



Agenda

penticton.ca

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, April 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 April 2, 2024 Regular Council Meeting 1-3 Adopt
7. **Consent Agenda**

Recommendation: THAT Council approve the Consent Agenda: 4-6

 1. April 10, 2024 Minutes of the Accessibility Committee.
8. **Staff Reports:**

Raposo	8.1	Travel Penticton Society and Penticton & Wine Country Chamber of Commerce License to Use Agreement – Jubilee Pavilion Re: 185 Lakeshore Drive West, Penticton <i>Staff Recommendation: THAT Council refer the three (3) year License to Use Agreement renewal with Travel Penticton Society and Penticton & Wine Country Chamber of Commerce for the use of the Jubilee Pavilion building located at 185 Lakeshore Drive West, at an annual rate of \$7,401.60 (\$616.80 per month) plus annual CPI, to the Parks & Recreation Advisory Committee for their review and recommendation.</i>	7-23
Raposo	8.2	License to Use Agreement – Ministry of Environment and Climate Change Strategy Re: 1051 Penticton Avenue <i>Staff Recommendation: THAT Council refer the five (5) year License to Use Agreement, with a five (5) year renewal clause, with the Ministry of Environment and Climate Change Strategy, for the use of a portion of McNicoll Park located at 1051 Penticton Avenue, for an air quality monitoring station, to the Parks & Recreation Advisory Committee for their review and recommendation.</i>	24-33

Power	8.3	<p>Application for Campbell Mountain Statutory Right of Way</p> <p><i>Staff Recommendation:</i> THAT Council direct staff to submit the application for a powerline Statutory Right of Way on Campbell Mountain to FrontCounter BC.</p>	34-36
Campbell	8.4	<p>Tax Rates Bylaw No. 2024-15</p> <p><i>Staff Recommendation:</i> THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2024-15", a bylaw that establishes property taxation rates for the 2024 tax year.</p>	37-58
Tanguay	8.5	<p>Zoning Amendment Bylaw No. 2024-16</p> <p>Development Variance Permit PL2024-9752</p> <p>Development Permit PL2024-9725</p> <p>Re: 468 Wade Avenue West</p> <p><i>Staff Recommendation:</i> THAT Council give first, second, and third reading to "Zoning Amendment Bylaw No. 2024-16", for Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, a bylaw to rezone the subject property from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill), and add the following site-specific provisions, within the RD3 (Residential Infill) zone, as follows:</p> <ol style="list-style-type: none"> 1. "Section 10.6.4.3, In the case of Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, an apartment shall be permitted."; 2. "Section 10.6.4.4, In the case of Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, the maximum density shall be 1.2 FAR."; <p>AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2024-16", consider "Development Variance Permit PL2024-9752" for Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, a permit to vary Section 10.6.2.6 of Zoning Bylaw 2023-08 to reduce the front yard from 4.5 m to 3.0 m;</p> <p>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2024-16", approve "Development Permit PL2024-9725", for Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, a permit to approve the form and character of an apartment (three dwelling units);</p> <p>AND THAT Council direct staff to issue "Development Permit PL2024-9725";</p> <p>AND THAT Council require that a 2.4 m road dedication be completed prior to the issuance of the Occupancy Permit.</p>	59-91
Tanguay	8.6	<p>Zoning Amendment Bylaw No. 2024-17</p> <p>Development Permit PL2024-9738</p> <p>Re: 43 Okanagan Avenue West</p> <p><i>Staff Recommendation:</i> THAT Council give first, second, and third reading to "Zoning Amendment Bylaw No. 2024-17", for Lot 6 District Lot 115 Similkameen Division Yale District Plan 3289, located at 43 Okanagan Avenue W, a bylaw to rezone the subject property from R1 (Large Lot Residential) to RD4 (Low Density Cluster Housing);</p> <p>AND THAT Council adopt "Zoning Amendment Bylaw No. 2024-17";</p> <p>AND THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2024-17", approve "Development Permit PL2024-9738", for Lot 6 District Lot 115 Similkameen Division Yale District Plan 3289, located at 43 Okanagan Avenue W, a permit to approve the form and character of two side-by-side duplexes (four dwelling units);</p> <p>AND THAT Council direct staff to issue "Development Permit PL2024-9738";</p> <p>AND THAT Council require that a 1.6 m road dedication be completed prior to the issuance of the Occupancy Permit.</p>	92-121

Tanguay	8.7	<p>Zoning Amendment Bylaw No. 2024-18 Development Permit PL2024-9732 Re: 756 Government Street <u>Staff Recommendation:</u> THAT Council give first, second and third reading to "Zoning Amendment Bylaw No. 2024-18", for Lot 8 District Lot 249 Similkameen Division Yale District Plan 3578 Except Plan KAP68409, located at 756 Government Street, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing); AND THAT Council adopt "Zoning Amendment Bylaw No. 2024-18"; AND THAT Council require that a 1.7 m road dedication be completed prior to the issuance of the Occupancy Permit; AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2024-18", approve "Development Permit PL2024-9732", for Lot 8 District Lot 249 Similkameen Division Yale District Plan 3578 Except Plan KAP68409, located at 756 Government Street, a permit to approve the form and character of two triplexes (six dwelling units).</p>	122-156
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Tanguay	8.8	<p>Zoning Amendment Bylaw No. 2024-19 Re: 3810 Valleyview Road <u>Staff Recommendation:</u> THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-19", for Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, a bylaw to add the site-specific provision, within the A (Agriculture) zone, as follows: "Section 9.2.6.14, In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, 'agri-tourism accommodation' is a permitted use with a maximum of three (3) sleeping units."; AND THAT Council forward "Zoning Amendment Bylaw No. 2024-19" to the May 7, 2024 Public Hearing.</p>	157-166
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9. **Public Question Period**

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

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

- (c) labour relations or other employee relations;
- (g) litigation or potential litigation affecting 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.

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

12. **Bylaws and Permits**

Collison	12.1	<p>Official Community Plan Amendment Bylaw No. 2024-12 Zoning Amendment Bylaw No. 2024-13 Zoning Amendment Bylaw No. 2024-14 Re: 76 Duncan Avenue East / 1402 Main Street</p>	167-168 169-170 171-172	2 nd /3 rd /Adopt 2 nd /3 rd /Adopt 2 nd /3 rd /Adopt
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13. **Notice of Motion**

13.1 Notice of Motion introduced by Councillor Gilbert:

173-174

THAT Council direct staff to report back with an outline of the steps necessary to achieve a hotel attached to the Penticton Trade and Convention Centre as part of the North Gateway Plan.

13.2 Notice of Motion introduced by Councillor Gilbert:

175-177

THAT Council formally endorse the call for both a new nation Youth Climate Corps, and a British Columbia Youth Climate Corps; AND THAT Council urges the federal government to establish a Youth Climate Corps, starting with a major financial commitment of \$1 billion per year in the next federal budget; and will write to the federal ministers concerned expressing this support (the Minister of Finance; The Minister of Infrastructure and Communities, the Minister for Women and Gender Equality and Youth, the Minister of Natural Resources, and the Minister for Environment and Climate Change);

AND THAT Council urges the British Columbia government to establish a provincial Youth Climate Corps, starts with a major financial commitment of \$200 million per year in the next BC budget: and will write to the provincial ministers concerned expressing this support (the Minister of Environment and Climate Change, the Minister of Finance, the Minister of Emergency Management and Climate Readiness, the Minister of Energy and Low Carbon Innovation, and the Minister of Post-Secondary Education and Future Skills).

14. **Business Arising**

15. **Public Question Period**

If you would like to ask Council a question with respect to items that are on the current agenda, please visit our website at www.penticton.ca to find the telephone number or Zoom link to ask your question before the conclusion of the meeting. 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.

16. **Council Round Table**

17. **Adjournment**

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

Tuesday, April 2, 2024
at 1:00 p.m.

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

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
Kelsey Johnson, Director of Community Services
Hayley Anderson, Legislative Assistant

1. Call to Order

The Mayor called the Regular Council Meeting to order at 1:01 p.m. and mentioned that Zoning Amendment Bylaw No. 2024-11 has been withdrawn and will be considered at a future meeting.

2. Introduction of Late Items

3. Adoption of Agenda

91/2024

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council Meeting held on April 2, 2024 as presented.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the March 19, 2024 Regular Council Meeting

92/2024

It was MOVED and SECONDED

THAT Council adopt the Regular Council Meeting minutes of March 19, 2024 as presented.

CARRIED UNANIMOUSLY

5. Consent Agenda:

93/2024

It was MOVED and SECONDED

THAT Council approve the Consent Agenda:

- 1. Minutes of the March 19, 2024 Committee of the Whole Meeting; and
- 2. Minutes of the March 19, 2024 Public Hearing.

CARRIED UNANIMOUSLY

6. Staff Reports:

6.1 Event Hosting Framework

94/2024

It was MOVED and SECONDED

THAT Council receive into the record the report dated April 2, 2024 titled "Event Hosting Framework".

CARRIED UNANIMOUSLY

- 6.2 Official Community Plan Amendment Bylaw No. 2024-12
 Zoning Amendment Bylaw No. 2024-13
 Zoning Amendment Bylaw No. 2024-14
 Re: 76 Duncan Avenue East/ 1402 Main Street

95/2024

It was MOVED and SECONDED

THAT prior to consideration of "Official Community Plan Amendment Bylaw No. 2024-12", 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 January 17, 2024 to February 25, 2024 is sufficient;

AND THAT Council give first reading to "Official Community Plan Amendment Bylaw No. 2024-12", 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 3 District Lot 250 Similkameen Division Yale District Plan 7560, located at 76 Duncan Avenue East, from 'Infill Residential' to 'Mixed-Use'.

THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-13", Lot 3 District Lot 250 Similkameen Division Yale District Plan 7560, located at 76 Duncan Avenue East, a bylaw to rezone the subject property from R1 (Large Lot Residential) to C3 (Mixed Use Commercial);

AND THAT Council forward "Official Community Plan Amendment Bylaw No. 2024-12" and "Zoning Amendment Bylaw No. 2024-13" to the April 16, 2024 Public Hearing;

AND THAT Council require a 0.9m wide road dedication along the frontage of 76 Duncan Ave E be registered with the Land Title Office prior to issuance of an Occupancy Permit for the proposed mixed-use building.

THAT Council give first reading to "Zoning Amendment Bylaw No. 2024-14", Lot 2 District Lot 250 Similkameen Division Yale District Pan 39349, located at 1402 Main St, a bylaw to rezone the subject property from C7 (Service Commercial) to C3 (Mixed Use Commercial);

AND THAT Council forward "Zoning Amendment Bylaw No. 2024-14" to the April 16, 2024 Public Hearing.

CARRIED UNANIMOUSLY

7. Bylaws and Permits

7.1 Official Community Plan Amendment Bylaw No. 2024-01
Zoning Amendment Bylaw No. 2024-02
Re: 460 Conklin Avenue

96/2024

It was MOVED and SECONDED

THAT Council adopt "Official Community Plan Amendment Bylaw No. 2024-01";
AND THAT Council adopt "Zoning Amendment Bylaw No. 2024-02".

CARRIED UNANIMOUSLY

8. Notice of Motion

9. Business Arising

10. Public Question Period

11. Council Round Table

12. Adjourn to Closed Meeting:

97/2024

It was MOVED and SECONDED

THAT Council adjourn the April 2, 2024 Regular Meeting of Council at 1:35 p.m. 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;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and Section 90 (2)
- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

Certified correct:

Confirmed:

Angie Collison
Corporate Officer

Julius Bloomfield
Mayor

Accessibility Committee Meeting

held via Zoom and in-person in Room A

City Hall, 171 Main Street

Wednesday, April 10, 2024

at 9:30 am

- Present:** Trisha Kaplan, Chair
Randy Boras
Grant Pattingale
Heather Miller
Krista Russo
- Regrets:** Leanne Williams, Vice-Chair
Kristi Bauman
James Ludvigson
- Council Liaison:** Amelia Boulton (regrets)
- Staff:** Sarah Desrosiers, Social Development Coordinator
Hayley Anderson, Legislative Assistant
Jeff Plant, Sport and Event Supervisor
Draydan Power, Manager of Energy and Environment
Ed Harris, Electrical Utility Supervisor

1. **Call to Order**

The Chair called the Accessibility Committee to order at 9:32 am.

2. **Adoption of Agenda**

It was MOVED and SECONDED

THAT the Accessibility Committee adopt the agenda of April 10, 2024 as presented.

CARRIED UNANIMOUSLY

3. **Adoption of Minutes**

3.1 Minutes of the January 10, 2024 Accessibility Committee Meeting

It was MOVED and SECONDED

THAT the Accessibility Committee adopt the minutes of the January 10, 2024 meeting as presented.

CARRIED UNANIMOUSLY

4. **New Business**

4.1 Welcome and Roundtable Check-in

The Chair led the Committee in a round table check-in to discuss accessibility thoughts or challenges not specifically on the agenda.

4.2 Event Accessibility

The Sport and Event Supervisor provided the Committee with an overview of the event framework and how accessibility is included when planning for events hosted by the City.

It was MOVED and SECONDED

THAT the Accessibility Committee receive the presentation titled "Event Accessibility" for information.

CARRIED UNANIMOUSLY

Sport and Event Supervisor left the meeting at 10:09 am.

4.3 Accessible Pedestrian Signals

The Manager of Energy and Environment provided the Committee with an overview of the new Accessible Pedestrian Signals. Accessibility features of these signals include audio, visual and vibrotactile cues. The Committee considered intersections that would benefit from receiving these signals in the current phase of the project.

It was MOVED and SECONDED

THAT the Accessibility Committee receive the presentation titled "Accessible Pedestrian Signals" for information.

CARRIED UNANIMOUSLY

Manager of Energy and Environment left the meeting at 10:33 am.

Electrical Utility Supervisor left the meeting at 10:33 am.

4.4 Accessibility Advisory Process

The Social Development Coordinator provided the Committee with an overview of the Accessibility Advisory Process, being a process to guide Staff on applying an accessibility lens to upcoming projects.

It was MOVED and SECONDED

THAT the Accessibility Committee endorse the "Accessibility Advisory Process" as outlined in Attachment A.

CARRIED UNANIMOUSLY

4.5 Action Log Update

The Social Development Coordinator provided the Committee with an update on the Action Log from the Accessibility Plan 20203-2026.

5. **Next Meeting**

The next Accessibility Committee meeting is scheduled to be held on July 10, 2024 at 9:30 am via Zoom and in person.

6. **Adjournment**

It was MOVED and SECONDED

THAT the Accessibility Committee adjourn the meeting held on April 10, 2024 at 11:16 am.

CARRIED UNANIMOUSLY

Certified Correct:

Hayley Anderson
Legislative Assistant

Council Report

penticton.ca

Date: April 16, 2024 **File No:** 4320-80
To: Anthony Haddad, City Manager
From: Sheri Raposo, Land Administrator

Subject: Travel Penticton Society and Penticton & Wine Country Chamber of Commerce
License to Use Agreement - Jubilee Pavilion - 185 Lakeshore Drive West, Penticton

Staff Recommendation

THAT Council refer the three (3) year License to Use Agreement renewal with Travel Penticton Society and Penticton & Wine Country Chamber of Commerce for the use of the Jubilee Pavilion building located at 185 Lakeshore Drive West, at an annual rate of \$7,401.60 (\$616.80 per month) plus annual CPI, to the Parks & Recreation Advisory Committee for their review and recommendation.

Strategic Priority Objective

Vision: A vibrant, resilient, and healthy waterfront city focused on safety, livability, and vibrancy.

Vibrant and Connected: Support Community building partnerships with Penticton Indian Band, other local governments, and organizations, as well as intergovernmental partnerships with the Province and Federal Governments.

Property Description

The Jubilee Pavilion building has approximately 770 sq. ft. of office space and public washrooms are located at the back of the building.

Background

The Jubilee Pavilion has had many users over its lifetime that include functioning as an event office location for the Peach Classic Triathlon, Peach Festival, IRONMAN Canada and Challenge Penticton as well as a satellite office for the RCMP for summer patrols and Community Policing.

In 2020, Community Policing no longer required the use of the building. Travel Penticton Society and the Penticton & Wine Country Chamber of Commerce approached the City and requested use of the building for



office space and an additional visitor information location for tourists. Council approved the request for an 18-month License to Use (LTU) Agreement. The agreement expired on December 31, 2021.

178/2020	<p>It was MOVED and SECONDED</p> <p>THAT Council approve an 18-month License to Use Agreement, for the Jubilee Pavilion building located at 185 Lakeshore Drive West to Travel Penticton and the Penticton and Wine Country Chamber of Commerce, at a license rate of \$7,200.00 per year;</p> <p>AND FURTHER THAT Council authorize the Mayor and Corporate Officer to execute the Licence to Use Agreement.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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In 2021, Travel Penticton Society and the Penticton & Wine Country Chamber of Commerce expressed a desire to continue the use of the Jubilee Pavilion. Given the benefit of the service to tourists and newcomers to the community, Council approved the renewal of the LTU Agreement for a two-year term which expired on December 31, 2023.

05/2022	<p>It was MOVED and SECONDED</p> <p>THAT Council approve the renewal of a two-year License to Use agreement to Travel Penticton Society and Penticton and Wine Country Chamber of Commerce for the use of the Jubilee Pavilion building located at 185 Lakeshore Drive West at a monthly rate of \$600.00 plus GST and annual CPI adjustments;</p> <p>AND THAT Council authorize Mayor and Corporate Officer to execute the License to Use agreement.</p> <p style="text-align: right;">CARRIED UNANIMOUSLY</p>
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In recent discussions with staff, Travel Penticton and the Chamber of Commerce have confirmed that they wish to continue using the building.

License to Use Summary

The proposed term of the LTU Agreement will be for a three (3) year term. Travel Penticton Society and the Penticton & Wine Country Chamber of Commerce are requesting the same terms as the previous LTU Agreement. They will continue to be responsible for the day-to-day upkeep of the building and utilities. The City will continue to be responsible for the major building systems, security, and the surrounding grounds.

Financial Implication

A lease rate appraisal was completed in 2021 with an annual lease rate of \$14,630.00. In 2021 the LTU Agreement fee was set at an annual rate of \$7,200.00 (\$600.00/month) plus annual Consumer Price Index (CPI) adjustments.

Staff are recommending the current reduced rate of \$7,401.60 with annual CPI adjustments should continue due to the benefit of the two groups working collaboratively together to promote Penticton.

Park Land Protection and Use Policy References

As the land, where the building is located, is on parkland, the Park Land Protection and Use Policy requires new agreements or renewal of agreements within our parkland follow the following procedure:

- Step 1: Application to renew submitted to City staff
- Step 2: Proposal brought forward to Open Council meeting
- Step 3: Circulation of application to City departments and Parks & Recreation Advisory Committee
- Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing
- Step 5: City staff review finding with Parks & Recreation Advisory Committee
- Step 6: Parks & Recreation Advisory Committee review application and feedback from staff
- Step 7: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal

If directed by Council, staff will present a report to the Parks & Recreation Advisory Committee at their next available meeting, and then will provide Council with the Committee's recommendation, at the next available Council meeting.

Council does have the discretion to consider the criteria of the Park Land Protection and Use Policy and to provide staff with alternative direction, including the option to waive the Parkland Protection and Use policy and extend the License to Use Agreement with Travel Penticton Society and Penticton & Wine Country Chamber of Commerce for a further three (3) year term, without moving the renewal through the Committee process.

Analysis

Travel Penticton Society and the Penticton & Wine Country Chamber of Commerce provide a benefit to the City in terms of promoting Penticton not only as a place to visit, but also as a place to relocate and start a business. This type of arrangement is vitally important to the City and to the Travel Penticton Society and the Penticton & Wine Country Chamber of Commerce and ensures continued collaboration and benefit to all three parties.

Alternate Recommendation

THAT Council direct staff to renew the License to Use Agreement for a three (3) year term, at an annual rate of \$7,401.60 (\$616.80 per month) plus annual CPI, to Travel Penticton Society and Penticton & Wine Country Chamber of Commerce,

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

Attachments

Attachment A – Aerial view of Licensed Area

Attachment B – Draft License to Use Agreement

Respectfully submitted,

Sheri Raposo, Land Administrator

Concurrence

Director, Finance & Administration <i>AMC</i>	General Manager, Infrastructure <i>KD</i>	Director, Community Services <i>KJ</i>	City Manager <i>SB</i>
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Attachment A

Licensed Area



LICENSE TO USE AGREEMENT

Nature of Agreement:	License to Use	File No.: 4320-80
Particulars:	Use of building located at 185 Lakeshore Drive West, Penticton for purpose of operating a Visitor Information Centre and Chamber of Commerce.	

THIS AGREEMENT dated for reference the _____ day of _____, 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:

TRAVEL PENTICTON SOCIETY

A Society incorporated under the Laws of the Province of British Columbia, having a registered and records office at 120-888 Westminster Ave W, Penticton, BC, V2A 8S2

OF THE SECOND PART

AND

PENTICTON & WINE COUNTRY CHAMBER OF COMMERCE

A Society incorporated under the Laws of the Province of British Columbia, having a registered and records office at 185 Lakeshore Drive West, Penticton, BC, V2A 1B7

OF THE THIRD PART

(collectively, the “Licensee”)

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 (“**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

This agreement and the rights granted shall be for a term of **THREE (3)** years commencing on _____, **2024** (the “**Commencement Date**”) through to _____, _____, unless cancelled in accordance with the terms of this agreement.

3. License Fee

- 3.1 On the Commencement Date and monthly thereafter, the Licensee shall pay to the City, the amount of **SIX HUNDRED SIXTEEN - 80/100 DOLLARS (\$616.80) 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 the Province of British Columbia for the preceding year.

4. Utilities

The City will be responsible for the cost of electricity during the term of this agreement.

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 one hundred and eighty (180) 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. One hundred and eighty (180) 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; and

- iii. to the extent necessary, this covenant shall survive the expiration or cancellation of this agreement;
- i) 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 named 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 additional insured).”

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

- j) the Licensee will provide the City with a new Certificate of Liability Insurance annually upon renewal;
- k) notwithstanding subsection i) 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 i) of Section 5 to be changed to the amount specified in the notice and deliver to the City written confirmation of the change.
- l) not to place any improvements on the Licensed Area other than those described elsewhere in this agreement, without prior written consent of the City;
- m) not cause or permit any unusual or objectionable noises, or lights, to emanate from the Licensed Area;
- n) not cause or permit any unusual or objectionable odours which may be noxious or offensive or which could constitute a public or private nuisance;
- o) not cause or permit any waste or damage;

- p) 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;
- q) 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.

- r) 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. Assignment

The License is not assignable.

8. Cancellation

8.1 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; or
- c) 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 8.1 a), b) or c) except repayment of the prorated portion of any prepaid License Fee if notice is pursuant to paragraph 8.1 a) or c).

8.2 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.

8.3 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. General

9.1 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.

9.2 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.

9.3 Time is of the essence in this agreement.

9.4 The records of the City shall be conclusive evidence of the contents of any schedule referred to in this agreement.

9.5 In this agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

9.6 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.

9.7 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.

9.8 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.

10. **Notice**

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

To the **City**:

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

To the **Licensee**:

Travel Penticton Society
120-888 Westminster Ave W.
Penticton, BC V2A 8S2
Email: ask@visitpenticton.com

Penticton & Wine Country Chamber of Commerce
185 Lakeshore Drive West
Penticton, BC, V2A 1B7
Email: director@penticton.org

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 emailed, seventy-two (72) hours after the time of email and if hand delivered upon the date of delivery. If normal mail, 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.

11. **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, Finance and Administration

Angie Collison, Corporate Officer

TRAVEL PENTICTON SOCIETY

by its authorized signatory(ies):

Per:

Per:

PENTICTON & WINE COUNTRY CHAMBER OF COMMERCE

by its authorized signatory(ies):

Per:

Per:

SCHEDULE A
LICENSED AREA

The Licensed Area shown outlined in red below:



SCHEDULE B MANAGEMENT PLAN

The Licensee shall have the use of the Licensed Area shown outlined in red on Schedule A for the purpose of operating a Visitor Information Centre and Chamber of Commerce.

1. Annual Requirements

The Licensee must annually ensure they have:

- a) Work Safe BC;
- b) City of Penticton Business License;
- c) Evidence of Insurance as indicated in this agreement.

2. Parking

The City will designate four (4) "Visitor Centre/Chamber" parking spaces in front of the Licensed Area shown outlined in red on Schedule A.

3. Vandalism

- 3.1 All incidents of vandalism shall be repaired within 48 hours of occurrence.
- 3.2 The Licensee is responsible for removal of graffiti from the Licensed Area.

4. Miscellaneous

- 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 The Licensee shall not utilize an area larger than the Licensed Area.
- 4.3 The Licensee shall not place signs outside of the Licensed Area without the consent of the City.
- 4.4 The Licensee shall not place any permanent structures in the Licensed Area without the consent of the City.
- 4.5 The Licensee shall be responsible for the costs of all telecommunications equipment and services including wired & wireless internet.
- 4.6 The Licensee shall be responsible for any leasehold improvements carried out to the Licensed Area. Any leasehold improvements will require written consent of the City.
- 4.7 The City shall be responsible for the major building systems for the Licensed Area.

5. Safety/Protection

5.1 The Licensee shall ensure proper procedures are followed for:

- a) Fire Safety/Evacuation
- b) W.H.M.I.S.
- c) Accident/Incident Reporting
- d) Safety Program (WCB)

5.2 The Licensee shall ensure that all staff receives proper instruction on the use and operation of any fire safety equipment.

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

5.4 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, Daniel York at 250-490-2553 or daniel.york@penticton.ca.

5.5 All accidents or incidents shall be reported to the City within 48 hours of occurrence, wherein a representative of the City will investigate the occurrence.

6. 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: April 16, 2024 File No: 4320-80
To: Anthony Haddad, City Manager
From: Sheri Raposo, Land Administrator
Address: 1051 Penticton Avenue

Subject: License to Use Agreement – Ministry of Environment and Climate Change Strategy

Staff Recommendation

THAT Council refer the five (5) year License to Use Agreement, with a five (5) year renewal clause, with the Ministry of Environment and Climate Change Strategy, for the use of a portion of McNicoll Park located at 1051 Penticton Avenue, for an air quality monitoring station, to the Parks & Recreation Advisory Committee for their review and recommendation.

Strategic priority objective

Vibrant & Connected: Support community building partnerships with Penticton Indian Band, other local governments and organizations, as well as inter-governmental partnerships with the Province and Federal Governments.

Background

The B.C. Ministry of Environment and Climate Change Strategy (ENV) is seeking approval to install a long-term air quality monitoring station on City land. The proposed station would provide real-time measurements of fine particulate matter, nitrogen dioxide and ground-level ozone and would allow the reporting of local Air Quality Health Index Values (AQHI) for Penticton and the wider South Okanagan region.

The AQHI is a tool that is designed to help citizens to make decisions to protect their health by limiting exposure and adjusting activity levels during periods with increased levels of air pollution. In recent years, wildfire smoke has been a major contributor to air pollution in communities throughout the Province.

The site proposed by ENV is located within McNicoll Park between the L'Ecole Entre Lacs and the Penticton Creek Walkway. The site footprint, shown in red on Attachment A, would be approximately 21' x 25' and house a steel shelter containing monitoring equipment and related equipment. The steel shelter includes a 10-metre tower used for meteorological monitoring. The site would be enclosed by an 8' security fence. All costs associated with the installation and maintenance of the site would be borne by ENV.

This specific site was chosen, after an extensive review of locating a suitable site that is in close proximity to where people are, the proper elevation, and far enough away from large pollution generators, such as cars and businesses, while not impeding on any current uses of the land.

License to Use Summary

The proposed term of the License to Use Agreement (LTU) will be for a five (5) year term with a five (5) year renewal term. The cost of installation, operation, safety, security and maintenance of the unit and the Licensed area will be the responsibility of ENV. Staff have requested that the unit be wrapped, to blend into the surroundings.

Financial Implication

Under the proposed License to Use Agreement, the Ministry of Environment and Climate Change Strategy will have a License to Use Agreement for the property for a \$1.00 nominal rate.

Park Land Protection and Use Policy References

As the land, where the proposed air quality monitoring station is to be located, is on parkland, the Park Land Protection and Use Policy requires new agreements or renewal of agreements within our parkland follow the following procedure:

- Step 1: Application to renew submitted to City staff
- Step 2: Proposal brought forward to Open Council meeting
- Step 3: Circulation of application to City departments and Parks & Recreation Advisory Committee
- Step 4: City staff conduct License Review to confirm conditions of license met and license in good standing
- Step 5: City staff review finding with Parks & Recreation Advisory Committee
- Step 6: Parks & Recreation Advisory Committee review application and feedback from staff
- Step 7: Parks & Recreation Advisory Committee would then make a recommendation to Council to approve or deny the renewal

If directed by Council, staff will present a report to the Parks & Recreation Advisory Committee at their next available meeting, and then will provide Council with the Committee's recommendation, at the next available Council meeting.

Council does have the discretion to consider the criteria of the Park Land Protection and Use Policy and to provide staff with alternative direction, including the option to waive the policy and direct staff to enter into a five (5) year License to Use Agreement with the Ministry of Environment and Climate Change Strategy, without moving the LTU through the Committee process.

Analysis

As outlined in the ENV proposal, Attachment B, Penticton is one of the only communities of comparable size without a dedicated long-term air quality monitoring station and a locally generated AQHI value. Demand for local, accurate, real-time air quality in Penticton and the South Okanagan is evident from the large number of public and media inquiries received during wildfire events in recent years, including from the City's own EOC and Health and Safety staff.

Given that this proposal provides ENV the opportunity to provide our staff, residents and visitors with local, accurate and real-time air quality values, staff are supportive of entering into the LTU with ENV.

Alternate recommendations

THAT Council direct staff to enter into a five (5) year License to Use Agreement with the Ministry of Environment and Climate Change Strategy.

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

Attachments

Attachment A – Proposed Site Location

Attachment B – Air Quality Monitoring Proposal

Respectfully submitted,

Sheri Raposo
Land Administrator

Concurrence

General Manager, Infrastructure <i>KD</i>	Director, Community Services <i>KJ</i>	Director, Finance & Administration <i>AMC</i>	City Manager <i>SBH</i>
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The air quality monitoring station will be located within the red highlighted area.



Proposal for Long-Term Air Quality Monitoring in Penticton

Overview

The B.C. Ministry of Environment and Climate Change Strategy (ENV) is seeking approval to install a long-term air quality monitoring station on city land in Penticton.

The proposed station would provide real-time measurements of fine particulate matter (PM_{2.5}), nitrogen dioxide (NO₂) and ground-level ozone (O₃) and would allow the reporting of local Air Quality Health Index (AQHI) values for Penticton and the wider South Okanagan region. The AQHI is a tool that is designed to help citizens to make decisions to protect their health by limiting exposure and adjusting activity levels during periods with increased levels of air pollution. In recent years, wildfire smoke has been a major contributor to air pollution in communities throughout the province.

ENV seeks the support of Penticton City Council to establish a long-term air quality monitoring station on city land adjacent to École Entre-Lacs and the Penticton Creek Pathway.

Rationale

Penticton is one of the only communities of comparable size in B.C. without a dedicated long-term air quality monitoring station and a locally generated AQHI value. ENV currently operates a temporary PM_{2.5} monitoring instrument at the provincial office on Industrial Avenue. Demand for local, accurate, real-time air quality in Penticton and the South Okanagan is evident from the large number of public and media inquiries received during wildfire events in the past few years.

ENV has capital and operational funding set aside for the establishment of the station and requires a local partner that is willing to host the necessary equipment on a suitable site. Site selection requires consideration and balancing of relevant technical and logistical factors. Siting requirements include the need for an open area with sufficient distance from objects that can affect the flow of air such as buildings and trees. Given the topography and urban density of Penticton, there are a limited number of suitable locations. The identified site on city land adjacent to École Entre-Lacs has a favourable balance of these factors and we hope that the City of Penticton will be willing to enter into a partnership to provide air quality data to your residents.

Specifications

The proposed monitoring station approximate location is shown in orange in the map below:

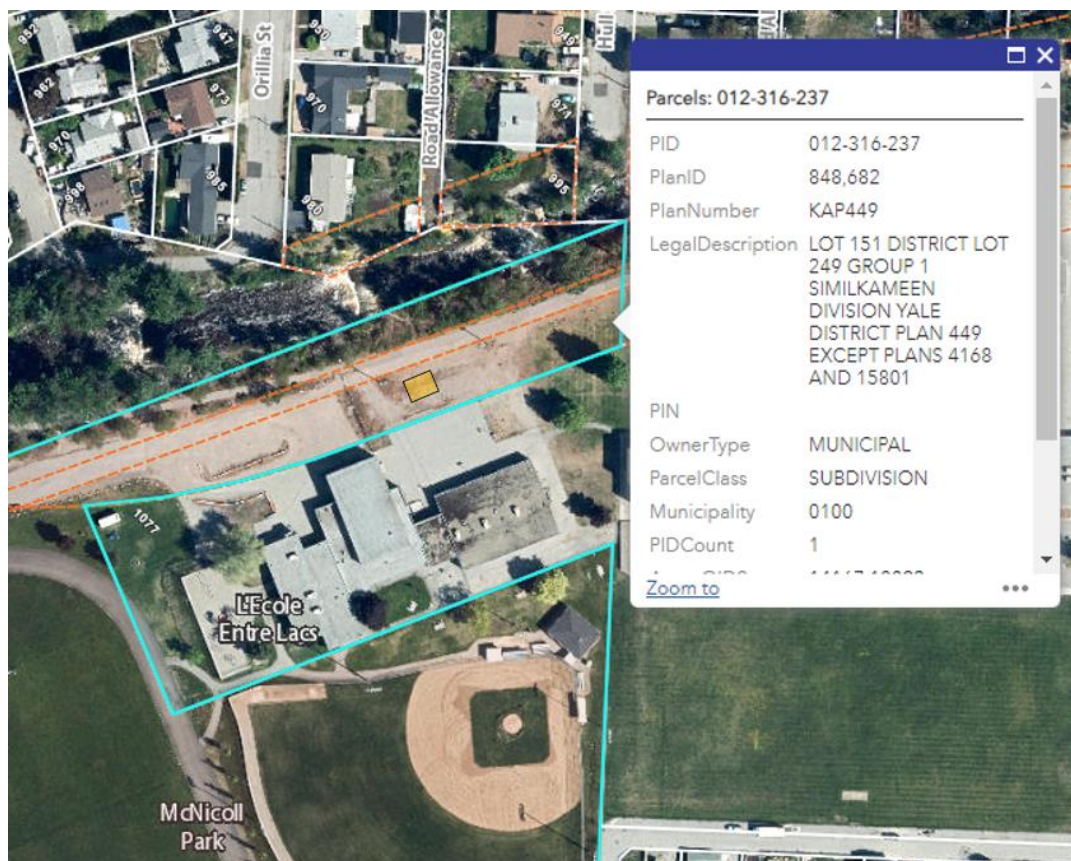


Figure 1 GIS Screenshot of Proposed Air Quality Monitoring Location Adjacent to École Entre-Lacs in Pentiction

The site footprint would be approximately 21' x 25' , fully within Parcel ID 012-316-237.

The installation would consist of the following equipment:

- 9' x 13' x 9' off-white steel shelter fitted with an exterior ladder and steel roof railings
- 10 metre self-supporting tower used for meteorological monitoring
- HVAC (heating, ventilating and air conditioning) unit
- 8' security fencing encompassing the shelter (1 ¼" chainlink) with maximum 6' clearance from each side of the shelter
- Interlocking road crush foundation with geo-fabric and retaining border to the fence
- In ground electric shielded cable or other appropriate connection, and grounding plates

The interior of the shelter will house continuous air quality monitoring equipment, a data logger, cellular modem, router, conduit and wire, as well as equipment and supplies necessary for the maintenance of the station.

Pictures of the proposed site, the shelter designated for this project and the proposed site as well as pictures of similar installations in other communities are shown on the next three pages.

Photo 1 Ground view of proposed site of air quality monitoring station adjacent to École Entre-Lacs



Photo 2 Air quality monitoring shelter designated for Penticton



Photo 3 Kelowna KLO Road air quality monitoring station, with security fence



Photo 4 Smithers Muheim Memorial School air quality monitoring station, with security fence



Photo 5 Quesnel Johnston Avenue air quality monitoring station, without security fence



Additional Details

ENV's regional air quality technician is based in Kamloops and would be visiting the station on a regular basis (at least monthly) to perform maintenance on equipment. ENV's Air Audit Team would also be visiting the station twice per year to conduct independent audits. Site access will generally be during regular business hours, unless there are urgent maintenance issues requiring intervention.

Data collected at the site will be uploaded hourly to the provincial database and available publicly through the gov.bc.ca/airquality portal. The data will support AQHI reporting for the South Okanagan, issuing of Air Quality Advisories and Smoky Skies Bulletins, as well as analysis and interpretation of long-term trends in air pollution.

Since the proposed location is within a park, ENV would be supportive of measures to make the site more attractive and/or informative to the general public, such as signage or a wrap.

ENV air quality monitoring and stewardship staff will support outreach efforts in the community such as educating the public about the station, providing tours when appropriate and working with city staff to help interpret the data collected.

Proposed Next Steps

With the City of Penticton's support, the proposed next steps for this project will be:

City of Penticton

- Obtaining approvals from Council and the Parks and Recreation Committee. The land parcel is zoned P2 Parks and Recreation.

ENV

- Preparing a draft Land Use Agreement for signature by both parties. A draft 10-year agreement using our standard language is attached to this proposal.
- Consulting with the City of Penticton Utilities Department to determine the process and requirements for establishing electrical service to the station.
- Preparing a Request for Proposals for contractors to complete the installation work.

Contact:

Chris Doughty, Head, Air Quality Monitoring Unit
B.C. Ministry of Environment and Climate Change Strategy
chris.doughty@gov.bc.ca
(236) 468-2290



Council Report

penticton.ca

Date: April 16, 2024 File No: 0550-02
To: Anthony Haddad, City Manager
From: Draydan Power, Manager of Energy & Environment
Subject: **Application for Campbell Mountain Statutory Right of Way**

Staff Recommendation

THAT Council direct staff to submit the application for a powerline Statutory Right of Way on Campbell Mountain to FrontCounter BC.

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

The City operates a powerline that services telecommunications equipment for multiple parties, including TELUS, at the top of Campbell Mountain. The line was constructed around 1943 to supply service to a Department of Transport, Air Services Branch remote control station. A Statutory Right of Way was registered at the time of installation in the name of the Department of Transport. In 2019, a review was undertaken of the powerline location, where it was deemed necessary to obtain a Statutory Right of Way registered by the City to continue operations of the powerline.

On February 19, 2019, Council directed staff to submit an application for amending an existing easement area on crown land at the top of Campbell Mountain. Upon provincial review, the City received direction to submit a new application that includes the top of Campbell Mountain, as well as the original Department of Transport Statutory Right of Way traversing up the mountain.

Staff have worked through the pre-application details with the Province and are now in a position to submit the new application. Due to Provincial policy regarding these applications, a Council resolution is required for the application.

Financial implication

The Statutory Right of Way will require a survey of the land and an environmental assessment by a consultant who is deemed a Qualified Environmental Professional (QEP). The survey is expected to cost

approximately \$10,000 and the QEP consulting costs are estimated to be approximately \$5,000. These charges will be funded by existing Electric capital budgets.

Climate Impact

There is no impact to seeking the right of way, as the line already exists.

Analysis

A Statutory Right of Way is required to maintain the powerline servicing the customers at the top of Campbell Mountain.

Alternate recommendations

N/A

Attachments

Attachment A – Right of Way Area

Respectfully submitted,

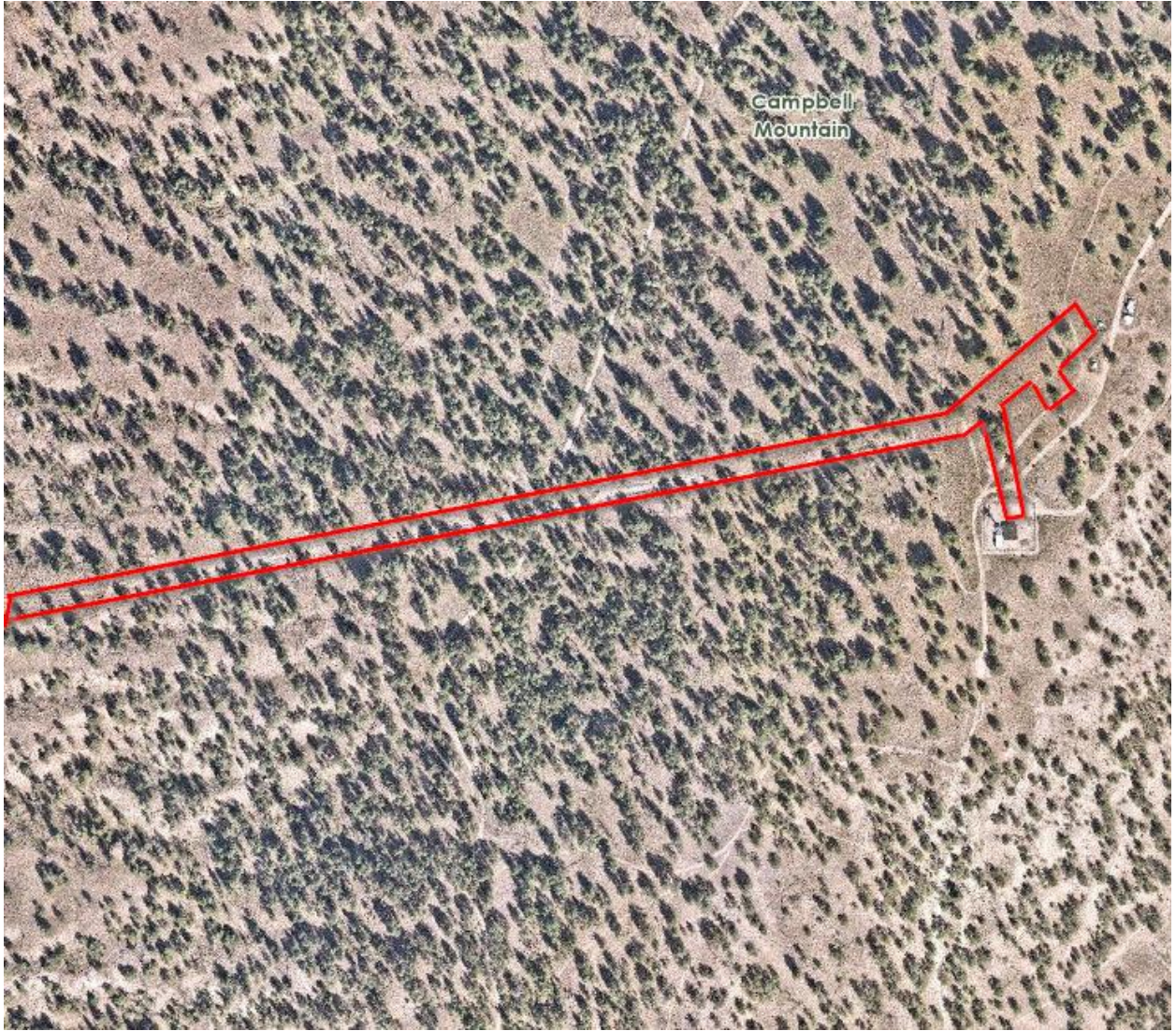
Draydan Power, P.Eng.

Manager of Energy & Environment

Concurrence

Director, Community Services <i>KJ</i>	Director of Finance and Administration <i>AMC</i>	General Manager, Infrastructure <i>KD</i>	City Manager <i>SPH</i>
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Attachment A





Council Report

penticton.ca

Date: April 16, 2024
To: Anthony Haddad, City Manager
From: Amber Coates, Financial Analyst
Subject: **Tax Rates Bylaw No. 2024-15**

File No: 1970-02

Staff Recommendation

THAT Council give first, second and third reading to "Tax Rates Bylaw No. 2024-15", a bylaw that establishes property taxation rates for the 2024 tax year.

Strategic priority objective

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

Background

Pursuant to Section 197 of the *Community Charter*, annual property tax rates must be adopted by Bylaw prior to May 15. The property tax rates are prepared after the adoption of the City's Financial Plan. For the 2024 tax year, Council passed Resolution 469/2023 approving a 5.31% General Municipal levy increase net of non-market changes and proceeded to adopt the 2024-2028 Financial Plan on December 14, 2023.

BC Assessment is a provincial Crown Corporation that classifies and values all real estate in BC. Each year, they send Property Assessment Notices to property owners. These notices convey the fair market value of the property as of July 1 of the previous year. An assessment is an annual evaluation of a property's market value, classification, and any relevant exemptions. These initial assessments, known as the "Completed Roll", are mailed to property owners and municipalities in early January.

Property owners have until January 31 to appeal their assessments. BC Assessment reviews all appeals and issues an updated "Revised Roll" at the end of March. The city calculates Municipal Tax Rates using the general purposes Revised Roll taxable values.

In 2018, Council passed Resolution 159/2018 approving the City of Penticton Property Taxation Distribution Policy (Attachment C). The policy adopts the revenue neutral approach for property tax rate setting for the General Municipal Levy (Attachment B). This approach means that the starting point for tax rate setting is to have each property class pay the same dollar amount in taxes as they did the previous year, plus the overall

increase for the year (5.31% in 2024). The tax rates that result from this starting point are the revenue neutral rates.

Rates for the Regional District Okanagan-Similkameen (RDOS) and the Okanagan-Similkameen Regional Hospital District (OSRHD) are set with the City of Penticton Tax Rate Bylaw. RDOS and OSRHD remit an annual levy requisition to the City and rates are calculated using provincial ratios and the hospital purposes taxable assessment base from the Revised Roll (Attachment D). Programs funded through the RDOS levy include:

- General Government
- Invasive Species, Destruction of Pests, and Environmental Conservation
- Illegal Dumping and Solid Waste Management Plan
- Regional Trails, Regional Growth Strategy, and Heritage – Sub Regional
- Regional Transit and Economic Development
- Okanagan Basin Water Board
- Nuisance Control
- Emergency Planning
- Sterile Insect Release Program
- 911 Emergency Call System and Mosquito Control Program

Rates for the Downtown Penticton Business Improvement Association (DPBIA) are set with the City of Penticton Tax Rate bylaw as well. The 2024 DPBIA requisition amount is outlined in the Downtown Business Improvement Area Bylaw No. 2022-09 (Attachment E) for the 2022-2026 taxation years and is applicable to Class 5 & 6 properties in the designated downtown area.

The City also collects on behalf of BC Assessment, the Municipal Finance Authority, and School District 67. These do not require rates set by City bylaw as these taxing authorities set their rates through their own Bylaws, Resolutions, and Orders in Council.

Monies collected on behalf of these agencies are in turn remitted back to the taxing authorities annually.

Analysis

Change in Due Date:

Bill 3 was given Royal assent on March 9, 2023 and will require that 60 days' notice of tax sale be provided to any property entering delinquent status (3 years of unpaid property taxes) once it is incorporated to section 647.1 of the *Local Government Act*. In order to accommodate this notice period and the new legislation coming into force, the City can no longer utilize the alternative municipal collection scheme with a July 31st due date and needs to revert to the general tax collection scheme as outlined in section 234 of the *Community Charter*, which indicates a due date of July 2nd.

Non-Market Change:

The 2024 Revised Assessment Roll has been received from BC Assessment which contains decisions made by the Property Assessment Review Panel (PARP) as a result of assessment notice appeals, and any other

corrections to the roll deemed necessary by BC Assessment. The Revised Roll captures both market and non-market changes. The Revised Roll indicates that of the total increase in assessment for 2024, an estimated 1.04%, or \$126,977,015, is the result of non-market change. Non-market change is generally defined as new construction or demolitions.

2024 Summary of Non-Market Change

2024 NMC *Revised Roll	2024 NMC Assessment Distribution	Related Assessments	NMC New Revenue (Realized)
01 – Residential	94.44%	\$119,919,100	\$384,441
02 – Utilities	0.12%	\$153,900	\$6,156
03 - Supportive Housing	0.00%	\$0	\$0
05 - Light Industry	-0.85%	-\$1,078,200	-\$5,110
06 - Business & Other	6.99%	\$8,880,781	\$54,661
08 - Rec/Non Profit	-0.70%	-\$885,000	-\$3,833
09 – Farm	-0.01%	-\$13,566	-\$220
Total	100.00%	\$126,977,015	\$436,095

The Revenue Neutral Approach to Rate Setting & the Business Tax Multiplier (BTM):

The revenue neutral approach outlined in the City of Penticton Property Taxation Distribution Policy (Attachment C) is useful in maintaining fairness between property classes during market valuation volatility. The BTM is the ratio of the rate that businesses are charged in comparison to the residential rate. When setting a specific BTM, Council is able to shift the distribution of taxes between residential and commercial so that increases are not experienced equally, but instead in an intentional manner to achieve a purpose. When using the revenue neutral approach, the BTM is allowed to shift naturally with the changes in property class valuations in order to maintain the same general increase across classes.

The table below shows an illustration of how the multiplier shifts prior to any taxation increases when assessments shift from one year to the next:

Table 1 – Example of Revenue Neutral Multiplier Shift

Year 1	Assessment	Tax Rate	Taxes	Multiplier
Residential	\$600,000	\$5.00/\$1,000	\$3,000	1.00
Commercial	\$1,000,000	\$10.00/\$1,000	<u>\$10,000</u>	2.00
			\$13,000	
Year 2				
Residential	\$630,000	\$4.76/\$1,000	\$3,000	1.00
Commercial	\$1,100,000	\$9.14/\$1,000	<u>\$10,000</u>	1.92
			\$13,000	

As the residential assessment increased 5% and commercial increased 10%, the multiplier naturally shifted to 1.92 in order to maintain the rates and collect the same amount of revenues from each property class, the change is seen in the tax rate which adjusts to collect the correct revenue with the new assessed values.

Using that same example, if the multiplier was changed in the second year, additional burden would be shifted to commercial. Before applying any annual increase, applying a BTM of 2.00 would decrease taxes by 3.50% for the residential property and increase commercial by 1.05%.

Table 2 – Example of Multiplier Shift to 2.00

Year 2	Assessment	Tax Rate	Taxes	Tax Change	Multiplier
Residential	\$630,000	\$4.60/\$1,000	\$2,895	(3.50%)	1.00
Commercial	\$1,100,000	\$9.20/\$1,000	\$10,105	1.05%	2.00
			\$13,000		

Applying the revenue neutral approach in setting the 2024 rates results in a BTM of 1.92 and an increase for the typical properties in each assessment class of the same 5.31%.

The reduced BTM in 2024 is the result of significant market valuation shifts between the residential and business class properties in the 2024 assessment roll. For residential properties, the market flattened over the course of 2023 with sales in Q3 and Q4 showing slight decreases. This is unlike properties that sold in class 05 and class 06 where the market continued to show an increase in purchase price and therefore increase in assessment year over year. Because of the limited availability of commercial and industrial properties the market continued to respond positively. With interest rates holding steady, BC Assessment is watching the impact this will have on these asset classes moving forward.

Additionally, as a measure to mitigate the general tax increase, in the 2024 budget development the property class for Utilities was set to its maximum rate of 40.0000 in order to generate approximately \$200k of new revenues. This property class includes properties used for telecommunications, gas distribution systems, and electrical power systems.

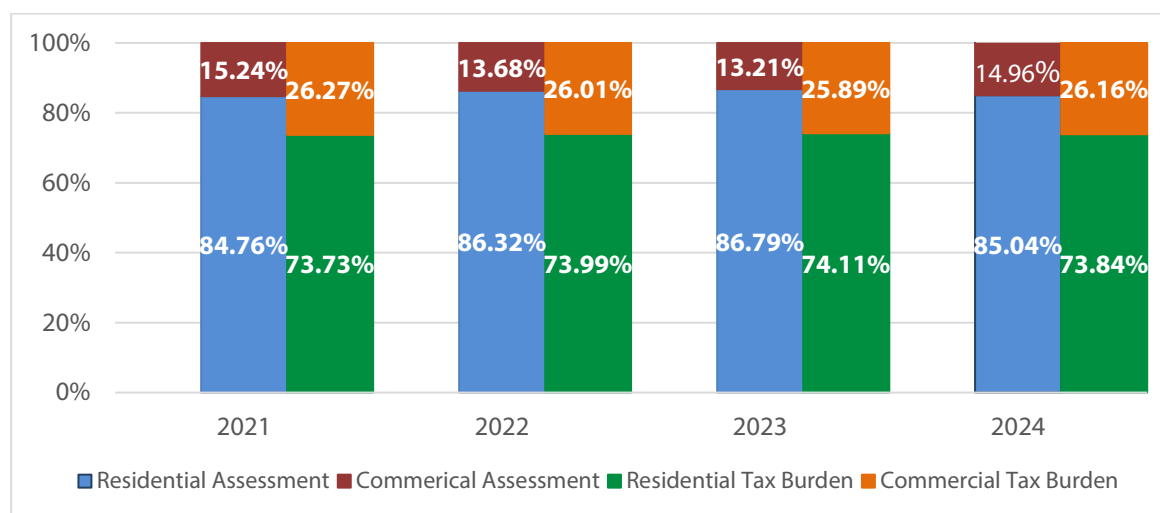
A summary of the overall impact of the revenue neutral tax rate development with the subsequent application of the maximum allowable rate for the Utilities property class is outlined in the table below.

2024 Summary of Assessments, Tax Burdens, Multipliers & Increases

Property Class	2024 General Municipal Revised Assessment Roll	2024 Taxable Assessment Distribution	2024 Property Tax Burden	2024 Multipliers	2024 % Increase
1 Residential	\$10,494,254,303	85.04%	73.84%	1.00	5.31%
2 Utilities	\$24,465,264	0.20%	2.15%	12.48	47.97%
3 Supportive Housing	\$10	0.00%	0.00%	1.00	0.00%
5 Light Industry	\$207,723,400	1.68%	2.16%	1.48	5.31%
6 Business & Other	\$1,599,528,540	12.96%	21.61%	1.92	5.31%
8 Recreation/Non Profit	\$10,004,100	0.08%	0.10%	1.35	5.31%
9 Farm	\$4,334,695	0.04%	0.15%	5.06	5.31%
Total:	\$12,340,310,312				

As the residential assessment distribution has decreased from the previous year so does the relative portion of taxes that the residential taxpayers bear. During 2021-2023, residential assessments accounted for more of Penticton’s assessed values, and as a result, the residential tax burden, was increasing respectively. In 2024 the residential portion decreased bring is closer to 2021 values; this is displayed comparatively in the graph below.

Comparison Municipal Assessment versus Tax Burden



Business Properties:

The typical Business property is summarized in the following table:

Typical Business Property	2023	2024	% Change	\$ Change
<i>Taxable Assessment</i>	\$1,171,119.66	\$1,333,317	13.85%	\$162,198
General Municipal	\$7,793	\$8,207	5.31%	\$414
<i>Taxes for Other Governments</i>				
RDOS - General	\$455	\$458	0.69%	\$3
RDOS - SIR	\$113	\$105	-7.42%	-\$8
RDOS - 911 & Mosquito	\$181	\$222	22.68%	\$41
Regional Hospital	\$654	\$600	-8.31%	-\$54
BCA	\$142	\$128	-9.40%	-\$13
MFA	\$0.68	\$0.67	-2.54%	\$0
SD67 - School	\$4,815	\$4,520	-6.14%	-\$295
Overall Change:	\$14,154	\$14,240		\$86

Residential Properties:

Data collected by the Province of BC allows us to compare Total Taxes and Charges for typical residential properties throughout the province. These numbers include charges for municipal taxes, taxes for other governments, parcel taxes, and charges for city services, etc., and therefore provide a reasonably holistic

overview of the cost to residential properties. The below table shows how Penticton compares to neighboring communities in the valley.

Municipality	2023 Total Residential Taxes & Charges
West Kelowna	\$6,305
Kelowna	\$5,461
Summerland	\$5,308
Penticton	\$4,951
Vernon	\$4,682

The typical Residential property is summarized in the following table:

Typical Residential Property	2023	2024	% Change	\$ Change
<i>Taxable Assessment</i>	\$669,290	\$658,981	-1.54%	-\$10,309
General Municipal	\$2,006	\$2,113	5.31%	\$106
<i>Taxes for Other Governments</i>				
RDOS - General	\$82	\$92	12.63%	\$10
RDOS - SIR	\$20	\$21	3.56%	\$1
RDOS - 911 & Mosquito	\$33	\$45	37.23%	\$12
Regional Hospital	\$118	\$121	2.57%	\$3
BCA	\$21	\$23	8.40%	\$2
MFA	\$0.12	\$0.13	9.02%	\$0
SD67 - School	\$810	\$877	8.22%	\$67
Overall Change:	\$3,091	\$3,292		\$201

The taxable assessed value for 2024 typical properties is calculated by removing the 2024 non-market change for new properties and comparing only the value of properties that existed both in 2023 and 2024 with no significant changes (for example, building a new garage). This approach provides the closest true comparison available for a property owner year over year. Detailed information regarding this calculation for all property classes under both options is available towards the end of Attachment B, General Municipal Levy Calculations for each iteration.

Home Owner Grants & Property Tax Deferments

In 2021, an important procedural change happened for homeowners whereby the Province centralized the Home Owner Grant program and municipalities were no longer able to accept Home Owner Grant Applications. The Province has maintained this centralization and homeowners must continue to apply directly to the Province either online or by phone. It is still very important that home owners claim their grant by the City of Penticton’s property tax due date each year in order to receive the credit against their account before penalties are applied.

A similar centralization took place in 2020 for the provincial Property Tax Deferment program. Tax deferment is a low-interest loan program from the Government of B.C. that helps qualified homeowners pay their annual property taxes on their principal residence. To apply or to renew a property tax deferment program application, the home owners will continue to work directly with the Province either online or by phone.

Attachments

Attachment A – Tax Rate Bylaw No. 2024-15

Attachment B – General Municipal Levy Calculations

Attachment C - City of Penticton Property Taxation Distribution Policy

Attachment D - Regional District Okanagan-Similkameen (RDOS) and the Okanagan-Similkameen Regional Hospital District (OSRHD) 2024 Requisition

Attachment E - Downtown Business Improvement Area Bylaw No. 2022-09

Respectfully submitted,

Amber Coates

Financial Analyst

Concurrence

Director of Finance & Administration <i>AMC</i>	City Manager <i>SBH</i>
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The Corporation of the City of Penticton

Bylaw No. 2024-15

A Bylaw for the levying of property tax rates for the year 2024

WHEREAS pursuant to the *Community Charter*, Council is empowered to impose property value taxes by establishing tax rates within the City of Penticton;

AND WHEREAS it is deemed expedient to establish tax rates for the municipal revenue proposed to be raised from property value taxes and the amounts to be collected by means of rates established to meet the City's taxing obligation in relation to another local government or other public body;

NOW THEREFORE the Council of The Corporation of the City of Penticton in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Tax Rates Bylaw No. 2024-15".

2. 2024 Tax Rates:

The following rates are hereby imposed and levied for the year 2024.

- 2.1 For lawful general purposes of the municipality on the value of land and improvements taxable for general Municipal purposes, rates appearing on Column "A" of the Schedule 'A' attached hereto and forming part hereof;
- 2.2 For hospital purposes on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "B" of the Schedule 'A' attached hereto and forming a part hereof;
- 2.3 For purposes of the Regional District of Okanagan-Similkameen on the value of land and improvements taxable for Regional Hospital District purposes, rates appearing in Column "C" of the Schedule 'A' attached hereto and forming a part hereof;
- 2.4 For purposes of the Regional District of Okanagan-Similkameen 9-1-1 Emergency Telephone Service and Mosquito Control, on the assessed value of improvements taxable for Regional Hospital District purposes, rates appearing in Column "D" of the Schedule 'A' attached and forming a part thereof;
- 2.5 For purposes of Regional District of Okanagan-Similkameen Sterile Insect Release Program, on the assessed value of land taxable for Regional Hospital District purposes, rates appearing in Column "E" of the Schedule 'A' attached and forming a part hereof.
- 2.6 For purposes of Downtown Penticton Business Improvement Area Class 5 & 6 properties, on the assessed value of land and improvements taxable for general Municipal purposes, rates appearing in Column "F" of the Schedule 'A' attached and forming a part hereof.

3. Penalties:

3.1 The Collector must add to the unpaid balance of the current year’s taxes, in respect of each parcel of land and the improvements as shown on the tax roll, a penalty of ten (10) percent to be applied in relation to payments made after the tax due date of July 2, 2024.

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

Julius Bloomfield, Mayor

Angie Collison, Corporate Officer

The Corporation of The City of Penticton

Schedule 'A'

Tax Rates (dollars of tax per \$1,000 taxable assessment)

2024	A	B	C	D	E	F
Property Class	General Municipal	Regional Hospital District	RDOS	RDOS 911 Emergency Telephone Service & Mosquito Control	RDOS Sterile Insect Release Program	Downtown Penticton Business Improvement Area for Class 5 & 6
1 Residential	3.2058	0.1836	0.1403	0.0678	0.0321	0.0000
2 Utilities	40.0000	0.6428	0.4910	0.2373	0.1125	0.0000
3 Supportive Housing	3.2058	0.1836	0.1403	0.0678	0.0321	0.0000
4 Major Industry	4.7394	0.6244	0.4770	0.2305	0.1092	0.0000
5 Light Industry	4.7394	0.6244	0.4770	0.2305	0.1092	0.9972
6 Business & Other	6.1550	0.4499	0.3437	0.1661	0.0787	0.9972
7 Managed Forest Land	6.1550	0.5509	0.4208	0.2034	0.0964	0.0000
8 Recreation/Non-Profit	4.3310	0.1836	0.1403	0.0678	0.0321	0.0000
9 Farm	16.2183	0.1836	0.1403	0.0678	0.0321	0.0000

2024 NET TAXABLE *Revised Roll	2024 Assessment Distribution	Land	Improvements	Total
01 - Residential	85.04%	\$5,037,386,014	\$5,456,868,289	\$10,494,254,303
02 - Utilities	0.20%	\$12,649,864	\$11,815,400	\$24,465,264
03 - Supportive Housing	0.00%	\$5	\$5	\$10
04 - Major Industry	0.00%	\$0	\$0	\$0
05 - Light Industry	1.68%	\$106,308,000	\$101,415,400	\$207,723,400
06 - Business & Other	12.96%	\$951,847,311	\$647,681,229	\$1,599,528,540
07 - Managed Forest	0.00%	\$0	\$0	\$0
08 - Rec/Non Profit	0.08%	\$10,001,900	\$2,200	\$10,004,100
09 - Farm	0.04%	\$4,334,695	\$0	\$4,334,695
Total	100.00%	\$6,122,527,789	\$6,217,782,523	\$12,340,310,312

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2024 NMC *Revised Roll	2024 NMC Assessment Distribution	Land	Improvements	Total	NMC New Revenue (Realized)
01 - Residential	94.44%	\$17,583,300	\$102,335,800	\$119,919,100	\$384,441
02 - Utilities	0.12%	\$0	\$153,900	\$153,900	\$6,156
03 - Supportive Housing	0.00%	\$0	\$0	\$0	\$0
04 - Major Industry	0.00%	\$0	\$0	\$0	\$0
05 - Light Industry	-0.85%	\$2,436,800	-\$3,515,000	-\$1,078,200	-\$5,110
06 - Business & Other	6.99%	-\$3,113,519	\$11,994,300	\$8,880,781	\$54,661
07 - Managed Forest	0.00%	\$0	\$0	\$0	\$0
08 - Rec/Non Profit	-0.70%	-\$885,000	\$0	-\$885,000	-\$3,833
09 - Farm	-0.01%	-\$13,566	\$0	-\$13,566	-\$220
Total	100.00%	\$16,008,015	\$110,969,000	\$126,977,015	\$436,095

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(\$600,000)

NMC Budget	\$400,000
Difference	\$36,095

Bylaw No. 2023-13

Property Class	Prior Year Revised Roll	Current Year Revised Roll (Net of NMC)	Prior Year Tax Rates	Prior Year Tax Levy	Current Year Revenue Neutral Rates	Revenue Neutral Ratios
01 - Residential	\$10,536,631,114	\$10,374,335,203	2.9973	\$31,581,444	3.0442	1.00
02 - Utilities	\$21,803,456	\$24,311,364	30.1410	\$657,178	27.0317	8.88
03 - Supportive Housing	\$10	\$10	2.9973	\$0	3.0442	1.00
04 - Major Industry	\$0	\$0	5.5810	\$0	4.5004	1.48
05 - Light Industry	\$168,374,400	\$208,801,600	5.5810	\$939,698	4.5004	1.48
06 - Business & Other	\$1,397,145,751	\$1,590,647,759	6.6541	\$9,296,748	5.8446	1.92
07 - Managed Forest	\$0	\$0	6.6541	\$0	5.8446	1.92
08 - Rec/Non Profit	\$10,894,200	\$10,889,100	4.1107	\$44,783	4.1126	1.35
09 - Farm	\$4,312,714	\$4,348,261	15.5275	\$66,966	15.4006	5.06
Total	\$12,139,161,645	\$12,213,333,297		\$42,586,816		

171.19% NMC as a % of total increase in 2024 assessment values

Current Year Tax Increase Adjusted for Class 2 Max Rate Increase	5.31%
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Property Class	Current Year Revised Roll (Net of NMC)	Prior Year Tax Levy plus Budget Increase	Current Year Rates	Current Year Ratios	Current Year Revised Roll	Current Year Tax Levy
01 - Residential	\$10,374,335,203	\$33,258,419	3.2058	1.00	\$10,494,254,303	\$33,642,860
02 - Utilities	\$24,311,364	\$692,074	40.0000	12.48	\$24,465,264	\$978,611
03 - Supportive Housing	\$10	\$0	3.2058	1.00	\$10	\$0
04 - Major Industry	\$0	\$0	4.7394	1.48	\$0	\$0
05 - Light Industry	\$208,801,600	\$989,595	4.7394	1.48	\$207,723,400	\$984,485
06 - Business & Other	\$1,590,647,759	\$9,790,405	6.1550	1.92	\$1,599,528,540	\$9,845,066
07 - Managed Forest	\$0	\$0	6.1550	1.92	\$0	\$0
08 - Rec/Non Profit	\$10,889,100	\$47,161	4.3310	1.35	\$10,004,100	\$43,328
09 - Farm	\$4,348,261	\$70,522	16.2183	5.06	\$4,334,695	\$70,302
Total	\$12,213,333,297	\$44,848,176	88.7498		\$12,340,310,312	\$45,564,651

Tax Burden	Assessment Distribution	Tax Burden
73.84%	85.04%	73.84%
		2.15%
		0.00%
		0.00%
		2.16%
26.16%	14.96%	21.61%
		0.00%
		0.10%
		0.15%
100.00%	100.00%	100.00%

Schedule B Budget	\$45,422,780
Difference	\$141,871

Bylaw No. 2023-41

Prior Year Occurrences	Prior Year Average Assessment	Prior Year Typical General Municipal Tax	Current Year Typical Assessment (Net of NMC)	Current Year Typical General Municipal Tax	Current Year Typical Increase (%)	Current Year Typical Increase (\$)
15,743	\$669,290	\$2,006	\$658,991	\$2,113	5.31%	\$106
40	\$545,086	\$16,429	\$607,784	\$24,311	47.97%	\$7,882
12	\$1	\$0	\$1	\$0	0.00%	\$0
0	\$0	\$0	\$0	\$0	0.00%	\$0
97	\$1,735,819	\$9,688	\$2,152,594	\$10,202	5.31%	\$514
1,193	\$1,171,120	\$7,793	\$1,333,317	\$8,207	5.31%	\$414
0	\$0	\$0	\$0	\$0	0.00%	\$0
153	\$71,204	\$293	\$71,171	\$308	5.31%	\$16
255	\$16,913	\$263	\$17,052	\$277	5.31%	\$14

Property Class
01 - Residential
02 - Utilities
03 - Supportive Housing
04 - Major Industry
05 - Light Industry
06 - Business & Other
07 - Managed Forest
08 - Rec/Non Profit
09 - Farm

Current Year Occurrences	Current Year Average Assessment (incl NMC)	Current Year Average General Municipal Tax	Current Year Average Increase	Property Class
15,792	\$664,530	\$2,130	6.20%	01 - Residential
39	\$627,314	\$25,093	52.73%	02 - Utilities
13	\$1	\$0	0.00%	03 - Supportive Housing
0	\$0	\$0	0.00%	04 - Major Industry
96	\$2,163,785	\$10,255	5.86%	05 - Light Industry
1,189	\$1,345,272	\$8,280	6.25%	06 - Business & Other
153	\$0	\$0	0.00%	07 - Managed Forest
260	\$38,477	\$167	-43.07%	08 - Rec/Non Profit
15	\$288,980	\$4,687	1684.68%	09 - Farm

Approval date: April 17, 2018

Resolution No.: 159/2018

Subject: Property Taxation Distribution Policy

1.0 Goal

The goal is to establish a fair, transparent, stable and equitable distribution of property tax among all classes of taxable property.

2.0 Scope

The City collects property taxation across the nine property classes as a means to generate the majority of its revenue to fund City operations. When the property tax requirement is approved in the financial planning process, it is necessary to determine an appropriate distribution amongst all property classes.

The City intends to ensure tax ratios are within acceptable parameters in comparison to other British Columbia municipalities and will be reviewed as a basis to striking the equitable distribution of property taxation.

3.0 Background

It is important to attract and retain businesses in the City to achieve economic vitality. This is accomplished through creating a competitive business climate and maintaining competitive and stable property taxes for business. At the same time, the residential property class provides the largest proportion of taxation revenue and affordability remains a key component to encourage growth of the residential sector. Striking the appropriate distribution of property taxes across the various classes is critical to achieve a positive business climate and residential affordability.

Municipalities can use different approaches for distribution of taxes across property classes:

3.1 The **tax burden approach** is used to maintain a percentage share of property taxes collected from each of the property classes consistent from year to year. This model creates fairness in times when there is little growth or change in assessment values.

3.2 The **tax ratio approach** is used to set a ratio for each class. In times of growth and increase in assessment value to hold the ratio, rates must be adjusted for changing classes resulting in a shift in tax burden and amount of taxes paid for these classes.

3.3 **The revenue neutral approach** is used to maintain the same level of revenue in each class before considering non-market change. This approach prevents against shifts in the tax burden between classes and also ensures any tax increases will be consistent across classes.

4.0 Policy

The City of Penticton will follow the **revenue neutral approach** in property tax rate setting. This approach is most equitable and stable for all property classes, especially in times of growth and changing assessment.

This ensures each property class pays the same dollar amount in taxes as they did the previous year, prior to any Council approved tax revenue changes or changes to the physical property. This approach will ensure Council has the ability to better control the effect tax decisions have on property owners and will make it easier and more transparent to estimate what taxes will be collected on individual properties. This approach is more understandable for the public and taxpayers can more easily verify that they are being billed correctly. It is consistent to owners of all classes of property.

The following actions will be taken each year when determining the current year rates:

4.1 Tax ratios will be determined by the market forces as assessment value changes will differ between classes. The current year rates for each class will be adjusted so that the dollars for each class remain the same as the prior year not including non-market change. Non-market change is regarded as new revenue, not previously generating tax revenue.

4.2 General Municipal tax changes as determined through the City's annual operating budget process will be applied as the same percentage change to each class.

4.3 Tax ratios will be reviewed annually to ensure the City of Penticton's ratio for any class does not exceed the provincial nor regional comparator averages from the previous year for that class. In the event a ratio exceeds the provincial or regional comparator average Staff will recommend an adjustment to the ratios for the impacted taxation year reducing them to the average.

5.0 Definitions

5.1 **Assessment Value** – An assessed value is the dollar value assigned to a property to measure applicable taxes. Assessed valuation determines the value of a residence for tax purposes and takes comparable home sales and inspections into consideration.

5.2 **Non-Market Change** – Changes in property value as a result of:

- new construction authorized under local building authority permit (permitted improvements)
- new construction which occurs in an area with no local building permit authority
- property class changes
- exemption changes


- new development or "size" changes to land - including subdivisions, land assemblies and consolidations (Plans Cancellations); new/expired tenures on Crown/exempt land; and
- Zoning changes (e.g. changes that increase or decrease density, use & resulting property value).

5.2 **Property Classes** – For property taxation purposes in British Columbia, the assessor assigns one or more property class to each property according to the description of these classes in a provincial regulation. There are nine classes: residential, utilities, supportive housing, major industry, light industry, business and other, managed forest land, recreational property/non-profit organization and farm.

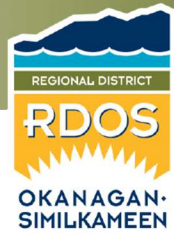
5.3 **Tax Rate** – The amount of tax that would be paid for each \$1,000 of assessed value. The tax rate may vary between property classes but must be the same for all properties within a class.

5.4 **Tax Ratio** – The residential tax rate divided into the property class tax rate.

Certified Correct:



Dana Schmidt
Corporate Officer



April 10, 2024

Ms. Angela Campbell
Chief Financial Officer
City of Penticton
171 Main Street
Penticton, B.C. V2A 5A9
chieffinancialofficer@penticton.ca

Dear Ms. Campbell:

Re: 2024 Budget Requisitions

The City of Penticton’s 2024 requisition for the Okanagan-Similkameen Regional District and the Okanagan-Similkameen Regional Hospital District is summarized below.

Included are adjustments to the 2023 requisition based on the final assessment roll for that year. These adjustments are collectable as per sections 804.2 (3) b of the Local Government Act and 25 (7) of the Hospital District Act.

Summary of Requisition:	
2024 Regional District Requisition	\$ 2,902,227
2023 RDOS Adjustment	(4,806)
2024 SIR Parcel Tax	18,384
Subtotal RDOS	\$ 2,915,805
2024 Regional Hospital District Requisition	\$ 2,834,640
2023 OSRHD Adjustment	(4,118)
Subtotal OSRHD	\$ 2,830,522
Total Due	\$ 5,746,327

Sincerely,

Jim Zaffino

Jim Zaffino, CPA, CGA
Chief Administrative Officer/CAO
Enclosures (2)



REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

2024 Budget Requisition

CITY OF PENTICTON	2024	2023	NET CHANGE
Participating Directors determine budget by weighted vote			
911 EMERGENCY CALL SYSTEM - Improvements Only	\$ 442,949	\$ 395,764	\$ 47,185
DESTRUCTION OF PESTS	2,066	(891)	2,957
EMERGENCY PLANNING	316,987	143,832	173,155
ENVIRONMENTAL CONSERVATION	223,301	220,538	2,763
GENERAL GOVERNMENT	815,107	637,700	177,407
ILLEGAL DUMPING	16,354	14,323	2,031
INVASIVE SPECIES (formerly Noxious Weeds)	36,240	26,488	9,752
MOSQUITO CONTROL	75,574	74,007	1,567
NUISANCE CONTROL	10,499	9,477	1,022
REGIONAL ECONOMIC DEVELOPMENT (Okanagan Film Comm)	16,225	14,466	1,759
REGIONAL GROWTH STRATEGY (Subregional)	23,408	20,149	3,259
REGIONAL TRAILS	163,309	172,965	(9,656)
REGIONAL TRANSIT	80,809	95,396	(14,587)
SOLID WASTE MANAGEMENT PLAN	70,865	110,007	(39,142)
Subtotal	2,293,693	1,934,221	359,472
Requisitions from Other Multi-Regional Boards			
OKANAGAN BASIN WATER BOARD	358,967	346,704	12,263
STERILE INSECT RELEASE PROGRAM - Land Only	249,567	229,781	19,786
Subtotal	608,534	576,485	32,049
TOTAL	\$ 2,902,227	\$ 2,510,706	\$ 391,521
Average Tax Rate/\$1000 (RDOS)	\$ 0.18973	\$ 0.16958	\$ 0.02015
Average Taxes per Property (RDOS)	\$ 132.47	\$ 119.29	\$ 13.18
MUNICIPAL DEBT REPAYMENT	\$ 3,733,736	\$ 3,081,056	
STERILE INSECT RELEASE PROGRAM - Parcel Tax	\$ 18,384	\$ 20,436	\$ (2,052)
REGIONAL HOSPITAL DISTRICT	\$ 2,834,640	\$ 2,572,988	\$ 261,652
	<u>Requisitions prior to 2023</u>	<u>Property Taxes</u>	<u>SIR Parcel Taxes</u>
	2022	\$2,308,502	21,637
	2021	\$2,144,602	21,156
	2020	\$2,133,719	23,216
			<u>Total</u>
			\$ 2,330,139
			\$ 2,165,758
			\$ 2,156,935

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

2023 Budget Requisition Final Roll Adjustments

	2023	2023	2023
CITY OF PENTICTON	<u>Final Roll</u>	<u>Revised Roll</u>	<u>Adjustments</u>
<u>Participating Directors determine budget by weighted vote</u>			
911 EMERGENCY CALL SYSTEM - Improvements Only	\$ 393,897	\$ 395,764	\$ (1,867)
DESTRUCTION OF PESTS	(891)	(891)	-
EMERGENCY PLANNING	143,601	143,832	(231)
ENVIRONMENTAL CONSERVATION	220,105	220,538	(433)
GENERAL GOVERNMENT	636,721	637,700	(979)
ILLEGAL DUMPING	14,302	14,323	(21)
INVASIVE SPECIES (formerly Noxious Weeds)	26,449	26,488	(39)
MOSQUITO CONTROL	73,882	74,007	(125)
NUISANCE CONTROL	9,463	9,477	(14)
REGIONAL ECONOMIC DEVELOPMENT (Okanagan Film Comm)	14,445	14,466	(21)
REGIONAL GROWTH STRATEGY (Subregional)	20,113	20,149	(36)
REGIONAL TRAILS	172,711	172,965	(254)
REGIONAL TRANSIT	95,256	95,396	(140)
SOLID WASTE MANAGEMENT PLAN	109,831	110,007	(176)
Subtotal	1,929,885	1,934,221	(4,336)
<u>Requisitions from Other Multi-Regional Boards</u>			
OKANAGAN BASIN WATER BOARD	346,109	346,704	(595)
STERILE INSECT RELEASE PROGRAM - Land Only	229,906	229,781	125
Subtotal	576,015	576,485	(470)
TOTAL	\$ 2,505,900	\$ 2,510,706	\$ (4,806)
Average Tax Rate/\$1000 (RDOS)		\$ 0.16958	
Average Taxes per Property (RDOS)		\$ 119.29	
MUNICIPAL DEBT REPAYMENT	\$ 3,081,056	\$ 3,081,056	
STERILE INSECT RELEASE PROGRAM - Parcel Tax	\$ 20,436	\$ 20,436	\$ -
REGIONAL HOSPITAL DISTRICT	\$ 2,568,870	\$ 2,572,988	\$ (4,118)

The Corporation of the City of Penticton

Bylaw No. 2022-09

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

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

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

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

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

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

1. Title:

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

2. Designation of Area:

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

3. Grant/Tax:

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

Year	Levy Amount
2022	\$303,523
2023	\$315,664
2024	\$328,290
2025	\$341,422
2026	\$355,079

The City shall pay 50% of the revenue from this tax to the Applicant on or before the first day of February and the remainder in July in each year of the grant.

4. Term:

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

5. Expenditure:

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

6. Recovery:

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

7. Conditions and Limitations:

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

8. Insurance:

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

9. Expiration Date and Renewal:

This bylaw shall come into effect May 1, 2022 and cease to have effect on the 30th day of April 2027. The applicant shall apply for a renewal to Council no later than October 31, 2026.

10. Severability:

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

READ A FIRST time this	24 day of	March, 2022
READ A SECOND time this	24 day of	March, 2022
READ A THIRD time this	24 day of	March, 2022
ADOPTED this	10 day of	May, 2022

Notice of intention to proceed with this bylaw was published on the 30 day of March, 2022 and the 6 day of April, 2022 in the Penticton newspapers, pursuant to Section 94 of the *Community Charter*.



Judy Sentes, Acting Mayor



Angie Collison, Corporate Officer

SCHEDULE "A"



SCHEDULE "B"

BUSINESS PROMOTION SCHEME

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

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

Date: April 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 468 Wade Avenue West

File No: RMS/468 Wade Ave W

Subject: **Zoning Amendment Bylaw No. 2024-16**
Development Variance Permit PL2024-9752
Development Permit PL2024-9725

Staff Recommendation

THAT Council give first, second, and third reading to “Zoning Amendment Bylaw No. 2024-16”, for Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, a bylaw to rezone the subject property from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill), and add the following site-specific provisions, within the RD3 (Residential Infill) zone, as follows:

1. “Section 10.6.4.3, In the case of Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, an apartment shall be permitted.”;
2. “Section 10.6.4.4, In the case of Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, the maximum density shall be 1.2 FAR.”;

AND THAT Council, subject to adoption “Zoning Bylaw Amendment Bylaw No. 2024-16”, consider “Development Variance Permit PL2024-9752” for Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located



Figure 1 – Property Location Map

at 468 Wade Avenue West, a permit to vary Section 10.6.2.6 of Zoning Bylaw 2023-08 to reduce the front yard from 4.5 m to 3.0 m;

AND THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2024-16”, approve “Development Permit PL2024-9725”, for Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, a permit to approve the form and character of an apartment (three dwelling units);

AND THAT Council direct staff to issue “Development Permit PL2024-9725”;

AND THAT Council require that a 2.4 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.



Figure 2 – Rendering of the proposed development

Proposal

The applicant is proposing to construct a low-rise apartment (three dwelling units) on the subject property (Figure 2). In order to proceed with the proposed development, the applicant has requested to rezone the property from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill), and requested site-specific zoning to allow an apartment and increased density to a maximum 1.2 FAR. A variance has also been requested to reduce the front yard setback from 4.5 m to 3.0 m due to required road widening of 2.4 m. Further, the applicant requires Development Permit approval for the form and character of the building, which has been included for Council’s consideration.

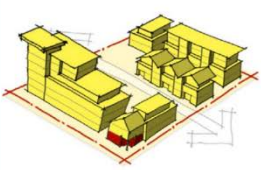
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Urban Residential 	Higher-density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame.	<ul style="list-style-type: none"> • Townhouses and stacked townhouses • Low-rise and mid-rise apartment/condo buildings 	<ul style="list-style-type: none"> • Residential • Limited Retail/Service 	<ul style="list-style-type: none"> • Heights up to 6 storeys 	<ul style="list-style-type: none"> • RM3
<p>Site-Specific Urban Residential Policy Statement: 556 to 736 Lakeshore Drive West: Development up to a maximum of four storeys can be considered subject to assessment of urban design impacts on Lakeshore Drive and the waterfront, Lakawanna Park and neighbouring properties on Churchill Avenue.</p>					

Figure 3 – OCP Land Use Designation

Background

The subject property is currently zoned RD2 (Duplex Housing: Lane) and is designated as 'Urban Residential' (Figure 3) by the Official Community Plan (OCP). The property currently contains a single family dwelling that was constructed in 1935. The surrounding area features a mixture of uses, including mostly single family dwellings, multifamily, infill development, and public assembly. The property is within walking distance of Queens Park Elementary School, Main Street, Penticton Trade and Convention Centre, South Okanagan Events Centre, 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 Wade Avenue.

No Public Hearing

The proposed rezoning aligns with the underlying OCP designation of the City's OCP, therefore the City is prohibited from holding a public hearing as per the *Local Government Act*.

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 an apartment (three 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 is required to provide 1 (3 total) Level 2 Electric Vehicle ready spaces. The development is also required to provide 2 secure bicycle storage areas and there are storage areas identified for each unit (three in total), but given the design of the building, residents will be required to bring their bikes up the stairs to store them which staff recognize is not particularly practical. The lower most unit is slightly below grade, with only a few steps down to access that unit. The middle unit is slightly above grade, with only a few steps up to access that unit. The Zoning Bylaw does not currently require ground level bicycle storage, but this is something that has been flagged for future policy review. In the meantime the situation has been identified to the building designer as well and may result in a minor change prior to finalization of the building permit drawings, if Council were to support the application.

The building will be required to meet Step 3 of the BC Energy Step Code. Step 3 requires new builds to be at minimum 20% more efficient 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, development permit, and development variance permit applications are supported by Council. These items have been communicated to the applicant.

Road Dedication

A 2.4 road dedication is required to allow the planting of boulevard trees along Wade Avenue West, and for future road widening of Wade Avenue. Staff worked with the applicant to ensure a total of 1 boulevard trees are planted on along the front of the property.

Development Statistics

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

	RD3 Zone Requirement	Provided on Plans
Minimum Lot Width*:	9.1 m	9.9 m
Minimum Lot Area*:	275 m ²	334.6 m ²
Maximum Lot Coverage:	55%	52.3%
Maximum Density:	1.0 Floor Area Ratio (FAR)	1.15 Floor Area Ratio (FAR) – site specific requested
Maximum Height:	10.5 m	10.4 m
Vehicle Parking:	Total Required: 1 per dwelling unit Total Required: 3 spaces	Total Provided: 3 spaces
Level 2 Electric Vehicle (EV) Ready Chargers:	Total Required: 1 per dwelling unit Total Required: 3 chargers	Total EV Ready Chargers Provided: 3 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: 3 spaces Total Class 2 Provided: 0 spaces
Required Setbacks Front Yard (Wade Ave W): Interior Side Yard (east): Interior Side Yard (west): Rear Yard (lane):	4.5 m 1.2 m 1.2 m 6.0 m	3.0 m – variance requested 1.22 m 1.22 m 7.6 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 ‘Urban Residential’ (Figure 3), which supports higher-density 3-6 storey apartment neighbourhoods in higher-amenity areas where building construction is primarily wood frame. The applicant is proposing to construct an apartment (three dwelling units) on the property. The applicant has also requested site-specific zoning to allow an apartment as a permitted use, and increased density from 1.0 FAR to 1.2 FAR. The development and density proposed

on the property are aligned with the vision of properties designated within the 'Urban 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 an apartment (three dwelling units) on the property is consistent with the increased density and building forms envisioned by the 'Urban 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. An updated Zoning Bylaw has been proposed to Council and is currently going through the public engagement process. If Council approves the updated Zoning Bylaw, this proposed development would not require rezoning or site-specific zoning. The updated Zoning Bylaw would permit up to four units, apartments, and no density (FAR) requirement on the subject property. 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, second, and third reading to "Zoning Amendment Bylaw No. 2024-16".

Development Variance Permit

When considering a variance to a City bylaw, staff encourage Council to consider whether approval of the variance would cause a negative impact on neighbouring properties, and if the variance request is

reasonable. Staff have reviewed the requested variance to reduce the front yard setback from 4.5 m to 3.0 m and are recommending support for the following reasons:

1. Road Widening

The requested variance is to reduce the front yard setback from 4.5 m to 3.0 m. The applicant has requested this variance due to a road dedication of 2.4 m that will be taken at the front of the property along Wade Ave W. The road widening is required to accommodate the planting of a boulevard tree, as well as for future road widening of Wade Avenue. Staff consider this road dedication of 2.4 m a hardship as the road dedication and Zoning Bylaw requirement of 4.5 m would set the building back to 6.9 m from property line. This would be greater than any other residential zone in the Zoning Bylaw. By reducing the front yard setback to 3.0 m along with the 2.4 m road dedication, the building will be approximately 5.4 m from property line. Other zones in the Zoning Bylaw such as RM2, which permits apartments, has a minimum front yard setback of 3.0 m. As such, staff are recommending that Council approve this variance to reduce the front yard setback due to hardship of the required road dedication.

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

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.

Alternate Recommendations

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

1. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2024-16".

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 PL2024-9725
- Attachment G – Draft Development Variance Permit PL2024-9752
- Attachment H – Zoning Amendment Bylaw No. 2024-16

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

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



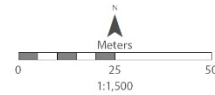
468 Wade Ave W

Zoning Map



Legend

- Subject Parcel
- RD1 - Duplex Housing
- RM3 - Medium Density Multiple Housing
- RD2 - Duplex Housing: Lane
- C2 - Neighborhood Commercial
- RM2 - Low Density Multiple Housing
- P1 - Public Assembly



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Wednesday, January 24, 2024 8:13:02 AM

penticton.ca

Attachment B – Official Community Plan Map



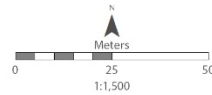
468 Wade Ave W

OCP Map



Legend

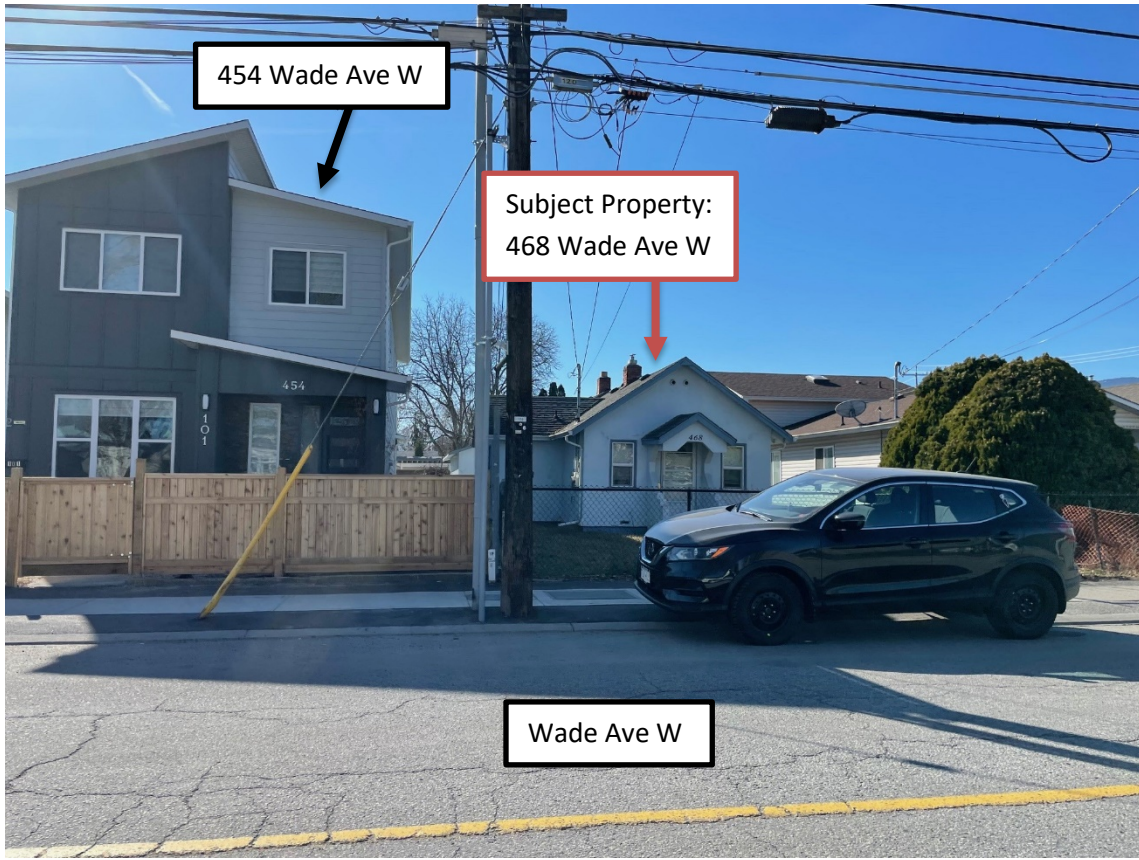
- Subject Parcel
- Future Land Use
- Ground Oriented Residential
- Urban Residential
- Infill Residential



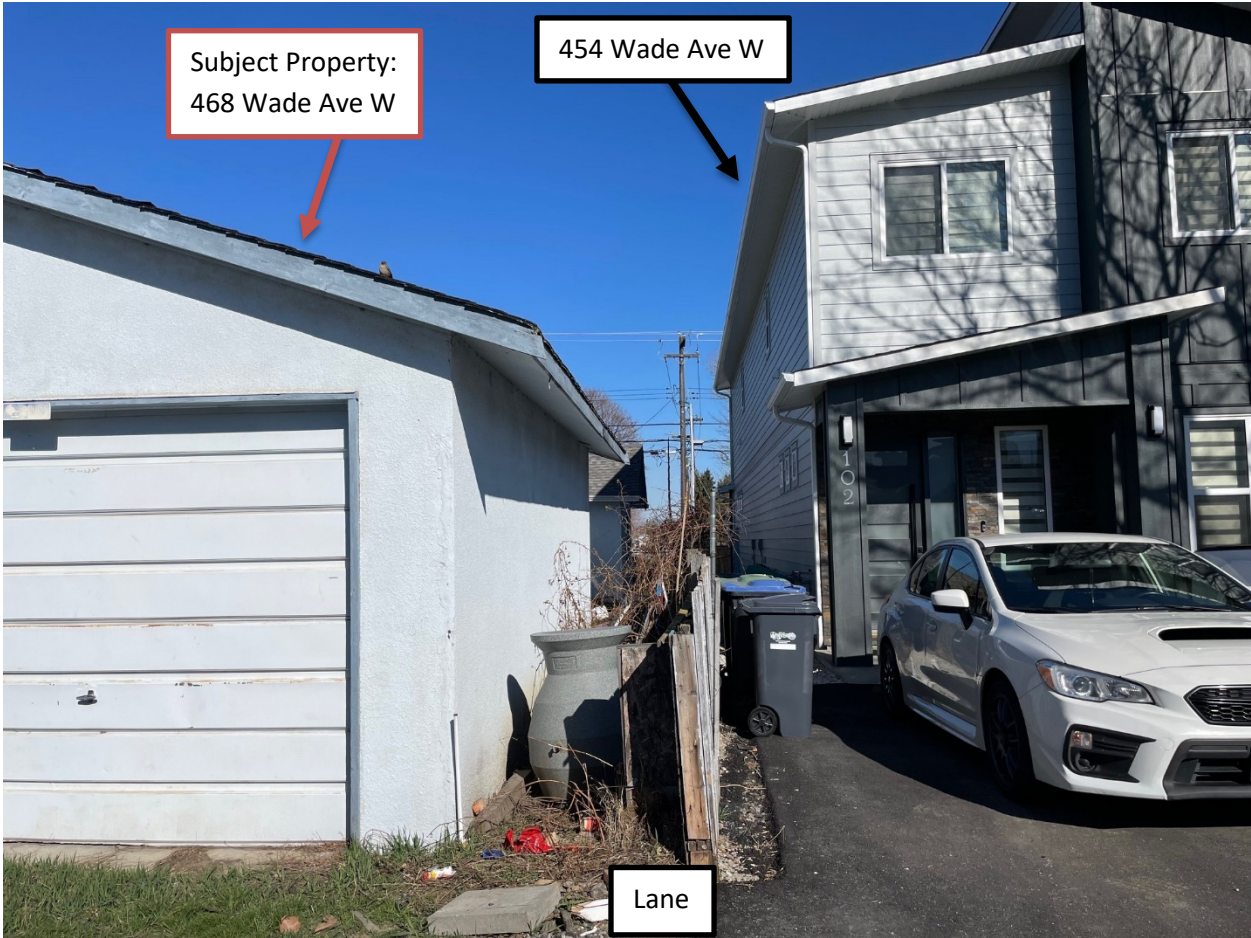
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Wednesday, January 24, 2024 8:13:41 AM

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 apartment 5.4 m from property line, the minimum is 4.5 m front yard setback, which helps to maintain a connection with the street. Parking has been provided at the rear of the property via the lane.
- 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.*
- Wade Ave W to the north side of the development provides pedestrian access to the development.
 - The proposed development has a sidewalk accessed from Wade 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 with patios and decks on the front and behind each dwelling unit.
 - Each dwelling unit has a front door for access from Wade 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.
- Guideline G35 Tree planting...*
- Trees and shrubs have been provided along the front property line and shrubs adjacent to the parking area.
- 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 one boulevard tree proposed at the front of the property 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 the rear lane.
- The visitor parking space 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)



January 16, 2024

Giroux Design Group Inc.

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

Re: 468 Wade Ave. W. Rezoning and Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposal to rezone and develop the property located at 468 Wade Avenue W. The proposal falls within the current OCP for the property and is consistent with developments in the area. The plan is to rezone the property from RD2 to RD3 to allow for the construction of a three unit stacked townhouse. The building is two-and-a-half storeys in height with the lower unit partially below grade. With the additional third unit we believe this is an excellent opportunity to provide additional density while maintaining a modest footprint similar to a typical duplex development.

The location of the development is also ideal for both older individuals, first time homeowners, or families as there are schools and library within walking distance, as well as shopping, parks, and downtown.

No variances are required for this application.

We believe the project meets the intent of providing modest densification to an area of town that has a mix of townhouses and high-density apartment buildings. This development is a new concept for our company and for the developer designed with the need for more price conscious development.

Thank you for considering our proposal.

Best regards,

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

468 WADE 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.)

As identified on the City GIS mapping site, no road widening is required for this project.

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

Each unit has a private covered deck on the north side of the building facing Wade Ave. This allows for outdoor living in a downtown setting suitable for use year round.

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

Windows on all four sides of the building allow for views of the mountains to the east and west and over the City to the north and south.

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.

This portion of Wade Ave is a mix of newer developments, older homes that have good development potential, and empty lots with the same potential. The building placement is set with the required setbacks for this zoning as it is the only way possible for the units to have three bedrooms which is necessary for the success of the development. As the street becomes more developed the setback proposed will become the typical for the street.

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 have a common entrance area leading to front and rear entry doors within. This provides an additional level of security. All units have windows overlooking the vehicle parking at the rear of the building.

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 in an ideal location for walking as it is close to downtown, schools, parks, the community centre, and transit stops.

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

A 1.2 m wide sidewalk provides access to both the front and rear 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).

The entrances to the building are approximately 0.75 m above the City sidewalk.

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.

Three parking spaces are provided on an asphalt pad located at the rear of the property accessible from the lane.

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.

The parking area is easily accessible for all the units with a connecting sidewalk to the front of the building located on the west side of the property.

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 each have windows on all four sides of the building. The covered deck provides shade during the hottest months of the year. Windows are openable 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 north side of the building faces Wade Avenue and the façade on this side is attractive with an obvious entry door and porch.

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

The building is rectangular in form, however the façade of the building is enhanced by the use of various building materials, and the front face of the building is accentuated by decks and a porch.

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.

Common entry doors to the building are located at the front and rear of the building and are easily identifiable. Windows from each unit face In all directions.

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 majority of the windows face Wade Avenue and the lane. The windows on the east and west sides of the building are kept to a minimum for privacy to the neighbouring properties.

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.

A new tree is planted in the front yard along with new shrubs and plants at the front and rear.

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.

As this is a small scale development with a low electrical draw we would anticipate that a dedicated transformer on site would not be necessary.

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 on concrete pads in the rear yards within 42" screened enclosures during non-collection days and will be placed in front of driveway for pickup on collection days.

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

The screened enclosure will be of the same material as the privacy fencing to fit into the landscape theme.

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 collection bin in a screened enclosure at the west side of the parking area.

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.

Development Permit

Permit Number: DP PL2024-9725

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 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853
 - Civic: 468 Wade Avenue West
 - PID: 012-022-624
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a three-storey apartment 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 beginning works 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).

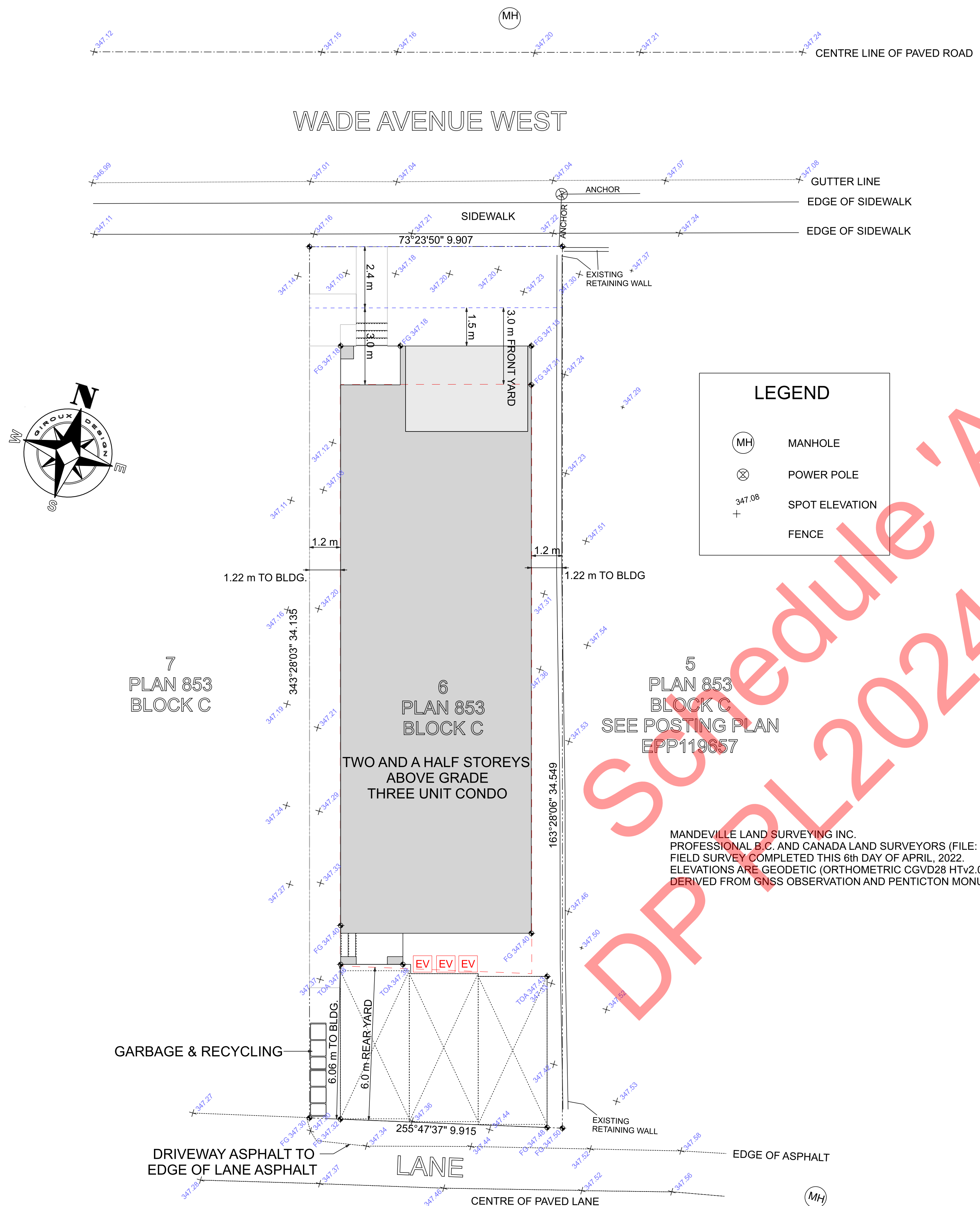
General Conditions

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 16th day of April, 2024.

Issued this ____ day of April, 2024.

Angela Collison
Corporate Officer



SITE PLAN
 SCALE: 1:100
 CIVIC ADDRESS: 468 WADE AVENUE WEST, PENTICTON, BC
 LEGAL DESCRIPTION: SITE PLAN SHOWING CERTAIN FEATURES ON LOT 6, Bk C, DL 4, Gp 7, SDYD, PLAN 853
 PID: 012-022-624
 LOT AREA: 340.23 m² (3662 sq.ft.)

LEGEND

- (MH) MANHOLE
- ⊗ POWER POLE
- 347.08 SPOT ELEVATION
- +

ZONING COMPLIANCE TABLE (PROPOSED ZONING RD3)

REGULATION	REQUIRED/CURRENT	PROPOSED/PROVIDED	VARIANCE REQUIRED
OCP DESIGNATION	URBAN RESIDENTIAL	TBD	NO
ZONING	RD2	RD3	YES
MINIMUM LOT WIDTH (SUBDIVISION ONLY)	10.5	9.9 m	N/A
LOT AREA (SUBDIVISION ONLY)	275 m ²	340.23 m ²	N/A
MAXIMUM LOT COVERAGE	55% (187.13 m ²)	49% (168 m ²)	NO
MAXIMUM DENSITY	1.0 FAR	1.2 FAR (420.6 m ²)	YES
MAXIMUM HEIGHT	10.5 m	10.4 m	NO
MINIMUM FRONT YARD (NORTH)	4.5 m	3.0 m	YES
MINIMUM INTERIOR SIDE YARD (EAST, WEST)	1.2 m	1.2 m	NO
MINIMUM EXTERIOR SIDE YARD	3.0 m	3.0 m	NO
MINIMUM REAR YARD (SOUTH)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	3	3	NO

IN THE CASE OF THE RD3 ZONE, A CARRIAGE HOUSE IS PERMITTED ON THE SAME LOT AS A PRINCIPAL DWELLING WITH A SECONDARY SUITE OR A DUPLEX BUILDING FOR A MAXIMUM OF THREE (3) DWELLINGS ON A LOT. IN THE CASE OF DUPLEX DEVELOPMENT, WHERE A REAR LANE IS PROVIDED, VEHICULAR ACCESS MUST BE FROM THE REAR LANE. IN CASES WHERE A DWELLING UNIT FACES THE BACK OF THE LOT, A CLEAR, UNOBSTRUCTED AND MAINTAINED ACCESS FROM THE FRONT OF THE PROPERTY TO THE BACK UNIT AT LEAST 1.2 M IN WIDE, MUST BE PROVIDED.

**ELECTRIC VEHICLE READY REQUIREMENTS
 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.

MANDEVILLE LAND SURVEYING INC.
 PROFESSIONAL B.C. AND CANADA LAND SURVEYORS (FILE: 22-102)
 FIELD SURVEY COMPLETED THIS 6th DAY OF APRIL, 2022.
 ELEVATIONS ARE GEODETIC (ORTHOMETRIC CGVD28 HTv2.0)
 DERIVED FROM GNSS OBSERVATION AND PENTICTON MONUMENT #4315

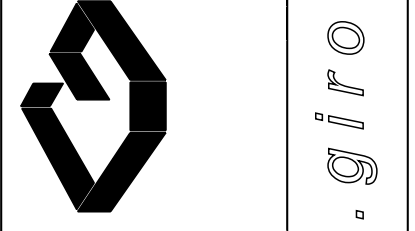
Schedule 'A'
 DP PL 2024-9725

CARY SCHNEIDERAT
 468 WADE AVE W.
 PENTICTON, BC
 DESIGN BY: AIG
 DRAWN BY: AIG
 DATE: 2024-03-18
 REVISED:

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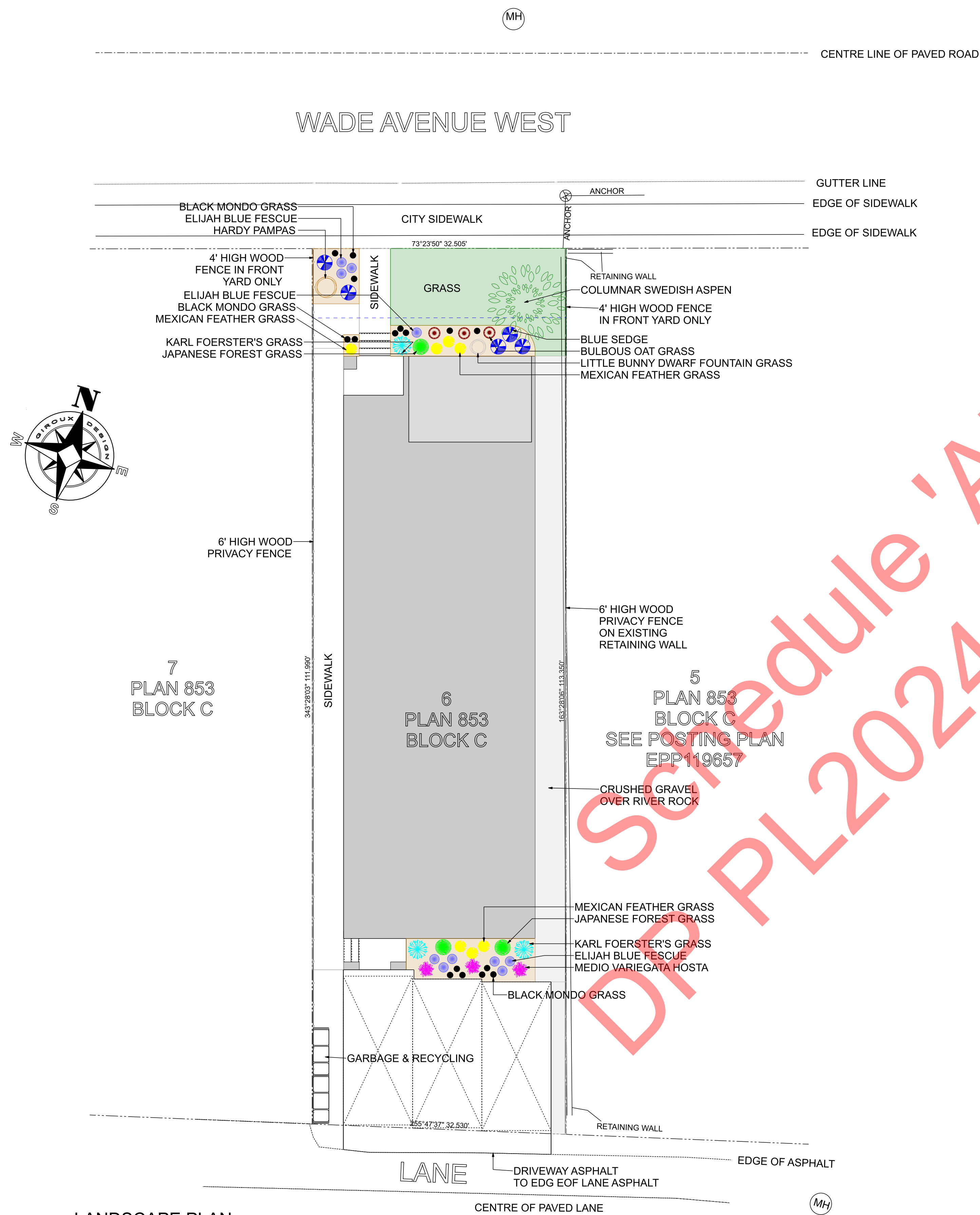
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A1

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Site Plan & Zoning Compliance Table



LANDSCAPE PLAN
 SCALE: 0.1200" = 1'-0"
 CIVIC ADDRESS: 468 WADE AVENUE WEST, PENTICTON, BC
 LEGAL DESCRIPTION: SITE PLAN SHOWING CERTAIN FEATURES ON LOT 6, Bk C, DL 4, Gp 7, SDYD, PLAN 853
 PID: 012-022-624
 LOT AREA: 340.23 m2 (3662 sq.ft.)

LANDSCAPE SCHEDULE

PLANTINGS:
 Asiatic Lilies (Asiatic Hybrid Lilies) 2 qty.
 Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens') 15 qty.
 Blue Sedge (Carex flacca) 5 qty.
 Bulbous Oat Grass (Arrhenatherum bulbosum 'Variegatum') 3 qty.
 Columnar Swedish Aspen (Populus tremula 'Erecta') 1 qty.
 Elijah Blue Fescue (Festuca glauca 'Elijah Blue') 10 qty.
 Hardy Pampas (Erianthus ravennae) 1 qty.
 Japanese Forest Grass (Hakonechloa macra 'Fubuki') 3 qty.
 Karl Foerster's Grass (Calamagrostis x acutiflora Karl Foerster) 3 qty.
 Little Bunny Dwarf Fountain Grass (Pennisetum alopecuroides 'Little Bunny') 1 qty.
 Medio Variegata Hosta (Hosta undulata 'Mediovariegata') 3 qty.
 Mexican Feather Grass (Stipa tenuissima) 7 qty.

TREES:
 Bloodgood Japanese Maple (Acer palmatum var. atropurpureum 'Bloodgood') 1 qty.
 Blue Arrow Juniper (Juniperus scopulorum 'Blue Arrow') 4 qty.
 Emerald Sentinel Sweetgum (Liquidambar styraciflua 'Clydesform') 2 qty.
 Korean Maple (Acer pseudosieboldianum) 2 qty.

GARBAGE DISPOSAL:
 Garbage Container 3 qty.
 Recycling Container 3 qty.
 Yard Waste Container 1 qty.

GROUND COVER/HARD SURFACES:
 Property Area (3,665 sq.ft.)
 Asphalt (598 sq.ft.)
 Grass (240 sq.ft.)
 Planting Beds-Bark Mulch (198 sq.ft.)
 Crushed Gravel or River Rock-Rainbow (360 sq.ft.)
 Landscape Fabric (651 sq.ft.)
 Sidewalks/Patios (750 sq.ft.)

FENCING:
 4' High Wood Fence (15 lin.ft.)
 6' High 'Good Neighbour' Privacy Fence (122 lin.ft.)

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

CARY SCHNEIDERAT
 468 WADE AVE W.
 PENTICTON, BC
 DESIGN BY: AJG
 DRAWN BY: AJG
 DATE: 2024-03-18
 REVISED:

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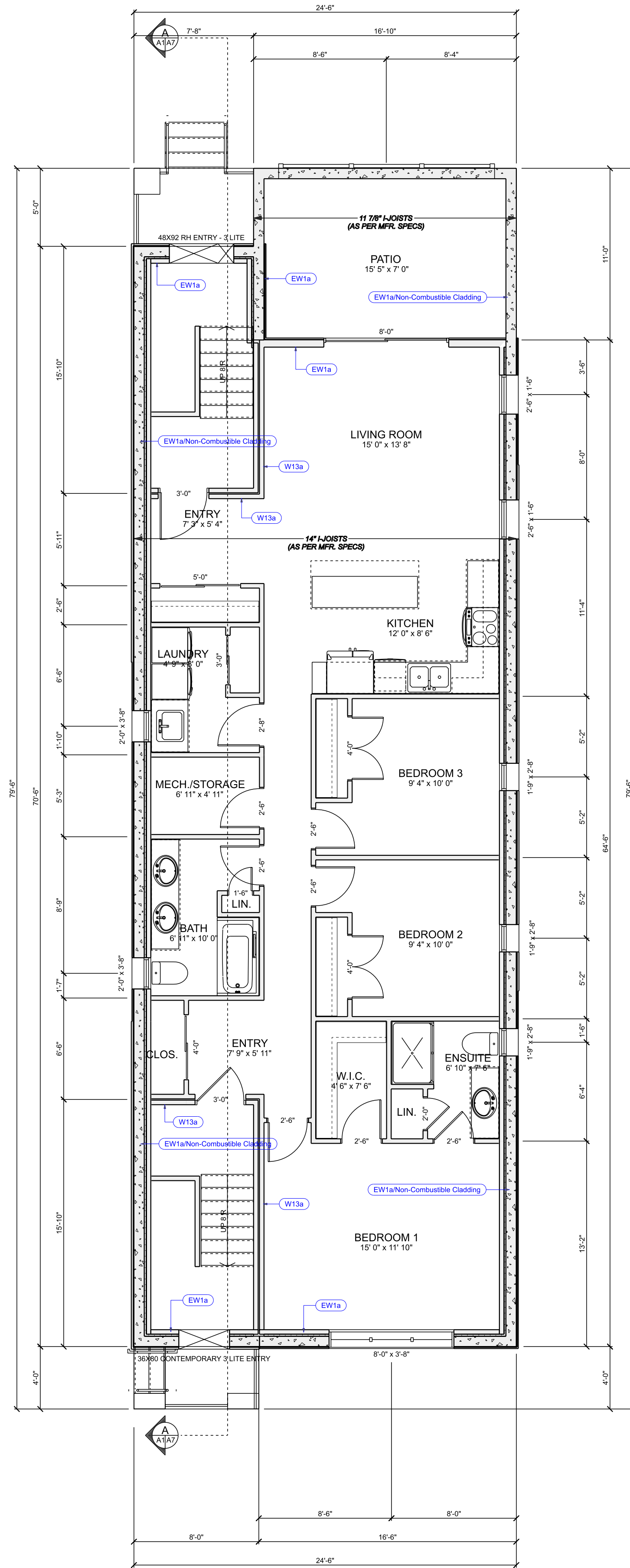
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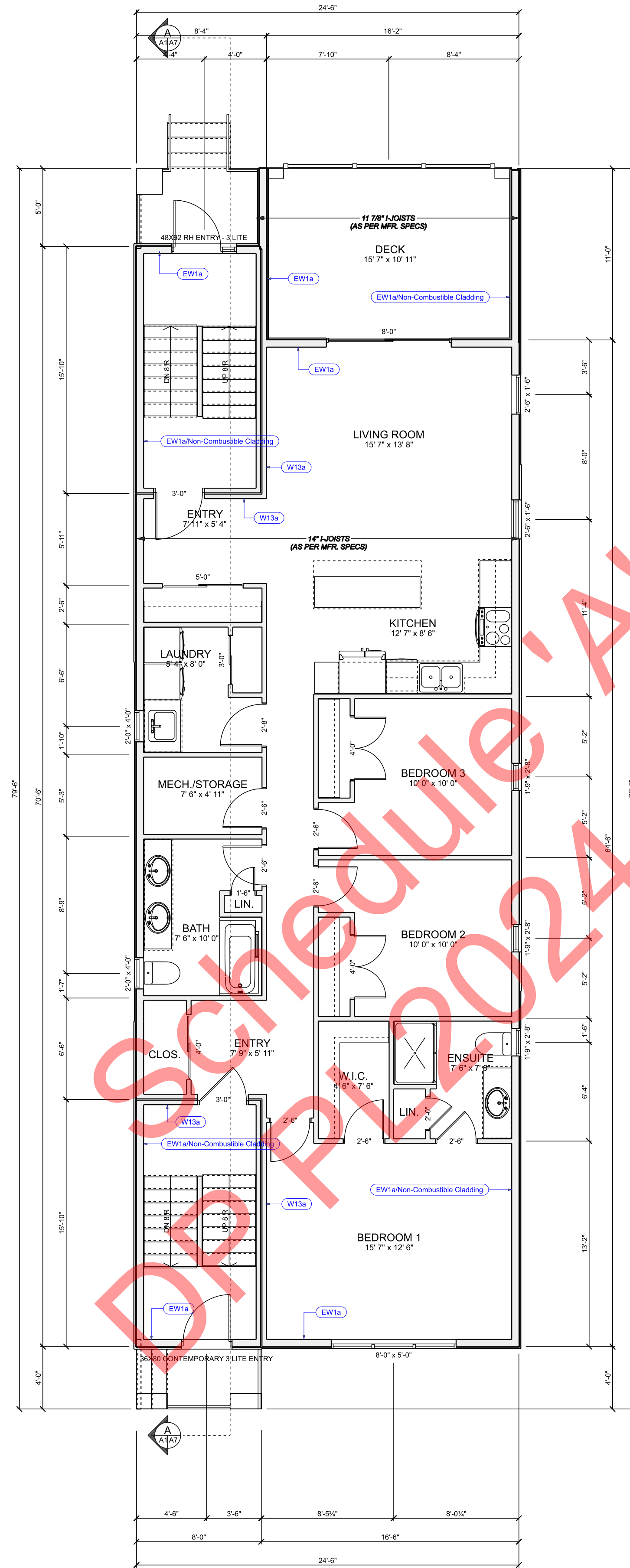
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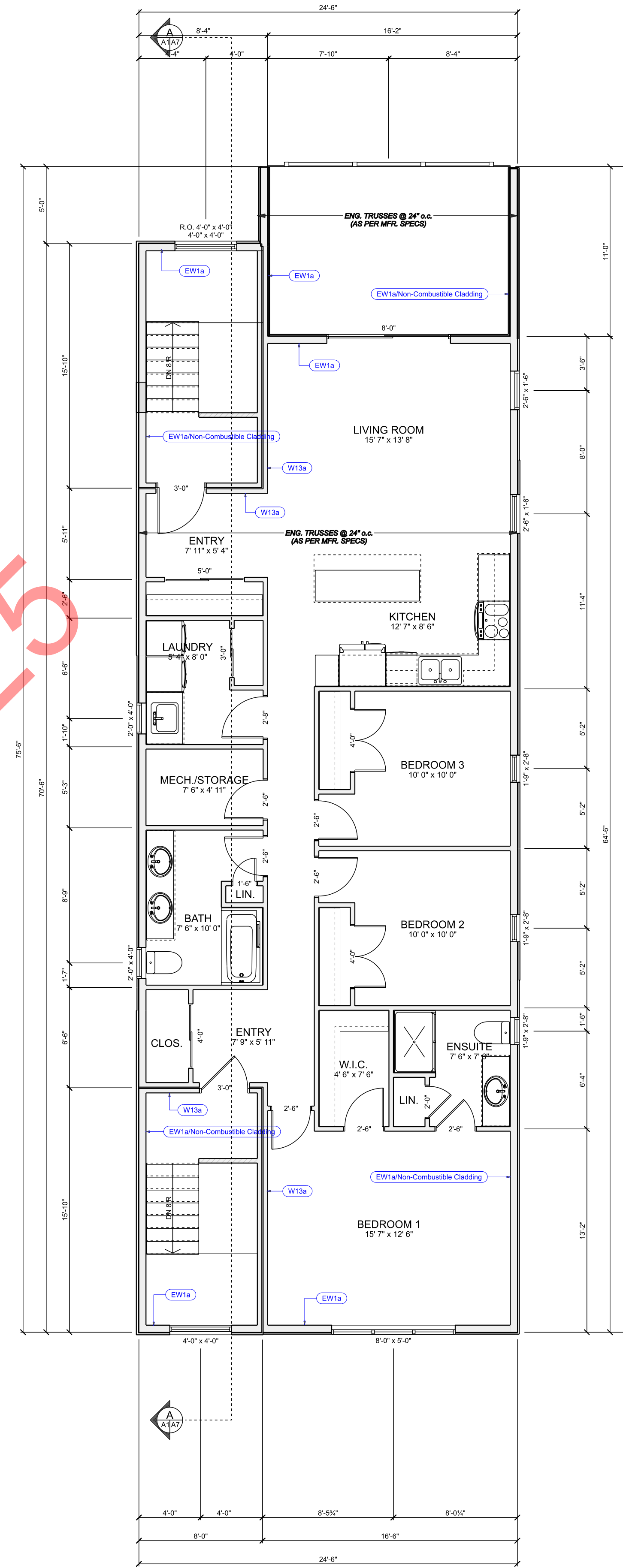
Landscape Plan



LOWER FLOOR PLAN
 SCALE: 3/16" = 1'-0"
 UNIT AREA: 1361 sq ft.
 COMMON STAIR AREA: 140 sq ft.
 PATIO AREA: 160 sq ft.
 GROSS FLOOR AREA (PER FLOOR): 1501 sq ft.
 NOTE: THESE BUILDINGS ARE REQUIRED TO BE SPRINKLERED (ALL ROOMS, CLOSETS AND BATHS)
 EXTERIOR SIDE WALLS ARE TO BE NON-COMBUSTIBLE CLADDING.



MAIN FLOOR PLAN
 SCALE: 3/16" = 1'-0"
 UNIT AREA: 1361 sq ft.
 COMMON STAIR AREA: 186 sq ft.
 DECK AREA: 173 sq ft.
 GROSS FLOOR AREA (PER FLOOR): 1547 sq ft.
 NOTE: THESE BUILDINGS ARE REQUIRED TO BE SPRINKLERED (ALL ROOMS, CLOSETS AND BATHS)
 EXTERIOR SIDE WALLS ARE TO BE NON-COMBUSTIBLE CLADDING.



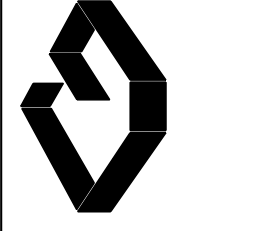
UPPER FLOOR PLAN
 SCALE: 3/16" = 1'-0"
 UNIT AREA: 1361 sq ft.
 COMMON STAIR AREA: 119 sq ft.
 DECK AREA: 179 sq ft.
 GROSS FLOOR AREA (PER FLOOR): 1479 sq ft.
 NOTE: THESE BUILDINGS ARE REQUIRED TO BE SPRINKLERED (ALL ROOMS, CLOSETS AND BATHS)
 EXTERIOR SIDE WALLS ARE TO BE NON-COMBUSTIBLE CLADDING.

CARY SCHNEIDERAT
 468 WADE AVE W.
 PENTICTON, BC

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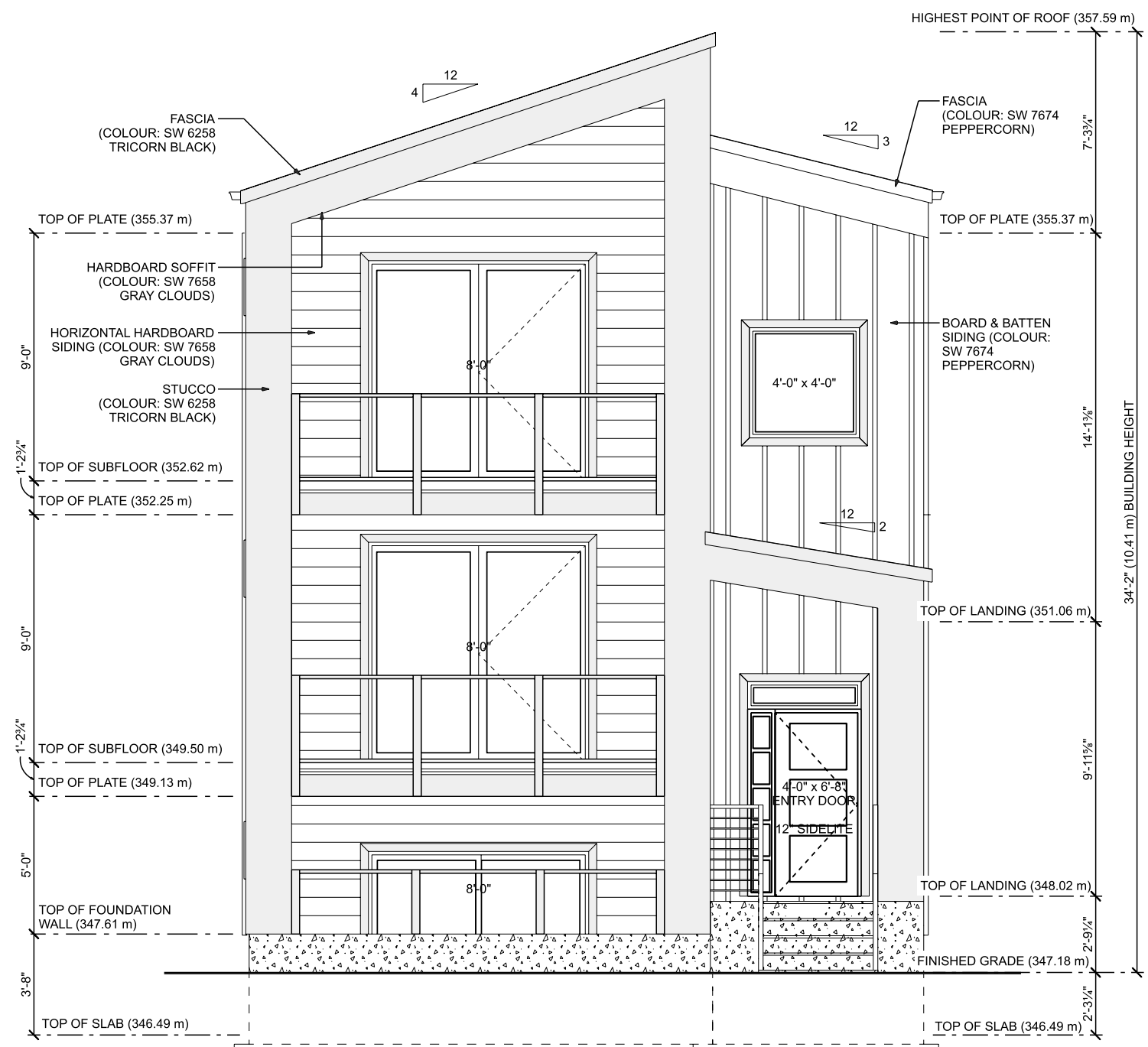


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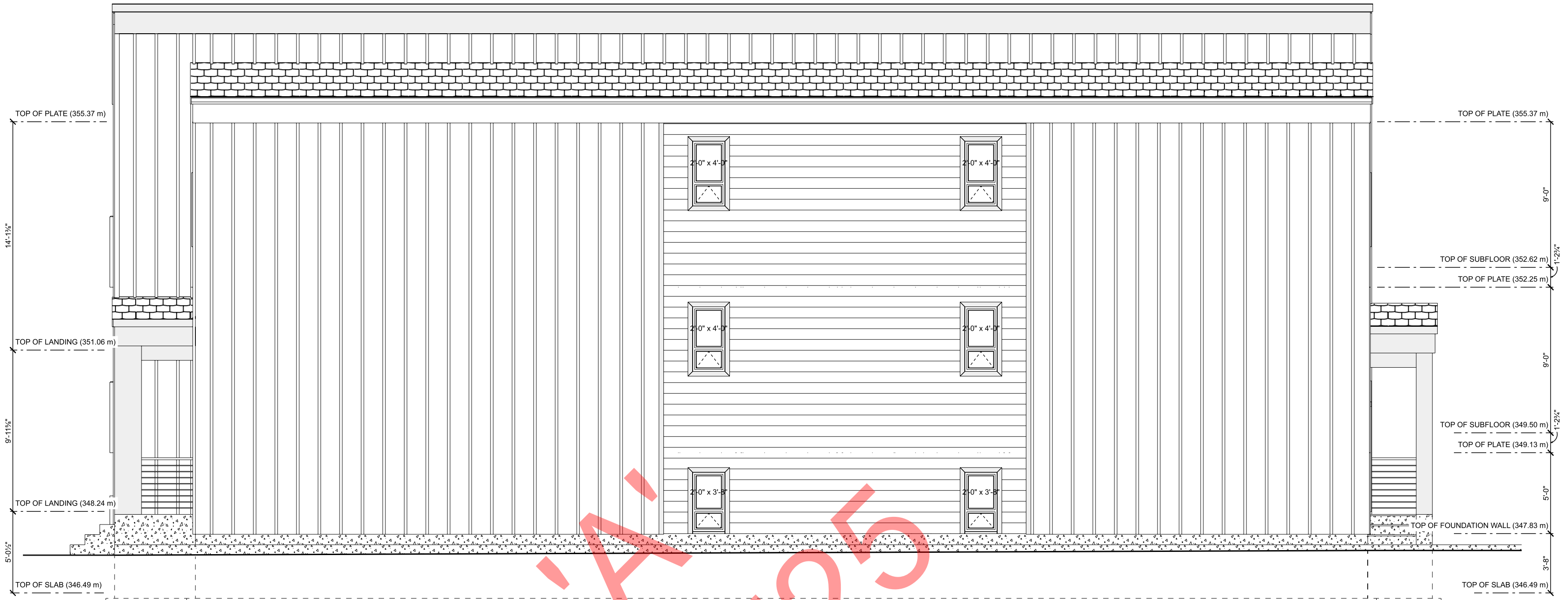
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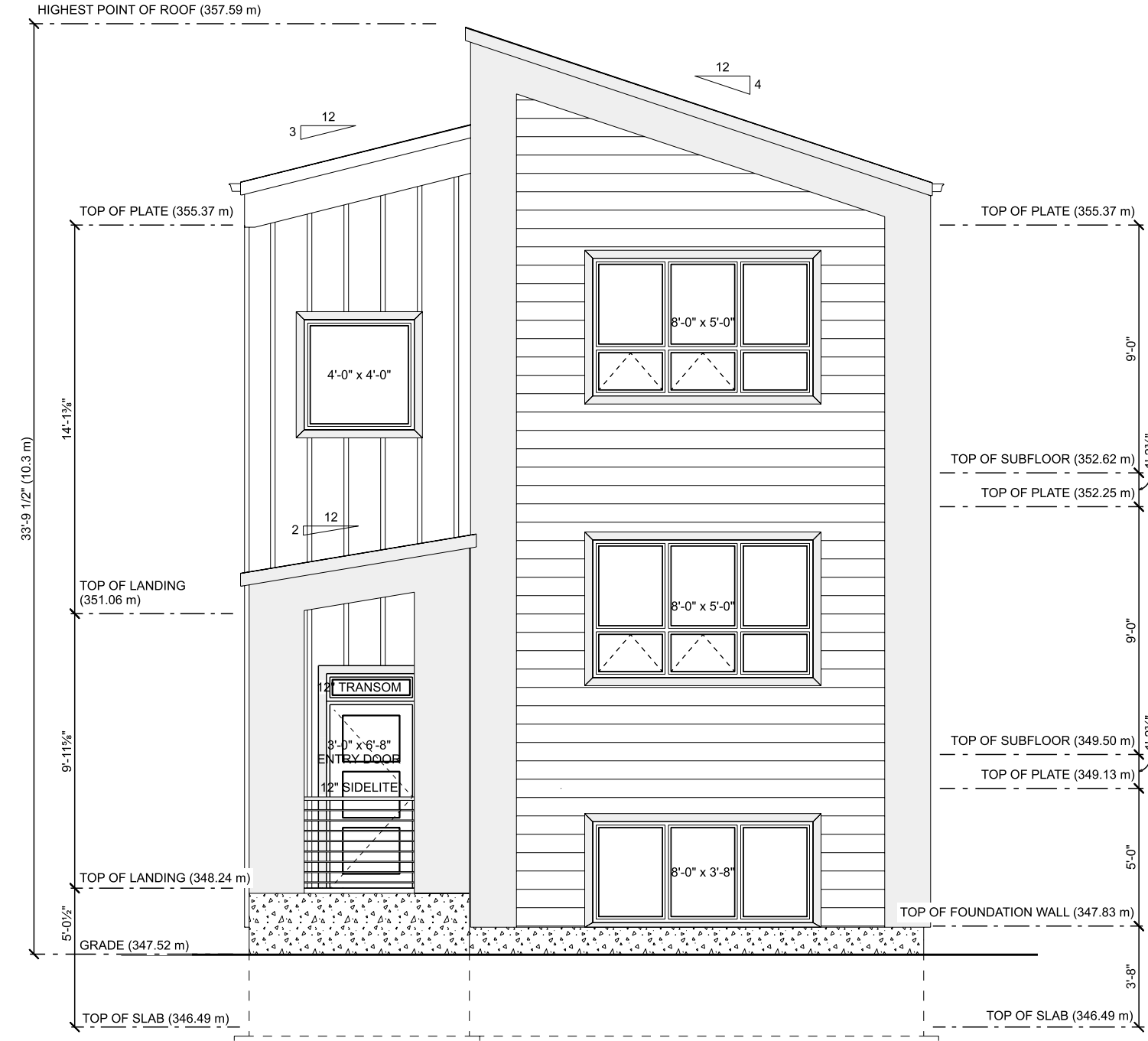
Floor Plans



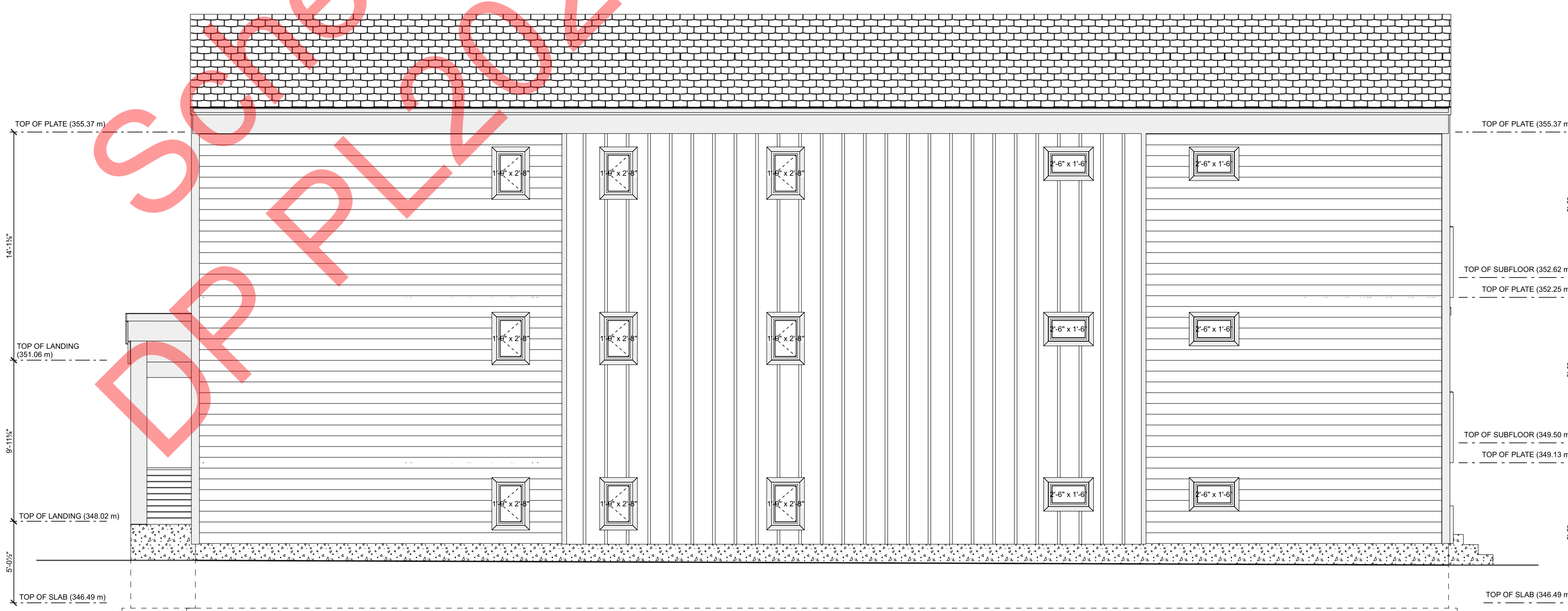
NORTH ELEVATION (FACING WADE AVENUE W.)
SCALE: 3/16" = 1'-0"



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



SOUTH ELEVATION (FACING LANE)
SCALE: 3/16" = 1'-0"



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

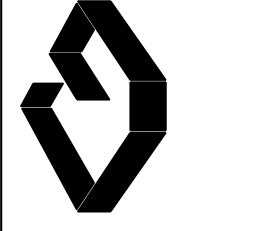
Scheduled 'A'
 DP PL 2024-9725

CARY SCHNEIDERAT
468 WADE AVE W.
PENTICTON, BC

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WP-5806
SLAB
SHEET NO.
A4

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Exterior Elevations

Development Variance Permit

Permit Number: DVP PL2024-9752

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 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853
 - Civic: 468 Wade Avenue West
 - PID: 012-022-624
3. This permit has been issued in accordance with Section 498 of the *Local Government Act*, to vary the following sections of Zoning Bylaw 2023-08 to allow for the construction of a three-storey apartment, as shown in the plans attached in Schedule 'A':
 - a. Section 10.6.2.6: reduce the front yard from 4.5 m to 3.0 m.

General Conditions

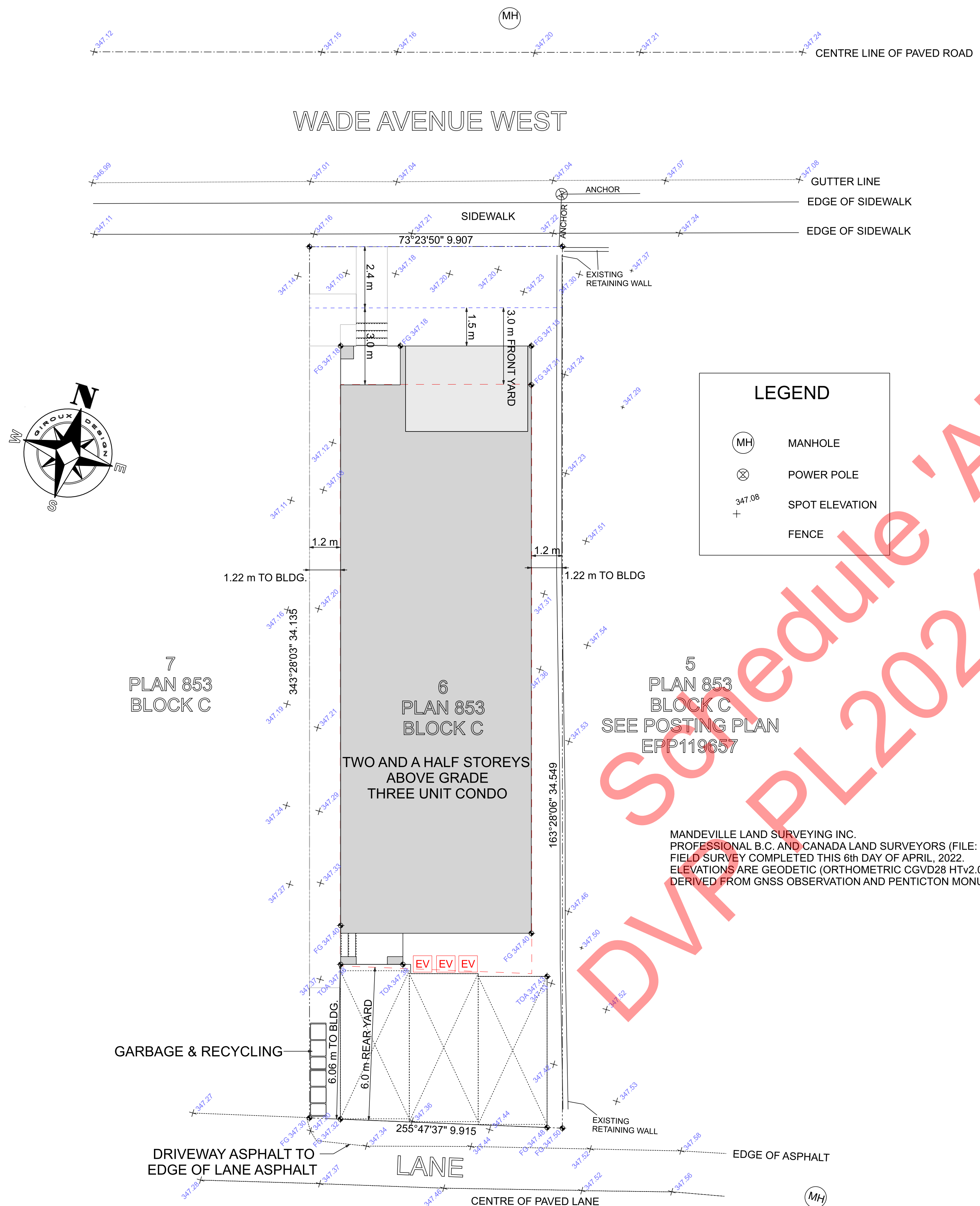
4. In accordance with Section 501 of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
5. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not commence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

Authorized by City Council, the 16th day of April, 2024.

Issued this ____ day of April, 2024.

Angela Collison
Corporate Officer

DRAFT



SITE PLAN
 SCALE: 1:100
 CIVIC ADDRESS: 468 WADE AVENUE WEST, PENTICTON, BC
 LEGAL DESCRIPTION: SITE PLAN SHOWING CERTAIN FEATURES ON LOT 6, Bk C, DL 4, Gp 7, SDYD, PLAN 853
 PID: 012-022-624
 LOT AREA: 340.23 m² (3662 sq.ft.)

ZONING COMPLIANCE TABLE (PROPOSED ZONING RD3)			
REGULATION	REQUIRED/CURRENT	PROPOSED/PROVIDED	VARIANCE REQUIRED
OCP DESIGNATION	URBAN RESIDENTIAL	TBD	NO
ZONING	RD2	RD3	YES
MINIMUM LOT WIDTH (SUBDIVISION ONLY)	10.5	9.9 m	N/A
LOT AREA (SUBDIVISION ONLY)	275 m ²	340.23 m ²	N/A
MAXIMUM LOT COVERAGE	55% (187.13 m ²)	49% (168 m ²)	NO
MAXIMUM DENSITY	1.0 FAR	1.2 FAR (420.6 m ²)	YES
MAXIMUM HEIGHT	10.5 m	10.4 m	NO
MINIMUM FRONT YARD (NORTH)	4.5 m	3.0 m	YES
MINIMUM INTERIOR SIDE YARD (EAST, WEST)	1.2 m	1.2 m	NO
MINIMUM EXTERIOR SIDE YARD	3.0 m	3.0 m	NO
MINIMUM REAR YARD (SOUTH)	6.0 m	6.0 m	NO
PARKING SPACES (1 PER UNIT)	3	3	NO

IN THE CASE OF THE RD3 ZONE, A CARRIAGE HOUSE IS PERMITTED ON THE SAME LOT AS A PRINCIPAL DWELLING WITH A SECONDARY SUITE OR A DUPLEX BUILDING FOR A MAXIMUM OF THREE (3) DWELLINGS ON A LOT.
 IN THE CASE OF DUPLEX DEVELOPMENT, WHERE A REAR LANE IS PROVIDED, VEHICULAR ACCESS MUST BE FROM THE REAR LANE.
 IN CASES WHERE A DWELLING UNIT FACES THE BACK OF THE LOT, A CLEAR, UNOBSTRUCTED AND MAINTAINED ACCESS FROM THE FRONT OF THE PROPERTY TO THE BACK UNIT AT LEAST 1.2 M IN WIDE, MUST BE PROVIDED.

LEGEND

- (MH) MANHOLE
- ⊗ POWER POLE
- 347.08 SPOT ELEVATION
- + FENCE

**ELECTRIC VEHICLE READY REQUIREMENTS
 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.

CARY SCHNEIDERAT
 468 WADE AVE W.
 PENTICTON, BC
 DESIGN BY: AIG
 DRAWN BY: AIG
 DATE: 2024-03-18
 REVISED:

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 web: www.girouxdesigngroup.com

PLAN NO.
WP-5806
 SLAB
 SHEET NO.
A1

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Site Plan & Zoning Compliance Table

The Corporation of the City of Penticton

Bylaw No. 2024-16

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. 2024-16".

2. **Amendment:**

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

- 2.1 Rezone Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, from RD2 (Duplex Housing: Lane) to RD3 (Residential Infill) as shown in Schedule 'A'.
- 2.2 Add Section 10.6.4.3: "In the case of Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, an apartment shall be permitted."
- 2.3 Add Section 10.6.4.4: "In the case of Lot 6 Block C District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 853, located at 468 Wade Avenue West, the maximum density shall be 1.2 FAR."
- 2.4 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 Ministry of Transportation on the	day of	, 2024
ADOPTED this	day of	, 2024

Notice of intention to proceed with this bylaw was published on the 5th day of April, 2024 and the 12th day of April, 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



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-16

Date: _____

Corporate Officer: _____

Date: April 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 43 Okanagan Avenue West

File No: RMS/43 Okanagan Ave W

**Subject: Zoning Amendment Bylaw No. 2024-17
 Development Permit PL2024-9738**

Staff Recommendation

THAT Council give first, second, and third reading to “Zoning Amendment Bylaw No. 2024-17”, for Lot 6 District Lot 115 Similkameen Division Yale District Plan 3289, located at 43 Okanagan Avenue W, a bylaw to rezone the subject property from R1 (Large Lot Residential) to RD4 (Low Density Cluster Housing);

AND THAT Council adopt “Zoning Amendment Bylaw No. 2024-17”;

AND THAT Council, subject to adoption of “Zoning Amendment Bylaw No. 2024-17”, approve “Development Permit PL2024-9738”, for Lot 6 District Lot 115 Similkameen Division Yale District Plan 3289, located at 43 Okanagan Avenue W, a permit to approve the form and character of two side-by-side duplexes (four dwelling units);

AND THAT Council direct staff to issue “Development Permit PL2024-9738”;

AND THAT Council require that a 1.6 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.

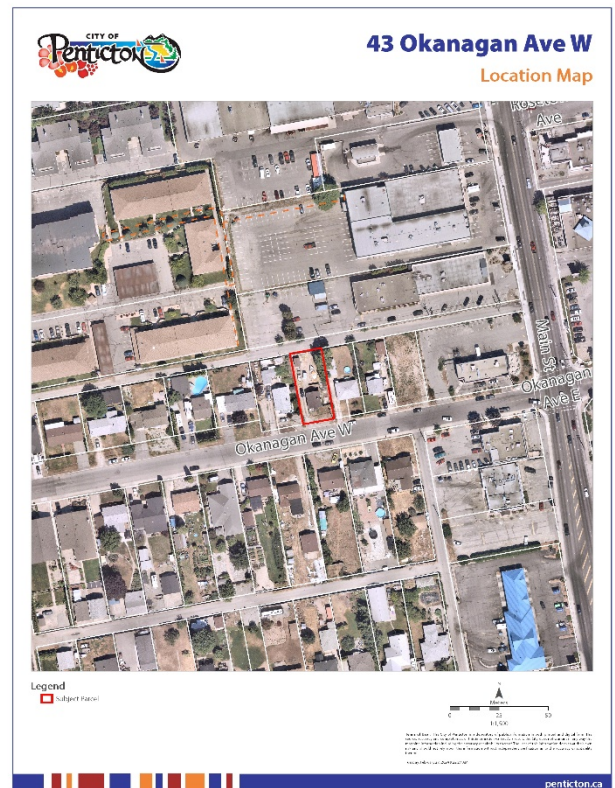


Figure 1 – Property Location Map

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 R1 (Large Lot Residential) to RD4 (Low Density Cluster Housing). Further, the applicant requires Development Permit approval for the form and character of the buildings, which has been included for Council’s consideration.

Background

The subject property is currently zoned R1 (Large Lot Residential) and is designated as ‘Ground Oriented Residential’ (Figure 2) by the Official Community Plan (OCP). The property currently has a single family dwelling that was constructed in 1951.

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

Figure 2 – OCP Land Use Designation

The surrounding area is a mixture of uses, including mostly single family dwellings directly adjacent, infill development, commercial, and the industrial area of Penticton across Main St. The property is within walking distance of Main Street, Cherry Lane Mall, and commercial businesses. This area is also well serviced by transit running north and south along Main St.

In October 2023, Council approved a similar proposal with rezoning to RD4 (Low Density Cluster Housing) and a Development Permit for two side-by-side duplexes (four dwelling units) at 25 Okanagan Ave W.

Provincial Changes

The proposed rezoning aligns with the underlying OCP designation of the City’s OCP, therefore the City is prohibited from holding a public hearing as per the *Local Government Act*.

Due to the recent changes, the Zoning Bylaw Amendment may have first, second, third reading and be adopted in one meeting as there are no additional conditions for the rezoning.

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 of Penticton 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. 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, with a goal of being Net Zero Ready for new construction by 2032.

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC). The TPC raised comments regarding landscaping and boulevard trees. The TPC raised comments that a 1.6 m wide road widening is needed in order to accommodate 2 boulevard trees along Okanagan Ave W. 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.

Road Dedication

A 1.6 m road dedication is required in front of the subject property in order to plant two City boulevard trees.

Development Statistics

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

	RD4 Zone Requirement	Provided on Plans
Minimum Lot Width*:	18 m	16.2 m
Minimum Lot Area*:	540 m ²	592.3 m ²
Maximum Lot Coverage:	40%	38.1%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.72 FAR
Maximum Height:	10.5 m	7.6 m
Vehicle Parking:	Total Required: 1 per dwelling unit plus 0.25 spaces/unit for visitors Total Required: 5 spaces	Total Per Dwelling: 4 spaces Total Visitor: 1 space Total Provided: 5 spaces
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: 0 spaces

	RD4 Zone Requirement	Provided on Plans
Landscape Buffer:	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 3 trees, and 36 shrubs.	Total Provided: 0.33 m wide (Variance to width through Development Permit), 3 trees, and 47 shrubs.
Required Setbacks		
Front Yard (Okanagan Ave):	4.5 m	4.7 m
Interior Side Yard (east):	1.5 m	1.54 m
Interior Side Yard (west):	1.5 m	1.53 m
Rear Yard (lane):	6.0 m	7.08 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 2). Duplexes with suites, cluster housing and fourplexes are some of the building types envisioned in this designation. The applicant is proposing to construct two side-by-side duplexes 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.

A 1.6 m road dedication is required for boulevard trees. Staff are requesting that the road dedication is taken prior to the issuance of the occupancy permit due to a historic ‘water agreement’ registered on title, which extends the registration process significantly for the road dedication. This allows the applicant to receive their Zoning Amendment and Development Permit, if approved by Council, while the road dedication is process is occurring and the water agreement is removed from the title.

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 RD4 to allow a total of 4 dwelling units on the property is consistent with the increased density and building forms envisioned by the ‘Ground Oriented Residential’ designation.

Support Development Permit

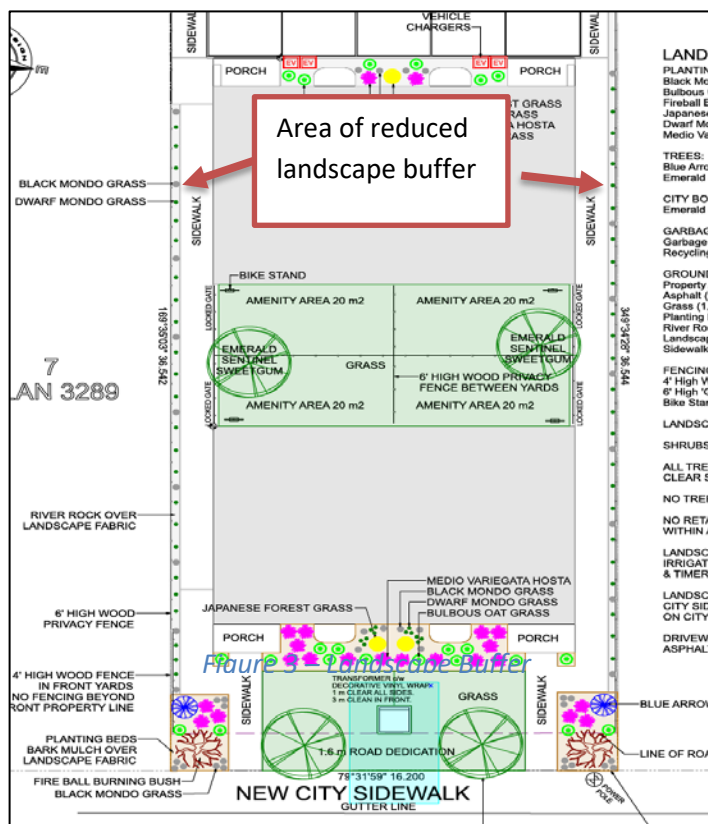
The proposed development is considered within the Multifamily Residential Development Permit Area of the OCP, which is established to enhance neighbourhoods and create sensitive transitions in scale and density by addressing issues such as privacy, landscape retention and neighbourliness. The proposed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

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 western property line (Figure 3). 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 0.33 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.

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 and the west and east north property line is 1.48 m, 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.

Alternate Recommendations

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

- 1. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2024-17".

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 PL2024-9738
- Attachment G – Zoning Amendment Bylaw No. 2024-17

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

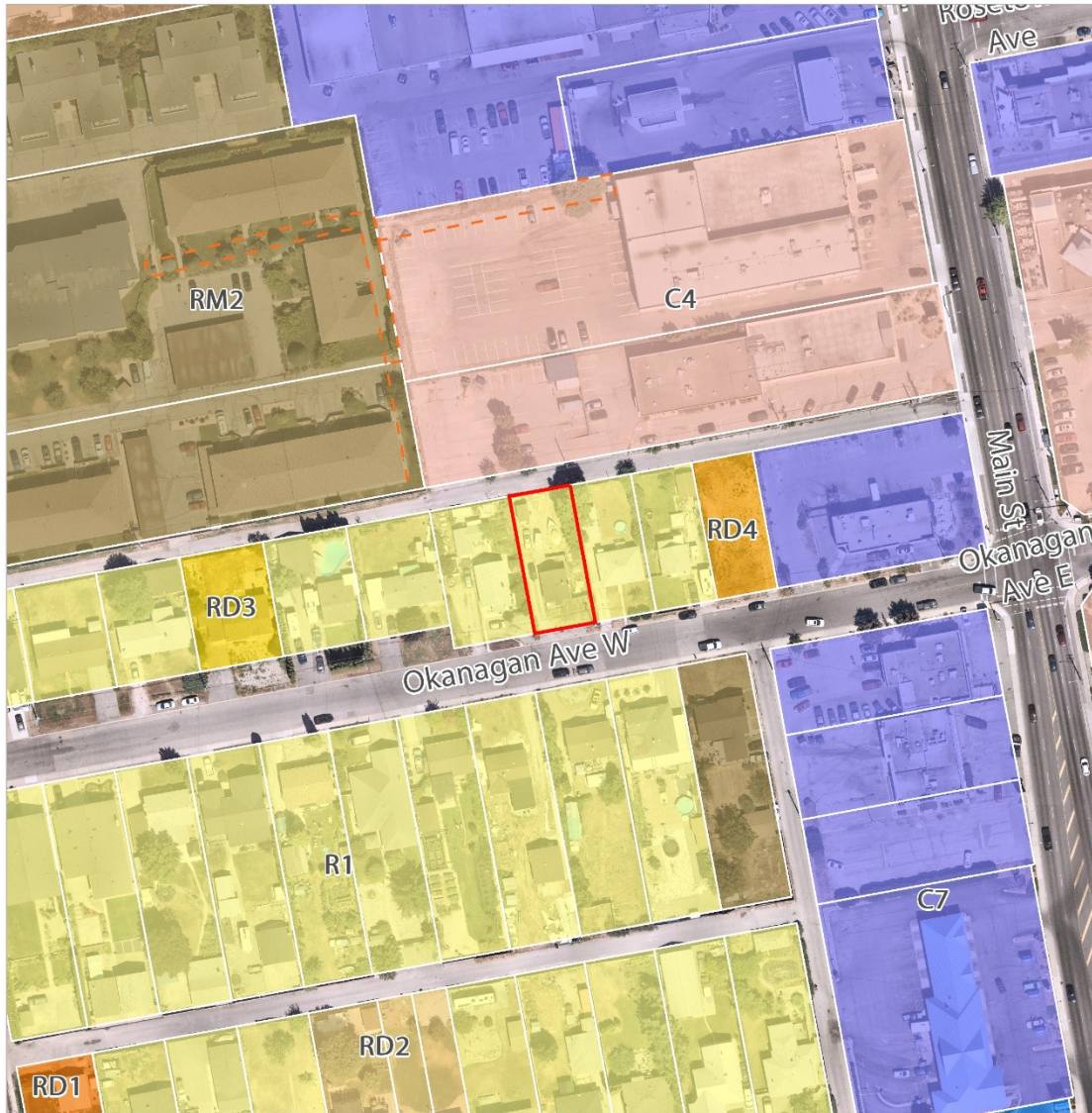
<p>Director of Development Services</p> <p><i>BL</i></p>	<p>GM of Infrastructure</p> <p><i>KD</i></p>	<p>City Manager</p> <p><i>SBH</i></p>
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Attachment A – Zoning Map



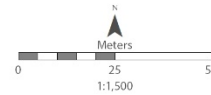
43 Okanagan Ave W

Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- RM2 - Low Density Multiple Housing
- RD1 - Duplex Housing
- RM3 - Medium Density Multiple Housing
- RD2 - Duplex Housing; Lane
- C4 - General Commercial
- RD3 - Residential Infill
- C7 - Service Commercial
- RD4 - Low Density Cluster Housing
- C8 - Vehicle Service Station



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Tuesday, February 27, 2024 9:22:54 AM

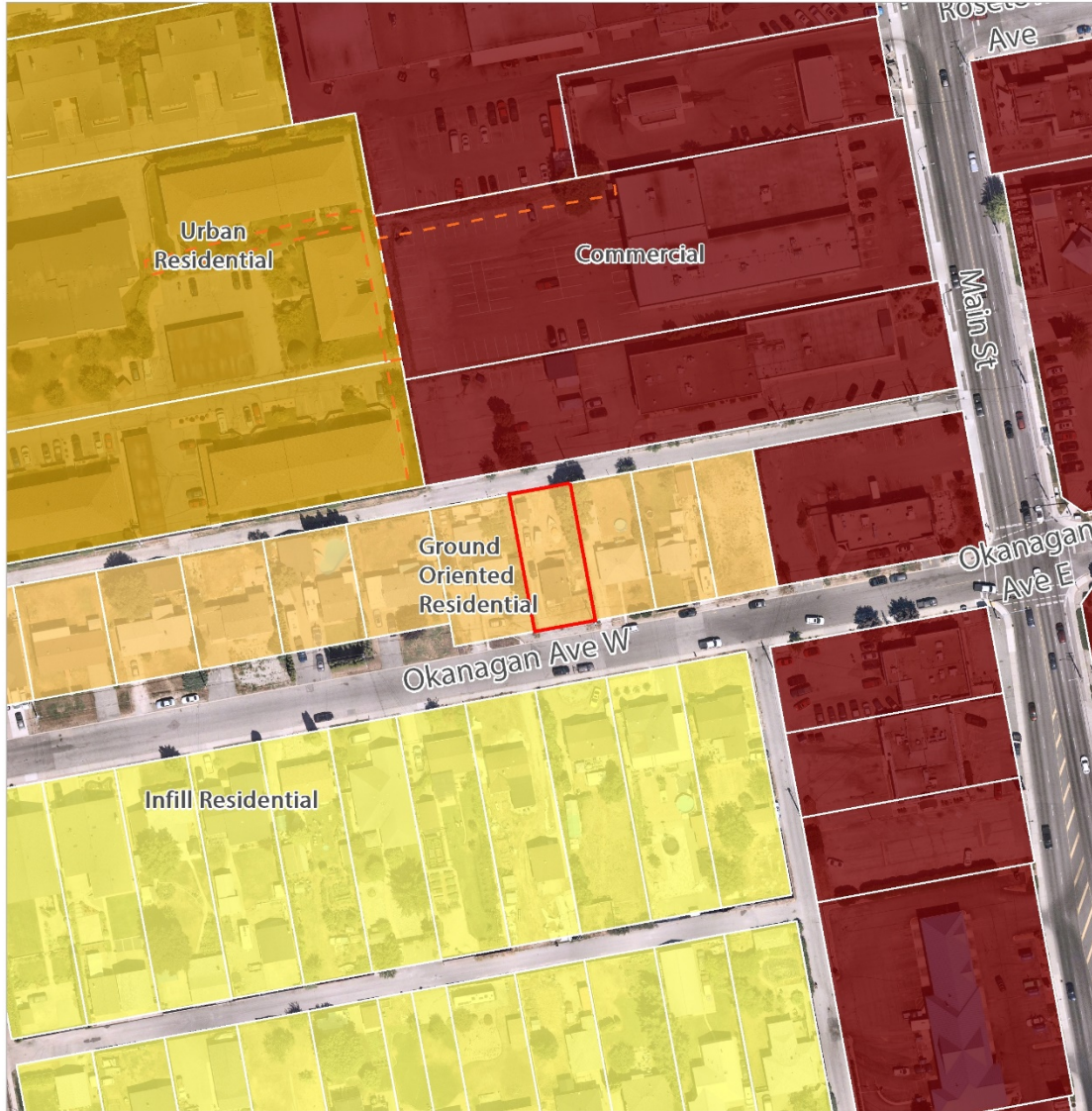
penticton.ca

Attachment B – Official Community Plan Map



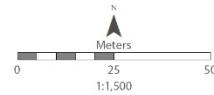
43 Okanagan Ave W

OCP Map



Legend

- Subject Parcel
- Future Land Use
- Ground Oriented Residential
- Commercial
- Urban Residential
- Infill Residential

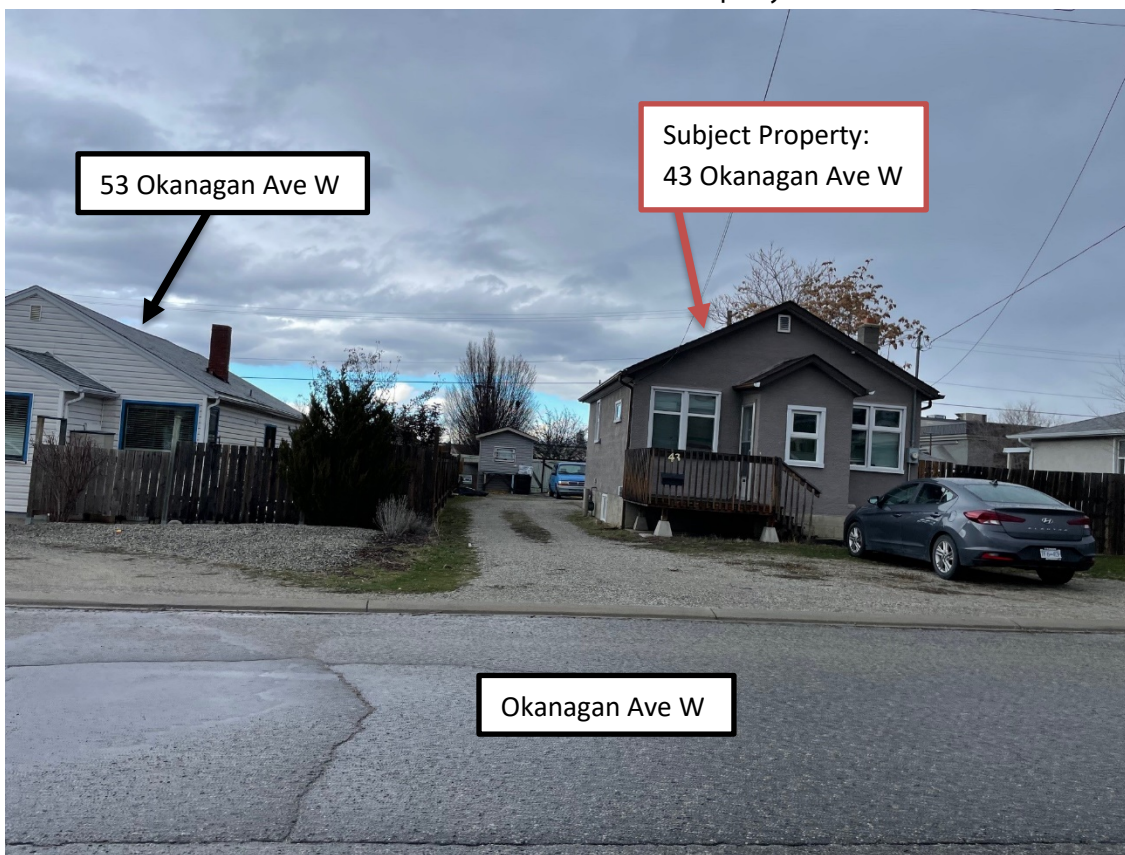


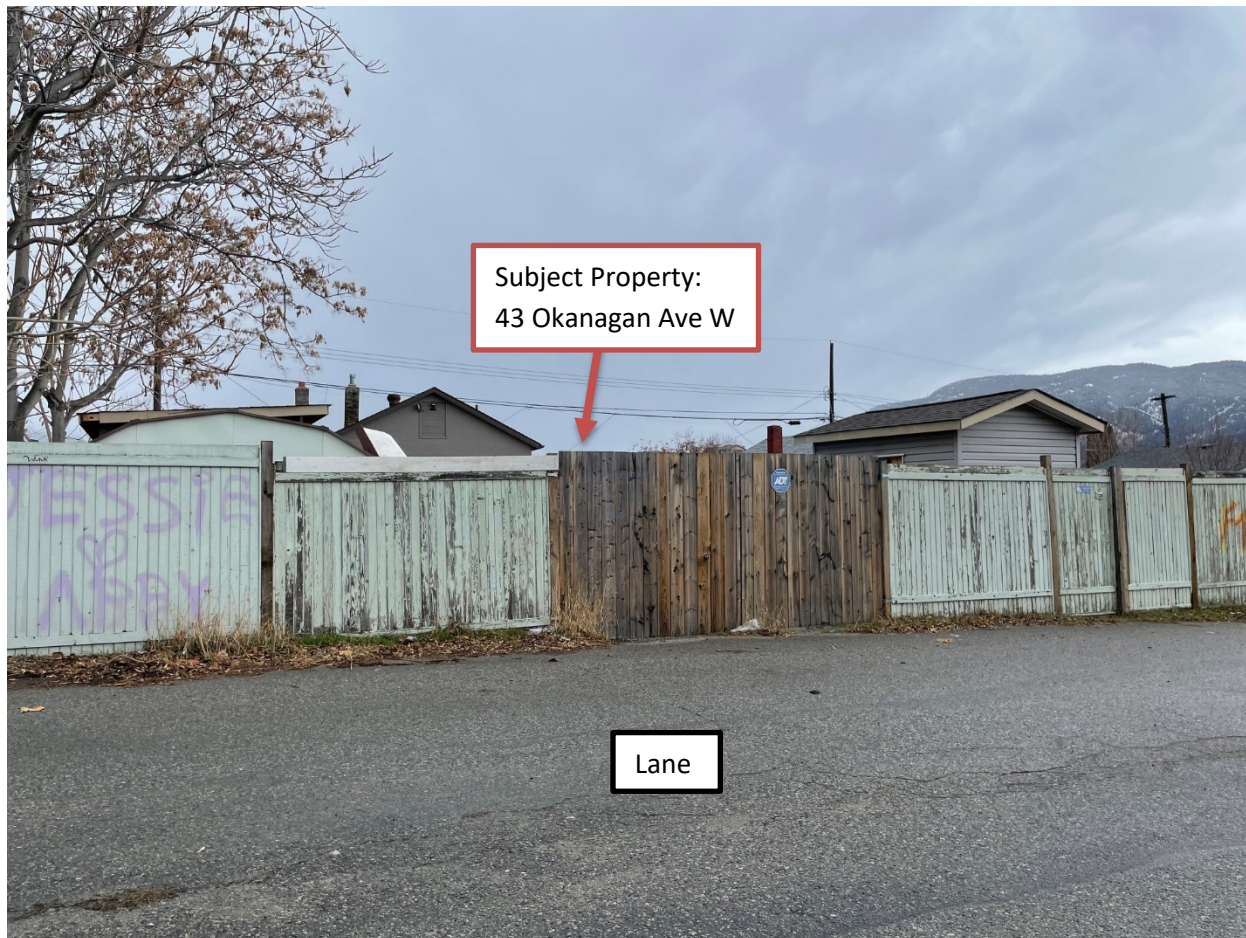
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Tuesday, February 27, 2024 9:23:16 AM

penticton.ca

Attachment C – Photos of Property





Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

- Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.*
- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.
- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The applicant has located the proposed front duplex building at 4.7 m from property line, the minimum is 4.5 m front yard setback, which helps to maintain a connection with the street. They have proposed a front door on the units closest to Penticton Avenue that faces the street to add a pedestrian scale to the development.
- Guideline G7 All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*
- The proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain ‘eyes on the street’ by keeping sightlines open from private property to the public streetscape.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- Okanagan Ave W to the south side of the development provides pedestrian access to the development. The rear lane to the north side of the development also provides pedestrian access to the development.
 - The proposed development has a sidewalk access from Okanagan 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 behind each dwelling unit.
 - Each dwelling unit has a front door for access from both Penticton Ave, and the rear laneway.
- Guideline G33 Water Conservation and Plant Maintenance: Xeriscaping, Irrigation & Mulching*
- The proposed development includes a landscaping plan that provides adequate and appropriate designs.
 - The plans indicate a fully automatic underground irrigation system, which helps to reduce overwatering and utilizes a drip system.
- Guideline G35 Tree planting...*
- Trees and shrubs have been provided at the front and rear of the property 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 20.0 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 two 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 the lane.
- The visitor parking space are in good public view from the rear lane for drivers who come to visit residents or tenants of the proposed development.

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



January 29, 2024

Giroux Design Group Inc.

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

Re: 43 Okanagan Ave W Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposed rezoning and development of the property located at 43 Okanagan Avenue West.

The proposal is to rezone the property from R1 to RD4 (Ground Oriented Residential) and construct two 2 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 Lyon's Community Park and Parkway Elementary School as well as major shopping centers making it an ideal location for families with children.

Thank you for considering our proposal.

Best regards,

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

43 OKANAGAN AVENUE 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.)

1.6 m setback has been allocated by the city as a prerequisite for future road widening. The city requires driveway access from the rear lane. There are no other significant restraints that will influence site design.

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

Each unit has a private yard with either morning or afternoon sun allowing all residents to enjoy a period of sun and shade each day in an outside environment.

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 valley from north and south windows that can be enjoyed either from the private yards 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 existing buildings on the street are varied in the setbacks from Okanagan Ave. The setback of the newer developments on the street and the commercial building to the east is consistent with the development. The proposed 3.0 m setback allows for easy pedestrian access to the building. Landscaping in the front yard provides a variety of trees, shrubs and a lawn creating interest to the public realm.

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 Cherry Lane mall and other 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 the walkway adjoining the paved parking.

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 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.

Located at the rear lane, adequate off-street parking is provided for the development. Each unit has a dedicated parking stall with an additional stall available for visitor parking. There are a total of 5 parking stalls accessed directly from the rear lane with no need for drive aisles.

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.

Sidewalks down each of the building provide easy access for all units to access parking at the rear.

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 yard giving the option for indoor/outdoor living. A tree will be planted in one of the larger private yards and will provide a shady pleasing environment for all units. All 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 front doors of the building facing the Okanagan Avenue on the South side and the lane on the North side with attractive covered porch entries. The rear units to the north of the development are oriented with the front doors and additional windows facing the rear lane with landscaping in the rear and front yards and City boulevard.

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.

On the front and rear of each unit cantilevered projections, porches, setback entries, and varied cladding materials 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, with two sidewalks provided between the street and the two front facing building entrances. While there is no public sidewalk on the north side of Okanagan Ave there is a cross walk directly to the east of the property giving access to the City sidewalk to the south.

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 units provide for visual overlook onto Okanagan Avenue and the public realm. All units have windows looking 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.

Five new trees will be planted on the property creating. 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.

The electrical transformer is placed in the front yard and wrapped with vinyl decorative 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 on concrete pads in the rear yards within 42" screened enclosures during non-collection days and will be placed at the rear lane curb for pickup on collection days. Access is by the gates from the rear yards.

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

The screened enclosure will be of the same material as the privacy fencing to fit into the landscape theme.

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

Each unit will have its own garbage and recycling containers.

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 its own private fenced yard. In addition to the private amenity space there is a community amenity area at the north of the property with landscaping and a lawn suitable for play or relaxation.

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 north 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. Deciduous trees create a pleasing environment 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 and easily accessible to all units. This space will be clearly marked for visitors.

Development Permit

Permit Number: DP PL2024-9738

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 6 District Lot 115 Similkameen Division Yale District Plan 3289
 - Civic: 43 Okanagan Avenue West
 - PID: 010-861-050
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of a two side-by-side duplexes (four 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 beginning works 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

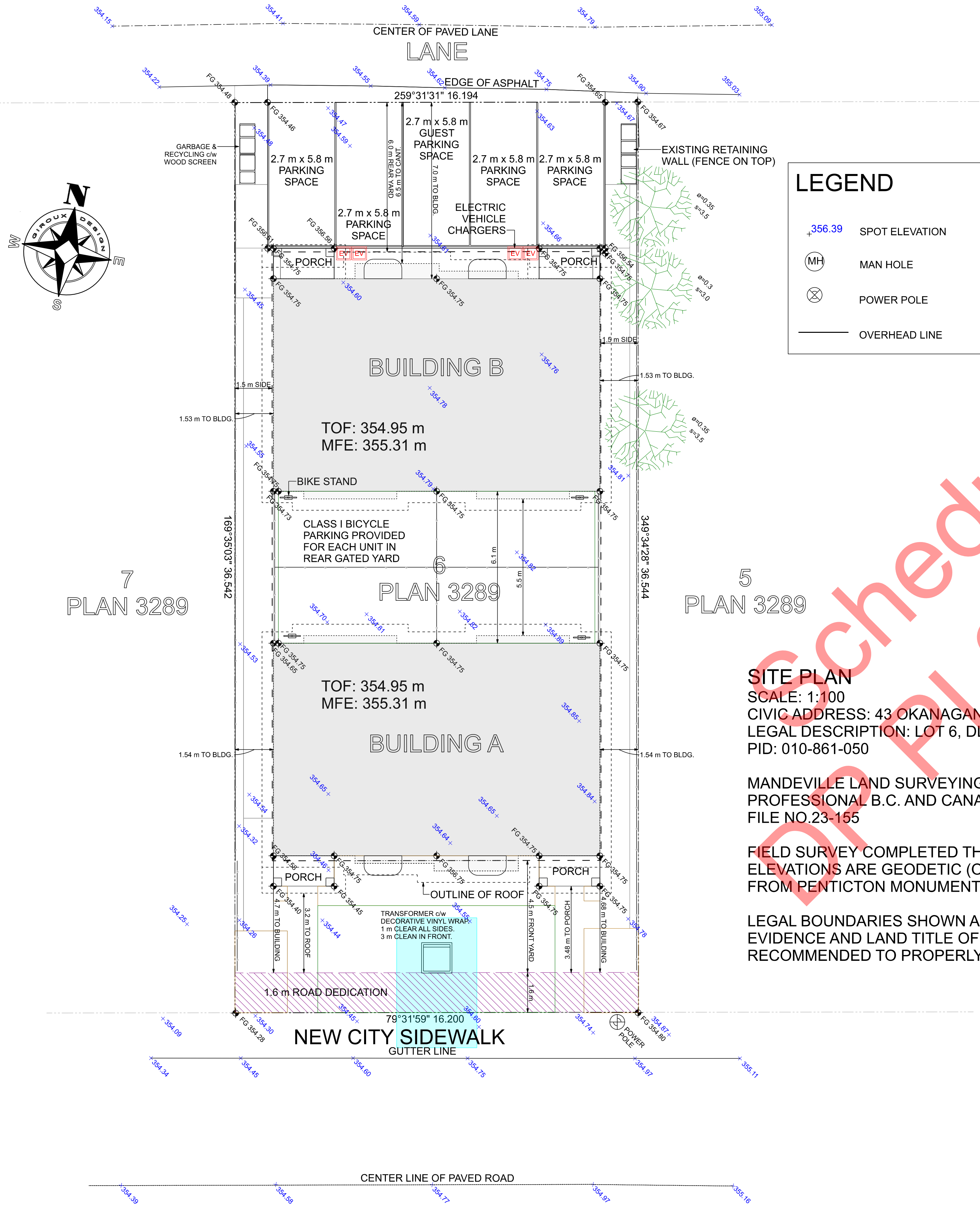
7. In accordance with Section 501(2) of the *Local Government Act*, the lands subject to this permit shall be developed in general accordance with this permit and the plans attached as Schedule 'A'.
8. In accordance with Section 504 of the *Local Government Act*, if the holder of this permit does not 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 16th day of April, 2024.

Issued this ____ day of April, 2024.

Angela Collison
Corporate Officer

PARCEL A PLAN B507



LEGEND

- +356.39 SPOT ELEVATION
- (MH) MAN HOLE
- (X) POWER POLE
- OVERHEAD LINE

ELECTRIC VEHICLE READY REQUIREMENTS 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.

SITE PLAN
 SCALE: 1:100
 CIVIC ADDRESS: 43 OKANAGAN AVENUE WEST, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 6, DL 115, SDYD, PLAN 3289
 PID: 010-861-050

MANDEVILLE LAND SURVEYING INC.
 PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
 FILE NO.23-155

FIELD SURVEY COMPLETED THIS 27th DAY OF JULY, 2023.
 ELEVATIONS ARE GEODETIC (ORTHOMETRIC CGVD28 HTv2.0) DERIVED FROM PENTICTON MONUMENT #95H2009

LEGAL BOUNDARIES SHOWN ARE BASED ON LIMITED EXISTING SURVEY EVIDENCE AND LAND TITLE OFFICE RECORDS. A FULL LEGAL SURVEY IS RECOMMENDED TO PROPERLY DEFINE BOUNDARIES.

ZONING COMPLIANCE TABLE (PROPOSED ZONING RD4)			
REGULATION	REQUIRED/CURRENT	PROPOSED/PROVIDED	VARIANCE REQUIRED
OCP DESIGNATION	GROUND ORIENTED RESIDENTIAL	GROUND ORIENTED RESIDENTIAL	NO
ZONING	R1	RD4	YES
MINIMUM LOT WIDTH (SUBDIVISION ONLY)	18.0	16.19 m	N/A
LOT AREA (SUBDIVISION ONLY)	540 m ²	591.9 m ²	N/A
MAXIMUM LOT COVERAGE	40% (236 m ²)	39% (232.6 m ²)	NO
MAXIMUM DENSITY	0.8 FAR	0.77 FAR (456 m ²)	NO
MAXIMUM HEIGHT	8.0 m TWO STOREY	7.6 m	NO
MINIMUM FRONT YARD (SOUTH)	4.5 m	4.5 m	NO
MINIMUM INTERIOR SIDE YARD (OVER TWO STOREYS/8.0 m)	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD (UP TO TWO STOREYS/8.0 m)	1.5 m	1.5 m	N/A
MINIMUM EXTERIOR SIDE YARD	3.0 m	N/A	N/A
MINIMUM REAR YARD (NORTH)	6.0 m	6.0 m	NO
AMENITY SPACE (20 m ² PER UNIT)	80 m ²	80 m ²	NO
PARKING SPACES (1 PER UNIT + GUEST)	5	5	NO

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.

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OKGN ENTERPRISES LTD.
 AMAR KAHLON
 43 OKANAGAN AVE. W.
 PENTICTON, BC.
 DESIGN BY: AIG
 DRAWN BY: AIG
 DATE: 2024-01-29
 REVISED:

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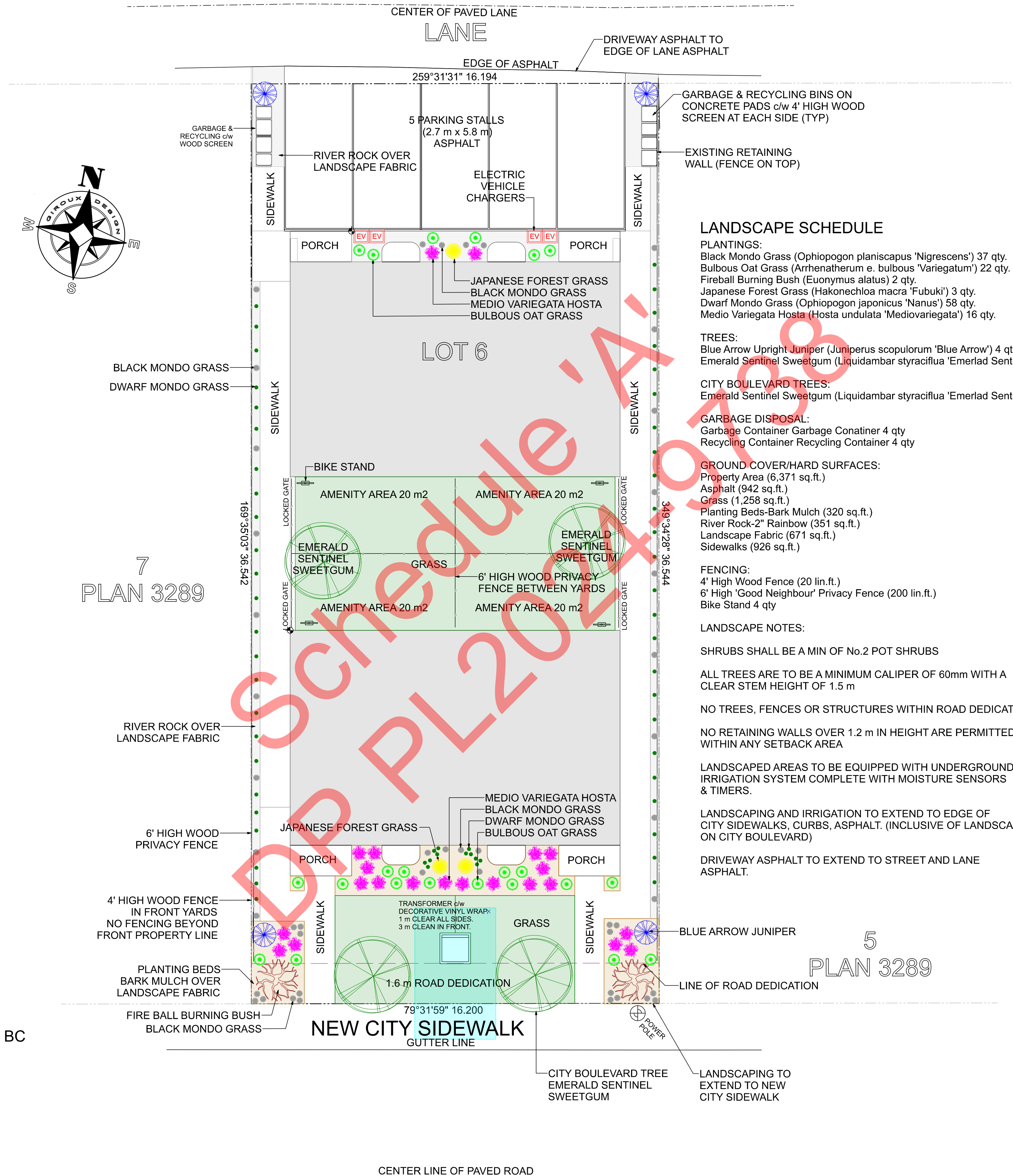
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GIROUX DESIGN GROUP
 Custom Home and Building Design Since 1950.
 GiroUX Design Group Inc.
 phone: 250.276.4373 e-mail: contact@giroUXdesigngroup.com
 web: www.giroUXdesigngroup.com

PLAN NO.
WP-5827
 SLAB
 SHEET NO.
A1

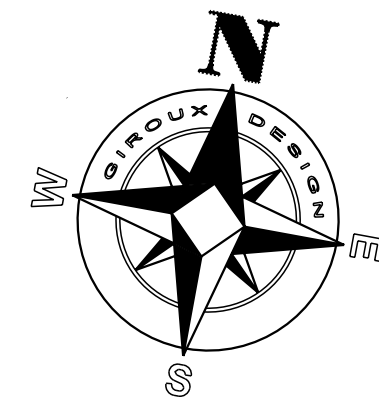
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PARCEL A PLAN B507



LANDSCAPE SCHEDULE

- PLANTINGS:**
 Black Mondo Grass (Ophiopogon planiscapus 'Nigrescens') 37 qty.
 Bulbous Oat Grass (Arrhenatherum e. bulbous 'Variegatum') 22 qty.
 Fireball Burning Bush (Euonymus alatus) 2 qty.
 Japanese Forest Grass (Hakonechloa macra 'Fubuki') 3 qty.
 Dwarf Mondo Grass (Ophiopogon japonicus 'Nanus') 58 qty.
 Medio Variegata Hosta (Hosta undulata 'Mediovariegata') 16 qty.
- TREES:**
 Blue Arrow Upright Juniper (Juniperus scopulorum 'Blue Arrow') 4 qty.
 Emerald Sentinel Sweetgum (Liquidambar styraciflua 'Emerlad Sentinel') 2 qty.
- CITY BOULEVARD TREES:**
 Emerald Sentinel Sweetgum (Liquidambar styraciflua 'Emerlad Sentinel') 2 qty.
- GARBAGE DISPOSAL:**
 Garbage Container Garbage Container 4 qty
 Recycling Container Recycling Container 4 qty
- GROUND COVER/HARD SURFACES:**
 Property Area (6,371 sq.ft.)
 Asphalt (942 sq.ft.)
 Grass (1,258 sq.ft.)
 Planting Beds-Bark Mulch (320 sq.ft.)
 River Rock-2" Rainbow (351 sq.ft.)
 Landscape Fabric (671 sq.ft.)
 Sidewalks (926 sq.ft.)
- FENCING:**
 4' High Wood Fence (20 lin.ft.)
 6' High 'Good Neighbour' Privacy Fence (200 lin.ft.)
 Bike Stand 4 qty
- LANDSCAPE NOTES:**
 SHRUBS SHALL BE A MIN OF No.2 POT SHRUBS
 ALL TREES ARE TO BE A MINIMUM CALIPER OF 60mm WITH A CLEAR STEM HEIGHT OF 1.5 m
 NO TREES, FENCES OR STRUCTURES WITHIN ROAD DEDICATION
 NO RETAINING WALLS OVER 1.2 m IN HEIGHT ARE PERMITTED WITHIN ANY SETBACK AREA
 LANDSCAPED AREAS TO BE EQUIPPED WITH UNDERGROUND IRRIGATION SYSTEM COMPLETE WITH MOISTURE SENSORS & TIMERS.
 LANDSCAPING AND IRRIGATION TO EXTEND TO EDGE OF CITY SIDEWALKS, CURBS, ASPHALT. (INCLUSIVE OF LANDSCAPING ON CITY BOULEVARD)
 DRIVEWAY ASPHALT TO EXTEND TO STREET AND LANE ASPHALT.



LANDSCAPE PLAN
 SCALE: 1:100
 CIVIC ADDRESS: 43 OKANAGAN AVENUE WEST, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 6, DL 115, SDYD, PLAN 3289
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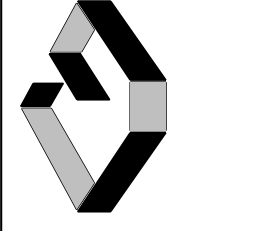
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 AMAR KAHLON
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 PENTICTON, BC.
 DESIGN BY: AJG
 DRAWN BY: AJG
 DATE: 2024-01-29
 REVISED:

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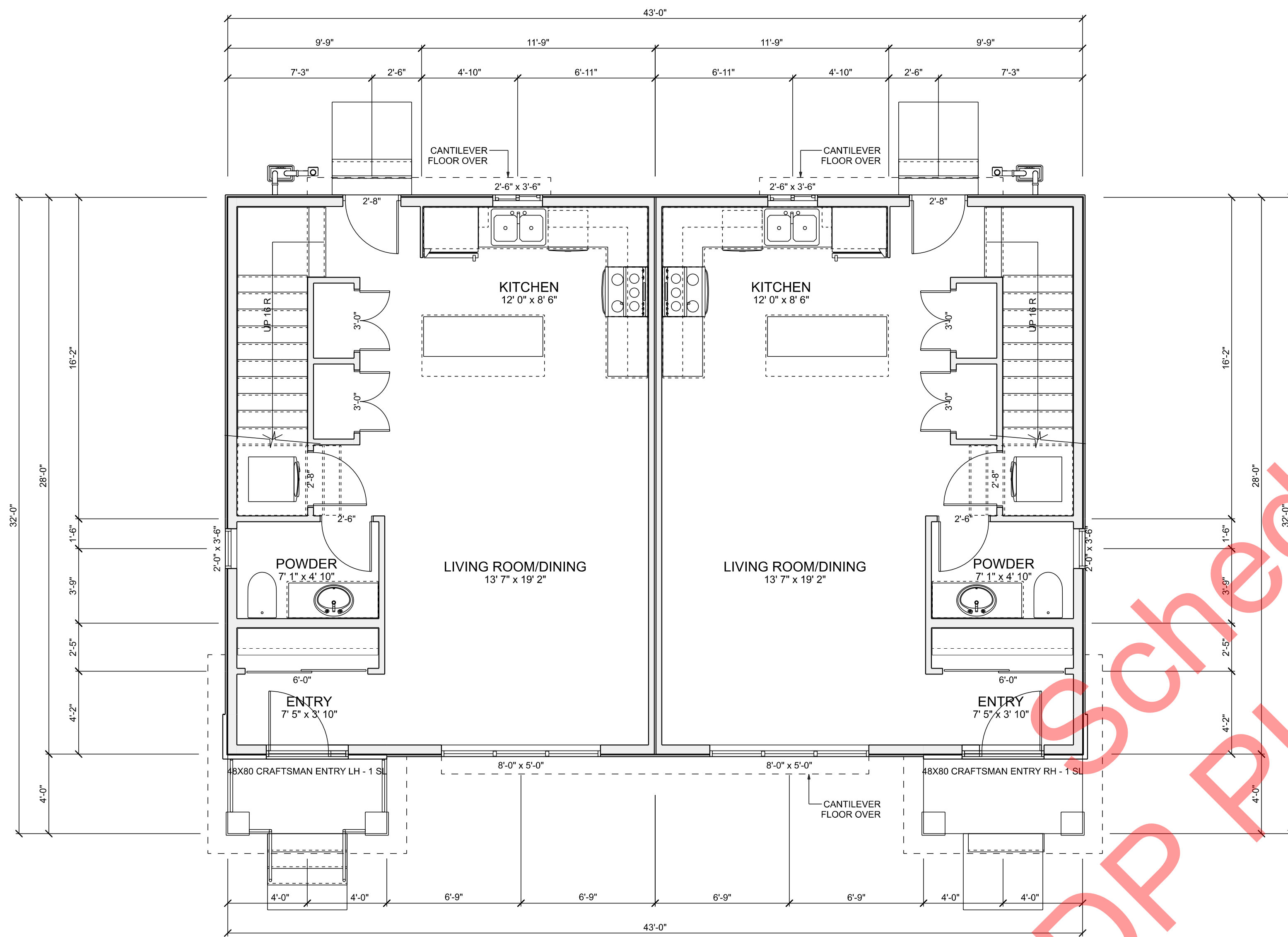


PLAN NO.
WP-5827
 SLAB
 SHEET NO.
A3

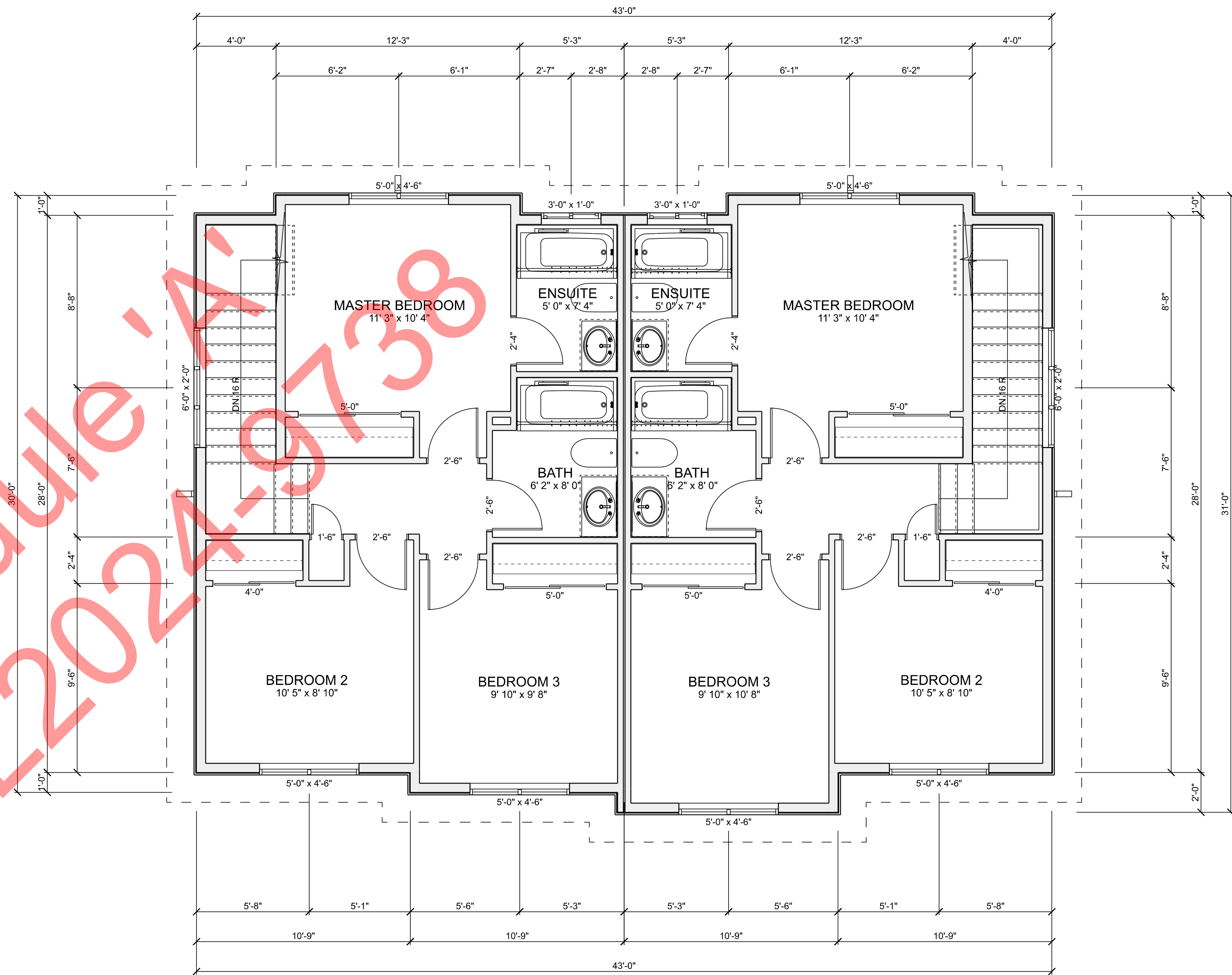
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Landscape Plan



BUILDING A-MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 MAIN FLOOR LIVING AREA: 1204 sq. ft.
 (LIVING AREAS EXCLUDE STAIRS)



BUILDING A-UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 SECOND FLOOR LIVING AREA: 1250 sq. ft.
 (LIVING AREAS EXCLUDE STAIRS)

DP PL2024-9738
 Schedule A

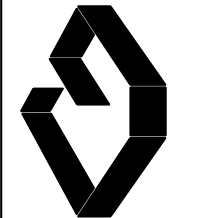
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DESIGN BY: AJG DATE: 2024-01-29
 DRAWN BY: AJG REVISED:

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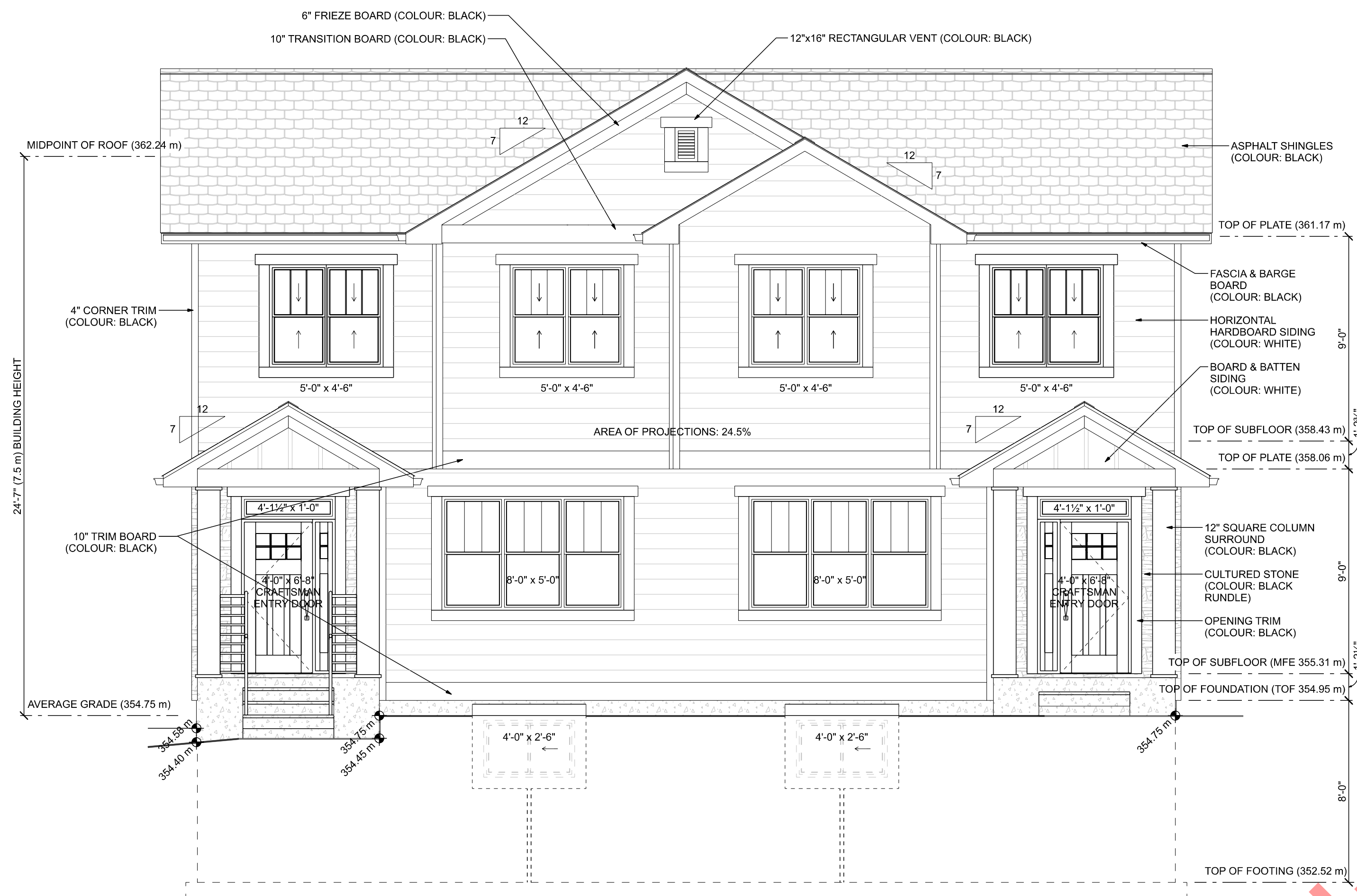


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Building A-Floor Plans



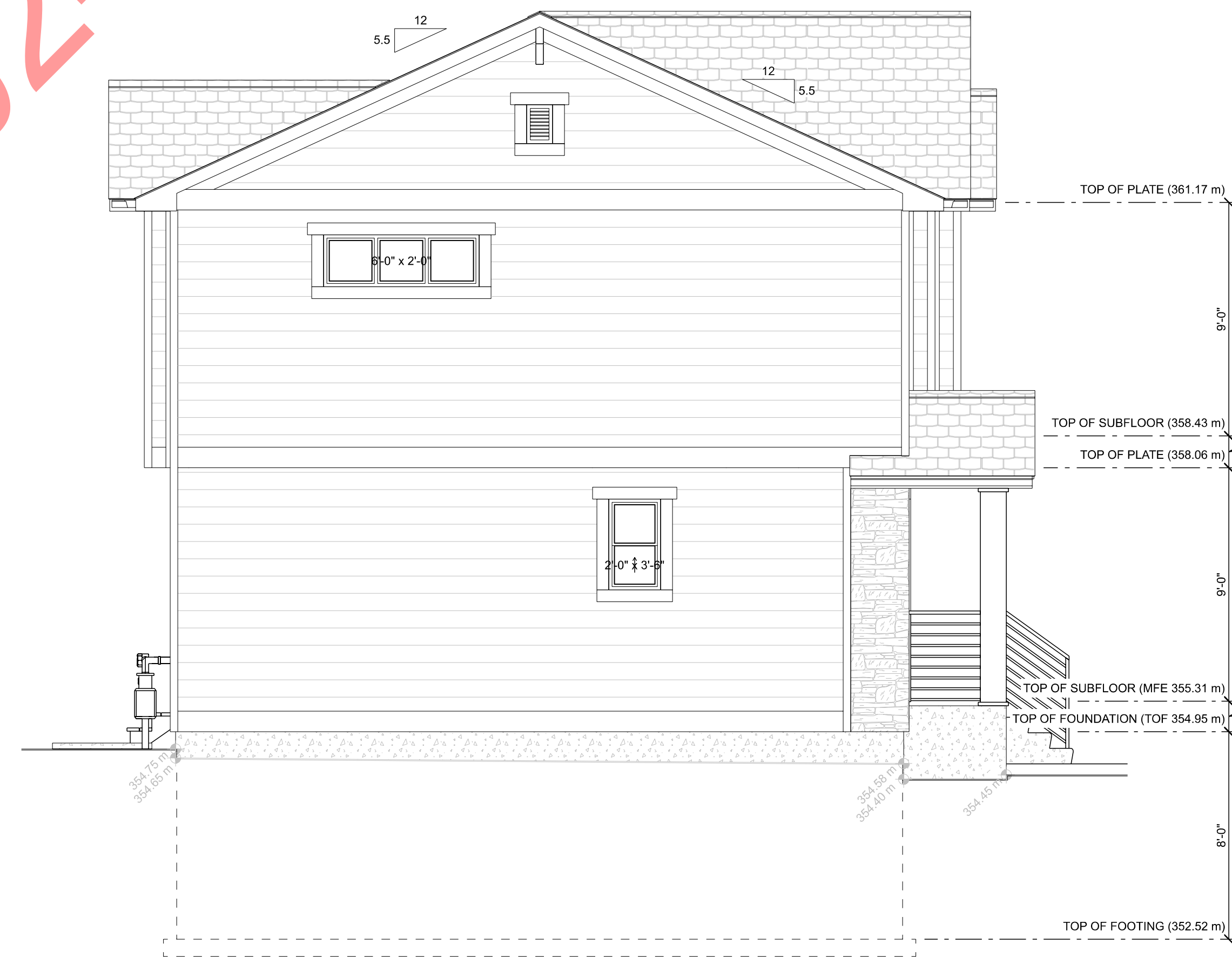
BUILDING A-FRONT ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

Schedule 'A'
 DP PL2024-9738

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Building A-Exterior Elevations

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 AMAR KAHLON
 43 OKANAGAN AVE. W.
 PENTICTON, BC.
 DESIGN BY: AIG
 DRAWN BY: AIG
 DATE: 2024-01-29
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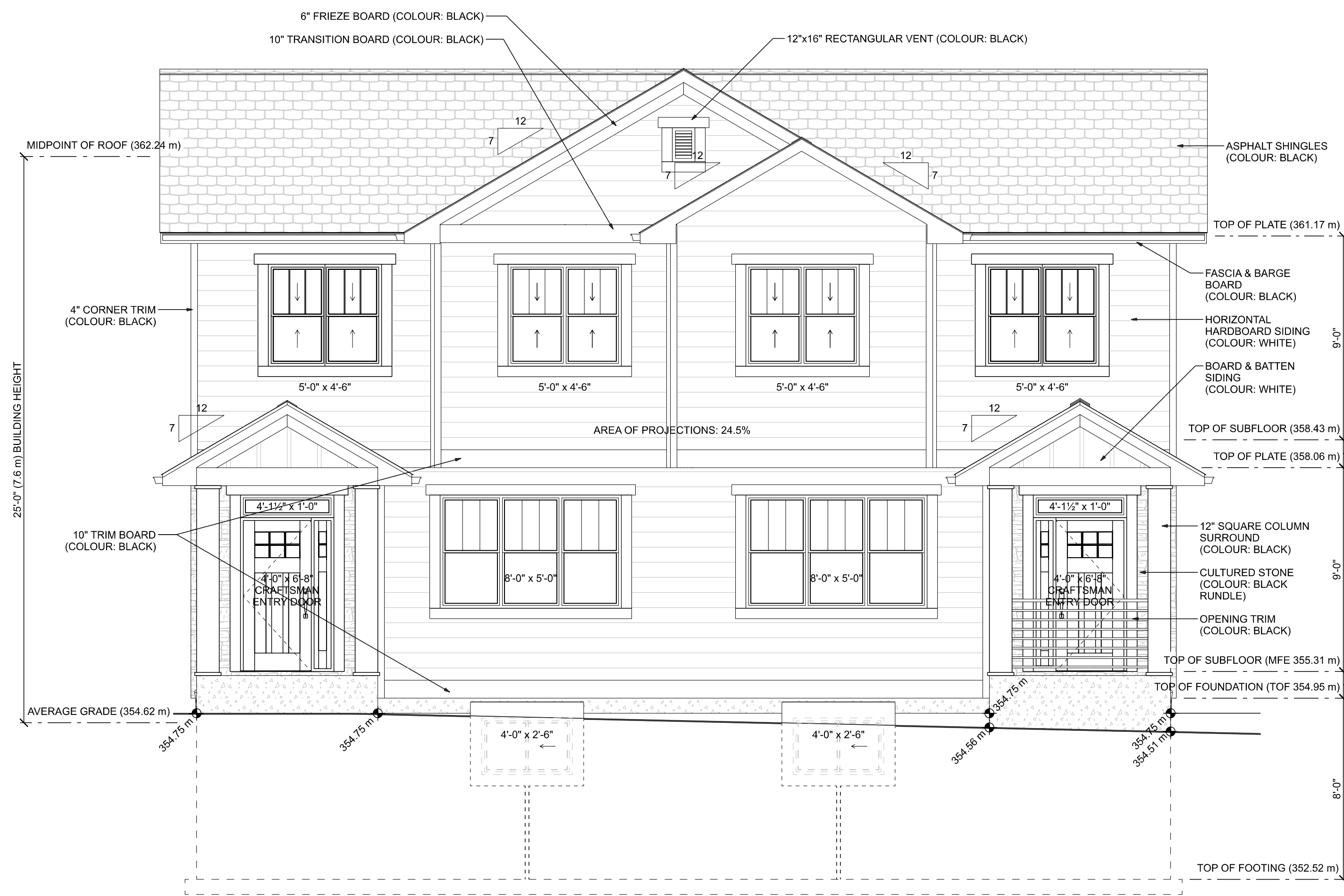
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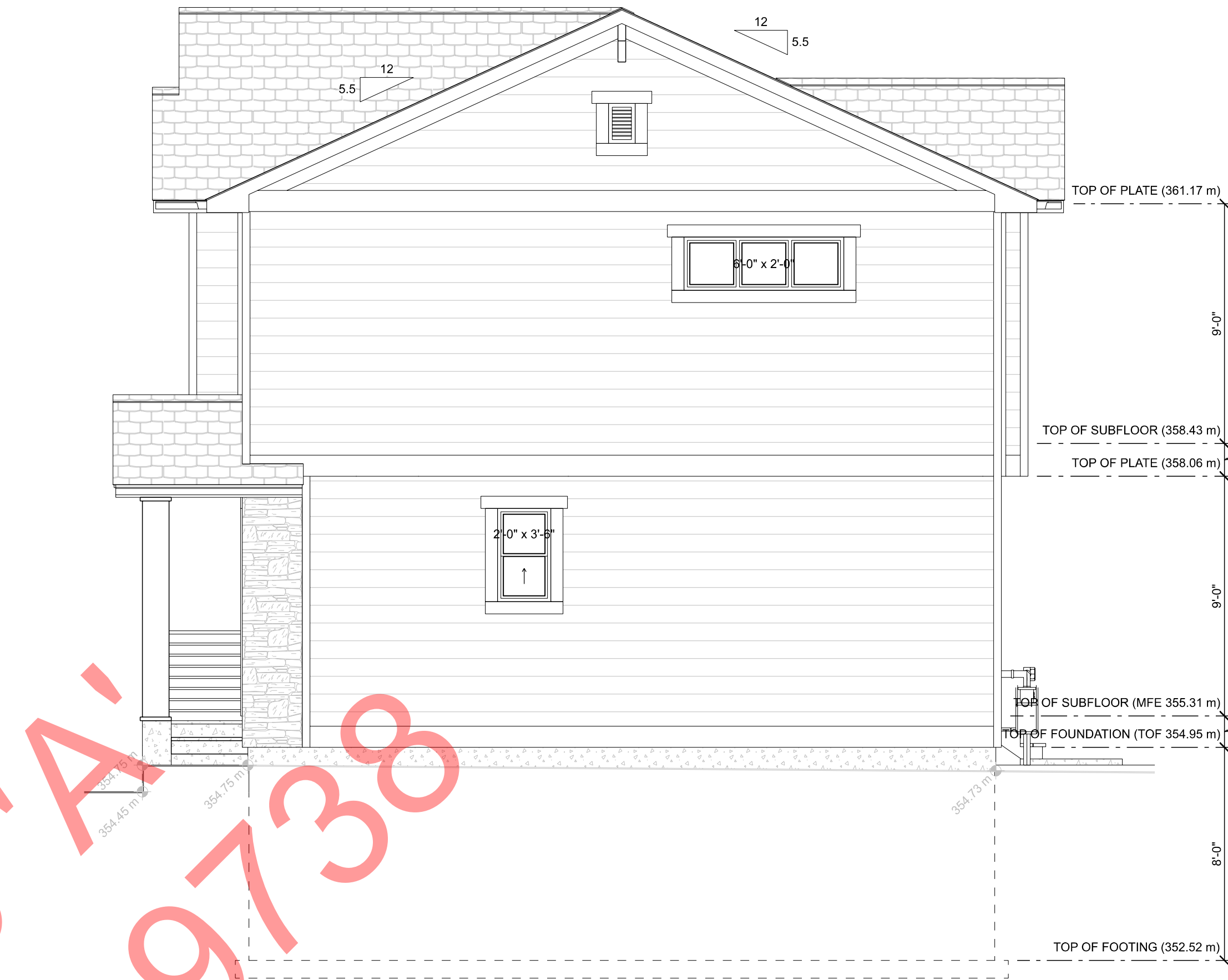
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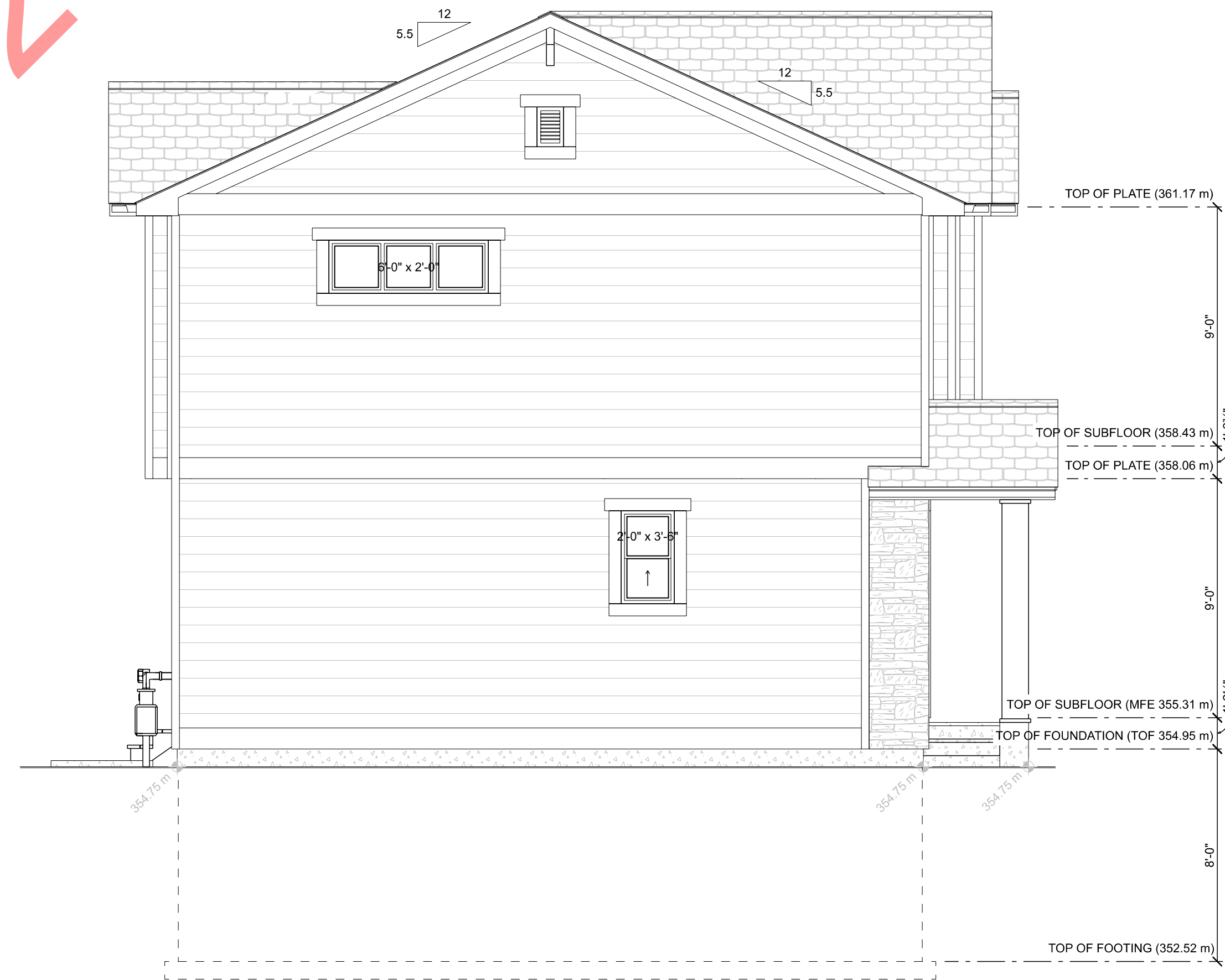
BUILDING B-FRONT ELEVATION
SCALE: 1/4" = 1'-0"



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



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



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

Schedule 'A'
 DP PL2024-9738

OKGON ENTERPRISES LTD.
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Building B-Exterior Elevations



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-17

Date: _____

Corporate Officer: _____

Council Report

penticton.ca

Date: April 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 756 Government Street

File No: RMS/756 Government St

**Subject: Zoning Amendment Bylaw No. 2024-18
Development Permit PL2024-9732**

Staff Recommendation

THAT Council give first, second and third reading to "Zoning Amendment Bylaw No. 2024-18", for Lot 8 District Lot 249 Similkameen Division Yale District Plan 3578 Except Plan KAP68409, located at 756 Government Street, a bylaw to rezone the subject property from R2 (Small Lot Residential) to RM2 (Low Density Multiple Housing);

AND THAT Council adopt "Zoning Amendment Bylaw No. 2024-18";

AND THAT Council require that a 1.7 m road dedication be completed prior to the issuance of the Occupancy Permit;

AND THAT Council, subject to adoption "Zoning Bylaw Amendment Bylaw No. 2024-18", approve "Development Permit PL2024-9732", for Lot 8 District Lot 249 Similkameen Division Yale District Plan 3578 Except Plan KAP68409, located at 756 Government Street, a permit to approve the form and character of two triplexes (six dwelling units).

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 two triplexes (six dwelling units) 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 Development Permit approval for the form and character of the building, which has been included for Council's consideration.

A development variance permit application was applied for to reduce the rear yard setback from 6.0 m to 4.5 m. As this variance is considered minor, it has been delegated to staff for approval.



Figure 1 – Conceptual Rendering of the Proposed Development

Background

The subject property (Figure 3) is currently zoned R2 (Small Lot Residential) and is designated as ‘Ground Oriented Residential’ (Figure 2) by the Official Community Plan (OCP). The subject property contains a single family home that was constructed in the 1950’s.

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

Figure 2 – OCP Land Use Designation

The surrounding area is a mixture of uses, including mostly single family dwellings directly adjacent, infill development, single family, duplex, 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 Penticon Secondary School and KVR Middle School, providing green space for future tenants and residents. The

property is also located within close proximity of the downtown area and grocery stores. This area is also well serviced by pedestrian, cycling and transit networks.

In June 2023, Council approved two similar proposals with rezoning to RM2 (Low Density Multiple Housing) and Development Permits for 720 Government St, and 732 Government St.

No Public Hearing

The proposed zoning aligns with the underlying OCP designation of the City's OCP, therefore the City is prohibited from holding a public hearing as per the *Local Government Act*.

Due to the recent changes, the Zoning Bylaw Amendment may have first, second, third reading and be adopted in one meeting as there are no additional conditions of rezoning.

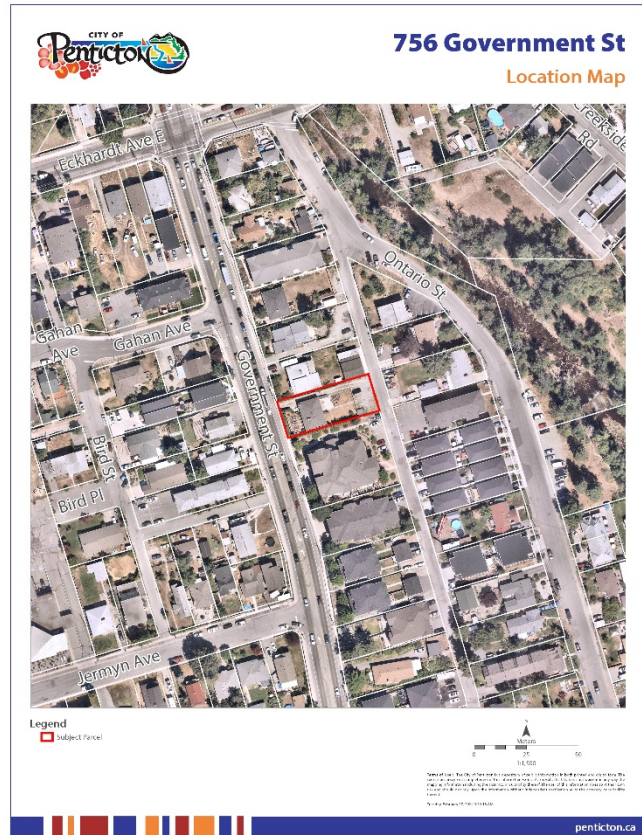


Figure 3 – Property Location Map

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 six units, increasing density in an area close to services, employment, schools and well served by transit. Each dwelling unit has ample space in their garages to provide Class 1 bicycle parking spaces, resulting in 6 Class 1 spaces.

Each dwelling unit is required to provide 1 (6 total) Level 2 Electric Vehicle ready space.

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

Technical Review

This application was reviewed by the City's Technical Planning Committee (TPC). The TPC raised comments regarding landscaping and boulevard trees. Staff worked with the applicant to address these concerns, and 3 boulevard trees were provided on the landscape plan. Typical servicing requirements have been identified for the Building Permit stage of the project, if the rezoning, development variance permit, and development permit applications are supported by Council. These items have been communicated to the applicant.

Road Dedication

A 1.7 m road dedication is required in order to have enough room for the planting of boulevard trees along Government St. Staff worked with the applicant to ensure 3 boulevard trees will be planted on along the front of the property.

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	18.4 m
Minimum Lot Area*:	540 m ²	845.8 m ²
Maximum Lot Coverage:	40%	32.5%
Maximum Density:	0.8 Floor Area Ratio (FAR)	0.71 Floor Area Ratio (FAR)
Maximum Height:	12 m	9.6 m
Vehicle Parking:	Total Required: 1 per dwelling unit plus 0.25 spaces/unit for visitors Total Required: 7 spaces	Total Per Dwelling: 6 spaces Total Visitor: 1 space Total Provided: 7 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:	Total Required: 0.5 per unit Total Class 1 Required: 3 Total Class 2: 0.1 per unit Total Class 2 Required: 1 spaces	Total Class 1 Provided: 6 spaces Total Class 2 Provided: 1 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, 4 trees, and 45 shrubs.	Total Provided: 3.0 m wide, 4 trees, and 52 shrubs.
Landscape Buffer (south):	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 45 shrubs.	Total Provided: 1.0 m wide, 5 trees, and 58 shrubs (Variance to width through Development Permit).
Landscape Buffer (west):	Total Required: Minimum 3.0 m wide and one tree for every 10.0 m buffer	Total Provided: 4.4 m wide, 4 trees, and 28 shrubs.

	RM2 Zone Requirement	Provided on Plans
	area. One shrub for every meter of buffer area. Total Required: Minimum 3.0 m wide, 1 trees, and 18 shrubs.	
Required Setbacks		
Front Yard (Government St):	3.0 m	3.0 m
Interior Side Yard (north):	3.0 m	3.0 m
Interior Side Yard (south):	3.0 m	8.1 m
Rear Yard (lane):	6.0 m	4.5 m – variance requested
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’ (Figure 2), 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 triplexes (six 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 a suitably scaled development in an area of the city that has been identified for increased residential density by the OCP. The proposed zoning to allow two triplexes (six dwelling units) on the property is consistent with the increased density and building forms envisioned by the 'Ground Oriented Residential' designation.

Given that there is adequate policy through the OCP to support the proposed development, staff recommend that Council give first, second, and third reading to "Zoning Amendment Bylaw No. 2024-18" and adopt the 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 south 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 south landscape buffer is reduced in width from 3.0 m to 1.0 m because of the required drive aisle. Staff are supporting this variance, as the landscaping plan still provides more than the required number of shrubs along all property lines.

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 7.0 m wide drive aisle between the proposed buildings, which reduces the overlook into the southern 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.

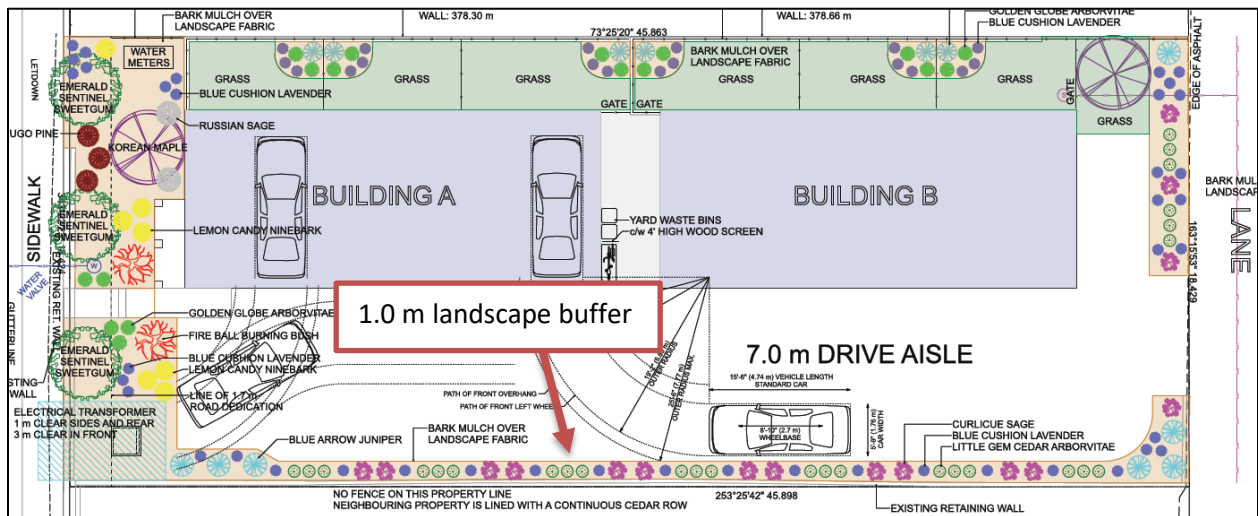


Figure 4 – Landscape Buffer

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.

Alternate Recommendations

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

1. THAT Council deny first reading to "Zoning Amendment Bylaw No. 2024-18".

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 PL2024-9732
- Attachment G – Zoning Amendment Bylaw No. 2024-18

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

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

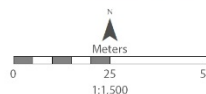


756 Government St Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- R2 - Small Lot Residential
- RM2 - Low Density Multiple Housing
- RM3 - Medium Density Multiple Housing
- RD1 - Duplex Housing
- RD2 - Duplex Housing: Lane
- P1 - Public Assembly
- P2 - Parks and Recreation



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Tuesday, February 27, 2024 9:25:59 AM

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Attachment B – Official Community Plan Map



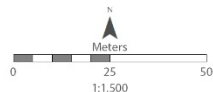
756 Government St

OCP Map



Legend

- Subject Parcel
- Future Land Use
 - Detached Residential
 - Ground Oriented Residential
 - Urban Residential
 - Parks
 - Infill Residential

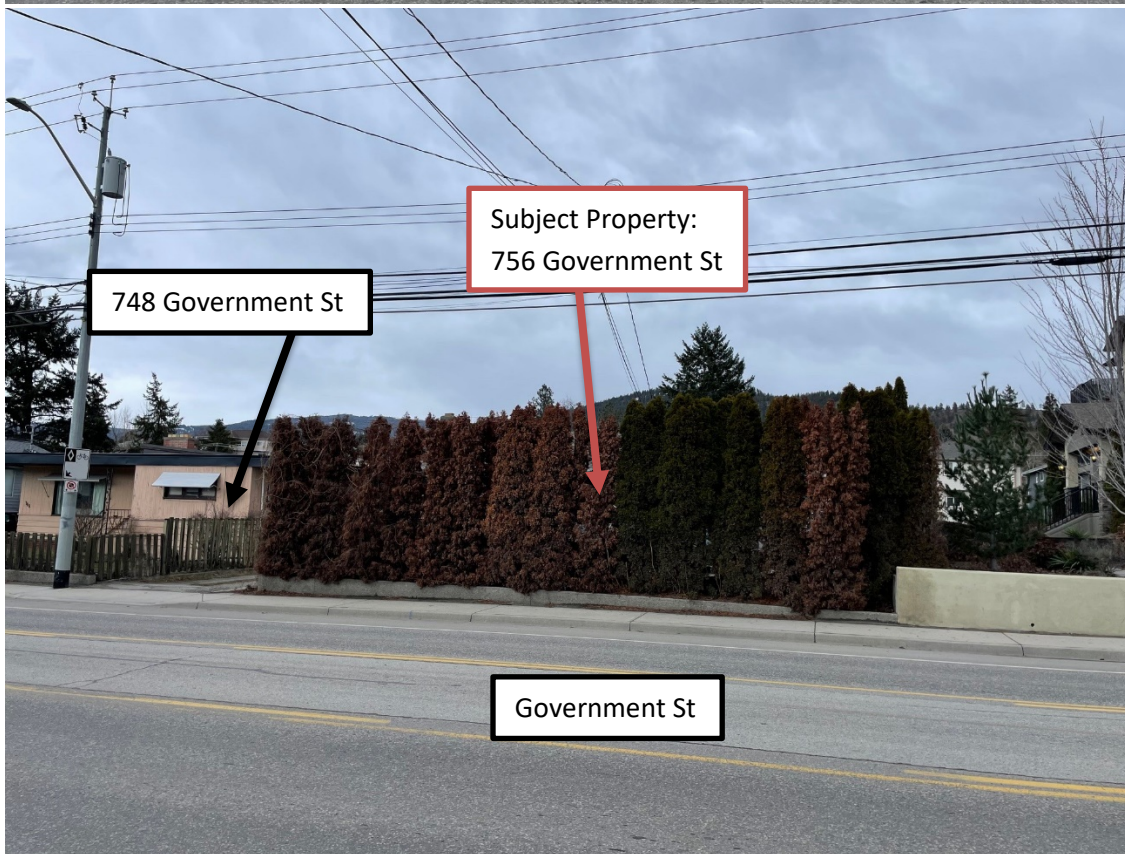
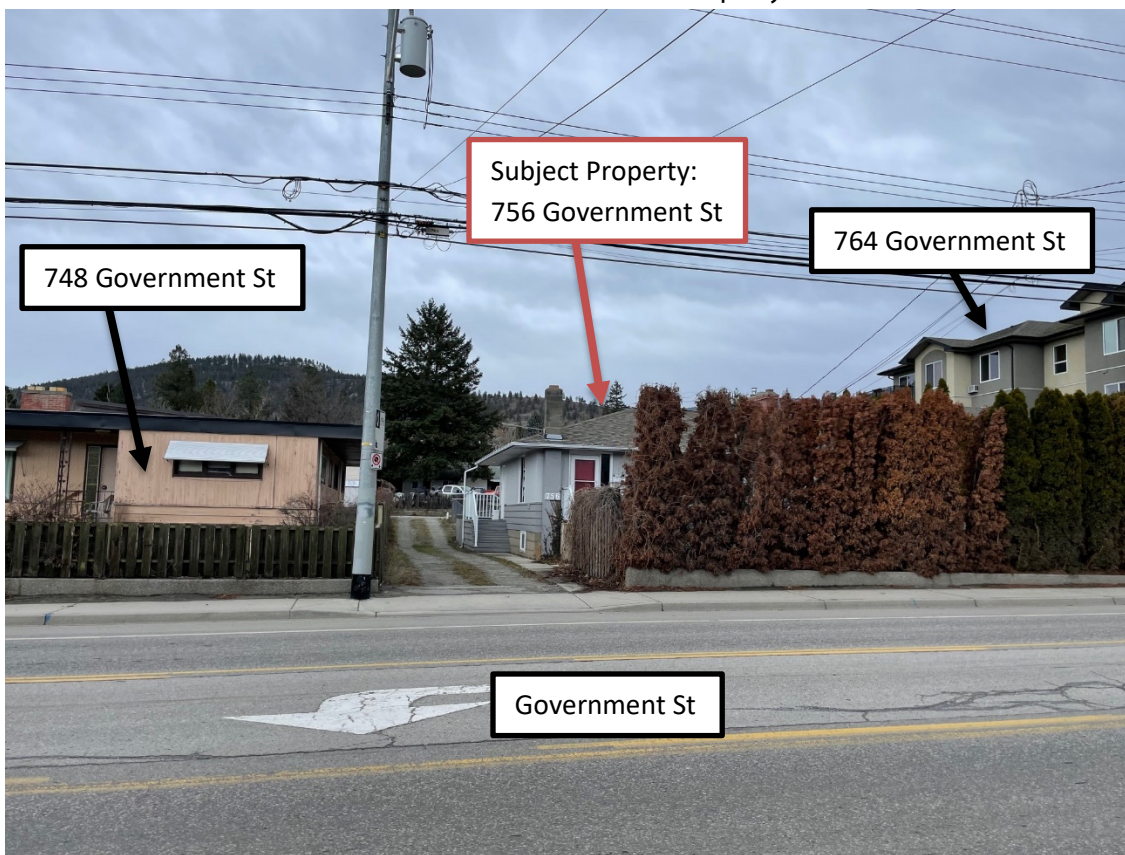


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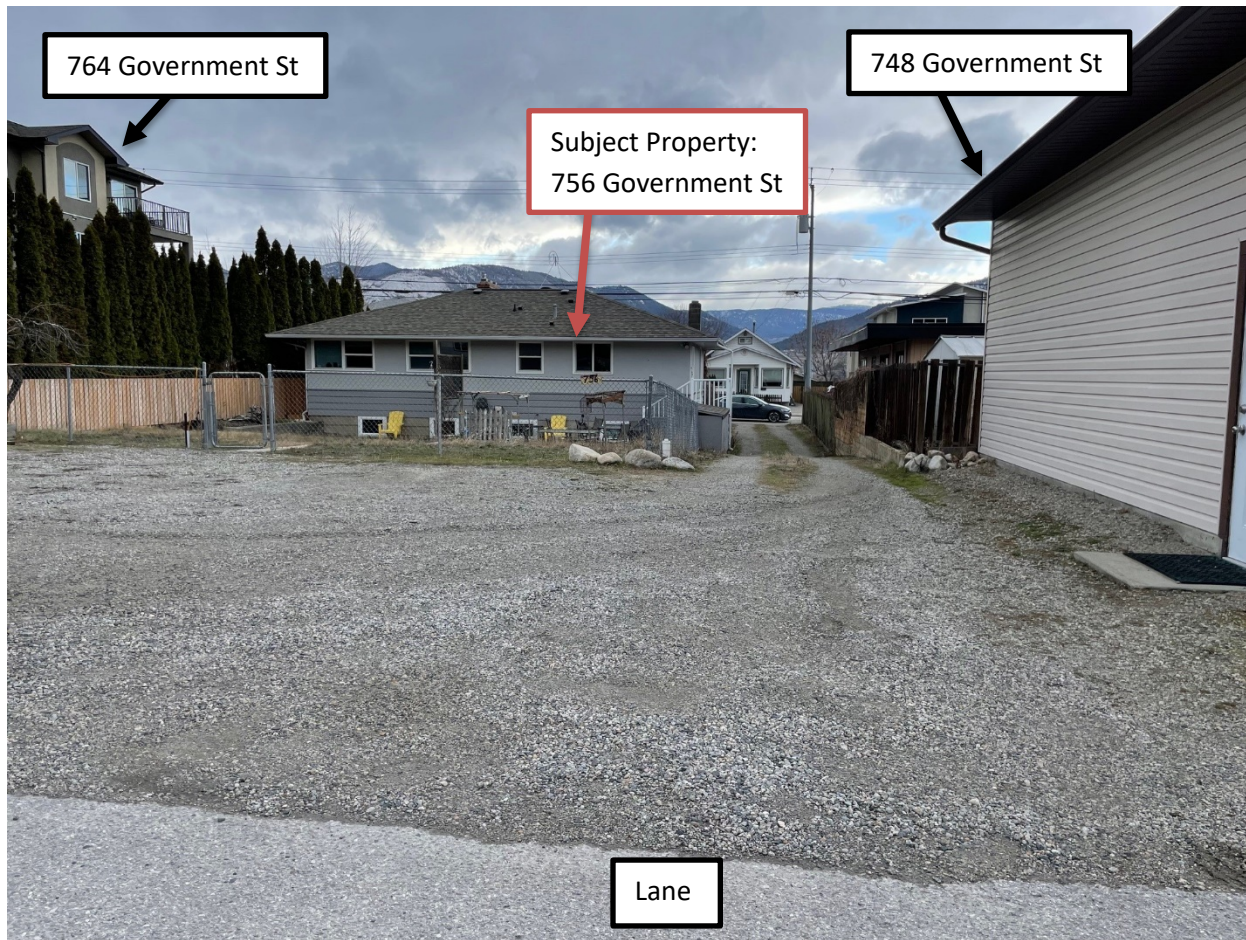
Tuesday, February 27, 2024 9:25:19 AM

penticton.ca

Attachment C – Photos of Property







Attachment D – Development Permit Analysis (staff)

Development Permit Analysis

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

- Guideline G1 Applications shall include a comprehensive site plan – considering adjacent context for building and landscape architectural design and neighbourhood character analysis - to demonstrate that the development is sensitive to and integrated within its context and surrounding uses and neighbours.*
- The applicant has labelled geodetic elevations on the site plan, to show they have reviewed the topography of the property, which is relatively flat.
- Guideline G5 Siting of buildings should support strong street definition by minimizing front yard setbacks while sensitively transitioning to neighbouring building setbacks.*
- The applicant has located the proposed building at 5.0 m from the front yard, the minimum required is a 3.0m front yard setback, which helps to maintain a connection with the street. They have proposed a front door on the unit closest to Government Street that faces the street to add a pedestrian scale to the development.
- Guideline G7 All designs shall consider Crime Prevention Through Environmental Design (CPTED) principles and balance the reduction of crime and nuisance opportunities with other objectives to maximize the enjoyment of the built environment.*
- The proposed front yard fencing is limited to 1.2m (4ft.) in height, which is aligned with the Zoning Bylaw requirements and also helps to retain ‘eyes on the street’ by keeping sightlines open from private property to the public streetscape.
- Guideline G11 Barrier-free pedestrian walkways to primary building entrances must be provided from municipal sidewalks, parking areas, storage, garbage and amenity areas.*
- Government Street to the west side of the development provides pedestrian access to the development.
 - The proposed development has a sidewalk access from Government Street 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 north behind each dwelling unit.
 - Each dwelling unit has a front door for access from the drive aisle, Government St, 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 north, east, and south 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 25.0 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)



January 24, 2024

Giroux Design Group Inc.

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

Re: 756 Government Street Development Permit Application

To City of Penticton Planning Department,

This letter is regarding the proposal to rezone and develop the property located at 756 Government Street. The OCP for the property is Ground Oriented Residential and the proposed rezoning from R2 Small Lot Residential to RM2 Low Density Multiple Housing is permitted in the OCP designation. The development will provide 6 townhouse units, each with 2 bedrooms and a single car garage. The proposed development is consistent with other developments recently approved by the City on this street at 720 and 732 Government, as well as other existing multifamily developments at 724, 764, 780, 796, 800, 804 and 864 Government. The location of the development is also ideal for families as there are schools, shopping, parks, trails, and downtown all within walking distance. A city sidewalk, bus transit and the bike lane all are running along Government Street directly in front of the property.

A 1.7 m road dedication is being taken by the City at the front of the property, for this reason we are requesting a variance to the rear yard setback from 6.0 m to 4.6 m. This variance will allow for the development to have six units rather than five units. The impact of this variance is negligible to the surrounding properties as the rear yard is adjacent to a lane.

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

Thank you for considering our proposal.

Best regards,

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

756 GOVERNMENT STREET: 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.)

A 1.7 m road widening was confirmed with the City Engineering Department and the City Planning department was consulted about the proposed variance to the rear yard setback prior to the design of 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 either morning or afternoon sun allowing all residents to enjoy a period of sun and shade each day in an outside environment. A common amenity space at the east of the property also has exposure to the sun throughout the day. The buildings windows are predominantly oriented facing to the south for the greatest solar gain in winter months, although with windows also facing north solar gain is year round.

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

The views from the units are primarily to the south looking towards the mountains in that direction.

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 proposed front of building is consistent with the existing buildings on the street as the front of the building is 4.7 m from the City sidewalk. The 1.7 m road dedication is planned as a boulevard on which three trees will be planted. The landscaping in the front yard also provides a variety of trees, shrubs and a lawn creating interest to the public realm.

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 single car garages to allow for secured storage and parking. Each unit will have its own fenced private yard for additional protected outdoor space. The common area at the east 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 within walking distance of schools, parks, shopping, and the downtown core. 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 from the City sidewalk to the property and the 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).

The entrance to the buildings is 0.6 m higher than the City sidewalk and at the same level as the rear lane.

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 provided on the first floor of each unit reduce the need for additional hard surfacing needed for outdoor parking. 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 space is placed at the east side of the property.

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 north and south with the end units having windows also facing east and west, allowing for solar gain throughout the year. Each unit has it's own private yard giving the option for indoor/outdoor living. The existing trees as well as some of the new trees are a mix of coniferous and deciduous providing shade in the summer and sun in the winter. Windows are openable 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 west of the development is oriented with the front door and additional windows facing Government Street with landscaping in the front yard and City boulevard.

G23. Articulation of building mass should include horizontal (minor) setbacks and stepbacks (along upper storeys) to provide visual interest and enrich the pedestrian experience. Balconies and/or cantilevered upper floors may be considered as a means to 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 south side of the property. A sidewalk is provided between the street and the drive aisle. A City sidewalk is directly accessible from the front 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 the street facing unit provides for visual overlook onto Government Street and the public realm. All units have windows looking over the drive aisle 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.

18 new trees are proposed for in this development, three in the City boulevard and 15 on the property.

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 yards southwest corner and wrapped with vinyl decorative wrap. The water meters are placed in the front northwest corner of the property and is 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 of the buildings during non-collection days and will be placed in front of the garage door for pickup on collection days. Two community yard waste bins are placed in the centre of the property between the two buildings behind a 1.2 m high wood screen.

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

The wood screen for the yard waste bin will be of the same material as the privacy fencing to fit into the landscape theme. The other garbage bins are in the garages.

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

Each unit will have its own garbage and recycling containers with two community yard waste bins are placed in the centre of the property between the two buildings beside 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 its own private fenced yard. In addition to the private amenity space there is a community amenity area at the east of the property with landscaping and a lawn suitable for play or relaxing. The development is located close to schools, trails and parks.

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 evergreen plants and drought resistant shrubs 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 east side of the property and easily accessible to all units. This space will be clearly marked for visitors.

Development Permit

Permit Number: DP PL2024-9732

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 8 District Lot 249 Similkameen Division Yale District Plan 3578
 - Civic: 756 Government Street
 - PID: 010-843-329
3. This permit has been issued in accordance with Section 489 of the *Local Government Act*, to permit the construction of two triplexes (six 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 beginning works 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. In accordance with Section 489 of the Local Government Act, the following provisions of the City of Penticton Zoning Bylaw No. 2023-08 are varied by this permit:
 - a. Table 5.1: to reduce the required south landscape buffer from 3.0 m to 1.0 m.
6. 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.
7. Upon completion of the development authorized by this permit, an application for release of securities (Landscape Inspection & Refund Request) must be submitted to the Planning Department. Staff may carry out inspections of the development to ensure the conditions of this permit have been

met. Inspection fees may be withheld from the security in accordance with the City of Penticton Fees and Charges Bylaw (as amended from time to time).

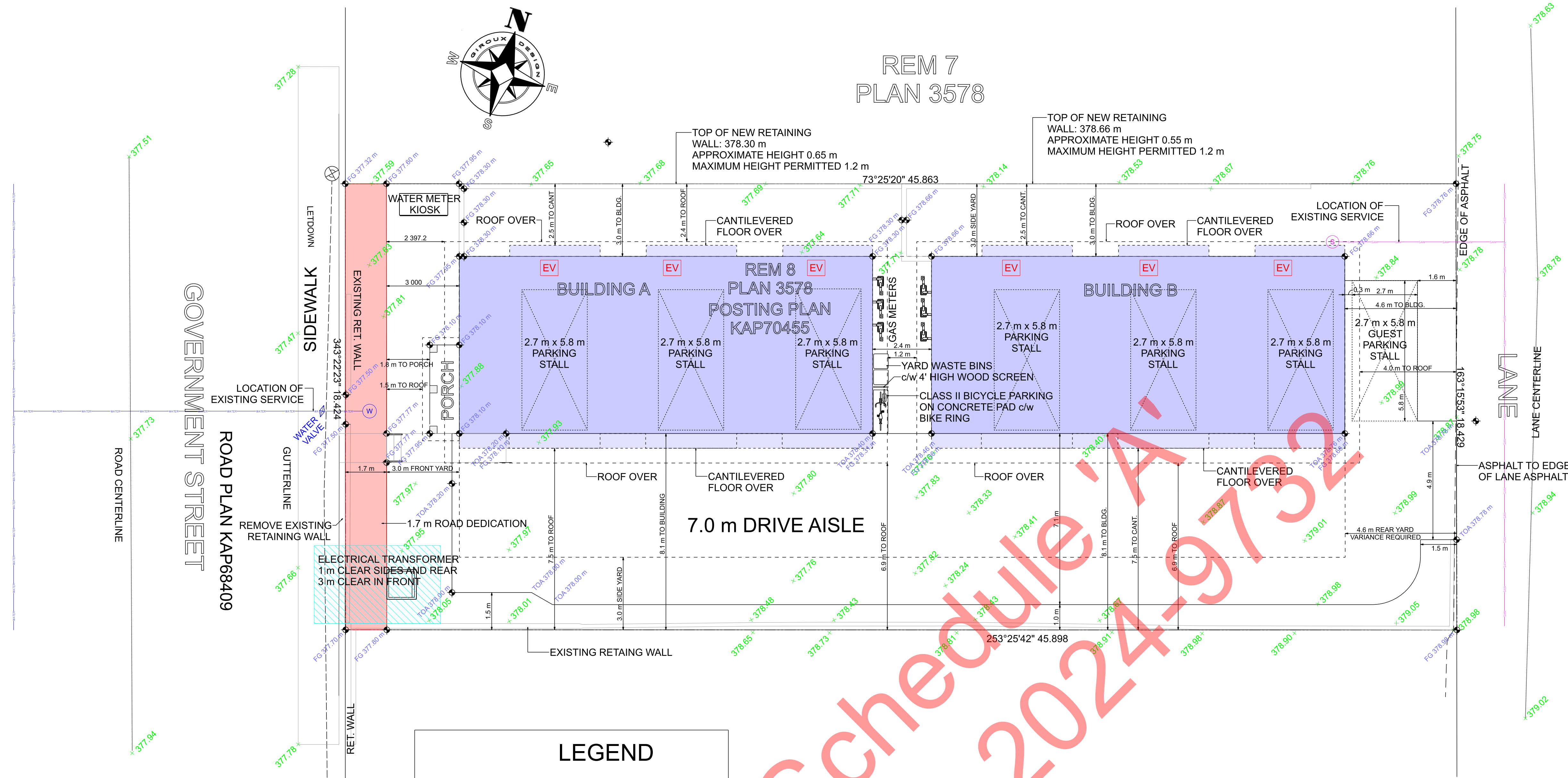
General Conditions

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

Authorized by City Council, the 16th day of April, 2024.

Issued this ____ day of April, 2024.

Angela Collison
Corporate Officer



ELECTRIC VEHICLE READY REQUIREMENTS 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.

LEGEND

- SPOT ELEVATION (ORIGINAL GRADE)
- OVERHEAD WIRE
- POWER POLE

Schedule A
 DP PL 2024-9732

ZONING COMPLIANCE TABLE (PROPOSED ZONING RM2)

REGULATION	REQUIRED/CURRENT	PROPOSED/PROVIDED	VARIANCE REQUIRED
OCF DESIGNATION	GROUND ORIENTED RESIDENTIAL	GROUND ORIENTED RESIDENTIAL	NO
ZONING	R2	RM2	YES
LOT AREA (SUBDIVISION ONLY)	540 m ²	845.41 m ²	N/A
MINIMUM LOT WIDTH (SUBDIVISION ONLY)	18.0 m	18.424 m	N/A
MAXIMUM LOT COVERAGE	40%	32% (271 m ²)	NO
MAXIMUM DENSITY	0.80 FAR	0.74 FAR (626.4 m ²)	NO
MAXIMUM HEIGHT	12 m	9.5 m	NO
MINIMUM FRONT YARD	3.0 m	3.0 m	NO
MINIMUM INTERIOR SIDE YARD	3.0 m	3.0 m	NO
MINIMUM EXTERIOR SIDE YARD	4.5 m	4.5 m	N/A
MINIMUM REAR YARD	6.0 m	4.6 m	NO
PARKING SPACES (1 PER UNIT+0.25 GUEST)	7	7	NO
BICYCLE PARKING (CLASS I/CLASS II)	GARAGE/1	GARAGE/1	NO
AMENITY AREA (20 m ² PER UNIT)	120 m ²	121 m ²	NO

AMENITY SPACE SHALL BE PROVIDED AT THE RATE OF 20 M² FOR EACH DWELLING UNIT. 25% OF THE REQUIRED AMENITY SPACE MUST BE PROVIDED AT THE GROUND FLOOR LEVEL. A MAXIMUM OF 20% OF THE TOTAL REQUIRED AMENITY SPACE MAY BE PROVIDED AS AMENITY SPACE, INDOOR.

SITE PLAN
 SCALE: 1:100
 CIVIC ADDRESS: 756 GOVERNMENT STREET, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 8, DL 249, SDYD, PLAN 3578 EXCEPT PLAN KAP68409
 PID: 010-843-329

MANDEVILLE LAND SURVEYING INC.
 PROFESSIONAL B.C. AND CANADA LAND SURVEYORS
 FILE NO.: 22-038
 FIELD SURVEY COMPLETED THIS 1st DAY OF MARCH, 2022
 ELEVATIONS ARE GEODETIC (ORTHOMETRIC CGVD28 HTv2.0) DERIVED FROM PENTICTON MONUMENT #82H5345

ISAAX VENTURES LTD.
 ED ISAAX
 756 GOVERNMENT ST.
 PENTICTON, BC

DESIGN BY: AIG
 DRAWN BY: AIG
 DATE: 2024-02-23
 REVISED:

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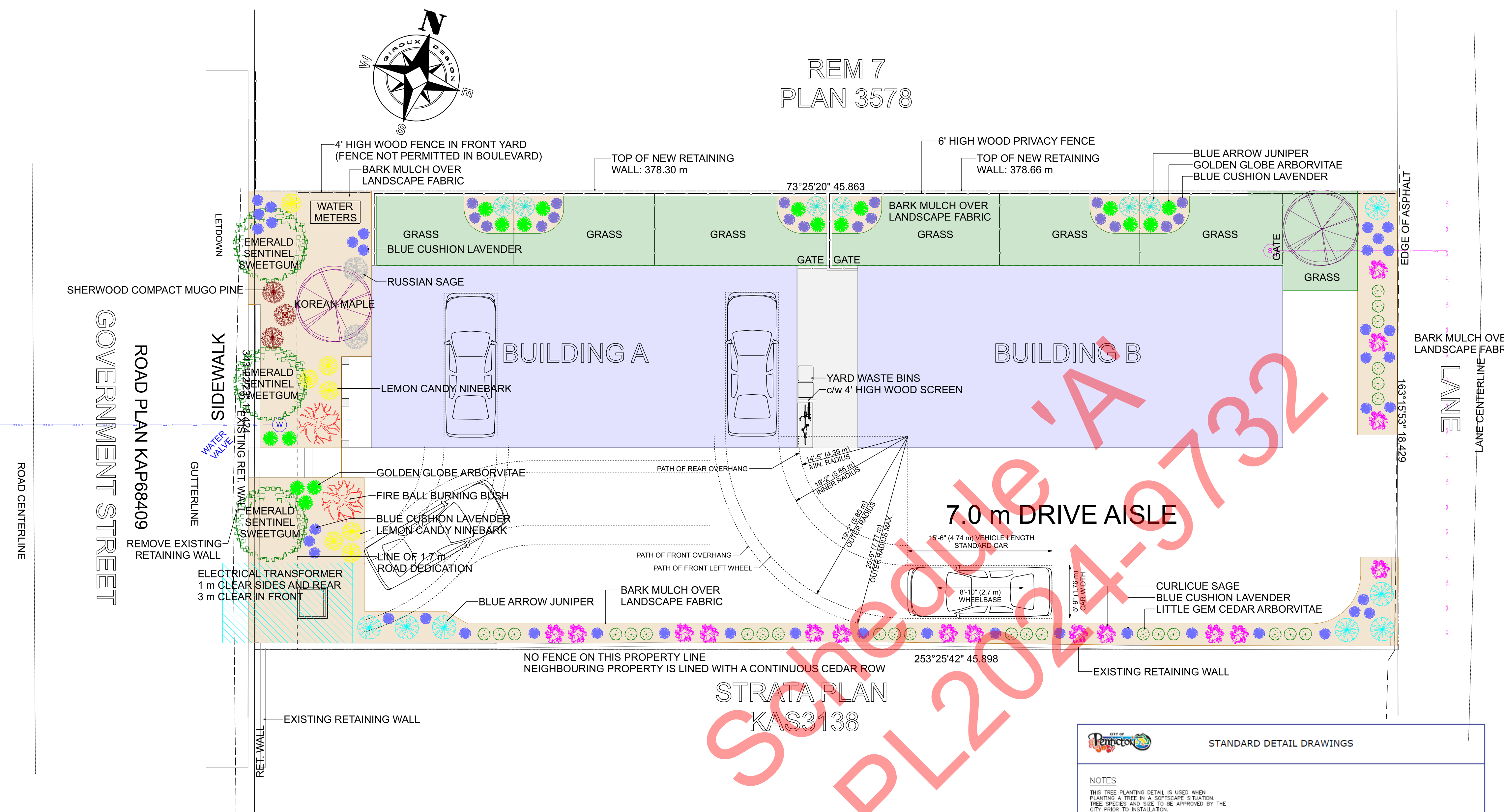
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WP-5830
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Site Plan



LANDSCAPE PLAN

SCALE: 1:100
 CIVIC ADDRESS: 756 GOVERNMENT STREET, PENTICTON, BC
 LEGAL DESCRIPTION: LOT 8, DL 249, SDYD, PLAN 3578 EXCEPT PLAN KAP68409
 PID: 010-843-329

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 ELEVATIONS ARE GEODETIC (ORTHOMETRIC CGVD28 HTv2.0) DERIVED FROM PENTICTON MONUMENT #82H5345

LANDSCAPE SCHEDULE

- PLANTINGS:**
 Blue Cushion Lavender (*Lavandula angustifolia* 'Blue Cushion') 47 qty.
 Curlicue Sage (*Artemisia versicolor* 'Seafoam') 16 qty.
 Fire Ball Burning Bush (*Euonymus alatus* 'Fire Ball') 2 qty.
 Golden Globe Arborvitae (*Thuja occidentalis* 'Golden Globe') 17 qty.
 Lemon Candy Ninebark (*Physocarpus opulifolius* 'Podaras 3') 7 qty.
 Little Gem Cedar Arborvitae (*Thuja occidentalis* 'Little Gem') 27 qty.
 Russian Sage (*Perovskia atriplicifolia*) 2 qty.
 Sherwood Compact Mugo Pine (*Pinus mugo* 'Sherwood Compact') 3 qty.

- TREES:**
 Blue Arrow Juniper (*Juniperus scopulorum* 'Blue Arrow') 13 qty.
 Emerald Sentinel Sweetgum (*Liquidambar styraciflua* 'Clydesform') 3 qty.
 Korean Maple (*Acer pseudosieboldianum*) 2 qty.

- GARBAGE DISPOSAL:**
 Garbage Container 6 qty.
 Recycling Container 6 qty.
 Yard Waste Bin 2 qty.

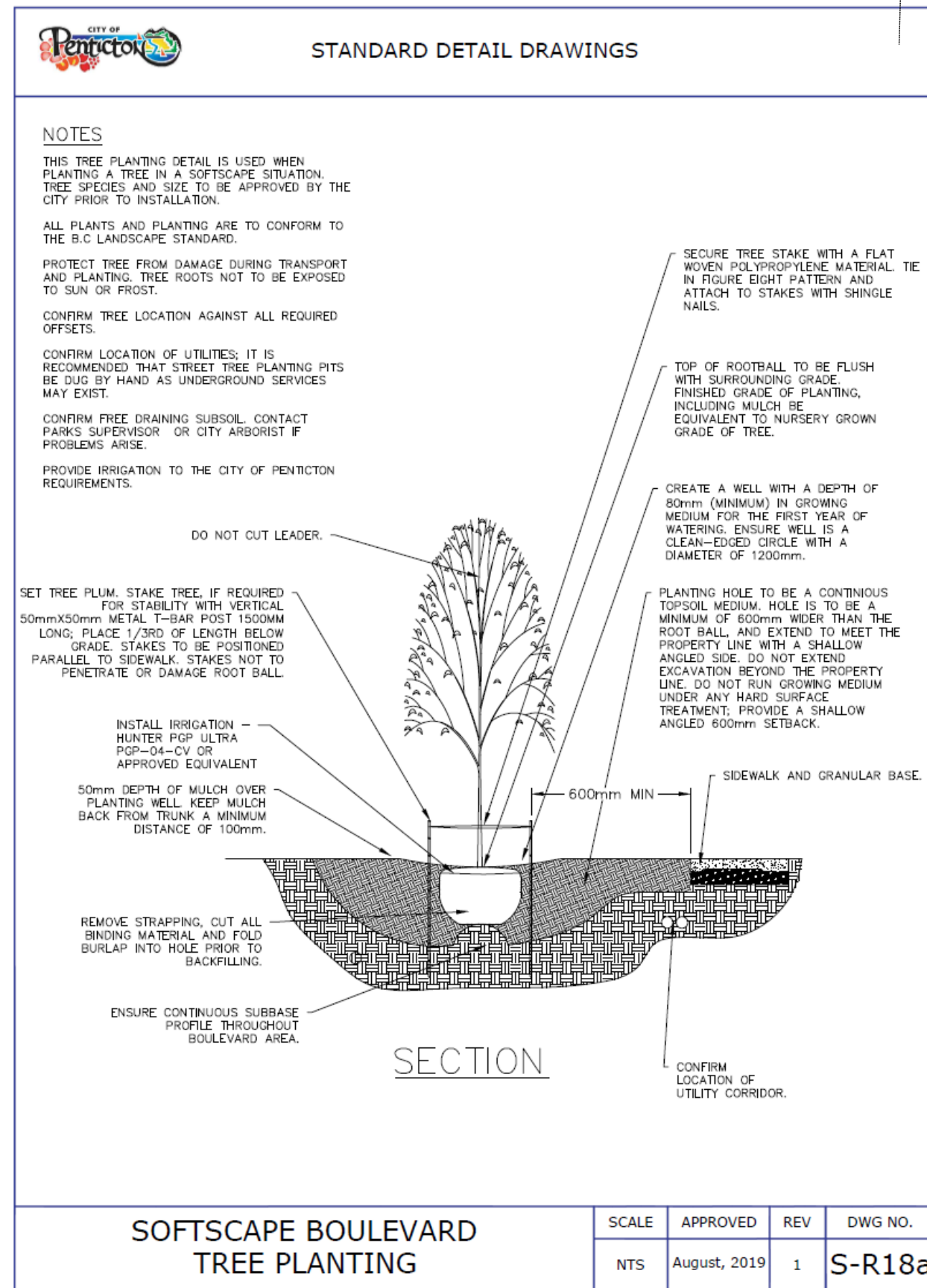
- GROUND COVER/HARD SURFACES:**
 Property Area (9,148 sq.ft.)
 Asphalt (3,270 sq.ft.)
 Grass (1,222 sq.ft.)
 Planting Beds-Bark Mulch (1,466 sq.ft.)
 River Rock-2" Rainbow (206 sq.ft.)
 Landscape Fabric (1671 sq.ft.)
 Sidewalks/Patios (90 sq.ft.)

- FENCING:**
 4' High Wood Fence (12 lin.ft.)
 6' High 'Good Neighbour' Privacy Fence (198 lin.ft.)

LANDSCAPE NOTES:

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

DP PL 2024-9732
 SOFTSCAPE BOULEVARD
 TREE PLANTING



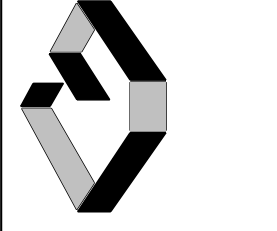
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NTS	August, 2019	1	S-R18a

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 ED ISAAX
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 PENTICTON, BC
 DESIGN BY: AIG
 DRAWN BY: AIG
 DATE: 2024-02-23
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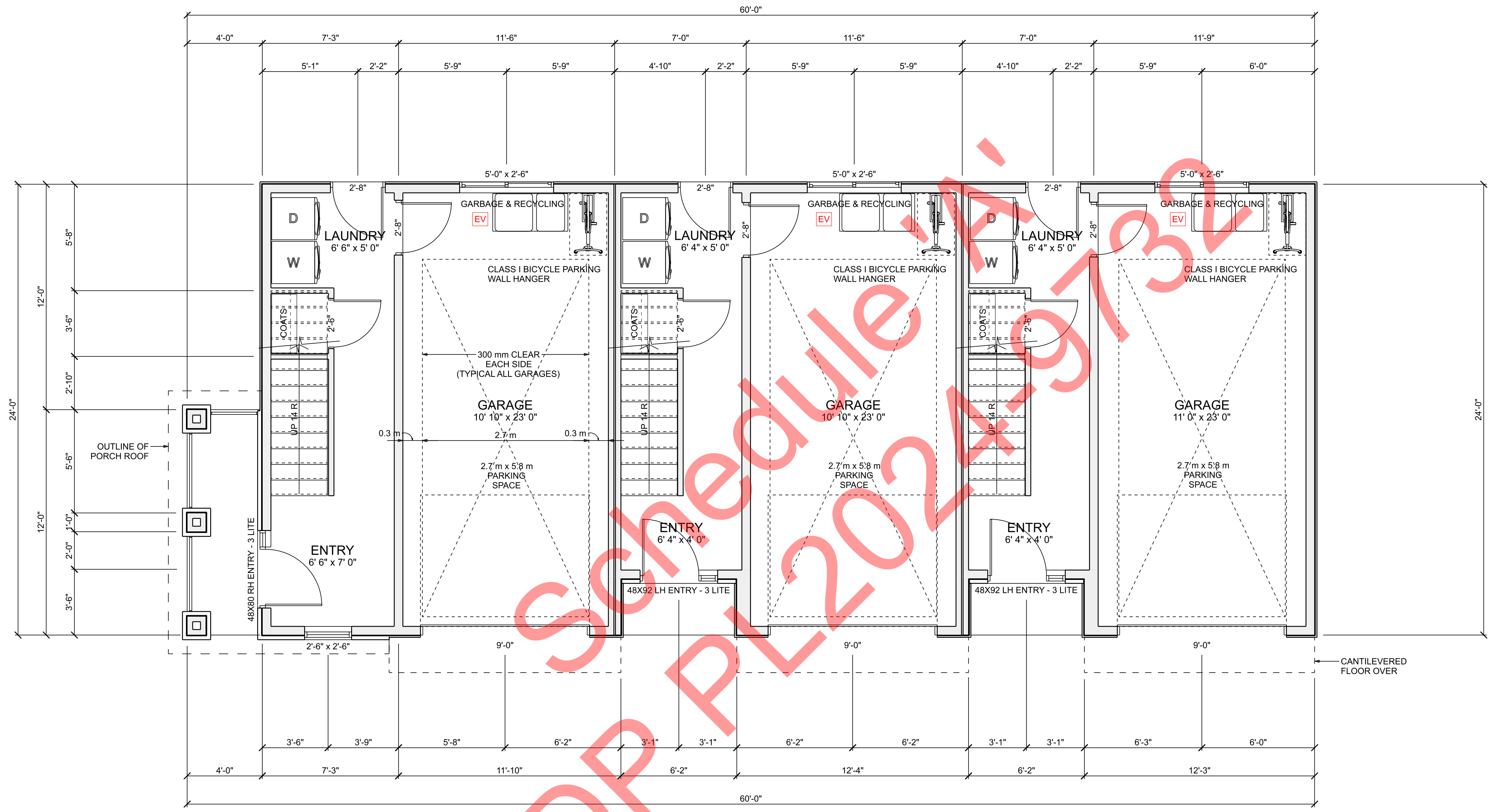


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Landscape Plan

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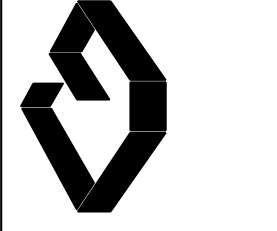


BUILDING A-LOWER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 LOWER FLOOR AREA: 453 sq. ft.
 GARAGE AREA: 846 sq. ft.

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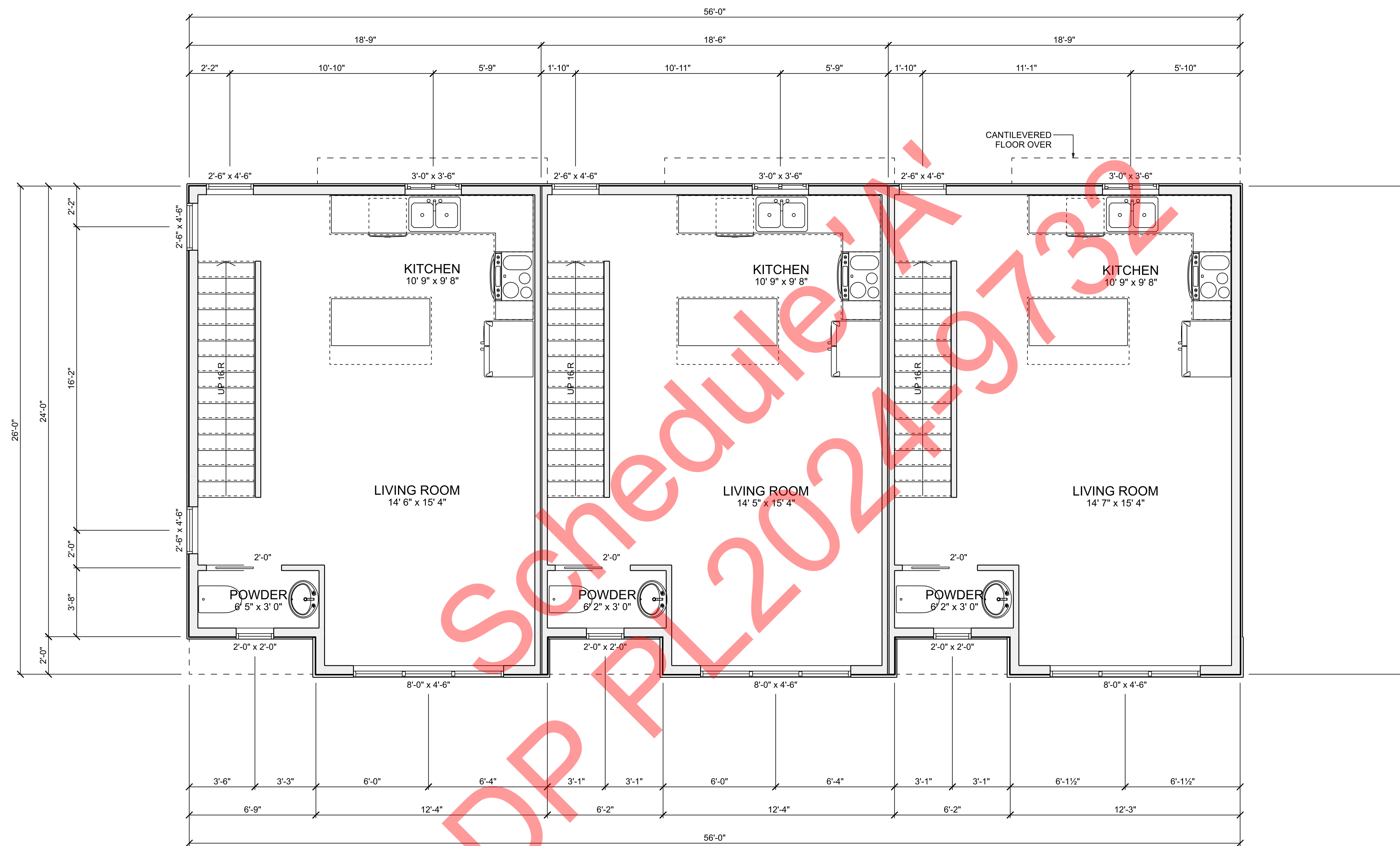


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Building A-Lower Floor Plan

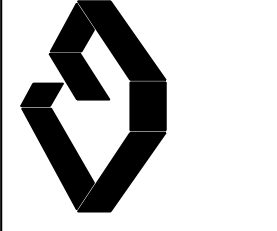


BUILDING A-MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 MAIN FLOOR LIVING AREA: 1418 sq. ft.

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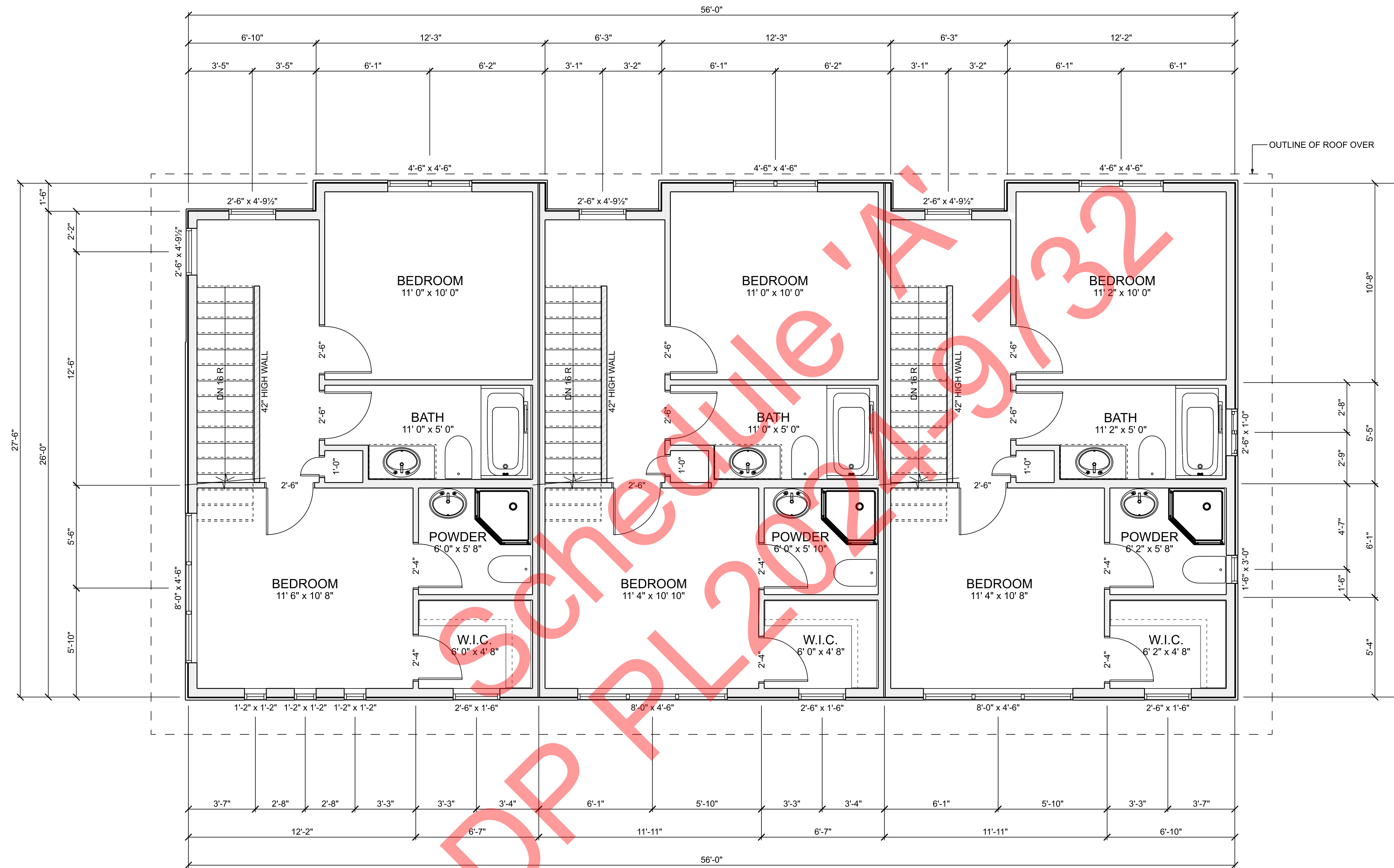


PLAN NO.
WP-5830
 SLAB
 SHEET NO.
A5

ISAAC VENTURES LTD.
 ED ISAAK
 756 GOVERNMENT ST.
 PENTICTON, BC
 DESIGN BY: AIG DATE: 2024-02-23
 DRAWN BY: AIG REVISED:

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Building A-Main Floor Plan



BUILDING A-UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 UPPER FLOOR LIVING AREA: 1511 sq ft.

ISAAC VENTURES LTD.
 ED ISAAK
 756 GOVERNMENT ST.
 PENTICTON, BC

DESIGN BY: AIG DATE: 2024-02-23
 DRAWN BY: AIG REVISED:

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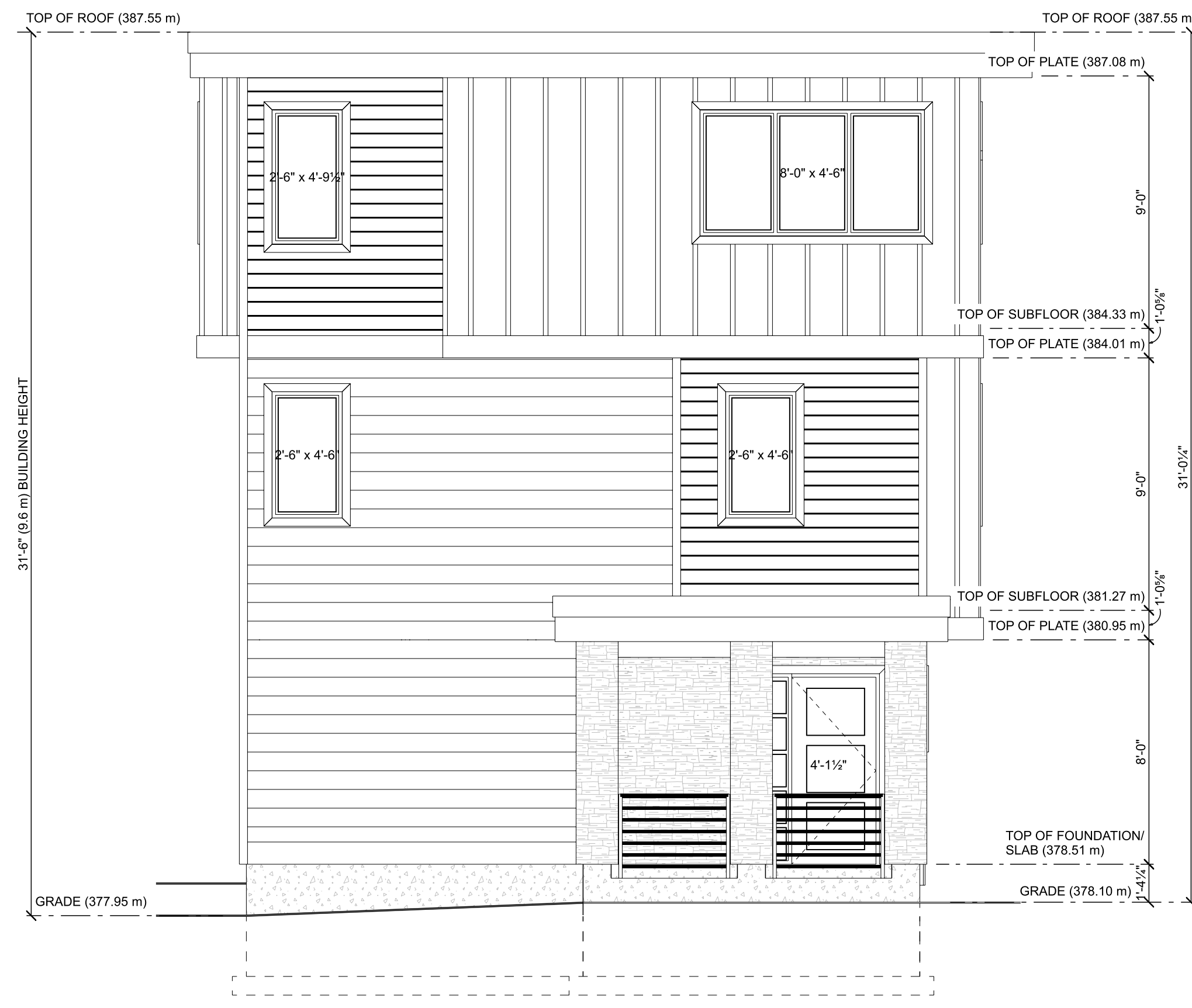
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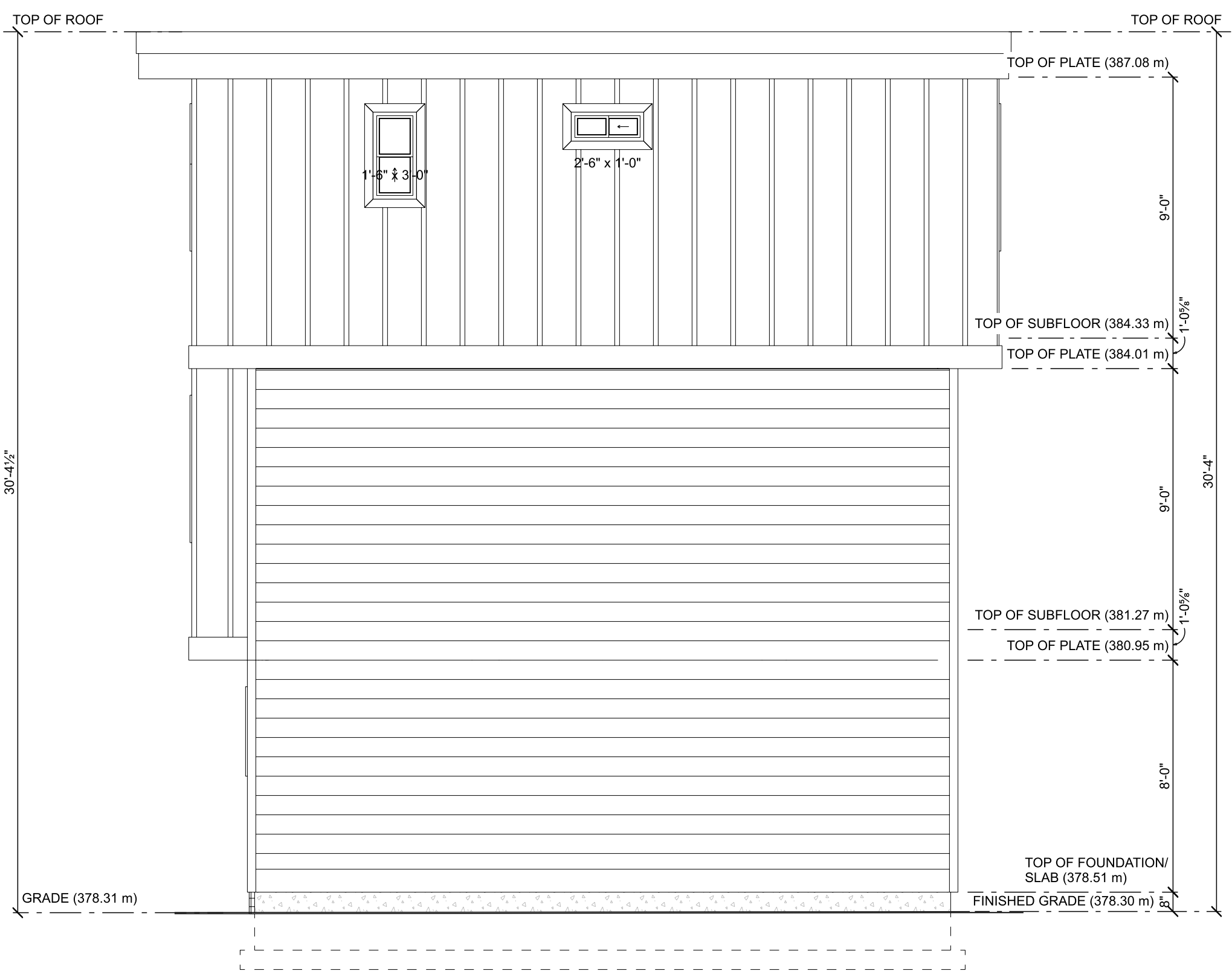
Building A-Upper Floor Plan



BUILDING A-WEST ELEVATION (FACING GOVERNMENT STREET)
SCALE: 1/4" = 1'-0"



BUILDING A-SOUTH ELEVATION (FACING DRIVE AISLE)
SCALE: 1/4" = 1'-0"



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



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

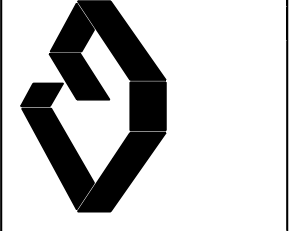
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PENTICTON, BC

DESIGN BY: AIG
DRAWN BY: AIG
DATE: 2024-02-23
REVISED:

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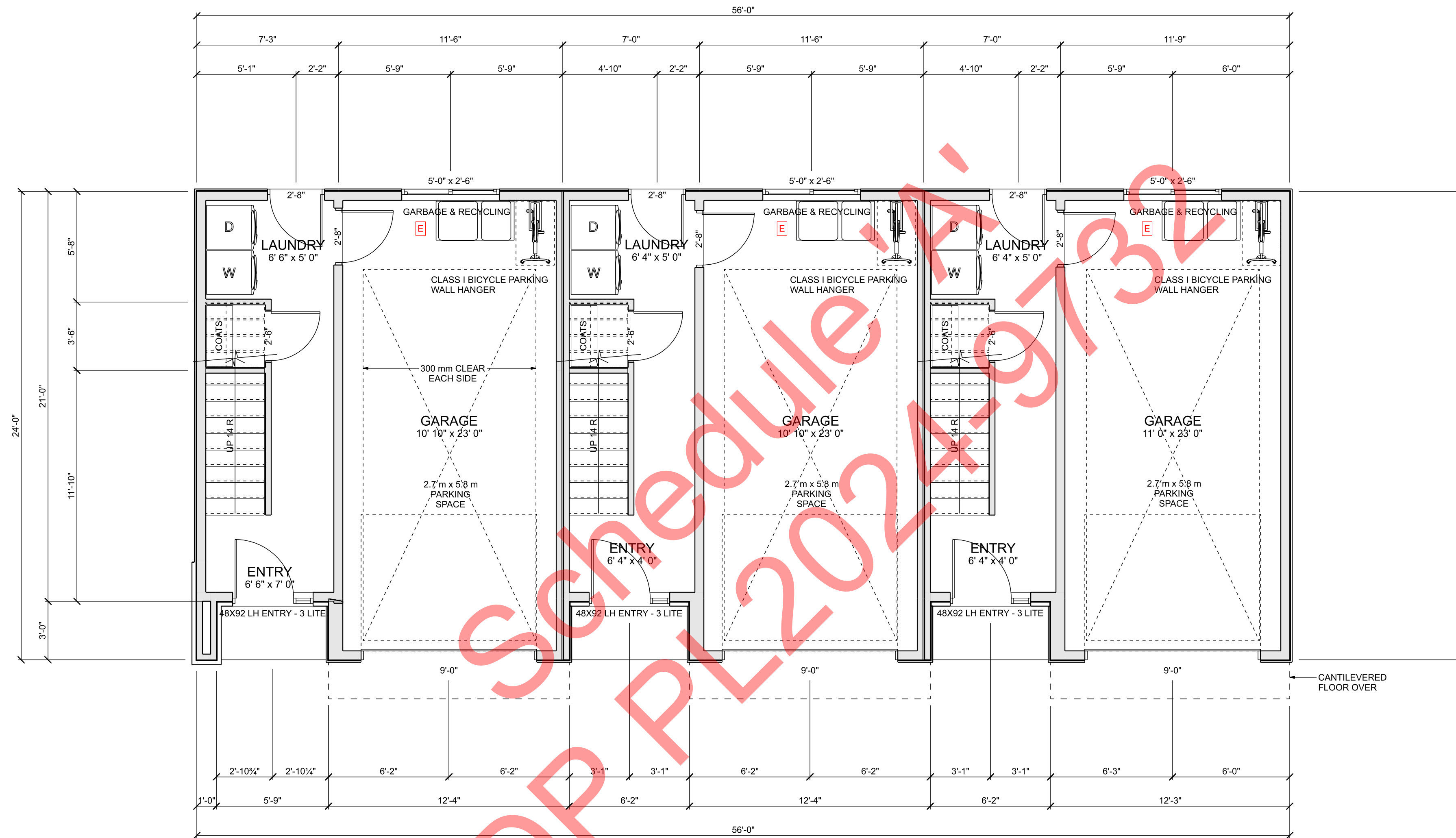


PLAN NO.
WP-5830
SLAB
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Building A-Exterior Elevations

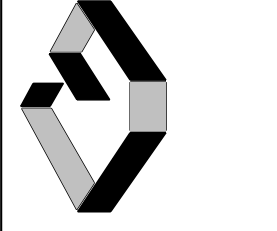


BUILDING B-LOWER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 LOWER FLOOR AREA: 432 sq ft.
 GARAGE AREA: 846 sq ft.

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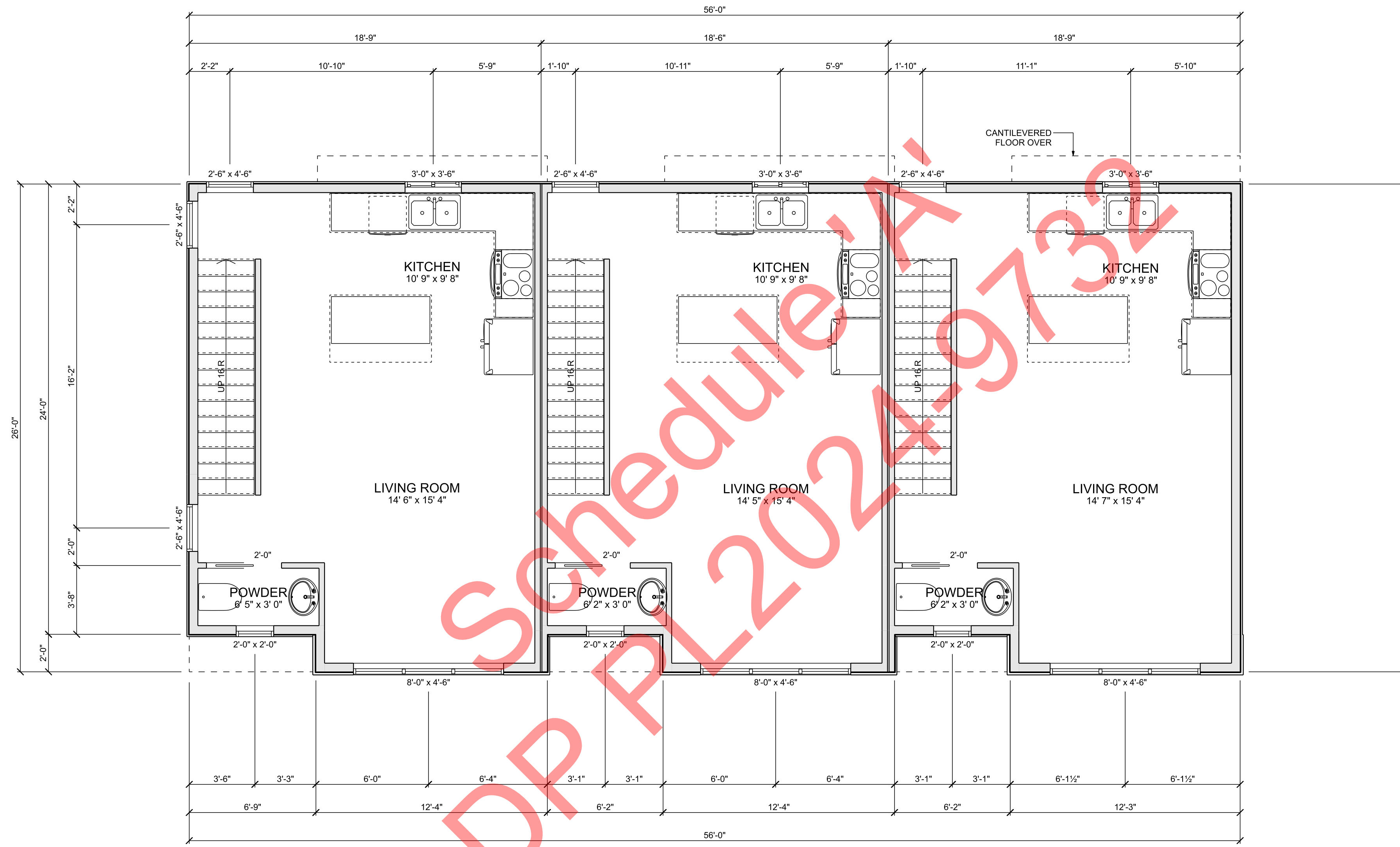


PLAN NO.
WP-5830
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 SHEET NO.
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 PENTICTON, BC
 DESIGN BY: AIG DATE: 2024-02-23
 DRAWN BY: AIG REVISED:

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Building B-Lower Floor Plan



BUILDING A-MAIN FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 MAIN FLOOR LIVING AREA: 1418 sq. ft.

Schedule A
 DP PL2024-9732

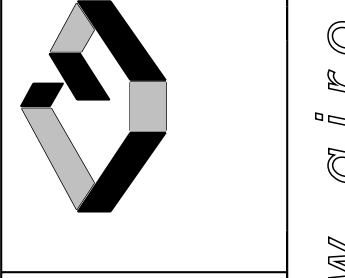
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DESIGN BY: AIG DATE: 2024-02-23
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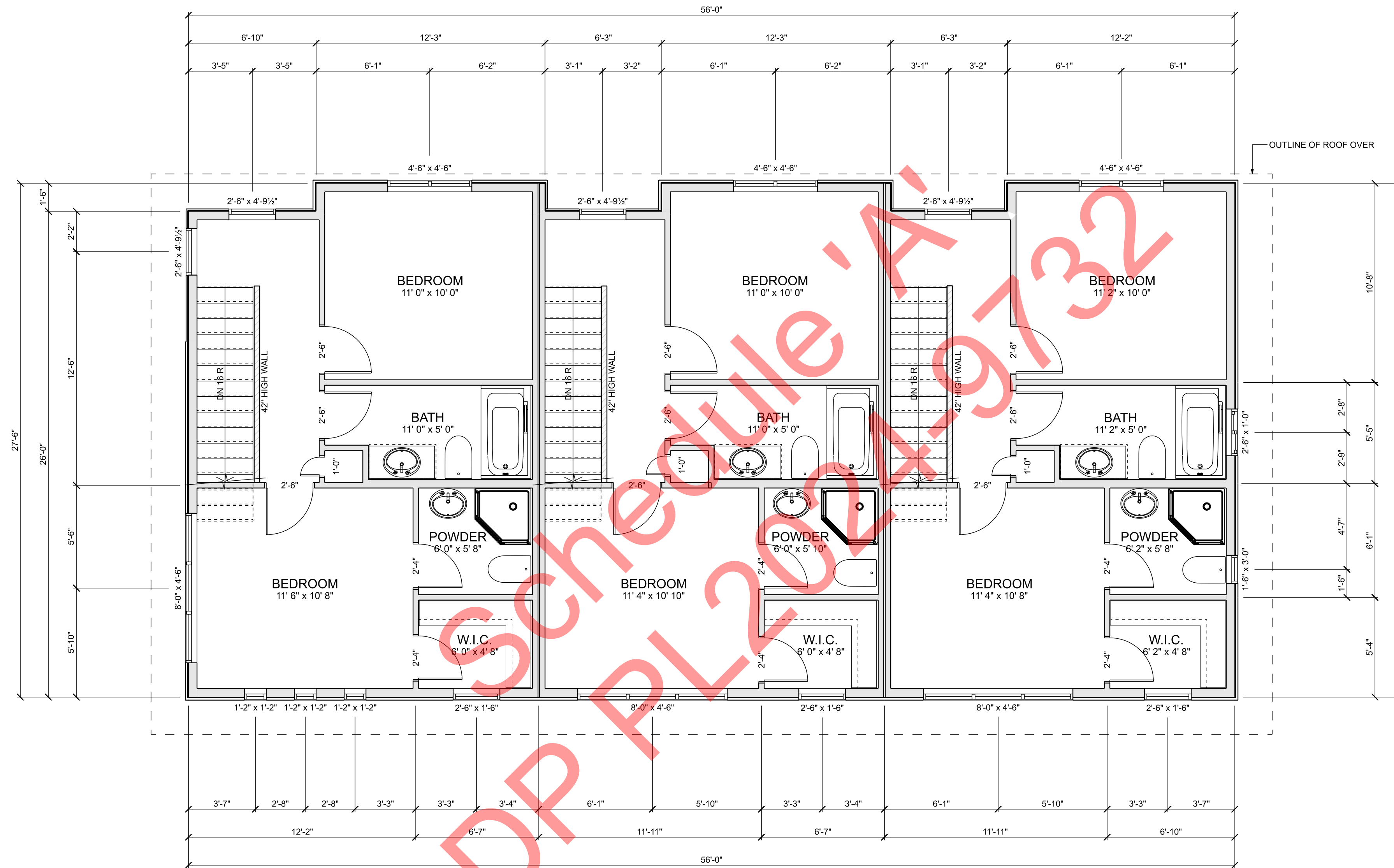


PLAN NO.
WP-5830
 SLAB
 SHEET NO.
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Building B-Main Floor Plan



BUILDING A-UPPER FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 UPPER FLOOR LIVING AREA: 1511 sq ft.

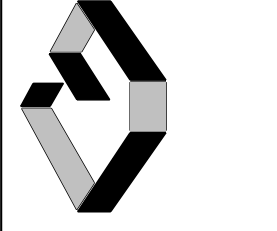
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 756 GOVERNMENT ST.
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DESIGN BY: AIG DATE: 2024-02-23
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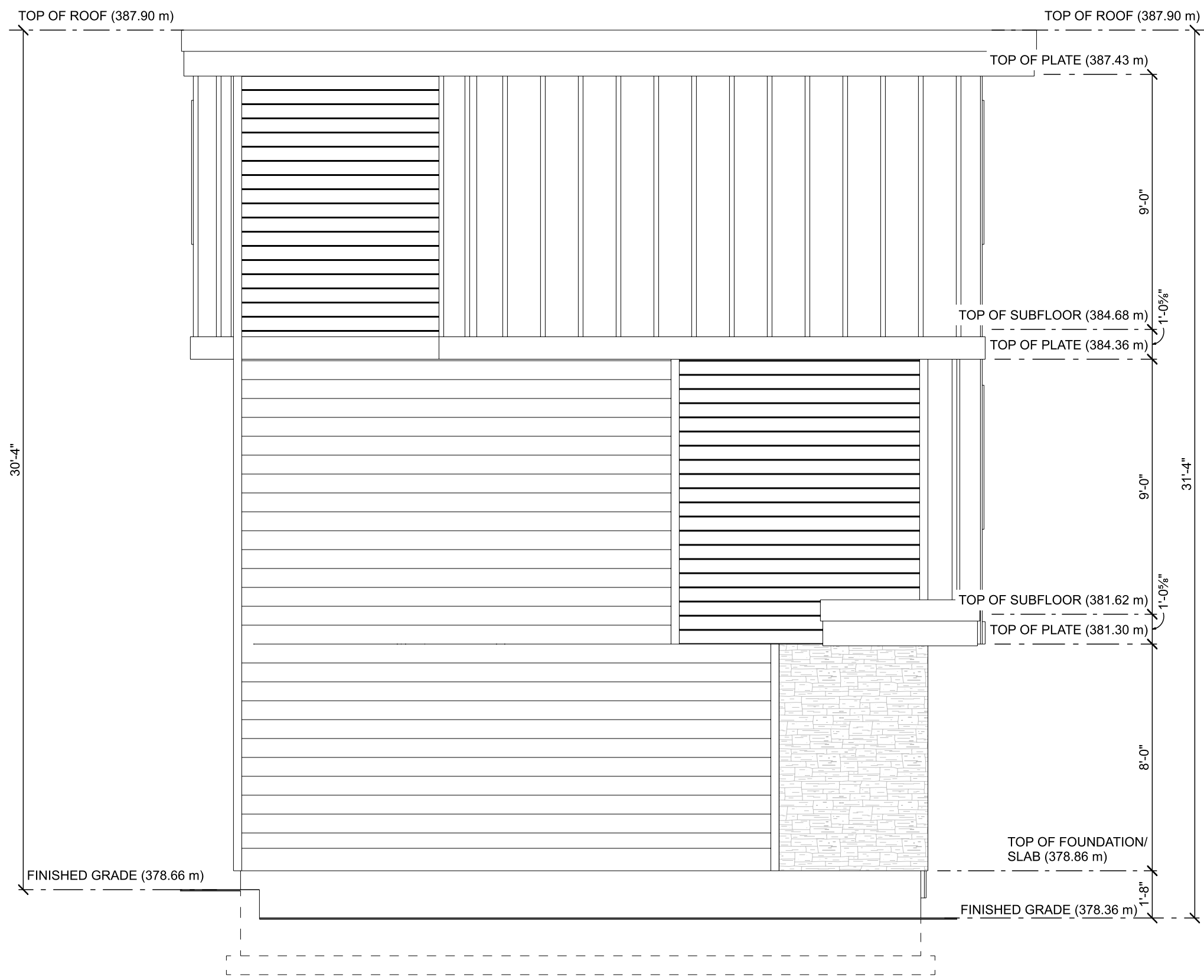


PLAN NO.
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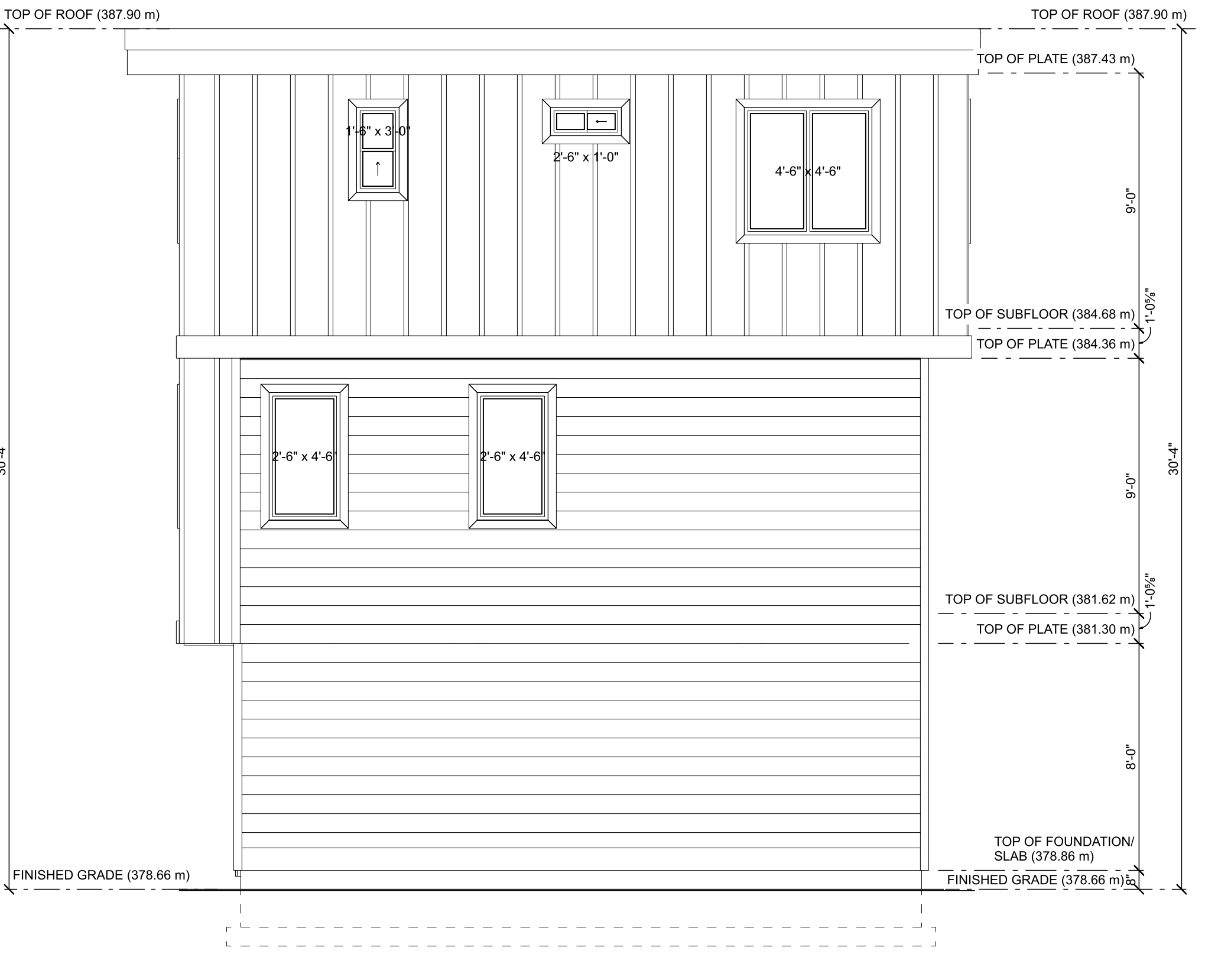
Building B-Upper Floor Plan



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



BUILDING B-SOUTH ELEVATION (FACING DRIVE AISLE)
SCALE: 1/4" = 1'-0"



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



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

Schedule 'A'
 DP PL 2024-9732

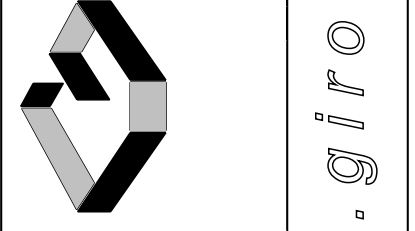
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PENTICTON, BC

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Building B-Exterior Elevations



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-18

Date: _____

Corporate Officer: _____

Late Submission
Regular Agenda Item 8.7 - Zoning Amendment Bylaw No. 2024-18
re 756 Government Street

From: [Tom McKay](#)
To: [corpadmin](#)
Subject: TO BE INCLUDED in April 16 1pm council meeting agenda - Attn: Corporate Officer, re: proposed new development 756 Government St
Date: Tuesday, April 16, 2024 7:43:21 AM

Caution! This message was sent from outside your organization.

To: corpadmin@penticton

Tue 2024-04-16 7:39 AM

Attention Corporate Officer, City Planners and Council members:

I am writing in response to the proposed new residential development 756 Government Street. I live at 724 Government Street, 4 lots away from this development. The proposal is to make this single family home into a development of six dwelling units. The concern myself and many other neighbours have is the lack of on site parking this development, and other proposed developments have, in our neighbourhood. PARKING IS BECOMING A MAJOR ISSUE IN OUR NEIGHBOURHOOD! I Can not stress this enough! The proposed development at 756 Government Street has one parking garage per unit and only one outside parking spot of visitors. First of all a garage should not be counted as a parking spot when on average in small residential units half of owners and renters use there garage for storage, not parking their car. Owners and renters of these types of properties usually have an average of 1.5 vehicles each; that would be possibly nine vehicles for this one property; and potentially only 3 vehicles parked on the property. This means possibly six vehicles will need a place to park each night!

There is no parking for these residence on Government Street. No where ample to park in their rear alley and parking on Ontario Street is becoming filled with vehicles most nights. Some residence on Government already park their cars on Ontario Street and cut thought other peoples properties to go to their home on Government Street. Like I said parking is becoming a major issue because of the density of development without adequate parking on their property. I met with Jordan Hallam, at city hall last week and brought this to his attention. When I asked him where the extra cars would park when people are home his reply was, "they will find somewhere". Approving developments without adequate parking and say they will find somewhere to park is not good city planning. Approving this development without having a minimum of 1 'outside' parking space per unit and adequate visitors parking is irresponsible by any city staff or council. Jordan Hallam also quoted me, "we are hoping people will use bicycles and public transit". The reality is people have cars and trucks and in our neighbourhoods demographic, these people are not giving them up. They will rent or purchase these properties and crowd the 'surrounding' streets, roadways and alleys with there vehicles.

Please do not approve this development in its current design and go back to the drawing board to design the development with enough appropriate parking. Failure to do this will result in future problems ruining our neighbourhood. We are all working class and family people in this neighbourhood and we all feel like the city only cares about pushing developments to the highest possible density without any concern how it impacts our quality of life in an area we used to live comfortably.

Tom McKay

724 Government Street (13 year resident)

Penticton (28 year resident)

Late Submission
Regular Agenda Item 8.7 - Zoning Amendment Bylaw No. 2024-18
re 756 Government Street

From:
To: [corpadmin](#)
Subject: Amendment bylaw no 2024-18 - 756 Government Street
Date: Monday, April 15, 2024 5:14:14 PM

Caution! This message was sent from outside your organization.

Name: Verilyn Sawkins

Address: 101-781 Ontario Street

From what I have gleaned from the internet on Bill 44 - 6 units on lots >280 sq m need to be close to a transit stop with **frequent service**. From my review of the bus schedules only routes 1, 2, and 3 travel along Government Street every hour during the week days and on Saturdays (on Sundays there is only one bus route 16 which is every hour). These routes all share common stops in the area but only one route goes to Riverside, one goes to Ok College, and one goes down to Skaha Lake. There are cases the bus comes only once an hour.

Excerpts from BC government website:

Six units of small-scale, multi-unit housing must be allowed near **frequent bus** service on single-family and duplex residential lots that are greater than 280 m² and within a municipality or regional district with a minimum population of 5,000.

Frequent transit bus stops are defined as bus stops with at least one route with the following service:

- a. Monday to Friday: A bus must stop at least every 15 minutes, on average, between the hours of 7 a.m. and 7 p.m.
- b. Saturday and Sunday: A bus must stop at least every 15 minutes, on average, between the hours of 10 a.m. and 6 p.m.

Again from Bill 44, no minimum off street parking is required if within 400 m of a transit stop. I did not see anything to say the service needed to be frequent but it seems that this would be an obvious requirement. You can not tell me that these new dwellings will not have cars as businesses within Penticton are spread out and the transit service does not cover all areas with frequency. The parking on Ontario Street is at a premium at this time as the residents on Government Street use it as their overflow. We live across from the undeveloped municipal property and at night there are at least 20 cars parked there - there is no more space in the area for parked cars.

Late Submission
Regular Agenda Item 8.7 - Zoning Amendment Bylaw No. 2024-18
re 756 Government Street

From: [Jordan Hallam](#)
To: [corpadmin](#); [Audrey Tanguay](#)
Subject: FW: 756 Government Street
Date: Tuesday, April 16, 2024 8:08:42 AM

Good morning,

Please see below email in response to the proposal at 756 Government St.

Thanks,

Jordan Hallam, BA
Planner II
City of Penticton | 171 Main Street | Penticton, BC | V2A 5A9
p: 250.490.2429 | f: 250.490.2502 | e: jordan.hallam@penticton.ca

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-----Original Message-----

From: Natalie
Sent: Monday, April 15, 2024 8:35 PM
To: Jordan Hallam <Jordan.Hallam@penticton.ca>
Subject: 756 Government Street

Caution! This message was sent from outside your organization.

Dear Jordan,

I reside at #104-801 Ontario Street and have been here since October 2015. I am in a newer 4 unit front to back detached duplex. The reason I am responding to the Public Notice New Residential Development letter dated April 4th, 2024 concerning this 756 Government Lot 8 District Lot 249 Similkameen Division Yale District Plan 3578 Except Plan KAP68409.

I am drawing long over due attention to the over development of this back alley of both Government and Ontario between Forestbrook and Eckhardt. On any given day there is vehicles parked in the laneway partially blocking the laneway for other residents to get by as there is literally no parking for many residents. Most residents and guests park in the open space along the creek on Ontario or on Forestbrook. There are so many people now that this problem is only going to get worse. There are a few other homes being torn down to do the same that is proposed in this letter.

The biggest challenge is the safety of this laneway with the general public speeding through to go up Haven Hill from the Killarny and Killwinning Streets, as IGA and the liquor store are 2 blocks away and this laneway seems to be a short cut for those going up to the Uplands. There are many young families with small children and no safe place for them to play as a lot of the apartments and units have too little a backyard 10'x10' or none at all. There are no speed bumps to slow traffic down. In the summer I put out a sandwich board to remind people to slow down as there are young families and pets constantly in the alley especially when the weather is nice.

Winter snow and garbage day are a whole other issue!!! People can barely maneuver to get around all the bins and when there is snow there is no place to make piles between such closely common driveways and fences. The snow plow doesn't even come up through the alley or the sweeper in spring.

The postal service is yet another challenge as postal workers are not permitted to come into the back alley for

delivery and often mail is delivered to the wrong units or mail boxes because the addresses are so confusing #101 #102 Ontario Street #103 #104 are on the back alley of Ontario but the unit directly across the alley is Gov't. So everyday someone is looking to deliver something packages, skip the dishes or pizza and can't find the address. Very poor planning on the city engineers part.

I honestly believe there has been no consideration to all of these concerns and how to serve the existing residents of this laneway let alone any new ones. I could gather 20 neighbours easily to back up these concerns. I insist that all of these concerns be seriously considered before putting anymore major units on what was once a single family lot. If there was a fire or an emergency I seriously think little laneway would be in serious trouble. Only a couple of years ago we had a dumpster fire and more recently we have a lot of problems with homeless and drug related issues with the house two doors down from this proposed 6 plex.

I am working tomorrow otherwise I would have come to the City Hall in person to hand deliver this. I sure hope that someone will bring this letter into the meeting to be read. Thank you in advance for your consideration in this laneway matter. I will also be forwarding this onto council and Julian Bloomfield.

Sincerely,

Natalie Sweet

Council Report

Date: April 16, 2024
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 3810 Valleyview Road

File No: RMS/3810 Valleyview Rd

Subject: Zoning Amendment Bylaw No. 2024-19

Staff Recommendation

THAT Council give first reading to “Zoning Amendment Bylaw No. 2024-19”, for Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, a bylaw to add the site-specific provision, within the A (Agriculture) zone, as follows: “Section 9.2.6.14, In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, ‘agri-tourism accommodation’ is a permitted use with a maximum of three (3) sleeping units.”;

AND THAT Council forward “Zoning Amendment Bylaw No. 2024-19” to the May 7, 2024 Public Hearing.

Strategic Priority Objective

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

Proposal

The applicants are proposing to operate three sleeping units as agri-tourism accommodation on the subject property. ‘Agri-tourism accommodation’ is a permitted non-farm use in the Agriculture Land Reserve (ALR), however, it is not a permitted use by the City’s Zoning Bylaw. In order to proceed with allowing the three sleeping units, the applicant has requested site-specific zoning on the subject property to allow agri-tourism accommodation with a maximum of three (3) sleeping units.

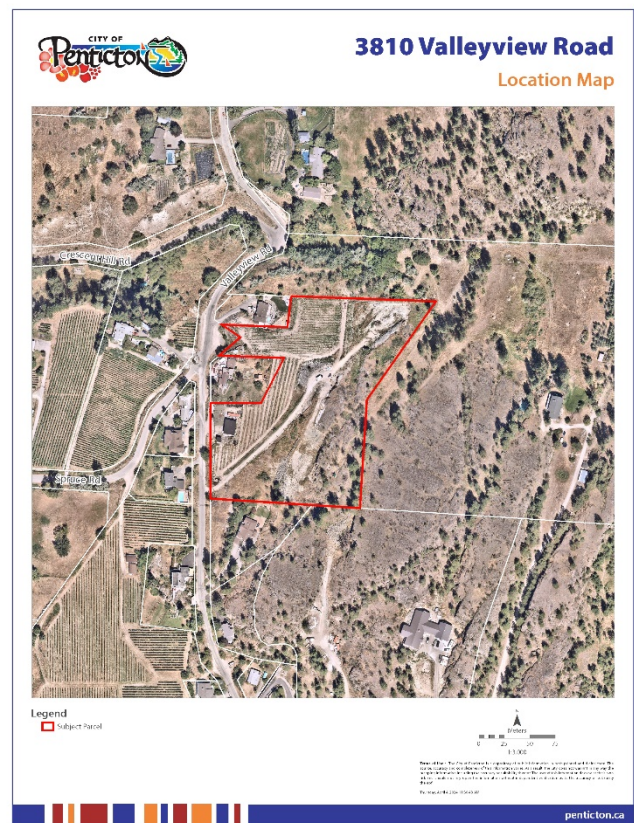


Figure 1 – Property Location Map

Background

The subject property is located at the southern end of the City of Penticton, and on the east side of Valleyview Road (Figure 1). The property is zoned 'A (Agriculture)' by the Zoning Bylaw 2023-08 and is designated 'Agriculture' by the Official Community Plan. The property is approximately 28,652 m² in size, and is completely within the Agricultural Land Reserve (ALR) (Attachment C). The subject property has farm status and portions of the property are currently being used for the growing of grapes.

This application was brought forward as an enforcement file as the three sleeping units were placed on the site without proper permitting or zoning in place. The enforcement actions are currently on hold as the property owners are participating in the zoning and permitting process. Should Council support the zoning change, steps would be taken to ensure the safe occupancy of these units for the intended use. If Council were to not support the zoning change, the enforcement actions would recommence, leading potentially to the removal of the units, or a notice to not occupy the units.

Technical Review

This proposed site specific use was reviewed by the Technical Planning Committee, a group of City staff from various departments who review planning applications. Several items were discussed, including requirements from the Building Department, and Fire Department.

Of particular note is the classification of the units from a BC Building Code perspective. We understand that units to be factory built outside of the country and are not certified locally, like units factory built in Canada. The owner will need to prove that the units meet some local equivalent code or upgrade them to meet local equivalent codes for the intended use.

These items have been communicated to the applicant and will be addressed through the building permit process.

Analysis

Zoning Amendment

The Official Community Plan (OCP) designation for the subject property is 'Agricultural', which supports the growing, producing, harvesting, storage, processing and sale of agricultural produce. The building types in this designation include agricultural buildings and detached houses (Figure 2). The Agricultural Land Commission (ALC) permits up to ten (10) sleeping units in total, including any bedrooms used for tourist accommodation from properties located in the ALR. In this case, the applicant is proposing three (3) sleeping units on the property.

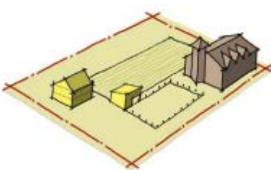
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
Agriculture 	Allows for growing, producing, harvesting, storage, processing and sale of agricultural produce.	<ul style="list-style-type: none"> • Agricultural buildings • Detached houses 	<ul style="list-style-type: none"> • Agricultural • Residential 	• 1-2 units per parcel	• A

Figure 2 – Excerpt from Land Use Designation Table (OCP)

As per Section 33 of the Agricultural Land Reserve (ALR) Use Regulation, the use of agricultural land for providing accommodation in relation to an agri-tourism activity is permitted if all of the following conditions are met:

- a) The accommodation is located on agricultural land that is classified as a farm under the Assessment Act;
- b) The total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel;
- c) The accommodation is limited to 10 sleeping units in total, including bedrooms (tourist accommodation);
- d) Accommodation is provided on a seasonal or short-term basis only

The proposal meets all of the conditions above as set in the Agricultural Land Reserve Use Regulation. The subject property is classified as a “farm” under the Assessment Act, the total developed area is less than 5% of the parcel, the proposal is for 3 units, where the maximum is 10, and the applicant has indicated that the accommodation is only going to be provided on a seasonal and short term basis only. Additionally, the neighbouring property to the north of the subject property, 3550 Valleyview Road, has similar site-specific zoning to allow ‘agri-tourism accommodation’ which was approved by Council in January 2019.

The Agricultural Land Reserve bulletin pertaining to tourist accommodations within the ALR lists several examples of acceptable agri-tourism accommodation types, such as: a bedroom in a cabin, a holiday trailer, tent, campsite or other accommodation type provided it is seasonal and short term. As stated in the Technical Review section above, the units that were placed on the property on the subject property are not easily defined as they are factory built modular units from out of the country. Occupancy of the units will likely have strict conditions attached to ensure the temporary nature of the units.

Given that there is adequate policy through the OCP to support the proposed use and it is supported by the Agricultural Land Reserve Use Regulation, staff recommend that Council give first reading to “Zoning Amendment Bylaw No. 2024-19”, and forward the bylaw to the May 7, 2024 Public Hearing to gather comments and feedback from the public.

Alternate Recommendations

Council may consider that the proposed rezoning is not suitable for this site. If this is the case, Council should deny the bylaw amendment.

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2024-19".

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – ALR Map
- Attachment D – Letter of Intent
- Attachment E – Zoning Amendment Bylaw No. 2024-19

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

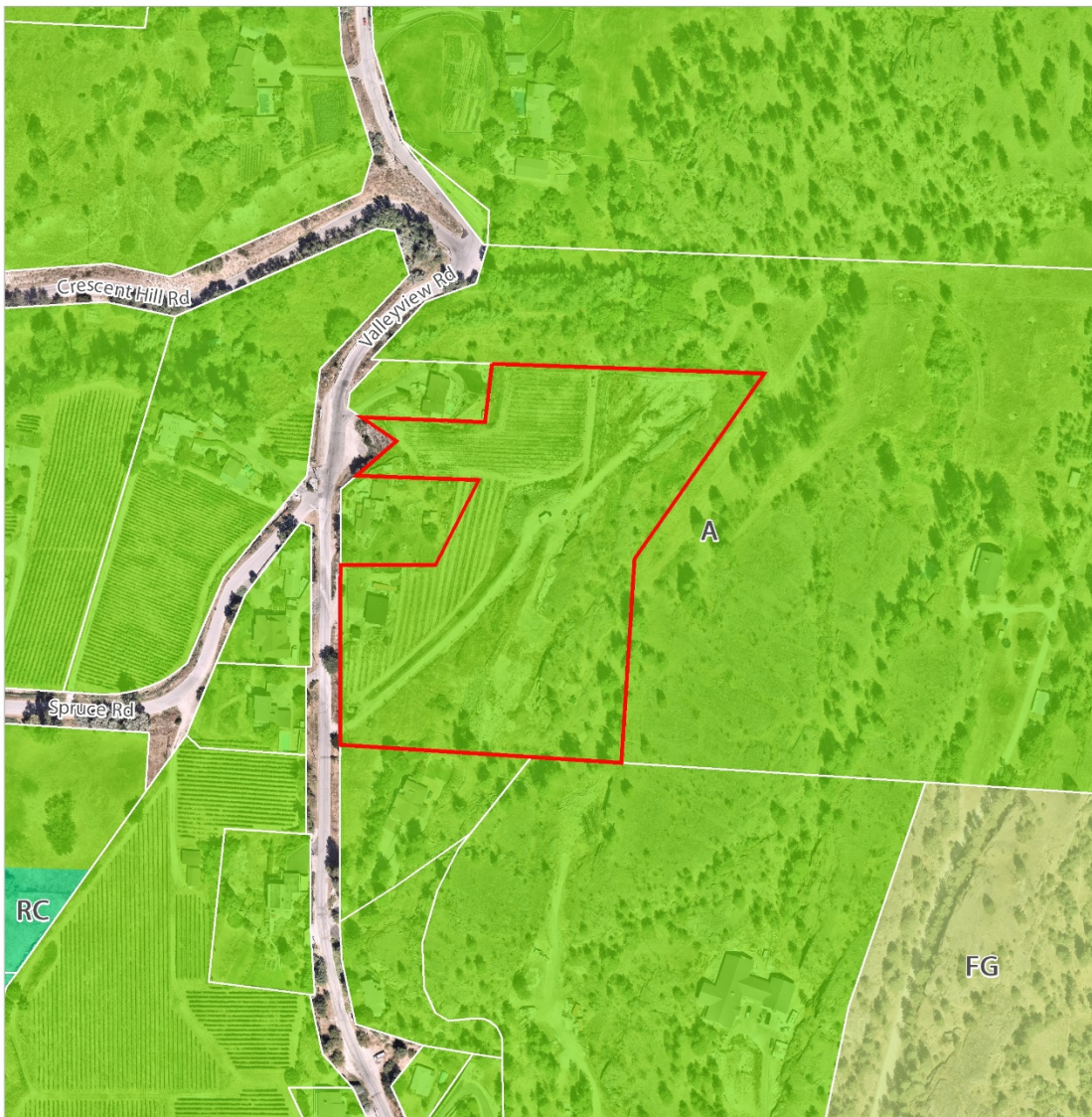
Director of Development Services <i>BL</i>	City Manager <i>JBH</i>
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Attachment A – Zoning Map



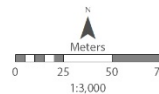
3810 Valleyview Road

Zoning Map



Legend

- Subject Parcel
- FG - Forestry and Grazing
- RC - Country Residential Housing
- A - Agriculture



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

Thursday, April 4, 2024 11:31:49 AM

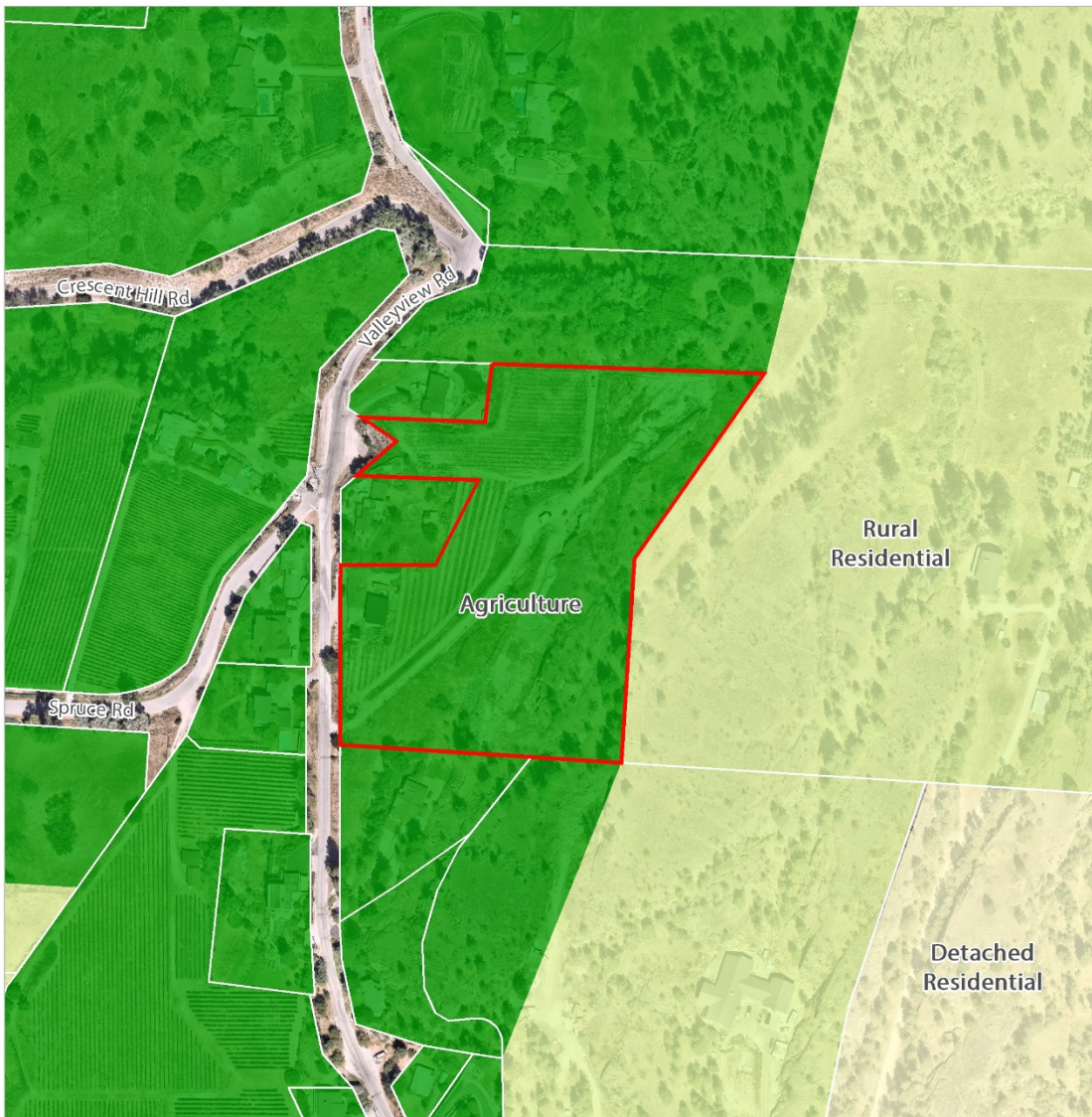
penticton.ca

Attachment B – Official Community Plan Map



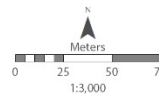
3810 Valleyview Road

OCP Map



Legend

- Subject Parcel
- Detached Residential
- Rural Residential
- Agriculture



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

Thursday, April 4, 2024 11:31:12 AM

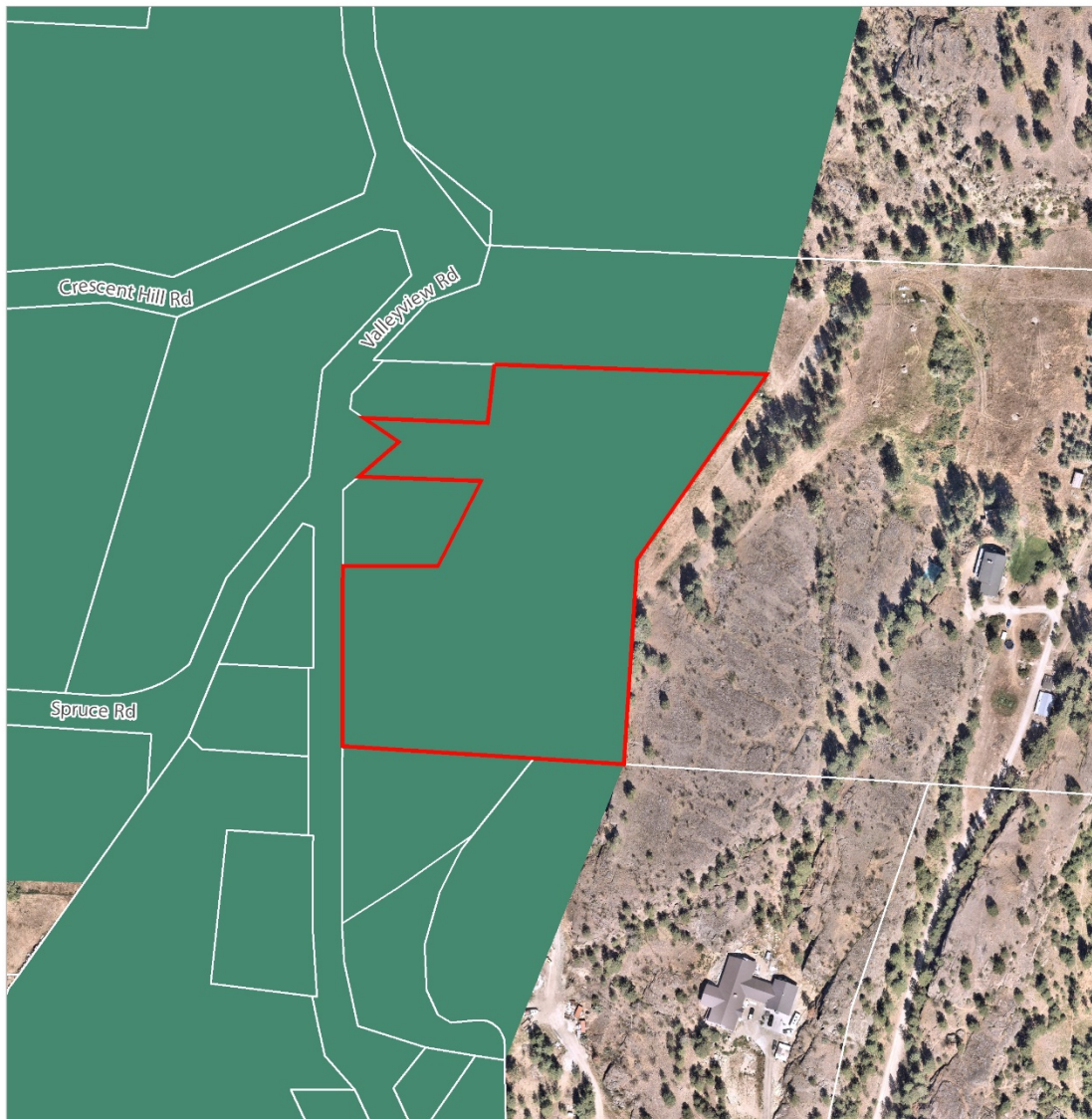
penticton.ca

Attachment C – ALR Map



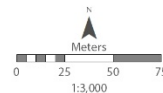
3810 Valleyview Road

Agriculture Land Reserve (ALR) Map



Legend

-  Subject Parcel
-  Agricultural Land Reserve



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Friday, April 5, 2024 3:38:52 PM

penticton.ca

Attachment D – Letter of Intent

Application for rezoning at 3810 valley view rd Penticton.
to Allow 3 Agra stays for travelling tourist accommodations, each unit consisting of a sleeping unit of 28 m2.

3810 valley view was a property that had not been farmed in 60 years primarily due to the bedrock & grade located on this 2.83-hectare ALR parcel. 4.5 acres is 60-degree slope of bedrock and granite boulders. James Parker and krista berrigan endeavored to regrade this land at great expense to be able to accommodate and plant 2 acers of grapes on the only usable (soil) portion of this parcel. The remainder, a .35 of an acer has a temporary house that will be converted to a tasking room in the future.

James and Krista planted 2 acers of pinot noir in 2021 and were granted their farm status, expecting some return from the overwhelming startup cost of this land. in the summer of 2023 james realized that the 2 acres of grapes sold at market would not provide an enough ROI to recoup their farming losses.

The previous owner, Mr LeComte, had already been issued a building permit by the city of Penticton to construct and build a home on a site that he had geo engineered with (rock glen) located at the southeast corner of the property. This area was filled with blast rock. Mr LeComte had already installed water and power and was ready to start building when he decided to sell the land to james Parker and krista Berrigan.

James and Krista searched for a solution to reduce the losses by introducing 3 Agra Stays to the unusable portion of the land while adhering to the requirements of ALC as the neighbor at 3550 had mentioned that he had an Agra stays and we did not realize that the City of Penticton had a zoning bylaw prohibiting this.

James Parker owner at 3810 Valley view is also the Founder and president of an international Alcohol label manufacturer located in Penticton know as Okanagan Label and Print Ltd. OKLP, with its 30 full time highly trained & paid staff support about 90 % of the BC wine and spirits industry while exporting an additional. 3.5 million to the USA, Dominican Republic, Panama and most recently the new wine region located in Mexico.

Okanagan label over the years has imported several foreign working professionals that required accommodations for a period to get them integrated into the community and assist in finding them long term accommodations. These Agra stays would also double as staff accommodations required for future growth of OKLP.

These Agra stay would support Agra tourism in Penticton on a active working farm showing the heritage water flume located at the build site in the south east corner of the property, also doubling as accommodations for customers doing plant inspections and press checks for wine and spirits industry spirits from Washington, Oregon, Dominican republic, Panama, Mexico.

The Corporation of the City of Penticton

Bylaw No. 2024-19

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. 2024-19".

2. **Amendment:**

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

Add Section 9.2.6.14: "In the case of Lot 2 District Lot 587 Similkameen Division Yale District Plan 15877 Except Plans 20013 And 20826, located at 3810 Valleyview Road, 'agri-tourism accommodation' is a permitted use with a maximum of three (3) sleeping units."

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



**City of Penticton – Schedule ‘A’
Zoning Amendment Bylaw No. 2024-19**

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2024-12

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. 2024-12."

2. Amendment:

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

2.1 To change the following designations as follows:

Amend Map 1: Future Land Use by changing the future land use designation for Lot 3 District Lot 250 Similkameen Division Yale District Plan 7560, located at 76 Duncan Avenue East, from "Infill Residential" to "Mixed-Use" as shown on Schedule 'A'.

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

READ A FIRST time this	2	day of	April, 2024
A PUBLIC HEARING was held this	16	day of	April, 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 April, 2024 and the 12th day of April, 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



City of Penticton – Schedule ‘A’

Official Community Plan Amendment Bylaw No. 2024-12

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2024-13

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. 2024-13".

2. **Amendment:**

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

Rezone Lot 3 District Lot 250 Similkameen Division Yale District Plan 7560, located at 76 Duncan Avenue East, from R1 (Large Lot Residential) to C3 (Mixed Use Commercial) as shown on Schedule 'A'.

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

READ A FIRST time this	2	day of	April, 2024
A PUBLIC HEARING was held this	16	day of	April, 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 April, 2024 and the 12th day of April, 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



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2024-13

Date: _____

Corporate Officer: _____

The Corporation of the City of Penticton

Bylaw No. 2024-14

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. 2024-14".

2. **Amendment:**

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

Rezone Lot 2 District Lot 250 Similkameen Division Yale District Plan 39349, located at 1402 Main Street, from C7 (Service Commercial) to C3 (Mixed Use Commercial) as shown on Schedule 'A'.

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

READ A FIRST time this	2	day of	April, 2024
A PUBLIC HEARING was held this	16	day of	April, 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 April, 2024 and the 12th day of April, 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

Notice of Motion

PTCC Convention Hotel

Strategic Priority Objective

Vibrant and Connect: Align internal processes and resources in support of a diverse economy.

Organizational Excellence: Asset management focused on long term sustainable service delivery.

WHEREAS

1. The Penticton Trade and Convention Centre drives economic development in Penticton and surrounding area. The City of Penticton has been proactive establishing long-term agreements with organizations to be hosted at the convention centre. A hotel attached to the convention centre will help continue and create long-term agreements with organizations to bring conventions to Penticton.
2. The convention business has evolved over the years and the Penticton Trade and Convention Centre must stay relevant to those changes. Convention organizers use apps that filter out convention centres by their attributes. The PTCC is filtered out by these apps when organizations ask for a hotel attached to the convention centre. There are missed opportunities to host more conventions because a hotel is not attached to the PTCC.
3. The BC short-term rental accommodation legislation has changed the hospitality landscape in the City of Penticton. The city has a vacancy rate below 3% and does not qualify for homeowners to have non-primary residents become short-term rental accommodations. The city's accommodation inventory will drop with the new legislation and must increase it's hotel stock to supply rooms for conventions and vacationers.
4. The Penticton Airport has lost two daily airlines over the past year. A hotel attached to the convention centre would make it more relevant when organizations are booking convention centres in the interior. This competitive advantage could create a demand to encourage more daily flights to Vancouver and Edmonton.

THEREFORE BE IT RESOLVED

THAT Council direct staff to report back with a outline of the steps necessary to achieve a hotel attached to the Penticton Trade and Convention Centre as part of the North Gateway Plan.

Notice of Motion

Youth Climate Corps

Strategic Priority Objective

Liveable & Accessible: Committed to minimizing environmental impacts of new development and adapting to climate change in our community.

Vibrant and Connect: Support community building partnerships with Penticton Indian Band, other local governments and organizations, as well as inter-government partnerships with the Province and Federal Governments.

WHEREAS

1. Canada's greenhouse gas (GHG) emissions are slowly starting to trend downward, but the reduction trajectory remains incongruent with what science and justice demands;
2. The climate mobilization in Canada has yet to feel like a grand societal undertaking, and among the bold initiatives that would send such a signal would be the establishment of a Youth Climate Corps (YCC);
3. Thousands of young people across Canada understand that we face a climate emergency and are eager to serve as we seek to drive down GHG emissions and prepare for climate disruption (a national Abacus survey, found that 15% of people in Canada between the ages of 18 and 35 would "definitely consider" enrolling in a two-year Youth Climate Corps);
4. A YCC would train youth for careers in the well-paying green jobs of the future, and help ensure Canada and British Columbia have a skilled workforce for the new climate economy;
5. An audacious YCC - an invitation to youth to mobilize to confront today's gravest threat - could be a transformative public program, signalling to young people and society at large that we are genuinely in climate emergency mode, and additionally would also help the City of Penticton address many of our other gravest challenges, including inequality, shortages of skilled labour and lack of opportunities for young people;
6. A YCC would offer two years of training and employment to every person under 35 years of age who wants to be part of the solution to this generational challenge, and put thousands of young people to work rapidly curbing emissions, preparing our infrastructure for its coming impacts, and responding to the emergencies we're locking in;
7. Members and graduates of a YCC could be put to work on many critical tasks needed in our community, such as:

1. Deep retrofits to older buildings;
2. Construction of new affordable, net-zero buildings;
3. Repairing and expanding transit infrastructure;
4. Renewable energy and storage;
5. Caring for parks, street trees, and other green spaces;
6. Building up community resilience to and responding to climate-induced extreme and emergency weather events (floods, fires, heat domes, etc.)
7. Conservation and reclamation efforts, such as wetland restoration and tree-planting.
8. A YCC would be an excellent investment of public funds, providing benefits to program participants, employers, and society at large that greatly outweigh the cost of the program;
9. A YCC would increase the earnings of Canadian youth, and consequently boost tax returns to public treasuries (the average annual wage of Canadians with an apprenticeship or trades certificate is \$59,285¹, or \$15,850 more per year compared to someone with a high school diploma), and YSS training would give disadvantaged youth a “way in” to stable, well-paying employment.
10. Enlisting with the YCC could be just antidote to the mental anxiety and helplessness that young people experience as climate disasters escalate.
11. The US government has already announced its own version of a YCC - The American Climate Corps, and now it’s time for Canada and British Columbia to do the same.

THEREFORE BE IT RESOLVED

THAT Council formally endorse the call for both a new nation Youth Climate Corps, and a British Columbia Youth Climate Corps;

AND THAT Council urges the federal government to establish a Youth Climate Corps, starting with a major financial commitment of \$1 billion per year in the next federal budget; and will write to the federal ministers concerned expressing this support (the Minister of Finance; The Minister of Infrastructure and Communities, the Minister for Women and Gender Equality and Youth, the Minister of Natural Resources, and the Minister for Environment and Climate Change);

AND THAT Council urges the British Columbia government to establish a provincial Youth Climate Corps, starts with a major financial commitment of \$200 million per year in the next BC budget: and will write to the provincial

¹ Data from 2021 Census and adjusted for inflation using the Bank of Canada calculator

ministers concerned expressing this support (the Minister of Environment and Climate Change, the Minister of Finance, the Minister of Emergency Management and Climate Readiness, the Minister of Energy and Low Carbon Innovation, and the Minister of Post-Secondary Education and Future Skills).