report results and our engagement results were very similar. Approximately 40% of attendees supported our proposal and 60% opposed the proposal. The city was asking for engagement on the OCP amendment to allow the density change. The public was 60% opposed to amending the density but at the same time expressed a full criticism of a host of other issues. It was almost impossible to keep people focused on the OCP amendment alone, so we made a list of the other criticisms. People also ignored the existing R 1 zoning and what was already allowed. The single biggest criticism was the height of the structure at 3 storeys, even though 3 storeys is allowed in the existing R1 zoning. The 8 units proposed met opposition with numerous suggestions that 4 to 6 units would be more in keeping with the density needs. Very few insisted on a single-family home as the only answer. Parking was the single biggest issue besides height. There is a real disconnect between what the zoning bylaws require and what the public believes is needed for parking. In our view, the zoning bylaw requirements reflect the reality of what is needed, based on intended occupancy. Based on the views expressed in the meetings people only use garages for storage and all park their cars on the street. And heaven forbid that someone has an Xmas party and there is no parking within 100 feet of the residence. Bottom line is it is clear there will never be enough parking on any application to satisfy public's perceived demand. My suggestion that people leave their cars at home and walk or use the bicycle lanes was not met with warm thoughts. Clearly there is a belief that drivers are entitled to have parking readily available whatever their destination. Obviously unrealistic. The variances applied for to accommodate the transition from an R1 zone to an RM2 zone created a certain amount of confusion but when explained in detail I would say the need for them was understood.

Based on the Public Engagement Process we decided to significantly amend our plans to address all the concerns we heard expressed. We have submitted a new set of drawings to your department that reflect our solutions to the public criticisms.



604 536 7333 Ext 201 | cell 604.309.4154
800 – 15355 24 Avenue, Suite # 550, Surrey, BC V4A 2H9

We have reduced the unit count from 8 units to 6 units. During the Engagement Process the Province tabled new province wide zoning legislation. We decided to align our application with the new legislation which we understand would allow 6 units of density on the Conklin site. In response to all the technical criticisms we decided to reduce the 3 storeys to 2 storeys and eliminate second floor decks. This resulted in eliminating all requirements for variances to setbacks. It also eliminated decks looking over neighbour's lots. It also resulted in available parking at twice the bylaw requirements and significant landscaped play areas. The net result is a project that meets the new provincial density standards and requires zero variances from the RM2 zoning bylaw. We ask that the Council consider the significant improvements to our application as quickly as possible as we are anxious to get on with building this project.

Thank you,

Ewen Stewart

Ewen Stewart

Development Permit

Permit Number: DP PL2023-9621

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 13 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton)
District Plan 3867
 - Civic: 460 Conklin Avenue
 - PID: 010-704-230
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a 6-unit townhouse development as shown in the plans attached in Schedule 'A'.
4. In accordance with Section 502 of the *Local Government Act* a deposit or irrevocable letter of credit, in the amount of \$30,000.00 must be deposited prior to, or in conjunction with, an application for a building permit for the development authorized by this permit. The City may apply all or part of the above-noted security in accordance with Section 502 of the *Local Government Act*, to undertake works or other activities required to:
 - a. correct an unsafe condition that has resulted from a contravention of this permit,
 - b. satisfy the landscaping requirements of this permit as shown in Schedule 'A' or otherwise required by this permit, or
 - c. repair damage to the natural environment that has resulted from a contravention of this permit.
5. The holder of this permit shall be eligible for a refund of the security described under Condition 4 only if:
 - a. The permit has lapsed as described under Condition 8, or
 - b. A completion certificate has been issued by the Building Inspection Department and the Director of Development Services is satisfied that the conditions of this permit have been met.
6. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

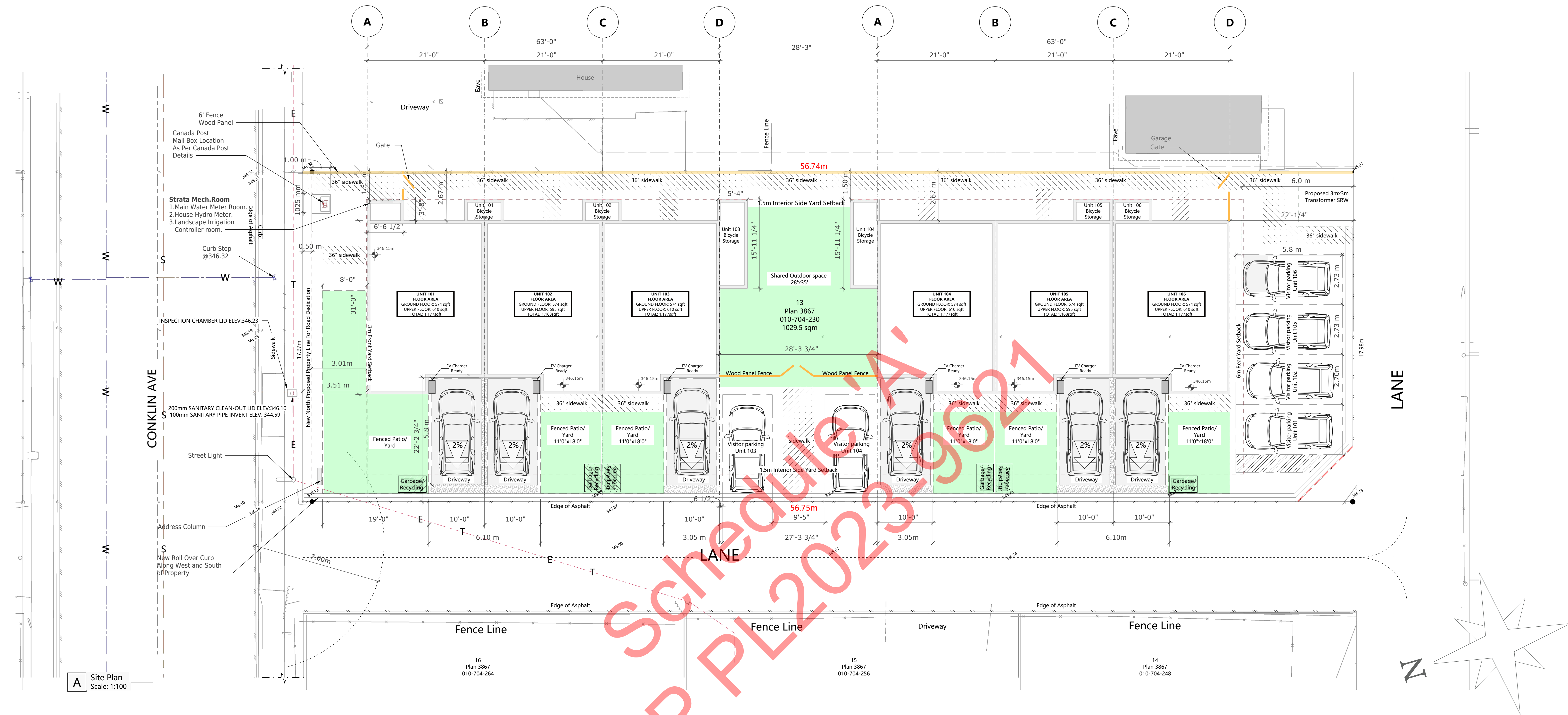
General Conditions

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

Authorized by City Council, the 6th day of February, 2024.

Issued this ____ day of February, 2024.

Angela Collison
Corporate Officer



SITE RECONCILIATION:

PROJECT DATA-CONKLIN AVE

CIVIC ADDRESS	460 CONKLIN AVE, PENTICTON, BC
PROPOSED USE	TOWN HOUSE (6 UNITS)
LOT SIZE	1029.5 sqm (11080.43 sqft)
BASIS OF DESIGN	BCBC, 2018
PROPOSED ZONING	RM2

DP APPLICATION
TOWN HOUSES

	ZONE RM2	PRVIDED
LOT COVERAGE	40%	36.7%
F.A.R	0.8	0.64
PROPOSED STOREYS	n/a	2
PROPOSED HEIGHT	12m	7.02m
FRONT YARD SETBACK PRINCIPAL BUILDING NORTH	3m	3.01m
INTERIOR SIDE YARD SETBACK PRINCIPAL BUILDING EAST	1.5m ▲	1.55m
INTERIOR SIDE YARD SETBACK PRINCIPAL BUILDING WEST	1.5m ▲	5.86m
RAER YARD SETBACK PRINCIPAL BUILDING SOUTH	6m	6.71m

AREA CALCULATION-BREAKDOWN

LEVEL

GARAGE (not included in net total)
GROUND FLOOR
UPPER FLOOR

ACCESSORY BUILDING

NET TOTAL

FAR

AMENITY SPACE

PER UNIT

AMENITY SPACE BREAKDOWN

DECK/PATIO
INDOOR ALLOWANCE(not included in F.A.R)
GROUND FLOOR

DP APPLICATION
TOWN HOUSES

ZONE RM2	PROVIDED
	n/a
	3444 sqft
	3600 sqft
	n/a
	7044 sqft
0.8	0.64

ZONE RM2	PROVIDED
20 sqm	44 sqm
	6 sqm(14%)
20% max.	4 sqm(09%)
25% min.	34 sqm(77%)

PARKING

RESIDENT PARKING

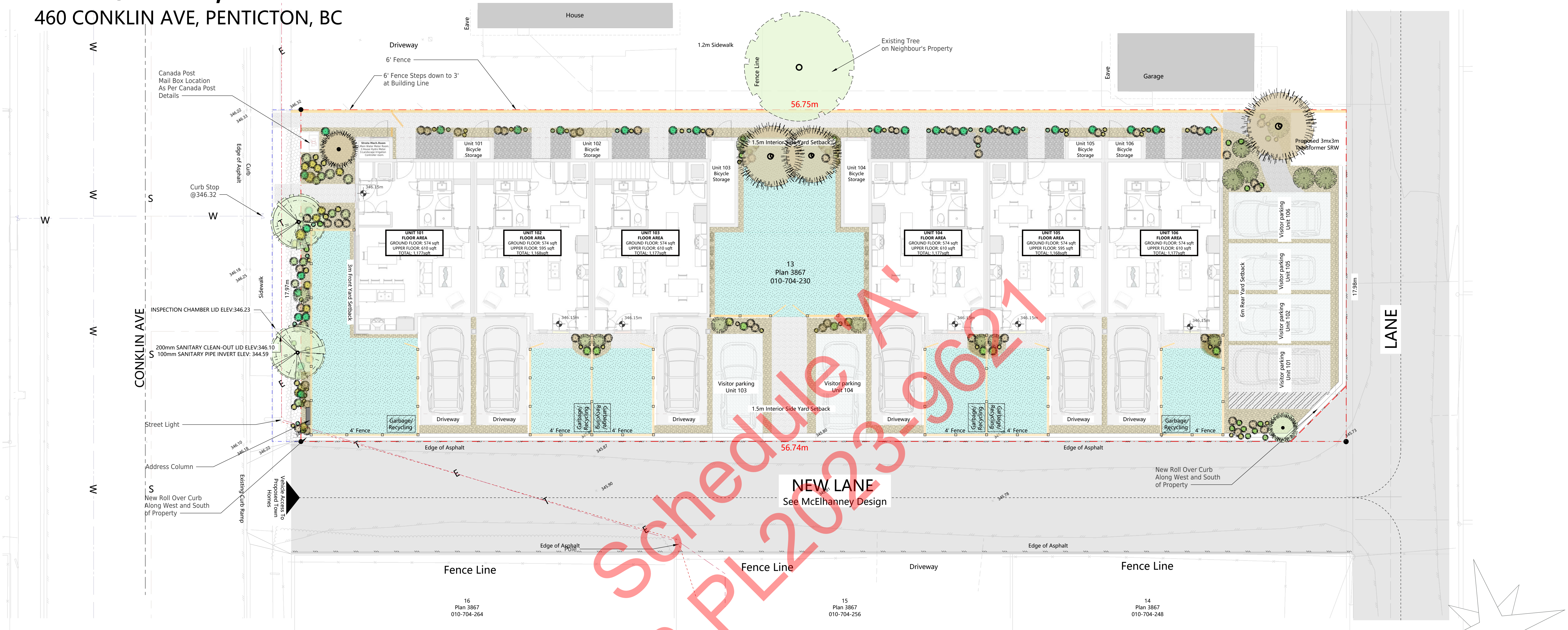
VISITOR PARKING (STANDERD SIZE, 25%of RESIDENT PARKING)

▲ When more than 8.0m in height and exceeding 2 storeys Setback is 3.0m

DP APPLICATION
TOWN HOUSES

ZONE RM2	PRVIDED
6	6
1.5	6

PROPOSED CONKLIN TOWN HOUSE
DEVELOPMENT,
460 CONKLIN AVE, PENTICTON, BC

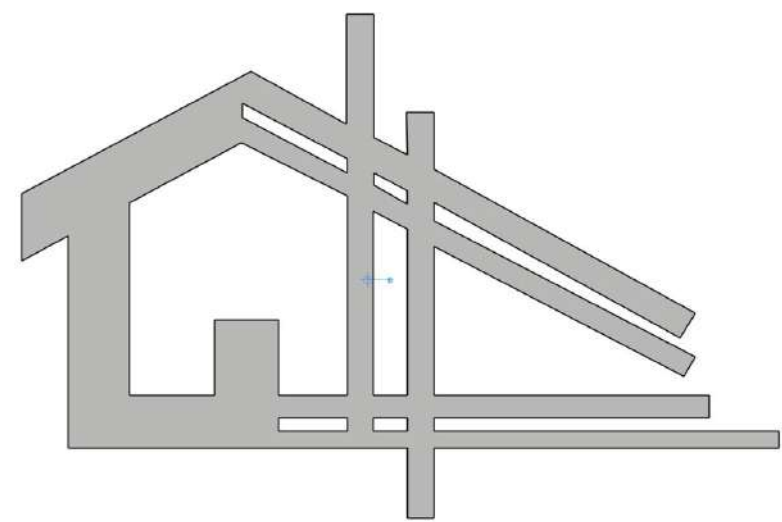


A Site Plan (Landscape)
Scale: 1:100



B Examples of Trees and Shrubs Proposed
Scale: N/A

All Plants and Trees to be serviced by Underground Irrigation



MEADOW VIEW DRAFTING AND DESIGN

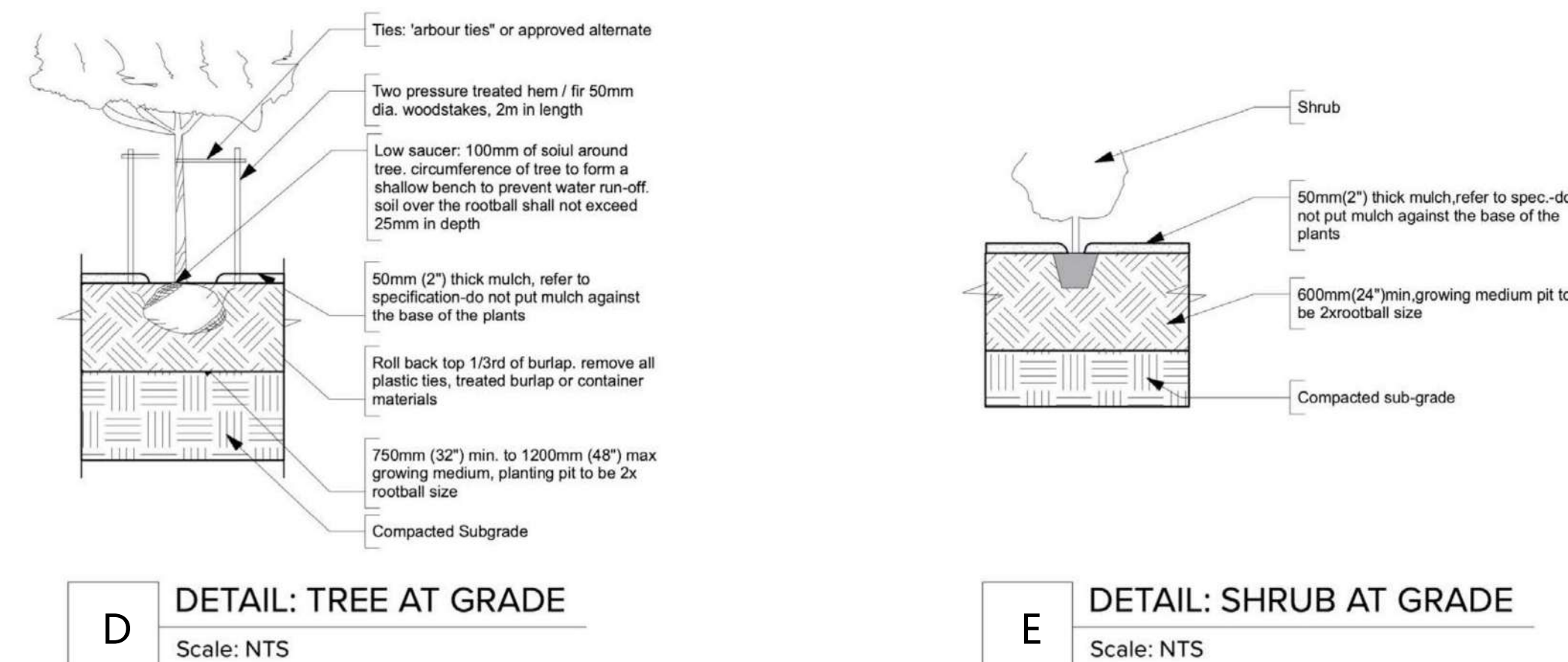
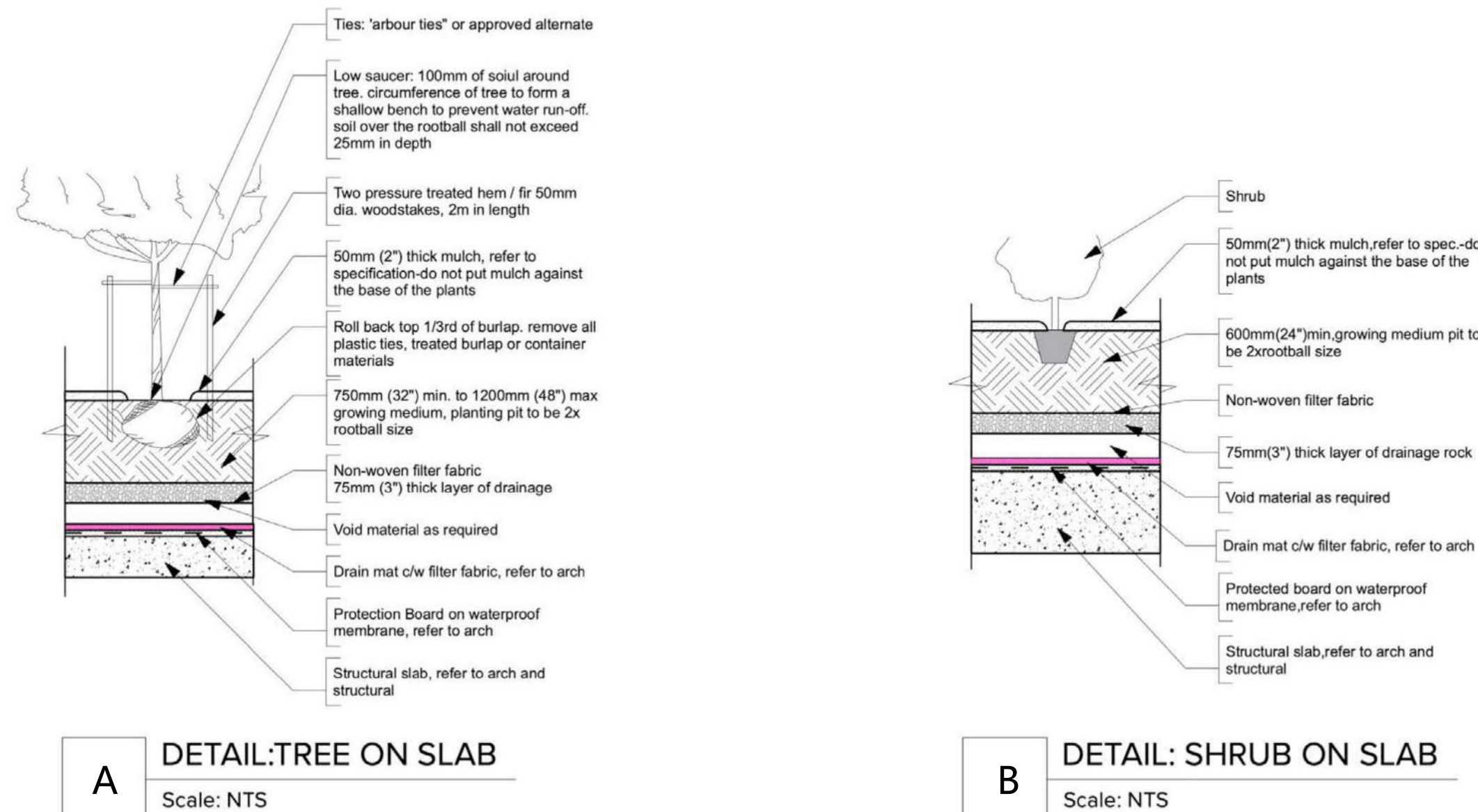
14211 Bristow Rd, Summerland, BC
Call: 250-462-0420
Email: craig@meadowviewdrafting.com

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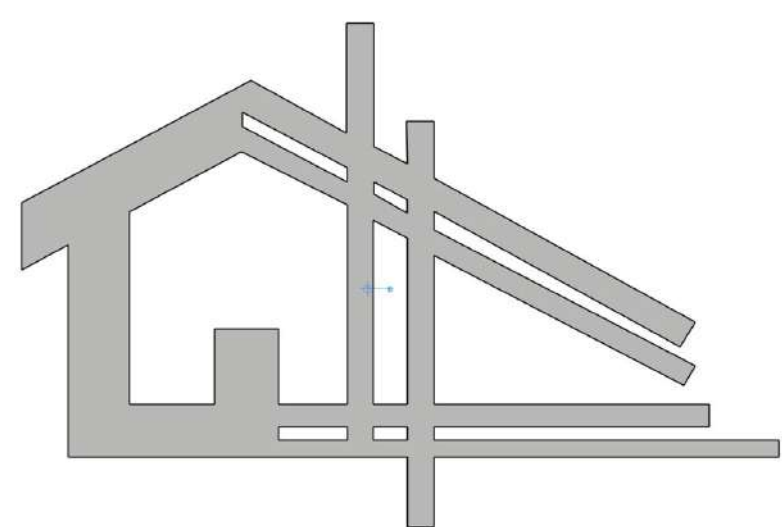
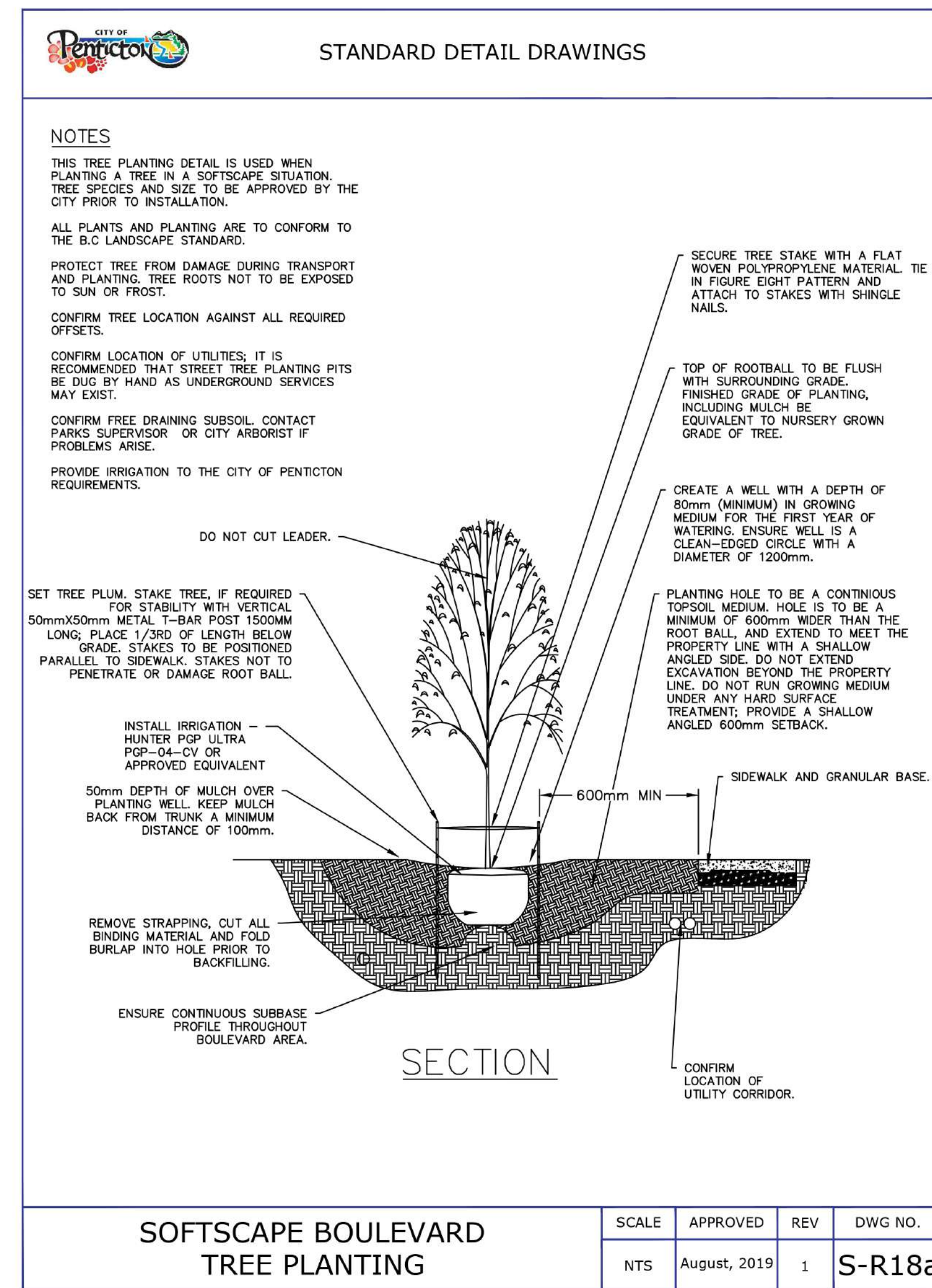
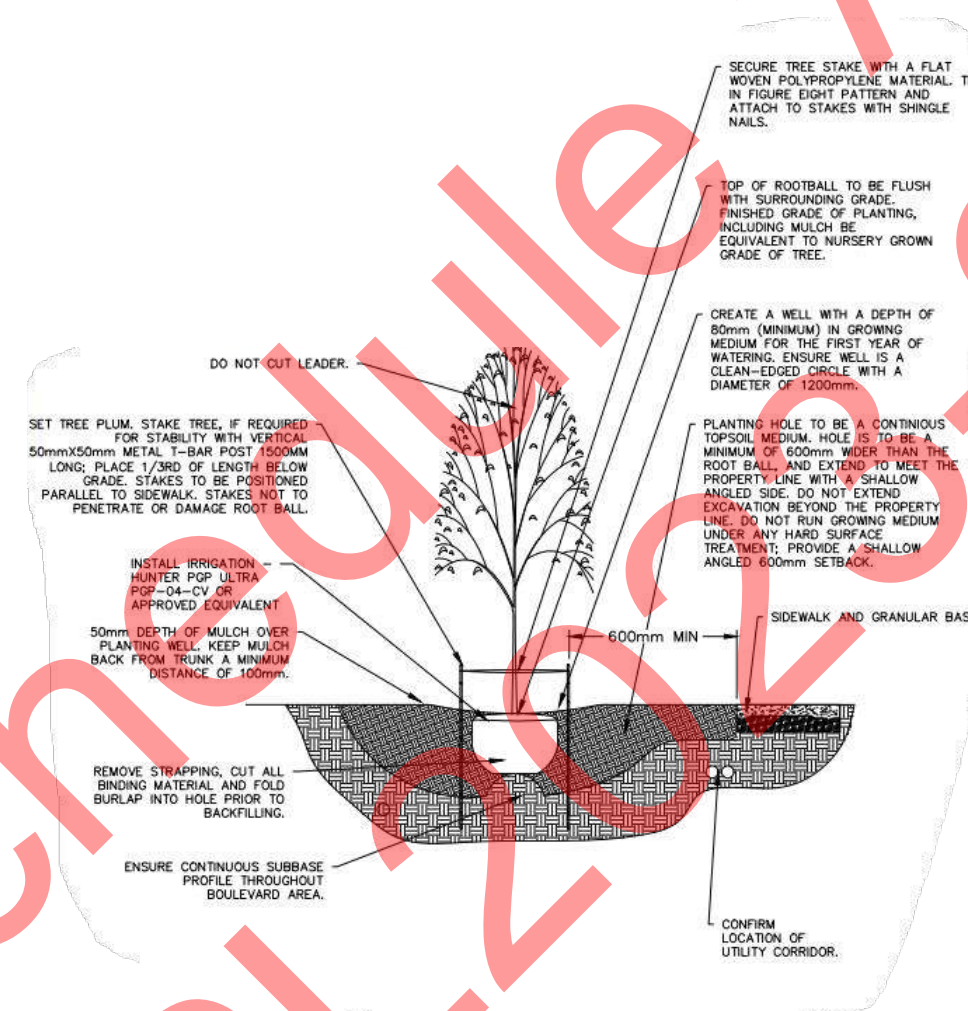
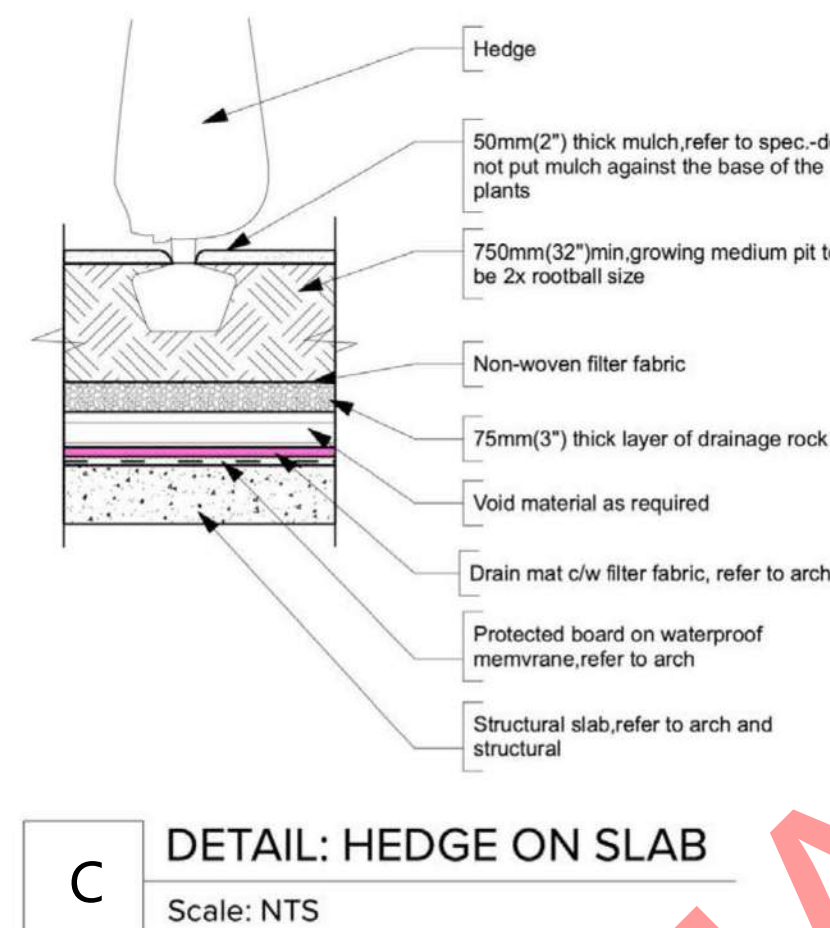
Project:
**AZURA TOWN HOUSE
DEVELOPMENT**
Client:
**AZURA MANAGEMENT
KELOWNA CORP.**

Drawn By:
Craig Meadow
Scale: As Indicated
Pages: 1-18
Date: December 11, 2023

Revision #.	Date Issued.



	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	ROOT	MATURE PLANTS SIZE (Ht.XWd.)	IRRIGATION TYPE
		Trees					
	2	Acer Buergerianum	Trident Maple	4" cal.	B&B	25'x25'	Drip (Medium Water Requirements)
	4	Acer Ginnala	Amur Maple	4" cal.	B&B	20'x20'	Drip (Medium Water Requirements)
		Shrubs					
	65	Hemerocallis x 'Lemon Yellow' or vars	Lemon Yellow Daylily	#1	Potted		Drip (low Water Requirements)
	43	Helictotrichon sempervirens	Blue Oat Grass	#1	Potted		Drip (low Water Requirements)
	5	Euonymus Turkestan	Turkestan	#3	Potted		Drip (low Water Requirements)
	7	Salix purpurea 'Nana'	Dwarf Arctic Blue Leaf Willow	#3	Potted		Drip (low Water Requirements)
	38	Berberis Thunbergii 'Sunsation'	Japanese Barberry	#2	Potted		Drip (low Water Requirements)
	41	Cornus sericea 'stolonifera'	Redosier Dogwood	#2	Potted		Drip (low Water Requirements)

MEADOW VIEW **DRAFTING AND DESIGN**

14211 Bristow Rd, Summerland, BC
Call: 250-462-0420
Email: craig@meadowviewdrafting.com

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construction of this building is prohibited.

Project:
**AZURA TOWN HOUSE
DEVELOPMENT**

Client:

**AZURA MANAGEMENT
KELOWNA CORP.**

Drawn By:

Craig Meadow

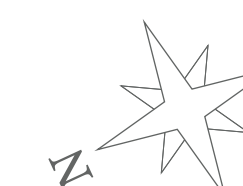
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Pages: 1-18

Date: December 11, 2023

Revision #.

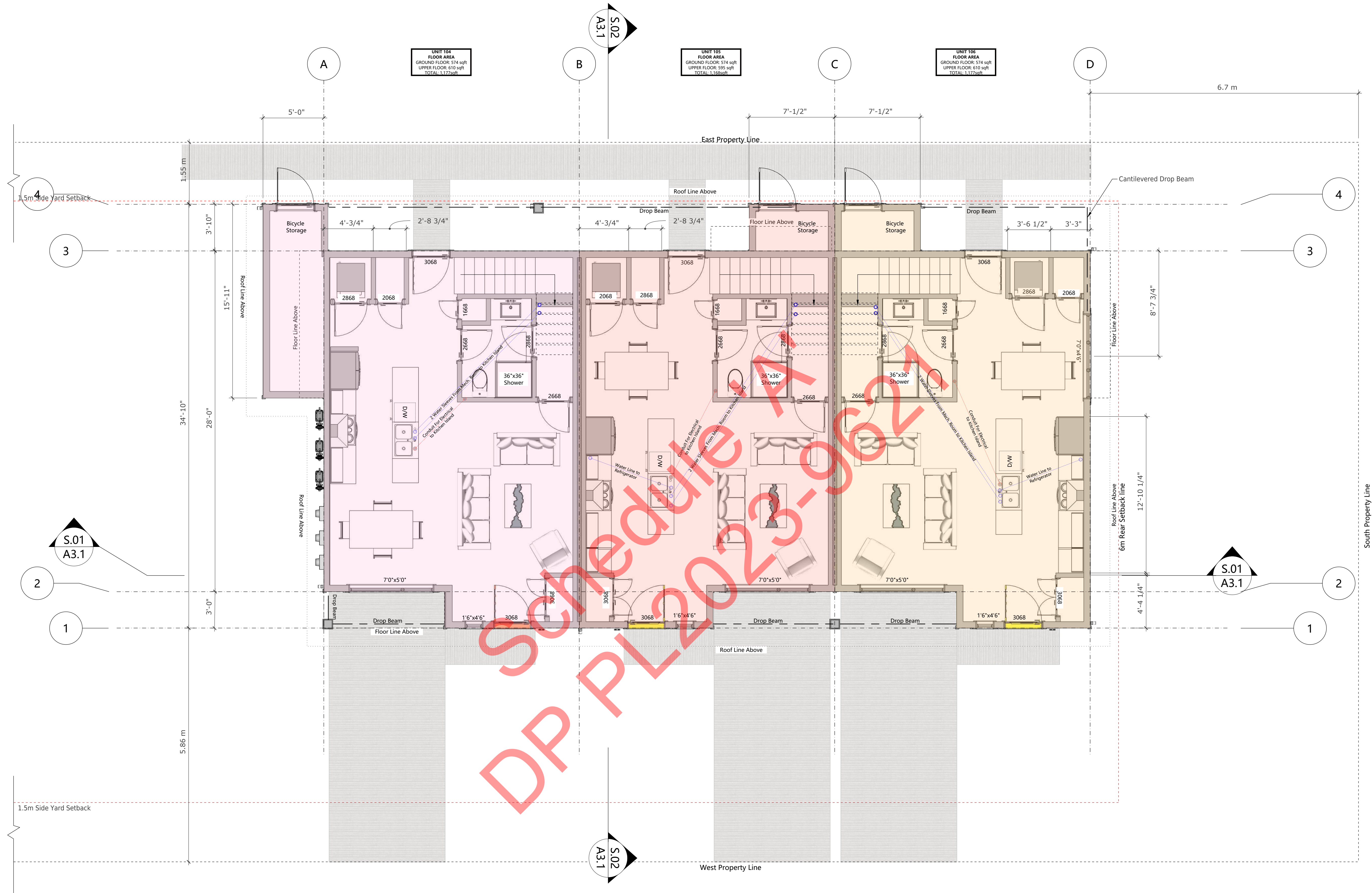
Date Issued.



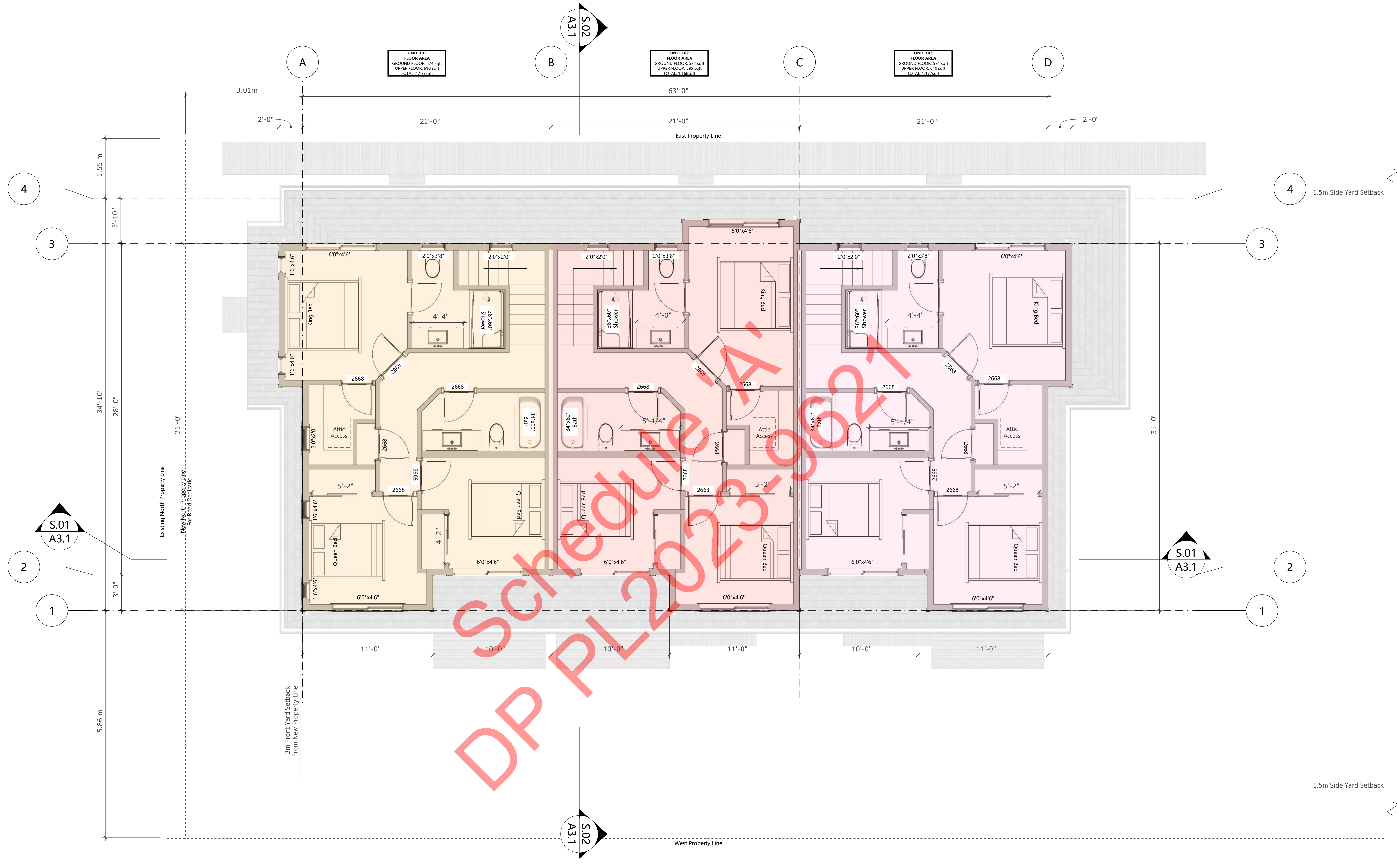
Scale: 1/4"=1' (1:48)



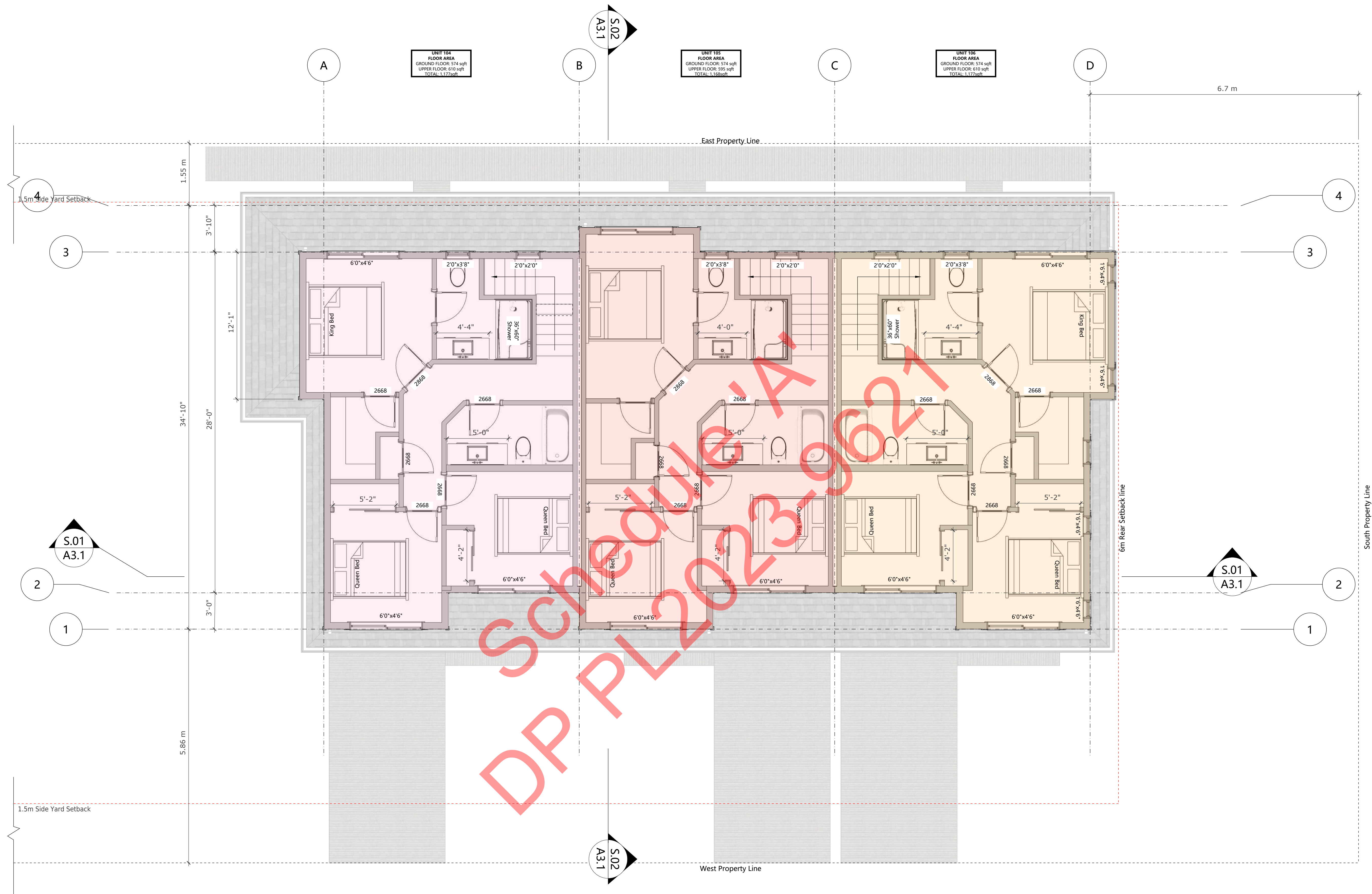
B.2 Ground Floor Building 2
Scale: 1/4"=1' (1:48)

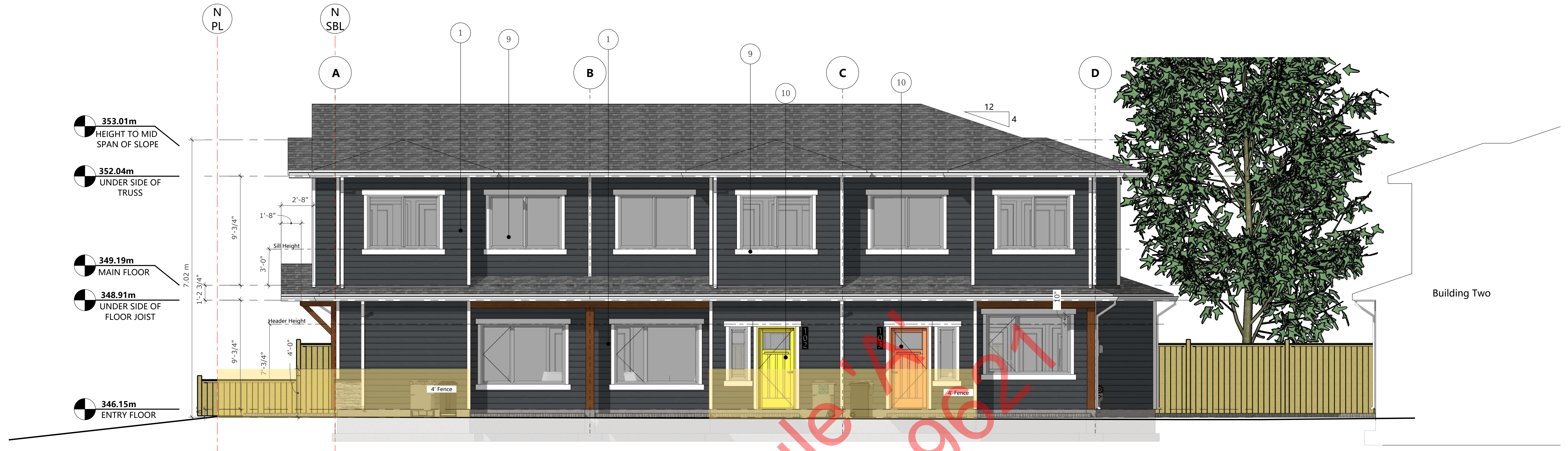


C.1 Upper Floor Building 1
Scale: 1/4"=1' (1:48)

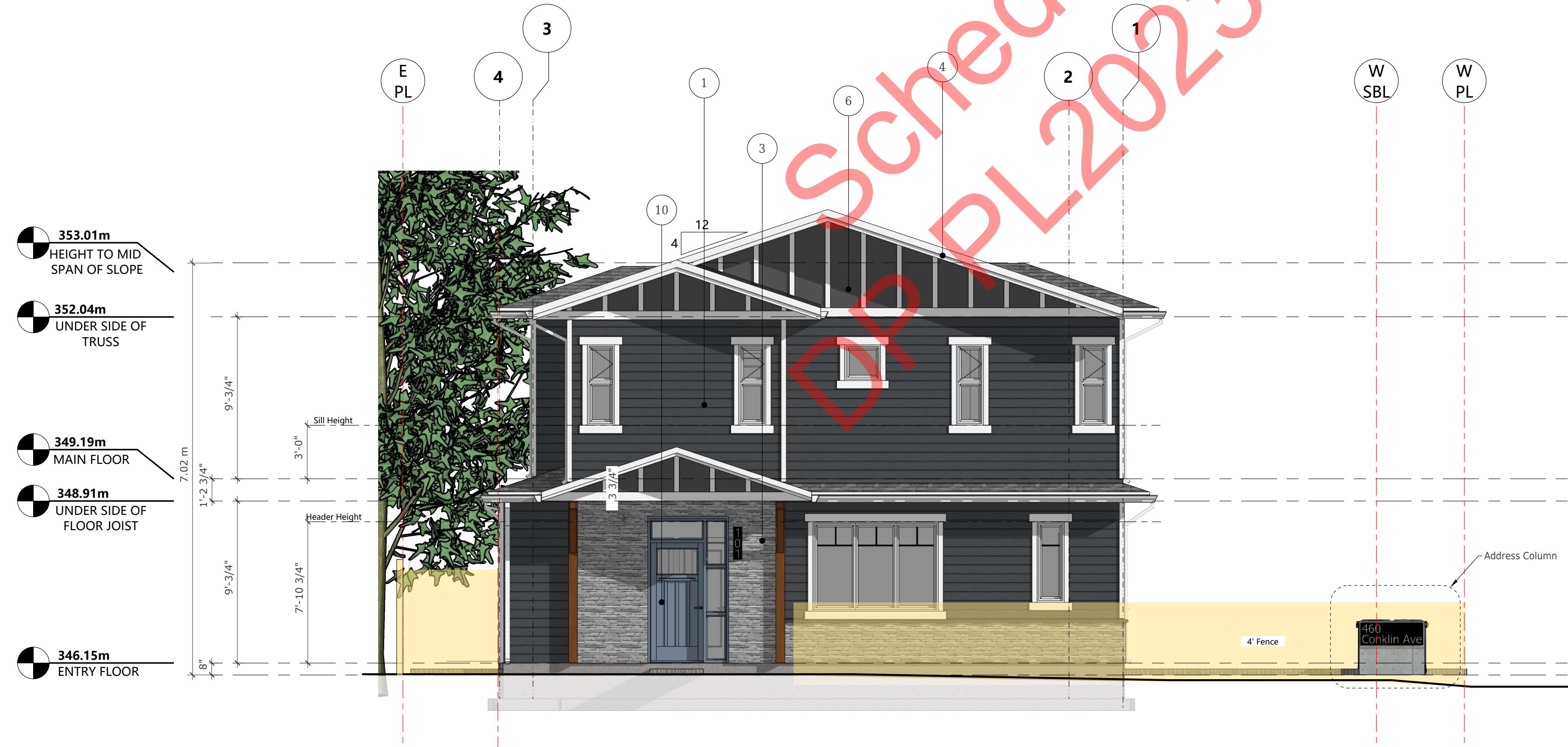


C.2 Upper Floor Building 2
Scale: 1/4"=1' (1:48)





A Elevation West (Building 1)
Scale: 1/4"=1' (1:48)

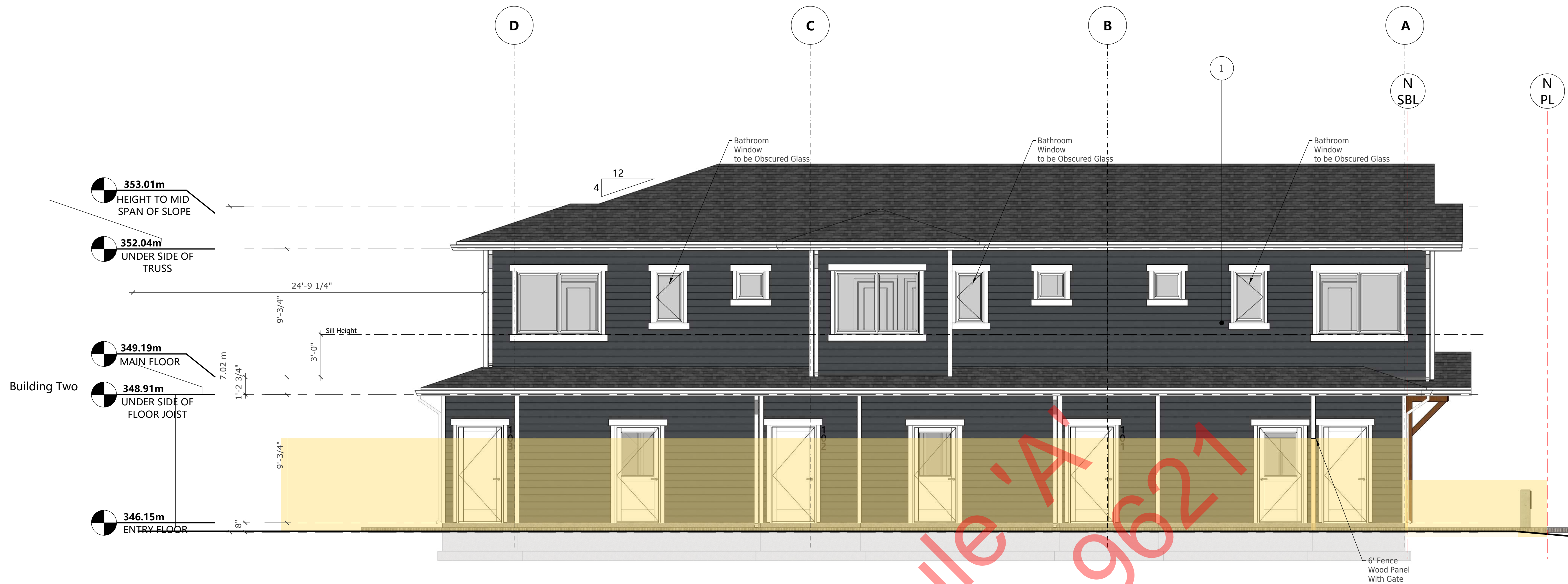


B Elevation North (Building 1)
Scale: 1/4"=1' (1:48)



EXTERIOR FINISH KEY

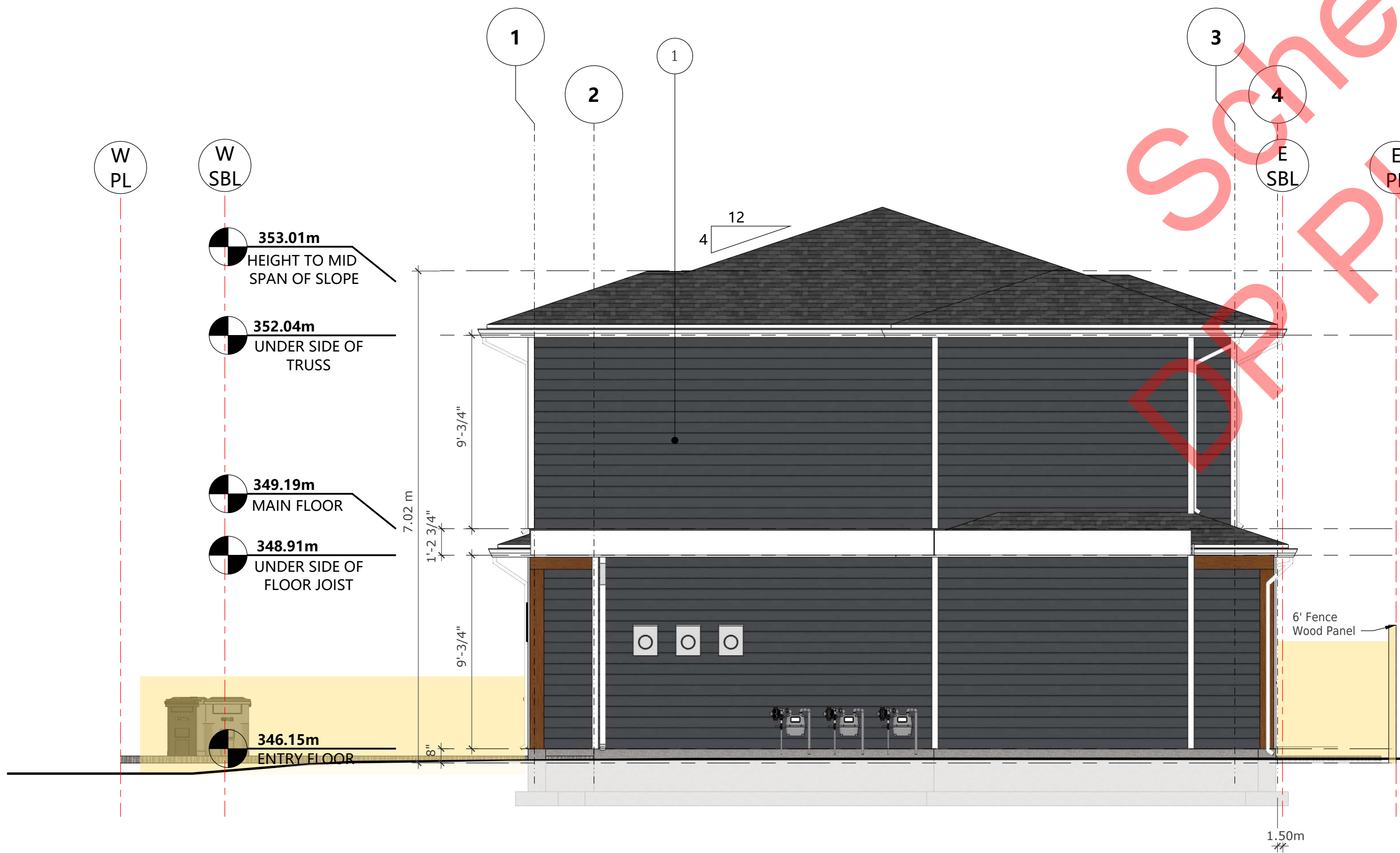
- | | | | |
|---|--|----|--|
| 1 | 7 1/4" Exposure Siding - Horizontally Oriented (Iron Grey) | 7 | Eave Bracket / Timber Accents (Stained - Sikkens Cedar) |
| 2 | Hardie Shakes (Iron Grey) | 8 | Rough Cut Fir Timber (Stained - Sikkens Cedar) [Re-Sawn Where Exposed] |
| 3 | Cultured Stone | 9 | Vinyl Windows With 6" Trim (Plygem Or Similar) |
| 4 | Allura Smart Trim (Vanilla White) | 10 | Craftsman Entry Paint Colour TBD (Plygem Or Similar) |
| 5 | Ashphalt Shingle (Iko Dual Black) | 11 | Board & Baton (Iron Grey Or Vanilla White) |
| 6 | Roof Fascia - 1x4 Over 2x8 Fascia (Painted White) | 12 | Over Head Door (White) |



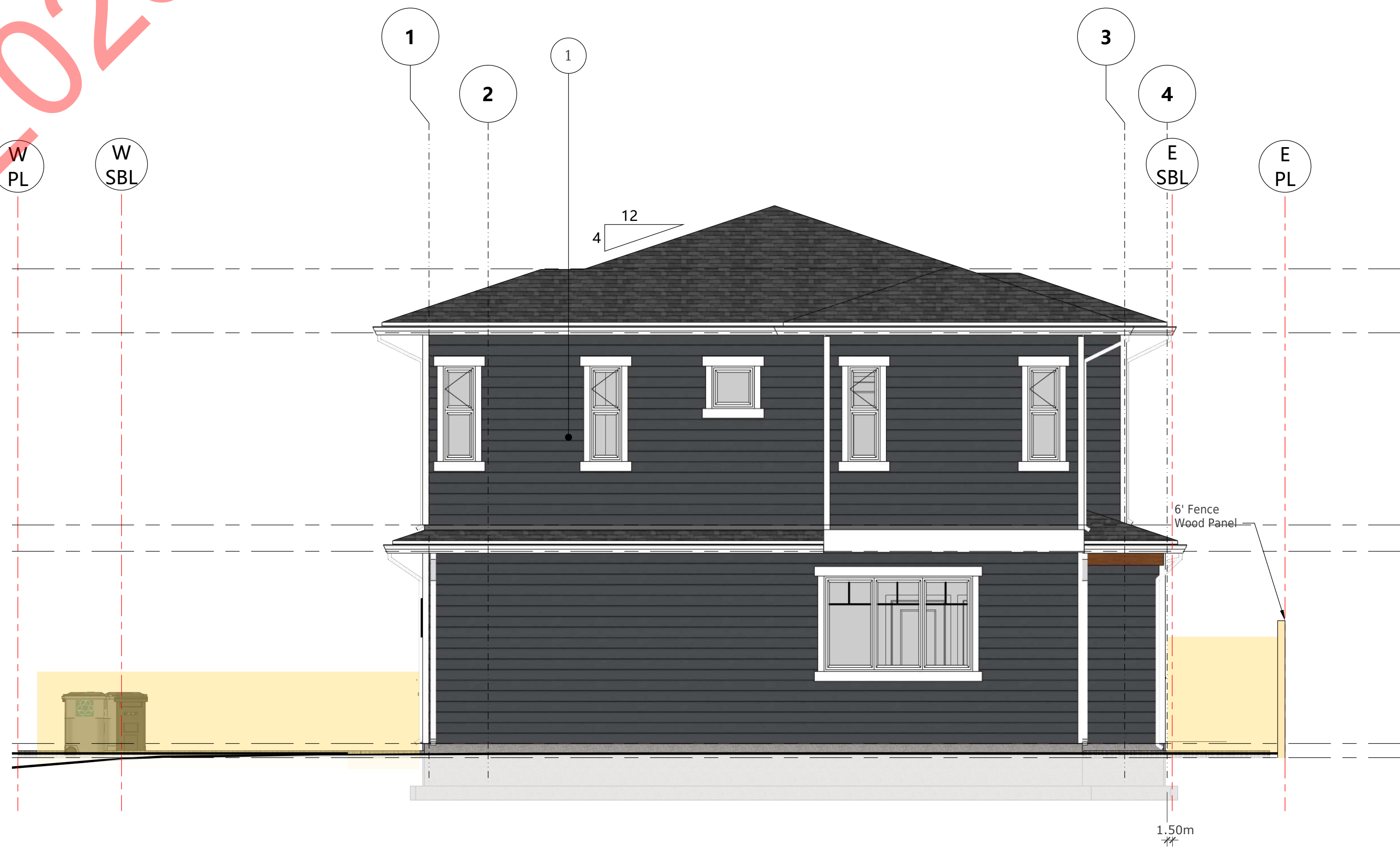
C Elevation East (Building 1)
Scale: 1/4"=1' (1:48)

EXTERIOR FINISH KEY

- 1 7 1/4" Exposure Siding- Horizontally Oriented (Iron Grey)
- 2 Hardie Shakes (Iron Grey)
- 3 Cultured Stone
- 4 Allura Smart Trim (Vanilla White)
- 5 Asphalt Shingle (Iko Dual Black)
- 6 Roof Fascia - 1x4 Over 2x8 Fascia (Painted White)
- 7 Eave Bracket / Timber Accents (Stained - Sikkens Cedar)
- 8 Rough Cut Fir Timber (Stained - Sikkens Cedar) [Re-Sawn Where Exposed]
- 9 Vinyl Windows With 6" Trim (Plygem Or Similar)
- 10 Craftsman Entry Paint Colour TBD (Plygem Or Similar)
- 11 Board & Baton (Iron Grey Or Vanilla White)
- 12 Over Head Door (White)



D Elevation South (Building 1)
Scale: 1/4"=1' (1:48)



E Elevation South (Building 2)
Scale: 1/4"=1' (1:48)



E West Elevation
Scale: 3/16"=1' (1:64)



F East Elevation
Scale: 3/16"=1' (1:64)

Bylaw No. 2024-01

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

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

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

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

1. **Title:**

This bylaw may be cited for all purposes as "Official Community Plan Amendment Bylaw No. 2024-01."

2. Amendment:

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

2.1 To change the following designations as follows:

Amend Map 1: Future Land Use by changing the future land use designation for Lot 13 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3867, located at 460 Conklin Avenue, from "Detached Residential" to "Ground Oriented Residential" as shown on Schedule 'A'.

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

READ A FIRST time this _____ day of _____, 2024

A PUBLIC HEARING was held this _____ day of _____, 2024

READ A SECOND time this _____ day of _____, 2024

READ A THIRD time this _____ day of _____, 2024

ADOPTED this _____ day of _____, 2024

Notice of intention to proceed with this bylaw was published on the ____ day of ____, 2024 and the ____ day of ____, 2024 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: OCP Amendment Bylaw 2024-01

Date:

Corporate Officer:

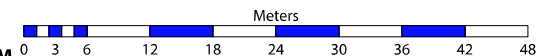


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1:720

Monday, January 8, 2024 11:59 AM



Coordinate System: NAD 1983 CSRS UTM Zone 11N

Bylaw No. 2024-02

A Bylaw to Amend Zoning Bylaw 2023-08

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

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw No. 2023-08;

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

1. **Title:**

This bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 2024-02”.

2. **Amendment:**

2.1 Zoning Bylaw No. 2023-08 is hereby amended as follows:

Rezone Lot 13 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 3867, located at 640 Conklin Avenue, from R1 (Large Lot Residential) to RM2 (Low Density Multiple Housing) as shown on Schedule 'A'.

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

READ A FIRST time this _____ day of _____, 2024

A PUBLIC HEARING was held this _____ day of _____, 2024

READ A SECOND time this _____ day of _____, 2024

READ A THIRD time this _____ day of _____, 2024

RECEIVED the approval of the day of _____, 2024

Ministry of Transportation on the

ADOPTED this _____ day of _____, 2024

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2024 and the __ day of ____, 2024 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 _____, 2024

for Minister of Transportation & Infrastructure

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



Schedule A: Zoning Amendment Bylaw 2024-02

Date:

Corporate Officer:



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1:720
Monday, January 8, 2024 12:01 PM

