

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

Tuesday, December 5, 2017
at 1:00 p.m.

Present: Mayor Jakubeit
Councillor Picton
Councillor Sentes
Councillor Konanz
Councillor Sayeed
Councillor Martin
Councillor Watt

Staff: Jim Bauer, Chief Financial Officer
Dana Schmidt, Corporate Officer
Anthony Haddad, Director of Development Services
Mitch Moroziuk, General Manager of Infrastructure
Angie Collison, Deputy Corporate Officer

1. Call to Order

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

2. Introduction of Late Items

3. Adoption of Agenda

684/2017

It was MOVED and SECONDED

THAT Council adopt the agenda for the Regular Council meeting held on December 5, 2017 as amended to include late item 11.2 Zoning Amendment Bylaw No. 2017-65 and item 11.3 Zoning Amendment Bylaw No. 2017-53.

CARRIED UNANIMOUSLY

4. Adoption of Minutes:

4.1 Minutes of the November 21, 2017 Committee of the Whole

685/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the November 21, 2017 Committee of the Whole as presented.

CARRIED UNANIMOUSLY

4.2 Minutes of the November 21, 2017 Public Hearing

686/2017

It was MOVED and SECONDED

THAT Council receive the minutes of the November 21, 2017 Public Hearing as presented.

CARRIED UNANIMOUSLY

4.3 Minutes of the November 21, 2017 Regular Council Meeting

687/2017

It was MOVED and SECONDED

THAT Council adopt the minutes of the November 21, 2017 Regular Council Meeting as presented.

CARRIED UNANIMOUSLY

5. **Committee and Board Reports**

5.1 Development Services Advisory Committee Minutes of November 17, 2017

688/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Development Services Advisory Committee meeting of November 17, 2017.

CARRIED UNANIMOUSLY

5.2 Transportation Advisory Committee Minutes of November 17, 2017

689/2017

It was MOVED and SECONDED

THAT Council receive the draft minutes of the Transportation Advisory Committee meeting of November 17, 2017.

CARRIED UNANIMOUSLY

6. **Correspondence**

7. **Staff Reports:**

7.1 Parking Engagement Update and Recommendations

690/2017

It was MOVED and SECONDED

THAT Council continue to provide free parking on Lakeshore Drive and Riverside Drive;
AND THAT the parking spaces on Lakeshore Drive between Winnipeg Street and Power Street be changed to 3hr restricted parking from 9am-6pm, Monday to Friday.

CARRIED

Councillors Sayeed, Watt and Martin, Opposed

691/2017

It was MOVED and SECONDED

THAT Council direct staff to post the restricted parking signage in the parking spaces on Lakeshore Drive between Winnipeg Street and Power Street between the months of June – September.

CARRIED

Mayor Jakubeit and Councillors Picton and Watt, Opposed

692/2017

It was MOVED and SECONDED

THAT Council reconsider the resolution to continue to provide free parking on Lakeshore Drive and Riverside Drive;

AND THAT the parking spaces on Lakeshore Drive between Winnipeg Street and Power Street be changed to 3hr restricted parking from 9am-6pm, Monday to Friday.

DEFEATED

Mayor Jakubeit, Councillors Sayeed, Watt, Sentes, Picton, Opposed

693/2017

It was MOVED and SECONDED

THAT Council direct staff to retain existing Resident Only Parking areas around the Hospital and Downtown.

CARRIED UNANIMOUSLY

694/2017

It was MOVED and SECONDED

THAT Council endorse the implementation of the following short-term recommendations:

- Martin Street extension seasonal changes to allow monthly employee parking from 6am-6pm from Monday to Friday from October to May to provide 70 more reserved parking stalls.
- City owned public parking lot hourly changes from 24/7 reserved to Monday – Saturday reserved from 6am-6pm to provide 85 more publicly available parking stalls on evenings and Sundays.
- White Avenue change from metered parking to monthly reserved employee parking from 6am-6pm to create 12 more monthly rental parking spaces for employees.
- Westminster Avenue E change from free on-street parking to monthly reserved for employees between the hours of 6am and 4pm, Monday to Friday providing for 31 more employee parking spaces;

AND THAT Council direct staff to install wayfinding signage and directional signage to better identify the location, availability and programs offered downtown;

AND THAT Council direct staff to implement the complete Mobile Parking Payment Application.

CARRIED UNANIMOUSLY

695/2017

It was MOVED and SECONDED

THAT Council direct staff to prepare amendments to the Zoning Bylaw to increase the City's cash-in-lieu of parking requirements and decrease the number of vehicle spaces reduces for car-share vehicles;

AND THAT staff consult with the Development Services & Transportation Advisory Committees before bringing any amendments to Council.

CARRIED UNANIMOUSLY

7.2 Fortis BC Shared Use of Structures

696/2017

It was MOVED and SECONDED

THAT Council approve the Renewal and Amending Agreement for Shared Use of FortisBC Structures as contained in Attachment B of the FortisBC Shared Use Structures staff report dated December 5, 2017;

AND THAT Council authorize the Mayor and Corporate Officer to execute the FortisBC Renewal and Amending Agreement.

CARRIED UNANIMOUSLY

7.3 Fees and Charges Amendment Bylaw No. 2017-77

Re: Nuisance Abatement Fees

697/2017

It was MOVED and SECONDED

THAT Council give first, second and third reading to "Fees and Charges Amendment Bylaw No. 2017-77", a bylaw that outlines Excessive Nuisance Abatement Fees for the City of Penticton.

CARRIED UNANIMOUSLY

7.4 2018 Council Meeting Dates

698/2017

It was MOVED and SECONDED

THAT Council select the following dates for the 2018 Regular Meetings of Council: January 9, 23, February 6, 20, March 6, 20, April 3, 17, May 8, 22, June 5, 19, July 3, 17, August 7, 21, September 4, 18, October 2, 30, November 6, 20, and December 4, 18.

CARRIED UNANIMOUSLY

8. **Public Question Period**

9. **Recess Meeting**

Council recessed the Regular Council Meeting at 3:10 p.m.

10. **Reconvene the Regular Council Meeting at 6:00 p.m.**

Council reconvened the Regular Council Meeting at 6:00p.m.

11. **Reconsideration of Bylaws and Permits**

11.1 Zoning Amendment Bylaw No. 2017-76

Re: 187 Wyles Crescent

699/2017

It was MOVED and SECONDED

THAT Council adopt "Zoning Amendment Bylaw No. 2017-76".

CARRIED UNANIMOUSLY

11.2 Zoning Amendment Bylaw No. 2017-65
Re: 461 Eckhardt Avenue West

700/2017

It was MOVED and SECONDED
THAT Council adopt "Zoning Amendment Bylaw No. 2017-65".

CARRIED UNANIMOUSLY

11.3 Zoning Amendment Bylaw No. 2017-53
Re: 703 Forestbrook Drive

701/2017

It was MOVED and SECONDED
THAT Council adopt "Zoning Amendment Bylaw No. 2017-53".

CARRIED UNANIMOUSLY

12. Land Matters

12.1 Development Variance Permit PL2017-8089
Re: 273/275 Conklin Avenue

Delegations/Submissions:

- Doug Hamilton, applicant, spoke in support of the application.

702/2017

It was MOVED and SECONDED
THAT Council approve "Development Variance Permit PL2017-8089" for Lot 5 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518 Except the Easterly 45 Feet Thereof Measured Along the Southerly and Northerly Boundaries Thereof, located at 273 Conklin Avenue and for Lot 4 District Lot 1 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 2518, located at 275 Conklin Avenue, a permit to reduce the minimum lot width for a standard lot from 16.0m to 11.4m;
AND THAT staff be directed to issue "Development Variance Permit PL2017-8089."

CARRIED UNANIMOUSLY

12.2 Development Variance Permit PL2017-8105
Re: 115 Preston Avenue

Delegations/Submissions:

- Linnette and Shaun Gratton, applicants, spoke in support of the application.

703/2017

It was MOVED and SECONDED
THAT Council approve "Development Variance Permit PL2017-8105" for Lot 1 District Lot 250 Similkameen Division Yale District Plan 8006, located at 115 Preston Avenue, a permit to reduce the required parking spaces from 3 to 1, to reduce the minimum front yard from 4.5m to 3.0m and to reduce the minimum rear yard for a principal building from 6.0m to 1.5m; AND THAT staff be directed to issue "Development Variance Permit PL2017-8105."

CARRIED UNANIMOUSLY

12.3 Phased Development Agreement
Re: 450 Martin Street (P2 Developments)

704/2017

It was MOVED and SECONDED

THAT Council receive the letter attached to this report as "Attachment A" from the owner of P2 Developments Inc. requesting a mutual cancellation of the Phased Development Agreement for 450 Martin Street for consideration;

AND THAT Council agree to the request to return \$150,000 that was intended for downtown planning work to the owners of P2 Developments Inc. and to remove any encumbrances from title referencing the development envisioned by the Phased Development Agreement;

AND THAT Council deny the request for compensation for the road dedication area or to rededicate the road dedication area back to the owners;

AND THAT Council direct staff to proceed with the following steps prior to cancellation of the agreement:

1. Amend City of Penticton Zoning Bylaw 2017-08, removing the CD1 zone from the bylaw, rezoning 450 Martin Street from CD1 to C5;
2. Amend "Official Community Plan Bylaw 2002-20" reducing the site specific height maximum for 450 Martin Street;
3. Apply to the Land Title office to discharge the following instruments from title of the subject property:
 - a. Covenant LB372185 (Phased Development Agreement Covenant);
 - b. Statutory Right of Way LB342186 (Public Access to Rooftop Amenity).

CARRIED UNANIMOUSLY

12.4 Zoning Amendment Bylaw No. 2017-75

Development Variance Permit PL2017-8093

Development Permit PL2017-8094

Re: 453 Eckhardt Avenue West

705/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2017-75", a bylaw to rezone Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West from RD2 (Duplex Housing: Lane) to RM2 (Low Density Multiple Housing), be given first reading and forwarded to the December 19, 2017 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2017-75", a 3.0m road dedication along the south property line (Eckhardt Avenue West) is registered with the Land Title Office.

THAT delegations and submissions for "Development Variance Permit PL2017-8093" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West, a permit to waive the requirement to provide trees and shrubs in the landscape buffer area and to reduce the minimum interior yard of a principal building from 3.0m to 1.5m, be heard at the December 19, 2017 Public Hearing.; AND THAT Council consider "DVP PL2017-8093" following the adoption of "Zoning Amendment Bylaw No. 2017-75." THAT Council, subject to adoption of "Zoning Amendment Bylaw No. 2017-75," approve "Development Permit PL2017-8094" for Lot 11 District Lot 4 Group 7 Similkameen Division Yale (Formerly Yale-Lytton) District Plan 937, located at 453 Eckhardt Avenue West, a permit that allows for the construction of a second duplex on a lot.

CARRIED UNANIMOUSLY

12.5 Zoning Amendment Bylaw No. 2017-78
Re: 935 Forestbrook Drive

706/2017

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw 2017-78", bylaw that rezones Lot A, District Lot 294, Similkameen Division Yale District, Plan 14463, located at 935 Forestbrook Drive, from R2 (Small Lot Residential) to P2 (Parks and Recreation) and RM3 (Medium Density Multiple Housing) as shown on Schedule 'A' of the Bylaw, be given first reading and forwarded to the December 19, 2017 Public Hearing.

CARRIED UNANIMOUSLY

15. Notice of Motion

Notice of Motion from Councillor Martin:

707/2017

It was MOVED and SECONDED

THAT Council direct staff to prepare a detailed inventory of City owned lands for the February 6, 2018 Regular Council agenda; AND THAT the following be identified in the inventory:

- Properties designated for future infrastructure needs;
- Dedicated Parkland;
- Properties currently zoned park;
- Properties identified for park expansion;
- Properties with development potential.

CARRIED UNANIMOUSLY

16. Business Arising

Councillor Sentes' request to reinstate the Heritage & Museum Committee will be added to the December 19, 2017 Regular Council Agenda.

17. Council Round Table

18. Public Question Period

19. Adjournment

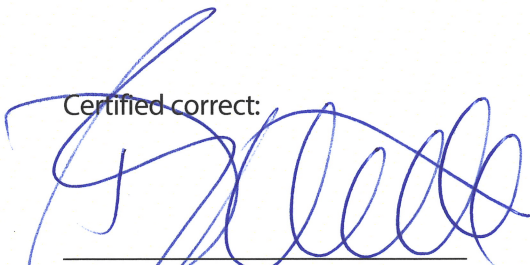
708/2017

It was MOVED and SECONDED

THAT Council adjourn the Regular Council meeting held on Tuesday, December 5, 2017 at 6:48 p.m.

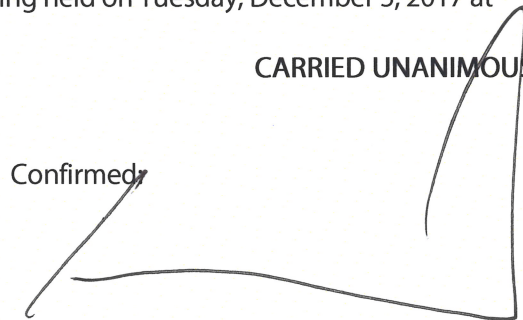
CARRIED UNANIMOUSLY

Certified correct:



Dana Schmidt
Corporate Officer

Confirmed:



Andrew Jakubeit
Mayor

