

Public Hearing
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 6:00 p.m.

1. Mayor Calls Public Hearing to Order for **"Official Community Plan Amendment Bylaw No. 2024-12"**, **"Zoning Amendment Bylaw No. 2024-13"** and **"Zoning Amendment Bylaw No. 2024-14"**. 1-36
- CO Reads Opening Statement and Introduction of Bylaws
 - "Official Community Plan Amendment Bylaw No. 2024-12" (76 Duncan Avenue East)

Purpose: To amend Official Community Plan Bylaw No. 2019-08 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'.

"Zoning Amendment Bylaw No. 2024-13" (76 Duncan Avenue East)

Purpose: To amend Zoning Bylaw No. 2023-08 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).

"Zoning Amendment Bylaw No. 2024-14" (1402 Main Street)

Purpose: To amend Zoning Bylaw No. 2023-08 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).

The applicant is proposing to build a mixed-use, three-storey building with commercial space on the first storey, and two dwelling units each on the second and third storeys (4 dwelling units total) at 76 Duncan Avenue East.

The applicant has also requested that 1402 Main Street be rezoned from C7 (Service Commercial) to C3 (Mixed Use Commercial) to allow for a similar mixed-use development on this site in the future.

Notice: Pursuant to the *Local Government Act* the Public Hearing was advertised on Friday, April 5, 2024 and Friday, April 12, 2024 in an online news source and the newspaper.

CO No letters have been received regarding the Official Community Plan Amendment Bylaw and Zoning Amendment Bylaw (as of noon Wednesday, April 10, 2024).

Mayor Requests Development Services staff describe the proposed bylaws

Mayor Invitation to applicant for comment or elaboration on the application

Mayor Invitation to electronic and in person participants to present their views

Mayor Invites Council members to ask questions

Mayor Invites applicants to respond to questions and participants may provide new additional information

PUBLIC HEARING for "Official Community Plan Bylaw No. 2024-12", "Zoning Amendment Bylaw No. 2024-13" and "Zoning Amendment Bylaw No. 2024-14" is terminated and no new information can be received on this matter.

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

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

Resolutions

- 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

Council Report

penticton.ca

Date: April 2, 2024 **File No:** RMS/76 Duncan Ave E
To: Anthony Haddad, City Manager
From: Jordan Hallam, Planner II
Address: 76 Duncan Avenue East

Subject: **Official Community Plan Amendment Bylaw No. 2024-12**
Zoning Amendment Bylaw No. 2024-13 (76 Duncan Ave E)
Zoning Amendment Bylaw No. 2024-14 (1402 Main St)

Staff Recommendation

1. 76 Duncan Ave E. Official Community Plan Amendment

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'.

2. 76 Duncan Ave E. Zoning Amendment

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;

3. *1402 Main St Zoning Amendment*

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.

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 build a mixed-use, three-storey building with commercial space on the first storey, and two dwelling units each on the second and third storeys (4 dwelling units total) at 76 Duncan Avenue East (Figure 1). The applicant has submitted a Letter of Intent, which outlines their proposal in more detail (Attachment ‘D’).

1402 Main St, which is also owned by the applicant, has been requested to be rezoned from C7 (Service Commercial) to C3 (Mixed Use Commercial). The rezoning would allow for a similar mixed-use development on this site in the future, similar to what is being proposed at 76 Duncan Ave E.



Figure 1 – Conceptual Rendering of Proposed Development

Required Applications

The proposal is to allow for a mixed-use development on 76 Duncan Ave E. The applicants have applied for the following applications: Official Community Plan (OCP) Amendment, and Zoning Amendment. The following table outlines the planning applications that are required for the proposed development to proceed (prior to any building permits being issued):

Applications Required	Description	Approval Authority
Official Community Plan Amendment Bylaw – 76 Duncan Ave E	To amend the future land use designation on the subject property from ‘Infill Residential’ to ‘Mixed-Use’	Council with community engagement Public Hearing required
Zoning Amendment Bylaw – 76 Duncan Ave E	To amend the zoning at 76 Duncan Avenue East from R1 (Large Lot Residential) to C3 (Mixed Use Commercial)	Council Public Hearing required
Zoning Amendment Bylaw – 1402 Main St	To amend the zoning at 1402 Main St from C7 (Service Commercial) to C3 (Mixed Use Commercial)	Council Public Hearing required
Development Permit	A permit to approve the form and character of the proposed development	Staff delegated

This report includes background and recommendations for Council on the OCP and Zoning amendments and also presents the engagement summary from the public engagement period that occurred between January 17, 2024 to February 25, 2024 for the proposed development. The development permit will follow a separate approval process.

Provincial Changes

Due to the recent Provincial changes, a public hearing is required for the Official Community Plan Amendment and Zoning Amendment for 76 Duncan Ave E. As well, a public hearing is required for the Zoning Amendment of 1402 Main St, as no residential units are being proposed as part of the Zoning Amendment.

Background

76 Duncan Ave E – Site Context

The subject property is located on the south side of Duncan Avenue East in a mixed use area. The property is 797 m² in size and has a lane on the south side of the property. A fire occurred on the property in March 2020, and the single detached dwelling that existed on the property and was badly damaged was later demolished. The property currently does not contain any buildings or structures.

76 Duncan Ave E – Current OCP and Zoning

The OCP future land use designation on the subject property is ‘Infill Residential’ (Attachment ‘A’). The Infill Residential designation supports transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot.

The current R1 (Large Lot Residential) zoning on the property permits a single detached dwelling, accessory buildings, one secondary suite, or one carriage house.

Climate Impact

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

- **Shift Beyond the Car:** Encourage active & accessible transportation and transit
 - A transit route runs along Duncan Ave and along Main St with a transit stop directly in front of 76 Duncan Ave E.
 - The Lake-to-Lake Cycling route runs along Fairview Rd, and Atkinson St, a short distance away from the property.
 - Bicycle parking: 0.5 class 1, and 0.1 class 2 per dwelling unit is required for the proposed dwelling units which will be required at the future Development Permit stage. Bicycle parking is also required for the commercial component proposed, but varies based on the type of commercial use but is generally required at 1 per 150 m² of net floor area.
 - Duncan Avenue is a future protected active transportation corridor
- **Step up New Buildings:** All new buildings will be required to meet the BC Energy Step Code requirements at the time of construction.
- **Electrify Passenger Transport:** Level 2 EV Charging spaces are required at 1 per dwelling unit, plus minimum 2, plus 1 for every 5 parking spaces over 10 parking spaces for the proposed commercial space which will be required at the future Development Permit stage.

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 OCP amendment and rezoning applications are supported by Council. These items have been communicated to the applicant.

The Parks Department is requiring the planting of two boulevard trees in front of the both 76 Duncan Ave E and 1402 Main St. Development Engineering has noted that the bus stop in front of 76 Duncan Ave E will have to be moved to accommodate the new proposed drive through entrance at the developer's expense.

Road Dedication

A 0.9 m road dedication is required in front of 76 Duncan Ave E in order to align the property lines with the adjacent property at 1402 Main St, and for the addition of two boulevard trees.

Community Engagement Summary

Official Community Plan

Official Community Plan Bylaw No. 2019-08 was adopted in August 2019, establishing a vision for Penticton's growth over the next 30 years and beyond. It provides strategic policies and direction for meeting that vision. The plan, however, is not meant to be a static document; it includes a process, through meaningful community consultation, where amendments to the plan may be considered as long as the vision and intent of the OCP remains intact. In 2021, Council adopted the *Community Engagement for OCP Amendments Procedure*, which outlines how public engagement for Official Community Plan amendments should occur. At the January 16, 2024 Council meeting, Council directed staff to begin engagement following this procedure for the proposed development of a mixed-use, three-storey building with commercial space on the first storey,

and two dwelling units each on the second and third storeys (4 dwelling units total) on 76 Duncan Ave E. The purpose of the engagement was to share information and gather public feedback on the proposal. Following Council’s direction, the engagement period was carried out from January 17, 2024 to February 25, 2024. A summary of this engagement is included in this report (Attachment ‘E’).

Engagement Process

Staff notified and involved the community in accordance with the *Community Engagement Procedure for OCP Amendments*. The engagement program was intended to gather feedback on the proposed land use change to allow a mixed-use, three-storey building with commercial space on the first storey, and two dwelling units each on the second and third storeys (4 dwelling units total). The engagement program launched January 17, 2024 and ran through to February 25, 2024, with a total of 95 feedback forms received by the deadline.

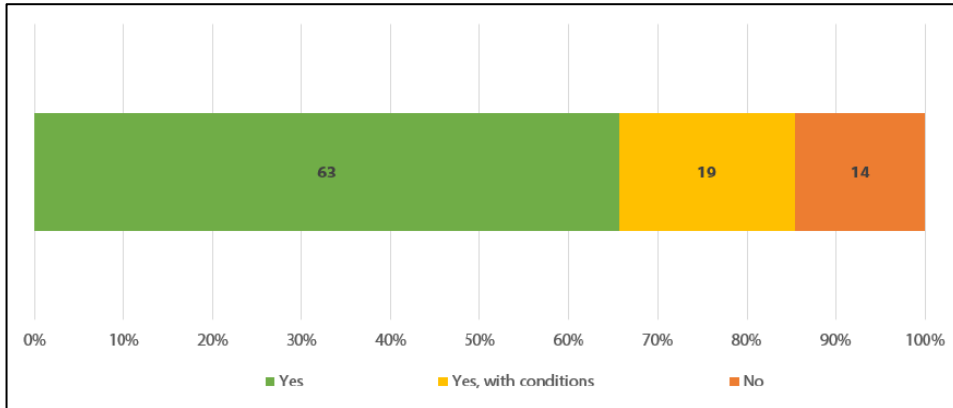
To notify the community and the opportunity to share feedback, staff completed the following:

Date	Activity
Jan. 17	Project information and feedback form on www.shapeyourcitypenticton.ca
Jan. 18	Press Release
Jan. 18	E-blast
Jan. 19	Letters to surrounding owners/occupants
Jan. 22	Social media post
Jan. 24	Newspaper Ad
Jan. 26	Newspaper Ad
Jan. 30	Newspaper Ad
Jan. 30	Social media post
Jan. 31	Newspaper Ad
Feb. 1	Information session – Carmi Elementary School
Feb. 15	Social media post
Feb. 25	Deadline for feedback forms

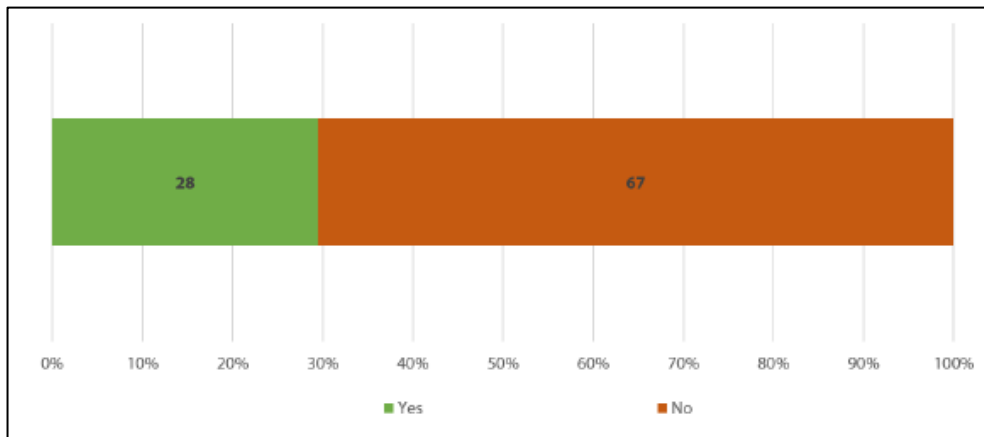
The intent of the information session was to inform community members about the application, share accurate information on the proposal and the process, and indicate how and where community members can share their comments, concerns and feedback on the proposal. The open house had a total of 9 attendees. The engagement report, which includes the results from the engagement period has been included as Attachment ‘E’.

The key findings from the feedback forms collected during the engagement period found that 85.4% of respondents do support the land use change from Infill Residential to Mixed-Use. Another 14.6% do not support the change with conditions largely related to traffic, parking, and affordability.

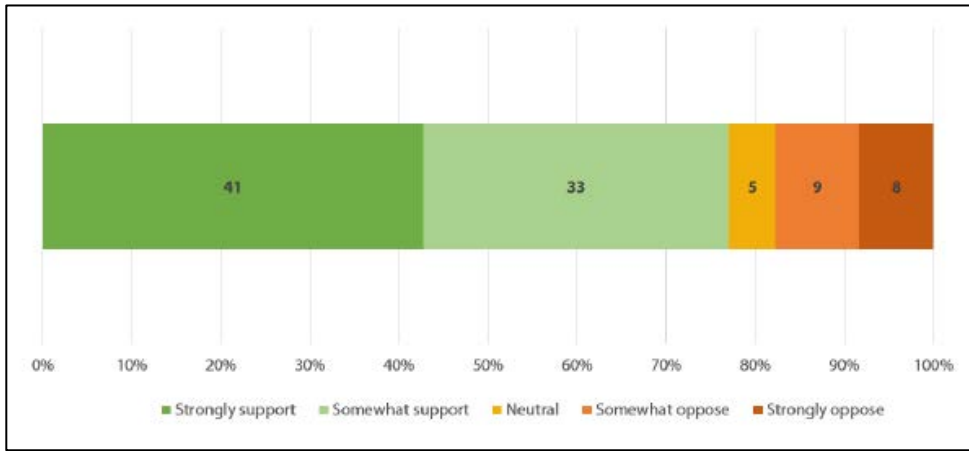
The following chart shows the feedback forms results to the questions **“Do you agree with changing the land use on this site from Infill Residential to Mixed-Use?”**:



Additionally, the following chart demonstrates that more than half of respondents do not have concerns with changing the future land use designation on the site, when asked: **“Based on the information provided, would you have any concerns about what is being considered for this site?”**:



Participants were asked **“Rate your level of support for the development that is being proposed for this site”**. The following chart shows that more than half of respondents either support or strongly support the proposed mixed-use development, while a small portion either oppose or strongly oppose the proposed mixed-use development.



Through the engagement period, the Planning Department and Communications and Engagement Department heard the following main concerns about the proposed land use change to allow a mixed-use development:

- Concern there is no need for commercial space on this property
- Concern drive-thru is so close to the building, it will require soundproofing and better landscaping for residents and businesses within the new structure
- Concern for height and fitting into the neighbourhood. Parking would need to be provided for both commercial and residential units
- Concern that apartments are small and include extensive use of stairs –unsuitable for families and seniors
- Commercial needs to be quiet after 7 pm
- Parking should be underground for residential, a few surface spots for commercial
- Concern for bus stop out front and impacts it will have (traffic, accessibility)
- Concern for high traffic area close to major traffic intersection. Anything more than single family will increase congestion and increase risks at the busy intersection
- Desire to see windows added to west side to use sun to light stairwell
- Desire to see no parking out front as it is a bus stop area.
- Desire to swap east and west sides of building for better views. Right now the 4 apartments look into the backyard of existing homes
- Concern for limited and unsecured parking

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

Analysis

Official Community Plan Amendment

Recognizing that the Official Community Plan (OCP) is a “living document”, amendments to the OCP are to be expected from time to time. While the OCP guides land use decisions up to 2045, it is likely that over that timeframe, changing trends or unexpected events will require the City and community to consider

amendments to the plan. Proposals to amend the OCP that respect the overall vision and values of the OCP, but also allow for innovation and adaption as new opportunities arise, are considered by City Council, with the following considerations:

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

The applicant is proposing to amend the Future Land Use designation on 76 Duncan Ave E from 'Infill Residential' to 'Mixed-Use'. Explanations on what each designation means and what land use each supports are provided below.

Infill Residential Land Use Designation

The OCP future land use designation on 76 Duncan Ave E is currently 'Infill Residential' (Attachment 'B'). The 'Infill Residential' land use designation is described in the OCP as transitional lower-height residential areas with new housing types compatible with existing single detached houses in character and scale but providing more units per lot (Figure 3).

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

Figure 3 – Infill Residential Land Use Designation

Mixed-Use Land Use Designation

The designation that is being requested is the 'Mixed-Use' designation to allow for a mixed-use, three-storey building with commercial space on the first storey, and two dwelling units each on the second and third storeys (4 dwelling units total). This designation envisions a mixed-use area allowing for intensive development with active and vibrant retail or services uses at ground level and multi-family residential

and/or office uses (Figure 4). This change would allow for the rezoning of 76 Duncan Avenue E to C3 (Mixed Use Commercial) to support the proposed development.

Staff's Analysis

The applicant is requesting to amend the OCP land use designation for the property from 'Infill Residential' to 'Mixed-Use', in order to facilitate the construction of a three-storey mixed-use development. While the proposal is in conflict with the existing OCP land use designation, the proposal shows consistency with many goals and objectives of the OCP and staff consider it is aligned with the OCP's vision for the future.

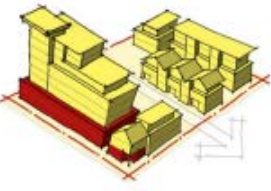
Land Use	Description	Building Type(s)	Uses	Height / Density	Zone(s)
<p>Mixed Use</p> 	<p>A mixed-use area allowing for intensive development with active and vibrant retail or service uses at ground level and multi-family residential and/or office uses.</p>	<ul style="list-style-type: none"> Higher-density mixed-use buildings 	<ul style="list-style-type: none"> Commercial (retail, service, office) Residential 	<ul style="list-style-type: none"> Up to 10 storeys 	<ul style="list-style-type: none"> C3 C5

Figure 4 – Mixed-Use Future Land Use Designation

Staff consider that there is sufficient policy in the Official Community Plan to support the requested land use change from 'Infill Residential' to 'Mixed-Use'. The following summary identifies specific OCP Policy intended to guide sustainable planning practices:

OCP Reference	Policy
OCP Policy 4.1.1.1	Focus new residential development in or adjacent to existing developed areas.
Staff's Comments	76 Duncan Ave E is located within a well-developed area, and doesn't require the construction or extension of City services in order to proceed.
OCP Goal 4.1.3	Housing Diversity Ensure a range of housing types, sizes, tenures and forms exist throughout the City to provide housing options for all ages, household types, and incomes.
Staff's Comments	The development proposes 4 dwelling units on the second and third storeys within an established area in the City. This type of development will help to provide desirable units that could be suited for a variety of future occupants.
OCP Policy 4.1.3.1	Encourage more intensive "infill" residential development in areas close to the Downtown, to employment, services and shopping, through zoning amendments for housing types compatible with existing neighbourhood character, with form and character guided from Development Permit Area Guidelines.
Staff's Comments	76 Duncan Ave E is located in an established neighbourhood. There is adequate opportunity for residents to access services and amenities near the proposed development due to its central location.

OCP Reference	Policy
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.
Staff Comments:	The proposed change of land use, through the OCP future land use designation and zoning changes proposed, helps to ensure more intensive forms of housing are provided close to many amenities and services such as Fairview Plaza, Penticton Regional Hospital, and transit along Duncan Ave and Main St.
OCP Goal 4.1.4	<p>Housing Quality</p> <p>Ensure that new housing is attractive and sensitively designed, is water and energy efficient and that all housing is properly maintained.</p>
Staff Comments:	The proposed development would introduce 4 new residential units to this area of the City. The applicant has demonstrated many initiatives that are to be integrated into the development to ensure it is efficient (see climate action section).
OCP Policy 4.1.4.1	Work with the development community – architects, designers and builders – to create new residential developments that are attractive, high-quality, energy efficient, appropriately scaled and respectful of their context
Staff Comments:	Staff consider that the building has been designed to fit into the area, and is similar in height to existing buildings within close proximity. The development proposes an attractive new building, with a variation of materials and to create an interesting frontage.
OCP Goal 4.1.6	Provide opportunities to live, work and play in all of Penticton’s neighbourhoods.
Staff Comments:	The proposed development introduces 4 residential units and commercial space on Duncan Ave within an existing neighbourhood, close to various amenities, parks, and uses. This allows opportunities to live and work within close proximity of each other.
OCP Policy 4.2.1.7	Promote walking, cycling and transit use through strategic land use planning that facilitates denser, attractive, mixed-use communities that are rich in amenities.
Staff Comments:	The proposed development is located directly on a transit route on Duncan Ave, with a transit stop directly in front of the property. The proposed development is also within blocks of the lake-to-lake cycling route, taking advantage of the ability to use alternative forms of transportation to access the community. This allows the potential for workers, residents, tenants or visitors to use alternative transportation to access the proposed development or other areas of the community.

Given the support from a variety of OCP Goals and Policies, staff recommend that Council support the OCP land use designation change from ‘Infill Residential’ to ‘Mixed-Use’.

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

	C3 Zone Requirement – 76 Duncan Avenue East	Provided on Plans
Minimum Lot Width*:	18.0 m	21.3 m
Minimum Lot Area*:	1000 m ²	797.2 m ²
Maximum Lot Coverage:	50%	36%
Maximum Density:	2.0 Floor Area Ratio (FAR)	0.19 FAR
Vehicle Parking:	Total Required: 1 per dwelling unit plus 0.25 spaces/unit for visitors 1 per 30 m ² Net Floor Area (NFA) for office use Total Required: 12 spaces	Total Per Dwelling: 4 spaces Total Visitor: 1 space Total For Office Use: 8 Total Provided: 13 spaces
Required Setbacks		
Front Yard (Duncan Ave E):	3.0 m	3.0 m
Side Yard (east):	4.5 m	4.5 m
Side Yard (west):	4.5 m	4.5 m
Rear Yard (lane):	6.0 m	>10.0 m
Maximum Building Height	18 m	10.8 m
Other Information:	*Lot width and lot area are only applicable at the time of subdivision.	

Zoning Bylaw Amendment – 76 Duncan Ave E

In addition to an OCP Amendment, the applicant has also applied for a Zoning Bylaw amendment for 76 Duncan Ave E from R1 (Large Lot Residential) to C3 (Mixed Use Commercial).

Should Council consider that amending the OCP designation on the property is appropriate, they may also consider that the proposed C3 (Mixed Use Commercial) zone is appropriate given the requested OCP designation of 'Mixed-Use'. This designation envisions a mixed-use area allowing for intensive development with active and vibrant retail or services uses at ground level and multi-family residential and/or office uses (Figure 4).

The subject property is considered an appropriate location for increased density due to its proximity to amenities and services nearby, including Fairview Plaza, Penticton Regional Hospital, and many other public amenities. There are also adequate pedestrian and cycling connections for alternative modes of transportation, including the lake-to-lake cycling route on Atkinson St and Fairview Rd. Further, the OCP policies that are referenced to support the OCP land use change also support the proposal to rezone 76 Duncan Ave E from R1 (Large Lot Residential) to C3 (Mixed Use Commercial).

Given the above information, staff recommend that Council support the zoning amendment from R1 (Large Lot Residential) to C3 (Mixed Use Commercial) for 76 Duncan Ave E and the 0.9 m wide road dedication that is required for two boulevard trees.

As such, staff recommend that Council support the Zoning Amendment, with the following condition being met prior to issuance of an Occupancy Permit for the mixed-use building:

1. A 0.9 m wide road dedication in front of 76 Duncan Avenue East is registered with the Land Title Office prior to adoption.

The recommendation is to require the road dedication prior to issuance of an Occupancy Permit because staff expect to introduce a new Zoning Bylaw in May 2024, as part of the housing policy changes work. Completing this rezoning prior to introducing the new Zoning Bylaw means the rezoning will not overhang the new Zoning Bylaw coming into effect if the condition had to be met prior to adoption of rezoning.

Zoning Bylaw Amendment – 1402 Main St

In addition to OCP Amendment and rezoning of 76 Duncan Ave E, the applicant has also applied for a Zoning Bylaw amendment for 1402 Main St from C7 (Service Commercial) to C3 (Mixed Use Commercial). While currently no new construction is proposed at 1402 Main St, the rezoning would align with the work to update the current Zoning Bylaw and Official Community Plan. This area has been identified to change the current OCP designation from 'Commercial' to 'Mixed-Use'. This change would allow for a mixed-use development in the future that is similar to what is being proposed for 76 Duncan Ave E.

The land use designation for 1402 Main St is 'Commercial'. This designation envisions areas with a wide range of commercial uses including office, retail, goods and services. Typical building types include commercial (retail/office/service) buildings and mixed-use buildings (in specific areas, residential units limited to the second floor and above).

As noted with 76 Duncan Ave E, 1402 Main St is considered an appropriate location for increased density due to its proximity to amenities and services nearby, including Fairview Plaza, Penticton Regional Hospital, and many other public amenities. There are also adequate pedestrian and cycling connections for alternative modes of transportation, including the lake-to-lake cycling route on Atkinson St and Fairview Rd. The rezoning is required to better align the property and land use for redevelopment potential in the future, which could include a similar mixed-use development that is being proposed for 76 Duncan Ave E or potentially see the lots consolidated and a development of a more substantial scale be proposed.

Given the above information, staff recommend that Council support the zoning amendment from C7 (Service Commercial) to C3 (Mixed Use Commercial) for 1402 Main Street.

Alternate Recommendations

Council may consider the proposed development to be undesirable at this location, or not in keeping with the goals and policies of the Official Community Plan. If this is the case, Council should deny first reading of the Official Community Plan Amendment and Zoning Bylaw Amendment. Staff are not recommending this option, as staff consider the proposal to be supported by the general direction of the Official Community Plan, including the many goals and policies referenced within the Analysis section of this report.

1. THAT Council deny first reading of "Official Community Plan Amendment Bylaw No. 2024-12" and "Zoning Amendment Bylaw No. 2024-13" for 76 Duncan Avenue East;

2. AND THAT Council deny first reading of "Zoning Amendment Bylaw No. 2024-14" for 1402 Main Street.

Attachments

- Attachment A – Zoning Map
- Attachment B – Official Community Plan Map
- Attachment C – Photos of Property
- Attachment D – Letter of Intent
- Attachment E – 76 Duncan Ave E Engagement Report
- Attachment F – Proposed Plans
- Attachment G – Official Community Plan Amendment Bylaw No. 2024-12
- Attachment H – Zoning Amendment Bylaw No. 2024-13 (76 Duncan Ave E)
- Attachment I – Zoning Amendment Bylaw No. 2024-14 (1402 Main St)

Respectfully submitted,

Jordan Hallam
Planner II

Concurrence

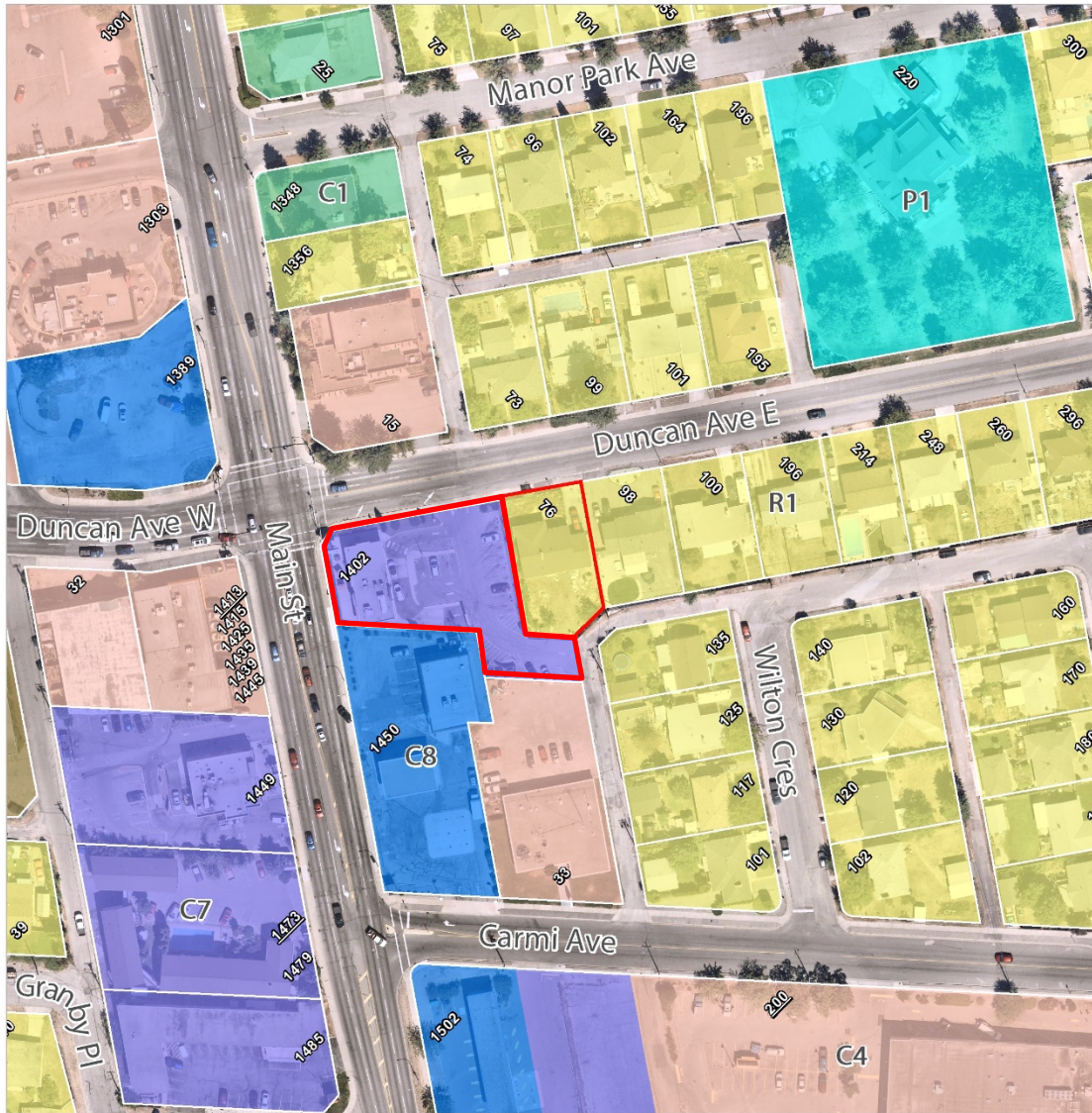
Director of Development Services <i>BL</i>	GM of Infrastructure <i>KD</i>	Director of Finance and Administration <i>AMC</i>	City Manager <i>SBH</i>
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Attachment A – Zoning Map



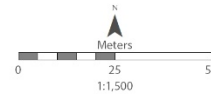
76 Duncan Ave E

Zoning Map



Legend

- Subject Parcel
- R1 - Large Lot Residential
- C7 - Service Commercial
- RM2 - Low Density Multiple Housing
- C1 - Commercial Transition
- C8 - Vehicle Service Station
- P1 - Public Assembly
- C4 - General Commercial



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.

Tuesday, December 10, 2023 8:41:26 AM

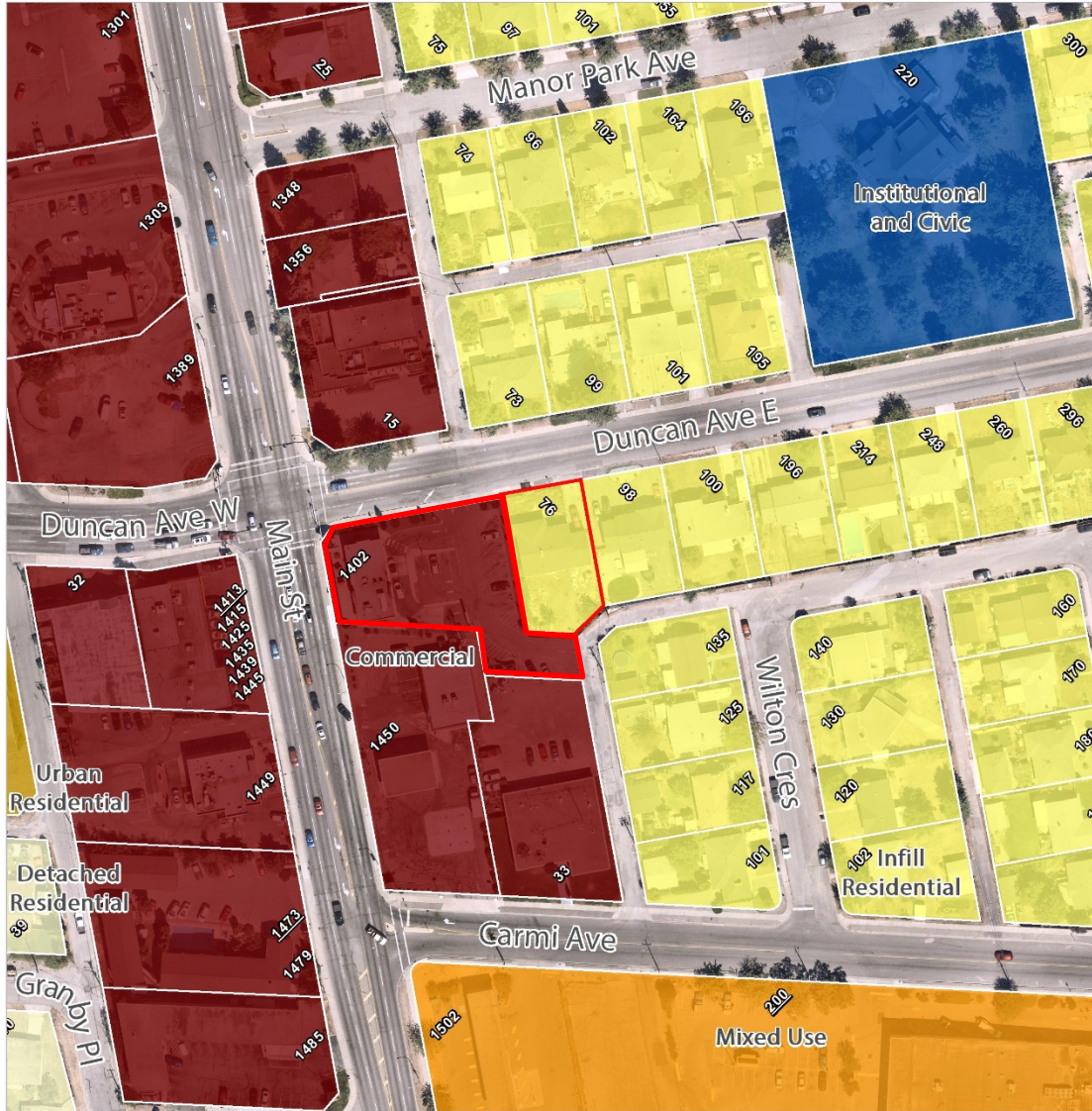
penticton.ca

Attachment B – Official Community Plan Map



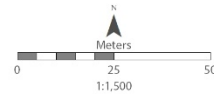
76 Duncan Ave E

OCP Map



Legend

- Subject Parcel
- Detached Residential
- Institutional and Civic
- Commercial
- Urban Residential
- Mixed Use



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

Tuesday, December 10, 2023 8:41:51 AM

penticton.ca

Attachment C – Photos of Property







Attachment D – Letter of Intent

Sherri Turpin Architect

Sherri Turpin, Principal, Architect, AAA, AIBC, Passive House Designer

December 19, 2023

Building and Licensing-Development Services Division
City of Penticton
171 Main Street
Penticton BC V2A 5A9

Dear Sir/Madam:

Re: 1402 Main Street and 76 Duncan Avenue East
LOT 2, DL 250, SDYD, PLAN 39349 and LOT 3, DL250, SDYD, PLAN 7580

The owner of these two properties, 499410 BC Ltd., would like to apply for rezoning of 76 Duncan Avenue. 1402 Main Street is currently an A&W restaurant and will continue to remain as such in the foreseeable future. 76 Duncan Avenue East was purchased with the intent of providing better access and increased vehicular stacking to the drive through.

At the same time, there is opportunity to further develop the property. The owner would like to construct a three-storey mixed-use building that will potentially have an office or personal services business on the main floor and residential units on the upper two levels. There may be 4 residential units in total and one commercial unit.

The zoning that we believe would suit 76 Duncan property would be a C3 Mixed Use Commercial because this zoning contains general commercial uses and multi-family residential. The is anticipated to be registered rights-of-ways in order to manage the drive-through lane and access to parking from both properties.

Included in this submission are digital drawings showing the site plan as well as preliminary building plans and elevations to further show the intent and to facilitate discussion. Also included is the development application form, the site disclosure waiver form, and agent agreement form. The application fee will be sent separately upon confirmation of the amount.

Sincerely,



2023-12-19
Sherri Turpin, AIBC, AAA, Passive House Designer*

c.c. Byron Gleige, 499410 BC Ltd.



26 – 45 Green Avenue West
Penticton BC V2A 7E5

p.1/1

tel: 587.876.7616
e-mail: turpinarchitect@outlook.com



76 Duncan Avenue East Engagement Report

February 28, 2024

[1.0 Overview](#)

[2.0 Community Participation](#)

[3.0 Feedback Form Results](#)

[4.0 Open House](#)

[5.0 Conclusions](#)

[Appendix A- Engagement Timeline](#)

1.0 Overview

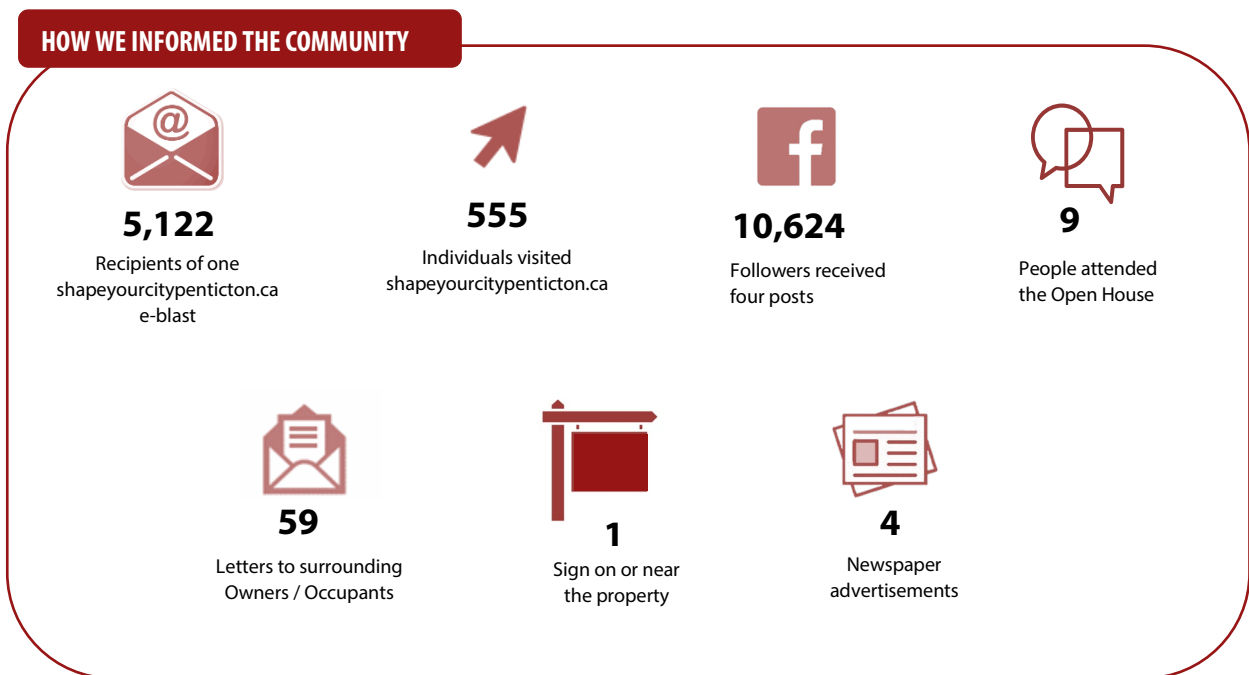
The City received an application for 76 Duncan Avenue East consisting of a three-storey, mixed-use development that would require an amendment to the City’s Official Community Plan to change the ‘future land use’ designation on the property from Infill Residential to Mixed-Use.

The proposal for redevelopment consists of a three-storey building with commercial space on the first storey and two dwelling units each on the second and third storeys (4 dwelling units total). The initial plans include landscape buffering with trees and shrubs.

Before considering the amendments, Council directed staff to gather feedback from the community about changing the ‘future land use’ of this property. The following document summarizes the activities completed and the findings from the process.

2.0 Community Participation

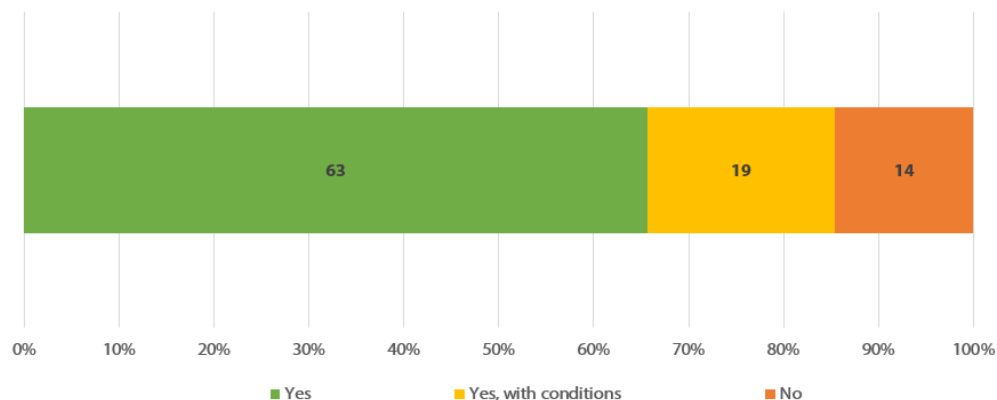
Staff followed the *Community Engagement Procedure for OCP Amendments* to ensure adequate and meaningful consultation with the community. The engagement program was conducted between January 17 and February 25. The following diagram summarizes participation. A detailed timeline of engagement activities is provided in Appendix A.



3.0 Feedback Form Results

One of the primary ways the City gathers formal feedback is through the use of feedback forms. The focus of the feedback form was to gather feedback on the proposed change to the future land use. Residents were invited to review the information about the proposal and complete a feedback form before Sunday, February 25. In total, **95 feedback forms** were received. Please note that the key findings from the feedback forms are presented in this report. Complete results including full comments, are available at shapeyourcitypenticton.ca.

1. Do you agree with changing the land use on this site from Infill Residential to Mixed-Use?



Participants who answered 'Yes, with conditions' were invited to explain their response. A summary of the themes/comments is provided below:

Traffic and parking

- Proper parking is needed, at least 2 parking spaces for each residence and more for businesses
- Back alley access must be properly designed to handle the influx of traffic
- Drive-thru negatively affects Main and Duncan intersection, consider redesigning and placing farther from building
- Ensure adequate parking for businesses and residents
- Ensure adequate off-street parking
- Underground parking would be ideal
- City must work to improve public transit and bike lanes to reduce the strain on our roads from unnecessary traffic and reduce the tax dollar spending on road maintenance

Housing affordability

- Residential and commercial spaces be affordable to rent or buy. Small businesses also struggle to gain footing due to astronomical rents
- Residential portion be made affordable for lower to moderate income earners to afford to live there

Climate action

- Roof construction suitable for solar panel/solar water heat at a future time. No vegetation requiring frequent watering and adequate rooting space for mature trees
- More trees, especially within flat expanse of parking lot asphalt. Require building a green structure; passive heating and cooling, green/solar panel roof, heat pumps
- Solar/EV charging should be installed, not just ready

Other suggestions

- Accessibility concerns – needs to accommodate a variety of potential tenants and business patrons including mobility challenges. Consideration of the nature of the commercial tenants in relation to those living above them must also be addressed

- Height restrictions and parking underground
- No AirBnBs in residential units
- Limit to 2 storeys to fit the area better, serves as an overlap between commercial development on Main St and purely residential on Duncan

Participants who answered 'No' were invited to explain their response. A summary of the themes/comments is provided below:

Desire to keep property as Residential

- Support for 3 floors of housing, not commercial space as it is a residential area
- Leave as residential, too many empty commercial spaces downtown

Concern for Commercial space

- Central downtown that has plenty of vacant buildings that can be used for offices, store fronts and more uses
- Already plenty of empty commercial spaces available, don't sacrifice opportunity for extra housing

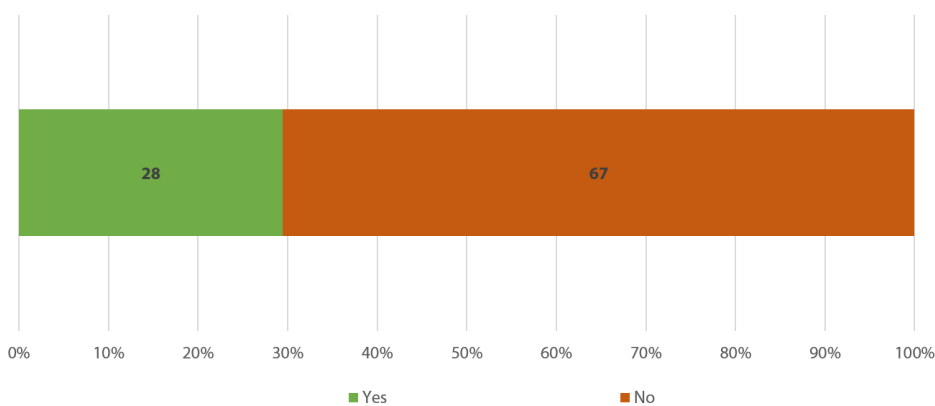
Traffic and Infrastructure

- Not enough infrastructure to handle increased traffic on an already very busy corridor
- Concern that A&W already slows traffic east of Main St. and this will add traffic congestion to the area

Preference to not amend OCP

- Development is wrong for the site as was determined by the original OCP
- Goes against OCP plan. Keep the plan because soon there will be NO plan and developers will do whatever they want

2. Based on the information provided, would you have any concerns about what is being considered for this site?

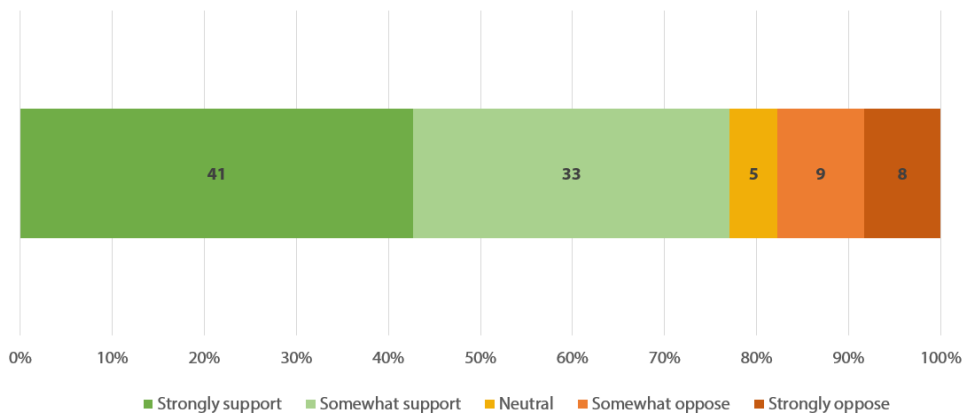


Participants who said 'yes' were invited to explain their response. A summary of the themes/comments is provided below:

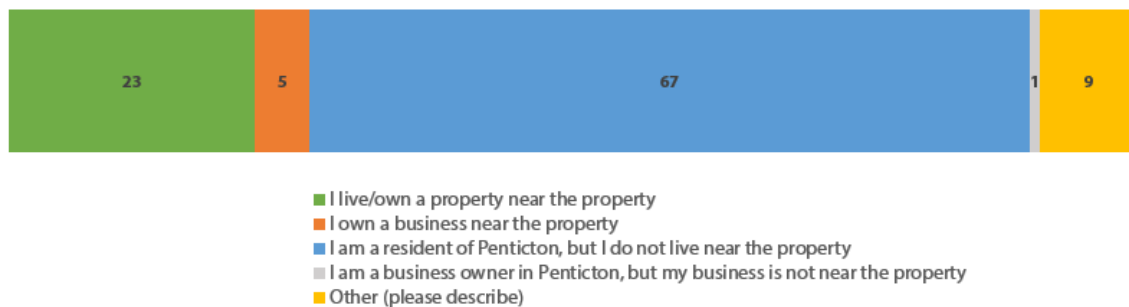
- Concern there is no need for commercial space on this property

- Concern drive-thru is so close to the building, it will require soundproofing and better landscaping for residents and businesses within the new structure
- Concern for height and fitting into the neighbourhood. Parking would need to be provided for both commercial and residential units
- Concern that apartments are small and include extensive use of stairs –unsuitable for families and seniors
- Commercial needs to be quiet after 7 pm
- Parking should be underground for residential, a few surface spots for commercial
- Concern for bus stop out front and impacts it will have (traffic, accessibility)
- Concern for high traffic area close to major traffic intersection. Anything more than single family will increase congestion and increase risks at the busy intersection
- Concern units will be limited to 55+
- Desire for separate entrance/egress of balconies needed
- Desire to see windows added to west side to use sun to light stairwell
- Desire to see no parking out front as it is a bus stop area.
- Desire to swap east and west sides of building for better views. Right now the 4 apartments look into the backyard of existing homes
- Concern for limited and unsecured parking

3. Rate your level of support for the development that is being proposed for this site.



4. Which best describes your interest in providing feedback?



Some comments from 'Other (please describe)' are provided here, full responses are available at shapeyourcitypenticton.ca

- Resident of Penticton working near the property but not the business owner
- Respondent is a member of the Downtown Penticton Business Improvement Association
- Respondent is a member of the Penticton Indian Band
- Respondent travels this route at least four times a week

4.0 Open Houses

An in-person event was held at in the library at Carmi Elementary school on Thursday, Feb. 1, 2024 between 5:00 pm – 6:30 pm. Nine members of the public attended and a summary of their discussions are provided here:

- Concern that there is no sidewalk on the south side of Duncan Ave going east (for the bus stop)
- Appreciation that the drive-through will be longer and should alleviate congestion at Main St. and Duncan Ave E
- Comment that City shouldn't allow drive-throughs anymore
- Concerns about parking for the proposed commercial business and residents
- Concerns about where the bus stop will be moved to and the impact to its accessibility
- Concerns that vehicles idling in a drive-through will create more pollution and health problems for people in the area
- Appreciation that only 3 storeys are proposed when the Province is allowing up to 6 (Transit Oriented Development Area) and no parking
- Comment that the City should be encouraging more bicycle transportation, especially in this area
- Concerns over commercial business type that would be located on the ground floor
- Concerns about how parking will be allocated (residential versus commercial uses)
- Concerns about the (lack of) amenity space for the residents

5.0 Conclusions

The main goal of this process was to gather feedback on the proposed amendment to the future land use designation for this property in the Official Community Plan and to understand if the proposed development aligns with the community's vision for the area.

Through this process, staff learned the majority of respondents (65.6%) support the land use change from Infill Residential to Mixed-Use. Another 19.8% support the change with conditions largely related to availability, accessibility and security of residential and commercial parking spaces.

Respondents indicated 77.1% strongly support or support the development proposed for the site, with 17.7% strongly opposed or opposed to it. Remaining responses are 5.2% as neutral.

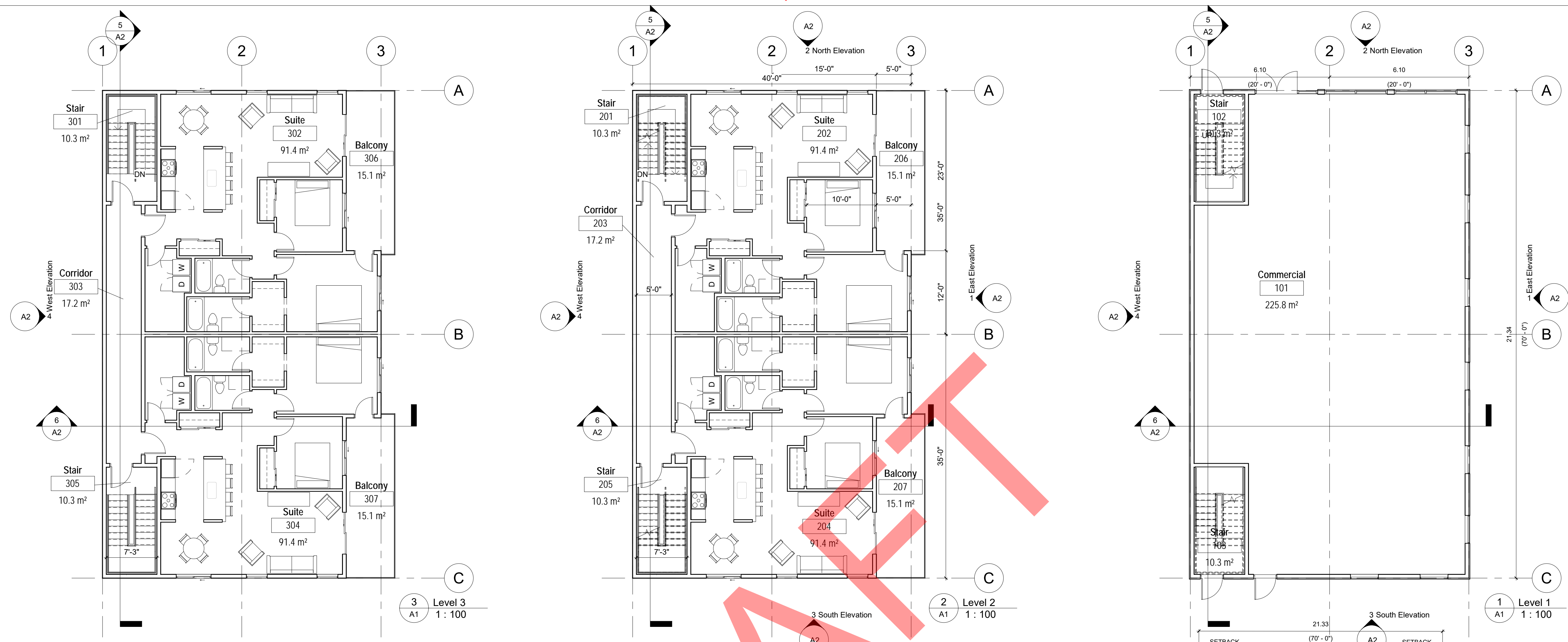
Next Steps

The feedback gathered through the engagement program is to be provided to the applicant to consider and determine how they would like to proceed. It will also be shared with Council and the community-at-large.

Appendix A - Engagement Timeline

In accordance with the *Community Engagement for OCP Amendments Procedure* and *Community Engagement Policy and Framework* the following list summarizes the main methods that were used to raise awareness about the application and the opportunities for residents to provide feedback through the community engagement period that took place between January 17 to February 25, 2024.

Date	Activity
Jan. 17	Project information and feedback form on www.shapeyourcitypentton.ca
Jan. 18	Press Release
Jan. 18	Eblast
Jan. 19	Letters to surrounding owners/occupants
Jan. 22	Social media post
Jan. 24	Newspaper ad
Jan. 26	Newspaper ad
Jan. 30	Newspaper ad
Jan. 30	Social media post
Jan. 31	Newspaper ad
Feb. 1	Open House information session
Feb. 15	Social media post
Feb. 25	Deadline for feedback forms



Sherrri Turpin Architect
 26 - 45 Green Avenue West
 Penticton BC V2A 7E5
 587.876.7616
 turpinarchitect@outlook.com

No.	Description	Date

DO NOT SCALE THIS DRAWING
 VERIFY ALL DIMENSIONS, DATUMS AND LEVELS PRIOR TO COMMENCEMENT OF WORK. REPORT ANY DISCREPANCIES OR OMISSIONS TO THE ARCHITECT IMMEDIATELY.
 ALL WORK MUST COMPLY WITH THE MOST RECENT EDITION OF THE APPLICABLE BUILDING CODE AND ANY OTHER GOVERNING AUTHORITIES.
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Preliminary

499410 BC Ltd.
Proposed Lot Consolidation, Re-zoning & Re-development
 76 Duncan Avenue East & 1402 Main Street

Site Plan, Floor Plans & Perspective

Project number	23-13
Date	November 14, 2023
Drawn by	SMT
Checked by	SMT
Scale	As indicated

A1

LEGAL ADDRESS:
 LOTS 2 DISTRICT LOT 250 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 7560

EXISTING ZONING: C7 SERVICE COMMERCIAL

EXISTING BUILDING USE: RESTAURANT

MIN LOT WIDTH: 20 m / ACTUAL > 21.24

MIN LOT AREA: 650 m² / ACTUAL = 1,765.3 m²

BUILDING AREA: 176.0 m² (577 ft²)

LOT COVERAGE: PERMITTED 50% / PROVIDED 10%

FLOOR AREA RATIO: PROVIDED 176/1,765.3=0.33

FRONT YARD: 4.5 m (14.76 ft) complies

EXTERIOR SIDE YARD: 4.5 m (14.76 ft) complies

INTERIOR SIDE YARD: 0 m (0 ft) complies

REAR YARD REQUIRED: 0 m (0 ft) complies

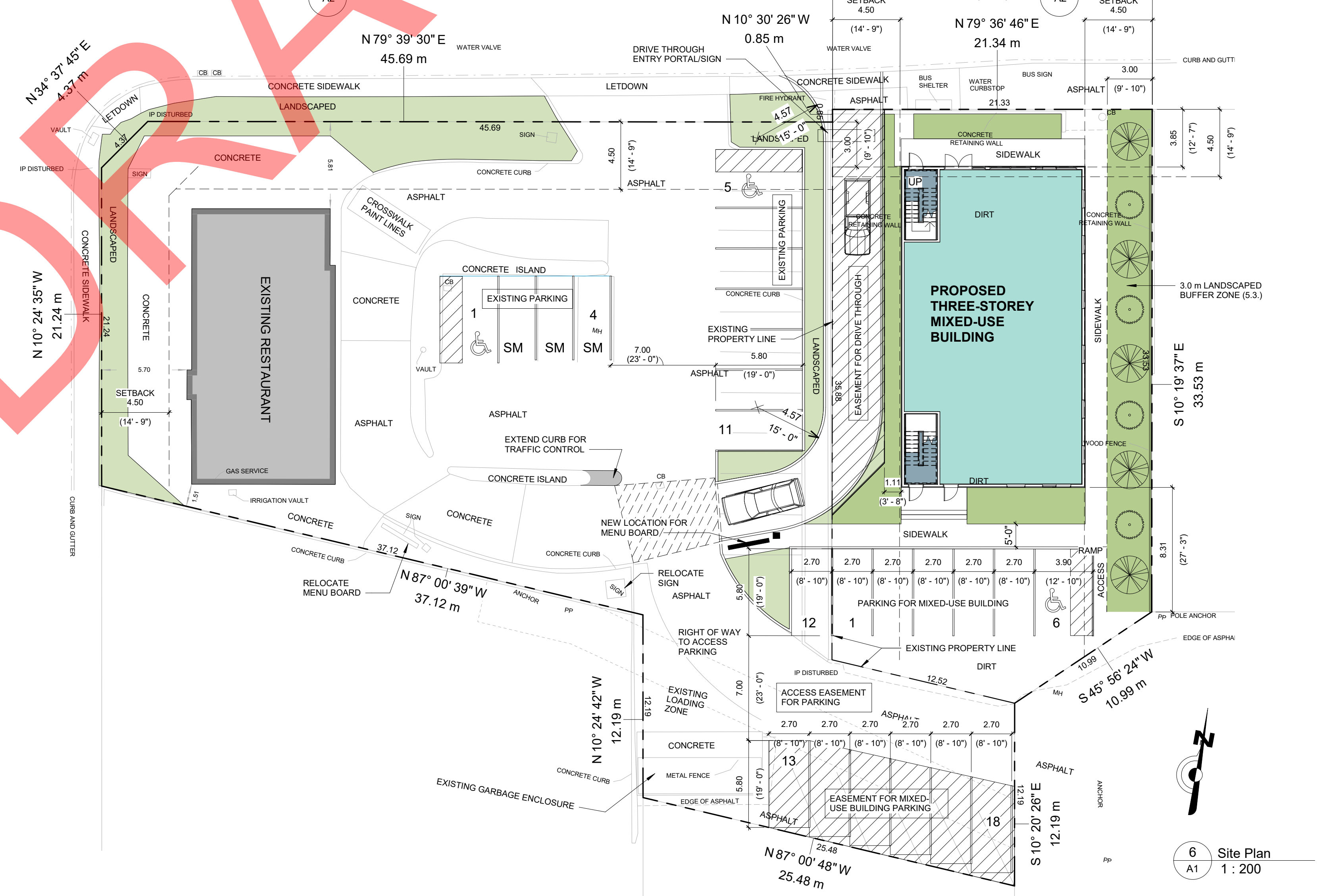
PARKING REQUIREMENTS:
 RESTAURANT: 1 STALL PER 50 m² NFA = 4 STALLS
 PROVIDED: 18 (INCLUDING 2 HIC) MINUS 6 FOR EASEMENT = 12

Land Use Bylaw Information

LEGAL ADDRESS:	EXISTING ZONING:	PROPOSED REZONING:	RESIDENTIAL
LOTS 3 DISTRICT LOT 250 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 7560	R1 (INFILL RESIDENTIAL)	C3 COMMERCIAL	
EXISTING BUILDING USE: RESTAURANT			
PROPOSED BUILDING USE: PROPOSED 3 STOREY MIXED-USE WITH COMMERCIAL ON MAIN AND ON UPPER LEVELS.			
LOT WIDTH: 21.33			
LOT AREA: 799.7 m² (27,610.0 ft²)			
BUILDING AREA: 263.1 m²			
LOT COVERAGE: 36%			
DENSITY: (263.1 X 3)/731.1 = 1.08			
HEIGHT: 10.88 m (35.7 ft)			
FRONT YARD (NORTH): 3.85 m (12.6 ft)			
WEST SIDE YARD: 4.5 m (14.76 ft)			
EAST SIDE YARD: 4.5 m (14.76 ft)			
REAR YARD: 8.31 m (27.3 ft)			
PARKING REQUIREMENTS: OFFICE/PERSONAL SERVICES: 1 STALL PER 30m² NFA = 8 STALLS RESIDENTIAL: 1 PER SUITE X 4 SUITES = 4 STALLS			
TOTAL STALLS REQUIRED: 12			
STALLS PROVIDED ON SITE: 6			
STALLS PROVIDED BY EASEMENT: 6			
BARRIER-FREE STALL(S) INCL: 1			
LOADING STALL REQUIREMENTS: NO. OF LOADING STALL(S) REQUIRED & PROVIDED: 1 SHARED			
RESIDENTIAL AMENITY SPACE: 15 m²/UNIT PROVIDED ON BALCONIES			

ZONING REQUIREMENTS	R1	RM2	C3
MIN. LOT WIDTH:	16 m	18.0 m	18.0 m
MIN. LOT AREA:	564 m²	540 m²	1,000 M2
MAX LOT COVERAGE:	40%	40%	50%
MAX DENSITY:	N/A	0.8 FAR	2.0 FAR
MAX HEIGHT:	10.5 m	12.0 m	18.0 m
MIN FRONT YARD:	6.0 m	3.0m	3.0 m
MIN INTERIOR SIDE YARD:	1.5 m	3.0 m	4.5 m
MIN REAR YARD:	6.0 m	6.00 m	6.00 m

RM2 REQUIRES 20 m² AMENITY SPACE WITH 25% ON GROUND LEVEL



6 Site Plan
 A1 1 : 200

Sherri Turpin Architect
 26 - 45 Green Avenue West
 Penticton BC V2A 7E5
 587.876.7616
 turpinarchitect@outlook.com

No.	Description	Date

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 ALL WORK MUST COMPLY WITH THE MOST RECENT EDITION OF THE APPLICABLE BUILDING CODE AND ANY OTHER GOVERNING AUTHORITIES.
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STAMP

Preliminary

499410 BC Ltd.
Proposed Lot Consolidation, Re-zoning & Re-development
 76 Duncan Avenue East & 1402 Main Street

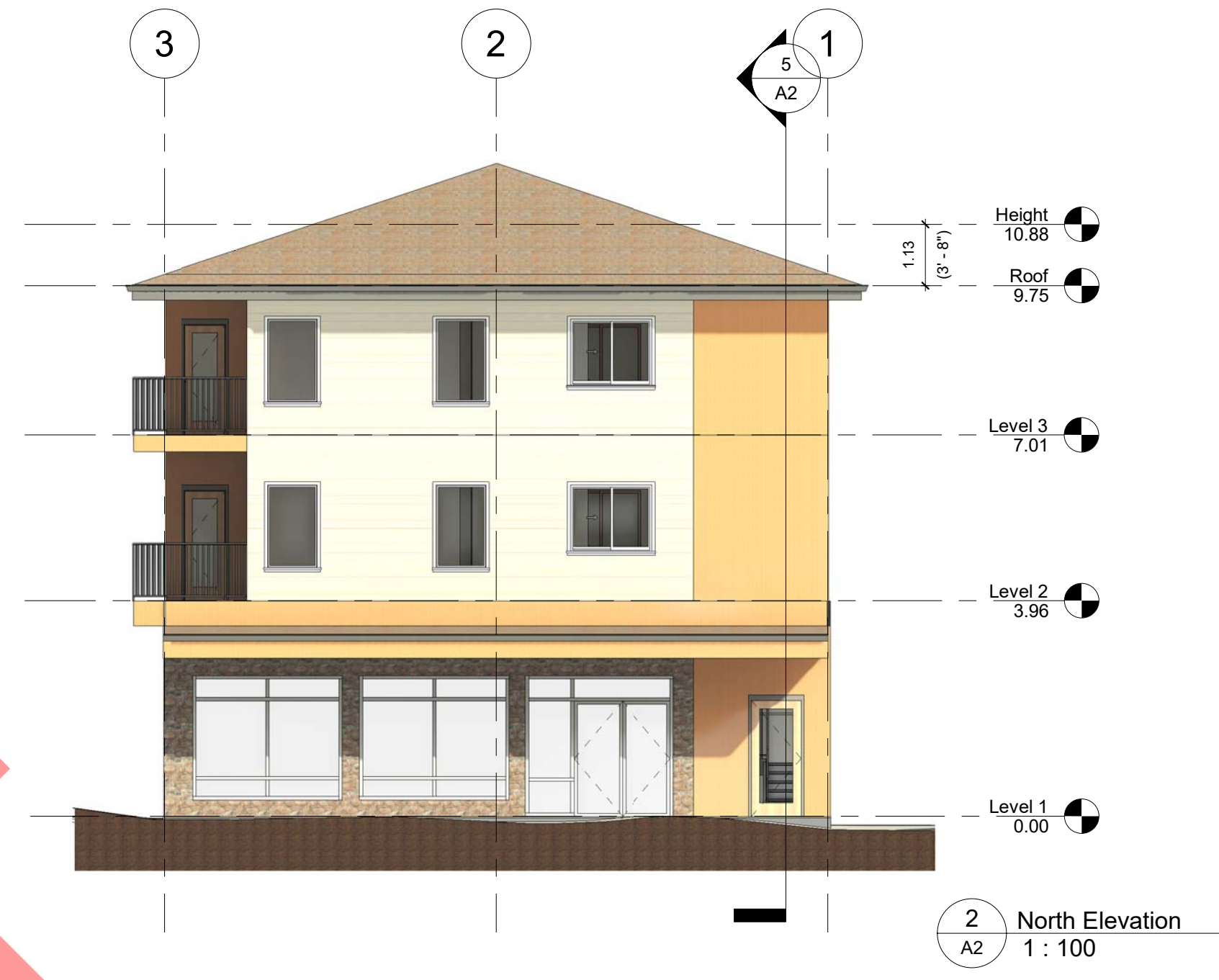
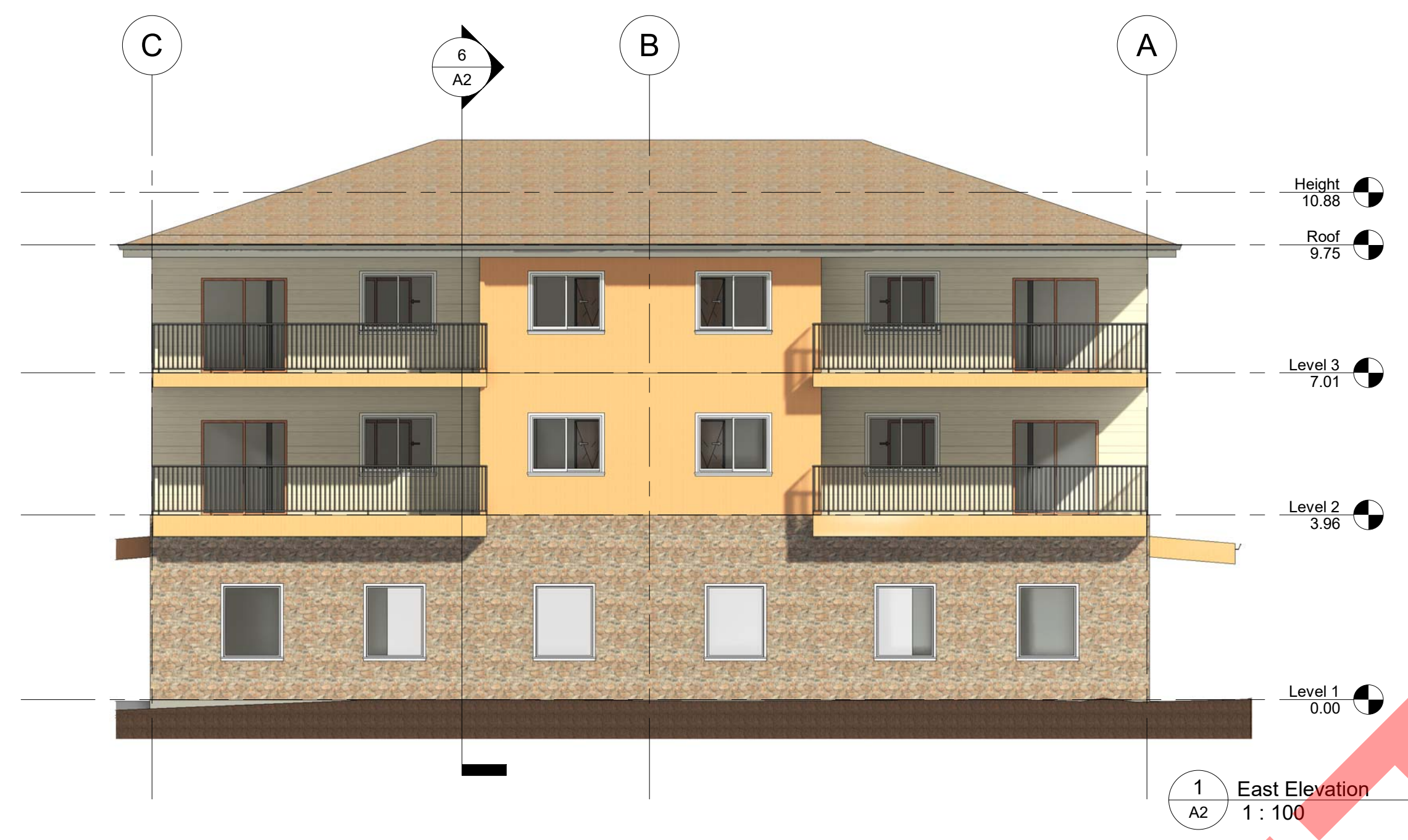
Elevations & Sections

Project number	23-13
Date	November 14, 2023
Drawn by	SMT
Checked by	SMT
Scale	1 : 100

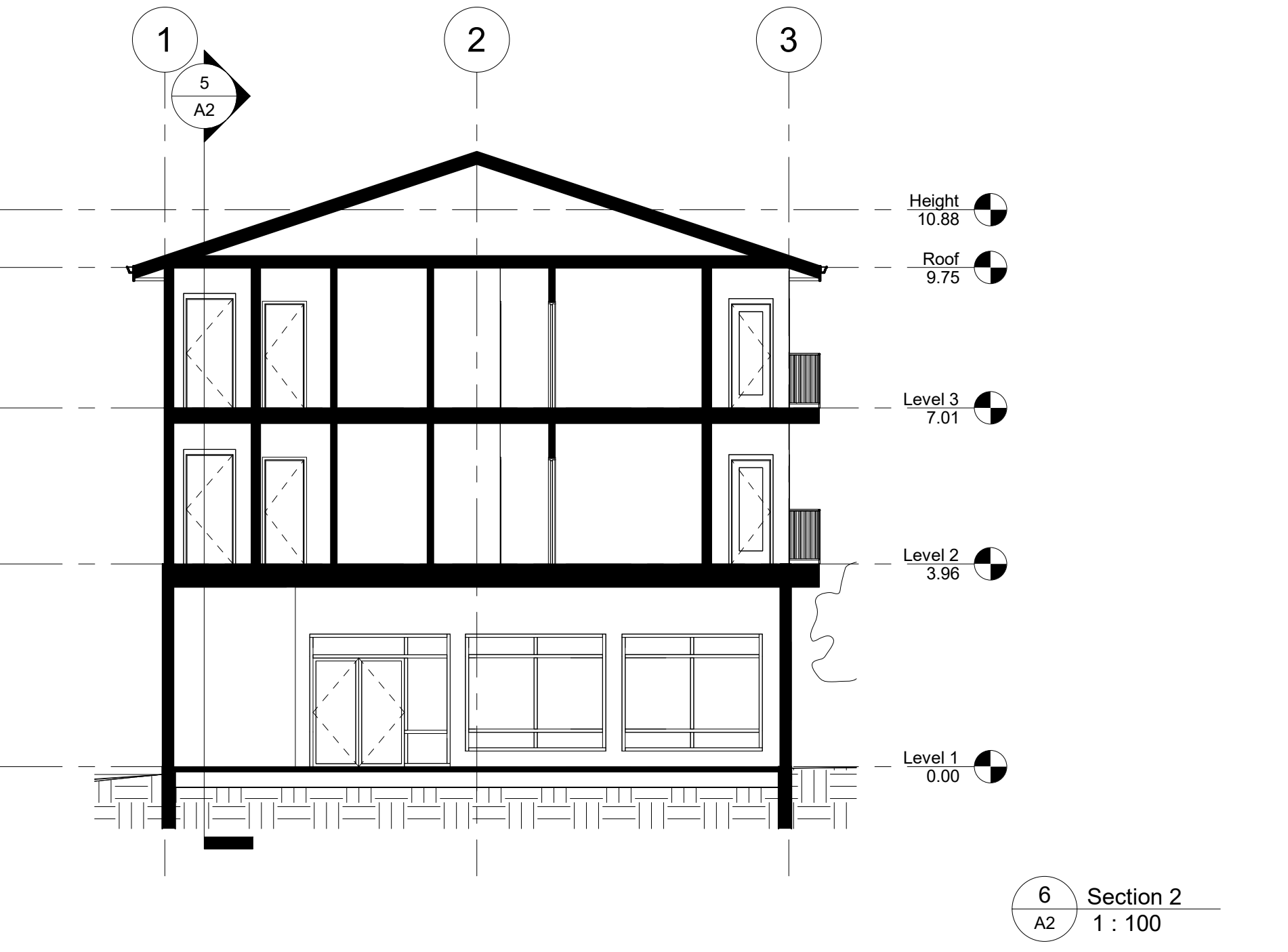
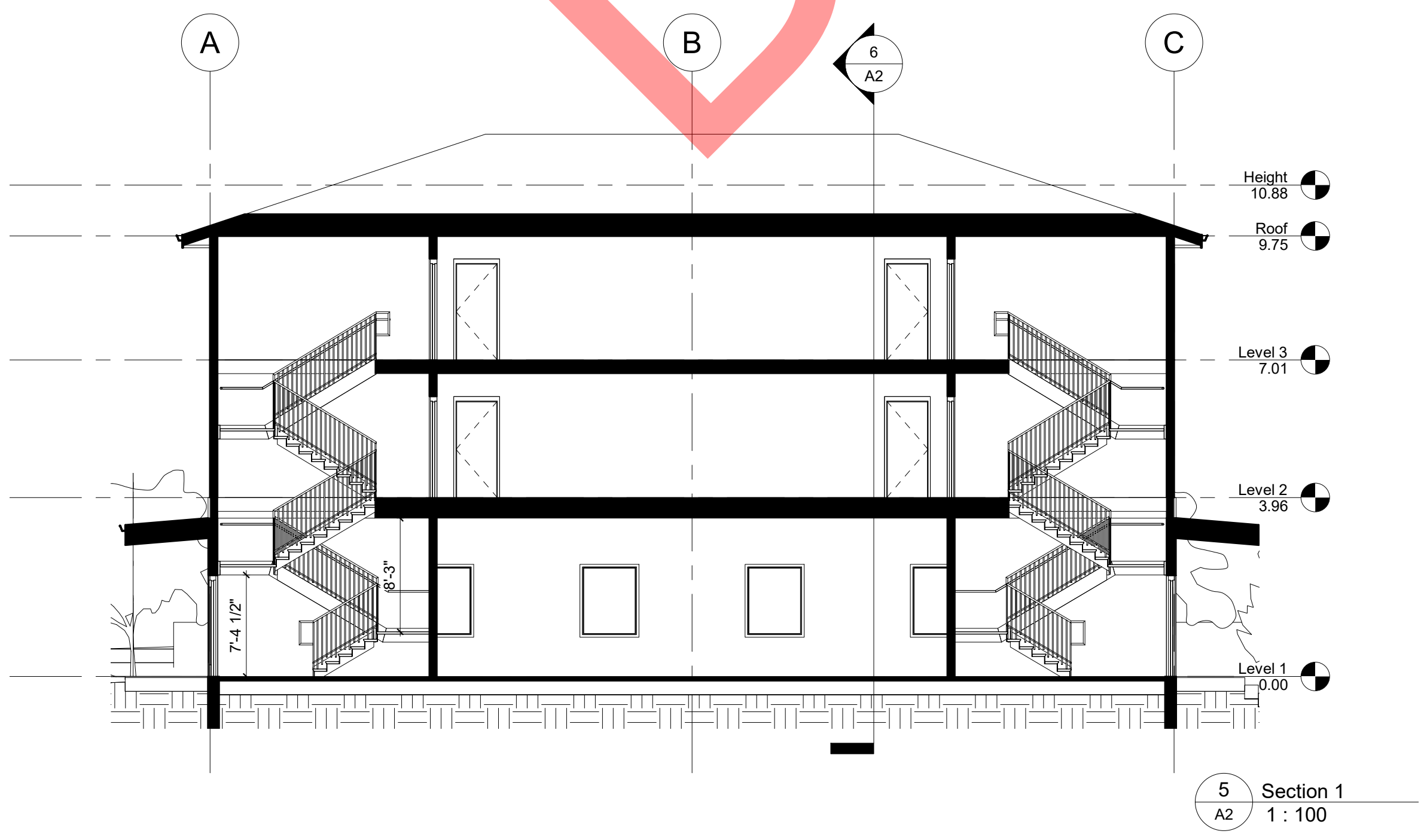
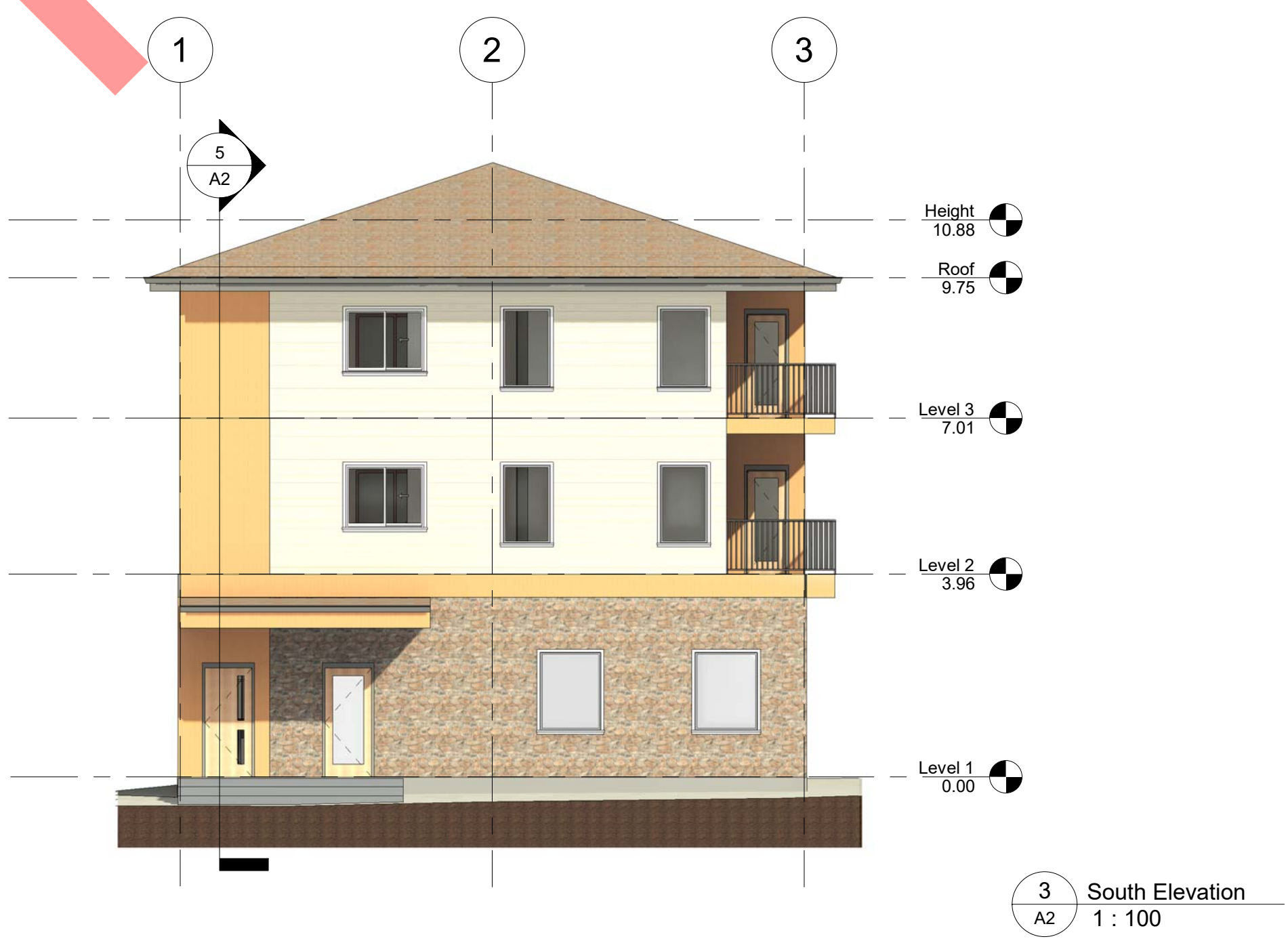
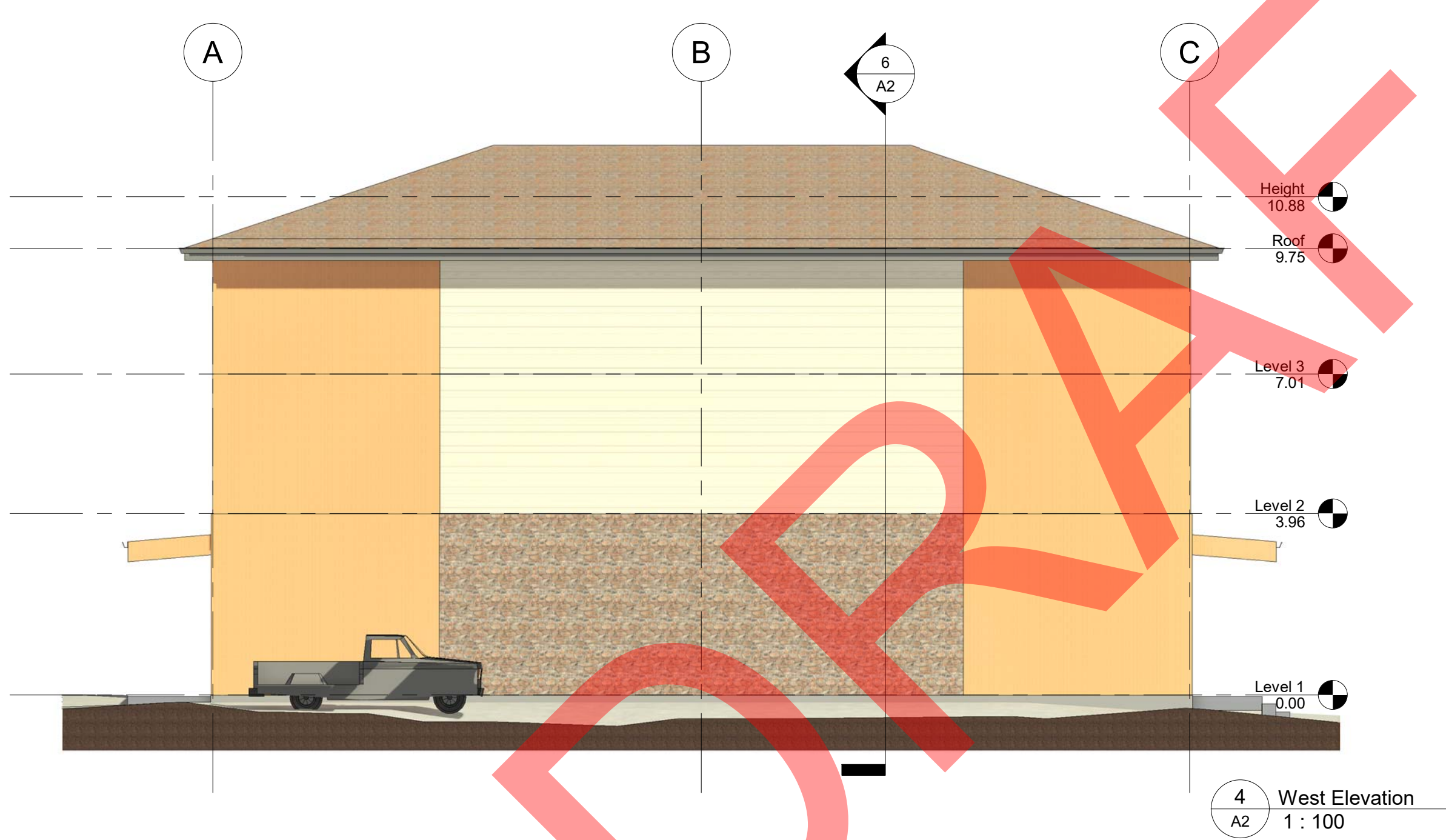
A2



7 3D View 2
A2



8 3D View 1
A2



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
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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

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Julius Bloomfield, Mayor

Angie Collison, Corporate Officer



City of Penticton – Schedule 'A'
Zoning Amendment Bylaw No. 2024-14

Date: _____

Corporate Officer: _____

Late Submission
Public Hearing - OCP Amendment Bylaw No. 2024-12,
Zoning Amendment Bylaw No. 2024-13 and Zoning
Amendment Bylaw No. 2024-14

From: [gmail](#)
To: [Public Hearings](#) re 76 Duncan Avenue East and 1402 Main Street
Subject: public hearing for 76 Duncan avenue east
Date: Tuesday, April 16, 2024 8:07:54 AM

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[Allow sender](#) | [Block sender](#)

Luciano and Judy Monai
73 Duncan Ave E
Penticton BC V2A 2W2

Attention: City of Penticton corporate officer

We take this opportunity to express our thoughts and opinions on the subject of 76 Duncan Ave E prior to tonight's public meeting.

The proposed development appears to be designed specifically to accommodate relocating the A&W drive thru from its present location onto the adjacent property at 76 Duncan Ave E. The housing unit looks to be of secondary importance, located awkwardly on the side of the lot, uncomfortably close to the house beside at 78 Duncan Ave and providing only 4 home rental units.

We are certainly in favor of a multi family building across the street. Ours is a well serviced, walkable neighbourhood, close to amenities, well suited for apartment living, but a drive thru dictating the development does not meet our approval.

Several points need to be considered:

1. Do we as a city want a larger drive thru that will increase the number of cars idling. waiting to place/pick up their orders? This conflicts with our Climate Action Plan of reducing emissions, the Shift Beyond the Car initiative. Walkability and safety around the bus stop must be a priority.
2. The proposed drive thru is directly in front of our living room window and front porch. Currently the electric signs and orange roofline lighting are on 24 hours a day and light up our front yard and
3. the interior of our home with an orange glow, more such large signage indicating the new drive through is a worry.
4. The residential units are awkwardly placed to say the least. Their location does not take into account the properties directly to the east nor to the southeast. The 2nd and 3rd floor balconies overlook those homes causing an unfortunate loss of privacy and enjoyment of their outdoor space. The balconies would be better located on the north (facing Duncan Ave) or west overlooking A&W with a view of the mountains to the west.

5. It appears that minimal forethought has gone into the design of the building itself. The style is hardly pleasing, it is quite similar to the Chevron gas station . Many of the new multi-family builds in the city are aesthetically pleasing and fit in nicely with the existing neighbourhood, this building plan needs improving.

Thank you for your consideration of our points of view.

Yours truly,
Luciano and Judy Monai

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